



**International Covenant on
Civil and Political Rights**

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under article 40 of the Covenant pursuant to the
optional reporting procedure, due in 2018* ****

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** The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Human Rights Committee.

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Abbreviations

ANDS	Alternative national defence service
AOC	Code of Administrative Offenses of the Republic of Lithuania
AVLC	Code of Administrative Violations of Law of the Republic of Lithuania
CC	Criminal Code of the Republic of Lithuania
CPC	Code of Criminal Procedure of the Republic of Lithuania
Civil Code	Civil Code of the Republic of Lithuania
CPK	Code of Civil Procedure of the Republic of Lithuania
CIA	Central Intelligence Agency
LC	Labour Code of the Republic of Lithuania
EU	European Union
CE	Council of Europe
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
GANHRI	Global Alliance for National Human Rights Institutions
U	United Nations
E000	Office of Equal Opportunities Ombudsperson
NGO	Non-governmental organization
ODIHR	Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe
OCCID	Organized Crime and Corruption Investigation Division at the Prosecutor General's Office
SOO	Seimas Ombudsmen's Office
SAC	Specialized assistance centre
NMD	Department of National Minorities under the Government of the Republic of Lithuania
FRC	Foreigners' Registration Centre of the State Border Guard Service at the Ministry of the Interior
OCRI	Institution of the Ombudsperson for Children's Rights of the Republic of Lithuania
JEIO	Office of the Inspector of Journalist Ethics

Introduction

1. In accordance with Article 40 of the International Covenant on Civil and Political Rights (hereinafter — the Covenant), the Republic of Lithuania hereby submits its Fourth Report in accordance with the new “list of issues prior to submission of the report” procedure of the Human Rights Committee (hereinafter — the Committee), which entered into force in Lithuania on May 2013.

2. The fourth report covers developments in the legal and institutional framework for the protection of human rights and administrative practices related to provisions of the Covenant that have taken place since the consideration of the Third Report of the Republic of Lithuania by the Committee (CCPR/C/LTU/3). The Fourth Report takes into consideration the Committee’s list of issues prior to submission of the report (CCPR/C/LTU/QPR/4) and Committee’s concluding observations on the Third Report of the Republic of Lithuania (CCPR/C/LTU/CO/3).

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

Replies to Committee’s question No. 1

Information on measures that have been taken to implement the recommendations contained in the Committee’s concluding observations (CCPR/C/LTU/CO/3)

3. **Regarding the national human rights institution (Committee’s recommendation No. 5).** See the replies to Committee’s question 3.

4. **Regarding the implementation of the Law on Protection against Domestic Violence and assistance to victims of domestic violence (Committee’s recommendation No. 6).** In 2015, the Seimas of the Republic of Lithuania (hereinafter — the Seimas) adopted amendments to the Criminal Code (hereinafter — the CC) and Code of Criminal Procedure (hereinafter — CPC), which allowed the police to respond to cases of domestic violence more efficiently. The amendments set out that a pre-trial investigation for such criminal offenses shall be initiated without a victim’s complaint or a statement of his/her legal representative in all cases of domestic violence (i.e. including cases when an offense was committed against a former spouse or partner, in-laws or another person in close relationship). On 1 January 2017, an amendment to the Law on Protection against Domestic Violence was adopted, revising the procedure on imposing interim measures to ensure the protection of a person affected by such violence. Article 5 (1) of this Law establishes that having received a report on domestic violence, when there is insufficient data to immediately start a pre-trial investigation, interim measures ensuring protection of a person affected by such violence may be imposed until a decision on the initiation of a pre-trial investigation is made. In order to implement the Law on Protection against Domestic Violence, The National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for the Period of 2014–2020 was drafted, as the strategic goal to reduce the level of domestic violence at the state level. It should be noted that the strategy for combating violence against women is a part of this programme. In order to ensure assistance to victims of domestic violence, a network of specialized assistance centres (hereinafter — SAC) has been operating in the Republic of Lithuania since 2012, providing short-term and long-term specialized assistance. Victims of domestic violence can find shelter in crisis centres and temporary accommodation establishments for mothers and children, that operate in different municipalities. Pursuant to provisions of the Law on State-Guaranteed Legal Aid, victims of domestic violence may also avail themselves of their right to state-guaranteed legal aid. In order to ensure efficient implementation of the Law on Protection against Domestic Violence, measures were taken to improve qualifications of law enforcement officers and functions of operations of law enforcement

authorities. It should also be noted that on 7 June 2013, the Republic of Lithuania signed the Council of Europe (hereinafter — CE) Convention on preventing and combating violence against women and domestic violence (CE Istanbul Convention), and on 22 February 2017, the Government of the Republic of Lithuania (hereinafter — the Government) approved the recommendations accepted during the second Universal Periodic Review to ratify the CE Istanbul Convention. On 7 June 2017, the Human Rights Committee of the Seimas held the international conference “Ratification of the CE Istanbul Convention - What would change?”, which was attended by experts from CEDAW, EC GREVIO and the European Institute for Gender Equality, as well as representatives from Lithuania’s NGOs.¹ For more detailed information on the protection of victims of domestic violence, types and financing of shelters and the training of law enforcement officers see the replies to the Committee’s question No. 5.

5. Regarding the assessment of efficiency of programmes for social and economic integration of the Roma ethnic minority group (Committee’s recommendation No. 7).

A sociological study was conducted at the end of 2014 in order to analyse changes in the situation of the Roma ethnic minority and assess the results of all the programmes aimed at Roma integration into the Lithuanian society that were implemented since 2000. The study revealed important changes in the education of the Roma in the areas of primary and general education. Having implemented the plan for the Roma integration into the Lithuanian society for 2012-2014 and assessed the impact of the plan on the Roma ethnic minority group, the Action Plan for Roma Integration into Lithuanian Society 2015–2020 was adopted. The action monitoring mechanism is an integral part of this action plan. For more detailed information, see replies to the Committee’s question No. 7.

6. Regarding the assurance of rights of LGBTI people, awareness-raising and trainings for law enforcement officers (Committee’s recommendation No. 8).

Discrimination on the grounds of sexual orientation or gender identity is prohibited by a variety of legal acts of the Republic of Lithuania. The relevant laws provide an exhaustive list of measures in the event of such discrimination. More detailed information on such measures is presented in the replies to Committee’s question No. 8. Nevertheless, there are other measures that should be mentioned, as for example the established working group within the Ministry of Health that will seek to draw up a description of the provisions by 1 September 2017 of medical services that do not include surgical treatment to persons with a gender identity disorder. In addition, the group formed by the Minister of Justice was tasked to submit draft legislation related to legal recognition of gender identity by 1 September 2017. Furthermore, it should be noted that the Action Plan for Promoting Non-discrimination 2017–2019 provides measures for the training of young persons and persons working with youth on issues related to promoting non-discrimination and respect for human development and the holding of training and educational events for employers and their representatives on equal opportunities and the promotion of non-discrimination in the labour market. An additional measure that is being implemented by the Office of the Equal Opportunities Ombudsperson and the Ministry of Justice is “to hold seminars, meetings, take part in trainings for politicians on the issues related to the protection of human rights of persons who are a part of the LGBT community”. While implementing the mentioned Action Plan for Promoting Non-discrimination 2017–2019, there is an ongoing cooperation with the CE to provide awareness raising initiatives for civil servants, parliamentarians, pre-trial investigation officers and others that work on ensuring the rights of the LGBT community. That mentioned action plan also provides for the training of police officers on hate crime and hate speech against LGBTI community in cooperation with the Office for Democratic Institutions and Human Rights (ODIHR) pursuant to Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. The plan also provides for an additional measure that is being implemented by the EOOO (hereinafter — EOOO) — carrying out a research on the situation and the protection of private life of the LGBT community members living in Lithuania. It should also be mentioned that in 2017, the Republic of Lithuania joined the Equal Rights Coalition established in 2016, which seeks to ensure the rights of LGBTI persons. Regarding other initiatives, in June 2016, a peaceful

¹ http://www.lrs.lt/sip/portal.show?p_r=15954&p_k=1&p_t=173261.

march of LGBTI persons “*Baltic Pride*” took place in the city of Vilnius and was attended by more than 3000 people. Also, in May 2017, the “Lithuanian Gay League” NGO held a festival “Rainbow Days 2017” to commemorate the International Day against Homophobia and Transphobia (IDAHOT) for the fifth time in Vilnius. The Ministry of Foreign Affairs contributed to the event. It should be noted that since 2014, the EOOO together with the National Equality and Diversity Forum has held annual National Equality and Diversity Awards. The “Rainbow Award” category is aimed at awarding persons or organizations for their merits in the representation of LGBTI rights, reducing harm caused by homophobia, transphobia and biphobia, and promoting LGBTI openness and greater integration into the society.

7. **Regarding the alleged incidents related to the transfer of terrorist suspects and their secret detentions (Committee’s recommendation No. 9).** For more detailed information, see replies to Committee’s question No. 12.

8. **Regarding the prohibition of corporal punishment (Committee’s recommendation No. 10).** The adopted amendments of the Law on Fundamentals of the Protection of Children’s Rights of 14 February 2017 prohibits all forms of violence against children, including corporal punishment. Meanwhile, amendments to the Law on Education, that will enter into force on 1 September 2017, are aimed at ensuring that each school on general education and vocational training institution will implement at least one consistent, long-term prevention programme, developing social and emotional skills in order to ensure that both abusive children and children affected by violence and, if necessary, teachers, receive a free of charge psychological assistance in a timely manner, and strengthening competencies of pedagogical staff in the area of social and emotional abilities. Guidance on the implementation of violence prevention in schools will also enter into force on 1 September 2017, which establishes the system of prevention and intervention measures at school, municipal and national level for creating environment that is free of violence and bullying (including bullying in cyberspace) in pre-school, pre-primary, general education, vocational training and non-formal education schools. Other education providers, providing pre-school, pre-primary, general education, vocational training and non-formal education programmes are also recommended to apply the guidelines.

9. **Regarding the fight against trafficking in human beings, prevention of sexual exploitation of children, impact of cross-border cooperation and programmes (Committee’s recommendation No. 11).** In 2012, the Seimas ratified the Council of Europe Convention on Action against Trafficking in Human Beings, thus in order to properly implement provisions of this Convention and increase the efficiency of the fight against trafficking in human beings, amendments to the CC were adopted. On 20 October 2015, the Seimas also adopted the amendment to the Law on Fundamentals of the Protection of Children’s Rights implementing the provisions of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse and Directive 2011/93/EU of the European Parliament and of the Council on combating sexual abuse and sexual exploitation of children, and child pornography. Guidelines aimed at improving the quality of a pre-trial investigation of trafficking in human beings and provisions related to more efficient assistance to victims of trafficking in human beings were approved by a joint order of the Minister of the Interior, Minister of Labour and the Prosecutor General of 2015. The assessment of the practice of application of the guidelines was conducted in 2017. In 2016–2017, preconditions were created to strengthen the fight against trafficking in human beings, ensuring a more efficient involvement of responsible authorities and establishments, municipalities, NGOs, church and Lithuanian communities abroad. It should be noted that Lithuanian authorities are active in cooperation with other states and international organizations, implementing international agreements, joint projects for preventing trafficking in human beings and improving qualification of officers and specialists, conducting research in joint research groups, cooperating in the provision of assistance to persons who have or could suffer from trafficking in human beings. For other more detailed information, see replies to the Committee’s question No. 16.

10. **Regarding the abolition of the institute of detention for violations of administrative law and imposition of sentences alternative to imprisonment (Committee’s recommendation No. 12).** On 1 January 2017, the Code of Administrative

Offenses of the Republic of Lithuania (hereinafter - AOC) entered into force, repealing the Code of Administrative Violations of Law (hereinafter - AVLK). Prolonged administrative detention of persons having committed certain administrative offenses was also abolished. Having detained a person, an administrative offense protocol shall be drawn up or other necessary procedural actions shall be performed within the shortest possible period of time. Having drawn up an administrative offense protocol, also upon the disappearance of other grounds of administrative detention, a person shall be immediately released. In all cases, the duration of an administrative detention shall not exceed five hours, and in cases when a person is detained in order to properly register an administrative offense and draft an administrative offense protocol, it shall not last longer than seven hours. The AOC provides for the only exception — persons subject to administrative liability for violating the rules of the border legal regime and operating rules of border control points may be detained for up to five hours for registering the circumstances of the violation, and, if the person needs to be identified, — for up to forty eight hours. It should be noted that administrative detention is not an administrative penalty — this is one of the measures of compulsion for ensuring administrative justice. It also should be noted that the AOC that has entered into force on 1 January 2017, abolished the administrative penalty — administrative arrest. Information on penalties alternative to detention is presented in the replies to Committee's question No. 17.

11. **Regarding the legal status of aliens (Committee's recommendation No. 13).** In light of the Committee's recommendation No. 13, the Law on the Legal Status of Aliens was not amended, thus the valid version of the law is still enforce since 2004. Article 130 of the Law on the Legal Status of Aliens states that it shall be prohibited to expel an alien from the Republic of Lithuania or to return him to a country where there are serious grounds for believing that in that country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment, without any exceptions, i.e. even if he/ she poses a threat to the security of the Republic of Lithuania or who has been convicted by an effective court judgment of a grave crime and constitutes a threat to the community.

12. **Regarding legal representation in legal proceedings relating to legal capacity (Committee's recommendation No. 14).** In 2015, amendments to laws, particularly amendments to the legal regulation of the institute of limitation of person's capacity, were adopted to implement the provisions of Article 12 of the United Nations' (hereinafter - UN) Convention on the Rights of Persons with Disabilities on the assurance of rights of persons with disabilities. For other more detailed information, see replies to Committee's question No. 20.

13. **Regarding combating hate crimes (Committee's recommendation No. 15).** The Law Amended Article 169, Article 170 and Article 1701 of the CC entered into force on 4 May 2017. Also, in order to ensure efficient implementation of laws, the Action Plan for Promoting Non-Discrimination for 2017–2019 was approved on 15 May 2017, which contained measures on the improvement of legal framework; public information and education; research and surveys of promotion of non-discrimination, and strengthening interinstitutional cooperation. Moreover, the Office of the Inspector of Journalist Ethics (hereinafter — the JEIO) conducts expert examinations of the content of public information for incitement of discord, holds trainings for preparers (disseminators) of public information at the time of which, among all other things, the fight against hate speech is discussed; the JEIO also cooperates with the Internet Media Association on recognizing and eliminating manifestations of hate speech. It should be noted that education on holocaust and development of tolerance has been included in general and secondary education programmes in Lithuanian schools on general education. Training programmes by law enforcement officers have also been implemented in the areas of the fight against hate crime. Moreover, there has been an ongoing dialogue between representatives of different authorities and NGOs on the strengthening of the fight against hate crimes. For example, on 15 June 2017, the Ministry of the Interior held a round table discussion with NGO representatives on an effective response to hate crimes. Specific measures for the European Commission's fight against racism and intolerance and the implementation of recommendations to Lithuania of the Committee on the Elimination of Racial Discrimination of the UN and the second cycle of the Universal Periodic Review were discussed in the course of the discussion. For other more detailed information, see replies to Committee's question No. 9.

14. **Procedures applied in the implementation of Committee’s conclusions under the Optional Protocol.** Certain procedural aspects regarding the implementation of the Committee’s conclusions under the Optional Protocol to the Covenant are included in the Law on Compensation of Damage Resulting from Unlawful Actions of State Authorities and the CPC. Article 1 of the Law on Compensation of Damage Resulting from Unlawful Actions of State Authorities establishes that it “shall provide for <...> the enforcement of decisions <...> of the Committee”, while in accordance with part 1 of Article 2 thereof, decisions of the Committee as one of “other international authorities” shall be enforced using annual appropriations planned in the budget of the Republic of Lithuania for the compensation of damages resulting from unlawful actions of a pre-trial investigation officer, prosecutor, judge or court (Article 6.272 of the Civil Code), also for unlawful actions (acts) of other public authorities (Article 6.271 of the Civil Code), and these appropriations shall be governed by the Ministry of Justice of the Republic of Lithuania. Article 456 of the CPC establishes that criminal cases examined by courts of the Republic of Lithuania may be renewed, if the Committee decides that a ruling to sentence a person has been passed in breach of the Covenant or its additional protocols. It should also be noted that all conclusions and decisions of the Committee shall immediately be published on the website of the Government’s representative to the European Court of Human Rights (hereinafter — ECtHR), authorized to represent the Government in the Committee (hereinafter — Government’s representative) at <http://lrv-atstovas-eztt.lt/>. Conclusions, whereby Lithuania is declared to have breached the Covenant, shall be translated into the Lithuanian language. Considering the content of the Committee’s conclusions, the relevant authorities shall be informed. Individual decisions are made on specific actions of implementation, considering the instructions laid down in Committee’s conclusions. If necessary, the Government’s representative cooperates in subsequent actions for the implementation of the conclusions providing methodological material, participating in work groups, etc. For example, after the Committee made conclusions whereby the Republic of Lithuania was declared to have breached paragraphs b and c of Article 25 of the Covenant on 25 March 2014, a provisional investigation commission of the Seimas was formed in May 2014, where it invited the Government’s representative to provide information both in writing and verbally.

Replies to Committee’s question No. 2

15. Department of National Minorities under the Government of the Republic of Lithuania (hereinafter — NMD) was established on 1 July 2015. Having abolished the Department of National Minorities and Lithuanians Living Abroad in 2010, its functions were divided and transferred to the Ministry of Culture, the Ministry of Education and Science and the Ministry of Foreign Affairs. Having divided the functions, representatives of national communities identified decreased attention to the issue of national minorities and offered restoring a common institution implementing the state policy in the field of national minorities, therefore the NMD was established and is now working in relation to these concerns.

16. Information on other material changes in the legal and institutional framework for the protection of human rights is presented in replies to Committee’s question No. 7.

Set of cases that applied the provisions of the Covenant:

17. *Decision of the Supreme Administrative Court of Lithuania of 6 March 2014 in the civil case No. R525-8/2014.* On 6 March 2014, the Supreme Administrative Court of Lithuania passed a ruling on the appeal of the applicant Rolandas Paksas which requested: to repeal the decision of the Central Electoral Commission of the Republic of Lithuania of 1 March 2014 “Regarding the registration of candidacy of Rolandas Paksas for the President of the Republic of Lithuania”; to obligate the Central Electoral Commission to provide him with ballots and to execute the decision of the ECtHR of 6 January 2011 in the case *Paksas v. Lithuania*. The Applicant believed that the prohibition for him to be a candidate in the election for the President of the Republic of Lithuania, violates not only the Constitution and laws of the Republic of Lithuania, but also disregards the principle of supremacy in accordance to the international obligations (including of the Covenant) of Lithuania.

Nevertheless, the extended panel of judges determined that in accordance with the practice of the Constitutional Court of the Republic of Lithuania, which defines the relation between the Constitution of the Republic of Lithuania and international treaties, provisions of international treaties do not have any supremacy over the Constitution of the Republic of Lithuania. Thus, the applicant's request to reinterpret provisions of the Constitution of the Republic of Lithuania in light of international obligations cannot be fulfilled. Moreover, in the interpretation of its decision, the panel of judges also used the General Comment No. 25 (27) on Article 25 of the Committee of 27 August 1996, which states that the implementation of rights set out in the Article cannot be restricted or denied, except for cases when this is done on the objective and reasonable grounds established in the law; accordingly, member states may restrict the passive voting right, if these restrictions are justified by objective and reasonable criteria. It should also be noted that Article 25 of the Covenant does not preclude the setting of different conditions for the right to take part in legislative and executive elections.

18. *Ruling of the Constitutional Court of the Republic of Lithuania No. KT27-N16/2015 of 20 October 2015.* The ruling examined the application of the Seimas of the Republic of Lithuania to alter the deviation in the number of voters in all single-member constituencies. The Constitutional Court of the Republic of Lithuania partly based the ruling on standards of international law, which set out the universally recognized voting rights, inter alia equal voting right, and the obligations that the Republic of Lithuania has committed to comply therewith. The Constitutional Court of the Republic of Lithuania based its ruling upon the equal voting right conferred under paragraph b of Article 25 of the Covenant and the possibility to vote and be elected, as well as the General Comment No. 25 (57) on the equality of votes and formation of unjustified constituencies. A conclusion in the case *Mátyus v. Slovakia* No. 923/2000 of 22 July 2002 was presented as an example, where Slovakia was found to have breached Article 25 of the Covenant.

19. *Ruling of the Constitutional Court of the Republic of Lithuania No. KT11-N4/2014 of 18 March 2014.* In response to the question if certain Articles of the CC were not in a contradiction with the Constitution of the Republic of Lithuania, the Constitutional Court of the Republic of Lithuania also determined a possibility to apply the *nullum crimen, nulla poena sine lege* clause, in accordance with the Covenant and Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter — ECHR). The Constitutional Court of the Republic of Lithuania indicated that Article 15 of the Covenant sets out the provision in accordance with which national laws providing for criminal liability for crimes in accordance international law or general legal principles may have a retroactive effect.

B. Specific information on the implementation of Articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (Article 2)

Replies to Committee's question No. 3

National Human Rights Institution

20. In order to establish a national institution with broad competence in the field of human rights, in accordance with the principles relating to the status of national institutions in responsible for supporting and defending human rights, the Seimas Ombudsmen's Office (hereinafter — SOO) submitted an application to the UN for the recognition of the status of a national human rights institution that complies with the Paris Principles. On 23 March 2017, the GANHRI Secretariat informed the SOO that the application was approved to accredit it with a national human rights institution status in compliance with the Paris Principles, granting it the status of A level institution. On 7 June 2017, the SOO presented the guidelines for the implementation of the functions of a national human rights institution to the Human Rights Committee of the Seimas of the Republic of Lithuania and addressed

the Ministry of Finance for the allocation of material and financial resources necessary for implementing the new functions. The SOO has been involved in activities of the European Network for Human Rights (since 2012) and has been a member of the network (since 2014). Moreover, since 2014, the SOO has been a national prevention institution in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment conducting the functions of prevention of torture to the full extent and continuously strengthening measures of the implementation of prevention functions.

Replies to Committee's question No. 4

21. For the extensive list on application of provisions of the Covenant in national courts, see Annex no. 1, paragraphs 1-6.

Training of law enforcement officers and dissemination of the Covenant and two optional Protocols to the Covenant

22. Pursuant to the approved training programmes for judges, judges annually participate in Covenant provisions-related training. Pursuant to the approved training programmes for prosecutors, 143 prosecutors took part in 11 training sessions on the application of the Covenant in the period of 2012-2017.

23. Public awareness initiatives are also increasing. In 2014 and 2015, the Ministry of Justice held training sessions on the legal framework "I know my rights" in 30 schools on general education of Lithuania. In 2015, the Ministry also held a project of free legal consultations in 15 cities and townships of Lithuania and the legal education information campaign in the national press and on television; in 2016 — an information campaign in the regional press and on the radio, on the Internet and in social networks. The Ministry of Justice has also published a variety of publications, provided information on human rights and freedoms, and held the campaign for legal knowledge exam of the Constitution of the Republic of Lithuania for more than 10 years now.

Dissemination of the Third Report and concluding observations of the Committee

24. The Third Report of the Republic of Lithuania, concluding observations of the Committee and recommendations regarding the Third Report of the Republic of Lithuania were published on the website of the Ministry of Foreign Affairs of the Republic of Lithuania at www.urm.lt. Institutions of the Republic of Lithuania were introduced with concluding observations of the Committee and its recommendations regarding the Third Report of the Republic of Lithuania.

Non-discrimination, equal rights of men and women, incitement to national, racial or religious hatred, equality before the law and rights of persons belonging to minorities (Articles 2 (1), 3, 19, 20, 26 and 27)

Replies to Committee's question No. 5

Implementation of the Law on Protection against Domestic Violence

25. The Law on Protection against Domestic Violence was adopted on 26 May 2011, defining the concept of domestic violence, laying down the rights and responsibility of subjects of domestic violence, implementation of prevention measures, assistance in cases of domestic violence and application of safeguards for persons having suffered domestic violence.

26. Amendments to the CC were adopted on 2 July 2013 and 23 April 2015 regarding elements of certain criminal offenses with respect of health, freedom, freedom of sexual self determination and inviolability and inviolability of persons private life. The amendments set out persons liability under the criminal law regardless of the presence of a filed complaint of the victim, a statement of his/ her legitimate representative, or a prosecutor's requisition, when a pre-trial investigation has been initiated based on evidence

of domestic violence. Moreover, a qualified elements of a criminal offence has been established in causing physical pain or a negligible health impairment, when the such actions are committed against a close relative or a family member.

27. On 1 January 2017, amendment to the Law on Protection against Domestic Violence entered into force, revising the procedure of application of temporary protection measures for victims of domestic violence.

28. The strategic goal of the Law on Protection against Domestic Violence, the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 is to reduce the level of domestic violence at the national level by educating the public, increasing the competence of the involved social workers, improving the quality and availability of services provided to victims of domestic violence and strengthening cooperation between state authorities, municipalities and NGOs. It should be noted that the strategy for combating violence against women is a part of this programme.

29. Currently, the action plan for the implementation of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 for the period of 2017–2020 is being prepared. A budget, consisting of EUR 4 026 589 was planned for the implementation of the measures in 2017-2020.

30. Specialised assistance centre (SAC) programme was approved in the action plan for the implementation of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 for the period of 2017–2020, which provides for the organization and financing of SAC activities to provide specialized comprehensive assistance to persons having experienced domestic violence. In cases where children have witnessed domestic violence and/ or live in domestic violence environment, and/or directly experienced domestic violence, SAC shall inform children rights protection departments thereof.

31. It should be noted that the Strategic Action Plan of the Prosecutor General's Office for 2017-2019 establishes criminal prosecution for criminal acts related to violence against children as one of the top priority areas in activities of the prosecutor's office.

32. Police institutions have been ordered to collect data on the received domestic violence report from SAC every month. Police Commissariat shall compare these data against the data on the instituted pre-trial investigations for domestic violence. The register of events registered by police was supplemented with the functionality allowing to automatically transferring data on victims of violence to SAC, and on children having experienced violence, witnessed it or living in domestic violence environment - to children's rights protection departments.

33. In order to implement preventive mechanisms, methodologic recommendations for police officers in combating domestic violence and gender-based violence were prepared and released in 2016. In 2017, alarm (help buttons) system aimed at protecting persons having experienced domestic violence from repeated cases of violence was implemented, equipping potential and current victims of domestic violence with help buttons, which call the police at a single click.

34. Public awareness has also been increased, for example, by holding seminars for journalists on informing the public about domestic violence. In the implementation of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims of Domestic Violence 2014–2015, information campaign to prevent domestic violence was held, also conducting a representative study of awareness of domestic violence of Lithuanian population and assistance measures.

35. In the implementation of the Law on Protection against Domestic Violence, prosecutors attended 52 training sessions for improving their qualifications regarding topics on domestic violence and juvenile justice in 2011-2017, with a total of 824 prosecutors having participated in the training. Also, three prosecutors took part in three international training events regarding topics on domestic violence, child trafficking and child abuse in 2015-2016. In order to improve the provision of secondary legal assistance, in 2011, the Ministry of Justice held a training event on violence against women. 30 police instructors were trained and improved their qualifications in 2015 and 502 police officers - in 2016,

according to the programme for improving qualifications in combating domestic violence and gender-based violence that was drafted in 2015. Also, training for SAC employees, representatives of children's welfare commissions of schools and health care specialists were held.

Assistance to victims of domestic violence

36. SAC network operating in Lithuania since 2012 has played an important role in reducing domestic violence. SAC provide short-term and/or long-term assistance to persons suffering from domestic violence with the aim to overcome the critical state, including empowerment, information, consultation, mediation, specialised psychological and legal assistance, assistance in preparing documents and preparation of statements on domestic violence facts known to SAC for law enforcement authorities and children's rights protection departments of municipalities. Activities of this network have been financed from the state budget funds. A budget consisting of EUR 600 000 was planned for financing SAC programme in 2017.

37. According to SAC data, 11 432 persons having experienced domestic violence were registered in 2015, of which 1 138 persons referred for assistance themselves (accounting for 10 percent of the total number of persons having experienced domestic violence registered in 2015), and 10 294 persons were reported by the police (accounting for 90 percent of the total number of persons having experienced domestic violence registered in 2015). Out of all the registered persons, 10 591 received assistance (93 percent) of which 8 208 (77 percent) were women, 862 men (8 percent) and 1 521 children (14 percent). 812 (0.7 percent) persons refused assistance or could not be reached. 9 171 individual assistance plans were drawn up for persons having experienced violence. The greatest share of the provided services comprised information and consultation services provided 17 018 times, followed by psychological assistance provided 4 226 times and legal assistance provided 2 540 times.

38. Persons having suffered domestic violence can stay in crisis centres operating in municipalities (there were 35 such centres operating in 2015, 22 of which were established by municipalities) and in temporary shelters for mothers and children (there were 5 such establishments in 2015, 2 of which were established by municipalities). There were a total of 958 places in these establishments in 2015; 1 460 people received accommodation-related services in 2015, of which 475 were people having experienced domestic violence. A budget consisting of EUR 4.44 million was allocated from municipal budget for financing crisis centres and temporary shelters for mothers and children in 2015, which accounted for more than 50 percent of financing allocated for these establishments. Other sources of financing include the state budget, EU funds and support of Lithuanian and foreign sponsors.

39. Women's crisis centres operating throughout Lithuania provide assistance to women who are victims of violence of their spouses and partners. These centres work with crisis intervention and prevention, provide immediate and continued assistance to women having experienced domestic violence. They are also engaged in advocacy seeking to improve legislative framework of Lithuania in the area of combating violence against women, forming respective policies and implementing advanced practices. They may also provide temporary shelter for women having experienced domestic violence.

40. Laws of the Republic of Lithuania also provide for state-guaranteed legal assistance. Pursuant to provisions of the Law on State-Guaranteed Legal Aid, domestic violence victims may avail themselves of the right to state-guaranteed legal aid: primary legal aid, which covers legal information, legal advice and the preparation of documents for state and municipal authorities, except for procedural documents, and secondary legal aid, which covers the preparation of documents, defence and representation in cases and compensation of litigation expenses. Primary legal aid is provided to all persons regardless of their assets and income, and, pursuant to Article 12 (2) of the Law on State-Guaranteed Legal Aid, secondary legal assistance is provided to victims of cases of compensation of damage caused by criminal offence (including domestic violence cases) and is also provided irrespective of assets and income.

41. For further information on statistics regarding reports, pre-trial investigations, cases and persons found guilty of domestic violence, see Annex No 2, paragraphs 1–3.

Replies to Committee’s question No. 6

Protection of victims of sexual harassment

42. The CC establishes criminal liability for sexual harassment when seeking a sexual contact or satisfaction by vulgar or similar acts, offers or hints or harasses a person subordinate to him in office. A person shall be held liable for this offense only in presence of a victim’s appeal or statement of his/ her legitimate representative, or a prosecutor’s request.

43. On 11 July 2017, the Seimas approved amendments to the Law on CCP repealing the institute of private prosecution procedure, i.e. when the function of accusation is implemented by the victim himself/herself or his/her authorized representative rather than a prosecutor. Before the effective date of the mentioned amendments, sexual harassment cases were heard in private prosecution procedure. After these amendments entered into force, a prosecutor shall support a public prosecution in sexual harassment cases, while a pre-trial investigation (in presence of a victim’s complaint, a statement of his/ her legitimate representative or a prosecutor’s request) shall be conducted in general procedure.

44. In addition to the criminal procedure, the Code of Administrative Offenses, approved by law on 25 June 2015, also provides for administrative liability for violations of equal rights of men and women set out in the Law on Equal Opportunities of Women and Men and violations of equal opportunities provided for in the Law on Equal Opportunities.

45. The recast of the Law on Equal Opportunities of Women and Men of 8 November 2016 provides for the duty of state and municipal authorities and establishments, educational establishments, research and study institutions, and employer’s or employee’s representatives to implement equal rights of men and women at work. Educational establishments, research and study institutions must take measures to ensure that pupils, students or employees of educational establishments, research and study institutions do not experience sexual harassment.

46. It should be noted that the new Labour Code, which entered into force on 1 July 2017, prohibits all types of harassment, including sexual harassment, in any employer-employee relations. An employer is obligated to take measures to ensure that employees do not experience any harassment at the workplace, including sexual harassment. The employer, who has more than fifty employees on average, shall adopt measures for implementing the policy of equal opportunities and principles of supervision over execution thereof, and publish it by means generally used at the workplace.

47. EOOO often receives phone or e-mail inquiries for information on how to identify sexual harassment, how to collect evidence, etc. Lawyers of the EOOO regularly consult potential victims of sexual harassment within the limits of their competence.

48. For further information on statistics regarding sexual harassment-related complaints, investigations and convictions see Annex no. 2, paragraphs 4–6.

Replies to Committee’s question No. 7

Action Plan for Roma Integration into Lithuanian Society (2012-2014) and its effect

49. In order to improve social and economic conditions of the Roma, the Action Plan for Roma Integration into Lithuanian Society 2012-2014 has been implemented during the period of 2012-2017, and the implementation process of the Action Plan for Roma Integration into Lithuanian Society (2015-2020) has started. The Action Plan for Roma Integration into Lithuanian Society (2012-2014) (hereinafter — the Action Plan) raised two goals: to improve the social situation of the Roma and enable intercultural dialogue. A budget consisting of EUR 898 528 was allocated for the implementation of the Action Plan, which consisted of the state budget funds, EU structural support and funds from EU programme PROGRESS.

50. Upon the expiry of the term of implementation of the Action Plan, a sociological study was conducted at the end of 2014, the aim whereof was to analyse changes in the situation of Roma minority and assess the results of all programmes for Roma integration into Lithuanian society implemented since 2000. The study of 2014 used the data of the population and housing census of 2001 and population census of 2011. According to the data of the population and housing census of 2011, there were 2 115 Roma living in Lithuania. The study revealed important changes in Roma education in 2001–2011. Declined illiteracy levels illustrated a positive shift in the situation, a number of illiterate persons and early school leavers decreased a few times among Roma in 2011 (from 26 percent to 10 percent) and the share of persons with primary education increased (from 31 to 42 percent). A higher number of people with general education (an increase from 15 to 29 percent was observed) was also recorded. Nevertheless, negative trends have also been observed — compared to the data of 2001, the share of people with secondary and higher education decreased among Roma in 2011 (from 28 to 20 percent). Education of Roma children changed significantly in 2001–2011 — compared to the data of 2001, illiteracy and incomplete primary education decreased by 36 percent in this age group; a number of persons with secondary education increased. In 2011, education of Roma children differed from education of their peers in the area of secondary education only, while indicators of illiteracy, primary and general education differed by a mere 1–5 percent (differences in 2001 were 11–36 percent).

51. According to the data of the last study of 2014, the segment of Roma, whose main source of livelihood was informal personal activities, has significantly decreased in the past ten years - from 27 percent in 2001 to 5 percent in 2011. The segment of Roma, whose main source of livelihood was allowances, had doubled during the same period from 13 percent in 2001 to 26 percent in 2011. The segment of Roma, whose main source of livelihood was salary also slightly increased, from 1 to 5 percent. The study of 2014 analysed the situation of women for the first time. Women accounted for a slightly greater segment among Lithuanian Roma (52 percent) than men (48 percent). The situation of women in terms of finding employment was worse than that of men. Early marriage aggravates their integration into the labour market — about 25 percent of girls have their first child being underage. The study of 2014 also revealed that 24 percent of Roma do not have compulsory health insurance. All children under 18 years of age and women on pregnancy or maternity leave are covered under compulsory health insurance, while unemployed women are covered under compulsory health insurance for 70 days during their pregnancy. One of positive indicators of the execution of Roma integration programmes is decreasing negative attitude towards Lithuanian Roma — it decreased from 66 percent in 2012 to 58 percent in 2014 in this respect.

Action Plan for Roma Integration into Lithuanian Society 2015–2020

52. In the implementation process of the already started goals and the findings of the conclusions of the study of 2014, the Action Plan for Roma Integration into Lithuanian Society 2015–2020 was drafted. The aims of the Action Plan include: promoting Roma integration into the education system; increasing accessibility of health care services to Roma; promoting employment of Roma; seeking for empowerment of Roma women; improving living conditions of Roma; promoting intercultural dialogue.

53. In the implementation of the new Action Plan for Roma Integration into Lithuanian Society 2015–2020 in 2015–2016, the Ministry of Education and Science started the preparation of a training programme and held a seminar to improve qualification of specialists working with Roma children. Non-formal education, official language courses and lectures for Roma women and girls on health-related issues were held in the Roma Community Centre. The Lithuanian Labour Exchange provided counselling services to 389 Roma on finding employment. A study was conducted at the order of EOOO in 2015, which formed the basis for conducting monitoring of the Action Plan for Roma Integration into Lithuanian Society 2015–2020.

54. On 19 April 2016, the Vilnius city municipality approved the Programme for the Integration of Vilnius Roma Settlement Community into the Society in 2016–2019.

55. The Public Institution Roma Community Centre established by NMD, the Vilnius city municipality, the Lithuanian Children's Fund and the Lithuanian Gypsy Association "Gypsy Bonfire" implemented many international projects with partners from other EU states, which were aimed at promoting Roma integration. Moreover, in 2016-2017, NMD implemented the project aimed at promoting cooperation between Roma communities and local municipalities and ensuring a mutual dialogue in solving questions of importance to the Roma minority in the areas of social inclusion, education, health care and culture. This project was additionally used to hold training of different specialists working with Roma. It should be noted that the Ministry of Culture allocated a budget consisting of EUR 23 040 for projects of Roma organizations in 2012–2015, and NMD allocated a budget consisting of EUR 20 400 in 2015–2017.

56. In order to promote the integration of the Roma into the labour market, projects aimed at helping Roma experiencing social risk and social exclusion to find employment have been financed from EU structural funds each year. The project at the time of which 37 Roma found employment, 2 - started own business and 1 - enrolled in a vocational school, was implemented in 2012. At the end of this project, the Lithuanian Roma Community launched another project aimed at Roma employment, during which 240 Roma received social and professional rehabilitation services and 30 Roma found employment. Both projects lasted for three years; their budget consisted of EUR 580 000 for each project.

57. Project for the employment and training of Roma is being implemented in 2016-2020 (project budget - EUR 868 860). The plan is to have a total of 300 Roma take part in project activities; 40 percent of all participants will start looking for a job, studying or working after the project.

58. In order to improve social and economic conditions for Roma, other international and national projects have also been implemented, fostering the Roma culture and traditions and municipal initiatives in the promotion of integration of the Roma. ROMED programme was implemented in 2014 in cooperation with CE in accordance with which 15 Roma were trained to work as intercultural mediators between public administration authorities and the Roma community.

59. In 2013, Lithuania also joined the CE campaign "Dosta", which is aimed at increasing public awareness and combating prejudice and negative stereotypes about Roma.

Registered cases of group-based discrimination

60. Article 169 of the CC provides criminal liability for discrimination on grounds of nationality, race, sex, origin, religion or belonging to other groups. Article 170 of the CC provides criminal liability for incitement against any national, racial, ethnic, religious or other group of persons, while Article 1701 of the CC - the establishment and activities of groups and organizations aiming at discriminating a group of persons or inciting against it.

61. The Prosecutor General's Office does not collect data on criminal acts forest out in Articles 169, 170 or 1701 of the CC, thus the relevant data on criminal cases transferred to court hearings or persons convicted of specific types of criminal acts is not available. On the other hand, it should be noted that data is collected on the initiated pre-trial investigations. According to this data, only 1 pre-trial investigation for discrimination against the Roma community in accordance to Article 169 of the CC was conducted during the period covered by the Fourth Report, which was terminated in the absence of the elements of a committed criminal act.

Replies to the Committee's question No. 8

Preventing and eliminating discrimination on the basis of sexual orientation

62. The laws of the Republic of Lithuania provide criminal liability for discrimination on grounds of nationality, race, sex, origin, religion or other group affiliation. Also, discrimination on different grounds, including based on sexual orientation, is prohibited by the Law on Equal Opportunities.

63. The Labour Code, which entered into force on 1 July 2017, sets out the prohibition of discrimination on the basis of sex and sexual orientation. Article 59 of the LC establishes that an employment contract may not be terminated on the grounds of an appeal to administrative bodies for sex or sexual orientation discriminatory motives at the employer's will.

64. The EOOO follows the Law on Equal Opportunities in its operations, which governs two-fold activities in the reduction of damages done by discrimination on sexual orientation. The EOOO actively contributes to the ongoing legislative process in preparing and presenting comments to alternative proposals prepared by the Ministry of Justice, participating in meetings held by the Ministry of Health with the aim of eliminating the legal gaps in legal recognitions of sexual identity.

65. It should be noted that during reporting period, the number of studies related to discrimination based on sexual orientation was very low, thus a study of the opinion of Lithuanian population on discrimination against different groups of society on different grounds, including sexual orientation, was conducted at the request of the EOOO in October 2013. This study revealed the public's approach to homosexuals in the labour market, education and other areas.² Additional study "Prevalence of Bullying Based on Various Identity Aspects in Lithuanian Schools" was conducted in 2015 at the order of the EOOO. The aim of the study was to assess the prevalence of bullying for various identity aspects in schools of Lithuania and to identify key identity aspects which forms the basis for majority of bullying cases among pupils. Bullying for actual or supposed sexual orientation was one of aspects of the study:³ respondents were asked about their experienced bullying for belonging or supposedly belonging to a group of homosexuals, bisexuals or transgender people. The result of the study will help develop further initiatives in search for measures to prevent discrimination on the basis of sexual orientation.

66. The provisions set out in paragraph 16 of Article 4 (2) of the Law on the Protection of Minors Against the Detrimental Effect of Public Information provides that information despising family values and promoting the concept of the formation of marriage and creation of family other than that is set out in the Constitution and the Civil Code of the Republic of Lithuania, shall be considered information having detrimental effect on minors. It should be noted that the mentioned provision was not applied during the period from 24 September 2014 till 12 May 2017. It should also be noted that at the request of the Ministry of Culture for a inspectors conclusion on 8 April 2014, the content of the book of fairy tales "Amber Heart" was assessed after the book was published. Having conducted the assessment, information in two fairy tales of the book was concluded to be detrimental to minors under 14 years of age, thus the book had to be marked as (N-14). However, the distribution of the book was stopped at the publisher's initiative, while the remaining undistributed copies of the book were returned to the publishing house. At the end of 2014, the book "Amber Heart" was republished at the expense of non-governmental organizations and returned for distribution. On 24 September 2014, the JEIO presented a conclusion to LGL's application for the assessment of a social clip. The conclusion determined that information presented in the social clip is attributable to the category of information having a detrimental effect. Even though the conclusion was of recommendatory nature, LGL appealed it with Vilnius County Administrative Court. By its ruling of 24 October 2014, the court refused hearing the LGL complaint declaring that the inspector's conclusion adopted at the request of the LGL itself was a recommendatory document. Moreover, seeking to discuss aspects of application and implementation of problematic provisions, the JEIO plans to provide ongoing consultations with NGOs defending the rights of LGBTI.

ECtHR case L. v. Lithuania

67. In the enforcement of the decision of the ECtHR of 11 September 2011, general measures have still not been enforced in the ECtHR case *L. v. Lithuania* (No. 27527/03), i.e. a special law laying down conditions and procedure for gender reassignment provided for

² Study results are available at: <http://lygybe.lt/lt/lygiu-galimybiu-sklaida/tyrimai-lygybes-srityje/379>.

³ Study results are available at: <http://lygybe.lt/data/public/uploads/2015/12/patyciu-del-ivairiu-tapatybes-aspektu-paplitimas-lietuvos-mokyklose.pdf>.

in part 2 of Article 2.27 of the Civil Code has not yet been adopted. For more than a decade, courts of Lithuania currently partly fill up this legal gap which led to the identified violation of Article 8 of the ECHR (the right to respect for private and family life) in the case of *L.*, by upholding personal complaints and obligating to change entries made in personal documents after a gender reassignment surgery is performed abroad and also adjudging the compensation of damages on the basis of a legislative omission (unlawful inaction of governmental authorities).

68. It should be noted that a working group was formed by order of the Minister of Health and the Minister of Justice of 12 January 2015 “Regarding the working group for making offers on the implementation of the decision of the ECtHR of 11 September 2007 in the case *L. against Lithuania*”, which was ordered to identify possible means and methods for eliminating the legal gap stated in the decision of the ECtHR of 11 September 2007 in the case *L. against Lithuania* by 15 July 2015, which would *inter alia* ensure the provision of treatment to persons with gender identity disorders and to prepare the relevant amendments. It should be noted that on 6 August 2015, the Ministry of Justice presented a draft amendment of Article 2.27 of the Civil Code to the Government, which was drafted on the basis of proposals made by the above-mentioned group (the proposal was made to amend Article 2.27 of the Civil Code, choosing one of the three alternatives: *alternative 1*: a person is provided with a possibility to change entries in civil status records in the treatment institution; *alternative 2*: no specific conditions have been provided for treating transsexuality, because the requirements of treatment of any health disorder, the course of treatment, etc., is the object of legal acts governing health care; *alternative 3*: surgical correction of external sexual organs will require a court’s permission). On 17 August 2015, the Ministry of Justice presented to the Government the draft amendment of Article 2.27 of the CC drafted on the basis of *alternative 2*.

69. Since different opinions of a variety of stakeholders appeared in the legislative process, seeking to ensure a possibility to hear opinions on the implementation of the decision in the case *L. against Lithuania* of a wider circle of the public, the representative of the Government announced a public consultation on the issue on ECtHR’s website in May 2016.⁴ On 2 June 2016, a round table discussion was held with the interested stakeholders.

Legal recognition of gender reassignment

70. On 22 March 2017, the Government adopted a protocol resolution whereby it requested the Ministry of Health and the Ministry of Justice to prepare legal acts for eliminating the legal gap which the ECtHR determined in the case *L. against Lithuania* and ensuring the necessary treatment services for persons having gender identity disorders. In the implementation of this protocol resolution, the working group has started working within the Ministry of Health, which will seek to prepare the description of the provision of medical services without a surgical intervention to persons with gender identity disorders by 1 September 2017. Another working group formed by the Order of the Minister of Justice was requested to present a draft relating to legal regulation of the right to legal recognition of gender identity by 1 September 2017. It should be noted that courts of the Republic of Lithuania have recognized in their practice the right to the compensation of damages caused by the absence of appropriate legal regulation of sex reassignment and treatment to stakeholders in Lithuania, when the legislator delays the adoption of the law laying down the conditions and procedure of sex reassignment established in Article 2.27 (2) of the Civil Code. Currently, there are two cases heard in Lithuanian courts, where courts obliged governmental authorities to change entries in civil status records of transsexual persons, without them having had an irreversible sex reassignment surgery performed on them.

71. In accordance with the Law on Personal Identity Card and Passport, an identity card or a passport shall be changed after a person’s sex reassignment. Personal data, including the gender, shall be entered in these documents according to the data on the citizen kept in

⁴ <http://lrv-atstovas-eztt.lt/naujienos/konsultacijos-su-visuomene-del-europos-zmogaus-teisiu-teismo-sprendimo-byloje-l-pries-lietuva-vykdyimo>.

the Population Register of the Republic of Lithuania. Sex reassignment is a mandatorily recordable civil status record under the Civil Code on the basis of which respective personal data are entered (changed) in the Population Register, and identity documents (a passport, identity card) are issued on the basis of data from this register.

Registered cases of discrimination on the basis of sexual orientation

72. According to the data of the Prosecutor General's Office, 16 pre-trial investigations for discrimination on the basis of sexual orientation were initiated in accordance with Article 169 of the CC.

73. From 2010 till 2016, the EOOO received 20 complaints, and 2 investigations were started at the initiative of the Equal Opportunities Ombudsperson for possible discrimination on the basis of sexual orientation, i.e. during the reporting period, the EOOO conducted an average of 3 investigations of possible discrimination on the basis of sexual orientation per year.

Replies to Committee's question No. 9

Registered cases of incitement against any national, racial, ethnic, religious or other group of persons

74. On 4 May 2017, the Law Amending Articles 169, 170 and 1701 of the CC entered into force, expanding elements of criminal offences related to acts committed for racial, discriminatory or xenophobic motives. After the amendments, criminal liability is provided for discrimination on the basis of age and disability, also for inciting discrimination or violence or promoting hatred against these groups.

75. In the implementation of assurance of effective remedies for victims of a crime, it should be noted that pursuant to the provisions of the Law on State-Guaranteed Legal Aid, victims of crimes committed for racial, discriminatory or xenophobic motives may take advantage of the mentioned state-guaranteed legal aid (see replies to Committee's question No. 5).

76. For further information on statistics regarding registered cases of incitement against any national, racial, ethnic, religious or other group of persons see Annex no. 2, paragraphs 7–10.

Promoting non-discrimination

77. The Action Plan for Promoting Non-discrimination for 2017–2019 was approved on 15 May 2017. The Action Plan includes the improvement of the legal framework; public awareness and education; research and reviews of the promotion of non-discrimination and strengthening of interinstitutional cooperation. Actions of the implementation of the Action Plan will increase respect for a human being, legal awareness of the public and mutual understanding; legal acts and measures for their effective implementation will be improved, also strengthening interinstitutional cooperation.

78. In order to combat hatred in public information (without distinguishing a specific basis for hatred), the JEIO took an active part in a variety of training sessions of the international media community - NGO "Media4change" for representatives of regional media in 2014. Here they were trained to recognize hate speech and to avoid it in media activities. Training sessions for representatives of the Lithuanian Union of Journalists "Ethics of Journalists and Media Law: is Competition for Ethical Journalism Possible" were held in 2014, presenting recommendations to journalists on ways not to use hate speech when reporting event or quoting sources of information, and how to properly react thereto. Moreover, training sessions for employees of police commissariats of five cities (4 academic hours) were held by JEIO on 11 September 2014 in cooperation with the Chief Police Commissariat of Utena County. The training sessions also discussed the issues related to the research of incitement of hatred on the Internet.

79. In order to reduce the scope of hate speech in comments on web portals, the JEIO presented to the Web Media Association a sample collection of hate speech in 2015 for web

portals to be able to monitor the language of commentators and to promptly remove comments that contain manifestations of hate speech.

80. At the initiative of the European Commission, on 31 May 2016, the European Commission and the major IT companies Facebook, Google, YouTube, Microsoft and Twitter approved the Code of Conduct for Fighting Hate Speech Online. The Code of Conduct *inter alia* aims to ensure a more efficient cooperation of IT companies and institutions of EU member states related to the examination of reports on the incitement of hatred and removal of such content, or cancelation of access thereto. Thus EU member states have committed to appointing national contact persons, who would directly and effectively cooperate with IT companies in the provision and examination of reports on content inciting hatred. According to the mentioned Code, a JEIO representative became a contact person in Lithuania, which will form the basis for prompt removal of hate speech from social networks.

81. Holocaust and tolerance education was included in general and secondary curricula in schools on general education. The international commission organizes these education activities for assessing Nazi and Soviet occupation regimes in Lithuania according to Programme for Educating on Crimes of the Totalitarian Regime, the Prevention of Crimes against Humanity and the Promotion of Tolerance approved in 2002.

Training and courses for law enforcement authorities

82. In the implementation of the Memorandum of Understanding signed by the Police Department under the Ministry of the Interior and ODIHR in 2015, a training programme on combating hate crimes adapted for police officers of Lithuania was prepared. The aim of the training programme is to improve knowledge and skills of police officers to respond to hate crimes, and to teach police officers: to recognize hate crimes and understand their impact on victims; to understand and to properly apply respective provisions of the CC; to apply the acquired skills in response to hate crimes and their examination. 24 police instructors were prepared in 2015, who were obligated to share the acquired knowledge with other officers. These training sessions were also attended by prosecutors specializing in the investigation of hate and discrimination crimes. 398 police officers were trained under the mentioned programme in 2016. On 20–21 April 2016, the House of National Minorities held a training workshop on Lithuanian national communities for Vilnius county police officers. 52 participants attended the workshop. In 2017 courses will be held for police officers on the topic “Officer Actions in the Event of Hate Crimes”.

83. Also, in order to improve qualifications of prosecutors for the investigation of crimes provided for in Articles 169 and 170 of the CC, 47 prosecutors took part in 7 training sessions on hate and discrimination-related crimes in Lithuania and abroad in 2011-2015.

84. Training sessions for law enforcement officers on qualifications in the area of investigation of crimes will be held in cooperation with ODIHR in 2017, considering concluding observations on the sixth, seventh and eighth period reports of Lithuania of the Committee on the Elimination of Racial Discrimination.

Replies to Committee’s question No. 10

Ensuring equal opportunities for women and men

85. Article 26 of the LC, which entered into force on 1 July 2017, sets out the employer’s duty to pay equal wages for the same work of the equal value.

86. In order to ensure effective implementation of legal acts in the area of equal opportunities of men and women, there is a plan to approve a draft methodology for the assessment of the impact of draft legal acts on gender.

87. In order to continue to solve gender equality issues in a complex and systematic manner, the National Programme for Equal Opportunities of Men and Women 2015–2021 has been implemented in the Republic of Lithuania. The goals of the programme includes the following: promoting equal opportunities of men and women in the field of employment

and labour, pursuing a balanced participation of men and women in decision-making and holding top posts, increasing efficiency of institutional mechanisms of equality of women and men, promoting integration of the gender aspect in many areas: education and science, culture, health, environment, national defence, access to justice, and implementing EU and international commitments in the field of equality of women and men. The Action Plan 2015–2017 was drafted for implementing programme goals and tasks. Currently, the Action Plan for the Implementation of the Programme is being drafted for 2018–2021.

88. Considering the fact that the Programme for 2015–2021 provides for the measure “Enhancing assurance of equality of men and women at the local self-governance level”, the EOOO started the implementation of the national project “Gender equality is the code to success of municipalities” co-funded from EU structural funds in 2016.⁵ The aim of the project is to promote the equality of women and men at the local self-governance level in order to improve the understanding of the society, business and public sector of advantages of equal opportunities in the labour market.

89. For further information on statistics, regarding ensuring equal opportunities for women and men see Annex no. 2, paragraph 11.

Replies to Committee’s question No. 11

Assuring equal opportunities in the areas of employment, health care, accommodation and education

90. Article 2 (8) of the Law on Equal Opportunities establishes that discrimination means any discrimination on the basis of sex, race, nationality, language, origin, social status, beliefs, convictions or views, age, sexual orientation, disability, ethnicity or religion.

91. On 11 July 2017, the Seimas adopted two laws and concluded the process of transposition of the Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (hereinafter — Directive 2014/54/EU) into the national law: the Law Amending the Law on Equal Opportunities and Law Amending the Law on Transport Privileges. Having amended the Law on Equal Opportunities, citizenship defined as citizenship of citizens of EU member states and European Economic Area countries and their family members was included in the list of the grounds of discrimination. The Law on Equal Opportunities established the right to the Equal Opportunities Ombudsperson to examine complaints with regard to discrimination in the area of free movement of workers and to perform other functions of a national authority as provided for in the Directive 2014/54/EU. Amendments to the Law on Transport Privileges allowed citizens of EU member states and European Economic Area countries and their family members, who were not previously subject to this Law, to avail themselves of the opportunity to use the privileges of traveling by commercial transport provided for in the Law.

92. In the implementation of the international commitments in the social area, the Republic of Lithuania undertook additional obligations in the National Progress Programme 2014–2020 to achieve that 20 percent of all persons waiting for the rental of a social housing will take advantage of compensations of a part of housing rental or leasing fee in 2020. The Law on State Support to Acquire or Rent Housing of the Republic of Lithuania sets out the principle of equality, which means that support for acquiring or renting housing shall be provided ensuring equality of persons and families.

Public awareness and measures to reduce discrimination

93. In order to reduce discrimination in formulating job advertisements and to educate both employers and the general public, the EOOO created a memorandum outlining prohibitions in a job ads, additional prohibitions by law (for example, specifying

⁵ In the implementation of the measure No. 07.3.4-ESFA-V-425 “Promoting Equality of Women and Men” of priority 7 “Promoting Quality Employment and Participation in the Labour Market” of EU Fund Investment Action Programme 2014–2020.

information about age, sex or private life), presenting examples of properly written job ads. Additionally, considering the fact that many violations of equal opportunities have been detected in job ads, the EOOO launched the awareness raising campaign “For Competence” at its own initiative in 2016-2017. Within the limits of the campaign, employers have been invited to choose employees based on their competence, and the public - to respond to discriminatory job ads and report them to the EOOO, and to express a consent to employer’s recruitment based on competence only. In the implementation of the campaign, a special “#forcompetence” filter was created on Facebook, also publishing inappropriate job ads, contacting employers and encouraging them to immediately correct inappropriate job ads, or, otherwise, starting an investigation at the initiative of the Ombudsperson. In the implementation of the campaign, having received information on a discriminatory job ad, employees contacted 54 employers and informed them of the violation of equal opportunities. The absolute majority of employers said that they were not aware of the duty set out in the Law on Equal Opportunities to ensure that job ads shall not give priority to gender, age and other characteristics unrelated to competence, and immediately corrected or removed the inappropriate job ads. Increasing number of reports to EOOO on discriminatory job ads shows that this measure is efficient increasing public and employer awareness on the duty set out in laws on equal opportunities to ensure non-discrimination of persons in the labour market.

94. In the continuation of the implementation of measures for reducing discrimination, currently the EOOO is conducting the national project co-funded from EU structural funds, with an aim to reduce discrimination in the labour market on the grounds provided for in the Law on Equal Opportunities by systematically raising awareness of the business, the public sector and the society in the area of equal opportunities.

95. The Action Plan for Promoting Non-Discrimination 2017–2019 provides for the measures aimed at reducing discrimination on the grounds laid down in the Law on Equal Opportunities and ensuring discrimination prevention in the labour market.

Examination of complaints on discrimination

96. The Equal Opportunities Ombudsperson examines complaints within the limits of her competence and conducts investigations for possible discrimination at her own initiative thus implementing the supervision of law on equal opportunities and law on equal opportunities of women and men. Having examined a complaint or conducted an investigation at the initiative of the Equal Opportunities Ombudsperson, the Equal Opportunities Ombudsperson makes one of the decisions set out in Article 29 of the Law on Equal Opportunities.

97. In 2010-2016, the EOOO examined 1 420 complaints and conducted 266 investigations at the initiative of the Equal Opportunities Ombudsperson. Since 2015, the EOOO has also registered inquiries (applications of applicants requesting for explanations or other information). 350 inquiries were responded to in 2015–2016. Inquiries received on EOOO’s *Facebook* account have also been registered since 2016; 94 inquiries were received in 2016.

98. For information on measures taken to examine any complaints on discrimination and convictions of the perpetrators, see replies to Committee’s questions No. 7, 8 and 9.

Counter-terrorism measures and respect of Covenant guarantees

Replies to Committee’s question No. 12

99. On 13 February 2014, the Prosecutor General’s Office started a pre-trial investigation No. 01-2-00015-14 in observance of the elements of a criminal act set out in accordance with Article 292 (3) of the CC, i.e. for possibly unlawful transportation and detention of persons across the state border. Actual circumstances of this pre-trial investigation are related to issues of possible transportation and detention of persons detained by the Central Intelligence Agency of the United States of America (hereinafter — CIA) and their detention in the territory of the Republic of Lithuania.

100. Having approved the conclusion of the parliamentary investigation of possible transportation and detention of such persons, conducted by the Committee on National Security and Defence of the Seimas by Resolution of the Seimas of 19 January 2010 (hereinafter — the Conclusion), in order to examine the circumstances stated in the Conclusion, a pre-trial investigation of possible abuse of service or excess of powers of service in accordance with Article 228 (1) of the CC was instituted by the Organized Crime and Corruption Investigation Division at the Prosecutor General's Office (hereinafter — OCCID) on 22 January 2010. Having conducted actions in this pre-trial investigation, on 14 January 2011, the OCCID prosecutor terminated the pre-trial investigation No. 01-2-00016-10 having determined that no criminal act that would include the elements of a crime or criminal violation was committed.

101. Considering the information contained in the redacted report published by the US Senate on 9 December 2014, certain coincidences of this redacted report were observed with the data provided in the Conclusion of the parliamentary investigation of the Committee on National Security and Defence of the Seimas and the possible links to the pre-trial investigation No. 01-2-00016-10, the Chief Prosecutor of the OCCID repealed the decision of the OCCID prosecutor of 14 January 2011 to terminate the pre-trial investigation No. 01-2-00016-10 instituted on the basis of Article 228 (1) of the CC for abuse, and resumed the investigation.

102. Considering the facts collected at the time of the pre-trial investigations No. 01-2-00015-14 and No. 01-2-00016-10, the conducted procedural actions, the nature and significance of the investigated potential criminal acts, seeking to examine possible criminal acts in greatest possible extent, take measures provided by the law to conduct a pre-trial investigation in the shortest possible period of time, a prosecutor's decision to combine pre-trial investigations No. 01-2-00015-14 and No. 01-2-00016-10 into a single investigation (No. 01-2-00015-14) was made on 6 February 2015. This pre-trial investigation is being continued and it is conducted by the OCCID group of prosecutors. The CC provisions used as a basis for conducting the pre-trial investigation do not limit the scope of the conducted investigation. Having received new significant data in the course of its performance or in case of signs of other possibly committed criminal acts having come to light, the pre-trial investigation would also be conducted on the basis of other CC provisions. No suspects were identified during the pre-trial investigation, and no allegations have been brought for the investigated potential criminal acts.

103. Pre-trial investigation data is not disclosed in accordance with Article 177 (1) of the CCP. Such data may be published before the case hearing in a court only with a prosecutor's permission and to the permitted extent. Considering the fact that the ECtHR is hearing the case *Abu Zubaydah v. Lithuania* and regarding the specifics of the ECHR mechanism, the ECtHR judicial proceedings and a possibility to apply Rule 2 of the ECtHR's Regulation limiting its publicity to certain case material, the Prosecutor General's Office has not observed a possibility to refuse to provide the information requested by the ECtHR according to provisions of the national law and the ongoing pre-trial investigation. The Prosecutor General's Office provided the ECtHR with the material of the above-mentioned pre-trial investigation, except for the classified documents subject to Rule 2 of the ECtHR's Regulation. Considering the fact that the pre-trial investigation material contains information, which is declared to be a state or official secret, detailed information on the course and results of the pre-trial investigation No. 01-2-00015-14 is not to be provided or published (Article 177 of the CCP).

104. In addition to the above, active investigation actions are not currently conducted in the pre-trial investigation No. 01-2-00015-14, but the investigation has not been stopped or terminated. This is also affected by the fact that no answers have been received in the course of the investigation from certain foreign countries (Romania and Afghanistan) where prosecutors sent applications for legal assistance for the presentation of data important for the investigation during the investigation.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment and humane treatment of persons deprived of their liberty (Articles 7 and 10)

Replies to Committee's question No. 13

Registered cases of violations of children's rights

105. The Institution of the Ombudsperson for Children's Rights (hereinafter — IOCR) examines complaints regarding acts or omissions of natural and legal persons that violate (or which are believed to have violated) or may violate children's rights or their legitimate interests, also complaints regarding abuse by officers or bureaucracy in the field of the protection of children's rights.

106. During the period from 2010 to 2017 (first half), the IOCR received 38 complaints from children and 1 497 - from adults. Having examined the complaints, 214 cases of violence (physical, psychological, sexual) were identified (in families, children care institutions, socialization centres, education institutions, etc.).

107. The Prison Department under the Ministry of Justice controls the compliance with laws, international treaties and other legal acts of the Republic of Lithuania in the enforcement of arrests and imprisonment sentences, assurance of conditions of confinement of convicted persons that are not degrading their dignity, thus complaints of convicted persons are also examined within the limits of its competence. In this respect, 6 complaints, applications, statements or other appeals (hereinafter — complaints) "Regarding inappropriate conduct of employees with imprisoned persons" from Kaunas Juvenile Interrogation Insulator - the Correctional Centre - were received in 2010–2017 (Q 1): 0 – in 2010; 2 – in 2011 (in both cases examination of the complaints was terminated); 0 – in 2012; 0 – in 2013; 0 – in 2014; 1 – in 2015 (the complaint was unreasoned); 1 – in 2016 (the complaint was transferred for examination to Lukiskės Remand Prison; 2 – in 2017 (Q 1) (1 complaint unreasoned and 1 – transferred for examination to Kaunas Juvenile Interrogation Insulator - the Correctional Centre).

108. It should additionally be noted that corporal punishment in prisons is prohibited.

Improvement of the legal framework for the protection of children's rights

109. Essential amendments to the CC and the Law on Fundamentals of Protection of the Rights of the Child were adopted. Amendments to the CC entered into force on 13 July 2012, which were used as a basis for extending the list of qualifying indicators allowing determining that a child was bought or sold. In light of this fact, persons are subjected to criminal liability not only for an attempt to buy or otherwise acquire children, or for recruiting, transporting or holding children captive, knowing that they would be involved in prostitution or exploited for profiting from their prostitution, or they would be exploited for pornography or forced labour, but also for their unlawful adoption, exploitation for slavery or conditions similar to slavery, other forms of sexual exploitation services, including begging, committing a criminal offence or for other exploitation purposes.

110. Amendments to the CC of 13 July 2013 increased the duration of the sentence of imprisonment, which may be imposed for offenses related to causing physical pain or a negligible bodily harm to a minor, from 1 to 2 years. Moreover, in cases when a pre-trial investigation has been initiated having identified signs of domestic violence, criminal liability for such acts, including rape, or sexual harassment, also arises in the absence of a complaint of the victim or his/ her representative.

111. On 25 March 2014, amendments to the CC entered into force, increasing the maximum term of imprisonment, which may be imposed for criminal acts related to compelling a minor to have sexual intercourse, from 5 to 8 years. Amendments to the CC, that came into force on 1 May 2015, established that criminal liability for criminal acts related to causing physical pain, a negligible health impairment or a short-term illness by beating shall also arise in the absence of a complaint of the victim or his/ her representative in cases when a pre-trial investigation identified evidence of domestic violence.

112. On 20 October 2015, the Seimas adopted the amendments to the Law on Fundamentals of Protection of the Rights of the Child implementing provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and Directive 2011/93/EU of the European Parliament and of the Council on combating sexual abuse and sexual exploitation of children, and child pornography, and establishing that persons found guilty of crimes and misdemeanours against the freedom of a person's sexual self-determination and inviolability shall be prohibited from working or volunteering in children's social, educational and sports institutions, also in institutions, companies and organizations providing health care services to children, also from engaging in individual activities.

113. On 14 February 2017, the Seimas adopted the amendment to the Law on Fundamentals of Protection of the Rights of the Child, setting out the concepts of corporal, psychological and sexual violence against a child and negligence. The amendment to the Law establishes that all forms of violence against a child, including corporal punishment, shall be prohibited, while parents, other legitimate representatives of the child and the state shall ensure child's protection. It also establishes that violence against a child - direct or indirect intentional corporal, psychological and sexual impact exerted on a child by act or omission, disregard of honour and dignity, or negligence, resulting in the child suffering damage or endangering his/her life, health or development, shall be prohibited.

Replies to Committee's question No. 14

Complaints regarding unjustified use of force by prison and detention centre officers

114. There is no separate CC Article establishing criminal liability for unjustified use of force by prison and detention centre officers, thus actions of officers using excessive force, which reach criminal liability by the level of their severity, are considered abuse. Article 228 of the CC sets out criminal liability for abuse of official position by a civil servant or a person equivalent thereto. The objective elements of abuse provided for in Article 228 of the CC manifests through the following: dangerous acts - abuse of the official position or excess of powers; dangerous consequences - emergence of the said serious damage; existence of a causal link between the committed act and emerged consequences (cassation rulings in criminal cases No. 2K-76/2007, 2K-P-1/2014). The alternative offense provided for in Article 228 of the CC - excess of powers - is construed as excess of the authorization limits conferred to a civil servant or a person equivalent thereto by laws or other legal acts. Excess of powers may be committed by unlawful acts only (cassation rulings in criminal cases No. 2K-243/2007, 2K-283/2013, 2K-P-1/2014, 2K-74-976/2017 and others). In court practice, abuse of the official position is understood as deliberate use or failure to use the rights, duties and powers conferred by laws and other legal acts contrary to the interests of service, principles, essence and content of its operations. The fact that a civil servant or a person equivalent thereto abused his/ her official position is usually confirmed by circumstances that by acting (or refraining from acting) in a respective manner such as person violated provisions of legal acts set out in the procedure of conducting certain legally significant actions, and defaulted on rights and obligations arising from legislation (for example, a cassation ruling in the criminal case No. 2K-354-511-2015, 2K-35-697/2016, etc.).

115. Criminal liability for committing offenses provided for in Article 228 of the CC may apply only when elements of serious damage were identified. In application of Article 228 of the CC, damage is understood as property or other damage, which leads to impaired financial position of the state, a legal, a natural person or another subject provided for in this Article, and/or adverse effect on their non-pecuniary interests. Physical, moral, organizational damage and damage of different non-material nature caused to intangible values (reputation of a legal person, authority of a civil servant, etc.) defended and protected by law is considered other damage.

116. Since the Law does not provide any universal criteria for determining the extent of damage. The cassation practice has noted that courts shall decide on the scope of damage in each specific case, considering specific circumstances of the case: the nature of interests that have been violated, the legal acts that defend these interests, the number of victims,

their assessment, duration of the offence committed by the officer, importance of the office held by the accused, resonance of the committed offence in the society and its influence on the authority of the civil servant and the state institution, etc. Violation of rights and freedoms defined in the Constitution of the Republic of Lithuania, degradation of the authority of civil service or other seriously harmful effects are usually recognized as serious damage not only to the service or a person, but also to the state (cassation rulings in criminal cases No. 2K-7-512/2004, 2K-7-638/2005, 2K-108/2009, 2K-232/2012, 2K-573/2012, 2K-190/2013, 2K-7-335/2013, 2K-98/2014, 2K-169/2014, 2K-P-1/2014). The causing of serious damage to the state shall be based on indicating arguments which would explain why damage caused to the state is treated as serious (cassation rulings in criminal cases No. 2K-262/2011, 2K-98/2014). The sign of serious damage showing increased risk of abuse and identifying a distinction between criminal and disciplinary liability shall be thoroughly substantiated with the assessment of the totality of data available in the case (cassation rulings in criminal cases No. 2K-263/2010, 2K-161/2012, 2K-125/2014, 2K-87-942/2017).

117. The Code of Enforcement of Sentences and the Law on Enforcement of Detentions governs the right of convicted and detained persons to appeal actions and decisions of institutions, establishments and officers enforcing sentences: 1) actions and decisions of officers of public works institutions, prisons, detention, temporary and life imprisonment institutions and establishments may be appealed within one month to the head of the respective institution or establishment. The head shall examine the appeal no later than within twenty working days from the day of the appeal; 2) actions and decisions of heads of penal institutions and establishments may be appealed with the Director of the Prison Department within one month. He shall examine the appeal no later than within twenty working days from the day of its receipt, while if an investigation is conducted in response to the appeal, - within twenty working days from the day of the end of the investigation; 3) actions and decisions of the Director of the Prison Department may be appealed with the administrative county court within twenty days from their submission.

118. Convicted persons present proposals, requests (applications), petitions and complaints in writing. Proposals, requests (applications), petitions and complaints, which need to be sent, are delivered to the staff of the correctional facility in postal envelopes, while those addressed to the Director of the correctional facility - at the discretion of the convict. If the convicted persons wants to enclose copies of documents or another material along with the proposal, request (application), petition or complaint, but he/ she does not have sufficient funds in his/ her personal account to pay the administration of the correctional facility for making copies, administration of the correction facility must make copies of the requested documents and other material for the convict, and the sum needed for making copies shall be debited from the convict's personal account when he/ she becomes solvent. The right of the convicted and detained persons to appeal actions of officers or other persons is ensured.

119. The SOO plays a special role in the process of examination of appeals for the use of unjustified force by officers of prisons. In 2016, complaints of convicted persons accounted for a fifth of all complaints received by the SOO. Usually convicted persons complain to the SOO about inappropriate conduct of officers (including performance of searches), non-application of incentives, imposition of penalties as the measure of assurance, violence among convicted persons, failure to assure accessibility to health care, inappropriate housing conditions and sub-cultural problems. The SOO also performs the national prevention of torture in prisons in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to prevent torture and other cruel, inhuman or degrading treatment or punishment, the SOO continuously visits prisons for prevention purposes and prepares conclusions and recommendations for the elimination of violations of human rights. The SOO checks the performance of investigations in prisons for potentially unlawful actions of officers, the assurance of opportunity for convicted persons to appeal actions of officers with the administration, the SOO and the court, also assessing other circumstances that create preconditions for potential violations of human rights.

120. Complaints for inappropriate conduct of officers have also been examined in the Foreigners' Registration Centre (hereinafter — FRC). FRC is intended to detain foreigners who stay or have arrived to Lithuania illegally, and accommodate asylum seekers during the examination of their applications for asylum. 4 complaints for unjustified use of force in FRC were received and examined in 2010-2017 (first half).

121. For further information on statistics, regarding complaints regarding unjustified use of force by prison and detention centre officers see Annex no. 2, paragraphs 12–15.

Replies to Committee's question No. 15

Measures taken to improve conditions of detention in prisons and detention centres for immigrants and asylum seekers

122. FRC is a structural unit of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania aimed at accommodating detained foreigners, who have illegally arrived to or are illegally staying in the Republic of Lithuania (until the conditions necessary for returning the foreigners provided for in legal acts are fulfilled) and foreigners having submitted applications for asylum in the Republic of Lithuania. Considering these "accommodation modes", the FRC consists of two separate buildings: one is for accommodating foreigners detained at the court decision, whose right of movement has been restricted, and the other one is for asylum seekers of the Migration Department under the Ministry of the Interior or by a court decision, whose right of movement has not been restricted. Rights of residents of FRC are governed by paragraphs 18 and 19 of the Description of the Conditions and the Procedure of Temporary Accommodation of Foreigners in the State Border Guard Service approved by order of the Minister of the Interior of the Republic of Lithuania. It should be noted that residents of the centre have actively used these rights.

123. Measures aimed at improving detention conditions of foreigners and temporary accommodation conditions of asylum seekers include projects designated for improving accommodation conditions of foreigners being returned and deported as well as asylum seekers in FRC implemented in 2012–2015 using EU funds (the European Return Fund (RF) and the European Refugee Fund). With the help of these projects, repairs of the premises where foreigners live were carried out, allocating nearly EUR 950 000; goods were purchased for improving household of foreigners (namely, furniture, soft furnishings, household supplies, household appliances and inventory, hygiene and sanitary items) for more than EUR 100 000; daily employment and social events were held for persons to be returned and deported, and services of day centre activities, social pedagogues, various training and employment services (Lithuanian language, IT, sports sessions), psychological assistance and health care services were provided to asylum seekers. Considering the needs of persons accommodated in the FRC, who refuse to eat certain food products because of their religious beliefs, alternative meals have been provided in the FRC in 2015.

124. In 2015-2019, projects have been carried out from EU funds (the Asylum, Migration and Integration Fund) in the course of which foreigners detained in FRC and asylum seekers temporarily accommodated therein were provided with services of engagement in leisure time activities, supplied with hygiene products, pharmaceuticals and medical supplies, and provided with psychological, social and medical services.

125. A FRC social worker has provided social services and held community events for detained foreigners and temporarily accommodated asylum seekers. These persons also have an opportunity to get familiar with media information, read books in the FRC library and engage in sports. If foreigners detained and accommodated in the FRC so desire, meetings with representatives of various religious denominations are held in the centre.

126. Foreigners detained in the FRC and asylum seekers accommodated therein are provided with qualified medical and psychological assistance. Primary ambulatory health care services are provided in the general practitioner's office. If necessary, a general practitioner issues a referral to a specialist where foreigners are accompanied by a FRC nurse. Psychological assistance is provided in the FRC on all working days. Moreover, individual psychological counselling is available in the centre, group psychological and art therapy sessions are held in the FRC.

127. The Action Plan for Promoting Non-Discrimination for 2017–2019 provides for the measure aimed at holding information campaigns for foreigner integration, diversity awareness and intercultural dialogue promotion initiative-related issues. There is a plan to conduct activities aimed at promoting tolerance and intercultural dialogue in the implementation of this measure, involving foreigners and the Lithuanian society, also holding public complaints for tolerance to foreigners and persons granted asylum.

Elimination of slavery and servitude (Article 8)

Replies to Committee’s question No. 16

Registered cases of human trafficking

128. For further information on statistics regarding registered cases of human trafficking, see Annex no. 2, paragraphs 16-18.

Results of the research of trafficking in children in special education institutions

129. According to information of the Prosecutor General’s Office, in July 2014, the Klaipėda county prosecutor’s office initiated a pre-trial investigation in accordance with Article 151(2) of the CC (“Satisfaction of Sexual Desires by Violating a Minor’s Freedom of Sexual Self-Determination and/or Inviolability”), Article 157 (“Purchase or Sale of a Child”) and Article 307 (3) (“Gaining Profit from Another Person’s Prostitution”), which was finished with an indictment on 25 November 2015. Six minors residing in Švėkšna Special Education Center were identified and declared to be victims in this case during the pre-trial investigation. By its ruling of 24 March 2017, Klaipėda county court acquitted eight persons for activities provided for in Article 157 of the CC and found them guilty of other criminal acts. In disagreement with the court’s decision to acquit the persons, the prosecutor filed an appeal with the court. All convicted persons also filed dissenting appeals of the court ruling. The case is currently pending before the Court of Appeal of Lithuania. In order to protect interests of the minors, court hearings are closed/ non-public, and case data are not published.

Issuance of temporary residence permits to victims of human trafficking

130. In 2013–2016, no applications for temporary residence permits in the Republic of Lithuania were received in accordance with paragraph 12 of Article 40 (1) and Article 491 of the Law on the Legal Status of Aliens.

Training and courses for law enforcement officers

131. In the implementation of the international project in 2012–2014, a sociological research was conducted on methods of recruitment for trafficking in human beings for forced labour and the role of employment agencies and employers in this area. Based on the research project, Recommendations and practical advice were drafted on the Prevention of Abuse of Migrants’ Employment, their Exploitation at Work and Trafficking in Migrant Workers in the Baltic Sea Region to public authorities, businesses, especially employment agencies and employers, trade unions and NGOs on ways to identify and prevent human trafficking for forced labour and forced labour cases.

132. On 30 October 2012, Recommendations for the Specialization of Prosecutors in Criminal Proceedings and Allocation of Pre-trial Investigations, Criminal Proceedings and Complaints among Prosecutors were approved.

133. Training of police officers on human trafficking-related issues are held each year. 26 police officers have improved their qualification in these training sessions since 2012. Courses on human trafficking-related matters have also been held for State Border Guard Service officers. 109 officers improved their qualification in such training sessions in the period of 2014-2015.

134. In 2014–2017, judges of Lithuania participated in training sessions on the subject of combating trafficking in human beings in Lithuania and abroad (trafficking in human beings and its forms, research, analysis of practical cases, practical examples of interrogation of victims of trafficking in human beings and criteria for identifying victims,

partnership between law enforcement authorities and NGOs, application of Article 147 of the CC).

135. In order to strengthen the coordination of trafficking in human beings in municipalities, international project “STROM - Strengthening the Role of Municipalities in Combating Trafficking in Human Beings in the Baltic Sea Region (STROM I)” was conducted in 2014–2015, analysing the situation in Lithuanian municipalities and drafting Recommendations for Strengthening the Role of Municipalities in Combating Trafficking in Human Beings in the course of the project, which were used in training in municipalities. International project “Strom - Strengthening the Role of Municipalities in Combating Trafficking in Human Beings in the Baltic Sea Region” (STROM II)” was conducted in 2016–2017. The model (description) for coordinating the fight against trafficking in human beings in municipalities developed during the project will be approved (implemented) in municipalities of Kaunas city and Tauragė district, and will later be proposed to other municipalities, also holding training sessions for officers and specialists working in the municipalities.

136. In pursuit of a systematic impact, a sample model for rendering assistance to victims of trafficking in human beings or persons who could have become victims of trafficking in human beings was prepared in 2015 and by that, training for specialists of major municipalities were held regarding the model’s application. The training sessions were attended by more than 100 specialists from different fields.

Changes in the legal framework

137. During the reporting period, in order to prevent trafficking in human beings, measures were taken to improve the legal framework and implement the relevant laws. In 2012, the Seimas ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In order to properly implement provisions of this Convention and increase the efficiency of the fight against trafficking in human beings, the amendments to the CC were adopted.

138. Amendments to Article 147 and 157 of the CC providing criminal liability for trafficking in human beings and the purchase or sale of a child were adopted by the law of 30 June 2012, expanding the elements of the crime of trafficking in human beings. Qualified elements of both criminal offences were expanded establishing a danger posed to the victim’s life, also knowing that actions prohibited under the criminal law are committed with the aim to take a victim’s organ, tissue or cells, to be a qualifying element. Actions of trafficking in human beings committed by a civil servant or a person implementing public administration functions in the performance of his/ her authorities are also considered qualifying element. Conditions for the exemption from criminal liability having committed the mentioned crimes were set out stating that a person having suffered from the crime, which he/ she was forced to commit directly for an analogous offense committed against him/ her, may be exempt from criminal liability.

139. Amendments to Articles 147 and 157 of the CC were adopted by the law of 12 May 2016 expanding the elements of crimes of purchase or sale of a child and trafficking in human beings, providing that criminal liability shall arise for committing actions prohibited under the criminal law and having an aim to conclude a forced or a fictitious marriage.

140. The National Rapporteur on the fight against trafficking in human beings of the Republic of Lithuania was appointed by order of the Minister of the Interior of 31 March 2017, also approving the description of the procedure for collecting and publishing statistical data and other information on the state of trafficking in human beings and measures and actions for combating human trafficking.

141. Amendments to the Law on Compensation of Damage Caused by Violent Crimes were adopted by the law of 11 December 2014 establishing that material and non-pecuniary damage in the amount determined by the court (which may not exceed the limits provided for by the law) and damage caused by a violent crime to a minor shall be compensated.

142. One of the top priorities provided for in the long-term strategic action plan of the Prosecutor General’s Office for 2013-2023 is efficient criminal prosecution for criminal offenses related to sexual exploitation of children. The implementation of this priority is

aimed at reaching the highest possible number of examined criminal acts by one prosecutor together with the staff of the prosecutor's office and the shortest possible average duration of a pre-trial investigation. Accordingly, criminal prosecution of criminal offenses related to the sexual exploitation of children have also been planned as a priority area of operations of the prosecutor's office in the strategic action plans of the General Prosecutor's Office for 2013-2018.

Assistance to victims of human trafficking

143. Having approved the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania in 2016, the process for determining the vulnerability of the asylum seeker was started in the procedure for granting asylum, also setting out its mechanism, which, among all other things, allows identifying possible cases of trafficking in human beings. In 2016, there were no persons identified as potential victims of trafficking in human beings among asylum seekers in the Republic of Lithuania.

144. In the implementation of measures for ensuring complex (economic and social) assistance to victims and persons who may become victims of trafficking in human beings, projects aimed at providing information and consultation services, psychologic and legal assistance, supply with basic necessities, development and retention of social skills, immediate medical and psychological assistance, vocational training, assistance in finding a job and having started doing it, etc., have been financed since 2002, allocating about EUR 900 000 for the implementation of these projects in 2002–2015 and providing social assistance to more than 2.5 thousand people. If a victim of trafficking in human beings addresses law enforcement authorities, he/ she shall in all cases also be referred to a specialized NGO.

145. In 2013–2015, financing for projects for measures aimed at preventing trafficking in human beings was allocated from EU structural funds. In order to create preconditions for the integration of most vulnerable groups of people (including victims of trafficking in human beings) and their return to the labour market, there is a plan to finance projects aimed at providing various social integration services (psychological assistance, development and retention of social skills, vocational training, assistance in finding a job and having started doing it, etc.) to social risk persons taking advantage of EU structural funds in 2016–2020.

146. The identification of victims of trafficking in human beings is governed by regulations for holding a selection contest of projects aimed at providing social assistance to victims or persons who may become victims of trafficking in human beings 2016–2018. These regulations lay down the requirements for NGOs financed from the state budget funds for the provision of social assistance to victims of trafficking in human beings.

147. Also, in order to assure assistance to NGOs, 5 social assistance projects were financed in 2016-2017. The following NGOs implemented the projects and provided social assistance to victims or persons who may become victims of trafficking in human beings: Missing Person's Families Support Centre, Caritas Lithuania and Caritas of Vilnius Archdiocese - to men and women; Klaipėda Social and Psychological Help Center - to women only, and the Association Men's Crisis Center - to men only. In 2016-2017, a budget consisting of EUR 80 000 was allocated for each of the social assistance project each year. There are 34 crisis centres with accommodation, 9 independent homes for social risk persons and 4 state budget-funded NGOs providing assistance to women and men operating in territories of Lithuanian municipalities.

Right to liberty and security of persons (Article 9)

Replies to Committee's question No. 17

Alternatives to detention

148. Amendments to the Law on Probation, the CCP and the Code of Enforcement of Punishments which entered into force on 1 July 2012 improve the imposition of penalties alternative to detention and legitimized the application of electronic monitoring in

probation. It should be noted that changes in criminal policy helped reduce the number of detained persons by 40 percent. A new measure of compulsion — intensive supervision — was legitimized, when the behaviour of a suspect or a convict is controlled by means of electronic surveillance. The general trend shows that since 2012, the number of imprisoned persons decreased by 2 000 in Lithuania, which in turn led to the improvement of living conditions of persons held in prison.

149. On 24 March 2015, amendments to the CC were adopted expanding the limits for applying suspension of the execution of a sentence (Article 75 of the CC). The imprisonment sentence may be suspended for a person sentenced to imprisonment for no more than six years for crimes committed by a form of negligence, or for no more than four years for one or several negligent crimes (except for grave crimes) (this provision applied to minor and less serious crimes before the amendment); the court may suspend the execution of a sentence for a period from one to three years. Execution of a sentence may be suspended, if the court decides that there is a sufficient basis for believing that goals of the sentence will be achieved without actually serving the sentence. This amendment allows for a broader application of alternative sanctions. The presented statistics reveals that the number of persons subject to the suspension of the execution of a sentence increased in 2015 and 2016.

150. Amendments to the CCP, the Code of Enforcement of Punishments and laws on enforcement of arrests entered into force on 1 September 2015 and 1 April 2016.

151. Convicted persons who agree to be subjected to intensive supervision may file with the Commission of the Release on Bail from a Correctional Institution applications for release on bail from a correctional institution no earlier than nine months before the time when they will actually have performed the set minimum imprisonment sentence (this term was six months before the amendment). Consents of convicted persons to application of intensive supervision shall be indicated in the applications for release on bail from a correctional institution.

152. The revised version of Article 157 (1) of the Code of Enforcement of Sentences contains several minor but important amendments, i.e. they set out that release on bail may apply to convicted persons with a low risk of criminal behaviour and/or a progress in the reduction of this risk; also the condition that a convicted persons shall have completed all the measures provided for in social rehabilitation plan (i.e. completed process) was repealed, indicating that a person shall perform the mentioned measures, i.e. his current behaviour shall indicate that he will act in observance of laws and will not commit a crime.

153. Another novelty that entered into force in 2016, is that the Commissions shall be elected and function for two rather than one year. Each newly formed Commission shall also comprise representatives of Probation Services, thus recommendations provided by the Commission to court for the setting of probation conditions have been taken into account more responsibly, without disregarding risk assessment results when setting of formal probation conditions.

154. Changes in the regulation of release on bail from a correctional institution had to promote the application of the institute of release on bail, however, the share of persons released on bail significantly decreased.

155. The CPC regulation, as amended since 1 January 2015, allowed applying the institute of social study conclusions more widely. Article 2531 of the CPC establishes that considering the application of a prosecutor, a convicted person or his/ her defendant, also at his/ her own discretion, a judge (this could have been done by court only before the amendment entered into force) may delegate the probation service the preparation of a social study conclusion by his/ her ruling (before the amendment entered into force, the conclusion could have been drafted only when a person was accused of committing a minor, less serious or negligent crime). Also, the court shall set the term of at least 20 working days for drafting a social study conclusion.

156. On 1 April 2015, the Law on mutual recognition and enforcement of judgments in criminal matters by Member States of the European Union came into force, on the basis of which judgements of other EU member states courts and other competent authorities

regarding sentences unrelated to imprisonment and judgements on probation may be recognized and enforced in the Republic of Lithuania. Moreover, judgements on sentences unrelated to imprisonment and judgements on probation and judgements on probation passed by courts of the Republic of Lithuania may be transferred for enforcement to other EU member states. This Law allows persons to serve the sentence in the state of their residence, when an imposed sentence is unrelated to imprisonment or probation.

157. Currently, applying restorative justice principle for the persons on probation in the probation system, mediation is used in search for a peaceful resolution between conflicting parties. It should be noted that mediation is applied free of charge not only to persons under the supervision of probation services, but also to all stakeholders seeking to resolve disputes in a peaceful manner.

158. The beginning of the development of the institute of mediation in the Lithuanian sentence execution system can be linked to the application submitted at the initiative of Vilnius County Probation Service for the project “Implementation of Mediation in Probation Services (MIPS)” under the measure “Development and Implementation of Mediation Programme in Criminal Justice” of the programme “Correction, including Sentences without Imprisonment” financed from the funds of the Norwegian Financial Mechanism 2009 – 2014 and having received financing of LTL 1 338 300.13 (EUR 387 598.51). In the course of the project, in 2014 – 2016, mediation rules were created and approved, 82 specialists (14 mediators and 68 probation service officers) were trained and provided mediation services to 2 084 persons, i.e. performed 1 011 mediation cases, of which 892 were successful, because mutual agreements were reached and registered. Having successfully implemented the project, county probation services of five major cities have continued activities of mediation institute since 2 May 2016 employing mediators. The aim of the institute of mediation is to use the good practice and resources accumulated in the course of the project. In May 2016 – March 2017, mediation services were provided to 1 843 people, implementing 920 mediation cases, of which 723 were successful, with parties having signed agreement protocols.

159. For further information on statistics regarding alternatives to detention, see Annex no. 2, paragraphs 19-20.

Replies to Committee’s question No. 18

Release on bail and pre-trial detention

160. For further information on statistics, see Annex no. 2, paragraphs 21-23.

Replies to Committee’s question No. 19

Asylum seekers and detained foreigners

161. For information regarding statistics, see Annex no. 2, paragraph 24.

Grounds and length of detention

162. The Law on the Legal Status of Aliens of 29 April 2004 provides grounds for the detention of immigrants. Foreigners may be detained to prevent their arrival to Lithuania without a permit; when they arrived to the Republic of Lithuania unlawfully or unlawfully stay in the country; when the aim is to return a foreigner, who is not allowed to enter the Republic of Lithuania, to the state from which he came from; when a foreigner is suspected of using forged documents; when a decision is made to deport the foreigner from the Republic of Lithuania; when the aim is to prevent dangerous contagious diseases from spreading; when the presence of the foreigner in the Republic of Lithuania poses threat to state security, public order or human health.

163. Asylum seekers may be detained only in order to identify and/or check their identity or nationality; to find out the motives forming the basis for their application for asylum, when information on motives cannot be received without detaining asylum seekers and there are grounds to believe that the asylum seeker may hide seeking to avoid his/ her return to a foreign country or deportation from the Republic of Lithuania; when a foreigner detained in order to return him/ her to a foreign state or deport him from Lithuania files an application for asylum, and there is a serious likelihood that the application has been filed

solely with the aim to postpone or interfere with the enforcement of the decision to return him/ her to the foreign country, and the foreigner already had an opportunity to take advantage of the procedure for receiving asylum; when an asylum seeker poses threat to the state security or public order.

164. The Law on the Legal Status of Foreigners provides the length of detention of foreigners. A foreigner may be detained for no more than 48 hours at a written decision of a police or another law enforcement officer. A foreigner may be detained for more than 48 hours by a court decision in the State Border Guard Service. A foreigner cannot be detained for more than 6 months, except for cases when he/ she refuses to cooperate in order to deport him/ her from the Republic of Lithuania (refuses to present his/ her data, provides misleading information, etc.) or when the documents necessary to deport the foreigner from the territory of the state are not received. In such cases, the detention term may be extended for an additional period no longer than 12 months. Pursuant to the provisions of this law, detention of asylum seekers shall be as short as possible, and shall not take longer than necessary.

165. Information on detention conditions of immigrants and asylum seekers, including information in relation to access to adequate space, light, water and sanitation, health care and adequate food, is available in replies to Committee's question No. 15.

Possibility to challenge decisions

166. Laws of the Republic of Lithuania establish that a foreigner shall be entitled to appeal a decision of a court to detain him/ her or to extend the period of his/ her detention, or to apply an alternative detention means to the Supreme Administrative Court of Lithuania within 14 days from the day of delivery of the decision. The appeal may be filed via the State Border Guard Service, which shall transfer the foreigner's appeal to the Supreme Administrative Court of Lithuania.

167. Laws also establish that upon the disappearance of the grounds for the detention of a foreigner, the foreigner shall be entitled and the institution where the foreigner is detained shall immediately address the county court according to the place of presence of the foreigner with a request to review the decision to detain the foreigner. Upon the disappearance of the grounds for the detention of an asylum seeker, the institution where the asylum seeker is detained shall immediately address the county court according to the place of presence of the asylum seeker with a request to review the decision to detain the asylum seeker. If the foreigner, who has been detained to prevent him/ her from arriving to the Republic of Lithuania without a permit, or who has been detained for illegal crossing of the border or illegal presence in the Republic of Lithuania, files an application for asylum, the State Border Guard Service shall immediately address the county court with a request to review the decision to detain the asylum seeker. If there no longer is a reasonable likelihood of the foreigner being deported from the Republic of Lithuania for legal or other objective reasons, the institution, where the foreigner is detained, shall address the county court according to the place of presence of the foreigner with a request to review the decision to detain the foreigner. Having received a request to review the decision to detain the foreigner of the foreigner or the institution where the foreigner is detained, the court shall adopt the decision no later than within 10 days from the day of acceptance of the request.

168. In 2015, the Law on the Legal Status of Aliens was supplemented with the provision that a detained asylum seeker shall be immediately informed in writing on the bases of his/ her detention, procedure of appeal of the detention decision and a possibility to receive free legal assistance in the language which he/ she understands.

Alternatives to detention of immigrants and asylum seekers

169. The laws of the Republic of Lithuania establish the right to impose alternatives to detention in special circumstances. Such right is established by Article 115 of the Law on the Legal Status of Aliens, in accordance with which considering the fact that the foreigner has been identified, he/ she does not pose a threat to the security of the state and public order, assists the court in determining his/ her legal status in the Republic of Lithuania and other circumstances, the court may make a decision not to detain the foreigner and to impose a sanction alternative to detention. The Law provides for the following alternatives

to detention: 1) the foreigner shall periodically arrive to a relevant territorial police institution on time; 2) the foreigner shall inform a relevant territorial police institution about his/ her location by means of communication at a specified time; 3) entrust the supervision over the foreigner to a citizen of the Republic of Lithuania or a foreigner legally residing in the Republic of Lithuania who are in a kinship relationship with the foreigner whose detention is being solved, if this person commits to taking care of him/ her and maintaining him/ her; 4) accommodating the foreigner in the State Border Guard Service without any restrictions on the freedom of movement (may be granted to asylum seekers only). In 2016, the alternative to detention - accommodation in the FRC without any restrictions on the freedom of movement - was granted to 17 foreigners, and other measures - to 16 foreigners.

Right to a fair trial and recognition as a person before the law (Articles 14 and 16)

Replies to Committee's question No. 20

Institute of deprivation of legal capacity

170. Amendments to provisions of the Civil Code, the CCP, the Law on State-Guaranteed Legal Aid, the Law on the Prevention and Control of Communicable Diseases in Humans and the Law on Local Self-Government implemented provisions of Article 12 of the Convention on the Rights of Persons with Disabilities, amending legal regulation of the institute of deprivation of legal capacity. The Civil Code sets out new legal institutes of 1) provision of assistance in decision-making and 2) advance instructions. Legal institutes of incapacity and limited capacity were also changed in the Civil Code, creating preconditions for individualizing measures for limiting capacity applicable to a specific person and setting out that person's capacity could be restricted or a person could be recognized incapable in certain areas only, thus also seeking for the highest possible protection of person's rights and the lowest possible restriction of capacity as well as for proportionality and validity of this restriction. The CCP sets out additional procedural guarantees for implementing and defending rights of persons recognized incapacitated or of limited capacity.

State-guaranteed legal aid

171. The Law on State-Guaranteed Legal Aid ensures a possibility for involuntary hospitalized and treated persons, as well as persons subject to the necessary hospitalization and / or necessary isolation and persons recognized incapacitated to take advantage of state-guaranteed secondary legal aid.

172. The Law on State-Guaranteed Legal Aid provides an exhaustive list of persons that are entitled to the secondary legal aid irrespective of property and income levels for receiving legal aid set by the government.

173. Considering the jurisprudence established by the ECtHR, the Civil Code and the CCP provides for a possibility for a person recognized to be incapacitated to address the court himself/ herself for being recognized of full capacity not more than once per year.

174. It should be noted that considering the performance report of the State-Guaranteed Legal Aid Service of 2016, the service was addressed 1 072 times for secondary legal aid in accordance with Article 12 (5) of the Law on State-Guaranteed Legal Aid, 622 times — in accordance with Article 12 (7) and 2 116 times — in accordance with Article 12 (12).

175. The working group was formed by the order of the Equal Opportunities Ombudsman on 1 June 2016 for the improvement of the Convention on the Rights of Persons with Disabilities and recommendations for the implementation of its Optional Protocol. The purpose of the working group is to present proposals and prepare draft legislation on the functions of the Equal Opportunities Ombudsman in the implementation of the mechanism for the coordination and monitoring of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Right to protection of privacy, family, home and correspondence (Article 17)

Replies to Committee's question No. 21

Protection of personal data

176. The relevant legal acts that set out the requirements for lawful management of personal data both for private and state sector are: the Law on Legal Protection of Personal Data, Law on Legal Protection of Personal Data Managed by Way of Police and Judicial Cooperation in Criminal Cases and Law on Electronic Communications (Chapter IX). Violations of these laws shall be subject to liability provided for therein. Personal data shall be provided to the data recipient in cases provided for by law according to a personal data provision agreement signed by the data manager and the data recipient (in case of multiple provision of data) or a request of the data recipient (in case of a one-time provision of data). Pursuant to the Law on Legal Protection of Personal Data, both the personal data provision agreement and request of the data recipient shall, among all other things, indicate the legal basis for the provision and receipt of personal data so that the data provider could properly assess the lawfulness of the provision of personal data.

177. The State Data Protection Inspectorate, which performs preventive supervision of data managers (conducts routine inspections of lawfulness of management of personal data, advance inspections and registration of data managers in the course of which the lawfulness of planned personal data management is also assessed), supervises over the enforcement of the mentioned laws, provides advice and raises public awareness, examines personal complaints, issues permits to provide personal data to third parties and approves draft legal acts and documents of data managers governing personal data management.

178. The State Data Protection Inspectorate does not collect statistical information by the criterion "Complaints regarding unlawful collection of personal data", thus only information on the total number of complaints is available: 270 complaints were received and examined in 2010, 238 complaints were received and 256 were examined in 2011; 332 complaints were received and 324 - were examined in 2012; 343 complaints were received and 327 - were examined in 2013; 505 complaints were received and 421 - were examined in 2014; 416 complaints were received and 420 - were examined in 2015, and 443 complaints were received and 441 - were examined in 2016.

Freedom of thought, conscience and religion (Article 18)

Replies to Committee's question No. 22

Alternative national defence service

179. Conditions of alternative national defence service (hereinafter — ANDS) are governed by the Law on National Conscription and respective legislation - orders - of the Minister of National Defence. Considering the Law on National Conscription, military conscripts willing to serve in ANDS shall file a written application for completing ANDS before the start of the recruitment for the continuous mandatory military service, and military conscripts enrolled in the list of military conscripts of the calendar year, - before the expiry of the deadline for the submission of documents specified in the list. This application shall be based on religious or pacifist beliefs that do not allow serving with a weapon. The Law establishes that military conscripts shall serve the ANDS in state or municipal institutions or establishments doing social work. They are appointed to work that does not require the use of a weapon, special measures and coercion. Military conscripts serving the ANDS are subject to the same accommodation conditions (except for the provisions of living quarters and uniform) as those applicable to conscripts engaged in mandatory military service that are set out in the Law on Organizing the National Defence System and the Law on Military Service. Military conscripts that serve in ANDS may, at their request, be provided with common living quarters in the procedure prescribed by the Government or its authorized institution only when their place of work is in the territory of the municipality other than their permanent place of residence. The duration of the ANDS is 10 months. 13 applications for ANDS have been submitted since 2015 (5 - in 2015, 1 - in 2016 and 7 - in 2017).