



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

Distr.: General  
3 May 2019

Original: English

---

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

### Summary record (partial)\* of the 2721st meeting

Held at the Palais des Nations, Geneva, on Tuesday, 30 April 2019, at 3 p.m.

Chair: Mr. Amir

## Contents

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

*Combined ninth and tenth periodic reports of Lithuania*

---

\* No summary record was prepared for the rest of the meeting.

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-07105 (E) 020519 030519



\* 1 9 0 7 1 0 5 \*

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



*The meeting was called to order at 3 p.m.*

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

*Combined ninth and tenth periodic reports of Lithuania* ([CERD/C/LTU/9-10](#) and [CERD/C/LTU/Q/9-10](#))

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

2. **Mr. Germanas** (Lithuania), introducing his country's combined ninth and tenth periodic reports ([CERD/C/LTU/9-10](#)), said that Lithuania had for centuries been home to people of various nationalities, cultures and religions. The existence of a multicultural tradition provided an invaluable foundation for the promotion of tolerance. Although ethnic minorities made up a relatively small proportion of the population – 13 per cent – they had always been a vital and integral part of the nation and its culture and had greatly contributed to the development of a modern and democratic State. The principles of multiculturalism, tolerance and democracy were enshrined in the country's Constitution, and its national legislation was in compliance with international human rights standards, including the prohibition of discrimination on the basis of race or ethnicity.

3. His Government attached great importance to fighting discrimination, hate crime and hate speech. One of the main activities of the Office of the Inspector of Journalist Ethics was to prevent expressions of hatred in public information. To that end, the Office was working to build the capacity of civil society to identify and report hate speech on social media outlets such as Facebook and Twitter. It had conducted a public information campaign to raise awareness about hate speech and to inform the public about mechanisms for reporting hate speech on the Internet. It had also organized workshops for teachers and social workers. However, legal regulation problems persisted, and a lack of efficient procedures hindered the examination and investigation of complaints.

4. With a view to strengthening support for victims of crimes, including hate crimes, the Ministry of Justice had prepared an amendment to the Law on the Compensation of Victims of Violent Crimes. The amendment was designed to implement a European Court of Justice ruling and ensure immediate compensation to victims for damage caused by violent crimes. The Law Amending the Law on State-guaranteed Legal Aid, adopted in June 2018, stipulated that victims were entitled to legal aid, including the services of a lawyer, irrespective of their ability to pay.

5. Efforts to develop a comprehensive policy on human trafficking continued. Lithuania was a party to the Council of Europe Convention on Action against Trafficking in Human Beings and its Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the Government had taken steps to implement their provisions, including the introduction of strict liability for trafficking in human beings and for the purchase or sale of a child. The steady increase in pre-trial investigations and in the number of offenders convicted attested to the effectiveness of the policy measures adopted. Victim support had been strengthened through training for law enforcement officers and the allocation of funding to non-governmental organizations (NGOs) that provided social support to victims of human trafficking. Such support had been provided to 200 victims between 2010 and 2018. Diplomats of the Ministry of Foreign Affairs had received training aimed at heightening their awareness of trafficking and other forms of exploitation, including domestic servitude. Media workers had been given information about how to report on the issues of human trafficking and labour exploitation.

6. The Constitution of Lithuania established the right to education for all citizens, irrespective of race, ethnicity or gender. Foreign nationals who had been granted permanent or temporary residence in Lithuania enjoyed the same right. Education at State and municipal schools up to the secondary level was free of charge. Human rights education was included in the school curriculum at both the primary and secondary levels, and a citizenship education programme promoted acceptance of cultural diversity, tolerance and respect for the rights of national minorities. In 2018, 36,000 students from ethnic minorities had exercised their right to receive instruction in their native language. Although the

problem of non-attendance by Roma children persisted, there had been some improvement. In the municipality of Vilnius, for example, the attendance rate of Roma children had risen by more than 65 per cent.

7. Lithuania had supported the adoption of the Global Compact for Migration and the global compact on refugees and was contributing actively to international efforts to address global migration and refugee challenges. At the national level, the Ministry of Social Security and Labour was continuing its efforts to improve legislation related to the integration of and reception conditions for asylum seekers and refugees. An action plan on the integration of foreigners into society, adopted in December 2018, sought to eliminate discrimination against foreigners and improve their access to education, employment, and social and health services. Since 2015, support had been provided to 1,279 persons through the national programme for the European Union Asylum, Migration and Integration Fund 2014–2020.

8. Legislation establishing the principle of non-discrimination and equal treatment was implemented through an action plan for the promotion of non-discrimination. A number of activities had been carried out under the action plan in 2018, including training and education events for employers on equal opportunities and non-discrimination; training for teachers working in schools where instruction was offered in national minority languages; seminars on Roma integration and cultural diversity for staff of schools attended by Roma children; and awareness-raising campaigns on the integration of foreigners, understanding of diversity and promotion of intercultural dialogue through the “Lithuanian Identity – Mosaic of Nations” project.

9. After receiving accreditation as the national human rights institution, the Seimas (parliament) Ombudsmen’s Office had assumed a range of new functions related to monitoring, submission of reports to international organizations and inquiry procedures. The Office was consulting with civil society on how to improve cooperation with a view to carrying out its new functions in a more efficient manner. The Office and civil society organizations had been actively involved in the process of preparing the combined ninth and tenth periodic reports, and before travelling to Geneva the delegation had met with civil society representatives and received a number of recommendations and some critical remarks, with which it generally concurred.

10. One of the best examples of the Government’s fruitful cooperation with NGOs was the first-ever National Forum on Human Rights, held in 2018. The discussions at the event had focused on the human rights situation in Lithuania. Another forum was planned for 10 December 2019, Human Rights Day, and it was hoped that the forums would become an annual event.

11. The delegation believed that progress had been made since the submission of the combined sixth to eighth periodic reports of Lithuania to the Committee but was aware that improvement was still needed in many areas. It looked forward to an interactive exchange with Committee members and would pay due attention to the Committee’s comments and recommendations.

12. **Ms. Li** (Country Rapporteur) said that there had been a number of positive developments in the State party since the review of its combined sixth to eighth periodic reports by the Committee in 2015. Its national human rights institution, the Seimas Ombudsmen’s Office, had been accredited with category A status by the Global Alliance of National Human Rights Institutions in March 2017, and it had been entrusted with new monitoring and reporting functions in early 2019. The Committee welcomed the adoption in December 2018 of the Action Plan on the Integration of Foreigners into Society 2018–2020; the ongoing implementation of various action plans and programmes for the integration of Roma into Lithuanian society; and the preparation of the draft Law Amending the Law on State-guaranteed Legal Aid, guaranteeing free legal aid for the victims of hate crimes.

13. A number of issues required further clarification, however. It would be helpful if the State party could explain how the legal definition of racial discrimination was interpreted by the courts and provide examples of cases and decisions demonstrating that discrimination on all the grounds listed in the Convention was prohibited in practice.

Moreover, she would be grateful if the State party could clarify which authorities had the power to interpret the law. Further information regarding the progress made towards the adoption of the draft Law on National Minorities and any relevant plans or strategies would be welcome.

14. She would also appreciate further information regarding the mandate and funding of the national human rights institution. In addition, it would be useful to hear the delegation's comments on reports of underfunding of the Office of the Equal Opportunities Ombudsperson and other human rights bodies and programmes, and to receive further information regarding the State party's policy on funding human rights activities in general.

15. She would be interested to hear the delegation's comments on reports of the use of hate speech and incitement to hatred against vulnerable groups – including migrants, refugees and Muslims – by politicians and media professionals. Did the State party plan to take broader measures and allocate more resources to tackle that issue? Moreover, she would welcome comments on reports of shortcomings in the recognition and investigation of hate crimes and inadequacies in the training of public officials in that regard. Information on any future strategies or plans targeting hate crimes would be welcome.

16. The Committee had received reports that Roma continued to suffer from discrimination in areas such as housing, education and employment. She would be grateful for further information regarding the State party's plans to relocate Roma living in the municipality of the City of Vilnius to a newly constructed village, which could further contribute to their stigmatization and exclusion from society. Information regarding any recent developments related to the Kirtimai settlement would also be appreciated. In addition, she would welcome further information on the education of Roma children and any steps that the State party planned to take to improve their situation in that regard.

17. In relation to the situation of refugees, asylum seekers and stateless persons, she wished to know whether the State party had plans to require border guards to register and refer all asylum applications to the asylum authorities, and to conduct impartial investigations into all cases of the alleged denial of entry into Lithuanian territory and access to the asylum procedure. In the light of reports that the reception capacity of Lithuania was insufficient, she was interested to know whether the State party planned to earmark further resources to improve accommodation and other reception support arrangements for asylum seekers. It would also be useful to know what measures the State party planned to take to identify stateless persons and to reduce and prevent statelessness.

18. **Mr. Kut** (Follow-up Coordinator) said that he welcomed the timely submission of the State party's interim report ([CERD/C/LTU/CO/6-8/Add.1](#)) on its follow-up to the recommendations contained in paragraphs 7, 27, 31 and 36 of the Committee's previous concluding observations ([CERD/C/LTU/CO/6-8](#)). In the light of the recommendation made in paragraph 7 of the concluding observations, he regretted the delay in the adoption of the draft Law on National Minorities. The Committee would follow the continued progress of the adoption process very closely. With regard to the recommendation made in paragraph 27, he appreciated the statistical information regarding stateless persons provided in paragraphs 102 to 110 of the State party's combined ninth and tenth periodic reports. However, very few stateless persons had been naturalized between 2014 and 2016. The State party should address the issue of statelessness with increased urgency. In relation to the recommendation made in paragraph 31, he welcomed the information provided in paragraphs 129 to 131 of the State party's latest combined periodic reports, clarifying that victims of racial discrimination did not have a right to compensation through the Fund for Victims of Crime and could seek compensation by way of civil proceedings only, because racial discrimination was not considered to be a violent crime. It would be useful to know, however, whether such practice was consistent with the relevant European Union directives on the rights of victims of crime. Concerning the recommendation made in paragraph 36, he was happy to note that the State party had ratified the amendment to article 8 of the Convention. He also wished to commend the novel and helpful way in which the State party had responded, in its latest combined periodic reports, to the note verbale that the Committee had sent in response to its interim report.

19. **Ms. Dah** said that she noted that Lithuania regularly appeared before the Committee, which enhanced the quality of the continuing dialogue. However, she hoped that, in the future, information of interest, such as the surprising number of national minorities, would be provided in an updated core document. She asked whether the State party's unusual system of legal aid had been developed by supplementing the previous system or by completely overhauling and replacing it. She would appreciate further details on the circumstances in which legal aid was provided.

20. Noting that the number of disclosed crimes of trafficking in persons had risen in recent years and that most trafficking cases related to non-sexual exploitation, she would appreciate an explanation of the State party's reasons for not ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), aside from the mention in the reports that Lithuania relied on European legislation to provide protection for migrant workers' rights. In her view, the Domestic Workers Convention was extremely important for countries that had problems with exploitation of domestic workers, which often went hand in hand with trafficking in persons. She also wished to know what progress the State party had made in raising awareness of its efforts to combat trafficking, in line with the Committee's previous concluding observations.

21. Appreciating the State party's emphasis on human rights education, which was provided to children from an early age and continued as they progressed through the school system, she believed that such an approach should be replicated by other countries. However, it was regrettable that representatives of the national human rights institution were not present. She hoped that it would be represented at future appearances of Lithuania before the Committee, in order to report on its efforts to raise awareness and to promote social harmony, which was all the more important in a country that had many national minorities.

22. **Mr. Avtonomov** said that it was important to note that the report had been submitted on time. He supported Ms. Dah's comments on the ratification of ILO Convention No. 189, which could contribute to ensuring the decent work of domestic workers – a group with which the Committee was concerned, because they were mostly foreign nationals who did not enjoy union protection.

23. Noting that a European Union report on non-discrimination stated that antidiscrimination programmes in Lithuania were regularly underfinanced, he would be grateful for information on the specific steps taken to implement the Inter-institutional Action Plan for Promotion of Non-discrimination for 2011–2019 and on the impact of such steps. He would also appreciate information on the number, nature and outcomes of cases of discrimination, including sanctions imposed and remedies provided.

24. Furthermore, while he had been pleased to learn that Roma people participated in counselling sessions, benefited from information services and took part in active labour market policy measures, and that the Action plan for 2015–2020 contained measures in favour of Roma integration, he was concerned that, according to the 2016 report of the European Commission against Racism and Intolerance, the social marginalization of Roma was still evident, particularly in the areas of education and employment. The Committee would therefore be grateful for additional information on steps taken in the framework of the Action plan for 2015–2020, and the impact thereof. He would also appreciate receiving figures showing the number of cases in which persons belonging to national and ethnic minorities, including Roma, had experienced racial stereotyping and discrimination in education and employment, and the number of cases reported to the Equal Opportunities Ombudsperson and the courts, as well as the remedies provided.

25. It was interesting to note that article 147 of the Criminal Code criminalized trafficking in persons for sexual and labour exploitation and established penalties ranging from 2 to 12 years' imprisonment, while also providing for the release of victims of trafficking from criminal liability and criminalizing the use of forced labour or services provided by victims of human trafficking. He would welcome information on the protection and assistance provided to the victims of human trafficking, including the number of victims who had benefited from protection. Information should also be provided on the implementation of the Inter-institutional Action Plan for Anti-Trafficking in Human Beings

2017–2019 and on the activities of the high-level Commission for Coordination of the Fight against Trafficking in Human Beings.

26. **Ms. Shepherd** said that she congratulated the State party on providing human rights education at various levels of the school system. Having studied cases in which schoolchildren displayed intolerance of differences, she considered that efforts to combat bullying and to teach respect for diversity were particularly commendable.

27. She had recently read the report of the European Union Agency for Fundamental Rights entitled “Being Black in the EU” and had observed that Lithuania was not among the European Union member States in which immigrants of African descent had been surveyed for the purposes of the report’s analysis. She wondered whether the State party viewed its non-inclusion in the report in a positive light, in that anti-black racism was not perceived as a problem in Lithuania or that the country’s efforts to eliminate racial discrimination and to teach understanding were seen as effective. She asked whether the Government maintained statistics on the number, sex and country of origin of people of African descent. Had the authorities received any complaints of anti-black racism and, if so, how did it manifest itself? Was it directed against migrants, refugees and asylum seekers, and did it take place in the workplace or on the sports field?

28. **Mr. Yeung Sik Yuen** said that he wished to know how the State party was progressing in the preparation of the new draft law on national minorities and when the bill might be submitted to the Seimas. He, too, regretted the absence of representatives of the Seimas Ombudsmen’s Office which, as a national human rights institution accredited with A status, would have been given the opportunity to address the Committee.

29. In view of the statement in the State party’s latest periodic reports that it was not possible to retrieve information on pretrial investigations related to hate speech and incitement to hatred emanating from politicians or the media, owing to the insufficient functionality of the Prosecutor’s Office Information System and the Integrated Criminal Procedure System, he asked whether the authorities planned to upgrade those systems. Moreover, noting that a total of 323 pretrial investigations had been opened into such offences between 1 January 2014 and 30 September 2017 – a period of 45 months – he asked why it was not possible to identify cases concerning politicians and the media by physically examining the charge sheets. Since the report mentioned that convicted persons had been handed fines of between 2 and 100 minimum subsistence level indicators – a term that was unfamiliar to the Committee – he requested the delegation to state the current value of the minimum subsistence level indicator in euros. He took note of the prison sentences handed down in nine cases.

30. Given that the reports suggested that Roma were more likely than non-Roma not to be covered by compulsory health insurance, he asked whether compulsory health insurance was contributory and, if so, whether contributions were paid as a percentage of earnings and were retained at source by the employer. What were the consequences of not being covered by compulsory health insurance, especially for those who were not gainfully employed?

31. Echoing Mr. Kut’s concern that the number of stateless persons had not fallen significantly in recent years, he wondered whether Lithuania could do more to address the situation. Lastly, concerning the information that, between 2014 and 2016, a total of 276 persons had had their Lithuanian citizenship restored, he asked why it had been removed in the first place.

32. **Mr. Calí Tzay** said that he was impressed by the way in which Lithuania had preserved its diverse population, despite the population displacement that had occurred under the Soviet regime. The Committee’s aim was not to pass judgment on the State party, but rather to learn more about and assist with its implementation of the Convention. He was pleased to see that 7 of the 10 members of the delegation were women and wondered how many members of the delegation were representatives of ethnic minorities.

33. With reference to the common core document of 1998 ([HRI/CORE/1/Add.97](#)), he asked whether the figures mentioned in paragraph 2 of that document, on the ethnic composition of the population, were still valid and how the large number of ethnic groups

in Lithuania were distributed throughout the territory. Given that those groups presumably spoke a variety of languages, it was interesting that the head of delegation had made no reference to multilingualism in his opening statement. He wondered whether the State party had considered ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Lastly, with regard to the more than 365 cases of racial discrimination that had been reported, he would like to know how many of those cases had led to a ruling, what penalties had been imposed in the cases that had been successfully prosecuted, and which party bore the burden of proof in such cases.

34. **Mr. Diaby** asked whether Lithuania was planning to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Noting the increase in literacy among the Roma community, he asked whether the number of Roma in university or employment had increased as a result. Lastly, he asked what steps would be taken to remedy the fact that 24 per cent of Roma were not covered by the compulsory health insurance.

35. **Ms. Verdugo Moreno** said that, although a law had been passed in 2009 to establish discrimination as an aggravating circumstance in criminal cases, no data had been provided to the Committee on cases that had been prosecuted under that law. She would like to know whether any such cases had indeed been prosecuted, and whether the corresponding data had been collected. In addition, she would welcome more information on the steps that were being taken to encourage reporting of hate crimes and to improve access to justice for victims.

*The meeting was suspended at 4.55 p.m. and resumed at 5.15 p.m.*

36. **Mr. Germanas** (Lithuania) said that the Government was working to update the figures contained in its common core document.

37. **Ms. Montvydaitė** (Lithuania) said that, since 2010, several versions of the bill on national minorities had been submitted to the parliament. Within the parliament and within society, there were differing opinions as to how a national minority should be defined and what the policy in that area should be. For several years, the National Minorities Department had been liaising with lawyers, academics and representatives of national minorities in the hope of building consensus. The Council of National Communities, which represented 26 minorities, felt that the bill should contain a closed list of registered national minorities, whereas many lawyers and human rights defenders believed that the bill should extend protection to all nationalities. The Government would like to learn more about how other countries had addressed the issue, and it had identified seven countries that had adopted specific laws on national minorities, all of which contained closed lists. It was in favour of adopting a broader approach, but it could not ignore the views of national minorities themselves.

38. At present, the rights of national minorities were protected by various pieces of legislation, such as the law on the spelling of names, and any group of persons wishing to represent their own nationality, however small, could register as an organization and carry out activities to preserve their national culture and identity. National minorities lived mainly in large cities, where employment could easily be found, and in cities that had been industrial centres under the Soviet regime. Thus, the population of Vilnius comprised over 120 nationalities, while that of Klaipėda, a port city, included 76 nationalities. Some minorities, such as the Hungarian community, were small but nonetheless very active. The National Minorities Department engaged in cooperation with representatives of all national minorities living in Lithuania.

39. **Mr. Germanas** (Lithuania) said that several versions of the bill were before the parliament but no agreement had been reached.

40. **Ms. Montvydaitė** (Lithuania) said that the next deadline in the legislative process was 7 June 2019. A new draft of the bill on national minorities would be prepared and circulated among the relevant institutions and ministries.

*The discussion covered in the summary record ended at 5.30 p.m.*