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Committee on the Elimination of Racial Discrimination**Concluding observations on the combined ninth and tenth periodic reports of Lithuania***

1. The Committee considered the combined ninth and tenth periodic reports (CERD/C/LTU/9-10), submitted in one document, at its 2721st and 2722nd meetings (see CERD/C/SR.2721 and 2722), held on 30 April and 1 May 2019. At its 2735th meeting, held on 9 May 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the ninth and tenth periodic reports of the State party. The Committee expresses its appreciation for the frank and constructive dialogue with the State party's high-level delegation. The Committee wishes to thank the delegation for the information provided during the consideration of the report and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The accreditation of the Seimas Ombudsmen's Office as "A status" national human rights institution and the subsequent adoption of the Law on the Seimas Ombudsmen on 7 December 2017;

(b) The adoption of the Action Plan on the Integration of Foreigners into the Society 2018-2020 on 21 December 2018;

(c) The adoption of the Non-discrimination Promotion Action Plan 2017-2019 on 15 May 2017;

(d) The adoption of the Inter-institutional Action Plan for Anti-Trafficking in Human Beings 2017-2019 on 29 August 2016;

(e) The adoption of the Programme for the Integration of the Roma Community living in Vilnius City Municipality into the Society for 2016-2019 on 19 April 2016.

4. The Committee welcomes the ratification by the State party of the amendment to Article 8(6) of the International Convention on the Elimination of All Forms of Racial Discrimination, on 12 January 2017.

* Adopted by the Committee at its 98th session (23 April – 10 May 2019).

C. Concerns and recommendations

Statistics

5. The Committee is concerned about the lack of statistics on the enjoyment of economic and social rights by persons belonging to different ethnic groups and national origins. (art. 2).

6. **The Committee recommends that the State party collect statistics on the social and economic situation of persons belonging to different ethnic and national minorities, disaggregated by sex, age and other relevant indicators, in order to acquire the necessary empirical data to design policies and measures aiming at enhancing the equal enjoyment of rights under the Convention.**

National human rights institutions

7. The Committee takes note that, in 2017, the Seimas Ombudsmen's Office acquired new areas of competences in virtue of the amended Law on the Seimas Ombudsmen and the mandate of the Office of the Equal Opportunities Ombudsperson was extended to include prevention and educational activities. However, the Committee is concerned about the limited resources allocated to these two institutions, which may hinder their capacity to adequately perform their mandate and additional competencies in an independent manner (art. 2).

8. **The Committee recommends that the State party allocate sufficient funding:**

(a) **To the Seimas Ombudsmen's Office so that it can effectively and independently fulfil its mandate, including in the new areas of competences defined in the amended Law on the Seimas Ombudsmen, in full compliance with the Paris principles;**

(b) **To the Office of the Equal Opportunities Ombudsperson so that it can take up its preventive and education competences.**

Definition of racial discrimination

9. The Committee is concerned that the State party has not yet included "colour" and "descent" among the prohibited grounds of discrimination in the Law on Equal Treatment and the Criminal Code. (art. 1).

10. **The Committee recommends that the State party amend the Law on Equal Treatment and the Criminal Code to introduce colour and descent as prohibited grounds of discrimination, in order to bring them in line with article 1(1) of the Convention.**

Hate speech and incitement to hatred

11. The Committee is concerned about the strong prejudices and negative sentiments prevailing in the State party towards members of vulnerable and minority groups, in particular migrants, Muslims and Roma. It is also concerned that hate speech and incitement to hatred targeting these groups, as well as, anti-Semitic speech, have been used in the media, including online media, and in the political sphere (arts. 2, 4 and 7).

12. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party intensify its public campaigns to combat hate speech, incitement to hatred and hate crimes, to address prejudice and negative sentiments towards national minorities and migrants and to promote tolerance and understanding towards these groups, in cooperation with the civil society and representatives of the most affected communities. The Committee also recommends that the State strengthen the training of journalists on how to avoid the use of hate speech and stereotypes towards communities, with the involvement of the Office of the Inspector of Journalist Ethics.**

Prosecution of racially motivated crimes

13. The Committee is concerned about the low level of reporting of hate speech and hate crimes incidents in the State party and about the fact that these crimes are not always registered and investigated as such. It is also concerned about the lack of available data on pre-trial investigations for hate speech and incitement to hatred involving politicians or the media. The Committee is also concerned that the data on cases related to discrimination, hate speech and hate crimes (particularly cases related to articles 169, 170, 171, 312, 129, 135 and 138 of the Criminal Code), are not disaggregated by prohibited grounds, hence limiting knowledge about the prevalence of these crimes in various spheres. In addition, the Committee notes with concern that while an effort to train law enforcement and judicial officers has been conducted in the past few years, the number of professionals trained remains low (arts. 4 and 6).

14. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) Take measures to encourage and facilitate the reporting of hate speech and hate crimes, including by raising public awareness about access to legal aid and available legal remedies and ensuring that the perpetrators are adequately prosecuted and punished;

(b) Strengthen the capacity of law enforcement officers, prosecutors and judges to investigate and prosecute cases of hate crimes and hate speech and to collect disaggregated data on these crimes, including by expanding the number of training provided and the number of persons trained;

(c) Collect statistics on investigated cases of hate crimes and incitement to hatred emanating from politicians and from the media, including on the Internet;

(d) Enhance the data collection system in order to allow the collection of data disaggregated by prohibited grounds in cases of discrimination, hate speech and hate crimes.

Reparations for victims of racially motivated crimes

15. The Committee is concerned that the current law on compensation for victims of violent crimes does not include the crimes defined in articles 169, 170 and 171 of the Criminal Code, hence excluding the victims of these crimes from reparation under the Fund for Crime Victims (art. 6).

16. **Noting that the State party is in the process of amending its legislation related to the compensation of victims of violent crimes to bring it in line with European Union requirements, the Committee recommends that the State party include compensation to victims of discrimination and incitement to hatred falling under articles 169, 170 and 171 of the Criminal Code in the draft Law on the Compensation for Victims of Violent Crimes.**

Situation of Roma

17. While welcoming the adoption of the Action Plan for the integration of Roma into Lithuanian Society for 2015-2020 and noting several improvements in the socio-economic situation of Roma, notably in relation to school attendance and housing, the Committee is concerned that Roma continue to suffer from social exclusion and are disproportionately affected by poverty. It is also concerned about a) the persistently low proportion of Roma children and youth completing basic education and attending tertiary education; (b) the high unemployment rate among Roma, particularly Roma women; (c) the high proportion of Roma living in inadequate housing conditions, despite the successful efforts to resettle Roma families from the Kirtimai neighbourhood; and (d) the lower than average rate of Roma covered by compulsory health insurance and their generally low access to healthcare. Moreover, the Committee notes with concern that infringements to the economic, social and cultural rights of Roma are exacerbated by stereotypes, prejudice and intolerance, leading to discriminations in the fields of employment, housing, healthcare and education (arts. 2, 5 and 7).

18. Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party intensify its efforts towards the integration of Roma into society, within the framework of the Action Plan for the Integration of Roma into Lithuanian Society for 2015-2020. In particular, the Committee recommends that the State party guarantee that sufficient funding and human resources is allocated to the strategy and ensure a higher participation of the Roma community in its implementation, in particular Roma women. Moreover, the Committee recommends that the State party:

(a) Actively combat discrimination against Roma in all spheres, in particular employment and housing, and ensure that those victims of discrimination have access to adequate remedies. With a view to combating prejudices and stereotypes towards Roma people, the Committee recommends that the State party provide training to law enforcement and judicial officers and to journalists on Roma issues. The Committee also recommends that the State party undertake awareness-raising campaigns to promote Roma culture and combat stereotypes and prejudices against Roma people;

(b) Pursue its efforts to promote the enrolment of Roma children in pre-school education and support Roma children and youth's completion of compulsory education and their access to tertiary education, including with language and social skills support. It also recommends that the State party provide young Roma boys and girls with vocational training opportunities adapted to the needs of the employment market. In addition, the Committee recommends that the State party conduct awareness raising campaigns about the importance of education targeted to Roma children and young people and their family;

(c) Continue its efforts to facilitate the access of Roma to adequate housing, including access to social housing and subsidies for house rental, and complete the resettlement of the Roma households living in the Kirtimai neighbourhood. It also recommends that the State party strengthen coordination mechanisms in order to ensure that no house is demolished unless alternative housing or monetary compensation has been provided to the inhabitants;

(d) Increase its efforts to ensure that Roma, particularly Roma women, have access to adequate health care, including by conducting targeted awareness-raising campaigns informing about available health services and the requirements for compulsory health insurance coverage.

Law on national minorities

19. While understanding the complexity of the issues related to national minorities and the need for an inclusive and comprehensive dialogue on this matter, the Committee regrets that, despite the high number of national minorities in the State party and the drafting of several law proposals since the expiration of the former law in 2010, there is still no comprehensive legislative framework guaranteeing the rights of national minorities in the State party (art. 2).

20. **With a view to guaranteeing the protection of the rights of all national minorities, the Committee recommends that the State party accelerate the drafting and the adoption of a comprehensive law on national minorities. It also recommends that the State party ensure that representatives of the different national minorities are consulted in the drafting process.**

Asylum-seekers

21. The Committee is concerned about reports according to which asylum-seekers had been denied entry to the State party's territory or denied access to asylum procedures, including the services of a lawyer. It is also concerned that the capacity of reception centres in the State party remains insufficient to provide adequate housing to newly arrived asylum-seekers, in particular families with children. In addition, the Committee is concerned that the vulnerabilities or special needs of applicants are not systematically taken into account and that no safe spaces for women and girls are provided (arts. 2 and 5).

22. The Committee recommends that the State party:

(a) Ensure that border guards allow persons seeking asylum to enter its territory, register them, promptly refer them to asylum authorities and grant them access to a lawyer if they request so;

(b) Conduct effective and impartial investigations in relation to above-mentioned cases;

(c) Continue to expand the capacity of reception centres and the development of community-based accommodation for asylum-seekers;

(d) Systematically ensure that the housing solutions offered to asylum-seekers correspond to their specific needs, that the vulnerabilities of each resident be assessed, with special attention given to unaccompanied and separated minors and to victims of torture and of gender-based violence, and that safe spaces for women and girls be put in place in each reception centre.

Integration of refugees and beneficiaries of subsidiary protection

23. While welcoming the measures envisaged by the 2018-2020 Action Plan on the Integration of Foreigners into the Society, the Committee is concerned that refugees and beneficiaries of subsidiary protection still face difficulties to fully integrate in the society. The Committee is also concerned that beneficiaries of international protection continue to face prejudice and suffer from discrimination in access to housing, and that the amount of financial support provided to support their integration substantially limits their housing options. (arts. 2 and 5).

24. The Committee recommends that the State party:

(a) Guarantee that each refugee and beneficiary of subsidiary protection benefit from adequate integration measures, including in the field of education, training and employment;

(b) Further combat xenophobia and anti-migrant sentiments in the area of housing and ensure that cases of discrimination against these groups are adequately reported and addressed;

(c) Consider increasing the duration and amount of financial support for the integration of beneficiaries of international protection in order to facilitate their access to adequate housing.

Stateless persons

25. The Committee is concerned about the unsatisfactory level of decrease in the number of stateless persons registered in the State party during the reporting period and about the presence of children among them. In particular, it is concerned that children born in the State party from parents who cannot pass their citizenship to them need to go through a naturalisation process in order to acquire Lithuanian citizenship. The Committee also notes with concern that only stateless persons with a residency permit status are currently included in the statistics about statelessness (art. 2 and 5).

26. The Committee recommends that the State party take concrete measures, including legislative measures, to reduce and prevent statelessness and to facilitate the naturalisation procedure for stateless persons, particularly for persons born in Lithuania. The Committee also recommends that the State party improve its identification mechanism and data collection on stateless persons in order to include those who do not have a residency permit in the official statistics on statelessness.

D. Other recommendations

Ratification of other treaties

27. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Declaration under article 14 of the Convention

28. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

29. In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

30. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party pursue its efforts to implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

31. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

32. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

33. The Committee encourages the State party to update its common core document, which dates to 1 October 1998, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

34. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 12 (combatting hate speech), 20 (law on national minorities), and 22 (reception of asylum-seekers) above.

Paragraphs of particular importance

35. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14 (racially motivated crimes), 18 (situation of Roma) and 26 (statelessness) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

36. The Committee recommends that the State party submit its eleventh to thirteenth periodic reports, as a single document, by 9 January 2023, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.
