

LITHUANIA

CERD A/57/18 (2002)

160. The Committee considered the initial report of Lithuania (CERD/C/369/Add.2) at its 1497th and 1498th meetings (CERD/C/SR.1497 and 1498), on 5 and 6 March 2002, and at its 1520th meeting (CERD/C/SR.1520), on 21 March 2002, adopted the following concluding observations.

A. Introduction

161. The Committee welcomes the initial report submitted by the State party and the additional oral information provided, as well as the opportunity thus offered to initiate a dialogue with the State party.

162. The Committee notes with satisfaction that the State party's report generally conforms to the reporting guidelines of the Committee. The Committee wishes to underline that the report of the State party presents, as expected from initial reports, the legal framework set out to implement the Convention, but contains insufficient information on the practical implementation of the Convention.

B. Positive aspects

163. The Committee notes with satisfaction that since the independence of Lithuania, considerable progress has been achieved in the field of human rights; in particular, the "zero option" in the 1989 Law on Citizenship, which enabled the majority of the population to obtain Lithuanian citizenship, has led to the construction of a more stable society.

164. The Committee welcomes the efforts made by the State party to respect, protect and promote the realization of the cultural rights of persons belonging to national minorities. In particular, the Committee welcomes the State party's willingness to protect the expression of a diversity of identities, while at the same time enhancing the integration of all within society and the realization of the right of each person to participate and contribute to cultural and social life.

165. The Committee also notes with satisfaction that the State party has ratified a large number of international and regional instruments in the field of human rights. The Committee particularly welcomes the announcement made by the delegation concerning the intention of the State party to consider making the declaration under article 14 of the Convention.

166. The Committee notes with satisfaction that a new criminal code, which includes a number of new articles establishing responsibility for crimes of racial discrimination, is shortly to enter into force.

167. The Committee welcomes the initiative taken by the Parliament (Seimas) to amend article 119 of the Constitution of Lithuania and to grant to foreign permanent residents the right to elect and to be elected to local self-government bodies (municipal councils).

168. The Committee notes with satisfaction the effort made by the State party in the field of human rights education for State officials, and welcomes the intention of the State party to disseminate the present concluding observations on the web site of the Ministry for Foreign Affairs.

C. Concerns and recommendations

169. The Committee notes that the explanations of the authorities relating to the status of the Convention at the national level were unclear. Although the delegation stated that national courts could apply directly some of the provisions of the Convention, it also stressed that the adoption of national legislation was necessary. The Committee calls for the rapid incorporation of all the provisions of the Convention into the national legal system, as necessary.

170. The Committee notes that the new Law on Citizenship is more restrictive and requires the applicants to pass tests on the Lithuanian language and the provisions of the Constitution, which may exclude from citizenship persons belonging to certain minorities. In this regard, the Committee requests the State party to include detailed information on the functioning of the new system in its next periodic report.

171. Concern was expressed about the denial of citizenship under article 13 of the Law on Citizenship to persons affected by HIV/AIDS, who may belong to groups vulnerable to racism and racial discrimination.

172. The Committee wishes to receive more detailed information concerning the right to education and the linguistic rights of persons belonging to national minorities, as well as on respect for the principle of equal treatment for all national minorities. The Committee wishes to be informed whether programmes of education on minority cultures are elaborated with the participation of the minorities. The Committee also recommends that the next periodic report of the State party contain more information relating to the participation of national minorities in political and economic life.

173. The Committee notes with concern that, despite the adoption of a programme for the integration of the Roma into Lithuanian society for 2000-2004, the Roma experience difficulties in enjoying their fundamental rights in the fields of housing, health, employment and education, and are the subject of prejudicial attitudes. In this regard, the Committee wishes to draw the attention of the State party to general recommendation XXVII on discrimination against Roma. The Committee recommends that the State party in its next periodic report, include detailed information on the measures aimed at protecting Roma as well as on the results of their implementation.

174. The Committee underlines that the periodic report of the State party remains unclear on the fundamental rights of non-citizens temporarily or permanently settled within Lithuania, including stateless persons, and requests further information in this regard.

175. The Committee expresses concern in relation to information regarding the discriminatory treatment of Afghan asylum-seekers and the disregard of basic procedural guarantees. Having taken into account the assurances given by the delegation concerning legislative provisions in this regard, the Committee nevertheless recommends that the State party ensure equal treatment for all asylum-seekers, including Afghan nationals, in refugee determination proceedings. The Committee

recommends that educational rights and assistance in administrative matters be granted to children of asylum-seekers, including those of Afghan nationality.

176. The Committee is further concerned about xenophobic tendencies towards Chechen asylum-seekers and refugees and requests the State party to take preventive and educational measures in this regard. The Committee recommends that the State party ensure the enjoyment of social rights, particularly to adequate housing and health, to all asylum-seekers and refugees in need without regard to their legal status.

177. The Committee is concerned about information relating to expressions of racial hatred by politicians and the media. In this regard, the Committee stresses that the new criminal code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

178. The Committee notes that the Parliamentary ombudsmen have received no complaints alleging discrimination by civil servants against persons on the ground of national origin, and that no criminal cases based on racial discrimination have been brought to court since 1995. The Committee recommends that awareness on these issues be raised among the police and the judiciary. The Committee requests the State party to include in its next periodic report detailed statistics relating to acts of racial discrimination, as well as information on the cases when action by the public prosecutor is compulsory. The Committee underlines that assistance to the victims in this regard should extend beyond financial assistance.

179. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

180. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

181. The Committee recommends that the Convention, as well as the concluding observations adopted by the Committee, be publicized to a greater extent.

182. The Committee recommends that the State party submit its second periodic report jointly with its third periodic report, due on 9 January 2004, and that it address all points raised in the present observations.