



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
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20 February- 10 March 2006

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

LITHUANIA

1. The Committee considered the second and third periodic reports of Lithuania, submitted in one document (CERD/C/461/Add.2), at its 1733rd and 1734th meetings (CERD/C/SR.1733 and 1734), held on 21 and 22 February 2006. At its 1753rd meeting (CERD/C/SR.1753), held on 7 March 2006, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report, which has substantial elements of self-criticism and was submitted by the State party in a timely fashion, as well as the continuation of an open and constructive dialogue with the State party. It also appreciates the attendance of a high-level delegation and the efforts it made to respond to the numerous questions posed by Committee members.

3. The Committee further welcomes the fact that, during the preparation of the State party's report, non-governmental organizations provided the State party with observations and comments.

B. Positive aspects

4. The Committee commends the amendment to the Law on Education which recognizes the right of everyone to education without discrimination and contains, *inter alia*, provisions regulating education in, and teaching of, languages of national minorities.

5. The Committee takes note with satisfaction of the statement made by the delegation that ratification of the UNESCO Convention against Discrimination in Education is currently under consideration and encourages the State Party to proceed with such ratification.
6. The Committee welcomes the adoption of a new penal code criminalizing incitement to racial hatred as well as the adoption of a new law on Equal Opportunities which prohibits any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnicity, religion or convictions.
7. The Committee welcomes the establishment and the work carried out by the Department of National Minorities and Lithuanians Living Abroad, the Human rights Committee of the Seimas, the Office of the Seimas Ombudsman and the Ombudsman on Equal Opportunities.
8. The Committee welcomes the adoption of a Programme of Action for the Integration of National Minorities in Lithuanian Society (2005-2010) and encourages the State party to allocate sufficient funds for the adequate implementation of this programme.

C. Concerns and recommendations

9. The Committee notes with concern the lack of adequate data relating to the ethnic composition of the population. It further notes that this may constitute an obstacle to the assessment of progress towards the elimination of discrimination based on race, colour, descent, or national or ethnic origin.

The Committee requests the State party to provide in its next periodic report updated specific information on the ethnic composition of its population. The Committee also requests a clarification on the distinction, as envisaged in the new draft law amending the Law on National Minorities, between “ethnic” minorities or groups, and “national” minorities.

10. The Committee is concerned that the Convention has never been applied by the Courts, despite its direct applicability in domestic law (art. 2).

The Committee recommends that the relevant authorities provide, as soon as possible, adequate training to judges and lawyers to ensure that they are aware of the content and the direct applicability of the Convention in domestic law.

11. The Committee, while welcoming the existence of a number of advisory bodies dealing with human rights and specifically with the rights of national minorities, regrets that the State party has not yet envisaged establishing a National Human Rights Institution (art.2).

The Committee encourages the State party to consider the establishment of an independent national human rights institution, in

accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), which would, *inter alia*, contribute to monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

12. The Committee remains concerned that racist and xenophobic incidents and discriminatory attitudes towards ethnic minorities are still encountered in the country, including expressions of racial hatred by politicians and the media (art. 2 and 4).

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotyping, especially in the media, and to fight prejudice and discriminatory attitudes. It reiterates its recommendation to the State party to comply with its obligation under article 4 (a) of the Convention to combat effectively such phenomena. In this context, the Committee recommends that the State party introduce in its criminal law a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance allowing for a more severe punishment.

13. The Committee notes that very few cases of racial discrimination have been referred to the courts. According to some information, members of national and ethnic minorities who suffer discrimination do not complain to courts because they fear reprisals and lack confidence in the police and the judicial authorities, and because of the authorities' lack of impartiality and sensitivity to cases of racial discrimination (art. 4 and 6).

The Committee recommends to the State party that it inform victims of racial discrimination of their rights, including remedies available to them, that it facilitate their access to justice and guarantee their right to just and adequate reparation. The State party should ensure that its competent authorities investigate promptly and impartially complaints of racial discrimination and cases in which there are reasonable grounds to believe that acts of racial discrimination have occurred.

14. The Committee is concerned by the new Law on the Legal Status of Aliens which restricts considerably the possibility for asylum seekers to be granted refugee status and only provides them with humanitarian protection (art.5).

The Committee draws the attention of the State party to its general recommendation 30 on non-citizens and recommends that it ensure that all persons entitled to refugee status under the Convention relating to the Status of Refugees be granted such status. It also recommends to the State party that it enhance the capacity of administrative courts to deal effectively with asylum appeals cases and to provide information thereon in its next periodic report,

including statistical data. It also recommends to the State party to ensure that persons granted humanitarian protection have adequate access to social security and health care services.

15. The Committee is concerned about the fact that asylum seekers are automatically detained for security reasons (art.5).

The Committee recommends to the State party that it ensure that asylum seekers are only detained when it is absolutely necessary and in accordance with UNHCR guidelines, and that it resort to alternative measures to detention in all other cases.

16. The Committee notes that the State party has not provided adequate information about the gender-related dimensions of racial discrimination (art.5).

The Committee draws the attention of the State party to its general recommendation 25 on gender-related dimensions of racial discrimination and recommends that it assess the extent of discrimination against women belonging to ethnic minorities and that it provide information on this issue in the next periodic report.

17. The Committee expresses concern about allegations of discriminatory behaviour of the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence (art.5).

The Committee recommends that the State party establish an independent monitoring mechanism to carry out investigations into allegations of police misconduct and at the same time intensify its actions to halt this phenomenon, in particular through the provision of adequate human rights training to law enforcement personnel.

18. The Committee remains concerned about the persistence of discriminatory attitudes and hostility towards members of the Roma community throughout the country (art.5).

The Committee, recalling its general recommendation 27 on discrimination against Roma, recommends that the State party continue to endeavour, through a genuine dialogue, to improve relations between Roma communities and non-Roma communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. The Committee also invites the State party to take more effectively into account the situation of Roma children and women in all programmes and projects planned and implemented and in all measures adopted.

19. The Committee continues to express concern at the marginalization of Roma children in the school system (art.5).

The Committee recommends that the State party ensure the equal enjoyment of the right to education for Roma children. The Committee further recommends that the State party intensify its efforts to raise the level of achievement in schools for Roma children, to recruit additional school personnel from among members of Roma communities to provide for the possibility of bilingual or mother-tongue education.

20. While the Committee recognizes the efforts made in the field of employment - including the recent adoption of the new Labour Code as well as the new Law on Equal Opportunities which provide for enhancing the employment rate without any direct and indirect discrimination -, it is alarmed by the very high rate of unemployment among members of the Roma community (art.5).

The Committee recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented and that further measures be taken, in particular by focusing on professional training, to reduce unemployment among the Roma community.

21. While the Committee notes the re-introduction of “the Programme for the Integration of the Roma into Lithuanian Society”, it reiterates its concern about the isolation of the Roma community in ghetto-like neighbourhoods and their critical situation in respect of housing conditions, especially in Vilnius, where most of the Roma community is concentrated (art.3 and 5).

In light of its general recommendation 27, the Committee recommends that the State party effectively implement policies and projects aimed at avoiding segregation of Roma communities in housing, that it involve Roma communities and associations as partners in housing construction, rehabilitation and maintenance projects, and that it dedicate sufficient funding to this aim. Furthermore, the Committee encourages the State party to take into account that for families, and particularly children, living in a proper environment is an essential prerequisite for access to education and employment on an equal footing.

22. The Committee is alarmed at the critical health situation of some Roma communities, which is largely a consequence of their poor living conditions (art.5).

The Committee recommends that the State party continue to implement programmes and projects in the field of health for Roma, bearing in mind their disadvantaged situation resulting from extreme poverty and low levels of education. To this end, the Committee encourages the State party to take further measures to address the

issues of drinking water supplies and sewage disposal systems in Roma settlements.

23. While it notes that the Constitutional Court has been seized of this matter, the Committee is concerned that article 18 (1) of the new Law on Citizenship, which provides that the acquisition of citizenship of another State results in the loss of Lithuania citizenship, only applies to persons who are not of Lithuanian origin (art.5).

The Committee, stressing that deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality, urges the State party to refrain from adopting any policy that directly or indirectly leads to such deprivation. In light of its Recommendation 30 on non-citizens, the Committee wishes to receive detailed information on the future decision of the Constitutional Court.

24. The Committee notes with concern that Lithuania is a country of transit for the trafficking of women and girls, in particular non-citizens, for the purpose of sexual exploitation (art.5 and 6).

The Committee recommends to the State party that it strengthen ongoing efforts to prevent and combat trafficking and provide support and assistance to victims, wherever possible in their own language. Furthermore, the Committee urges the State party to undertake prompt and impartial investigations with a view to prosecuting the perpetrators.

25. The Committee reiterates its recommendation to the State party that it should 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 the national level.

26. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and reiterates its recommendation that it consider the possibility of doing so. It also recommends to the State Party that it ratify Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

27. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly

urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

28. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized, in Lithuanian and in the main minority languages.

29. Pursuant to article 9, paragraph 1, of the Convention, and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 13, 17, 22 and 23 above, within one year of the adoption of the present conclusions.

30. The Committee recommends to the State party that it submit its fourth and fifth periodic reports in a single document on 9 January 2008.
