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Office of the Equal Opportunities Ombudsperson of the Republic of Lithuania

**Comment on Implementation of Prioritized Recommendations within the
Framework of the Follow-up on Concluding Observations on the Fourth
Periodic Report of Lithuania (CCPR/C/LTU/CO/4)**

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Submitting Institution:



OFFICE OF THE EQUAL
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RECOMMENDATIONS TO THE STATE PARTY

1. To extend the definition of “family members” under the *Law on Equal Treatment* in order to provide effective protection from discrimination on the grounds of citizenship not only to spouses and direct descendants, but also to (registered) partners of the EEA citizens.
2. To repeal the clauses creating legal collision with the *Law on Equal Treatment* from the *Law on Family Strengthening*, the *Law on the Fundamentals of Protection of the Rights of the Child* the *Civil Code* and the *Law on Protection of Minors from the Detrimental Effects of Public Information*.
3. To include gender identity as a protected ground under the *Law on Equal Treatment*.
4. To initiate legislative process with the aim of adopting quick, transparent and accessible administrative procedures for obtaining legal gender recognition.
5. To update the *Action Plan for Promoting Non-discrimination* providing clear deadlines, measurable results, funding sources and strategically tailored measures.

BACKGROUND INFORMATION

1. The Office of the Equal Opportunities Ombudsperson (hereinafter the Office) is a national equality body. The Office performs a quasi-judicial function by investigating individual complaints on alleged instances of discrimination on the grounds of, *inter alia*, sexual orientation under the *Law on Equal Treatment*¹. In the Lithuanian legal system discrimination on the grounds of sexual orientation is prohibited in the fields of employment and occupation, provision of goods and services, education, membership in organizations (associations), social security, and all actions by public authorities. Based on the new edition of the *Law on Equal Treatment*,² which came into effect on 1 January 2017, the Office also performs preventive and educational activities and dissemination of equal opportunities (e.g. awareness raising campaigns). Therefore, the Office is a mixed-type national equality body, combining tribunal-type and promotional-type functions.
2. In **Paragraph 10** of the Concluding Observations on the Fourth Periodic Report of Lithuania (CCPR/C/LTU/CO/4)³, the Human Rights Committee (hereinafter the Committee) tabled the recommendations which are directly interlinked with the mandate of the Office. In **Paragraph 32** the Committee requested the State Party “to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in paragraphs 10 (discrimination on the grounds of sexual orientation and gender identity), 20 (migrants and asylum seekers) and 22 (persons deprived of liberty and detention conditions)”. The Office would like to take an opportunity in providing additional information on the status of implementation of recommendations made in **Paragraph 10**.

¹ Lietuvos Respublikos lygių galimybių įstatymas (Eng. “The Law on Equal Treatment of the Republic of Lithuania”), No. IX-1826, 18 November 2003, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/77e54a933db211eabd71c05e81f09716?jfwid=mmceo2jhb>.

² Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymas (Eng. “Law on Amending the Law on Equal Treatment of the Republic of Lithuania No. IX-1826”), No. XII-2768, 8 November 2016, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/196bcda2a74b11e68987e8320e9a5185?jfwid=i0s9d01kt>.

³ Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Lithuania, No. CCPR/C/LTU/CO/4, 29 August 2018, para [10].

REGARDING DEVELOPMENTS IN LEGISLATION ON LEGAL RECOGNITION OF SAME-SEX FAMILIES

3. The *Law on Equal Treatment* prohibits discrimination on the grounds of, *inter alia*, sexual orientation. On 11 July 2017 the *Law on Equal Treatment* was amended by introducing the ground of citizenship as a protected characteristic. This amendment was initiated with the view of transposing the Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement⁴ into the national legislation. The law defines family members as only spouses and direct descendants, thus effectively excluding (registered) partners from legal protection in case of discrimination on the grounds of citizenship. The registered partners of citizens from countries where these partnerships are legally registered are not recognized as family members in Lithuania and are not able to lodge individual complaints before the Office regarding instances of alleged discrimination on the grounds of citizenship. On 30 May 2019 the Committee on Human Rights of Seimas registered proposal to recast the *Law on Equal Treatment* leaving the same definition of family members intact⁵. On 22 January 2020 the Government of the Republic of Lithuania proposed to abolish this clause⁶ and to define family members according to the definition provided in the *Law on Legal Status of Aliens*⁷, thus including (registered) partners in definition of family members. Currently the draft law is under consideration in the Committees of the Seimas.
4. On 11 January 2019 the Constitutional Court of the Republic of Lithuania issued a progressive judgment on legal recognition of same-sex unions concluded abroad for the migration purposes⁸. Despite the fact that the Constitutional Court ruled on a narrow issue, whether a same-sex spouse is entitled to a residence permit on the grounds of “family reunification”, the Court made some important remarks in the *orbiter dictum* of the judgment. The Constitutional Court has reiterated that the constitutional concept of “family life” includes not only married couples, but also couples in stable *de facto* relationships (see para. [32.5] of the judgment). As a result, in order to harmonize the national anti-discrimination legislation with the constitutional jurisprudence and the EU *acquis*, it is recommended to extend the definition of “family members” under the *Law on Equal Treatment* in order to provide effective protection from discrimination on the grounds of citizenship not only to spouses and direct descendants, but also to (registered) partners of the EEA citizens.
5. The *Law on Family Strengthening*⁹ (in force since 1 March 2018), the *Law on the Fundamentals*

⁴ 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, OJ L 128, p. 8-14, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32014L0054>.

⁵ Lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymo projektas (nauja redakcija) (Eng. “Draft Law on Amendment of the Law on Equal Treatment No. IX-1826 (Recast)”), No. XIIIIP-3512, 30 May 2019, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/96f31cf082b411e98a8298567570d639?jfwid=-1819or0lsb>.

⁶ Lietuvos Respublikos Vyriausybės 2020m. sausio 22 d. nutarimas Nr. 37 “Dėl Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymo projekto Nr. XIIIIP-3512”, (Eng. “Resolution of the Government of the Republic of Lithuania No. 37 of 22 January 2020 “On Draft Law on Amendment No. XIIIIP-3512 of the Law on Equal Treatment No. IX-1826””), <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/69772df43e7711eabd71c05e81f09716?jfwid=mmceo3p3u>.

⁷ Lietuvos Respublikos įstatymas dėl užsieniečių teisinės padėties (Eng. “Law on Legal Status of Aliens”), No. IX-2206, 29 April 2004, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/ppxNPJFlyr>.

⁸ Judgment by the Constitutional Court of the Republic of Lithuania No. KT3-N1/2019, Case No. 16/2016, 11 January 2019, <https://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta1898/content>.

⁹ Lietuvos Respublikos šeimos stiprinimo įstatymas (Eng. “The Law on Family Strengthening”), No. XIII-700, 19 October 2017, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/71039aa2b98511e7967a9645b537eb05/asr>.

of *Protection of the Rights of the Child*¹⁰ (recast) (in force since 1 July 2018) and the amendments of the *Civil Code*¹¹ (in force since 1 July 2018) have introduced the concept of “complementarity of maternity and paternity” defined as the child’s intrinsic need to have two parents or adoptive parents of different sexes. The principle of “complementarity of maternity and paternity” should be applied in implementing the protection of the rights of the child and providing assistance to the family (i.e. solving issues of guardianship, adoption, etc.). The principle potentially bears discriminatory implications on the grounds of sexual orientation, because same-sex parenting could be considered as incompatible with the best interests of the child. The principle of “complementarity of maternity and paternity” has not been applied yet in legal proceedings, but it is potentially conflicting with the right to private and family life, equality and non-discrimination (Article 17 and Article 26 of ICCPR).

REGARDING DEVELOPMENTS RELATED TO PROHIBITION OF DISCRIMINATION ON GROUNDS OF GENDER IDENTITY

6. Lithuanian legal system does not recognize the legal categories of “gender identity” and (or) “gender expression”, thus rendering discrimination against transgender persons technically not punishable by law. Gender identity is not included as the protected ground under the proposed recast of the *Law on Equal Treatment* No. XIIP-3512¹². The Office officially supports inclusion of gender identity as the protected ground under the law. The lack of inclusion of gender identity as the protected ground constitutes legal obstacles for the Office to investigate into complaints submitted by transgender persons. The protected ground of sex is not sufficient to cover all cases of discrimination against transgender persons, due to the impossibility of proving discrimination on the grounds of sex in cases where discrimination is related exclusively to gender identity (e. g. selecting a cisgender woman for an employment position instead of a transgender woman).
7. The absence of administrative procedure for legal gender recognition and the absence of procedures regulating trans-specific healthcare create additional burden on daily lives of transgender persons in Lithuania. In 2020 the Office received the complaint from a transgender person, who was treated by an insurance company as completely different legal person after obtaining legal gender recognition, thus eliminating all insurance history all together. The insurance company refused to rely on applicant’s insurance history in determining the amount to be paid for their services, quoting inaccessibility of previous personal records as the reason and subsequently raising the amount to be paid for providing the insurance. The Office had to terminate the investigation of the case, because the issue did not fall under the ground of sex and thus the mandate of the Office¹³.

¹⁰ Lietuvos Respublikos vaiko teisių apsaugos pagrindų įstatymo Nr. I-1234 pakeitimo įstatymas (Eng. “The Law Amending the Law on the Fundamentals of Protection of the Rights of the Child No. I-1234”), No. XIII-64328, 28 September 2017, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e711b850aa6011e7a65c90dfe4655c64/asr>.

¹¹ Lietuvos Respublikos civilinio kodekso 3.3, 3.153, 3.182, 3.210, 3.212, 3.213, 3.217, 3.218, 3.219, 3.222, 3.224, 3.250, 3.253, 3.254, 3.259, 3.260, 3.261, 3.262, 3.263, 3.264, 3.266, 3.267, 3.268, 3.269, 3.270, 3.271 ir 3.2761 straipsnių pakeitimo, 3.220 straipsnio pripažinimo netekusiu galios ir kodekso papildymo 3.254-1 straipsniu įstatymas (Eng. “The Law on Amending Articles 3.3, 3.153, 3.182, 3.210, 3.212, 3.213, 3.217, 3.218, 3.219, 3.222, 3.224, 3.250, 3.253, 3.254, 3.259, 3.260, 3.261, 3.262, 3.263, 3.264, 3.266, 3.267, 3.268, 3.269, 3.270, 3.271 and 3.2761, repealing Article 3.220 of the Civil Code of the Republic of Lithuania and supplementing the Code with a new Article 3.254-1”), No. XIII-645, 28 September 2017, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/869d4462aa6211e7a65c90dfe4655c64?jfwid=mmceo4zlt>.

¹² *Supra* 5.

¹³ Lietuvos Respublikos lygių galimybių kontrolieriaus sprendimas “Dėl galimos diskriminacijos lyties pagrindu teikiant draudimo paslaugas” (Eng. “The Decision by the Equal Opportunities Ombudsperson of the Republic of Lithuania On Alleged Discrimination on the Grounds of Sex in Providing Insurance Services”), No. (19)SN-34)SP-39, 21 April 2020.

8. In 2019 the Office issued the National Review of the Situation of Transgender Persons in Lithuania¹⁴ (hereinafter the National Report). The study revealed that transgender persons continue to face daily challenges pertaining to data protection, changing personal identification documents issued by third parties and non-state actors (e.g. educational institutions, commercial banks, etc.), requirement to divorce (i.e. no legal recognition of same-sex families) and formal dismissal from certain professional occupations due to the mental diagnosis of “gender dysphoria”. The Office officially supports the proposal of the Ministry of Justice to include gender identity into the national legislation as the protected ground¹⁵.
9. The adopted comprehensive legal framework on legal gender recognition would not only allow transgender persons to change their personal identification documents and to access trans-specific healthcare service, but also would be instrumental in responding to the alleged instances of discrimination on the grounds of gender identity. In 2017 corresponding working groups were established in the Ministry of Health and the Ministry of Justice with the aim of developing the necessary legal acts to enable administrative legal gender recognition procedure¹⁶. The working group in the Ministry of Health was tasked with preparing a health care protocol, enabling provision of primary health care services for transgender individuals, namely – psychological counselling, psychiatric assessment and hormone replacement therapy. Upon receiving these services within the framework of the Lithuanian public healthcare system, transgender individuals would be able to apply before the national courts with the aim of obtaining legal gender recognition. The working group in the Ministry of Justice was tasked with preparing the comprehensive *Law on Recognition of Gender Identity*¹⁷, which would create an administrative procedure for obtaining legal gender recognition in Lithuania. Even though these legal acts were successfully prepared by the indicated deadlines, they remain to be adopted. In November, 2017 the group of 31 MPs in the Lithuanian Parliament registered a legislative proposal¹⁸, which aims at banning legal gender recognition and all medical procedures pertaining to gender reassignment treatment, which goes directly against recommendations of the Committee set in **paragraph 10**.
10. The Office recommended to remove provisions banning transgender persons from exercising professional duties of judges, prosecutors, attorneys, notaries, bailiffs. These regulations were

¹⁴ Office of the Equal Opportunities Ombudsperson, *Situation of Transgender Persons in Lithuania: National Review*, 2019, <https://lygybe.lt/data/public/uploads/2019/07/nat.review.transgender.pdf>.

¹⁵ Lietuvos Respublikos Teisingumo ministerijos išvada dėl Lietuvos Respublikos Vyriausybės nutarimo „Dėl Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymo projekto Nr. XIIIIP-3512“ projekto Nr. (Eng. “The Conclusion by the Ministry of Justice of the Republic of Lithuania on the draft Resolution of the Government of the Republic of Lithuania “On Draft Law on Amendment No. XIIIIP-3512 of the Law on Equal Treatment No. IX-1826” No. 19-12606”), 12 November 2019,

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/36bd8b71054711ea89c8a7a5d3a86552?jfwid=-bgd9asvt9>.

¹⁶ Human Rights Committee, ‘Fourth periodic report submitted by Lithuania under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2018’, No. CCPR/C/LTU/4, 29 November 2017,

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspsgIUbpKaTnjMNKleQtzm7WnwNWr0H0WI0yLs2218y%2bHeKEysGIAVNyZuBnPHzwak4CqOnk7s%2f1mrR7HqExefnOONTpjvKnFEuvD8MILkW>, para. [70].

¹⁷ Lietuvos Respublikos asmens lytinės tapatybės pripažinimo įstatymo projektas (Eng. “The Draft Law on Recognition of Gender Identity”), No. 17-12650, 3 November 2017,

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/bc2a5010c09111e7af36e75c0ac79247?jfwid=2n85zm6ym>.

¹⁸ Civilinio kodekso 2.27 straipsnio pakeitimo įstatymo projektas (Eng. “The Draft Law on Amendment of Article 2.27 of the Civil Code”), No. XIIIIP-1327, 10 November 2017, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/66fe0380c61711e782d4fd2c44cc67af?positionInSearchResults=5&searchModelUUID=ac517de8-5f90-4d64-ac78-8c34bafc8ebb>.

amended for judges¹⁹ in May 2019 and for attorneys²⁰, notaries²¹ and bailiffs²² in February 2020.

REGARDING DEVELOPMENTS IN EFFORTS TO ELIMINATE DISCRIMINATION AGAINST LGBT PERSONS

11. The Office received 9 complaints on the grounds of sexual orientation in the period between 29 August 2018 and 27 July 2020. Five of them were non-admissible according to the mandate of the institution and one – due to the lack of description of circumstances. One investigation was dismissed due to the lack of evidence. No instances of discrimination were found in three remaining cases. In total four complaints were related to hate speech and incitement to discriminate, three – with employment and two – with other spheres of life.
12. In 2014 the Equal Opportunities Ombudsperson issued the decision²³ on recommendation No. G-190/S-244 of the Inspector of the Journalist Ethics on the book “Amber Heart”, which was acknowledged as unsuitable for children younger than fourteen years of age according to the Article 4.2.16 of the *Law on Protection of Minors from the Detrimental Effects of Public Information*²⁴ stating that “public information shall be attributed to information which has a detrimental effect on minors [...] which expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania”. The Equal Opportunities Ombudsperson in the decision notified the pressing need to define more

¹⁹ Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro įsakymas “Dėl sveikatos apsaugos ministro ir teisingumo ministro 2009 m. kovo 19 d. įsakymo Nr. V-196/1R-80 „Dėl Reikalavimų pretendentų į teisėjus ir teisėjų sveikatai ir pretendentų į teisėjus ir teisėjų sveikatos tikrinimo tvarkos aprašo patvirtinimo“ pakeitimo” (Eng. “The Order of Minister of Health and Minister of Justice on Amendment of the Order of 19 March 2009 No. V-196/1R-80 "On the Approval of the Description of the Requirements for the Medical Examinations of Candidates for Judges and Judges and the Procedure for Medical Examinations of Candidates for Judges and Judges”), No. V-623/1R-176, 24 May 2019, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b0f783807e0811e98a8298567570d639>.

²⁰ Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro įsakymas Dėl Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro 2004 m. liepos 16 d. įsakymo Nr. V-556/1R-181 „Dėl Pareiškėjų, advokatų ir advokatų padėjėjų sveikatos būklės reikalavimų ir sveikatos būklės tikrinimo taisyklių patvirtinimo“ pakeitimo” (Eng. “The Order of Minister of Health and Minister of Justice on Amendment of 16 July 2004 No. V-556/1R-181 "On the Approval of the Medical Condition Requirements and Medical Examination Rules for Applicants, Attorneys and Legal Assistants”), No. V-99/1R-32, 31 January 2020, <https://www.e-tar.lt/portal/lt/legalAct/f9a9eac047fa11ea8895faf9aa6b1770>.

²¹ Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro įsakymas “Dėl Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro 2003 m. rugsėjo 26 d. įsakymo Nr. V-559/240 „Dėl Notarų sveikatos tikrinimo tvarkos patvirtinimo“ pakeitimo” (Eng. “The Order of Minister of Health and Minister of Justice on Amendment of the Order of 26 September 2003 No. V-559/240 “On the Approval of the Procedure for Notarial Medical Examination”), No. V-100/1R-33, 31 January 2020, <https://www.e-tar.lt/portal/lt/legalAct/0c804e0047fb11ea8895faf9aa6b1770>.

²² Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro įsakymas “Dėl Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos Respublikos teisingumo ministro 2002 m. rugpjūčio 28 d. įsakymo Nr. 433/233 „Dėl Antstolių sveikatos patikrinimo tvarkos patvirtinimo“ pakeitimo” (Eng. “The Order of Minister of Health and Minister of Justice on Amendment of the Order of 28 August 2002 No. 433/233 “On the Approval of the Procedure for Medical Examination of Bailiffs”), No. V-98/1R-31, 31 January 2020, <https://www.e-tar.lt/portal/lt/legalAct/ed557be047fa11ea8895faf9aa6b1770>.

²³ Lygių galimybių kontrolieriaus tarnybos 2014 m. ataskaita (Eng. “Annual Activity Report of the Office of the Equal Opportunities Ombudsperson 2014”), 2015, <https://lygybe.lt/data/public/uploads/2016/01/lgkt-ataskaita-2014.pdf>, p. 96-100.

²⁴ Lietuvos Respublikos nepilnamečių apsaugos nuo neigiamo viešosios informacijos poveikio įstatymas (Eng. “Law on Protection of Minors from the Detrimental Effects of Public Information”), No. IX-1067, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.183129/asr?positionInSearchResults=0&searchModelUUID=084fbc24-262c-4926-a29f-2ec3da6a8417>.

accurately the duty of all state and municipal institutions to ensure equal (i.e. non-discriminatory) treatment in their decisions. The issue of probable legal collision of the principle of non-discrimination and afore-mentioned clause in the *Law on Protection of Minors from the Detrimental Effects of Public Information* was mentioned in the decision. The amendment of the *Law on Protection of Minors from the Detrimental Effects of Public Information* modifying the Article 4.2.16 so it could not be used to discriminate on the grounds of sexual orientation was registered in 2017²⁵, but no legislative procedure was initiated. The Office holds the position that probable legal collision should be solved by modifying or repealing the Article 4.2.16 of the *Law on Protection of Minors from the Detrimental Effects of Public Information*.

13. The *Action Plan for Promoting Non-discrimination 2017–2019*²⁶ (hereinafter the Action Plan) is the key public policy document for eliminating discrimination in practice against persons on the basis of their sexual orientation and (or) gender identity. The Action Plan is adopted by the order of the Minister of Social Security and Labour. The current Action Plan has been extended for one more year and renamed the *Action Plan for Promoting Non-discrimination 2017–2020* in February 2020²⁷.
14. The Office considers that the majority of the proposed measures within the Action Plan on the grounds of sexual orientation and gender identity could be described as fragmented and abstract. Most of the measures included in the Action Plan are of a one-off nature, their impact on the implementation of the principle of non-discrimination is neither assessed nor evaluated. Most measures are derived from the implementation of the projects funded by the European Union or the Council of Europe, instead of strategically improving situation of LGBT persons. No public funding is provided for any measures related with improvement of LGBT situation within the Action Plan.
15. The Action Plan envisages three measures related with reducing discrimination against LGBT persons. The Office is assigned to the implementation of all of them. Implementing the measure on carrying out a research on the situation and the protection of private life of LGBT persons the Office issued the National Report on the situation of transgender persons in Lithuania²⁸. Implementing the measure on holding seminars, meetings, taking part in trainings for politicians on the issues related to protection of human rights of LGBT persons, the Office organized and participated in several discussions and meetings about situation of transgender persons with representatives of ministries and civil society between 2018 and 2019. An international

²⁵ Nepilnamečių apsaugos nuo neigiamo viešosios informacijos poveikio įstatymo Nr. IX-1067 4 ir 6 straipsnių pakeitimo įstatymo projektas (Eng. “The Draft Law on Amendment of Articles 4 and 6 of the Law on Protection of Minors from the Detrimental Effects of Public Information No. IX-1067”), No. XIIP-1491, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/19fcb100e09111e7b4d1bdd5f1a9ff0e?positionInSearchResults=19&searchModelUUID=3f7fa25f-80d7-4cdd-8caa-58e6bdcdb1d4>.

²⁶ Lietuvos Respublikos socialinės apsaugos ir darbo ministro įsakymas Dėl Nediskriminavimo skatinimo 2017–2019 metų veiksmų plano patvirtinimo Nr. A1-250 (Eng. “The Order of Minister of Social Security and Labour on the Confirmation of the Action Plan for Promoting Non-discrimination 2017-2019” No. A1-250), 15 May 2017, <https://www.e-tar.lt/portal/lt/legalAct/fa5d2b103a3f11e7b66ae890e1368363>.

²⁷ Lietuvos Respublikos socialinės apsaugos ir darbo ministro įsakymas „Dėl Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2017 m. gegužės 15 d. įsakymo Nr. A1-250 „Dėl Nediskriminavimo skatinimo 2017–2019 metų veiksmų plano patvirtinimo“ pakeitimo“ (Eng. “The Order of Minister of Social Security and Labour on Amendment of the Order of the Minister of Social Security and Labour on Approval of the Action Plan for Promoting Non-discrimination 2017-2019 No. A1-250”), No. A1-130, 18 February 2020, <https://www.e-tar.lt/portal/lt/legalAct/454aeaf0521511ea931dbf3357b5b1c0>.

²⁸ *Supra* 14.

conference on the rights of transgender persons was organized on 10 December 2019²⁹. Most of these activities were exclusively funded through the project funding by the European Union, i.e. no public funding was allocated from the national budget.

16. No measurable indicators for achievements related with situation of LGBT persons are provided within in the Action Plan. For example, the Action Plan includes the target number of law enforcement officers who participated in educational activities on LGBT rights (i.e. number of participants in the training as indicator on implementation rather than number of successful pre-trial investigations on homophobic hate speech and hate crimes). Similarly, the publication of research on the situation of transgender persons in Lithuania is considered as indicator of implementation of a measure instead of number of implemented recommendations in the National Report. Most proposed measures within the Action Plan are not related with any measurable indicators all together.
17. At the moment the Lithuanian Government has no consistent strategy on eliminating discrimination on the ground of sexual orientation and gender identity. The fact that all activities related with LGBT issues are dependent on external funding reveals the lack of systematic approach. The proposed measures are fully dependent on the calls by external donors and therefore lacks continuity and coherence. The measures, proposed in the Action Plan, would be implemented regardless of their inclusion within the Action Plan. As a result, there is no comprehensive LGBT strategy at the level of policy implementation.

²⁹ Office of the Equal Opportunities Ombudsperson, “Human Rights of Transgender Persons: International Standards and National Opportunities”, 10 December 2020, https://lygybe.lt/data/public/uploads/2019/12/human-rights-of-transgender-persons_programme_en.pdf.