

**Lithuania**

Economic, Social and Cultural Rights

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Geneva International Centre for Justice

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About GICJ

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes.

Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ’s mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.



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Introduction

Geneva International Centre for Justice (GICJ) would first like to commend Lithuania for its great progress made since the last reporting cycle and especially for the accreditation of the Seimas Ombudsmen’s Office with “A” status according to the Paris Principles. Still, there remain significant concerns that not everyone in the country is able to enjoy the human rights described in the International Covenant on Economic, Social and Cultural Rights (hereafter ‘the Covenant’).

Continued discrimination, especially against the Roma, migrants, refugees, LGBTQ+ individuals and the Jewish community is contrary to Article two of the Covenant. Discrimination often prevents these groups from accessing the same quality of education, housing and employment as someone who may conform more closely to the dominant socially constructed Lithuanian identity.

The right to work and worker’s rights are protected in Articles 7 and 8 of the Covenant, yet labor exploitation of foreign workers as well as trafficking for the purpose of labor exploitation is still a common issue.

The right to a high standard of physical and mental health, which is included in Article 12 of the covenant is shown to be at risk by the consistently high suicide rate, caused in part by chronic depression and alcohol consumption. Additionally, Lithuania’s reputation of having poor prison conditions requires immediate attention. Finally, reproductive rights for women have been under threat and domestic violence against women has remained a significant issue.

The purpose of this report is to provide the committee with a useful information in relation to those articles in the convention that still require attention by highlighting examples of the human rights concerns mentioned above. While GICJ does not conduct primary research in Lithuania, this report will be useful as it aggregates information from numerous sources and serves to educate the Committee, albeit briefly, on a wide range of human rights issues in the country.

GICJ hopes that Lithuania will continue to effectively tackle these issues in the next review period and that it will continue in the meantime to engage with all United Nations Human Rights instruments to which it is party.

Protection Against Discrimination

According to Article 2, Paragraph 3 of the Covenant:

 *The States Parties to the present Covenant undertake to guarantee that the rights enunciated in this Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

The Office of the High Commissioner of Human Rights (OHCHR) has stated that it is necessary for states who have signed the Covenant to immediately take steps to remedy discrimination upon signing of the covenant, especially in order to prevent discrimination in health care, education or the workplace. It is clear that Lithuania has taken steps to this end, especially the Action Plan to Promote Non-Discrimination, and it is now the time for Lithuanian leadership to make the final push toward completely eliminating these practices.

In this section, GICJ will discuss various examples of discrimination against minority groups in Lithuania, showing how this discrimination makes it difficult or impossible for them to attain the rights articulated in the covenant, especially in regard to participating in cultural life.

Discrimination against Roma People

The Roma people constitute Europe’s biggest minority and have been subjected to horrific mistreatment for hundreds of years. This culture of intolerance still exists in Lithuania and Lithuanians hold negative stereotypes against the Roma, including viewing them is unhygienic and as drug users.

Roma often experience housing discrimination in Lithuania as a result of these negative stereotypes. A Lithuanian public opinion polling service, Baltijos Tyrimai released a poll in April of 2019 that surveyed public attitudes on the period of 2013-2017. It found that 63 % of Lithuanians would not want to live near Roma people and 65 % would not rent an apartment to a Roma.[[1]](#footnote-1) There are several recent reports of landlords being reluctant to rent or refusing to rent to Roma, so municipal officials have to mediate between landlords and tenants. Deputy Mayor of Vilnius in 2019 Gintoutas Paluckas openly acknowledged this discrimination. It is often difficult for Roma to present hard evidence of housing discrimination, so the practice continues without intervention from the justice system.[[2]](#footnote-2)

Very recently, the last residents have been moved out of the Roma settlement on the outskirts of the capital city of Vilinus. This process has been four years in the making as Roma have been slowly moved into social housing or given credits from the government to use toward rent. It is mostly families who are allowed to take advantage of the social housing built by the government, and the municipality has stated that they lost track of about 400 former residents. Because there is seemingly no data on these former Taboras residents, it is unclear if they were able to find adequate housing despite discrimination toward them.

Many Roma in Lithuania have also faced employment discrimination and cannot find a job or an adequate job simply because they are from a Roma community.[[3]](#footnote-3) Roma unemployment hovers around 38%, compared to only 8% of the general population of Lithuania being unemployed.[[4]](#footnote-4)

While Lithuania’s country report cited numerous legal improvements, which relate to the Roma it is clear that the legal measures sometimes themselves perpetuate discrimination. According to the website of the Roma Integration Program under the Department of National Minorities, “the institutions that are supposed to protect citizens from acts of discrimination and violence in practice all too often fail to extend the same level of protection to Roma as to non-Roma, exactly because of antigypsyism.”[[5]](#footnote-5)

Anti-Semitism

Despite great efforts in Lithuanian leadership to eliminate anti-Semitism, the sentiment has continued. The recent decision of Vilinus municipality to remove the names of Nazi collaborators from public spaces sparked a rigorous public debate in which dormant anti-Semitic views surfaced.

The Committee should be aware of the following anti-Semitic events that are related to this debate:

* July 2019: Vilinus municipality’s decision to rename an alley that was named after known holocaust promoter Kazys Škirpa was met with protests.
* July 2019: Vilinus municipality decided to remove a plaque of Nazi collaborator Jonas Norieka on the wall of the Lithuanian Academy of Sciences. In September, a nationalist group re-installed a new plaque of Norieka, which the municipality then removed.
* September 15th, 2019: A person carrying a Swastika was seen near the headquarters building of the thriving Jewish Lithuanian Community (JCL).

The events of 2019 constituted a rise in anti-semitic rhetoric in a country that has not had to deal with outbreaks of anti-semitic violence in recent years. Lithuanian nationalists see Škirpa and Norieka as important historical figures – heroes who fought against Soviet occupation of the country. The Jewish community has long stated that these men should not be glorified because they collaborated with Nazi Germany to defeat the Soviets, thus contributing to the destruction of Jewish communities and murder of Jewish people.[[6]](#footnote-6)

LGBTQ + Individuals

Lithuania’s negative societal attitudes towards individuals who do not fit into a ‘traditional’ mold of gender or sexuality is a significant concern. Out of all human rights issues discussed in this report, Lithuania has given the least attention toward discrimination against LGBTQ+ individuals. The following statistics clearly articulate these negative social attitudes in regard to housing and employment:

According to a poll undertaken by the Lithuanian Equal Opportunities Ombudsperson:

* + 50% of Lithuanians would not want to live in the same neighborhood as a transgender person.
	+ 36% of Lithuanians would not work with a transgender person.[[7]](#footnote-7)

According to the Special Eurobarometer 437 Survey:

* + 44% of Lithuanian respondents would be “totally uncomfortable” working with a LGB person.
	+ 49% of Lithuanian respondents would be “totally uncomfortable” working with a transgender person.

These attitudes translate into discrimination toward those in the LGBTQ+ community, making it difficult or impossible for them to achieve an adequate standard of employment, housing and health.

While discrimination on the basis of sexual orientation is prohibited by the law, discrimination against those who do not fit into the gender binary is not explicitly prohibited. Terms such as ‘gender expression’ or ‘gender identity,’ which would imply that legal protections extend to people who do not identify as men or women, are never mentioned in Lithuania’s national law. As such, the Law on Equal Opportunities does not protect gender minorities from discrimination and the Criminal Code does define violence against them as a hate crime or as hate speech. This falls far below the standards set by other countries in the European Union.

The Right to Work

Article 7 of the Covenant reads as such:

 *The States Parties to the present Covenant recognize the right of everyone to the employment of just and favorable worker’s rights and the right to work.*

 This includes the right to fair and adequate wages for work of equal value, safe working conditions, appropriate working hours, time off of work and the right to unionize. In Lithuania, these rights are at stake due to labor exploitation and human trafficking for the purpose of labor exploitation. It should also be noted that the conditions of the labor market also have a major impact on mental health and is strongly correlated with the suicide rate in Lithuania, which will be discussed in the following section.

Human Trafficking and Labor Exploitation

Increasingly, Lithuanians choose to emigrate for increased job prospects. At the same time, the immigrants who fill these vacant positions in the labor market are exploited and paid lower incomes than originally promised.[[8]](#footnote-8) As labor migration to Lithuania increases, illegal employment has increased as well. Labor exploitation commonly affects migrants and refugees because they do not have the opportunity to choose their employers or advocate for themselves and lack knowledge of the national labor laws.

Examples of labor exploitation are common. In 2019, fifty-three Turkish workers who were building a stadium in Lithuania went on strike because they had not been paid for over six months. There are also several cases in the logistics and transportation sector of labor migrants being left stranded in Lithuania with no method of returning to their home country.[[9]](#footnote-9) Ukrainian employees relayed stories to Lithuanian National Television that their employers would subtract a deposit their paycheck for “penalties,” and keep it regardless of whether penalties were owed. The Chairman of the Lithuanian Confederation of Trade Unions has stated that, while there are hundreds of cases of migrants stating unfair employment practices, they are often rejected by the courts due to lack of evidence.[[10]](#footnote-10)

Foreign workers also suffer from lack of adequate employment due to a lack of language skills, which are needed for skilled positions. Refugees and labor migrants are frequently relegated to work in the gray economy (work that is legal, but largely unregulated) or the sectors of construction, hospitality, manufacturing and housekeeping. These sectors are coincidentally those found to have the most violations of wage, overtime, safety and health standards according to the State Labor Inspectorate.[[11]](#footnote-11) Due to a lack of job search assistance and language education, refugees often have no choice but to work in high-risk industries, which is contrary to their right to safe working conditions as articulated in Article 7 of the Covenant.

Trafficking-in-persons with the aim of exploiting labor also remains a prominent concern in Lithuania, despite a noted increase in prevention efforts such as the National Action Plan. Lithuania is both a country of origin and a country of destination for human trafficking. It is worrisome that in 2019, authorities only identified 36 victims of human trafficking in Lithuania which is the lowest number in five years (in contrast, there were 58 victims in 2018 and 60 in 2017). Because the data provided by the authorities is inconsistent with that which is provided by civil society organizations, the full picture of the state of human trafficking is unclear. In 2019, Lithuanian authorities commenced prosecutions of 24 suspected traffickers, compared to 31 in 2018, 54 in 2017 and 64 in 2016.[[12]](#footnote-12)

The Right to Physical and Mental Health

According to Article 12, Paragraph 1,

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*

Lithuania struggles greatly with several dimensions in both physical and mental health. In looking at data on mortality alone we see that in 2019, Lithuania had the lowest life expectancy in the EU. Mortality due to preventable and treatable causes are well above EU averages, with lifestyle-related risk factors such as diet, smoking and lack of physical activity causing more than half of total mortality. Furthermore, men in Lithuania live, on average, 9.8 years less than females, which is an unusually high gap.[[13]](#footnote-13)

These statistics, while they do not provide a complete picture of health, indicate that for many citizens in Lithuania, health is a great obstacle to their ability to access the rights in the Covenant. In this section several issue areas which contribute to low rates of both physical and mental health will be discussed. The categories of ‘mental health’ and ‘physical health’
 will not be disaggregated, with an acknowledgement that each of these issues has dimensions that relate to both physical and mental health.

High Suicide Rate

In 2020, Lithuania had the number one suicide rate in the world.[[14]](#footnote-14) This statistic, however shocking, is not uncommon for Lithuania, which has had a persistently high rate of suicide for decades. Lithuania’s rate even lies well above other countries with high suicide rates like Estonia, Finland and Latvia. Lithuania’s high suicide rate is a bellwether of multiple socio-cultural and economic factors; research indicates that the issue is highest among males and is linked to GDP growth, demographics, alcohol consumption, psychological factors, the job market and climate.[[15]](#footnote-15)

Alcohol Consumption and Alcoholism

Alcohol is a significant cause of preventable disease that leads to mortality in Lithuania – 24.5% of overall mortality can be attributed to alcohol consumption, compared to only 5.5% in the EU as a whole. In 2016, the World Health Organization found that in Lithuania, 7.4% of cancer cases, 28.4% of cardiovascular diseases, 58.4% of cirrhosis of the liver and 60.1% of injuries in general were caused by alcohol consumption.[[16]](#footnote-16) Excessive drinking is an outcome of negative mental health and may create the conditions that lead to suicidal behaviors.[[17]](#footnote-17)

Lithuania has taken steps toward ameliorating this issue. GICJ would like to commend Lithuania for the law which entered into force on January 1, 2019 and increased the legal drinking age, banned alcohol advertising and curtailed opening hours for liquor stores. Hopefully these changes will bring about reductions in alcohol consumption and its related detrimental health effects in the coming years.

It is critical to note that while the changes included in the new law are in-line with recommendations made by the World Health Organization, they do not work to address the underlying issues, such as traditional norms of masculinity that are linked to a culture of extreme alcohol consumption.[[18]](#footnote-18) In addition, decreasing the negative effects of alcohol also necessitates supporting individuals who already suffered negative health affects because of alcohol consumption and may need increased physical and mental health care for the remainder of their lives.

Prison Conditions

Prison conditions have a significant impact on the mental and physical health of incarcerated individuals, which in turn directly affects their ability to access social, economic and cultural rights both while in prison and upon their release.

In Lithuania, several issues were found in prison conditions at the Marijampole, Alytus and Pravieniskes facilities. Inmates frequently complained about both the quality and quantity of food, the overcrowding of cells and the lack of qualified healthcare professionals available to them. There were reports of violence on the part of the prison staff, including physical abuse which was corroborated by medical records and allegations of excessive violence used when detaining prisoners. The Office of the Parliamentary Ombudsman reported that Muslim detainees were not allowed access to halal food and were kept in poor sanitary conditions.

Violence between prisoners was also reported as common. The Committee of Europe’s Committee on the Prevention of Torture (CPT) noted “truly extraordinary levels of inter-prisoner violence, intimidation and exploitation.” Some inmates chose to spend their time in solitary confinement, afraid that they would be forced by their fellow prisoners to become drug addicts and contract HIV and Hepatitis C.[[19]](#footnote-19)

Reproductive Rights

While abortion is legal in Lithuania, it has been under threat for years. Another draft amendment of a law aimed to end legal abortion was debated in front of the Lithuanian parliament in 2018. It included the requirement of carrying a child to-term unless the pregnancy would cause serious harm or was a result of sexual assault. It is shown that banning legal abortion does not reduce the rate of abortions and only reduces access to them. The burden of abortion restrictions would fall disproportionately on lower income communities, who do not have the ability to travel out of the country or pay higher fees to access the service. This in turn could create severe health risks as unregulated abortion procedures become the only option. [[20]](#footnote-20)

Furthermore, the right to abortion is already limited by Lithuania only allowing surgical methods of abortion. Only allowing suction or scraping methods of abortion and forbidding the widely accepted drug-induced method of abortion has the potential to affect the physical and mental outcomes of the procedure.

The political and social power of the Catholic Church and groups related to it has greatly influenced policy on reproductive rights in Lithuania.[[21]](#footnote-21) This means that all Lithuanians are subject to the sway of religious authorities, even if they themselves do not practice any faith.

Domestic Violence

Domestic violence is an issue in Lithuania that not only affects mental and physical health but also the right to the family, as articulated in Article 10, Paragraph 1 and quoted here:

*The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.*

In Lithuania, 80% of domestic violence occurs against women and authorities have stated that it the second most reported crime after burglary. In the first eight months of 2018 alone, there were 27,914 domestic violence calls made to authorities.[[22]](#footnote-22) Each year, while the number of calls regarding domestic violence emergencies increases, the percentage of police investigations of domestic violence cases decreases.[[23]](#footnote-23) This is contrary to what should occur and calls into question the expertise of the authorities in this dimension.

Despite domestic violence remaining a critical issue, Lithuania has yet to show the international community its commitment toward ending the problem by ratifying the Committee of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (“Istanbul Convention”).

Recommendations

With an aim of helping Lithuania create policy that will allow all of its citizens to enjoy their economic, social and cultural rights, GICJ recommends that Lithuania implement the following:

* Ratify the Committee of Europe Istanbul Convention against domestic violence
* Ensure that same sex-couples are considered as ‘family members’ under the Lithuanian legal system
* Protect the rights of gender minorities by including provisions in national law that prohibit discrimination based on gender expression in any and all circumstances
* Adopt an administrative procedure for changing gender that does not involve the court system
* Take efforts to support labor migrants and inform them of their rights with the aim of decreasing labor exploitation and trafficking for the purpose of labor exploitation
* Continue work on the Action Plan for the Integration of Roma in order to address the negative stereotypes against them in the society
* Access the effectiveness of anti-discrimination and domestic violence training programs for law enforcement and restructure them if necessary
* Combat the high rate of suicide and alcohol consumption by increasing healthcare expenditures for mental health programs
* Ensure support, including compensation and mental health resources, to victims of trafficking, domestic violence and discrimination that affected employment
* Collect data on ethnic, religious, ability, gender and sexual minorities before the next review session to determine if they are afforded proper access to economic, social and cultural rights



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