



THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA

State budget office, Gedimino Ave. 56, 01110 Vilnius, Tel.: +370 706 65105, Fax: +370 706 65138, e-mail: ombuds@lrski.lt
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Committee on the Elimination of Racial Discrimination
CERD@ohchr.org

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In exercising the function assigned to the Seimas Ombudsmen of the Republic of Lithuania by the Republic of Lithuania Law on the Seimas Ombudsmen (hereinafter referred to as the RLLSO) – to present the assessment of the human rights situation in Lithuania in international organisations and to provide them the information in accordance with the obligations of the Republic of Lithuania enshrined in the international treaties (RLLSO Article 19¹ (2) (3), provide the assessment of the Seimas Ombudsmen's Office as a human rights institution accredited with status A in the United Nations, on the implementation of the United Nations Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the Convention).

General information on the National human rights institution

UN Committee for the Coordination of National Human Rights Institutions in the letter of 23 March 2017 No. 1D-993 has informed that the Seimas Ombudsmen's Office of the Republic of Lithuania is accredited as the national human rights institution (hereinafter referred to as the NHRI) (status A), in line with the Paris Principles. The Seimas of the Republic of Lithuania on 7 December 2017 adopted the Law on amending Articles 3, 19, 19 (1) of the Law on the Seimas Ombudsmen No. VIII-950 and supplementing it with Article 19-2 (effective from 1 January 2018), defining the new areas of competence of the Seimas Ombudsmen in the performance of the functions of the NHRI: carry out monitoring of human rights in Lithuania and prepare human rights reports; disseminate information on human rights and public awareness on human rights issues; present the evaluation of the human rights situation in Lithuania in international organizations and provide them with information on the obligations established in international treaties of the Republic of Lithuania; provide proposals to state and municipal institutions and bodies on human rights issues; seek to bring national legislation in line with the international obligations of the Republic of Lithuania in the field of human rights; initiate investigations on fundamental human rights issues.

In exercising the functions of the institution of national human rights, national prevention provided for in the Constitution and delegated by law, the Seimas Ombudsmen may and must speak on human rights issues that they observe in any activity of state institutions, on the compatibility of legislation with the international commitments of the country in the field of human rights, on the dissemination of human rights and to perform the monitoring of human rights. After the assessment of the human and financial resources available to carry out the new functions of the NHRI, the appropriations required for the year 2018 were planned. In its strategic action plan, the Institution requested to allocate 5 (five) additional

posts to perform the functions of the Seimas Ombudsmen's Office as the NHRI. The Institution received additional appropriations for only two posts. For the year 2019, the funding for another three additional posts was requested for the NHRI functions, but appropriations for only for two posts were received.

The fact that in 2018 no sufficient appropriations were allocated, resulted in a higher than usual workload for the staff, which affected the review of priorities, ongoing activities and their scope. Due to the need to limit the number of activities performed by the Institution and their scope, the possibilities of the Seimas Ombudsmen to speak more widely about the observed human rights problems in the country were also limited. The Institution, as the NHRI, provided the assessment of harmonisation of national legislation with the international commitments of the Republic of Lithuania in the field of human rights, proposals for state and municipal authorities and bodies on human rights issues, participated in the activities of various working groups both at national and international level. In the course of human rights monitoring in Lithuania, the Seimas Ombudsmen drafted and presented a human rights report on the implementation of the International Covenant on Civil and Political Rights in Lithuania.

To summarise, The versatility of issues of enquiries conducted by the Seimas Ombudsmen and the priority of research quality, the broad nature of national torture prevention and the functions of the NHRI require not only existing but also newly recruited staff of the Institution to have a high professional qualification, work experience in the relevant field and to constantly upgrade their qualifications. Reduction of the appropriations to the Institution has a negative impact not only on the possibilities for the Institution's staff to upgrade its skills, but also on attracting highly qualified staff. Successful activities of the Seimas Ombudsmen's Office, as a national human rights institution, need to enhance the financial and human resources of the Seimas Ombudsmen's Office, which would enable the Seimas Ombudsmen's Office to be increase the efficiency of the national human rights institution and contribute to the implementation of international commitments of the Republic of Lithuania and the protection of human rights in the country.

ON THE PROBLEMS OF THE IMPLEMENTATION OF SOCIAL AND ECONOMIC RIGHTS IN LITHUANIA OF THE ROMA ETHNIC MINORITY

The first programme of the Roma integration into Lithuanian society for 2000-2004 adopted on 1 July 2000 provided for the first time for the targeted measures for the integration of the Roma ethnic group and assessed the social problems faced by the members of this group. The work started, has unfortunately not been consistently extended – a new integration programme has been approved only after four years (Programme for the Integration of Roma into Lithuanian Society for 2008-2010, and insufficient funds were allocated for its implementation due to the economic crisis. In implementing the European Commission Communication of 5 April 2011 “On National Roma Integration Strategies up to 2020”, the Action Plan for the Integration of Roma into the Lithuanian Society for 2012-2014 was approved in Lithuania in 2012. The integration plan for this period mainly focused on issues such as education, employment and cultural development of the Roma, and no means for addressing housing and health issues were made. In Lithuania, only one Roma integration programme was developed at the level of self-government – ensuring the maintenance and security of the Roma community in Vilnius and territories adjacent to the camping grounds and reducing the segregation of Roma in the programme of 2005-2010. In the programme, the main funding was provided for the maintenance of a police post near Kirtimai settlement, while funding for other targets such as reduction of Roma segregation,

education and training, full or partial employment, health, social support and housing assistance was several times less. The strengthening of social integration by providing specialised social services to the Kirtimai residents was not included in the programme. Since 2007, much less funds were allocated to the implementation of the municipal programme. In 2010 the programme ended and was not renewed. From 2013 the European Commission is conducting the assessment of the progress made in the implementation of national Roma integration strategies in four areas: education, employment, health and housing, and analysing the implementation of measures to combat discrimination and the use of funding.¹

Roma education rates still differ considerably from the country's average, and while the education for the general population of Lithuania is growing, the Lithuanian Roma education has only improved at the lowest level – primary and basic education. With the increasing share of the population of Lithuania acquiring secondary and higher education, these indicators were declining in the Roma group in 2001-2011.² In Lithuania, pre-school and pre-primary education is not compulsory. Statistical data show that in Lithuania in 2013, 66.1 per cent of children aged 1-6 years were educated in pre-school and pre-primary education establishments and 89.5 per cent of six year-olds participated in pre-primary education across the country.³ In 2014, the Equal Opportunities Ombudsperson conducted a study to gather information on the Roma children attending pre-school and pre-primary education institutions in different municipalities. It was established during the investigation that the numbers of Roma children attending pre-school and pre-primary educational establishments in Lithuania was very low. Between 2013 and 2014, a total of 18 Roma pupils were educated according to pre-school education programmes (including 10 children in the Roma Society Centre (hereinafter the RSC), Vilnius), and 33 according to pre-primary education programmes (22 of them in the RSC).⁴ This information shows that the involvement of Roma children in pre-school and pre-primary education differs significantly from the national average, and that only about 20 per cent of 1–6 year old Roma children are educated according to pre-school and pre-primary education programmes.⁵ A study conducted by the Ombudsman for the Protection of the Rights of the Child conducted in 2014 has revealed that a total of 50 Roma children study in 2014 special schools.⁶ When comparing the number of Roma children studying in special schools with the total number of Lithuanian Roma pupils, 8.7 per cent of the children of this ethnicity study in special schools. Nonetheless, the Ombudsman for the Rights of the Child notes that the special education system partly encourages Roma parents to take their children to special schools, however, if the needs of social assistance were met in other ways, at least part of the pupils currently attending special schools could be integrated into the general education system.

In line with the recommendations of the European Commission, the involvement of local authorities in the preparation, implementation, evaluation and review of Roma integration policies should be strengthened in Lithuania; to strengthen civil organisations representing the interests of the Roma; to ensure sufficient funding for the implementation of measures and use the EU resources for social investment; and to accelerate the fight against discrimination by raising the Roma's awareness of their rights, obligations and opportunities to defend their rights. Recommendations on the improvement

¹ European Commission. 2013. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *Further implementation of national Roma integration strategies*. Brussels, 2013-06-26 COM(2013) 454 final. European Commission. 2014. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *Report on the implementation of the EU framework for National Roma Integration Strategies*. Brussels 2.4.2014 COM(2014) 209 final.

² Petrušauskaitė V. 2014. (Un)equal opportunities in education: Analysis of the early departure of Roma children from the education system in Vilnius. // Ethnicity Studies 2014/1, Vilnius: *Lithuanian Social Research Centre*.

³ Ministry of Education and Science of the Republic of Lithuania (2014). *Lithuania, Education in regions 2014. Equal opportunities*. Vilnius: Educational Supply Centre.

⁴ Study of the Equal Opportunities Ombudsperson, 18-06-2014, certificate No 14-SN-65.

⁵ Calculations are based on 2011 census data (number of Roma children aged 1-6 in Lithuania) and the information collected during the Office of the Equal Opportunities Ombudsperson survey in 2014.

⁶ Study of the Ombudsman for the Protection of the Rights of the Child "On Ensuring the Right to Education of Roma Children" 08-08-2014, certificate No (6.1-2013-329) PR-156)

of Roma integration measures have been voiced in the reports and evaluations of other international organisations.⁷ Implementing the EU Framework for National Roma Integration Strategies up to 2020 of 5 April 2011 (COM(2011) 0173) and with a view of the Lithuania's international commitments under the Council of Europe Framework Convention for the Protection of National Minorities, the United Nations Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international treaties, the Action Plan for the Integration of Roma into Lithuanian Society for 2015-2020 was approved in 2015.⁸ The implementation of the measures of the Action Plan is coordinated by the Department of National Minorities under the Government of the Republic of Lithuania (hereinafter the Department of National Minorities). Monitoring of the measures of the Action Plan is carried out by the permanent inter-institutional working group formed by the order of the Director of the Department of National Minorities. It is worth noting that very little funding was allocated for the implementation of some of the measures in the Action Plan, and no funds at all were allocated for some. Although the studies by the Ombudsman for the Protection of the Rights of the Child and the Equal Opportunities Ombudsperson have revealed that the number of Roma children in pre-school and pre-primary schools is very low, no funding was allocated for the facility "To organise pre-school and pre-primary education for Roma children at the Roma Society Centre" "To organise qualification seminars for general education teachers working with Roma children". It should be noted that no funds were allocated for many measures for the 2019-2020 implementation period. For instance, "To ensure and provide comprehensive education assistance to Roma children with special educational needs, Roma children dropped-out or early leaving the school".

In evaluating and analysing the enforcement of the rights of the Roma national minority on the current still unresolved issues of the implementation of the social and economic rights of the Roma national minority enshrined in both Lithuanian and international legislation, the Seimas Ombudsmen, as a national human rights institution, evaluated the information provided by the Vilnius City Municipality, the Police Department under the Ministry of the Interior of the Republic of Lithuania, the Department of National Minorities under the Government of the Republic of Lithuania on problems related to the integration of the Roma national minority into society.

The analysis of information analysis suggests that currently, there are individual activities in the country aimed at stopping the spread of drug addiction in the Vilnius Roma camping grounds, including the surrounding area. Activities to increase the resistance of Roma people to addiction diseases are also designed: intense patrolling of Vilnius city police officers, general prevention of the use of psychoactive substances, application of methadone programme to all who consent to opioid dependence treatment, both insured and uninsured by compulsory health insurance. The Department of National Minorities implements general prevention⁹ of the use of psychoactive substances in the Kirtimai settlement in Vilnius by organising healthy lifestyle training, i.e. on 11 October 2017 the Department organized trainings for Roma and for persons working with the Roma "Common Drug Prevention Programme", involving 20 persons. In promoting the integration of Roma people into the education system: attendance of general education schools by Roma children, qualification improvement programmes for the teams of the schools attended by Roma children are ensured. For instance, in 2016-2018 the Department of National Minorities has implemented two phases of the project funded by the European Union "Local Roma Platforms – the Way to Collaboration with Municipalities". The project included trainings for

⁷ Human Rights Committee of the United Nations. 2014. Lithuania. Mid-term Assessment / Universal Periodic Review. 2014-09-03, online access: <http://www.upr-inib.org/tolovvup/assessments/session26-lithuania/MIA-Liiluania.pdf>

⁸ Ministry of Culture. 2015. Action Plan for the Integration of Roma into Lithuanian Society for 2015-2020, approved by order No. IV-48 of 29 January 2015 of the Minister of Culture of the Republic of Lithuania

⁹ The measure of the Inter-institutional Action Plan on Drug, Tobacco and Alcohol Prevention of the Republic of Lithuania.

teachers working with Roma children: “Peculiarities of Roma children education in school”, “Practical aspects of working with Roma children and cultural context,” The history of the Roma national minority: from the onset in Europe to the genocide in the 20th century” (more than 160 teachers attended the seminars); there are also opportunities provided to re-enter to the education system, i.e. to obtain education in adult schools and remote education;

To improve the living conditions of the Roma people, the integration of the Roma (Kirtimai) community into the society is carried out: by organising material assistance for settlers in new rental housing, such as compensation for part of the housing rent; agency services provided for settlers to the new housing, such as mediating with utility service providers; processing the necessary documents, etc.; Roma families receive social housing services (e.g. in 2016-2017 social housing was provided to all families with five and more children); in 2018, for one year Vilniaus Būstas municipal company had established a post to assist families living in Kirtimai to rent housing. Currently, the person in this post works with those Roma families who have received orders of bailiffs to demolish illegal buildings, in order to secure their housing. In addition, social workers work with Roma families who have moved from Kirtimai settlement. They provide social skills development and support services for Roma families who moved to live in the city, communicate with their neighbours to avoid negative attitudes and discrimination.

The analysis of the information provided suggests that there are still some factors that hinder the integration of the Roma people, linked to the insufficiently effective policy of reducing Roma exclusion, which has been performed previously for many years: the reluctance of Roma children to study and passive behaviour of their parents regarding the education of their children; lack or missing education which complicates possibilities for employment; lack of social housing; demolition of houses in Vilnius Kirtimai village without providing alternative place of residence. Although the Vilnius City Municipality attempts to solve the housing issues of the Roma living in Kirtimai settlement, there is a lack of coordination of actions between state and municipal institutions. For example, the State Territorial Planning and Construction Inspectorate under the Ministry of the Environment initiates the demolition of houses without co-ordinating with Vilnius City Municipality without securing their place of residence. The efforts of Vilnius City Municipality are to be welcomed, however, there is a lack of systematic and continuous concept of Roma integration in the country, which includes various Roma integration measures. Public surveys show that although there are only 2011 Roma living in Lithuania¹⁰, there is a very strong negative attitude towards Roma people in society, which constitutes an obstacle to the employment of the Roma ethnic minority, rental of housing, etc.;

In order to achieve tangible results, cooperation between responsible authorities and effective measures to combat hostility towards the Roma, promoting the integration of Roma into the labour market and the education of Roma children, especially pre-school and pre-primary, is still needed. It is necessary to develop a comprehensive and continuous concept of Roma integration in the country, including various Roma integration measures, and involving state and municipal institutions in the implementation of measures.

ON HATE CRIME

Acts related to incitement to hatred are governed in Chapter XXV of the Criminal Code “Crimes

¹⁰ Department of National Minorities under the Government of the Republic of Lithuania: <https://tmde.lrv.lt/lt/tautines-bendrijos/tautiniu-mazumu-organizacijos/romai>

and offenses against personal equality and freedom of conscience”. Most pre-trial investigations into actions against personal equality and freedom of conscience are initiated and conducted under Article 170 of the Criminal Code – “Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons”¹¹. However, while these crimes are clearly regulated, and statistics of public authorities show a clear and consistent improvement of the situation¹², the country's non-governmental organisations emphasise the latency of these crimes, stating that official statistics of institutions do not represent the actual prevalence of crime, and people are afraid or unwilling to contact the authorities¹³.

Based on the statistical information provided, only 21 cases of hate crimes were registered in 2018 (138 cases in 2015)¹⁴, but only 5 cases were transferred to the court in the previous year¹⁵. According to data provided by the Human Rights Monitoring Institute, pre-trial investigations in these cases are usually terminated without establishing that the offense has the signs of a crime or a criminal offense; investigations are suspended without the identifying a person who has committed a criminal offense¹⁶.

In 2013 the Human Rights Monitoring Institute has conducted a survey of institutions responsible for pre-trial investigation, the results whereof have shown that the institutions surveyed had a more serious assessment of only violent hate crimes¹⁷. It is likely that such an approach of institutions does not encourage the trust of victims of hatred necessary for reporting these crimes.

It should be noted that taking into account the problems raised by NGOs: a high latency of hate crime, frequent cases of non-reporting of hate speech and insufficient capacity of police officers, prosecutors and judges to recognise the motivation of hostility or hatred and to properly apply criminal liability, the Ministry of the Interior of the Republic of Lithuania, together with the prosecutor General and the Office of the Inspector of Journalistic Ethics, initiated the project “Strengthening of the response to hate crimes and hate speech in Lithuania”, which aims to: to ensure the effective use of liability for hate crimes and hate speech; to improve the understanding and awareness of competent authorities of the impact of hate crimes and hate speech on communities, as well as the needs and expectations of vulnerable communities; to address the issue of non-reporting of hate crimes and hate speech and intensify the fight against incitement to hatred online¹⁸. Whereas the number of registered hate crimes in 2018 compared to 2015 is disproportionately low, and the number of manifestations of hate crimes in public domain are especially high, it is necessary to initiate the creation of a description of the criteria of crimes attributable to hate crimes, in order to facilitate the identification and registration of these crimes, to organise training for pre-trial officers, pre-trial prosecutors about hate offenses.

Whereas investigations in Lithuania are terminated without finding that an act. having features of a crime or a criminal offense has been committed, it is necessary to consider the possibility of establishing administrative liability for the offensive, abusive or despicable public speech, however, not inciting hatred of violence, targeting a group of persons or person belonging to it on the basis of sex,

¹¹ Human Rights Monitoring Institute, “Response to Hate Crime: Overview of situation in Lithuania“, 2017, p. 6 <https://hrmi.lt/wp-content/uploads/2017/12/Atsakas-%C4%AF-neapykantos-nusikaltimus-2017-1.pdf>

¹² Informatics and Communications Department under the Ministry of the Interior, <http://old.ird.lt/statistines-ataskaitos/?lang=lt&rt=1>.

¹³ “Human rights defenders: hate crime only reduced on paper”; Human Rights Monitoring Institute, “Response to Hate Crime: overview of situation in Lithuania“, 2017, p. 31 <https://hrmi.lt/wp-content/uploads/2017/12/Atsakas-%C4%AF-neapykantos-nusikaltimus-2017-1.pdf>

¹⁴ Informatics and Communications Department under the Ministry of the Interior, <http://old.ird.lt/statistines-ataskaitos/?lang=lt&rt=1>.

¹⁵ Statistics of offences to Article 170 of the Criminal Code of the Republic of Lithuania registered and transferred to court. Internet access: <<https://www.ird.lt/lt/paslaugos/nusikalstamu-veiku-zinybinio-registro-nvzr-paslaugos/ataskaitos-1/nusikalstamumo-ir-ikiteisminiui-tyrimu-statistika>>

¹⁶ Human Rights Monitoring Institute, “Response to Hate Crime: Overview of situation in Lithuania“, 2017, p. 17 <https://hrmi.lt/wp-content/uploads/2017/12/Atsakas-%C4%AF-neapykantos-nusikaltimus-2017-1.pdf>

¹⁷ Human Rights Monitoring Institute, “Protection of Hate Crime Victims’ Rights: the case of Lithuania“, 2013, <https://hrmi.lt/uploaded/Apzvalgos/Hate%20Crimes%20Victims%20Rights%20Study%20EN%202013.pdf>

¹⁸ For more information on the project “Strengthening of the response to hate crimes and hate speech in Lithuania”, see: in the information provided by the Ministry of the Interior: <https://vrm.lrv.lt/lt/veiklos-sritys/viesasis-saugumas-1>;

race, nationality, language, origin, social status, belief, faith, attitudes or other grounds. Administrative liability for these offenses could only be established as an additional measure to combat racist and xenophobic offenses, while maintaining the provisions of the national law criminalising incitement to hatred or violence listed in the Framework Decision 2008/913/JHA.

It should be noted that the Framework Decision 2008/913/JHA of the European Union on combating certain forms and expressions of racism and xenophobia is a tool to harmonise the criminal laws of the Member States. The preparatory documents¹⁹ for the Framework Decision lay down the minimum rules necessary to ensure that national legislation provides adequate protection against such crimes and creates effective judicial cooperation between the Member States, but the adoption of this Framework Decision does not prevent Member States from maintaining or introducing a higher level of protection for individuals. Therefore, Member States have the discretion to adopt additional measures (including administrative liability) aimed at preventing racism and xenophobia and to combat racist and xenophobic offenses.

ON THE RIGHTS OF ALIENS WHOSE LIBERTY IS RESTRAINED

From 2014, after ratification by the Seimas of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the UN Convention on 2 December 2013, the Seimas Ombudsmen were entrusted with engagement in the national prevention of torture (NKP) in places of restriction of liberty and performing constant visits to them, while the Seimas Ombudsmen's Office was appointed as the national prevention institution, and the Seimas Ombudsmen's Office was appointed a national prevention institution.

In accordance with Article 19¹ (2) of the Law on Seimas Ombudsmen²⁰, the place of restriction of liberty is any place under the jurisdiction of the Republic of Lithuania or controlled by it, in which the freedom of persons is or may be restricted, in accordance with the decision of the public authority or upon its calling or with its consent or approval, i.e. detention houses of police commissariats, imprisonment, care, psychiatry institutions, institutions of treatment of communicable diseases, detention or accommodation of foreigners and other. According to the data available to the Seimas Ombudsmen's Office, there are more than 400 places of detention in Lithuania. In carrying out the national prevention of torture, Seimas Ombudsmen use broad powers, i.e. have the right to choose which places of restriction of liberty to visit and which persons to question, access to all places of restriction of liberty and all premises therein, to familiarize themselves with their equipment and infrastructure, to speak without witnesses with persons whose freedom is restricted, and to question any other persons who could provide the necessary information. Moreover, Seimas Ombudsmen have the right to carry out inspections in the places of detention together with the selected experts. In performing this function, they make continuous visits to the places of detention and carry out inspections to determine if there are any forms of torture or other forms of cruel, inhuman or degrading treatment, or if otherwise human rights are violated, as well as supervise the implementation of the recommendations of the Seimas Ombudsmen.

In the course of the National torture prevention, it has become clear that torture and other human

¹⁹ COM/2001/0664 final

²⁰ http://www.lrski.lt/images/dokumentai/Seimo-kontrolieriu-istatymas-ENG_VIII-950_2018.pdf.

rights abusive activities are important and allow to achieve positive results: find various types of violations of human rights are identified, which were unknown while investigating the complaints; the attention of the institutions is drawn to the problems, aspects which may lead to violations of the rights of detainees, promoting a progressive and respectful attitude, with a view to achieving the long-term objective of ensuring that the rights of persons held in the places of restriction of liberty are not violated. The national torture prevention is an important contribution to improving the human rights situation in the country through the recommendations made to Lithuania during the Universal Periodic Review of the UN Human Rights Council and by various other international institutions.

During 2014-2018, in implementing the national torture prevention, the Seimas Ombudsmen conducted checks in 36 places of restraint of liberty of aliens: in the Foreigners Registration Centre of the State Border Guard Service under the Ministry of the Interior, Foreigners Registration centre, border stations and border control points (temporary storage facilities and asylum seekers accommodation facilities) and in the Refugee Reception Centre.

The following key problems and the most common human rights violations were identified during the inspections in 2017 (eight facilities of the State Border Guard Service):

- 1) the registration of delivered persons – it is not always recorded in the registers of the delivered person was detained in temporary custody facility, and how long he stayed there;
- 2) conditions of the detaining premises – the premises and sanitary facilities are not suitable for the disabled; some temporary custody facilities do not ensure the conditions of personal hygiene for detained persons; not all sanitary facilities in the premises have personal hygiene means and/or necessary equipment; there is no soft item inventory available for persons kept in custody at night, or for periods longer than 24 hours;
- 3) provision of first aid – cases where there was no first aid kit and no person responsible for its maintenance and supplementation was assigned; some of the frontier stations had expired medical items in the first-aid kits;
- 4) organisation of interpreter services – during the inspection of the Foreigners Registration Centre it was found that the Centre does not ensure the services of a qualified interpreter for proper communication with illegal aliens or foreigners staying illegally in the Republic of Lithuania speaking only their native language, where this language is not available in the European Union is not the most popular language of Lithuania (English, French, German or Russian).

Following the inspections carried out in the border stations and the Aliens Registration Centre, the State Border Guard Service has been provided with recommendations, all of which have been implemented:

- 1) a procedure was prepared according to which persons with disability detained in the operational area of Vilnius Frontier District, are placed in temporary custody premises of the headquarters (adjacent to the sanitary facilities for disabled persons, additional financing was sought for renovation of the sanitary unit located in the temporary custody facility for its adaptation to persons with disabilities);
- 2) Frontier Station officers were additionally briefed about recording, mandatory in all cases, whether the person delivered to the Frontier Station station (or border control post) was detained to the custody facility and for how long he was kept there, as well as about the location of the first aid kit, the supplementation of pharmaceutical's in it (responsible specialists were appointed);
- 3) the station bought soft item inventory necessary for persons locked in temporary custody facilities at night or detained on for more than 24 hours (mattresses, bed linen sets, pillows, blankets),

ramps as well as the beds for the asylum seekers premises, and items for first medical assistance;

4) sanitary points for temporary detention facilities were equipped with the necessary inventory;

5) a contract was signed with Public Institution Public Centre for Special Education and Consultation on the provision of interpretation services (the terms and conditions of the contract contain the list of all main foreign languages most often used by aliens detained for illegal entry to the Republic of Lithuania as well as other languages), there is also the possibility to use the services of a civil servant working in the State Border Guard Service and speaking the Arabic language.

ON THE LAW OF NATIONAL MINORITIES

In 2000, the Seimas of the Republic of Lithuania ratified the Council of Europe Framework Convention for the Protection of National Minorities. The international treaties ratified by the Seimas, pursuant to Article 138 (3) of the Constitution of the Republic of Lithuania, are part of the legal system of the state. However, The Framework Convention for the Protection of National Minorities is a document of a political and programmic nature, not a normative regulation. Currently, there is no special law in Lithuania regulating the rights of persons of national minorities. The Law on National Minorities, adopted in 1989, in accordance with the Article 1 (10) of the Law on Temporary Extension of the laws in force in the territory of the Republic of Lithuania, adopted before 11 March 1990, has expired on January 2010.

The new Draft²¹ Law on National Minorities was registered on 15 February 2018. On 28 February 2018 the European Law Department has presented its conclusion on the harmonisation of this draft law, proposing to evaluate the questioned wording of the draft provisions, the expediency and feasibility of the project. On 5 March 2018 the Legal Department of the Office of the Seimas also submitted a conclusion²² on this draft law and on the basis of Article 2 (2) of the Republic of Lithuania Law on the Ratification of the Council of Europe Framework Convention for the Protection of National Minorities has established that the Government of the Republic of Lithuania establishes the procedure for implementation of the provisions of the Convention not provided for in the laws of the Republic of Lithuania, proposing to contact the Government for its conclusion. It should be noted that following this conclusion of the Legal Department of the Office of the Seimas, the draft law was no longer considered or amended.

Yours sincerely,
Head of the Seimas Ombudsmen's Office



Augustinas Normantas

Vytautas Valentinavičius, tel., +370 706 65148, el. p. vytautas.valentinavicius@lrski.lt
Aurelija Baltikauskaitė, tel., +370 706 65107, el. p. aurelija.baltikauskaite@lrski.lt

²¹ Draft Law on National Minorities XIIIIP-1696: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/4c2a4650125111e88a05839ea3846d8e?jfwid=-fa58i4kyk>

²² Conclusion of the Legal Department of the Office of the Seimas on the Draft Law on National Minorities: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/cb8920001c6b11e88a05839ea3846d8e?jfwid=-fa58i4kyk>;