

LIBERTIES

RULE OF LAW REPORT

2024

LITHUANIA

#ROLREPORT2024



**CIVIL
LIBERTIES
UNION FOR
EUROPE**



Human Rights
Monitoring Institute



Co-funded by
the European Union

FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

TABLE OF CONTENTS

About the authors	4
Key concerns	4
Justice system	6
Media environment and media freedom.....	9
Civic space	13
Disregard of human rights obligations and other systemic issues affecting the rule of law environment.....	20
Contacts	25

LITHUANIA

About the authors

Human Rights Monitoring Institute (HRMI)



Human Rights Monitoring Institute (HRMI) is a non-governmental, not-for-profit human rights organisation. Since its establishment in 2003, HRMI has been advocating for full compliance of national laws and policies with international human rights obligations, and working to ensure that rights can be exercised in practice.

The team of HRMI experts carries out research, drafts legal and policy briefings, compiles reports to international human rights bodies, undertakes strategic cases before domestic and international courts, provides expert consultations, engages in various national and international projects, delivers conventional and distance training to law enforcement officers and other professionals.

Key concerns

There have been important changes in the legal system, and steps are being taken to ensure fair pay for judicial staff, prosecutors, and judges. But there's still room for improvement. The use of a transparency policy is also helping to reduce corruption. Providing specific training for lawyers who offer state-guaranteed assistance is making the legal system work more smoothly and efficiently.

Implementation of 2023 recommendations

Regarding the implementation of the European Commission's recommendations in their Annual Rule of Law Report, while legislative measures have been enacted, it remains challenging to gauge their effectiveness as tangible results are yet to materialise. Other laws have only taken effect as of 1 January 2024, making it premature to assess their impact. Although efforts are

acknowledged, there is still ample room for improvement.

Media Environment and Media Freedom

As it regards the media environment and media freedom, there was progress; one of the most significant developments was the establishment of the Media Support Fund, which for the first time will provide state funding to media projects. The composition of the Commission for Journalistic Ethics has been changed to provide for more diversity and impartiality. In other areas, no significant progress has been made in 2023.





Civic Space

Regarding civic space, there was no progress from the previous year. There were a series of legal, political, and societal developments in Lithuania during 2023. Key points include amendments to the Law on Assemblies to strengthen freedom of assembly, challenges faced by the LGBTQI+ community during protests, legislative efforts against hate crimes, impeachment proceedings against a member of the Seimas for anti-Semitic statements, rejection of a law amending protection of minors, challenges in managing irregular migration, disinformation concerns with legal responses, and initiatives for the removal of symbols promoting authoritarian regimes. This evaluation underscores a complex landscape involving legal reforms, societal tensions, and efforts to address issues such as hate crimes, discrimination, and disinformation.




Disregard Of Human Rights Obligations and Other Systemic Issues Affecting The Rule of Law Environment

When it comes to the disregard of human rights obligations and other systemic issues affecting the rule of law environment, there was also no progress compared to the previous year. Significant human rights challenges remain in Lithuania. Concerns include the legalisation of the expulsion of irregular migrants, violations of constitutional principles in the treatment of asylum seekers, shortcomings in transgender rights, the absence of legal recognition for same-sex partnerships, impunity for human rights violations, and delays in implementing judgements from supranational courts. The unresolved cases, such as *L. v. Lithuania and Macate v. Lithuania*, underscore the need for urgent action to address systemic issues, strengthen accountability mechanisms, and ensure compliance with international human rights standards.

State of play (versus 2023)

-  Justice system
- N/A** Anti-corruption framework
-  Media environment and freedom of expression and of information
- N/A** Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

Justice system

Key recommendations

- *Conduct regular, specialised training sessions on human rights standards for judges, prosecutors, lawyers, and law enforcement personnel.*
- *Sustain efforts to ensure fair pay for judges, court personnel and prosecutors, while continually implementing effective measures for equitable workload distribution.*

Judicial independence

Allocation of cases in courts

On 29 June 2023, the Parliament (Seimas) endorsed a comprehensive overhaul of the judicial system. This reform is geared towards consolidating the caseloads of district and regional courts in major urban centres, with the overarching goals of enhancing the quality of justice delivery and streamlining the efficient use of financial resources within the court system by eliminating unnecessary expenditures on court infrastructure.

As part of the judicial reform, the plan involves merging the territorial jurisdictions of district courts or their respective chambers. The existing configuration of 12 district courts and 48 court chambers will be replaced by 11 district courts and 24 court chambers. Amendments to the Law on the Establishment of District Courts will facilitate the merging of territorial jurisdictions, with a general inclination

towards maintaining the infrastructure of the original court chambers.

Projections from the Judicial Council and the National Judicial Administration estimate that the implementation of this reform will result in approximately €4.35 million in savings over the three phases of the reform, extending until 2026. These financial gains are earmarked for initiatives such as the advancement of court personnel and the fostering of innovation within the judicial system.¹

Remuneration/bonuses for judges and prosecutors

On 11 May 2023, the Seimas of the Republic of Lithuania endorsed the proposed Law on the Civil Service, designed to establish a flexible, efficient, and contemporary civil service framework. The legislation aims to reinforce the managerial hierarchy, invest in enhancing the skills of civil servants, and refine motivation and reward systems.

¹ [Seimas approves reform of the judiciary: workload to be unified, five chambers to be abolished](#)

Notably, the seniority allowance for civil servants has been reinstated, addressing a key concern raised by trade unions. A consensus was reached, limiting the seniority increment to a maximum of 20% of the official salary, with a calculation rate of 1% for each year. For individuals entitled to a supplement exceeding 20% upon the law's enactment, a fixed amount will be determined and maintained throughout their tenure in the civil service. This applies even if they change positions or temporarily leave the service, and return as a civil servant at a later date.²

On 23 November 2023, the Seimas of the Republic of Lithuania sanctioned the proposed Law on the Prosecutor's Office, with the objective of enhancing the social guarantees for prosecutors and establishing a framework for salary increments. The decision was made to implement a salary increase for prosecutors, starting from 1 January 2024, ensuring it reaches a minimum of 75% of the salary earned by a judge at the corresponding level. Additionally, by 1 January 2025, the aim is to raise the prosecutor's salary to at least 90% of the salary received by a judge at the relevant level.³

Quality of justice

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

On 30 March 2023, the United Nations Committee on Economic, Social, and Cultural Rights expressed a primary concern regarding the absence of specialised human rights training for judges, prosecutors, lawyers, and law enforcement personnel. The Committee suggests that Lithuania should conduct regular training sessions focusing on human rights and enhance awareness among all pertinent state entities.⁴

On 29 June 2023, the Seimas of the Republic of Lithuania passed amendments to the Law on State Guaranteed Legal Aid, with the primary objective of enhancing the quality of legal assistance and optimising the efficiency of the system. The updated regulation places particular emphasis on cases demanding specialised legal expertise, such as those involving the representation of vulnerable individuals like victims of crime and minors. To equip lawyers with the necessary practical skills for handling sensitive cases, specialised training programs are planned.

The Lithuanian Bar Association is expected to play a significant role by offering recommendations in the form of good practice guidelines to lawyers delivering legal services in specific

2 [The Seimas approves the draft reform of the civil service after a debate](#)

3 [The Seimas approves a pay rise for prosecutors](#)

4 [United Nations Urges Lithuania to Address Human Rights Concerns](#)

domains. Furthermore, the association will be involved in evaluating the services provided by lawyers offering secondary legal aid. Specialised training initiatives for lawyers will be implemented by the Lithuanian Bar Association. The State Guaranteed Legal Aid Coordination Council will propose measures for enhancing quality, and the State Guaranteed Legal Aid Service will actively contribute to the specialised training of lawyers, along with organising surveys involving both service recipients and providers.

Marking a significant change, the law will double the remuneration for lawyers specialising in cases that require specific skills. Additionally, to ensure a balanced workload for lawyers, a methodology for the equitable distribution of their tasks is set to be adopted.⁵

Fairness and efficiency of the justice system

Corruption of the judiciary

On 27 January 2023, the Council of Judges of the Republic of Lithuania officially endorsed the Transparency Policy for Lithuanian Courts, signalling a commitment to zero tolerance for potential corruption. This comprehensive transparency initiative extends across the entire judicial system, encompassing general competence courts, specialised courts, and court administration.

The Transparency Policy explicitly prohibits the judiciary from tolerating any instances of bribery, influence peddling, misuse of office by staff, abuse of authority, or favouritism towards members of one's own party, close associates, relatives, and other connected individuals. Serving as a crucial tool, this policy of judicial transparency plays a pivotal role in combating various forms of corruption within the Republic of Lithuania's judicial system.⁶

5 [Qualitative changes to state-guaranteed legal aid approved](#)

6 [Lithuanian Courts Transparency Policy adopted](#)

Media environment and media freedom

Key recommendations

- *The Ministry of Culture should continue improving the legal environment and institutional practices for granting journalists and other disseminators access to information of public interest.*
- *The government should consider creating one institution responsible for handling of Freedom of Information (FOI) appeals.*
- *Various stakeholders should research the reasons behind the relatively low trust in the media and create policy measures to address the issues.*

Media and telecommunications authorities and bodies

Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media and telecommunication authorities and bodies

The election of director of the LRT (Lithuanian Radio and Television), the national broadcaster, was unsuccessful twice due to a split vote of the LRT board - revealing fighting for influence amongst political bodies of national government. The new director was appointed in autumn 2023 after receiving the majority of votes. The complicated election of the new director caused a debate on whether the procedure for the election of the LRT director should be changed by introducing an open vote or changing the number of board members.

Existence and functions of media councils or other co- and self-regulatory bodies

On 25 May 2023, amendments to the Law on Provision of Information to the Public were passed, which reformed the composition of the Commission for the Ethics of Public Information.⁷ Previously, the Commission was composed only of the members of the Association for the Ethics of Public Information, and the number of members of the Commission as well as the number of the terms of office were not limited. The amendments provided that the Commission is composed of representatives of each member organisation of the Association, one representative from the national broadcaster LRT and three representatives from the Media Council. Candidates to represent the Media Council are delegated by universities that have a journalism study programme on their curriculum.

⁷ <https://www.e-tar.lt/portal/legalAct.html?documentId=3bd0e1c0ffb211ed9978886e85107ab2>

The members of the commission are appointed for the term of three years and for no more than two consecutive terms in office. The members of the Commission must have higher level education and no less than 5 years of experience of journalistic, legal or media related work experience. Such amendments are seen in a positive light as they provide that the members of the Commission come from a more diverse field of experts, have specific competence requirements and are limited to two terms.

Other

In March 2023, the Association of Professional Journalists was established as an alternative to the Lithuanian Union of Journalists (LŽS). The association was founded after several journalists expressed disagreement with the Union's public positions. The Association of Professional Journalists was established at the end of March after several well-known journalists left the Lithuanian Journalists' Union. They and other founders of the association did not support the accusations made by the LŽS and its chairman against journalism students seeking quality journalism studies at Vilnius University, and they did not support the position of the LŽS leadership on the election of the LRT director general. According to the founders, the main priority of the association is to improve journalists' and the public's access to information and respond to attempts to restrict freedom of expression.⁸

Public service media

Financing (including transparency of financing)

In 2023, by amending the Law on Public Information, a Media Support Fund was established which will provide state funding for media projects.⁹ The shareholders of the Fund are the Government, the Association for Journalistic Ethics and the Association for Culture Periodical Publications.

The Association for Journalistic Ethics includes the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Internet Media Association, the Lithuanian Radio and Television Association, the Regional Television Association, the Lithuanian Cable Television Association, and the National Association of District and City Newspaper Publishers.

The Association of Cultural Periodicals, founded by the long-established cultural publications "Literatūra ir menas", "7 meno dienos" and "Metai", was registered on 11 May 2018. Soon after, the number of members increased considerably and it has already united more than 10 cultural publications ("Šiaurės Atėnai", "Naujasis Židinys-Aidai", "Artnews.lt", "Nemunas", "Dailė/Art", "Literaturas ir menas", "Metai", "Krantai", "Kinas", "7 meno dienos" and "Echo Gone Wrong").

⁸ <https://www.lrt.lt/naujienos/lietuvoje/2/2101116/zurnalistu-profesionalu-asociacijoje-kelios-desimtys-aktyviu-zurnalistu>

⁹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29884/asr>

The funding will be allocated by way of tenders, announcing calls for application and selecting the best media projects. The Foundation Council, consisting of 10 members, determines the allocation of public support. One member is chosen by the Media Council from candidates proposed by journalism study programs at higher education institutions. The other members are appointed by organisations representing public information producers and disseminators. These include the Association of Cultural Periodicals, the Association of Lithuanian Art Producers, the Association of Internet Media, the National Association of District and City Newspaper Publishers, the Association “National Press,” the Lithuanian Journalists’ Association, the Lithuanian Union of Journalists, the Lithuanian Radio and Television Association, and the Association of Lithuanian Regional Radio Stations, as well as the Lithuanian Cable Television Association and the Association of Regional Television Associations, who reach an agreement.¹⁰

Experts, selected through public tenders, provide opinions on project funding, guiding the Foundation Council. Decisions on fund allocation are made public on the Foundation’s website. Prior to assuming roles, both Foundation Council members and experts must declare impartiality, sign a confidentiality agreement, and disclose private interests, adhering to the

Law on the Harmonisation of Public and Private Interests, as approved by the Foundation’s General Meeting of Shareholders.

The amendments specify that assistance will be provided to media outlets focusing on cultural, regional, national minority, and Lithuanian diaspora content, including news, investigative journalism, and educational projects. The support will be allocated based on programs proposed by the Council. Projects carried out by LRT or in collaboration with the national broadcaster, as well as those involving public relations, advertising, information agencies, research institutions, educational establishments, book, audio, video publishing, and political organisations, will not qualify for funding from the Fund. The Media Support Fund has the authority to grant financial support to journalists, oversee project implementation and financial accountability, evaluate the societal impact of project outcomes, conduct research, and compile and publish a comprehensive review of project results.¹¹

Public trust in media

According to the public opinion poll from December 2023, 50% of the respondents expressed trust in the media, whilst 46% expressed an opposite opinion.¹² It is a slight increase compared to the previous year, when

10 Ibid, 9.

11 <https://www.vz.lt/rinkodara/medijos/2023/04/25/seimas-patvirtino-nauja-ziniasklaidos-remimo-modeli>

12 <https://m.kauno.diena.lt/naujienos/lietuva/salies-pulsas/apklausa-isaugo-gyventoju-pasitikejimas-kari-uomene-1152935>

46% expressed trust and 50% of respondents claimed they did not trust the media.¹³ This indicates that the public is divided in two rather equal parts in terms of their trust in the media. However, no research has been identified in 2023 that would explain the reasons behind the relatively low level of trust.

Safety and protection of journalists and other media actors

Access to information and public documents

In June 2023, Reporters Without Borders (RSF) published a report on access to information in the Baltics.¹⁴ The study found low efficiency of Access to Information mechanisms in all three countries, due to such reasons as informal decision-making, misinterpretation of regulations, motives balanced towards data privacy, as well as lack of trust and discussion.¹⁵ Although in Lithuania the journalists are the most privileged in terms of access to information in comparison with the general public, in practice, the Lithuanian mechanism requires the most improvement because of a “complex web of norms that journalists find hard to

understand”.¹⁶ There is also a lack of a simple and easy to use procedure to appeal rejections of FOI requests, which, according to the study, is more important for the effectiveness of access to information mechanisms than professional privileges.

The study recommends that Lithuania’s media stakeholders choose one of the institutions for processing appeals against rejections of FOI requests. Currently, there are three institutions that handle such appeals - the Parliamentary Ombudsperson, the Commission for Administrative Disputes and administrative courts. The RSF report suggested that the Office of the Inspector of Journalist Ethics should become the dedicated institution for handling the appeals against rejections of FOI requests. The Inspector of Journalist Ethics¹⁷ is an independent public official whose mission, in short, is to ensure that human rights and freedoms are respected in the field of public information. It is a capable expert institution and it has responded positively to suggestions that it could be the main institution for handling FOI complaints, although this would require amendments to the legal base as the Inspector does not currently have the authority for such action.¹⁸ This would be a positive development.

13 <https://m.kauno.diena.lt/naujienos/lietuva/salies-pulsas/naujausias-instituciju-vertinimas-isaugo-pasitikejimas-ziniasklaida-kitu-instituciju-nepakito-1082259>

14 <https://rsf.org/en/access-information-baltics-rsf-asks-authorities-address-weak-spot-press-freedom>

15 Ibid.

16 Ibid.

17 <https://www.zeit.lt/en/the-office-of-the-inspector-of-journalist-ethics/262>

18 <https://m.kauno.diena.lt/naujienos/lietuva/politika/zeit-sutiktu-nagrineti-gincus-del-informacijos-nesuteikimo-bet-tam-reikia-keisti-istatyma-1131041>

The Inspector of Journalist Ethics is appointed by the Parliament for a term of 5 years from candidates presented by organisations that unite public information producers, disseminators and journalists, and whose members' activities are subject to the norms of the Lithuanian Code of Ethics for Public Information. The Inspector is an Ombudsperson. His/Her oversight would be prioritised over the courts', as the Ombudsperson could perform this task faster and with more relevant expertise. The courts would remain available for appeal procedures.

Other

In April 2023, the Inspector for Journalistic Ethics published recommendations to journalists and disseminators of public information on the key principles of personal data protection and cyber-security.¹⁹ The guide provides legal information as well as practical examples of the way personal data is to be processed in line with the key data protection requirements. It also provides practical advice and recommendations on IT security related with the use of various IT equipment.

Civic space

Key recommendations

- *The Ministry of Internal Affairs should conduct trainings for police officers on the right to freedom of assembly and its practical implementation.*
- *The Police Department should strengthen online hate speech identification and prevention tools.*
- *The Ministry of Internal Affairs/The National Border Protection Service should provide the necessary access to information for NGOs working with migrants and asylum seekers.*

Freedom of peaceful assembly

Rules on organisation, authorisation of and participation in assemblies

On 1 April 2023, amendments to the Law on Assemblies came into force, which strengthened

the protection of freedom of assemblies.²⁰ The amendments shortened the term during which the organisers of an assembly of more than 15 people must notify the relevant authorities (the Mayor, or the Director of the Municipal Administration authorised by him/her) of the planned event from 5 to 4 days before the event.

19 <https://zeit.lt/data/public/uploads/2023/04/gaires-zurnalistams-2023-04-17.pdf>

20 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/43ac5640874e11edbdcebd68a7a0df7e?jfwid=hv33duzny>

The amendments also provided for specific terms within which the decisions of the municipal authorities can be appealed to court and have to be adjudicated by the courts. The appeal is to be filed within 2 working days to the first instance administrative court, which must issue its decision in 72 hours. The decision might be appealed to the Supreme Administrative Court within 2 working days, and the court's decision on the appeal must be issued in 72 hours. The law also included municipal mayors and directors of municipalities as officials responsible for smooth procedures for the coordination of assemblies, and removed the obligation on organisers to implement measures related to the assembly which cost financial resources (apart from tidying up the place of the event), and created administrative liability for mayors and directors of municipalities in case of violations of the Law on Assemblies.

Policing practices, including dispersion of protests, use of force

On 28 September 2023, the Association Lithuanian Gay League organised a protest near the Parliament regarding the law that censors information about LGBTQI+ people.²¹ The protest was disrupted by counter-protesters who prevented the participants of the assembly from speaking. The organisers appealed to police officers that were maintaining public order around the protest requesting them to take measures, however, the police officers

ignored the requests and failed to act, and the assembly had to be discontinued. The organisers later filed a complaint with the prosecution office regarding the interference with their freedom of assembly and expression, as well as threats received during the protest. In this case, the police failed to comply with the positive obligation to secure the effective enjoyment of freedom of assembly which, according to the case law of the ECtHR, is of particular importance for persons belonging to minority groups, because they are more vulnerable to victimisation. In this case, the police had an obligation to facilitate the conduct of the event by restraining the verbal attacks and physical interference by counter-demonstrators.

Freedom of expression and of information

Rules on hate speech and their enforcement

On 26 July 2023, the Prosecutor General of the Republic of Lithuania approved the Methodological Guidelines for the Pre-Trial Investigation of Hate Crimes and Hate Speech, replacing the 2020 Methodological Guidelines. These recommendations are expected to contribute to a more effective investigation of hate crimes and a more proactive response to such incidents.²²

On 16 November 2023, the Parliament voted to support the impeachment proceedings against

21 <https://www.delfi.lt/news/daily/lithuania/policijos-vadas-pripazista-kad-lietuvos-geju-lygos-mitingas-prie-sei-mo-nebuvo-suvaldytas.d?id=94684789>

22 [On Hate Crime And Hate Speech Pre-Trial Methodological Guidelines For The Investigation Of Hate Crimes](#)

Member of Parliament (Seimas) Remigijus Žemaitaitis. The Constitutional Court of the Republic of Lithuania has been tasked with evaluating whether the actions of the Member of the Seimas are in violation of the constitution. The initiation of the impeachment process stems from Žemaitaitis' public anti-Semitic statements and incitement to hatred.

He has been found to have made tendentious and biased assessments of both historical and contemporary events related to the Jewish people. Additionally, he openly expressed justification and support for expressions encouraging violence against the Jewish community. In response to these allegations, the Prosecutor General's Office is currently conducting a pre-trial investigation into charges of public contempt and incitement to hatred against any national, racial, ethnic, religious, or other group of people.²³

On 6 December 2023, the case involving Petras Gražulis, a Member of Parliament (Seimas), for stigmatising LGBTQI+ people, has been forwarded to court. The evidence collected during the investigation indicates that Mr. Gražulis acted deliberately, fully aware that his statements were being recorded, broadcast, and disseminated through online media.

The incident occurred on the day following the Seimas' approval of the draft Civil Union

Law, which aims to establish legal recognition for same-sex partnerships. When leaving the Plenary Chamber after the session, Mr. Gražulis encountered and insulted several representatives of the LGBTQI+ community.²⁴

Censorship and self-censorship, including on the use of symbols and slogans

In 2023, the Parliament (Seimas) rejected a draft law focused on amending the Law on Protection of Minors from Negative Impact of Public Information. The proposed law aimed to eliminate a provision that restricts the publishing of information that “denigrates family values” and promotes the LGBTQI+ family concept. Following this rejection, the Ministry of Justice of the Republic of Lithuania has initiated an appeal to the Constitutional Court to clarify whether this provision in the law discriminates against a particular segment of society.²⁵

Restrictions on access to information

Significant challenges for civil society organisations (CSOs) aiding migrants and asylum seekers arise from widespread public support for restrictive government policies. Only a minority of the public endorses a human rights-based approach to managing increased irregular migration. The government's consistent portrayal of migrants and asylum seekers as

23 [Seimas members agreed that there is a basis for the impeachment of Žemaitaitis](#)

24 [Prosecutor's office: Gražulis's case regarding LGBTIQ insults was referred to the court](#)

25 [The Ministry initiates an appeal to the Constitutional Court on the prohibition to promote the LGBTIQ family concept](#)

threats has significantly shaped public opinion, with 2021 opinion polls revealing a growing negative sentiment towards migrants and refugees. Consequently, civil society's advocacy efforts need to extend beyond addressing laws and policies, emphasising the importance of humanising the public narrative surrounding irregular migration.

Additionally, the scarcity of information poses a considerable obstacle for CSOs in evaluating the full implications of laws affecting asylum seekers. Official statistics only account for individuals pushed back on specific days, with no available data on those allowed entry and provided the opportunity to lodge asylum applications. Furthermore, critical demographic information such as countries of origin, gender, age, and other individual characteristics remains inaccessible. This lack of data hinders the identification of specific vulnerabilities among individuals who were pushed back.²⁶

When NGO Border Group asked for information from the State Border Guard Service, it consistently encountered uncooperative responses, creating significant hurdles for the group's work with migrants and asylum seekers. Specifically, inquiring about the number of individuals turned away, the Service responded by directing attention to its website, claiming it regularly discloses information about the refusal of entry to irregular migrants. However, the Service does not rule out the possibility that this reported figure includes individuals who, having repeatedly breached the state border of

the Republic of Lithuania, were subsequently turned away.

It's important to highlight that the State Border Guard Service fails to store personal data of aliens and asserts that no information is collected, leaving a significant information gap. Despite the NGO Border Group's efforts to obtain precise data, the State Border Guard Service provides vague and unsatisfactory answers, refusing to offer the necessary details. This lack of transparency not only obstructs the NGO Border Group's mission but also poses a challenge to effective human rights monitoring.

In response to the refusal to provide crucial information, the NGO Border Group has taken legal action, initiating proceedings in court. As of now, the case is pending, underscoring the ongoing struggle to compel collection of accurate and comprehensive data.

Spread of and responses to disinformation

In 2023, Lithuania faced a multifaceted challenge posed by disinformation. A draft law was introduced to amend Article 118-1 of the Criminal Code, targeting individuals who manipulate accounts on online social networking platforms to significantly amplify the dissemination of information against the Republic of Lithuania. This includes false narratives targeting its constitutional order, sovereignty, territorial integrity, defence, or economic power, with potential penalties ranging from fines and

26 [LITHUANIA: 'Civil society must humanise the public narrative around irregular migration'](#)

restrictions of liberty, to arrest or imprisonment for up to five years.²⁷

In 2023, Lithuania experienced a cyber false flag attack, during which various Lithuanian institutions received numerous emails containing fabricated threats of explosives being planted in schools, kindergartens, and municipal buildings. These threats resulted in the closures of some institutions, thus leading to economic and social disruptions. Additionally, this incident underscored the absence of clear guidance for civil protection authorities on how to respond to false reports and manage such cyberattacks.²⁸

Further exacerbating the situation, the National Crisis Management Centre identified 16 information incidents before and during the NATO Summit in Vilnius in 2023. The primary source of these incidents was traced back to individuals residing in Lithuania or organisations operating within the country. Particularly noteworthy was the manipulation of audio files through hacking into the systems of a regional radio station and a shopping mall in Vilnius. These altered audio files were then broadcasted, conveying messages opposing NATO and expressing anti-military aid sentiments towards Ukraine. This comprehensive disinformation campaign highlighted the urgency of addressing and mitigating the impact of deceptive information on national security and public perception.²⁹

Online content regulation

In 2023, the Police Virtual Patrol handled 7,020 reports related to various cyber offences. Among these, 331 cases led to administrative penalties, and in certain instances, criminal proceedings were initiated. Notably, 445 cases involving data were referred for clarification, comprising 73 cases of potential incitement to hatred and 264 cases of potential use of prohibited symbols.³⁰

In 2023, the Communications Regulatory Authority received 2,516 reports of internet content that is either prohibited or has adverse effects on minors through the internet hotline, marking a 65% increase compared to 2022. Legal proceedings were initiated in 1,475 cases, with the majority of reports—669 in total—pertaining to information related to child sexual exploitation.³¹

Other

As of May 2023, legislation in Lithuania requires local municipalities to eliminate monuments and symbols in public areas that promote totalitarian and authoritarian regimes. Within a span of 20 working days, local municipalities are obligated to provide the state-funded Genocide and Resistance Research Centre of Lithuania (LGRTC) with lists of public spaces

27 [The Republic Of Lithuania Supplementing The Criminal Code With Article 118-1 Legislation](#)

28 [Head of the NKVC: no more false reports of explosives](#)

29 [After the NATO summit, the spice of lies: thousands of residents received misleading messages](#)

30 [Police Virtual Patrol reports on the year: over 7000 complaints, 75 public warnings](#)

31 [RRT Internet Hotline Receives 65% More Messages In 2023](#)

containing such symbols. Enacted by the parliament in December 2023, this law prohibits the commemoration or representation of individuals, symbols, and information that endorse totalitarian or authoritarian regimes and their ideologies.³²

On 12 September 2023, the European Court of Human Rights rendered its judgement in the case involving Eigirdas and the entity “Demokratijos plėtros fondas” against Lithuania, determining a breach of Article 10 of the European Convention on Human Rights, safeguarding freedom of expression.

The applicants contested the 2015 rulings of the Ethics Commission for Public Information, which found them in violation of Lithuania’s Code of Ethics for Journalists and Publishers in two publications. The Court examined whether the Commission’s decisions, mandating the publication of its judgements, curtailed the applicants’ freedom of expression and whether such a restriction was justified in a democratic society.

The Court acknowledged the legally sanctioned nature of the restriction on freedom of expression and scrutinised its necessity in a democratic society. Regarding the first publication, it emphasised the clash between freedom of expression and Mr. VM’s right to privacy, honour, and reputation. Stressing the near impermissibility of restrictions on political

speech or public interest debates under Article 10 § 2 of the Convention, the Court found the restriction unreasonable, criticising the Supreme Administrative Court for failing to strike a proper balance.

Assessing the second publication’s circumstances, the Court noted the applicants’ twofold complaint: firstly, contesting the courts’ declaration of the statements as unethical, and secondly, asserting they were not obligated to grant People Magazine a right of reply. Echoing earlier findings on the first publication, the Court reiterated that VM, as a politician seeking publicity, rendered the applicants’ derogatory comments not an attack on VM’s son DM or the magazine “Žmonės”. It concurred with the applicant that granting the right of reply before publication would unjustifiably restrict freedom of expression. Considering the severe penalty, including high legal costs and the obligation to compensate the Journal Publishing Group, with potential deterrence on journalistic activities, the Court found a violation of Article 10, as the restriction lacked a social imperative need and proportionality to the pursued goals.³³

32 [Lithuania’s desovietisation law comes into effect, public spaces to be affected](#)

33 [The Instruction to Publish the Decisions of the Public Information Ethics Commission Unreasonably Limited the Applicants’ Freedom of Expression](#)

Attacks and harassment

Intimidation / negative narratives / smear campaigns / disinformation campaigns

On 27 January 2023, the LRT portal published an article featuring commentary from Giedrius Mišutis, the representative of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania. The commentary focused on the activities of the public institution Border Group, with Mišutis referring to the volunteers of the NGO Border Group as “pseudo-volunteers”.

Given that the NGO Border Group is the sole non-governmental organisation operating on a voluntary basis at the Lithuanian border, the comment by the State Security Service representative raises concerns. It is likely that readers of the portal may interpret this characterization as casting suspicion on the activities of the NGO Border Group. The spokesperson’s remark appears to insinuate potential involvement of volunteers in criminal activities and/or aims to sow doubt regarding the transparency of the organisation’s funding. This is emphasised by drawing a contrast between the rhetoric of the volunteers and that of Belarusian propagandists.

In response to these allegations, the NGO Border Group promptly contacted the State Border Guard Service (SBGS) to refute the false information. However, the group received

a reply, indicating that the statements were not an attempt to communicate a derogatory message and instead of using “pseudo-volunteers”, they could have used “persons claiming to be volunteers” description, which still would denigrate the volunteering carried out by the NGO Border Group.

The NGO Border Group, known for actively and effectively contributing to the development of improved conditions and humanitarian assistance for migrants and asylum seekers, is facing unwarranted verbal attacks from officers of the State Border Guard Service. Officials from the State Border Guard Service have repeatedly referred to volunteers who work with migrants or asylum seekers at the border as pseudo-volunteers or persons posing as volunteers. State Border Guard officials also claim that volunteers use the same rhetoric as foreign propagandists, which is a completely false expression that denigrates the work that volunteers do.

Additionally, they criticise the organisation’s activities, suggesting they may compromise the core principles of volunteering. Several public records from the State Border Guard Service contain these disparaging terms, thereby undermining the positive contributions of the NGO Border Group.³⁴

Laurynas Kasčiūnas, a Member of the Seimas, reacted strongly and unfavourably to the NGO Border Group’s proposed amendment to the law. Kasčiūnas remarked, “As a smuggler, I

34 <https://vsat.lrv.lt/lt/naujienos/cepkeliu-pelkeje-pasienieciai-sulaike-pussimti-migrantu-ir-itariama-ju-vedli-baltarusi-foto/>

would also be content to establish a human rights organisation, potentially granting exclusive access to the border. I would undoubtedly pursue such an avenue if I had malicious intent, aiming to discredit border security. It is imperative for us to address and manage these potential risks.”³⁵

Public participation

Other

In March 2023, the Ministry of Social Security and Labour approved a procedure for tenders

for institutional strengthening of CSOs.³⁶ This measure is one of the measures foreseen in the 2023-2025 Action Plan for Strengthening of CSOs Activities, which was approved in 2022, and provides for such objectives as strengthening of CSOs’ institutional capacities and activity; promoting cooperation between public and CSO sectors whilst providing public services, increasing financial sustainability of CSOs; strengthening and developing voluntary activities; increasing public and CSOs’ participation in the decision-making process and participation in public policy, among others.³⁷

Disregard of human rights obligations and other systemic issues affecting the rule of law environment

Key recommendations

- *The Ministry of the Interior should amend the law regulating the practice of pushing back irregular migrants during extreme situations or states of emergency, addressing concerns raised by human rights organisations.*
- *Strengthen mechanisms to ensure accountability for human rights violations, particularly those affecting marginalised groups, by enforcing existing laws and regulations.*
- *Develop a defined timetable and expedite actions to implement outstanding judgements from the European Court of Human Rights, addressing the backlog and demonstrating commitment to human rights standards.*

35 https://www.youtube.com/watch?v=lvEfRRf_35g

36 <https://www.e-tar.lt/portal/lt/legalAct/cc265d20bf1811ed97b2975f7dad7488>

37 <https://www.e-tar.lt/portal/lt/legalAct/c8f1fd80300711edb4cae1b158f98ea5/asr>

Systemic human rights violations

Widespread human rights violations and/or persistent protection failures

In April 2023, the Lithuanian Parliament enacted a law legalising the practice of pushing back irregular migrants at the border during a state-level extreme situation regime or a state of emergency. These amendments, drafted by the Ministry of the Interior, formalise and consolidate the existing procedure for rejecting migrants at the border. This practice was initially introduced through a Minister of the Interior's order issued in 2021 and subsequently formalised by a government resolution.³⁸

However, these legislative changes have faced criticism from human rights organisations, which argue that the new law legitimises push-backs and expulsions—a practice deemed in violation of international law.

On 7 June 2023, the Constitutional Court of the Republic of Lithuania issued a ruling declaring that the provisions of the Law on the Legal Status of Aliens concerning the temporary accommodation of an asylum seeker in an Alien Registration Centre during a state of emergency are contrary to Article 20 of the Constitution, which enshrines the inviolability and protection of human freedom. The Constitutional Court has recognised that the

measure applied to asylum seekers, namely temporary accommodation in specified places without the right to move freely within the territory of the Republic of Lithuania, should be regarded as one of the most severe measures of restriction of the liberty of persons, which may amount to detention. The legislator has not complied with the requirements of the Constitution not to restrict a person's rights beyond what is necessary to achieve the objective and, when deciding on the application of measures restricting a person's liberty, to assess, as far as possible, the individual situation of each person. Although personal freedom is not absolute and may be restricted where necessary, such a restriction cannot be based solely on general grounds, for example, the imposition of a state of emergency. In each case, the authorities must be able to assess the real threat posed by the individual, but the current regulation and the applicant's situation show that asylum seekers in Lithuania have been accommodated in a confined space with restrictions on movement without taking into account the individual situation of each person. The provisions of the law were found to be unconstitutional as asylum seekers were not granted the guarantees applicable to detained persons, such as the right to apply to a court for an alternative measure to detention, and the restrictive measures imposed were adopted without a decision of the competent authority, without ensuring the possibility of a judicial review of the validity and lawfulness of the measures.³⁹

38 [Lithuania legalises migrant pushback](#)

39 [Concerning the temporary accommodation of an asylum seeker due to a mass influx of foreigners in the event of a declared state of emergency, state of emergency or state of war](#)

It is important to highlight that Lithuania is falling short in fulfilling its responsibilities towards transgender people. While the country does have administrative and judicial processes for changing personal names and gender markers on documents, and it is noteworthy that surgical intervention is not obligatory for such changes, nor is mandatory sterilisation a prerequisite for altering gender markers. However, Lithuania only complies with these four aspects among a total of 30 indicators. This statistical discrepancy highlights the concerning situation faced by transgender individuals in the country. The extent of effort exerted by certain segments of society, including politicians, to disseminate misleading information and deny the imperative to safeguard transgender rights is disheartening.⁴⁰

Legal recognition for same-sex partnerships is absent. Although a proposal to recognise same-sex civil unions faced insufficient support in a May 2021 Seimas vote, a year later, legislators decided to reconsider a modified version of the proposal. In May 2023, discussions commenced in the Parliament regarding a compromise legislation aiming to establish gender-neutral civil unions, intending to extend rights to same-sex couples. However, the matter of civil partnership remains unsettled.

The Parliament Ombudspersons' Office of Lithuania recently released a report on human rights at the Jurdaičiai social care home, offering insights into the broader situation in similar

facilities. According to the Ombudsperson Dr. Erika Leonaitė, while living conditions are generally satisfactory, the social care system faces persistent issues due to slow and ineffective institutional reorganisation. The Ombudsperson recommends initiating the process of deinstitutionalisation and a shift towards community living.

While the Jurdaičiai social care home provides accessible information and infrastructure for residents with disabilities, psychological services remain inadequate. Residents can engage in household activities with staff assistance, move freely within and beyond the premises, and visit family as desired. However, they lack essential skills for community living, such as using public transportation and financial literacy.

Lithuania currently has approximately 30 institutional care homes, accommodating around 6,000 residents with disabilities. The deinstitutionalisation initiative aims to establish 42 community residential homes for 300 people, aligning with Article 19 of the UN Convention on the Rights of Persons with Disabilities. This article emphasises the right of individuals with disabilities to live in the community on an equal basis. The challenge lies in ensuring that new community homes uphold human rights, individual needs, independence, and social inclusion without promoting further segregation.⁴¹

40 [Lithuania is failing to meet its obligations to transgender people](#)

41 [Lithuanian social care system should prepare individuals to live outside of care homes](#)

In April 2023, the Lithuanian Ombudsperson for Child's Rights received a report on violations of a refugee child's rights. The investigation found that five Syrian nationals, including an unaccompanied minor, were improperly detained at a State Border Guard post. The Ombudsperson highlighted key issues for the protection of unaccompanied minors, including prompt notification to relevant authorities, appointment of a guardian, representation during interviews, proper identification, legal representation, access to NGOs, and the need for immediate assessment and assistance. Compliance with children's rights legislation is crucial, particularly for vulnerable groups like unaccompanied minors, to ensure their rights are respected during the migration process.⁴²

In late April 2023, the United Nations Committee on the Rights of Persons with Disabilities (UN CRPD) issued concerns about Lithuania's combined second and third periodic reports. Key areas of focus included legislative alignment with the Convention on the Rights of Persons with Disabilities, the effectiveness of the disability assessment system, consistency in disability concepts across regions, promotion of universal design, and financing for services.

The UN CRPD also inquired about access to funding for disability organisations, particularly those in rural areas, and their participation in decision-making councils. Other highlighted

issues encompassed intersecting discrimination, media stereotypes, accessibility, identification and support for asylum-seekers and refugees with disabilities, guardianship, independent living, deinstitutionalisation, inclusive education, employment rates, and access to sports and cultural facilities.⁴³

Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights

In 2023, Lithuania grappled with the implementation of 21 leading judgements from the European Court of Human Rights, maintaining a 21% backlog of main cases from the past decade. Over the course of the year, four new leading judgements emerged, while two were successfully implemented.⁴⁴

Notably, the case of *L. v. Lithuania* lingered in pending status. During 2023, the Vice-Ministers of the Committee of Ministers voiced deep concern regarding the prolonged legislative process for gender reassignment surgery and legal recognition, specifically in the context of the *L. v. Lithuania* case. Despite the establishment of an inter-institutional working group, more than 15 years after the judgement, significant progress remained elusive. The Vice-Ministers expressed apprehension over

42 [Children's Rights Ombudsman Issues New Guidance to Ensure Rights of Unaccompanied Foreign Minors in Lithuania](#)

43 [UN: Lithuania still needs to work on the rights of persons with disabilities](#)

44 [Lithuania and the Council of Europe](#)

the absence of a defined timetable for future actions.⁴⁵

In the unresolved case of *Macatė v. Lithuania*, the focus was on the temporary suspension and subsequent labelling of a book depicting same-sex relationships. The distribution of the book was halted shortly after its 2013 release and resumed a year later, only after being labelled as potentially harmful to children under 14. This case marks the first instance of the Court assessing restrictions on literature specifically written for children about same-sex relationships. The Court unanimously declared that the actions taken against the book violated Article 10 of the European Convention on Human Rights, which safeguards freedom of expression. It concluded that the restrictions aimed to limit children's exposure to information portraying same-sex relationships as equal to heterosexual ones. The Court rejected the government's claim that certain passages in the book were sexually explicit, such as a princess and a shoemaker's daughter sleeping after their wedding. Additionally, the Court dismissed the argument that the book favoured same-sex families, emphasising that the tales promoted respect and acceptance for all members of society within the context of committed relationships.⁴⁶ The Ministry of Justice has prepared a draft law amending the impugned Article 4 of the Minors Protection Law to eliminate the discriminatory provision in question. The draft

law was considered at the inter-institutional meeting of the Government on 29 August 2023 and no additional remarks or suggestions were received. Despite the Ministry of Justice's draft law to amend the discriminatory provision, the Seimas rejected it in November 2023, prolonging the case's unresolved status.⁴⁷

Similarly, the Ancient Baltic Religious Association "*Romuva*" *v. Lithuania* continued to await resolution. Originating from the Parliament's denial of state recognition to a non-traditional religious association in 2019, the case highlighted insufficient and unclear reasons, constituting violations of Convention Articles 14, 9, and 13. Although a Ministry of Justice evaluation confirmed the association's alignment with recognition criteria, the Seimas rejected the proposal for state recognition in September 2023. The Seimas provided vague, non-substantial, and highly subjective arguments, perpetuating the uncertainty surrounding the case. Additionally, the newly established Article 6 of the Law on Religious Communities and Associations failed to safeguard the interests of the Ancient Baltic Religious Association "*Romuva*."⁴⁸

45 *L. v. Lithuania* 15 years on, still at the starting point

46 *European Court of Human Rights Rules Against Lithuania in Children's Book Case*

47 *Macatė v. Lithuania*

48 *The Seimas rejected the proposal to grant recognition to the ancient Baltic religious community "Romuva"*.

Contacts

Human Rights Monitoring Institute

Human Rights Monitoring Institute (HRMI) is a non-governmental, not-for-profit human rights organisation. Since its establishment in 2003, HRMI has been advocating for full compliance of national laws and policies with international human rights obligations, and working to ensure that rights can be exercised in practice.

Human Rights Monitoring Institute
Lukiškių st. 5-318
LT-01108 Vilnius
hrmi@hrmi.lt
<https://hrmi.lt/en/>

The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

Ebertstraße 2. 4th floor
10117 Berlin
Germany
info@liberties.eu
www.liberties.eu



**Co-funded by
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the granting authority - the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the granting authority can be held responsible for them.