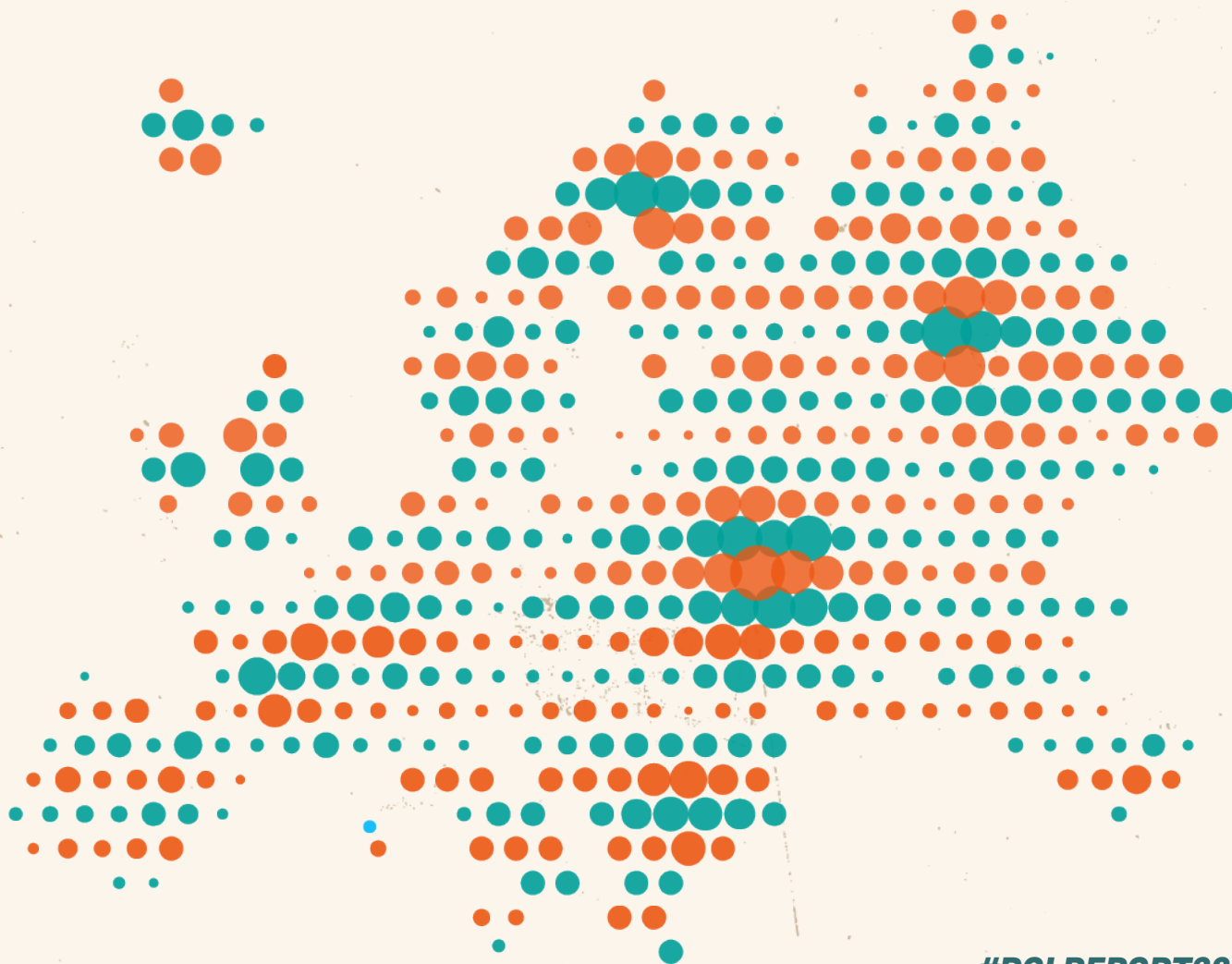


LIBERTIES

RULE OF LAW REPORT

2023

LITHUANIA



#ROLREPORT2023

FOREWORD

This country report is part of the Liberties Rule of Law Report 2023, which is the fourth 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 and partner organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden.

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 2023 Report was drafted by Liberties and its member and partner organisations, it and covers the situation during 2022. 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 2023 Report includes 18 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. Forty-five member and partner organisations across the EU contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2023 here](#)

TABLE OF CONTENTS

About the authors	4
Key concerns	4
Media environment and freedom of expression and of information	5
Disregard of human rights obligations and other systemic issues affecting the rule of law framework	7
Contacts	9

LITHUANIA

About the authors



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 trainings to law enforcement officers and other professionals.

Key concerns

In the area of media freedom and freedom of expression, no significant legal steps or

legislation have been taken to improve the situation of access to information of public interest for journalists. Overall, freedom of speech and expression are protected in the country. The European Commission's Rule of Law Report recommended that Lithuania should "continue improving the practice of granting access to official documents [...] including by journalists". However, media access to documents of public interest is still often restricted on the basis of data protection.

Regarding its human rights obligations, Lithuania has extended an open-door policy to Ukrainian refugees fleeing the war in the form of the ability to enter the country under any circumstance as per the EU directive for temporary protection.¹ Unfortunately, this policy is in direct contrast with the ongoing pushback strategy enforced on the irregular migrants crossing the Lithuania - Belarus border. This practice violates Lithuania's human rights obligations.

Furthermore, there is currently a draft amendment due to be reviewed by the Parliament that would legitimise pushback practice by law when a state of emergency is declared. One of the concerns raised in the European Commission's Rule of Law Report recommendations outlined an emphasis on "restrictions on the rights

1 <https://www.15min.lt/naujiena/aktualu/nuomones/lyra-jakuleviciene-kaip-elgtis-su-pabegeliais-ka-numato-tarp-tautine-ir-europos-sajungos-teise-18-1653594>

of individuals such as migrants' right to receive and disseminate information, and the right to travel within the territory".² There has been a positive development concerning the right of asylum seekers and irregular migrants to leave accommodation centres and move freely upon a favourable decision from migration authorities. Nevertheless, there have been instances where migrants and asylum seekers were detained and their freedom of movement restricted for extended periods of time, which has resulted in several complaints filed by individuals to the European Court of Human Rights over unfounded restrictions to their freedom of movement within the Foreigners Registration Centre.³ The situation seems to have improved for migrants that have crossed into Lithuania during the initial wave of 2021. The challenges that do remain are continued pushbacks at the border, lack of information on available options for relocation, and short notice times to leave the migration centres.⁴

State of play

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

Legend (versus 2022)

- ⬇️ Regression
- ⊖ No progress
- ⬆️ Progress

Media environment and freedom of expression and of information ⊖

Key recommendations

- The Ministry of Culture (with the help of the Ministry of Justice) should clarify in "The Public Information Act of The Republic of Lithuania" the conditions and restrictions of media access to information of public interest to prevent the courts' selective interpretation of data protection reg-

2 https://commission.europa.eu/system/files/2022-07/35_1_193984_coun_chap_lithuania_en.pdf

3 <https://www.lrt.lt/en/news-in-english/19/1856835/migrants-from-cuba-syria-iraq-sue-lithuania-over-rights-violations>

4 <https://www.lrt.lt/en/news-in-english/19/1737400/lithuania-is-releasing-migrants-but-leaving-them-in-limbo#:~:text=In%20June%2C%20Lithuania's%20Interior%20Ministry,for%20them%20might%20be%20impossible>

ulation from barring journalists from said information.

Public trust in media

According to 2022 Eurobarometer research, around 56 percent of the population in Lithuania considers the public broadcaster and radio a reliable provider of information. Around 28 percent of Lithuanians trust written media - news portals, newspapers, etc. Lithuanian youths aged 15-24 receive news mostly through social networking platforms and blogs (65 percent). 70 percent of Lithuanian residents indicated television, half - news portals, and a third - radio as the most frequently used media in the last seven days. At least eight percent of the population indicated that they read the written (printed) press.⁵

Freedom of expression and of information

Legislation and practices on fighting disinformation

The Public Information Act of The Republic of Lithuania was changed to include a ban on radio programmes, television programmes,

and stand-alone programmes from information outlets belonging to or controlled by the Russian Federation and the Republic of Belarus. This was done as a countermeasure to the incitement of hatred and violence and dissemination of propaganda related to Russia's war of aggression in Ukraine.^{6,7}

Other

Overall, media pluralism, independence, freedom of content, and access to information is relatively good in Lithuania. Instances remain where access to information of public interest is denied on the grounds of EU general data protection regulation, however, often times later the court grants access to the data where a conflict of interest by the data-denying party is established. Reporters Without Borders has ranked Lithuania no. 9 in their 2022 Press Freedom Index.⁸

5 <https://europa.eu/eurobarometer/surveys/detail/2832> (Country Fact Sheets - Lithuania)

6 <https://www.lrt.lt/en/news-in-english/19/1626345/lithuania-bans-russian-belarusian-tv-channels-over-war-incitement>

7 <https://www.lrt.lt/en/news-in-english/19/1779836/lithuanian-watchdog-advises-against-rebroadcasting-russian-belarusian-tv-programmes>

8 <https://rsf.org/en/index>

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

Key recommendations

- For the Parliament of the Republic of Lithuania to abstain from adopting the draft legislation that would legitimise pushbacks at state borders.
- For the Ministry of the Interior of the Republic of Lithuania to stop the policy of pushbacks against foreigners crossing from Belarus and uphold Lithuania's obligations under international and European law to allow people to request asylum, regardless of how the border was crossed.

Systemic human rights violations

Widespread human rights violations and/or persistent protection failures

The predominant continuing violation of international and EU human rights obligations is

Lithuania's pushback policy implemented as a response to irregular migrants crossing the border from Belarus, which is seen as a hybrid attack consisting of instrumentalizing people. The turning-away strategy effectively expels irregular migrants and prevents them from filing for asylum at the border. It also forces them to return to Belarus, which cannot be considered a safe third country. The policy began in 2021 and continues to this day. The pushback policy also has grave consequences for the wellbeing of irregular migrants, since people have lost limbs to frostbite due to staying in harsh winter weather conditions in the forests between Lithuania and Belarus, unable to enter either country.⁹ Thereby, the pushbacks force migrants to look for ever more secluded areas to cross and increases the danger of the journey.¹⁰ There have been further suggestions of violation of treaties when seven migrants were deported the night of their denied asylum without due process of allowing them their right to appeal within a seven-day period while in the country.¹¹ Additionally, there have been concerns by MSF over inadequate legal representation provided to migrants seeking asylum, information availability on their legal rights and housing, and the conditions for migrants in detention.¹²

9 <https://www.lrt.lt/en/news-in-english/19/1865535/lrt-english-newsletter-migrant-pushbacks-migrant-death>

10 <https://www.lrt.lt/en/news-in-english/19/1781283/lithuania-s-pushback-policy-traumatizes-migrants-mentally-physically-msf>

11 <https://www.lrt.lt/en/news-in-english/19/1844366/rights-group-says-lithuanian-authorities-broke-law-with-night-time-deportation-of-asylum-seekers-to-nigeria>

12 <https://www.msf.org/serious-concerns-migrant-welfare-lithuania-and-latvia-remain-projects-close>

Impunity and/or lack of accountability for human rights violations

This pushback strategy has been implemented concurrently with several successive extensions of the declaration of state of emergency, which legitimises the pushback policy as a needed exception to the rule of law in the fight against what the government perceives as a hybrid attack from Belarus. Recently, Lithuania's cabinet has also proposed and approved a draft amendment that "formalises in law the policy of turning away irregular migrants at the border."¹³ It would codify the pushback strategy as applicable and legal during states of emergency. Considering the use and prolongation of states of emergency, which have been consequently prolonged several times, it is believed this would further violate international obligations, effectively legalising collective expulsions that are against Lithuania's international obligations.¹⁴

Follow-up to recommendations of international and regional human rights monitoring bodies

It is recommended for human rights monitoring bodies to remain focused on the situation. Monitoring of individual and group cases of pushbacks will add transparency to the real effects on lives and any human rights violations.

It is also desired to further advocate for the Lithuanian government's abandonment of the pushback strategy as a policy for dealing with the hybrid war, and to consult and advocate for the government to seek solutions to the current situation that are aligned with human rights obligations.

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

The European Court of Justice has declared the practice of not allowing people to claim asylum as violating EU law. The decision renders both the detention of persons and the pushback strategy as being in breach of European law.¹⁵ Progress has been made on the conditions of people allowed to move freely within the country, but the pushback strategy remains in practice.

13 <https://www.lrt.lt/en/news-in-english/19/1864010/lithuanian-cabinet-endorses-controversial-migrant-push-back-legislation>

14 <https://www.lrt.lt/en/news-in-english/19/1517865/unhcr-lithuania-s-pushback-policy-illegal>

15 <https://ecre.org/eastern-borders-cjeu-finds-lithuanias-legislation-unlawful-amid-new-reports-of-abuses-polish-court-ruling-on-the-illegality-of-pushbacks-poland-replaces-a-no-access-zone-with-steel-wall/>

Contacts

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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.

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