



FUNDAMENTAL RIGHTS
AND THE RULE OF LAW

Authorities' observations on the report on the country visit to Lithuania

15 and 17 December 2021



European Economic
and Social Committee



LIETUVOS RESPUBLIKOS SOCIALINĖS APSAUGOS IR DARBO MINISTERIJA
MINISTRY OF SOCIAL SECURITY AND LABOUR
OF THE REPUBLIC OF LITHUANIA

A.Vivulskio str. 11, LT-03610 Vilnius Tel. +370 5 266 8176 Fax +370 5 266 4209 E-mail: post@socmin.lt

European Economic and Social Committee
Fundamental Rights and Rule of Law Group

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**OBSERVATIONS FROM THE LITHUANIAN GOVERNMENT ON THE DRAFT
REPORT OF THE AD HOC GROUP ON FUNDAMENTAL RIGHTS AND THE
RULE OF LAW OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE
ON ITS VIRTUAL VISIT TO LITHUANIA ON 15-17 DECEMBER 2021**

The Government of the Republic of Lithuania would like to thank the ad hoc Group on Fundamental Rights and Rule of Law of the European Economic and Social Committee for the constructive discussion on 17 December 2021 and wishes to present additional comments to the subsequent draft "Report on the virtual visit to Lithuania 15 and 17 December 2021" in the following sections:

3. Freedom of expression and freedom of the media

Regarding *the application of the GDPR*. In 2022, the Government is organising public consultations with journalists and other stakeholders aiming to clarify the issues faced by journalists when applying the GDPR. As a result, amendments of legal acts might be drawn up, if there is such a need. Besides, it is planned to organise trainings on the GDPR and national laws for journalists, data controllers and data protection officers and to publish guidelines on applicable requirements.

Regarding *the initiative on preventing SLAPP*. In spring of 2021, the Parliament of Lithuania took the initiative and established the working group to specifically tackle the problem of abusive litigation, also known as Strategic Lawsuits against Public Participation (SLAPP). The following draft laws have been prepared:

- *the amendment to the Code of Civil Procedure* provides a new possibility of early dismissal of the claim if a court establishes that this claim may be categorised as SLAPP;
- *the amendment to the Criminal Code* revises the criminal liability for defamation, in order to strengthen the protection of journalists and other disseminators of public information from unjustified prosecution.

These draft laws are still under consideration in the Parliament.

4. *The right to non-discrimination*

Although it is true that the National Programme for Equal Opportunities for Men and Women was discontinued in 2021, it should be noted that now, with the horizontal implementation of gender equality across all strategic planning initiatives in place, all ministries are obliged to include gender equality issues, within their competence, in their development programmes and other strategic documents and provide measures to address it. Furthermore, issues of gender equality are included in the newly prepared development programmes of the Ministry of Social Affairs.

Additionally, to improve general understanding of gender equality issues and to aid in the process, the Ministry of Social Security and Labour of the Republic of Lithuania was appointed as coordinator of the horizontal principle "equal opportunities for all", which includes gender equality, monitors the implementation of gender equality measures and conducts consultations with other Ministries on the specificities of gender equality issues within their competences. As regards capacities, there is a separate group that also covers gender equality issues functioning in the Ministry of Social Security and Labour.

On 31 December 2021 the Minister of Justice adopted amendments to the order "On the approval of the order on the amendment of the name and surname", which establishes an effective administrative procedure for persons who are diagnosed with Gender Identity Disorder to change their names and surnames so that they correspond to their chosen gender.

5. *The rule of law*

Regarding *the drafting of the judicial budget*. According to the laws in force, the budget procedure for the next year begins in the spring of the current year. The Government approves a budgeting plan and sets deadlines by which the managers of appropriations, including courts, provide the Ministry of Finance with funding needs for the coming year, justifying the necessary change compared to the current year's budget. At a later stage the Office of the Government organizes meetings between the Prime Minister, the Minister of Finance and the managers of appropriations in the relevant area (in this case, the representatives of the judiciary) on the budget needs for the coming year. Based on the decisions taken, a draft Law on budget indicators for the coming year is prepared and submitted to the Parliament, which is then discussed in the Parliament's committees and is usually adopted in December.

In 2021 the Justice System Development Programme was approved by the Government. One of the problems identified in the area of judicial self-government is that "the current funding model is not linked to the legal status and needs of the courts as independent authorities". The abovementioned Development Programme includes a measure focused on solving this and other identified problems ("to increase the efficiency of the organisation of activities of the judicial system"). The organiser and coordinator of this measure is the National Courts Administration.

Regarding *the procedure for the selection of judges*. The President of the Republic of Lithuania initiated amendments to the Law on Courts and other related laws aimed at ensuring greater efficiency and openness of the judicial system. The amendments are currently under discussion in the Parliament and aim, among other things, to improve the procedure of the selection of judges in Lithuania.

In addition, some changes were made to the procedure and conditions for the transfer of judges to other courts. The mentioned amendments to the Law on Courts entered into force at the beginning of this year and aim to increase efficiency of the courts.

Regarding *the Constitutional Court of the Republic of Lithuania*. The Constitutional Court of the Republic of Lithuania has been operating at full capacity since 2021. The new President of the Constitutional Court took up office on 18 June 2021.

We would again like to extend our gratitude to the FRRL Group for its visit to Lithuania on 15-17 December 2021 and to confirm our availability, should there be any follow-up questions based on these additional observations.

Yours sincerely,

Vice-Minister

Vytautas Šilinskas

Linus Lasiauskas, tel. +370 659 24763, e-mail: linas.lasiauskas@socmin.lt



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Rue Belliard/Belliardstraat 99
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