

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and United Nations system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION LITHUANIA

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on the Rights of the Child (CRC) adopted its concluding observation on Lithuania ([CRC/C/LTU/CO/5-6](#)) on 2 February 2024 and the report was published on 7 March 2024.
 - The Special Rapporteur on the right to privacy visited Lithuania from 12 to 16 December 2022 and presented a report ([A/HRC/55/46/Add.1](#)) to the 56th session of the Human Rights Council (26 February – 5 April 2024).
- Forthcoming relevant information (after January 2025):
 - The Working Group on enforced or involuntary disappearances visited Lithuania from 20 to 27 November 2024. At the end of the visit, the Working Group issued a [preliminary observation](#). A report will be presented to the 60th session of the UN Human Rights Council in September 2025.
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - Country page on [Lithuania](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Quality of justice – accessibility of courts

- The Committee on the Rights of the Child recommends that the State party:
 - (a) Ensure that all children have access to confidential, child-friendly and independent complaints mechanisms in schools, in alternative care settings, in foster care systems, in mental health settings and in detention, for reporting all forms of violence, abuse, discrimination and other violations of their rights;
 - (b) Raise awareness among children of their right to file a complaint under the existing mechanisms;
 - (c) Provide social and legal support for all children, including those living in disadvantaged situations, to access these mechanisms ([CRC/C/LTU/CO/5-6, para. 14](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Framework for journalists' protection, transparency and access to documents - access to information and public documents

- The Inspector of Journalist Ethics is an independent public official who oversees the implementation of personal data protection for the purposes of journalistic, academic, artistic or literary expression. The Office of the Inspector deals with complaints regarding violations of honour and dignity and the right to protection of private life in the media, and cooperates with the State Data Protection Inspectorate to ensure the consistent application of data protection laws. ([A/HRC/55/46/Add.1, para. 62](#))
- According to the 2022 report of the Office of the Inspector of Journalist Ethics, 302 complaints were received in 2022, of which 103 were about the protection of personal data compared with 112 in 2021. These complaints were mainly about information or disinformation published on the Internet but also dealt with hate speech and pornography. Decisions taken by the Office of the Inspector of Journalist Ethics can be appealed in court. ([A/HRC/55/46/Add.1, para. 63](#))
- The Law on the Provision of Information to the Public establishes the procedure for collecting, producing, publishing and disseminating public information and the rights, duties and liability of producers and disseminators of public information, journalists and institutions regulating their activities. Article 13 of the law protects a person's rights, honour and dignity when information on him or her is collected and published. Article 14 protects private life and states that information about a person's private life may be published only with the consent of that person, except for the specific cases set out in article 14 (3). ([A/HRC/55/46/Add.1, para. 64](#))
- In 2023, the Supreme Court of Lithuania issued a decision concerning the conflict between a right to privacy ("right to be forgotten" of a person who had served his sentence) and the need to preserve the integrity of press archives (anonymization of the online archived version of a lawful article). In order to balance the various rights at stake, the Supreme Court applied new criteria and rules established in the case law of the European Court of Human Rights. According to the principle of preservation of the integrity of press archives, the alteration or removal of archived content is limited to what is strictly necessary, so as to prevent any chilling effect such measures might have on the performance by the press of its task of imparting information and maintaining archives. ([A/HRC/55/46/Add.1, para. 65](#))

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- The Committee on the Rights of the Child recalls its previous concluding observations and recommends that the State party provide the Office of the Ombudsperson for Children's Rights with adequate human, technical and financial resources to meet the needs for the Office to fully implement its mandate, including by expeditiously completing the hiring for the positions that are still vacant. ([CRC/C/LTU/CO/5-6, para. 15](#))
- The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Ombudsperson for Child Rights and civil society. ([CRC/C/LTU/CO/5-6, para. 50](#))

The enabling framework for civil society - measures regarding the framework for civil society organizations and human rights defenders

- While noting the information provided by the State party on the legal basis for activities by and funding of non-governmental organizations as well as on their participation in inter-institutional entities, such as the Inter-Institutional Child Welfare Council under the Government of Lithuania, the Committee on the Rights of the Child recommends that the State party take concrete steps to review the existing legal and institutional framework to ensure that civil society operates independently in the field of the rights of the child. ([CRC/C/LTU/CO/5-6, para. 17](#))

The enabling framework for civil society – surveillance

- The Special Rapporteur was briefed in detail by the Office of the Prosecutor General about the procedure before district courts for conducting surveillance on or interception of the communications of an individual. The criminal investigator prepares a report for the evaluation of the Prosecutor, who applies to the district judge for a decision on whether to grant the request. Only between 2 and 3 per cent of such applications are rejected by district judges, which indicates either that the grounds presented by the prosecutor meet a very high threshold or that judicial oversight could be further strengthened. Prosecutors undergo a verification procedure every five years in order to work with sensitive or secret information (article 17 of the Law on State Secrets and Official Secrets). ([A/HRC/55/46/Add.1, para. 44](#))
- The Special Rapporteur's evaluation of the criminal investigation process is that there are strict internal procedures and all information and data gathered during the investigation that is not needed or relevant is destroyed in accordance with the Criminal Code. The Law on Legal Protection of Personal Data implements Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data. Further, accused persons can seek damages before the regional courts regarding infringements on their personal life. The Special Rapporteur was informed that a proposed mechanism for assessing such damages was before the parliamentary Committee on Legal Affairs and was expected to be passed by the parliament in 2023. ([A/HRC/55/46/Add.1, para. 45](#))
- The Special Rapporteur noted during her discussions that law enforcement agencies are aware of the potential impact of facial recognition technology on privacy. The Law Institute of the Lithuanian Centre for

Social Sciences has initiated a study on legal challenges and solutions in relation to government use of facial recognition technologies to identify and assess the legal risks posed by facial recognition technologies due to their intrusive nature and the need for privacy assessments. ([A/HRC/55/46/Add.1, para. 46](#))

SPECIAL THEME - Child justice system

In his [New Vision for the Rule of Law](#), the UN Secretary-General noted that we need to move urgently and collectively towards more transparent, inclusive and responsive justice systems and that children should have access to specialized and efficient justice institutions and be recognized as fully-fledged and distinct rights holders. The best interests of the child shall always be the primary consideration. Referred to as “child justice system”, it includes the legislation, norms and standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children considered as offenders. Children differ from adults in their physical and psychological development. Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualized approach. Exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults.

For more info:

- [General comment No. 24 \(2019\) on children’s rights in the child justice system \(CRC/C/GC/24\)](#)

- The Committee recommends that the State party conduct an in-depth assessment of its child justice system in the light of general comment No. 24 (2019) on children’s rights in the child justice system, with a view to bringing it fully into compliance with the Convention and other relevant standards and recommends, in particular, that the State party:
 - (a) Promote non-judicial measures, such as diversion, mediation and psychosocial support, for children alleged to have, accused of having or recognized as having infringed the criminal law and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;
 - (b) Continue the efforts with a view to ending the placement of children in socialization centres and apply measures in line with international standards. Optional Protocol on the involvement of children in armed conflict ([CRC/C/LTU/CO/5-6, para. 45](#))
- Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol, the Committee urges the State party:
 - (a) To establish mechanisms for the early identification of refugee, asylum-seeking and migrant children who may have been recruited or used in hostilities abroad and to provide them with immediate culturally sensitive, child-centred and multidisciplinary assistance for their physical and psychological recovery, their rehabilitation and their social reintegration;
 - (b) To develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol addressing all relevant groups working with children, in particular professionals working with asylum-seeking, refugee and migrant children entering the State party from countries affected by armed conflict. ([CRC/C/LTU/CO/5-6, para. 46](#))