



Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

Rule of law and 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."

Office of the UN High Commissioner for Human Rights (OHCHR)

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.

OHCHR 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's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

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

Treaty-based mechanism

Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

UN Charter-based mechanism

UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

Human rights and rule of law (4 pillars of Rule of Law Report)

Pillar 1: 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](#)

Pillar 3: 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 \(CCPR/C/GC/34\)](#)

Pillar 2: 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](#)

Pillar 4: 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](#)



Lithuania: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
 - The UN Working Group on Enforced or Involuntary Disappearances visited Lithuania from 20 to 26 November 2025. The Working Group issued a press release and a preliminary conclusion at the end of the visit and subsequently, presented the report of the visit (A/HRC/60/35/Add.1) at the 60th session of the UN Human Rights Council (8 September – 8 October 2025).
 - The UN High Commissioner for Human Rights issued a press release “UN Human Rights Chief Volker Türk gravely alarmed by steps to withdraw from anti-personnel mine ban convention” on 2 July 2025.
- **Summary of information which could be of particular relevance to the Rule of Law report:**
 - Under pillar 1 on justice system, relevant findings and recommendations (quality of justice – accessibility of courts and training of justice professionals) were issued by UN human rights mechanisms.
 - Under pillar 4 on checks and balances, relevant findings and recommendations (accessibility and judicial review of administrative decisions and independent authorities - NHRIs) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
 - The UN Committee on the Elimination of Discrimination against Women will consider the State Party report from Lithuania during its 92nd session (to be confirmed, 2 – 20 February 2026).
 - The UN Committee on Economic, Social and Cultural Rights will consider the follow-up to concluding observations on Lithuania during its 79th session (date to be confirmed, 9 February – 6 March 2026).
 - The UN Committee on the Rights of Persons with Disabilities will consider the State Party report from Lithuania in a future session (date to be confirmed).
 - The UN Committee on Enforced Disappearance will consider the State Party report from Lithuania in a future session (date to be confirmed).
 - The UN Committee on the Elimination of Racial Discrimination will consider the State Party report from Lithuania in a future session (date to be confirmed).
- **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).

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Quality of justice – accessibility of courts

The UN Working Group on Enforced or Involuntary Disappearances received allegations that the immediate notification of the relatives of all migrants placed in custody and access to a lawyer from the very outset of the deprivation of liberty are not always guaranteed in practice, despite the provisions contained in the applicable legal framework. The Working Group calls upon the Lithuanian authorities to ensure the full implementation of the applicable provisions and to ensure that any acts hindering the observance of these guarantees are adequately sanctioned. ([A/HRC/60/35/Add.1](#), para. 71)

The Working Group recommends that the Government of Lithuania:

- (a) Ensure without delay the recognition of the legal standing as victims, including family members, of all the individuals who were subjected to enforced disappearance in the context of the extraordinary rendition programme, including Mr. Zubaydah and Mr. al-Hawsawi, and enable their and their counsels' effective participation in the ongoing pretrial investigation;
- (b) Closely follow the developments in relevant proceedings in the United States in the cases involving Mr. Zubaydah and Mr. al-Hawsawi and assess whether any evidence disclosed in them can be of use in their domestic investigation;
- (c) Complete the investigation into allegations of its involvement in the rendition and secret detention programmes within a reasonable time, holding those responsible accountable. ([A/HRC/60/35/Add.1](#), para. 81)

Quality of justice – training of justice professionals

The UN Working Group on Enforced or Involuntary Disappearances recalls the fundamental preventive role played by adequate training and awareness-raising on human rights standards and welcomes the efforts made by Lithuanian authorities in this regard. The Working Group also recalls that the relevant training should include information on the Declaration, the Convention, the Guiding Principles and the practice of the Working Group and the Committee on Enforced Disappearances. Such training must be given on a regular basis to law enforcement personnel, both civil and military, medical personnel, public officials and other persons involved in the custody or treatment of any person deprived of their liberty, as well as to members of the judiciary. The Working Group emphasizes the importance of translating the text of the Declaration, the Convention and the Guiding Principles, as well as other relevant reports and documentation, into national languages and facilitating their dissemination, including by making them available in accessible formats and through technologies appropriate to different users, with special attention to persons with disabilities. (A/HRC/60/35/Add.1, para. 74)

The Working Group recommends that the Government of Lithuania:

(e) Ensure that law enforcement personnel, both civil and military, medical personnel, public officials and other persons involved in the custody or treatment of any person deprived of their liberty, as well as members of the judiciary, receive regular training, including information on the Declaration, the Convention, the Guiding Principles and the practice of the Working Group and the Committee on Enforced Disappearances (A/HRC/60/35/Add.1, para. 85)

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.

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Independent authorities - Independence, resources, capacity and powers of national human rights institutions ('NHRIs')

With regard to the prevention of human rights violations, including enforced disappearance, the UN Working Group on Enforced or Involuntary Disappearances welcomes the designation of the Seimas Ombudsperson's Office as the national mechanism to prevent torture and other cruel, inhuman and degrading treatment, to which adequate financial, human and technical resources must be guaranteed. (A/HRC/60/35/Add.1, para. 73) The Working Group recommends that the Government of Lithuania:

(d) Ensure that the Seimas Ombudsperson's Office receives sufficient financial, human and technical resource (A/HRC/60/35/Add.1, para. 85)

Accessibility and judicial review of administrative decisions – decisions from ECHR

The UN Working Group on Enforced or Involuntary Disappearances is concerned that, despite recognition by the European Court of Human Rights and by the treaty bodies and special procedures of the involvement of Lithuania in the extraordinary rendition programme, which entailed the enforced disappearance of at least five individuals on Lithuanian territory, there has been no official acknowledgment by Lithuanian authorities of their international responsibility, nor have they issued any public apologies to the persons concerned. (A/HRC/60/35/Add.1, para. 9)

The Working Group is concerned that no progress has been made in relation to criminal investigations and prosecutions related to the renditions and subsequent enforced disappearances committed two decades ago in the context of the extraordinary rendition programme. In the cases of Abu Zubaydah and Mustafa Ahmed Adam al-Hawsawi, the European Court of Human Rights has found Lithuania in breach of multiple human rights enshrined in the European Convention on Human Rights because of its complicity in the torture and enforced disappearance of detainees in this context. The Court ordered measures of reparation, including the reactivation of investigations to identify, prosecute and sanction those responsible. In addition, (A/HRC/60/35/Add.1, para. 31)

The Working Group is particularly troubled by the fact that, in the cases in which the international responsibility of Lithuania has already been established by the European Court of Human Rights and other international human rights mechanisms, victims' participation in the ongoing pretrial investigation has not been effectively granted. In this regard, the Working Group has been informed that the requests by victims' representatives to meet with the authorities have remained unanswered. Moreover, the Working Group learned with great concern that Lithuania had not granted anyone the status of victim in the relevant pretrial investigation, due to the alleged absence of evidence conforming to the standards of criminal procedure. This encompasses Mr. Zubaydah and Mr. al-Hawsawi. They and their representatives have de facto been prevented from participating in the investigation by, among others, requesting access to the files of the pretrial investigation, producing evidence and making requests to expand the investigation's scope. (A/HRC/60/35/Add.1, para. 45)

The Working Group recommends that Lithuania fully implement the orders set out in the judgments of the European Court of Human Rights relating to cases of enforced disappearance in the context of extraordinary renditions and the corresponding secret detention programme, as well as the measures indicated by the Working Group on Arbitrary Detention in its opinions No. 66/2022 and No. 72/2022, and the recommendations contained in the concluding observations of the UN Committee on Enforced Disappearances, the UN Human Rights Committee and the Committee against Torture and in the follow-up report to the joint study on global practices in relation to secret detention in the context of countering terrorism. (A/HRC/60/35/Add.1, para.86)