

## **APPENDIX**

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Lithuania**

ECRI wishes to point out that the analysis contained in its third report on Lithuania, is dated 24 June 2005, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Lithuania was subject to a confidential dialogue with the Lithuanian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Lithuanian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.



## **“Observations provided by the authorities of Lithuania concerning the ECRI Third Report on Lithuania**

### **1. Comments regarding part 50.**

Currently valid Lithuanian legislative framework and policies of the Government guarantee that all persons, including those belonging to national minorities, residing in the territory of the Republic of Lithuania (as well as members of the Russian communities in Lithuania) are equal before law and exercise the same rights and freedoms.

### **2. Comments regarding part 67.**

It is noteworthy that a proposal has been submitted to the leaders of Roma community to discuss a possibility for representatives of Roma community to be trained and subsequently employed as police officials. However, no positive reaction from Roma has been received until now.

### **3. Comments regarding part 68.**

In Lithuania there are institutions established separate from the police structure such as the General Prosecutor's Office, administrative courts, the Seimas Ombudsmen's Office of the Republic of Lithuania, the Equal Opportunities Ombudsmen that investigate allegations of different nature, including allegations of police misconduct where racist or racially discriminatory behavior is a matter of concern of the above mentioned institutions.

### **4. Comments regarding part 70.**

Current valid legal acts stipulate that there are no barriers for representatives of national minority groups to be employed as police officials. In practice, they are adequately represented in the state police structure.

With due regards to the fact that until now data collection on the ethnic background of the Lithuanian police force officially has not been conducted, according to unofficial data monitoring, the ethnic composition of police officers in areas where national minorities are densely concentrated is relatively high. According to unofficial data, for example, in Vilnius and Šalčininkai local municipalities police officials that are representatives of national minorities constitute 78 and 76 percent of the total police officials employed in those districts accordingly.

### **5. Comments regarding part 75.**

An interdepartmental group (including Roma representatives) is currently working on the second phase of the Programme. This Programme is due to begin in 2006 and last till 2010.

### **6. Comments regarding part 77.**

It is noteworthy that almost all the key objectives and measures that were envisaged in the Plan of Implementation Means were put into practice by mandated institutions. The Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania took the initiative in the Roma Community Centre to organize a series of seminars on health and hygiene habits, including measures for the prevention of drug-addiction - the only measure that had not been implemented by a responsible institution.

Based on the results of the first phase of the Programme major regulations concerning further steps of Roma integration process were investigated.

### **7. Comments regarding part 98.**

Nowadays a constructive dialogue is maintained between the representatives of Roma community and police officials on issues of policing.

Currently meetings are held on demand and under initiative of representatives of Roma or police officials where heads of the Supreme police commissariat of Vilnius city and leaders of the Roma communities take part.

The Roma community representatives can submit information about police misconduct to the heads of the police or they can file a complaint with the General Prosecutor's Office, the Seimas Ombudsmen's Office of the Republic of Lithuania (where several complaints regarding police misconduct have already been investigated) or other institutions enumerated in comment 68.

#### **8. Comments regarding part 106**

Principles of safe country of origin and manifestly unfounded asylum application are actually applied resolving the issue of admission of the applicant to the territory of the Republic of Lithuania, but application of those principles differs from the application of a safe third country principle. Asylum application is not examined in the Republic of Lithuania and applicant is returned to the safe third country in a later case (when applying safe third country principle). Asylum application is examined as to substance when applying safe country of origin and manifestly unfounded asylum application principles, only the term of examination of such applications is shorter than for examination of usual asylum application, but asylum applicant is provided all procedural guarantees: individual interview on asylum, interpretation and legal services, etc. Thus, principles of safe country and manifestly unfounded asylum application of origin cannot be automatically identified with the procedure of admission to the territory of the Republic of Lithuania.”