

Lietuvos Respublikos Ministras Pirmininkas
Prime Minister of the Republic of Lithuania

Vilnius, 8 February 2010

Dear Commissioner,

I appreciate your concerns raised in the letter of 9 December 2009. Recalling our open and constructive meeting during your working visit to Lithuania in October 2009, I dare trust that the dialogue between the Government of Lithuania and the Council of Europe Commissioner for Human Rights will meet the expectations of both parties.

Mr. Commissioner, please be advised that competent authorities of the Republic of Lithuania have examined the issues referred to in your letter, and I would hereby like to briefly inform you of the measures taken to address the matters of concern. May I assure you that the Government of the Republic of Lithuania is making every effort to guarantee citizens' rights and freedoms provided for in national legislation and assumed international obligations.

As you might be aware, on 22 December 2009, the Seimas of the Republic of Lithuania adopted the amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information. May I bring to your attention that following the adoption of the amendments, the Law in question no longer contains clauses which could in one or another way be regarded as infringing the rights of minorities.

H. E. Mr. Thomas Hammarberg
Commissioner for Human Rights
Council of Europe
Strasbourg

The proposed amendments to the Law which should come into force on 1 March 2010, were signed by the President on 24 December 2009.

Further on, draft amendments to the Penal Code and the Administrative Code have been submitted for Seimas's consideration. Please be advised that the proposed amendments are currently under inter-ministerial scrutiny. Government institutions, including the Ministry of Justice, are expected to submit their comments in this regard. The aim is to ensure that the amendments to the Penal Code and the Administrative Code comply with the provisions of international human rights stipulated in the documents of the Council of Europe and the United Nations.

As part of its international obligations, the Republic of Lithuania seeks to effectively address problems related with the transcription of surnames and given names in the identity documents of persons belonging to ethnic minorities, thus ensuring the rights to the persons belonging to the mentioned groups.

As you already know, the decision of the Constitutional Court of the Republic of Lithuania of 6 November 2008 has explained that personal surname and given name may be transcribed in other than Lithuanian characters and in non-grammatical form in the passport of the Republic of Lithuania, if a person so wishes.

Furthermore, the draft Law of the Republic of Lithuania on transcription of first names and surnames in documents has been submitted to the Seimas of the Republic of Lithuania, whereby legal protection of the first name and surname, as primary characteristics of personal identity, as well as the right to the common family surname, is being pursued.

It should be noted that during the law drafting process, case-law of the Court of Justice and the European Court of Human Rights on surname formation and transcription was sought to be taken into consideration. By establishing legal preconditions for preservation of an identical surname throughout the European Union, compatibility of the draft law with provisions of the Treaty establishing the European Communities, and especially the right of a citizen of the European Union to free movement contained therein, was being pursued.

With a view to successful implementation of Paragraph 3 of Article 11 of the Council of Europe's Framework Convention for the Protection of National Minorities and the appropriate recommendations for Lithuania by the Advisory Committee, possibilities and needs for amending national legislation on the right of national minorities to the use of minority language for bilingual topographical indications, such as the public traditional names of localities and streets, are currently being examined.

The Seimas Committee on National Security and Defence has carried out an investigation on the alleged existence in Lithuania of a prison of the United States Central Intelligence Agency (CIA). The Committee did not find evidence that a CIA prison, where terrorism suspects would be detained, functioned in Lithuania. However, the parliamentary investigation has revealed that there were preconditions for the existence of a prison of this kind in Lithuania.

Considering that practice of application of Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms in the European Court of Human Rights has not yet settled, and that the nature and scope of state commitments under the Protocol are not yet clear as against Article 14 of the Convention containing a prohibition of discrimination, and that it is not clear as to what implications for interpretation of the provisions of the Constitution of the Republic of Lithuania would arise from the possible signature and ratification of the Protocol, Lithuania does not plan to start the signature and ratification procedure of the Protocol in the near future.

Let me once again express my appreciation for the concerns raised. I look forward to our constructive dialogue in the future.

Availing myself of this opportunity, I express the assurances of my highest consideration.

Andrius Kubilius

A handwritten signature in black ink, appearing to read 'Andrius Kubilius', written in a cursive style.