

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

Lithuania

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Table of Contents

1.	Civic space developments in 2022	3
1.1.	Closer cooperation between government and NGOs.....	3
1.2.	More equal environment to compete for financial resources	4
1.3.	Inclusion of NGOs to management of crisis and civil protection	5
2.	Promising practice in 2022	7
2.1.	Implementation of innovative citizen participation instrument.....	7
3.	Visa for human rights defenders.....	8
3.1.	Entry and stay for human rights defenders (HRDs) at risk.....	8

1. Civic space developments in 2022

1.1. Closer cooperation between government and NGOs

Area	Participation and cooperation with authorities
Topic	Civil dialogue
Impact	Major

Recent challenges and crises proved the immense importance of cooperation between government and civil society organisations. The intersectoral cooperation that started during the COVID-19 response¹ continued and increased in 2021 - 2022.² This was particularly the case when Lithuania had to deal with the migration crisis on the border with Belarus³ as well as when the country offered to accommodate and provide humanitarian support to refugees from Ukraine.⁴ More and more government institutions consequently started identifying Non-governmental Organizations (NGOs) as strong and vital partners to rely on in difficult situations.

Especially in 2022, as never before, humanitarian NGOs were included in decision-making and implementation regarding support to refugees from Ukraine.⁵ Organisations

¹ Government of the Republic of Lithuania <https://etar.lt/portal/en/legalAct/bc2890c0923111eb9fecb5ecd3bd711c>, 2020 activity report, 31 March 2021; <https://lrv.lt/lt/naujienos/nvo-ekspertu-grupe-inicijuoja-psichologines-emocines-pagalbos-kampanija>, press statement, 9 January 2021.

² On 16 March 2022 Government enabled Ministry of Social Security and Labour to sign collaboration agreements with institutions and organisations that provide humanitarian support and accommodation to foreigners: para 3.1.2.: <https://etar.lt/portal/lt/legalAct/168d5e60a54611ec8d9390588bf2de65/asr>.

³ Ministry of Internal Affairs <https://vrm.lrv.lt/lt/naujienos/su-nevyriausybinemis-organizacijomis-aptartos-migracijos-krizes-pamokos>, press statement, 15 February 2022.

⁴ Ministry of Social Affairs and Labour <https://socmin.lrv.lt/lt/naujienos/vyriausybe-ukrainieciams-lietuvoje-priimti-skyre-beveik-4-mln-euru>, press statement, 2 March 2022; <https://socmin.lrv.lt/lt/naujienos/nuo-karo-veiksmu-pabegusiems-zmonems-maisto-korteles?lang=lt>, press statement 24 March 2022. <https://www.lrt.lt/naujienos/lietuvoje/2/1646133/nevyriausybininkai-suteike-pagalba-daugiau-nei-12-tukst-karo-pabegeliu-is-ukrainos>

⁵ <https://lrv.lt/lt/naujienos/sudaryta-darbo-grupe-koordinuosianti-pagalbos-kriziniu-situaciju-paveiktoms-asmenu-grupes-klausimus>, press statement 20

such as the Lithuanian Red Cross Society, Caritas, the Order of Malta Relief Organization, Save The Children and Food Bank were asked to help migration institutions, providing various social services to different migrant groups. However, it has been reported that some volunteer initiatives at the border with Belarus were not welcomed by the authorities.⁶ According to unofficial sources, investigations were initiated against volunteers for "illegal human trafficking through the state border".⁷

1.2. More equal environment to compete for financial resources

Area	Financing framework
Topic	Funding landscape
Impact	Major

In 2004, the Law on Personal Income Tax was amended providing the taxpayers an opportunity to allocate certain percentages of their income tax to non-profit bodies.⁸ It was expected that such a practice would increase the spirit of philanthropy in the country.

However, at that time, the wording of the law allowed even governmental or municipal institutions to become recipients of such tax allocations. Various public institutions competed with civil society organisations in an environment that was not fair towards civil society. Since public institutions already had their resources from the public budget, they used them to compete and sometimes overshadow civil society organisations' fundraising activities.

⁶ "MSF among volunteers fined for helping migrant on Lithuania-Belarus border"
<https://www.lrt.lt/en/news-in-english/19/1572055/msf-among-volunteers-fined-for-helping-migrant-on-lithuania-belarus-border>, news article, 28 December 2021.

⁷ "Lithuania: Criminalisation of solidarity as people on the move are pushed back",
<https://www.omct.org/en/resources/statements/lithuania-criminalisation-of-solidarity-on-the-rise-as-people-on-the-move-are-pushed-back>, article, 21 April, 2022.

⁸ Law on Personal Income Tax
<https://etar.lt/portal/en/legalAct/TAR.C677663D2202/WtwNpafQYE>.

In 2022, the funds that had been allocated by taxpayers in 2021 were distributed to 24,000 recipients. In total € 27.6 million were distributed.⁹

In June 2022, an amendment to The Law on Charity and Support was adopted¹⁰. The new amendment reduces the categories of recipients of such tax treatment. It only allows by definition Non-governmental Organisations and professional unions to be recipients of such tax allocations. However, the new amendment will only take effect in 2025.

1.3. Inclusion of NGOs to management of crisis and civil protection

Area	Participation and cooperation with authorities
Topic	Civil dialogue
Impact	Major

In response to security challenges in 2022, a new Law on Crisis Management and Civil Protection was drafted.¹¹ The new law emphasises the preparedness of NGOs in preventing and responding to extreme situations. It also states that NGOs may be included into the operation centre which is responsible for prevention of extreme situations or management of such situations, if they do happen.

Article 17 stipulates that NGOs and volunteers may be requested to participate in activities such as provision of humanitarian aid, and search and rescue. They could be equally asked to support other subjects responsible for the prevention and management of extreme situations or the elimination of their consequences.

Authorities responsible for preparedness for extreme situations must evaluate the capabilities of volunteers and NGOs to perform the expected work and functions and

⁹ Ministry of Finances <https://finmin.lrv.lt/lt/naujienos/paramos-gavejams-pervesta-visa-gpm-suma-27-6-mln-euru>, press statement, 21 November 2022.

¹⁰ Law on Charity and Support <https://www.e-tar.lt/portal/lt/legalAct/aa6066b0ee3311eca1d4e3c2a811665d>.

¹¹ Law on Civil Protection <https://etar.lt/portal/lt/legalAct/29ccd900828711ed8df094f359a60216>.

may sign an aid contract with an NGO. In case of a real threat, NGOs may be involved without such contracts but only for as long as it is necessary in a certain situation.

A reference to the participation of NGOs in prevention and management of extreme situations in the authorities' plans on crisis and extreme situations management represents an important development. The law that took effect on 1 January 2023 states that NGOs must be trained to perform related functions and expected work.

However, further second level regulation is expected from the government which will clarify how the law will be implemented.

2. Promising practice in 2022

2.1. Implementation of innovative citizen participation instrument

The Government of the Republic of Lithuania set up the first of its kind innovative citizens participation model in Lithuania.¹² Organisers selected 30 participants to debate on the visionary state development strategy “Lithuania 2050” for two consecutive days.¹³ They were asked to discuss segregation, integration of people with disabilities, prevention of addictions, migration, national minorities, interpersonal trust and other topics relevant to the society. The document will be submitted to the Parliament on 10 March 2023.

30 participants were randomly selected from the whole country, in an attempt to reflect the composition of the Lithuanian population. This innovative method is described by the Organization for Economic Co-operation and Development (OECD) as a good practice for citizens' involvement.¹⁴

As the good example was set by the national government, it is expected to be picked up more by other national and municipal institutions.

¹² The Government of The Republic of Lithuania, <https://lrv.lt/lt/naujienos/lietuvoje-ivyks-pilieciu-taryba-ieskos-sprendimu-ateities-visuomenei-jautriais-klausimais>, press statement, 13 October 2022;

The Government of The Republic of Lithuania, <https://lrv.lt/lt/naujienos/pirma-karta-susaukta-pilieciu-taryba-pasiule-ateities-lietuvos-vizija-2050-aisiais-kiekvienas-jausis-itrauktas>, press statement, 31 October 2022.

¹³ The Government of The Republic of Lithuania, Lithuania 2050 <https://lrv.lt/lt/lietuva-2050>.

¹⁴ Innovative Citizen Participation and New Democratic Institutions. Catching the Deliberative Wave <https://www.oecd.org/gov/innovative-citizen-participation-and-new-democratic-institutions-339306da-en.htm>, 10 June 2020.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

Dedicated visa scheme for HRDs at risk available in your country	No
Other type of visa or alternative legal entitlement or derogation clause applied to HRDs	Yes

The Law on the Legal Status of Foreigners stipulates a possibility to issue a temporary residence permit to persons who already are in Lithuania and can't leave the country due to humanitarian reasons. Such possibility may also be extended to persons that are persecuted by undemocratic regimes or/and has suffered or it is likely that they might suffer from the repressions of such regimes and if Lithuanian Ministry of foreign affairs has mediated the arrival of such person¹⁵. Therefore, accessibility of the right is very limited. A study that was done between 2022 June – August 2022 found that only around 15 percent of Belarusians received humanitarian visa and even less, around 8 percent received asylum or now are in process of receiving it¹⁶.

However, no exceptional visa scheme for human rights defenders exists in Lithuania as officially there is no legal definition of human rights defender or a process granting such status.

HRDs can apply for asylum.¹⁷ Refugee status shall be granted to an asylum applicant who has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail oneself of the

¹⁵ Law on the Legal Status of Foreigners, Article 130¹ <https://www.e-tar.lt/portal/en/legalAct/TAR.42837E5A79DD/kLWVFLBcey>.

¹⁶ Dambrauskaitė, Ž. (2022) Migration from Belarus and economic, social and political integration of migrants in Lithuania, Eastern Europe Studies Centre, 2022. <https://www.eesc.lt/wp-content/uploads/2022/10/EESC-tyrimas-Migracija-is%CC%8C-Baltarusijos-ir-imigrantu%CC%A8-ekonomine%CC%87-socialine%CC%87-ir-politine%CC%87-integracija-Lietuvoje.pdf>

¹⁷ More information on migration <https://www.migracija.lt/noriu-gauti-prieglobst%C4%AF-lr>.

protection of that country or who, not possessing the nationality of the respective foreign state and being outside the country of its former habitual residence, is unable or, owing to such fear, is unwilling to return to it.¹⁸

If a person is granted subsidiary protection, but is not granted an asylum, such person receives a temporary permit to reside in Lithuania for 2 years. In case a person is granted asylum, such person receives a permit to reside in Lithuania permanently, which must be renewed after 5 years.

Family members of a person who has been granted temporary protection in the Republic of Lithuania shall be entitled to temporary protection. This right shall be exercised only if it is established that the family members have been separated due to the events which led to the granting of temporary protection.