Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law

Lithuania
January 2022

Contractor: Lithuanian Centre for Social Sciences
Authors: Gaja Šavelė

DISCLAIMER: This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project ‘Fundamental Rights Platform and cooperation with civil society’. The information and views contained in this document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.
Contents

1 Civic space developments in 2021 .............................................................. 3
  1.1 Involvement in the process of legislation .............................................. 3
  1.2 Financial instruments to civil society organizations .............................. 4
  1.3 Transparent legislative processes .......................................................... 5
2 Examples of civil society contributions to the rule of law .......................... 7
  2.1 The dialogue between civil society organisations and government bodies in COVID-19 emergency support measures ............................ 7
  2.2 Legal environment .............................................................................. 7
  2.3 Registration of NGOs ........................................................................ 8
3 Other relevant developments (optional) ...................................................... 10
  3.1 Open Government initiatives ................................................................. 10
  3.2 NGO Council ....................................................................................... 10
  3.3 LGBTQ+ initiatives ............................................................................ 11
1 Civic space developments in 2021

1.1 Involvement in the legislative process

<table>
<thead>
<tr>
<th>Area</th>
<th>Participation and cooperation with authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
<td>Access to consultations / participation in decision-making</td>
</tr>
<tr>
<td>Impact</td>
<td>Minor</td>
</tr>
</tbody>
</table>

At the beginning of 2021, the newly appointed Government of Lithuania experienced challenges due to the COVID-19 situation which affected the preparation and adoption of its Programme and at the same time preparation and submission of National Recovery and Resilience Facility (RRF) plan to the European Commission. The Government approved the integrated plan “New Generation Lithuania” providing the framework for reforms and investments in the field of the economic development in Lithuania.

In order to strengthen the rule of law and to ensure the quality of legislation, the government emphasised that the social and economic partners should be more involved in the legislative process. In general, the government organised few proactive public consultations online and engaged civil society organisations (CSOs) in the process of the preparation of legal acts. Nevertheless, consultations were held on the late stage, were very limited and lacked transparency. Government officials did not provide clear feedback to proposals and amendments proposed by CSOs.

CSOs in Lithuania took the initiative and contacted the country desk officials in the European Commission with proposals for social reforms and projects to include in the integrated plan “New Generation Lithuania”. As a result, the responsible Ministries undertook measures to engage CSOs in developing certain chapters of the Plan, organising more consultations and partially taking into account the proposals received from social and economic partners. Finally, CSOs emphasized the importance of implementing the plan on equal basis with social and economic partners.

---

2 Lithuania, Parliament of the Republic of Lithuania, Resolution on the Programme of the Eighteen Government of the Republic of Lithuania, No XIV-72, 11 December 2020, Chapter X.
3 Lithuania, Government of the Republic of Lithuania (Viešoms konsultacijoms teikiami Vyriausybės programas prioritetai), 22 February 2021
partners, involving partners in implementation from early stages and monitoring processes of the implementation of the plan "New Generation Lithuania".

### 1.2 Financial instruments to civil society organisations

<table>
<thead>
<tr>
<th>Area</th>
<th>Financing framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
<td>Funding landscape</td>
</tr>
<tr>
<td>Impact</td>
<td>Major</td>
</tr>
</tbody>
</table>

The National NGO Fund\(^5\) aiming to provide sustainable institutional support for NGOs, operating under the Ministry of Social Security and Labour, launched its funding programs at the end of 2021 with 2 main funding priorities:

- strengthen the institutional capacity of NGOs. Total amount 973,000 EUR;
- strengthen the opportunities for NGOs to participate in crisis and emergency management. Total amount 417,000 EUR.

The stable source of income for the National NGO Fund set in the Law Development of Non-governmental Organizations\(^7\) has to be changed following the Decision of the Constitutional Court of the Republic of Lithuania. This Decision\(^8\) stipulates that the laws regulating the financing of programs and funds from the state budget may not determine the specific amount of state budget funds allocated to them. Additionally, the Constitutional Court ruled that the funds constituting unused state budget revenues during the budget year may not be returned to the state budget. Thus, the amendments to the Law have been prepared\(^9\).

Reacting to COVID-19 challenges, the government offered pandemic relief - subsidy measures to CSOs. The Ministry of Social Security and Labour dedicated

---

\(^5\) Lithuania, The Lithuanian public broadcaster, Lithuanian Radio and Television (LRT) (Daugiau nei 100 NVO kreipėsi į Šimonytę: kodėl organizacijų balsas tapo nebesvarbus?), 24 March, 2021

\(^6\) Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), Law on Non-governmental organisations, 1 March 2020 (Article 9)

\(^7\) Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), Law on Development of Non-governmental organizations, 1 March 2020

\(^8\) Lithuania, Constitutional Court of the Republic of Lithuania. Decision on compliance of the provisions of legal acts, which regulates financing certain programs, funds or institutions, to the Constitution of the Republic of Lithuania (Dėl Lietuvos Respublikos įstatymų, kuriais regluoja pasikeitimams tam tikrus programas, fondų arba institucijų finansavimą, nuostatų atitikties Lietuvos Respublikos Konstitucijai No. KT187-N15/2020 ) 3 November 2020

\(^9\) Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), (Nevyriausybinių organizacijų plėtros įstatymo NR. XII-717 2, 5, 6, 7, 8 ir 9 straipsnių pakeitimo įstatymas), 2021 12.
3.5 million EUR in subsidies to CSOs that provide social services to society during quarantine. 498 CSOs were granted subsidies in the range from 500 to 20 000 EUR. For non-governmental organisations coordinating volunteers providing assistance to bodies affected by COVID-19 consequences of the pandemic, two coordinating CSOs (working in cooperation with other CSOs) were granted 445.474 EUR. The Ministry of Education, Science and Sport granted 49.980 EUR to one non-governmental organisation coordinating the activities of volunteers providing assistance to educational establishments affected by the distance learning effects of the COVID-19 pandemic. Subsidies strengthened and enabled CSOs to purchase necessary personal protection measures (masks, etc.), train and organise volunteers, establish remote working spaces for service provision and pay salaries to employees who had to work longer hours or work under dangerous circumstances (due to COVID-19).

1.3 **Transparent legislative processes**

<table>
<thead>
<tr>
<th>Area</th>
<th>Freedom of association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
<td>Lobbying/CSO advocacy/public benefit status</td>
</tr>
<tr>
<td>Impact</td>
<td>Major</td>
</tr>
</tbody>
</table>

In 2021, the part on regulating public interest organisations of the Law on Lobbying entered into force. According to the Law, public interest (public benefit) organisations are not considered lobbyists, but they may register as ‘influencers of legislation’. Through this status, CSOs acquire the right to receive information from government institutions on legislation being drafted. CSOs must register as ‘influencers of legislation’ with the Chief Official Ethics Commission. In 2021, forty-three CSOs registered in the database. CSOs are obliged to submit annual declarations on transparent legislative processes until 1 February of each year.

---


The Law on NGO development\textsuperscript{15} defines that a public benefit (public interest) NGO is an NGO whose activity benefits not only its members, but also the society (Article 2, para 6). The law also stipulates that public benefit NGOs may be treated preferentially by institutions providing financing for NGOs (Article 8). The regulation on recognising public benefit status for NGOs had to be prepared and adopted by the Ministry of Social Affairs and Labour in 2021 after being discussed within the National NGO Council, an advisory body to the government of Lithuania. However, according to the constitutional court requirements (the supremacy of laws over by-laws is established) criteria for a non-governmental organisation of public benefit would be established not only in by-laws, but also in the law. The amendments to the law\textsuperscript{16} have been prepared but not yet adopted by the Lithuanian Parliament.

\textsuperscript{15} Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), Law on Development of Non-governmental organizations, 1 March 2020

\textsuperscript{16} Lithuania, Minister of Social Security and Labour, Order on Adoptions of the Regulations for the organization of the Competition for Selecting NGO’s projects to be financed from NGO Fund in 2021 (Įsakymas dėl NVO projektų, finansuojamų nevyriausybinių organizacijų fondo lėšomis, 2021 metais atrankos konkurso organizavimo nuostatų patvirtinimo) Nr. A1-744, 20 October 2021
2 Examples of civil society contributions to the rule of law

2.1 Dialogue between civil society organisations and government bodies regarding COVID-19 emergency support measures

<table>
<thead>
<tr>
<th>Topic</th>
<th>Contributing to law and policy making (including involvement in public consultations)</th>
</tr>
</thead>
</table>

In Lithuania, due to the continuous COVID-19 related challenges, governmental bodies increased coordination and collaboration with CSOs which work on the issues important for society. Regular working groups and round table discussions were organized together with CSOs partners to identify main challenges and lessons learned, and recommendations on how to organise volunteer activities during extreme situations were prepared (with best national and international practices) and disseminated to the public and other institutions, stressing the importance of collaboration between government and civil society organisations. CSOs have actively contributed to the preparation programs, planning of measures, etc.

2.2 Advocacy for amendments to the law on charity

<table>
<thead>
<tr>
<th>Topic</th>
<th>Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)</th>
</tr>
</thead>
</table>

CSOs in Lithuania came up with proposal which led to initiating the amendments to the Law on Charity and Support by the Lithuanian Parliament. The new regulation stipulates that taxpayers may deduct 1.2 percent of their annual income tax and donate it only to non-profit legal entities. The implementation of these amendments will modify the current practices that allowed donating deducted amount of income tax to beneficiaries listed in Article 7, including budgetary institutions. The new regulation thus means that the additional financial support from taxpayers would no longer be applicable to the budgetary institutions. Amendments are still discussed in the Lithuanian Parliament.

17 Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), (Labdaros ir paramos įstatymo Nr. I-172 7 straipsnio pakeitimo įstatymo projektas), Law on Charity and Sponsorship, 2021.
The approval of these amendments allowing to donate 1.2 percent of the population’s annual income tax support for non-governmental organisations would significantly strengthen the Lithuanian civil sector and contribute to a significant added value in the state social economy. Pending amendments to the law would provide greater opportunities for organisations’ independence from the government to secure at least minimal financial resources. Finally, it would encourage stronger positions to defend public interest by civic organisations and involvement in philanthropic activities.

### 2.3 Registration of NGOs

<table>
<thead>
<tr>
<th>Topic</th>
<th>Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)</th>
</tr>
</thead>
</table>

Since October 2020\(^{18}\), Lithuanian CSOs have been able to register the so-called NGO status in the Register of Legal Entities free of charge. This is an important step that makes it easier to identify associations, charities and support foundations or public institutions.

The law on NGO development\(^{19}\), which took effect on 1 March 2020, stipulates that information on legal entities which are NGOs shall be collected in the Register of Legal Entities\(^{20}\) and made publicly available. The procedure is based on notification and does not require authorisation. The new measure provides clarity to institutions and society whether a particular legal entity complies with the definition of NGO as stated in the Law.

The open data page\(^{21}\) of the Register of Legal Entities contains data sets on legal entities with the registered label “Non-Governmental Organisation”. NGOs are encouraged to register and around 1.4 thousand (out of more than 35,000 non-profit legal entities registered in Lithuania) registered for the NGO label. 4 legal entities have lost this status by the decision of the legal entity itself or the appropriation manager.

---

\(^{18}\) Lithuania, State Enterprise Centre of Registers (SECR) (Registru centras) (Nevyriausybinės organizacijos kviečiamos įregistruoti NVO statusą) October 2020.

\(^{19}\) Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), Law on Development of Non-governmental organizations, 1 March 2020.

\(^{20}\) Lithuania, State Enterprise Centre of Registers (SECR) (Registru centras) (Kokia tvarka Juridinių asmenų registre įregistruojama žyma, kad juridinis asmuo yra nevyriausybinė organizacija (NVO)?)

\(^{21}\) Lithuania, State Enterprise Centre of Registers (SECR) (Registru centras) (atviri duomenys), open data, 2021.
Registration of NGO status not only makes it easier to identify associations, charities and support institutions or public institutions operating in the public interest, but also to have more accurate data on non-governmental organisations operating in the country and thus ensure more effective state policy-making by strengthening non-governmental organizations.
3 Other relevant developments

3.1 Open Government initiatives

Open Government Partnership\(^{22}\) (OGP)\(^{23}\) initiatives aim at increasing the availability of information on the activities of the government and the measures of public involvement, and strengthening the competencies necessary to increase the openness of public administration. The project aims to develop a consistent and common practice of public consultation in public administration institutions, to increase the efficiency and effectiveness of public participation in public administration in accordance with the principles of transparency, participation and accountability.

Lithuania’s current OGP action plan features commitments related to open data, improving the environment of NGOs, inclusion of citizens in decision-making and accountability. NGOs have actively been involved in many activities, consultations and implementation of the action plan 2021-2023\(^{24}\).

3.2 NGO Council

The new composition of the National NGO Council as an advisory body to the government of Lithuania\(^{25}\) was adopted for the first time\(^{26}\) (previous National NGO Councils were under the Ministry of Social Security and Labour).

The National NGO Council is a collegial advisory body acting on a voluntary basis which is composed, under equal partnership, of representatives delegated by state institutions, agencies and non-governmental organisations. It is composed of twenty members: nine representatives of state institutions and agencies, one representative of the Association of Local Authorities in Lithuania and ten representatives of non-governmental organisations. Representatives of non-
governmental organisations are nominated by joint agreement between national umbrella non-governmental organisations.

### 3.3 LGBTQ+ initiatives

Active mothers who are fighting for the rights of their children and other LGBTQ+ people established a new organisation “Mothers of LGBT+ children” in Lithuania\(^\text{27}\). This initiative came from one person\(^\text{28}\). The new organisation plans to advance gay-friendly and same-sex partnership policies, engage in educational activities aimed at helping the Lithuanian population to find accurate, scientifically based information about LGBTQ+ people and avoid prejudices.

---
