

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

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Contractor: Lithuanian Centre for Social Sciences

Authors: Gaja Šavelė

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1 Civic space developments in 2021

1.1 Involvement in the legislative process	
Area	Participation and cooperation with authorities
Topic	Access to consultations / participation in decision-making
Impact	Minor

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"¹ 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 process². In general, the government organised few proactive public consultations³ 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 partners⁴. Finally, CSOs emphasized the importance of implementing the plan on equal basis with social and economic

¹Lithuania, Government of the Republic of Lithuania. 'New Generation Lithuania' – a Measure for Economic Recovery and Resilience ([Ekonomikos gaivinimo ir atsparumo didinimo priemonė „Naujos kartos Lietuva“](#)) 2021.

²Lithuania, 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 teikiama Vyriausybės programos prioritetai](#)), 22 February 2021

⁴ Lithuania, Government of the Republic of Lithuania. 'New Generation Lithuania' – a Measure for Economic Recovery and Resilience ([Ekonomikos gaivinimo ir atsparumo didinimo priemonė „Naujos kartos Lietuva“](#)) 2021.

partners, involving partners in implementation from early stages and monitoring processes of the implementation of the plan “New Generation Lithuania”⁵.

1.2 Financial instruments to civil society organisations	
Area	Financing framework
Topic	Funding landscape
Impact	Major

The National NGO Fund⁶ 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 Organizations⁷ has to be changed following the Decision of the Constitutional Court of the Republic of Lithuania. This Decision⁸ 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 prepared⁹.

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 reguliuojamas tam tikrų programų, fondų arba institucijų finansavimas, 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 subsidies¹⁰ 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 Sport¹¹ 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	
Area	Freedom of association
Topic	Lobbying/CSO advocacy/public benefit status
Impact	Major

In 2021, the part on regulating public interest organisations of the Law on Lobbying¹² 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 Commission¹³. In 2021, forty-three CSOs registered in the database¹⁴. CSOs are obliged to submit annual declarations on transparent legislative processes until 1 February of each year.

¹⁰Department of Supervision of Social Services at the Ministry of Social Security and Labour, List of granted applicants for subsidies ([Pareiškėjų, kurių subsidijų paraiškos, skirtos finansuoti dėl COVID-19 atsiradusias išlaidas, atitiko nustatytus kriterijus ir yra finansuotos, sąrašas](#)), 2021 12 15.

¹¹ Lithuania, Minister of Education, Sciences and Sport of the Republic of Lithuania. Order on Compensation plan for losses in education due to COVID-19 pandemic ([Isakymas dėl Švietimo, mokslo ir sport ministro įsakymo 2020-01-20 ĮSAKYMO NR. V-85 Dėl MOKYMOŠI PRARADIMŲ DĖL COVID-19 PANDEMIJOS KOMPENSAVIMO PLANO 2021 METAMS PATVIRTINIMO](#))

¹² Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), Law on Lobbying activities ([Lobistinės veiklos įstatymas](#)), 26 June 2020.

¹³ Lithuania. Chief Official Ethics Commission (Vyriausioji tarnybos etikos komisija, VTEK) [SKAIDRIS: skaidrių teisėkūros procesų informacinė sistema](#).

¹⁴ Lithuania. Chief Official Ethics Commission (Vyriausioji tarnybos etikos komisija, VTEK) [SKAIDRIS: skaidrių teisėkūros procesų informacinė sistema](#).

The Law on NGO development¹⁵ 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 law¹⁶ have been prepared but not yet adopted by the Lithuanian Parliament.

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

¹⁶Lithuania, 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 ([Isakymas dėl NVO projektų, finansuojamų nevyriausybinų 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

Topic	Contributing to law and policy making (including involvement in public consultations)
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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

Topic	Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)
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CSOs in Lithuania came up with proposal which led to initiating the amendments to the Law on Charity and Support by the Lithuanian Parliament¹⁷. 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

Topic	Fostering a rule of law culture (including through advocacy towards public authorities, awareness-raising activities and civic education)
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Since October 2020¹⁸, 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 development¹⁹, which took effect on 1 March 2020, stipulates that information on legal entities which are NGOs shall be collected in the Register of Legal Entities²⁰ 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 page²¹ 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 nevyriausybė 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 Partnership²² (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 2021-2023²⁴.

3.2 NGO Council

The new composition of the National NGO Council as an advisory body to the government of Lithuania²⁵ was adopted for the first time²⁶ (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-

²² Lithuania, Government of the Republic of Lithuania, Open Government partnership ([Atviros Vyrtausybs inicatyvos](#)).

²³ [Open Government Partnership | Committed to making governments more open, accountable, and responsive to citizens \(opengovpartnership.org\)](#)

²⁴ Lithuania, Government of the Republic of Lithuania, Open Government partnership, [Lithuania Action Plan 2021-2023](#).

²⁵ Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas), [Law on Development of Non-governmental organizations](#), 1 March 2020.

²⁶ Lithuania, Ministry of Social Security and Labour, ([Isakymas del nevyriausybinu organizaciju tarybos personalines sudeties patvirtinimo](#)) Nr. A1-473, 2021 06 28.

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 LGBTQ+ children” in Lithuania²⁷. This initiative came from one person²⁸. 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.

²⁷ Article about mothers of LGBT children found new organisation in Lithuania:
<https://www.lrt.lt/en/news-in-english/19/1533625/mothers-of-lgbt-children-found-new-organisation-in-lithuania>

²⁸ Article about mother of LGBT child challenges Lithuanian president to a meeting:
<https://www.lrt.lt/en/news-in-english/19/1527718/mother-of-lgbt-child-challenges-lithuanian-president-to-a-meeting>