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# Member States' best practices on the Charter

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Lithuania



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Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary.

The basis for ensuring that the compatibility of draft legislation with the Charter is assessed as part of the legislative process is Article 9(4) of the Law on the principles of law-making (*Teisėkūros pagrindų įstatymas*), which provides for Government-authorised bodies to issue conclusions on the compatibility of draft legislation with EU law, judgments of the Court of Justice of the European Union, international treaties to which the Republic of Lithuania is a signatory, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and judgments of the European Court of Human Rights. Those conclusions are also provided to the entity adopting the legal act. Although that provision does not explicitly mention the requirement to comply with the Charter, the requirement to ensure compliance with EU law also includes ensuring compliance with the Charter. Practice shows that this is how the provision is understood. For example, in its conclusions on the draft law amending the Lithuanian Law on elections to the European Parliament (*Lietuvos Respublikos rinkimų į Europos Parlamentą įstatymo pakeitimo įstatymo projektas*), the European Law Department (*Europos teisės departamentas*) stated that the provisions which restricted the exercise of the right enshrined in Article 39(1) of the Charter to vote and stand as a candidate in elections to the European Parliament (namely the provision stating that the same person may not be elected to the European Parliament more than twice in succession), but which did not meet the conditions justifying such a restriction, as laid down in Article 52 of the Charter (restrictions must be provided for by law, respect the essence of the rights in question and be proportionate), should be considered to be contrary to EU law

(<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/325a8fb0199811e9bd28d9a28a9e9ad9?positionInSearchResults=1&searchModelUUID=2d93c2bd-31b3-4e97-b94e-d931ddae3ca2>).

Tools that help better understand the Charter and when it applies

*A guide to the case-law of the Court of Justice of the European Union (Europos Sąjungos Teisingumo Teismo praktikos vadovas)* has been published on the website of the Ministry of Justice (*Teisingumo ministerija*), which also provides information on matters relating to the application of the Charter. The website also provides a link to the information published on the European Commission's website about defending rights granted by EU law (<https://tm.lrv.lt/lt/veiklos-sritys-1/es-reikalų-koordinavimas/es-teises-perkelimas-ir-igyvendinimas> linking to [https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/help-defending-your-rights/individuals\\_en](https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/help-defending-your-rights/individuals_en)). A link to the *handbook on applying the Charter at national level* published by the European Union Agency for Fundamental Rights will also be provided once it has been translated into Lithuanian.

As part of the project 'Strengthening the response to hate crime and hate speech in Lithuania', being implemented by the Ministry of the Interior (*Vidaus reikalų ministerija*), the Prosecutor-General's Office (*Generalinė prokuratūra*) and the Office of the Journalistic Ethics Inspector (*Žurnalistų etikos inspektoriatas tarnyba*), [joint training is being provided for police officers, prosecutors and judges](#), financed by the European Union's Rights, Equality and Citizenship Programme (2014–2020). *When publishing legal information relevant to the fight against hate crime, intended for both officers and victims, the Ministry of the Interior provides a link to the dedicated section of the website of the European Union Agency for Fundamental Rights* (<https://vrm.lrv.lt/lt/veiklos-sritys/viesasis-saugumas-1/atsakas-i-neapykantos-nusikaltimus-ir-neapykanta-kurstan>)

[cias-kalbaslinking tohttps://fra.europa.eu/en/themes/hate-crime](https://fra.europa.eu/en/themes/hate-crime)).

## Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

*See the information provided above regarding the links to the websites of European Union institutions and agencies.*

Cooperation with stakeholders to promote the use and awareness of the EU Charter of fundamental rights

### Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

Lithuania has adopted the practice of holding annual [National Human Rights Forums \(Nacionaliniai žmogaus teisių forumai\)](#). In 2019, the forum was organised by the Lithuanian Disability Forum (*Lietuvos negalios organizacijų forumas*), the Office of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*), the Seimas Ombudsmen's Office (*Seimo kontrolierių įstaiga*), the Seimas Committee on Human Rights (*Seimo Žmogaus teisių komitetas*), the Ministry of Foreign Affairs (*Užsienio reikalų ministerija*), the Office of the Ombudsperson for Children's Rights (*Vaiko teisių kontrolieriaus įstaiga*), Vytautas Magnus University (*Vytauto Didžiojo universitetas*) and the Coalition of Human Rights Organisations (*Žmogaus teisių organizacijų koalicija*).

### Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

*The Research Council of Lithuania (Lietuvos mokslo taryba) funded a research study carried out by the University of Vilnius (Vilniaus universitetas) on the 'Application of the EU Charter as a standard for the defence of individual rights at supranational and national level'. The study investigated the extent to which the Charter is applied and its provisions invoked by Lithuanian authorities - which, in their fields of activity, are likely to deal most often with investigating complaints concerning individual rights falling within the scope of the Charter - and by courts and pre-trial investigation bodies. It asked whether the public and the legal community are sufficiently aware of the importance of the Charter for the defence of fundamental rights and whether the Charter is seen as a truly effective standard for the defence of fundamental rights, as well as looking at issues relating to the use of the Charter to defend specific rights. The [results of the study](#) have been made public.*

### Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

On its 'My Rights' (*'Mano teisės'*) portal, the NGO [Lithuanian Centre for Human Rights \(Lietuvos žmogaus teisių centras\)](#) provides a link to the websites of European Union institutions and agencies, including the European Union Agency for Fundamental Rights. The texts published on that portal also address matters relating to implementation of the Charter.

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