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2024 Rule of Law Report Country Chapter on the rule of law situation in Lithuania

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2024 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

The justice system continues to perform efficiently, and the use of digital tools continues to be fostered. A reform of judicial salaries adopted in July 2023 is positively assessed by judges, while concerns remain as to the remuneration of court staff and prosecutors. The new selection procedures for judicial appointments in force since January 2023 have allowed for multiple appointments to the Supreme Court without delays but there are calls to reinforce some more safeguards on the transparency of judicial appointments in the law. There are concerns that the discretion in announcing competitions and finalising judicial appointments may lead to delays in appointments and to vacant posts in lower courts. The Government has condemned acts of intimidation by Russian courts whereby they rendered sentences against judges, exerting pressure on judges and prosecutors. The reform of the legal aid system continues to advance but is not yet finalised, while legal aid providers underline that the stipulated increase of hourly fees remains below inflation rates.

The first implementation plan 2023-2025 for the National Anti-Corruption Agenda 2022-2033 is well on track. The implementation of the law on the adjustment of public and private interests remains efficient, while further adjustments are under way to improve the declaration process. The investigations and prosecutions in relation to corruption-related offences are carried out efficiently. There continue to be concerns over shortcomings regarding the handling of foreign bribery cases and the authorities are considering the appropriate follow-up. High-risk areas for corruption, including public procurement, continue to be addressed by the authorities. The number of submitted lobbying declarations increases annually. The current rules on political party financing are being implemented. The whistleblowing framework is functioning well, and the authorities aim at further strengthening the current rules.

The legal framework for media freedom and pluralism in Lithuania continues to guarantee the fundamental right of freedom of expression and the right to information. The broadened composition of the media self-regulatory body has been predominantly met with positive reactions. Transparency of media ownership is further promoted by linking it to access to the new Media Support Fund which announced the first recipients in April 2024. The public service broadcaster continues to operate independently. The situation regarding access to documents is better with the guidelines for public authorities, although their implementation by public authorities at all levels of government can still be improved. The Government has adopted an action plan for the safety of journalists and continues to strengthen their protection against abusive lawsuits.

Additional human and financial resources have been allocated to the Office of the Parliamentary Ombudspersons. New rules to improve the quality of legislation are under preparation. The civic space continues to be considered open, but concerns have been expressed among civil society organisations regarding their effective participation in decision-making processes and access to information. The Judicial Council is preparing a proposal to be granted the right of constitutional appeal regarding legislation affecting the judiciary.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Lithuania has made:

- Some further progress on continuing the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Some further progress on continuing efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Significant progress on continuing efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Significant progress on providing adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Lithuania to:

- Finalise the reform of the legal aid system, in particular by reducing the administrative burden and ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.
- Continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.
- Continue efforts to provide adequate human and financial resources for the justice system, taking into account European standards on resources for the justice system.

I. JUSTICE SYSTEM

The justice system is composed of the Constitutional Court¹, courts of general jurisdiction (the Supreme Court, the Court of Appeal, regional courts and district courts) and courts of special jurisdiction (the Supreme Administrative Court and a Regional administrative court). The judges of the Supreme Court, as well as its President chosen from among them, are appointed and released by Parliament (*Seimas*) upon submission by the President of the Republic. The judges of the Court of Appeal, as well as its President chosen from among them, are appointed by the President of the Republic upon the assent of Parliament. The judges and presidents of district, regional, and specialised courts are appointed, and their places of work can be changed, by the President of the Republic. The Judicial Council, entirely composed of judges appointed by their peers, is the executive body of judicial self-governance, and ensures the independence of courts and judges². The Judicial Council advises the President of the Republic on the appointment, promotion, and transfer of judges, or their release from duties. The National Courts Administration, which is independent from the executive, is competent for providing material and technical support to the courts, ensuring the efficient functioning of the court system and the training of judges. Prosecutors are independent; the Prosecutor General is appointed and dismissed by the President of the Republic upon the assent of Parliament³. Lower-ranked prosecutors are appointed by the Prosecutor General, on the recommendation of a Selection Commission⁴. Lithuania participates in the European Public Prosecutor's Office (EPPO). The Bar Association is an independent part of the legal system.

Independence

The level of perceived judicial independence in Lithuania continues to be average among the general public and high among companies. Overall, 56% of the general population and 62% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024⁵. Among the general public, this figure has slightly decreased in comparison with 2023 (57%), but it is higher than in 2020 (52%). The perceived judicial independence among companies has decreased in comparison with 2023 (64%), as well as in comparison with 2020 (66%)⁶.

¹ The Constitutional Court is composed of nine judges, appointed by Parliament, from among candidates presented by the President of the Republic, the Speaker of Parliament, and the President of the Supreme Court.

² Art. 119, Law on Courts.

³ Deputy Prosecutors General are appointed and dismissed by the President of the Republic on the proposal of the Prosecutor General.

⁴ Arts. 22 and 26, Law on the amendment of the law on the prosecutor's office, No. I-599, of 13 October 1994.

⁵ Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁶ 54% of the companies in Lithuania are either fairly or very confident that their investments are protected by the law and courts in the Member State. 26% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

The new selection procedures for judicial appointments in force since January 2023 have allowed for multiple appointments to the Supreme Court without delays resulting in some further progress to improve the transparency of judicial appointments, but there are calls to reinforce some more safeguards in the law. The 2023 Rule of Law Report recommended to Lithuania to ‘[c]ontinue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments’⁷. As mentioned in the 2023 Rule of Law Report, amendments to the Law on Courts, which introduced changes to the selection procedures for candidates for judicial office, came into force in January 2023⁸. During the reporting period, and under the new provisions, multiple appointments to the Supreme Court took place, without the delays reported in previous years⁹. According to the new system, candidates to judicial office are evaluated by a Selection Commission and entered in a general ranking list of courts of the relevant jurisdiction¹⁰. The order of candidates on the list is determined by the date at which they were added to the list of candidates¹¹, and not by an assessment ranking. No further changes were introduced during the reporting year, in particular with regard to the discretionary power of the President of the Republic in selecting candidates, without an obligation to motivate. The opinion of the Selection Commission remains consultative and candidate judges who are not appointed cannot request judicial review¹². However, stakeholders report that there have been fewer instances in which the decisions of the President of the Republic departed from the lists prepared by the Selection Commission¹³. Stakeholders have welcomed the improvements in the practices regarding appointments but continue to call for a legislative change which would provide for the obligation to motivate the decisions concerning appointments, and for the possibility of judicial review^{14,15}. New discussions in this respect were triggered in March 2024, when the integrity officer of Lithuanian courts¹⁶ decided to investigate one case where the candidate

⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2. The 2022 Rule of Law Report had also recommended to Lithuania to “[i]nitiate a process in view of adapting the system of appointments to judicial positions, notably to the Supreme Court, including to improve transparency and taking into account European standards on judicial appointments’ (2022 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2). In the 2023 Rule of Law Report, the Commission concluded that some progress was made on the recommendation.

⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 4.

⁹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 3; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, pp. 3-4.

¹⁰ Input from Lithuania for the 2024 Rule of Law Report, p. 3.

¹¹ Input from Lithuania for the 2024 Rule of Law Report, p. 6.

¹² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 5.

¹³ Information received from the Judicial Council in the context of the country visit to Lithuania.

¹⁴ Information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania. See also Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47. The Court of Justice of the European Union has underlined that it is necessary to ensure that the substantive conditions and procedural rules governing the adoption of judicial appointment decisions are such that they cannot give rise to reasonable doubts, in the minds of individuals, as to the imperviousness of the judges concerned to external factors and as to their neutrality with respect to the interests before them, once they have been appointed as judges (see e.g. Court of Justice of the European Union, judgment of 20 April 2021, *Repubblika*, C-896/19, para. 57, and the case law cited).

¹⁵ In view of the jurisprudence of the Constitutional Court (ruling of 9 May 2006), the Lithuanian authorities express doubt as to whether such legislative amendments, in particular, regarding judicial review, would be compatible with that jurisprudence.

¹⁶ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 5.

with the lowest assessment was selected for appointment¹⁷. Overall, there has been some further progress on the recommendation made in the 2023 Rule of Law Report.

The discretion in announcing competitions and finalising judicial appointments leads to delays in appointments and to vacant posts in lower courts. The amendments to the Law on Courts, were expected to speed up the process of appointments in all instances¹⁸. However, it is reported that the reform has not led to the process being as fast and effective as expected at the level of lower courts¹⁹. Stakeholders consider that the fact that the President of the Republic retains discretion to announce the opening of the selection procedure, as well as to decide on the selected candidates to be appointed, without there being any timeline²⁰, is leading to delays in the appointment procedures to lower courts²¹. Such delays have led to an increase in vacancies in district and regional courts²², with considerable impact on the courts capacity to operate²³. Both the Judicial Council and the National Courts Administration have called on the Office of the President of the Republic for more predictability²⁴, and are seeking to optimise the institutional cooperation in this regard²⁵.

The Government has condemned acts of intimidation by Russian courts whereby they render sentences against judges, exerting pressure on judges and prosecutors. On 17 August 2023, the Basmanyj District Court in Moscow sentenced *in absentia* and authorised the arrest of three Lithuanian judges, who had delivered the first instance judgment of 27 March 2019²⁶ in the case related to the events of 13 January of 1991²⁷, when the armed forces of the USSR committed an act of aggression against the independent state of Lithuania,

¹⁷ Meeting of the Judicial Council of 1 March 2024, available at: <https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/teiseju-tarybos-posedziu-transliacijos/9653>; see also Lrytas, 'Head of the Judicial Council S. Rudėnaitė on the procedure for appointing judges: the president cannot put his hand in the bag and pull out the 90th candidate', 3 April 2024.

¹⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 4.

¹⁹ Input from Lithuania for the 2024 Rule of Law Report, p. 3. See also Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, p. 26.

²⁰ Reply from the National Courts Administration of the Republic of Lithuania to the judicial independence questionnaire distributed by the European Network of Councils for the Judiciary, February 2024.

²¹ Information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania.

²² In January 2024, there were 63 vacancies in district courts, 8 vacancies in regional courts and 2 vacancies in regional administrative courts (Input from Lithuania for the 2024 Rule of Law Report, p. 3).

²³ Information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania.

²⁴ Information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania.

²⁵ Input from Lithuania for the 2024 Rule of Law Report, p. 3. See also Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, pp. 26-27.

²⁶ Charges were brought in the Vilnius Regional Court against Dmitry Yazov, former Defence Minister of the Soviet Union, Vladimir Uskhopchik, the Soviet army's former Vilnius garrison commander, Mikhail Golovatyov, former commander of the KGB's special forces and 64 other former officials of the Soviet Union alleging their participation in crimes against humanity and war crimes during the events which took place in Vilnius on 13 January 1991. On 27 March 2019 the Vilnius Regional Court gave its judgment finding all the accused guilty of various crimes against humanity or war crimes. See also 'European association of judges statement on the purported prosecution of Lithuanian judges by Russian authorities'.

²⁷ See also 'European Parliament resolution of 28 November 2019 on recent actions by the Russian Federation against Lithuanian judges, prosecutors and investigators involved in investigating the tragic events of 13 January 1991 in Vilnius' (2019/2938(RSP)).

which left 14 people dead and nearly 800 injured²⁸. Stakeholders and the Lithuanian Government have condemned these actions²⁹, and raised concerns that these may not only exert pressure on Lithuanian judges, but also on the judges of the international community³⁰. The concerns were also brought to the attention of the European Commission by the Judicial Council³¹. According to European standards, judges should have unfettered freedom to decide cases impartially, in accordance with the law and their interpretation of the facts³². The interpretation of the law, assessment of facts or weighing of evidence carried out to determine cases should not give rise to criminal liability, except in cases of malice³³.

Initiatives to support integrity in the justice system continue to be prioritised. In 2023, the Judicial Council approved the Policy of the Transparency of Lithuanian Courts³⁴, setting up the essential values and general principles to be promoted in courts, that should be complied with by all agents in the justice system³⁵. Special training on ‘Creation of an anti-corruption environment in the judiciary’ is also being conducted, and is now part of compulsory introductory training for judges³⁶. Following an OECD recommendation³⁷, a ‘risk map of the justice sector’ is currently under preparation³⁸.

Discussions continue regarding the need to regulate ‘revolving doors’ in appointments to the Constitutional Court. The 2023 Rule of Law Report took note of the discussions concerning the need to regulate ‘revolving doors’ in the Constitutional Court as currently there are no limitations for political officials to become a judge of the Constitutional Court if

²⁸ Between July 2018 and April 2019, the Investigative Committee of the Russian Federation initiated criminal proceedings against the prosecutors, investigators and judges of the Republic of Lithuania who were involved in investigating and judging the events of 13 January of 1991. On 14 December 2020, the same Committee announced that charges had been brought against those judges. There is increasing concern about the possibility that the Russian authorities would request Interpol to issue a notice targeting the judges involved in the case at first and second instance; information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania. To minimise the possibility of using Interpol’s search channels, Lithuanian authorities provide Interpol with updating reports concerning individuals potentially facing political persecution due to their involvement in investigating cases linked to the events of 13 January 1991 (information received from the Ministry of Interior in the context of the country visit to Lithuania).

²⁹ Ministry of Foreign Affairs, ‘Lithuania’s Permanent Representative asks UN Special Rapporteur to react to Russia’s illegal actions against Lithuanian judges in January 13 case’, 21 December 2020.

³⁰ Information received from the Lithuanian Government, Judicial Council and National Courts Administration in the context of the country visit to Lithuania. See also ‘European association of judges statement on the purported prosecution of Lithuanian judges by Russian authorities’.

³¹ Letter from the Judicial Council to the European Commission, of 29 August 2023.

³² Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 5.

³³ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 68.

³⁴ Available at: <https://www.teismai.lt/data/public/uploads/2023/01/skaidrumo-politika.pdf>.

³⁵ In particular, it establishes a policy of non-tolerance to bribery, trade and abuse of office by employees, abuse of authority, any means of protection of family members, close persons, relatives and other persons. It also establishes that no gifts or other thanks, rewards for the work of judges or court employees are tolerated in the courts, except for thanks or awards given within the court system (Input from Lithuania for the 2024 Rule of Law Report, p. 14).

³⁶ Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, p. 12.

³⁷ Available at: <https://www.oecd.org/publications/review-of-lithuania-s-national-agenda-on-the-prevention-of-corruption-e6efed26-en.htm>.

³⁸ Input from Lithuania for the 2024 Rule of Law Report, p. 14.

the other requirements set out in the Constitution are met³⁹, or regarding employment post tenure at the Constitutional Court⁴⁰. In this context, in July 2023 a group of members of Parliament proposed draft amendments to extend the cases of disqualification of judges in concrete constitutional cases in order to address cases of political officials who become judges to the Constitutional Court⁴¹, but it was not taken forward in Parliament⁴². The Government considers that, despite the absence of concrete regulation on ‘revolving doors’, the legal provisions on self-disqualification or disqualification of Constitutional Court judges, applicable in cases that can raise doubts as to the impartiality of the judge, provide the necessary safeguards⁴³. Following the appointments which took place in 2023 and which gave rise to the discussions referred to in the 2023 Rule of Law Report⁴⁴, there have been three requests for disqualification of a judge, and three cases of self-disqualification, which were accepted⁴⁵. According to the Constitutional Court, these instances of disqualification have not had an impact on the Constitutional Court’s activity⁴⁶.

Lawyers continue to raise concerns regarding the respect for professional secrecy and the right of the Minister of Justice to initiate disciplinary actions. As noted in the 2022 and 2023 Rule of Law Reports⁴⁷, concerns regarding alleged control of communications between lawyers and their clients led the Bar Association to bring an application before the European Court of Human Rights⁴⁸, and the case remains pending⁴⁹. Further concerns have been expressed in the reporting period such as the existence of video surveillance in police and detention facilities, and the lack of guarantee that exchanges between lawyers and clients are not recorded⁵⁰. Instances of lawyers being called to testify about facts covered by professional secrecy, although prohibited in law, have also been reported⁵¹. According to European standards, all necessary measures should be taken to ensure the respect of the confidentiality of the lawyer-client relationship⁵². Lawyers continue to contest the fact that the Minister of Justice can initiate disciplinary proceedings against them⁵³. In this context, parliamentarians have proposed draft amendments to limit the powers of the Minister of Justice, and the Minister of Justice also submitted a draft proposal to decrease his/her role.

³⁹ Being a citizen of the Republic of Lithuania with an impeccable reputation, higher education in law, and not less than a 10-year length of service in the field of law or in a branch of science and education as a lawyer, according to Art. 103 of the Constitution.

⁴⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 6.

⁴¹ The proposal would amend Art. 48 of the Law on the Constitutional Court, ‘The Self-Disqualification or Disqualification of a Justice of the Constitutional Court’.

⁴² Information received from the Constitutional Court in the context of the country visit to Lithuania.

⁴³ Input from Lithuania for the 2024 Rule of Law Report, p. 7.

⁴⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 6.

⁴⁵ Information received from the Constitutional Court in the context of the country visit to Lithuania.

⁴⁶ Information received from the Constitutional Court in the context of the country visit to Lithuania.

⁴⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 6; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 6.

⁴⁸ Application no. 64301/19.

⁴⁹ Information received from the Bar Association in the context of the country visit to Lithuania.

⁵⁰ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 86. See also Figure 45, 2024 EU Justice Scoreboard.

⁵¹ Ibidem.

⁵² Recommendation No. R(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer, para. 6.

⁵³ Figure 67, 2024 EU Justice Scoreboard. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 7.

The later proposal was however formally opposed by the Bar Association⁵⁴, which considered that it did not sufficiently address their concerns regarding the composition of the Disciplinary Court, where two out of five members are appointed by the Minister of Justice and can only be revoked by the Minister⁵⁵.

Quality

There has been significant progress in providing adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, although the implementation of the reform is not finalised. The 2023 Rule of Law Report recommended to Lithuania to '[c]ontinue efforts to provide adequate resources for the justice system, including on the level of remuneration for prosecutors and non-judicial staff, taking into account European standards on resources and remuneration for the justice system'. As mentioned in the 2023 Rule of Law Report⁵⁶, the Law on Remuneration of Judges of the Republic of Lithuania, which came into force on 1 July 2023, led to an increase in the salaries of the judges (at all instances), presidents of the courts, vice-presidents, and presidents of the court's sections⁵⁷. The changes are in line with European standards⁵⁸, and were assessed positively by the judiciary⁵⁹, which expects the new system to be less politicised as no annual negotiations on indexation in the context of the State budget will be necessary, and responsive to economic changes⁶⁰. Although the case concerning the adequacy of judicial salaries under the previous system had been dismissed by the Constitutional Court⁶¹, *inter alia*, due to the non-legal reasoning of the petitions, a question for a preliminary ruling was referred to the Court of Justice of the European Union⁶². Concerns had also been raised on the level of remuneration of prosecutors⁶³. In December 2023, Parliament adopted amendments to the Law on the Public Prosecution Service, which provides for a phased increase in the salaries of prosecutors, as of 1 January 2024 and as of 1 January 2025⁶⁴. While

⁵⁴ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 87.

⁵⁵ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 87.

⁵⁶ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 8.

⁵⁷ Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, p. 32.

⁵⁸ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities, para. 54 and para 33. The Court of Justice of the European Union has declared that the receipt by the members of the judiciary of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence (Court of Justice of the European Union, judgment of 27 February 2018, C-64/16, Associação Sindical dos Juizes Portugueses, ECLI:EU:C:2018:117, para. 45).

⁵⁹ Input from Lithuania for the 2024 Rule of Law Report, p. 4.

⁶⁰ Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, p. 32.

⁶¹ Information received from the Constitutional Court in the context of the country visit to Lithuania.

⁶² Case C-374/23, Adoreikė.

⁶³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 8.

⁶⁴ Input from Lithuania for the 2024 Rule of Law Report, p. 19. The legislative proposal submitted by the President of the Republic to Parliament on 15 June 2023, mentioned in the 2023 Rule of Law Report (p. 8) which provided for an increase of the salaries of prosecutors as of 1 October 2023, was opposed by the Government (Input from Lithuania for the 2024 Rule of Law Report, p. 17).

this increase has been welcomed⁶⁵, prosecutors have raised concerns regarding the process of the reform, as the prosecution was initially not involved⁶⁶ and underlined the current disproportion of salaries between judges and prosecutors⁶⁷. In addition, an increase of salaries of prosecutors was phased in, while salaries of judges and all other institutions, that participated in the reform, have been increased immediately. Concerning non-judicial staff, the reform of civil service provides for an increase in salaries as of 1 January 2024. Although the legal basis for an increase in the salaries of civil servants has been established, no funding has yet been granted or planned for the increase of the salaries of civil servants in the Public Prosecution Service. The reform does not address the situation of court or prosecutor's office staff contracted under general labour law. Some concerns have been expressed by the judiciary that despite an increase in the budget allocated to courts in 2024⁶⁸, the increase in funding would be insufficient to ensure the foreseen level of salaries⁶⁹. Consequently, concerns remain among the judiciary and the National Court Administration as to the number of vacancies and attractiveness of the profession⁷⁰. Stakeholders have raised concerns that the current situation may have an impact on the efficiency of the justice system⁷¹. According to EU Justice Scoreboard data, Lithuania is among the Member States with the lowest Government expenditure on law courts, both in absolute terms and as percentage of GDP⁷². In line with European standards, each state should allocate adequate resources to the courts, and a sufficient number of judges and appropriately qualified support staff should be allocated to the courts⁷³. Therefore, there has been significant progress on the recommendation made in the 2023 Rule of Law Report.

New amendments to the judicial map have been adopted, which provide for the reorganisation of district courts. On 29 June 2023, Parliament adopted the law implementing the reform of district courts, which introduced changes to the judicial map. One of the goals of this reform is to ensure more equal and effective use of the resources allocated to the courts⁷⁴. The changes aim to reduce the number of district courts and their

⁶⁵ The Venice Commission has recalled the importance of ensuring a sufficient remuneration of prosecutors (Venice Commission, Independence of the Judicial System, Part II: The Prosecution Service, CDL-AD(2010)040, para. 69).

⁶⁶ In particular, prosecutors raised concerns regarding the discussions during the legislative process, warning that the manner in which it was conducted and statements from the executive and legislative powers regarding the prosecution could be perceived as a form of pressure (Information received from the Prosecution Service in the context of the country visit to Lithuania; Input from Lithuania for the 2024 Rule of Law Report, pp. 17-19).

⁶⁷ Input from Lithuania for the 2024 Rule of Law Report, p. 17. The Consultative Council of European Prosecutors (CCPE) has recommended that 'the remuneration of prosecutors is established at a level analogous to the remuneration of judges, or at least at a comparable level, and without any disproportionate differences' (Opinion of the CCPE Bureau following a letter of the Prosecutor General of Lithuania concerning legislative developments resulting in a disproportionately large gap in the remuneration of prosecutors and judges, para. 27).

⁶⁸ Input from Lithuania for the 2024 Rule of Law Report, p. 22.

⁶⁹ Input from Lithuania for the 2024 Rule of Law Report, pp. 4, 22.

⁷⁰ In March 2023, 90 posts of judicial assistants and 60 posts of court hearing clerks were vacant (information received from the National Courts Administration in the context of the country visit to Lithuania).

⁷¹ Information received from the National Courts Administration in the context of the country visit to Lithuania.

⁷² Figures 33 and 34, 2024 EU Justice Scoreboard.

⁷³ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to member states on judges: independence, efficiency and responsibilities, paras. 33 and 35.

⁷⁴ Input from Lithuania for the 2024 Rule of Law Report, p. 7.

chambers, taking into consideration their workload and efficiency⁷⁵, as well as to change the territories of some district courts⁷⁶. The law provides that any changes to the structure of the courts do not affect the exercise of the powers of the judges appointed to that court until 31 December 2023⁷⁷, which is in line with European standards on irremovability of judges⁷⁸. According to the Lithuanian authorities, the changes to the judicial map are expected to translate into savings in the expenditure on the justice system⁷⁹.

There has been some further progress in continuing the reform of the legal aid system, as the conditions for the participation of legal aid providers have been improved. The 2023 Rule of Law Reports recommended to Lithuania to ‘[c]ontinue the reform of the legal aid system by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid’⁸⁰. Parliament adopted amendments to the Law on State-Guaranteed Legal Aid in June 2023, which came into force on 1 January 2024. The amendments, prepared in consultation with the Bar Association⁸¹ and the State Guaranteed Legal Aid Service, envisage special training for advocates who provide legal aid in specific areas⁸², to be organised by the Bar Association. Pursuant to the law as amended, lawyers who complete special training and provide state-guaranteed legal aid in those specific areas will be paid double for those services⁸³, which corresponded to a demand of the Bar Association⁸⁴. Additionally, as had been announced⁸⁵, the hourly fee for the remuneration of lawyers was revised, and increased to EUR 25 as of 1 January 2024⁸⁶. However, lawyers consider this increase to be nominal, as it remains below the inflation rates registered in 2022 and 2023⁸⁷.

⁷⁵ There will be 11 district courts and 24 court chambers instead of the current 12 district courts and 48 courts chambers.

⁷⁶ Input from Lithuania for the 2024 Rule of Law Report, p. 8; Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, p. 27.

⁷⁷ Ibidem.

⁷⁸ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 52.

⁷⁹ Information received from the Ministry of Justice in the follow-up to the country visit to Lithuania.

⁸⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2. The 2022 Rule of Law Report had also recommended to Lithuania to ‘[c]ontinue the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid’ (2022 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2). In 2023, the Commission concluded that ‘some progress’ had been made on the recommendation addressed in the 2022 Rule of Law Report.

⁸¹ Information received from the Bar Association in the context of the country visit to Lithuania.

⁸² Defense of suspected or accused minors, representation minors – victims of certain crimes, representation of victims of crimes in specific cases (such as cases involving human trafficking, domestic violence, hate crimes, crimes against sexual self-determination and integrity), and representation persons who are requested to be declared as legally incapable or in cases regarding compulsory hospitalisation and treatment (Input from Lithuania for the 2024 Rule of Law Report, p. 5). The Bar Association reports a high degree of interest in the trainings among lawyers (Information received from the Bar Association in the context of the country visit to Lithuania).

⁸³ Input from Lithuania for the 2024 Rule of Law Report, p. 5.

⁸⁴ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 85.

⁸⁵ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 9.

⁸⁶ From EUR 20 per hour, rate established in 2022 (Input from Lithuania for the 2024 Rule of Law Report, p. 5).

⁸⁷ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 85. Lawyers warn that even with the 25% increase in 2024, considering the inflation rates, the current remuneration remains below the rate of 2021 (Information received from the Bar Association in the context of the country visit to Lithuania).

Lawyers also call for the reform to be taken further, in particular in order to make the administrative aspect of the system less cumbersome, and suggest the system to be directly administered by the Bar Association, rather than by a State service⁸⁸. However, the possibility to delegate the administration of the legal aid system to the Bar Association was discussed by the State-guaranteed Legal Aid Coordination Council (an advisory body composed of relevant stakeholders) and was rejected. The Government has announced new measures in 2024, aimed at reducing the administrative burden on lawyers and managing the caseload⁸⁹. Therefore, there has been some further progress on the recommendation made in the previous years.

The use of digital tools in the justice system is widespread and continues to be fostered.

Electronic communication tools are widely available, both for courts⁹⁰ and the prosecution service⁹¹. Digital solutions allow to initiate and follow proceedings in civil, commercial and administrative⁹² cases, but remains more limited in criminal cases, where, for instance, it is still not possible for defendants to communicate confidentially with their lawyers during remote hearings⁹³. Online access to published judgments is ensured in all instances, for civil, commercial and administrative cases⁹⁴, and a new project aims to establish consistency in the application of EU law by integrating the European Case Law Identifier (ECLI) into the Lithuanian Courts information system⁹⁵. The National Courts Administration is working on introducing speech recognition software in courts, which will provide automated processing and transcription of audio recordings of court proceedings⁹⁶.

Efficiency

The justice system continues to perform efficiently, in particular in civil and commercial cases. According to data in the 2024 EU Justice Scoreboard, the disposition time in first instance civil, commercial and administrative cases remains low, despite a slight increase in 2022⁹⁷. The disposition time in civil and commercial cases, as well as in administrative cases in first instance was the lowest in the EU in 2022⁹⁸, while in civil and commercial cases at third instance an increase was registered⁹⁹. The number of pending non-criminal first instance cases remained stable and comparatively low at 1.2 per 100 inhabitants¹⁰⁰. While the rate of resolving cases is stable, in 2022 courts received more cases than those resolved¹⁰¹. To further improve the efficiency of the justice system, amendments

⁸⁸ Contribution from the Council of Bars and Law Societies of Europe (CCBE) for the 2024 Rule of Law Report, p. 85.

⁸⁹ Input from Lithuania for the 2024 Rule of Law Report, p. 5.

⁹⁰ Figure 45, 2024 EU Justice Scoreboard.

⁹¹ Figure 46, 2024 EU Justice Scoreboard.

⁹² Figure 47, 2024 EU Justice Scoreboard.

⁹³ Figure 48, 2024 EU Justice Scoreboard.

⁹⁴ Figure 49, 2024 EU Justice Scoreboard.

⁹⁵ Input from Lithuania for the 2024 Rule of Law Report, p. 25.

⁹⁶ Input from Lithuania for the 2024 Rule of Law Report, p. 25.

⁹⁷ Figure 5, 2024 EU Justice Scoreboard.

⁹⁸ Figures 6 and 8, 2024 EU Justice Scoreboard.

⁹⁹ From 403 days in 2021, to 451 days in 2022. Figure 7, 2024 EU Justice Scoreboard.

¹⁰⁰ Figure 13, 2024 EU Justice Scoreboard.

¹⁰¹ Figures 10 and 11, 2024 EU Justice Scoreboard.

to the Law on Mediation were adopted in June 2024. These changes are expected to positively impact the overall length of court proceedings¹⁰².

II. ANTI-CORRUPTION FRAMEWORK

The Ministry of Justice and the Special Investigation Service are the main bodies in charge of the coordination of anti-corruption preventive measures at national level. The Chief Official Ethics Commission supervises the ethics standards in public administration. Furthermore, the Special Investigation Service is tasked with preparing and implementing certain anti-corruption preventive measures. The task to fight against corruption is shared among several authorities. The Special Investigation Service has competences to detect and investigate corruption-related criminal offences and conduct pre-trial investigations and is in charge of investigating the most serious corruption crimes¹⁰³. The Prosecution Service organises and coordinates pre-trial investigations and may also decide to conduct the entire or part of the pre-trial investigation by itself.

The perception among experts and business executives is that the level of corruption in the public sector is relatively low. In the 2023 Corruption Perceptions Index by Transparency International, Lithuania scores 61/100 and ranks 12th in the European Union and 34th globally¹⁰⁴. This perception has been relatively stable over the past five years¹⁰⁵. The 2024 Special Eurobarometer on Corruption shows that 83% of respondents consider corruption widespread in their country (EU average 68%) and 24% of respondents feel personally affected by corruption in their daily lives (EU average 27%)¹⁰⁶. As regards businesses, 62% of companies consider that corruption is widespread (EU average 65%) and 28% consider that corruption is a problem when doing business (EU average 36%)¹⁰⁷. Furthermore, 38% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)¹⁰⁸, while 39% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)¹⁰⁹.

¹⁰² Input from Lithuania for the 2024 Rule of Law Report, pp. 27-28.

¹⁰³ Other investigation authorities are the police, the State Border Guard Service, the Financial Crime Investigation Service and Custom but their competence is limited to offences committed by one of their officials.

¹⁰⁴ Transparency International, Corruption Perceptions Index 2023 (2024). The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

¹⁰⁵ In 2019 the score was 60, while in 2023, the score is 61. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

¹⁰⁶ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

¹⁰⁷ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on businesses' attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

¹⁰⁸ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

¹⁰⁹ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

The first implementation plan 2023-2025 for the National Anti-Corruption Agenda 2022-2033 is well on track. As mentioned in the 2023 Rule of Law Report ¹¹⁰, the 2023-2025 Plan for the Implementation of the National Anti-Corruption Agenda for 2022-2033¹¹¹ was approved in May 2023 and it is now being implemented. The responsibility for developing and supervising the implementation of the National Anti-Corruption Agenda lies with the Government in cooperation with the Special Investigation Service. The implementation is decentralised, namely the Plan is implemented by various public sector institutions, depending on sectors and their competence. A working group composed of the representatives of the institutions responsible for the implementation of the Plan as well as of observers from civil society organisations¹¹² was set up to coordinate this process and to promptly detect any potential implementation problems¹¹³.

The investigations and prosecutions in relation to corruption offences are carried out efficiently. The number of reports concerning possible acts of corruption reported by individuals to the Special Investigation Service was over 30% higher in 2023 than in 2022¹¹⁴. During the first six months of 2023, concerning corruption offences, 47 persons were convicted and seven persons were acquitted by the final court decision, seven high level and complex cases were investigated¹¹⁵. The EPPO investigated six corruption cases in 2023, which accounts for 6% of the total number of EPPO cases in Lithuania¹¹⁶. In the end of 2023, the Special Investigation Service investigated 693 offences (compared to 816 in 2022) and 120 cases were under the pre-trial investigation (compared to 126 in 2022) while 172 judicial decisions were taken (compared to 103 in 2022) with 47 acquittals out of 172 (compared to 29 acquittals out of 103 cases in 2022)¹¹⁷. In 2023, investigations into 277 criminal offences were initiated by Special Investigation Service (compared to 453 in 2022)¹¹⁸. Between January and November 2023, 269 corruption-related criminal offences were registered by the Prosecutor General's Office (compared to 453 in 2022)¹¹⁹, which represents a significant decrease. In parallel, the number of acquittals for corruption offences has been increasing for the last few years¹²⁰ (27.33% in 2023)¹²¹. In terms of adjudication of corruption offences, convictions were issued also in high-level corruption cases¹²². In 2023, the Special

¹¹⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 12.

¹¹¹ Resolution No. XIV-1178 of 28 June 2022.

¹¹² Namely Transparency International, initiative 'Clear Wave', Lithuanian Artists' Association, charity and support fund 'Information and Support Center of Non- Governmental Organisations'. Information received from the Special Investigation Service in the context of the country visit in Lithuania.

¹¹³ Order of the Minister of Justice No 1R-327 of 16 October 2023.

¹¹⁴ Special Investigation Service, 'In 2023, the STT received a 30% increase in reports of possible corruption from individuals', 29 January 2024.

¹¹⁵ Input from Lithuania for the 2024 Rule of Law Report, p. 44.

¹¹⁶ EPPO, Annual Report 2023, p. 41.

¹¹⁷ Special Investigation Service, 2023 Activity Report, pp. 12-13, 17.

¹¹⁸ Special Investigation Service, 2023 Activity Report, p. 12.

¹¹⁹ Those concerned passive bribery, trading in influence, active bribery, abuse of office. Input from Lithuania for the 2024 Rule of Law Report, p. 44.

¹²⁰ 3.83% in 2018; 4.78% in 2019; 5.88% in 2020; 11.38% in 2021; 19% in 2022; 18.5% between January and September 2023. Input from Lithuania for the 2024 Rule of Law Report, p. 44.

¹²¹ Website of the President of the Republic of Lithuania, The President met with the Director of the Special Investigation Service, 23 February 2024. In comparison to 3.83% in 2018; 4.78% in 2019; 5.88% in 2020; 11.38% in 2021; 19% in 2022; 18.5% in 2023 (January – September). Input from Lithuania for the 2024 Rule of Law Report, p. 44.

¹²² In November 2023, the Court of Appeals reconsidered the ruling of political corruption case involving MG Group and the former MPs for bribery and influence peddling. LRT, 'Lithuania's MG Grupė pays €1.1m

Investigation Service completed the project ‘Strengthening multidisciplinary and regional approach in fighting corruption and fraud affecting EU financial interests in the Baltic region’¹²³ and launched a new project on ‘Strengthening capacities of the Special Investigation Service to investigate digital evidence’¹²⁴.

There continue to be concerns over shortcomings regarding the handling of foreign bribery cases and the authorities are considering the appropriate follow-up. The OECD report on Lithuania’s implementation and enforcement of the Convention on Combating Bribery of Foreign Public Officials¹²⁵ reports on positive elements such as the legislative and policy frameworks for fighting foreign bribery as well as the digitalisation of bank information search for investigations¹²⁶. However, it issued 49 recommendations regarding the investigation and prosecution of the foreign bribery cases¹²⁷. The recommendations concern the need to promptly and proactively investigate foreign bribery allegations¹²⁸, amend the corporate liability law to eliminate the consideration of shareholder culpability¹²⁹, rationalise the process to remedy retaliation against whistleblowers¹³⁰ and routinely seek for confiscation against bribers. The authorities are currently considering the appropriate follow up to the recommendations¹³¹. While there has not yet been any conviction for foreign

fine in political corruption case’, 24 November 2023. LRT, ‘Former liberal leader and business tycoon given prison sentences in Lithuania’s MG Baltic corruption case’, 22 November 2023. The Supreme Court confirmed the conviction in the political party ‘Order and Justice’ Conviction in the Kaunas City municipality case for bribery – November 2023. Information received from the Prosecution Service in the context of the country visit in Lithuania.

¹²³ The project aims to improve prevention, detection, investigation and cooperation abilities of law enforcement and other related authorities involved in the protection of the Union’s financial interests in the Baltic region. Special Investigation Service, ‘Cooperation of the Baltic countries in the fight against corruption and fraud is being strengthened’, 5 February 2021. OLAF, ‘Lithuania: Multidisciplinary approach and regional cooperation in tackling corruption and fraud risks affecting EU financial interests under the Hercule III Programme (HERCULE-2020-TC-AG) 2023.

¹²⁴ The project aims to keep up-to-date and improve detection and investigation abilities of the Special Investigation Service involved in the protection of the Union’s financial interests in Lithuania by obtaining the license of IT forensic tool ‘Graykey’ which is used as the one of the key components of Special Investigation Service IT forensic toolset. Input from Lithuania for the 2024 Rule of Law Report, p. 30.

¹²⁵ OECD (2023), Phase 3 evaluation of Lithuania.

¹²⁶ An electronic system of requesting and obtaining judicial authorisation to lift bank secrecy has accelerated the execution of mutual legal assistance requests. The systems of the Prosecutor General’s Office and Ministry of Justice for registering mutual legal assistance requests have been improved, though their statistical capabilities need to be strengthened. The establishment of a central register of beneficial owners is welcomed, as is a requirement that the certain corporate annual reports provide information on fighting foreign bribery. OECD (2023), Phase 3 evaluation of Lithuania, pp. 7, 23.

¹²⁷ OECD (2023), Phase 3 evaluation of Lithuania, pp. 58-62.

¹²⁸ Authorities have also overlooked some allegations of this crime reported in the foreign media, and not proactively investigated others. OECD (2023), Phase 3 evaluation of Lithuania, pp. 7, 18, 20.

¹²⁹ Lithuanian courts consider whether a shareholder is culpable before holding a company liable for foreign bribery. Such an approach is incompatible with the realities of the modern corporation where management and ownership are often separated by design. Companies’ anti-corruption compliance programmes are not explicitly recognised as a mitigating factor at sentencing. Nor can companies be required to implement such programmes as a part of a sentence. OECD (2023), Phase 3 evaluation of Lithuania, pp. 11-12.

¹³⁰ The OECD considers that, despite awareness raising efforts, individuals remain reluctant to report corruption and rates of whistleblowing are poor, largely because of a lack of reporting culture. Multiple avenues of redress are available to whistleblowers who suffer retribution, each offering remedies of varying effectiveness. OECD (2023), Phase 3 evaluation of Lithuania, p. 51.

¹³¹ Information received from the Special Investigation Service in the context of the country visit to Lithuania.

bribery in Lithuania, the Special Investigation Service reported to have conducted six pre-trial investigations in 2023 of which five started in 2023¹³².

The revised law on prevention of corruption is being efficiently implemented. As mentioned in the 2023 Rule of Law Report¹³³, following the entry into force of the new rules included in the Law on prevention of corruption¹³⁴ of January 2022, the authorities focused on their implementation. In 2023, the Special Investigation Service received 75 reports from employees working in the public sector, who are obliged¹³⁵ to report suspicions of corruption to law enforcement agencies¹³⁶. In 2023, the Special Investigation Service e-learning platform was further developed and became a regularly used anti-corruption awareness raising tool for various public and private sector organisations¹³⁷. In parallel, training activities were organised¹³⁸. The Special Investigation Service also updated the Guidelines for Creating an Anti-Corruption Environment for Business¹³⁹, whose main goals are to improve awareness of the damage caused by corruption, to support corporations develop anti-corruption tools, and to increase business transparency and accountability. Events for the public sector regarding the measures provided for in the Law on prevention of corruption are regularly carried out¹⁴⁰. Based on the outcome of the evaluation of the Law on Prevention of Corruption, which is currently being carried out by the Ministry of Justice, measures to improve the corruption prevention system are expected to be considered¹⁴¹.

The implementation of the law on the adjustment of public and private interests remains efficient, while further adjustments are under way to improve the declaration process. As regards the implementation of the current rules provided for in the Law on the

¹³² Special Investigation Service, 2023 Activity Report, p. 14.

¹³³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 12.

¹³⁴ Law No. XIV-471, of 29 June 2021, Amending Law No. IX-904 on the Prevention of Corruption.

¹³⁵ According to Art. 9 of the Law on the Prevention of Corruption.

¹³⁶ Special Investigation Service, 'In 2023, the STT received a 30% increase in reports of possible corruption from individuals', 29 January 2024.

¹³⁷ Currently the Special Investigation Service e-learning platform offers 17 topics, 5 of which were introduced in 2023, namely national anti-corruption system, corruption prevention for the public, supervision of economic entities, educational institutions and probability of corruption. Currently, the training topics were categorised into general topics, specific target areas and topics for corruption prevention and other specialists. Input from Lithuania for the 2024 Rule of Law Report, p. 34.

¹³⁸ The Special Investigation Service provided 92 trainings to 7.835 public officials. Input from Lithuania for the 2024 Rule of Law Report, p. 34. In 2023, more than 43.000 certificates of accomplishment were issued to 28.000 users of the platform (out of 80.000 certificates in total since the platform was launched), and Integrity Academy organised 13 events for exchanging best practices on anti-corruption, with over 5.000 participants. Furthermore, 24 entities and teachers received anticorruption expertise from the mentors of the Integrity Academy. Integrity Academy, Special Investigation Service, official website, <https://skaidrumoakademija.lt/apie/>.

¹³⁹ These guidelines concern measures such as: company's anti-corruption policy; identifying, assessing and managing the corruption risks a company faces in its business environment; determining employees' tolerance of corruption and unethical behaviour; codes of ethics and conduct; policy to avoid conflicts of interest; raising employees' anti-corruption awareness; assessing the integrity and loyalty of recruited employees; gifts and representation policy; charitable donations and sponsorships policy; lobbying activities policy; internal whistleblowing channels and protection of whistleblowers etc. Input from Lithuania for the 2024 Rule of Law Report, p. 35.

¹⁴⁰ E.g., in 2023 there were events for internal auditors, events about measures such as anti-corruption assessment of legal acts or drafts thereof, determination of the probability of manifestation of corruption, corruption prevention planning documents; events regarding whistleblower protection institute and Law on the Adjustment of Public and Private Interests. Input from Lithuania for the 2024 Rule of Law Report, p. 43.

¹⁴¹ Written input from Lithuania to the 2024 Rule of Law Report.

adjustment of public and private interests (LAPPI)¹⁴², investigations of possible misconduct are opened upon request, or *ex officio* following media reports¹⁴³. Although the electronic tool PINREG¹⁴⁴ facilitates the declaration process¹⁴⁵, it does not replace the manual check of the submitted declarations¹⁴⁶. COEC¹⁴⁷ is planning to propose further amendments to the functioning of PINREG to clarify the mandatory data that needs to be provided¹⁴⁸. In July 2023, the President of the Republic vetoed proposed amendments¹⁴⁹ to LAPPI that sought to remove the Chief Official Ethics Commission from analysing potential conflicts of interest of mayors and members of municipal councils¹⁵⁰. In 2023, the COEC received the usual number of reports (around 250) while it investigated and passed 24 decisions (compared to 55 in 2022) on the violations of the provisions of LAPPI¹⁵¹. In 2023, the COEC developed a distance learning course on the declaration of private interests intended for all declarants in order to provide advice on the application of the provisions of LAPPI to institutions and bodies conducting investigations¹⁵².

The number of submitted lobbying declarations increases annually. Since 2021, when the Law on Lobbying Activities was amended, the number of registered lobbyists has nearly tripled — from 122 lobbyists in December 2020 to 330 lobbyists in August 2023¹⁵³. In 2023,

¹⁴² The Law on the Adjustment of Public and Private Interests, No. VIII-371 of 7 July 1997.

¹⁴³ In 2023 COEC received over 300 notifications of possible breaches of LAPPI. As a result, 50 investigations were carried out. Information received from COEC in the context of the country visit in Lithuania.

¹⁴⁴ The PINREG is intended not only for declaring persons, but also for the public, whose members can easily search for relevant declarations of private interests, as well as for the management of the institution or its authorised representatives, who can create in the PINREG the structure of the institution, the list of declaring employees, easily analyse the data of their declarations of private interests, and ensure control (COEC Annual Activity Report 2021, p. 16).

¹⁴⁵ Information received from COEC, Special Investigation Service and Transparency International in the context of the country visit in Lithuania.

¹⁴⁶ In April 2023, Deputy Finance Minister Gediminas Norkūnas was found to have been wrongly filling his private interest declaration. The Chief Official Ethics Commission ruled that G. Norkūnas had a conflict of interest over owning a stake in a state-controlled energy company Ignitis Grupė. The ruling stated that the deputy minister placed himself in a conflict when making decisions on the state-controlled energy group's activities and that he failed to declare his interests properly. As a result, he stepped down. Given the duty to firstly self-assess before declaring one's interest, the Vilnius Regional Court has identified a risk of improper declaration and stressed that judges have to better understand how to declare their private interest and when. Baltics News, 'Norkūnas did not avoid a conflict of interest regarding decisions in "Ignitis Group"', 12 April 2023.

¹⁴⁷ Chief Official Ethics Commission (COEC) is a body tasked with assisting persons in declaring their interests, monitoring the process of declaring one's interests and carrying investigations about possible misdoings.

¹⁴⁸ Information received from COEC in the context of the country visit in Lithuania.

¹⁴⁹ The vetoed amendments to the Law of the Adjustment of Public and Private Interests, Law Nr. XIV-2089 of 22 June 2023.

¹⁵⁰ The draft Law, dropped as a result of the veto, suggested that such conflicts should first be examined by the ethics commission of the local government rather than the central one. According to the President, the proposal contradicts the currently established control mechanism of politicians' behaviour and does not create trustworthy democratic governance, as foreseen by the Code of Conduct of Politicians. The website of the President of Lithuania, 'Presidential veto: The High Commission on Official Ethics must defend the constitutional principle of the service of government bodies to the people', 5 July 2023.

¹⁵¹ In 2023, the majority of violations due to a conflict of private and public interests was found in the case of participation in or attempts to influence the deliberations and adoption of decisions concerning private interests of the declarant or a person close to the declarant (12). Seven of the cases involved state politicians (two mayors of municipalities and five members of municipal councils). The violations of this nature are among the most frequent in the practice of the COEC. COEC Annual Activity Report 2023, p. 7.

¹⁵² COEC Annual Activity Report 2023, p. 7.

¹⁵³ SKAIDRIS – the platform for lobbying transparency, Chief Official Ethics Commission.

the COEC received 21 reports and investigated 6 cases on the violation of the lobbying rules¹⁵⁴. Over the past two and a half years, lobbyists have declared 2.5 times more declarations (1963) than politicians and civil servants (792)¹⁵⁵. The majority of declared lobbying activities are related to the Law on Pharmacy and legislation related to trade in marketplaces, lotteries, electronic communications, and the regulation on tobacco products¹⁵⁶.

The current rules on political party financing are being implemented. The rules in place regarding political party financing are generally considered to be sufficient and well implemented¹⁵⁷. In 2023, the Special Investigation Service launched eleven pre-trial investigations in connection with the expenses scandal involving local politicians and municipalities¹⁵⁸. A series of events took place aimed at newly elected members of the Municipal Councils, Ethics Commissions, and newly elected mayors to create an anti-corruption environment in the municipality¹⁵⁹.

The whistleblowing framework is functioning well and the authorities aim at further strengthening the current rules. The protection of whistleblowers, their rights and possible legal remedies are laid down in the Law on the Protection of Whistleblowers¹⁶⁰. Transparency International called on public and private sector institutions to effectively safeguard the confidentiality of whistleblowers and encourage them to report wrongdoing¹⁶¹. Based on the evaluation of the implementation of the Whistleblowers Protection Law for the period 2019 to 2023, the Prosecutor General's Office recommended amendments to consider increasing the level of fines for breaches of confidentiality and other violations of the whistleblowers protection legislation. Also, it was recommended to consider the possibility of amending laws regulating court proceedings and ensuring that cases of retaliation against the reporting person be resolved urgently. The healthcare sector remains a priority in terms of

¹⁵⁴ In 2023, 60 persons, including 41 legal persons, were included in the list of lobbyists, bringing the total number of lobbyists to 348. Overall, 635 declarations were submitted on SKAIDRIS. COEC Annual Activity Report 2023, p. 9.

¹⁵⁵ Analysis of lobbying activity data conducted by Transparency International Lithuania. This review provides data on lobbying activities, based on Transparency International Lithuania inquiries to the Chief Official Ethics Commission. Transparency International, 'Shining a light on lobbying in Lithuania data, risks and regulations, 2023. Transparency International, 'Lobbyists report lobbying activities more frequently than politicians and civil servants', 21 November 2023.

¹⁵⁶ Transparency International, 'Lobbyists report lobbying activities more frequently than politicians and civil servants', 21 November 2023.

¹⁵⁷ Information received from Transparency International in the context of the country visit to Lithuania.

¹⁵⁸ LRT, 'Officers to start questioning suspects following politicians' expenses scandal', 1 August 2023.

¹⁵⁹ In order to ensure greater transparency of procedures and to foster the anti-corruption environment the series of events 'The importance of creating a corruption-resistant environment in self-government' was organised. Special Investigation Service, 'A series of STT events: creating a corruption-resistant environment in self-government', 16 June 2023. Special Investigation Service, 'The cycle of STT events continues: creating a corruption-resistant environment in self-government', 25 September 2023.

¹⁶⁰ Law on the protection of whistleblowers No XIII-804 of 28 November 2017.

¹⁶¹ Transparency International, 'The protection of whistleblowers receives insufficient attention', 28 September 2023. The Prosecutor General's Office and the Ministry of Justice aim at further strengthening the protection of whistleblowers and encouraging the reporting of corruption in Lithuania, which is expected to be carried out through an assessment of the practical application of the legislative framework, providing methodological assistance to public and private sector entities and encouraging individuals to report corruption cases with the use of social media presentations and events. The measure is to be implemented by 2025. Input from Lithuania for the 2024 Rule of Law Report, p. 36.

whistleblowing, despite a decrease in numbers of reports¹⁶². According to the data of the Special Investigation Service for 2023, the Prosecutor General Office granted a status of whistleblowers to five persons, who provided information to the Special Investigation Service about alleged acts of corruption (in comparison to nine persons in 2022), while information and advice about the application of the rules in place was provided through the hotline by the Prosecutor General's Office to 259 persons (in comparison to 286 persons in 2022)¹⁶³. Out of the 76 reports received (in comparison with 53 reports in 2022), seven reports were not forwarded for investigation as the provided information had already been examined¹⁶⁴. In 2023, the Prosecutor General's Office recognised 41 persons as whistleblowers (in comparison to 31 persons in 2022). In parallel, training¹⁶⁵ and awareness raising¹⁶⁶ activities were carried out.

Efforts continue to address the high-risk areas for corruption, including public procurement. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 34% of companies in MS (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹⁶⁷. Public procurement, healthcare, local government, environmental protection, territorial planning and construction supervision remain high-risk areas for corruption in Lithuania¹⁶⁸. Specific measures in this regard are being carried out, according to objectives under both the implementation plan 2023-2025 of the National Anti-Corruption

¹⁶² Information received from the Prosecutor General's Office in the context of the country visit in Lithuania. Two training sessions were conducted in 2023, catering to personnel from hospital and consultation settings, with a total attendance exceeding 350 individuals. In July 2023, the Minister of Health issued an order approving the action plan for preventing corruption within the healthcare system for the years 2023-2025. The core component of this plan involves fostering an understanding of whistleblower protection mechanisms among employees, with the objective of reshaping institutional attitudes towards whistleblowers. This entails organising various educational events, including trainings, seminars, discussions, and other initiatives to disseminate best practices and cultivate a supportive environment for whistleblowers. Furthermore, the General Prosecutor's Office plans to conduct an analysis in 2024 of how internal channels are implemented in healthcare institutions and compile a list of employees responsible for the operation of internal channels. Information received from the Prosecutor General's Office in the context of the country visit to Lithuania.

¹⁶³ Input from Lithuania for the 2024 Rule of Law Report, p. 36.

¹⁶⁴ Input from Lithuania for the 2024 Rule of Law Report, p. 37. In 2023, 5 per cent of all received reports (4 out of 76), were related to public procurement. Information received from the Prosecutor General's Office in the context of the country visit to Lithuania.

¹⁶⁵ Specialised training sessions were organised for institutions, professionals and internal channels involved in the whistleblowing process. These sessions aimed to enhance their understanding of the procedures and responsibilities associated with reporting and addressing corruption and other issues. Input from Lithuania for the 2024 Rule of Law Report, p. 37.

¹⁶⁶ As part of the awareness program at the end of September 2023, a website for whistleblowers www.praneskitiesa.lt has been launched. The page provides explanations about the protection granted to whistleblowers and reporting channels, includes all relevant legal acts, forms for reporting violations, and contact information for whistleblower consultation lines. Additionally, real-life examples, cases of whistleblower protection, encouragement, and assistance measures are available. The website also features current news related to the whistleblower institute and an events calendar. Input from Lithuania for the 2024 Rule of Law Report, p. 33.

¹⁶⁷ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). This is 7 percentage points above the EU average.

¹⁶⁸ Lithuanian Corruption Map 2022/2023; Information received from the Special Investigation Service and Prosecutor General's Office in the context of the country visit in Lithuania.

Agenda¹⁶⁹, and the Recovery and Resilience Plan¹⁷⁰. While numerous activities are well on track, the launch of the new e-procurement system ‘SAULE’¹⁷¹, which was anticipated to start operating in 2023, is expected to be delayed for a few years¹⁷². In 2023, the Public Procurement Office implemented the project ‘Increasing the number of suppliers into public procurements’ focusing on training for suppliers strengthening their competences¹⁷³. In 2023, anti-corruption intelligence inspections on public procurement procedures were carried out by individual municipalities¹⁷⁴. In parallel, the Special Investigation Service carried out similar inspections in the areas of state supervision of construction and territorial planning, distribution of support from European Structural Funds, National Defence, Social Security and Labour, Communications, Energy in order to identify and assess possible conflicts of interests and corruption risks¹⁷⁵. The healthcare system is the only sector showing high levels of both corruption perception and experience¹⁷⁶.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Lithuania, the legal framework concerning media pluralism and media freedom is based on constitutional safeguards and sectorial legislation. The Constitution prohibits censorship and monopolisation of the media and guarantees the right to freedom of expression and information. The Law on the Provision of Information to the Public is the main media law. Access to information held by public authorities is regulated by the Law on the Right to Obtain Information and Data Reuse. The institutional framework consists of the Lithuanian Radio and Television Commission (LRTK), the Office of the Inspector of Journalist Ethics and the Public Information Ethics Association¹⁷⁷.

¹⁶⁹ The Plan for implementation of National Anti-Corruption Agenda in the period of 2023-2025 (Order No 324 of 3 May 2023) foresees an analysis of the practice of application of the institute of unreliable suppliers and factors potentially reducing the effectiveness of the application of this institute. The Plan also foresees nine measures in the field of health protection, seven measures to reduce risk of corruption in environmental protection, four measures to reduce risk of corruption in territorial planning and construction supervision. Input from Lithuania for the 2024 Rule of Law Report, pp. 39-41.

¹⁷⁰ The objective of measure F.3.1 (Improving centralised public procurement) is to make the public procurement system in Lithuania more efficient and increase participation in public procurement tenders by centralising public procurement via the Central Purchasing Organisation. This measure foresees two actions: i) to expand the catalogues of items that can be purchased via the Central Purchasing Organisation and ii) to adopt a plan for centralisation of public procurement of health institutions and agencies. The measure has a final expected date of implementation in Q4 2025. Annex to the Council Implementing Decision of 27 October 2023 amending Implementing Decision of 20 July 2021 on the approval of the assessment of the recovery and resilience plan for Lithuania, p. 138.

¹⁷¹ Objectives for the new e-procurement system remain the same: it should have technical features allowing for easier accumulation, handling and analysis of public procurement data throughout the procurement process (‘once-only’ principle, automated solutions for data gathering, publication of the data according to the obligations set in Public Procurement Law, integrations with state registers (including integration with PINREG), open data format for user friendliness and easier data analysis, etc.). Input from Lithuania for the 2024 Rule of Law Report, p. 42.

¹⁷² Information received from the Public Procurement Office in the context of the country visit in Lithuania.

¹⁷³ Input from Lithuania for the 2024 Rule of Law Report, p. 42.

¹⁷⁴ Input from Lithuania for the 2024 Rule of Law Report, p. 39.

¹⁷⁵ Input from Lithuania for the 2024 Rule of Law Report, p. 40.

¹⁷⁶ Lithuanian Map of Corruption 2022/2023, Special Investigation Service.

¹⁷⁷ Lithuania ranks 13th in the 2024 Reporters without Borders World Press Freedom Index compared to 7th in the previous year.

The regulator for audiovisual media services continues to be sufficiently funded, also in the light of its new competences. As of 1 July 2023, the LRTK is responsible for the enforcement of copyright law¹⁷⁸ and the calculation of the annual fee due by media service providers (which forms the second pillar of the LRTK's funding)¹⁷⁹. In light of these new competences, the funding and the staff resources of the LRTK are assessed as sufficient¹⁸⁰. The LRTK continued to implement the prohibition of the retransmission or internet distribution of TV and radio channels and programmes that can be linked to Russia or Belarus, except when authorised by the LRTK¹⁸¹. In 2022, it had already issued fines for two media service providers for the retransmission of prohibited programmes and blocked 130 websites that provided services without having them notified to the LRTK¹⁸². In addition, in 2023, the LRTK started to issue orders against internet access providers to block IP addresses of websites that distributed prohibited programmes, with the result of almost 300 being blocked¹⁸³. The Media Pluralism Monitor (MPM 2024) reports a continuously low risk for the independence and effectiveness of the media authority¹⁸⁴.

The broadened composition of the media self-regulatory body has been predominantly met with positive reactions. The 2023 amendment¹⁸⁵ to include representatives of the public service media provider (LRT) in the media self-regulatory body, namely the Public Information Ethics Commission, has been widely welcomed¹⁸⁶. As regards the inclusion of members of the Media Council that have been nominated by universities offering a programme of journalism studies¹⁸⁷, the Ethics Commission and the LRT have welcomed it, while the Lithuanian Journalists' Union expressed some reservations¹⁸⁸.

Transparency of media ownership is further promoted by linking it to access to the new Media Support Fund which announced the first recipients in April 2024. As reported in 2023, a public information system, called 'VIRSIS', provides data on media owners and amounts of funds obtained from public bodies¹⁸⁹. Public authorities are under an obligation to

¹⁷⁸ This activity is financed by the blank tape levy.

¹⁷⁹ Input from Lithuania for the 2024 Rule of Law Report, p. 43; Information received from the LRTK in the context of the country visit to Lithuania.

¹⁸⁰ Information received from the LRTK in the context of the country visit to Lithuania.

¹⁸¹ See for the adoption of this prohibition 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 17. The authorisation is subject to the discretion of the LRTK.

¹⁸² Information received from the LRTK in the context of the country visit to Lithuania. See also LRTK, 2022 Annual Report, pp. 3-4, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 17.

¹⁸³ Information received from the LRTK in the context of the country visit to Lithuania.

¹⁸⁴ 2024 Media Pluralism Monitor, country report for Lithuania, p. 12.

¹⁸⁵ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 18.

¹⁸⁶ Information received from the Public Information Ethics Commission, the Lithuanian Journalists' Union and the public service media provider LRT in the context of the country visit to Lithuania; Contribution from Liberties Europe for the 2024 Rule of Law Report, p. 15.

¹⁸⁷ The Media Council is an advisory body of the Lithuanian Ministry of Culture. As regards the potential nominees, information received from LRT in the context of the country visit to Lithuania.

¹⁸⁸ Information received from the Public Information Ethics Commission and the LRT (see also contribution from Liberties Europe for the 2024 Rule of Law Report, p. 15) and from the Lithuanian Journalists' Union in the context of the country visit to Lithuania. The latter based its reservations on the consideration that the new members of the Media Council would not be as familiar with the relevant topics as the other members.

¹⁸⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 18.

submit data twice a year in VIRSIS on the public funds to media service providers¹⁹⁰. They are also obliged to publish information about state advertising on their websites¹⁹¹. Some limitations exist however, as the current legal regime does not address the ownership via proxies, which has become an issue at least in one Lithuanian region¹⁹². According to the MPM 2024, media ownership transparency is at low risk¹⁹³. While news media concentration is very high, Lithuanian law does not provide for specific rules on market concentration in the media sector¹⁹⁴. The new Media Support Fund¹⁹⁵ which was established in September 2023 and announced the first recipients of funding in April 2024¹⁹⁶ got a budget of EUR 6.5 million, amounting to almost double than originally planned, following interventions from the sector¹⁹⁷, but there was concern that the fund would come too late for some outlets¹⁹⁸. Access to funding is conditional on meeting the obligation to provide ownership data to VIRSIS¹⁹⁹.

The public service broadcaster continues to operate independently. The election of the new Director-General of the public service media provider LRT underwent delays and took place half a year later than expected, in October 2023, after the first two attempts resulted in a split vote²⁰⁰. The procedures which led to those delays have been amended by a law adopted in June 2024 and will enter into force in September 2024, aiming at the prevention of such a situation²⁰¹. While Lithuanian law already prohibits members of Parliament or the Government to serve on the supervising council of LRT, the new law extends this

¹⁹⁰ Input from Lithuania for the 2024 Rule of Law Report, p. 43; information received from the Ministry of Culture in the context of the country visit to Lithuania.

¹⁹¹ Written contribution from the Lithuanian Government in the context of the country visit to Lithuania.

¹⁹² In this region there are two local newspapers which are *de facto* controlled by the same person without this having to be reported to VIRSIS; input from Lithuania for the 2024 Rule of Law Report, pp. 44-45. Stakeholders raised concerns regarding the issue of local newspapers being controlled by local politicians (even if this might be transparent to the public), including the case of two regions in Lithuania where politicians controlled the media (information received from the Lithuanian Journalists' Union and the Freedom House in the context of the country visit to Lithuania).

¹⁹³ 2024 Media Pluralism Monitor, country report for Lithuania, p. 14.

¹⁹⁴ 2024 Media Pluralism Monitor, country report for Lithuania, p. 14.

¹⁹⁵ See already 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 18.

¹⁹⁶ Media Support Fund (2024), Funding for cultural periodical press and regional media activities is announced.

¹⁹⁷ Input from Lithuania for the 2024 Rule of Law Report, p. 44.

¹⁹⁸ Information received from the Lithuanian Journalists' Union in the context of the country visit to Lithuania, that referred to a high-quality magazine that declared bankruptcy in the beginning of February. See also Delfi, 'Cultural media left without funding', 24 January 2024.

¹⁹⁹ Information received from the Ministry of Culture in the context of the country visit to Lithuania.

²⁰⁰ Input from Lithuania for the 2024 Rule of Law Report, p. 43. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 19.

²⁰¹ Law no. XIV-2695 of 6 June 2024. The law provides for the Chair of the LRT Council having a casting vote in case of a vote that is split among the Council's 12 members; currently, however, the Council's rules of procedure provide for elections by secret ballot, meaning that the vote of the Chair cannot be identified and rendering impossible the law's solution. The new law provides for an election by open ballot.

prohibition, among others, to members of local councils²⁰². According to the MPM 2024, ‘independence of public service media’ is at very low risk²⁰³.

The situation regarding access to documents is better with the guidelines for public authorities although their implementation by public authorities at all levels of government can still be improved. The guidelines for the reconciliation of personal data protection requirements and freedom of expression and information published by the Office of the Inspector of Journalist Ethics in February 2023²⁰⁴ have been welcomed by journalists²⁰⁵. Stakeholders report that the guidelines are not yet implemented in practice by authorities at all levels of government, and not all journalists are aware of them²⁰⁶; the Office of the Inspector of Journalist Ethics plans to further promote them²⁰⁷. According to stakeholders, public authorities at lower levels of government tend to show reluctance to provide information, citing data protection reasons²⁰⁸. The appeals procedure has been criticised as being rather complex and lengthy²⁰⁹. In June 2024 the Government proposed to permit journalists access to a register of members of political organisations (that is scheduled to be operational as of July 2025) which would allow them to gain knowledge about current and historical data concerning these members and to thus contribute to the fight on corruption; the proposal will be submitted to Parliament²¹⁰.

The Government has adopted an action plan for the safety of journalists and continues to strengthen their protection against abusive lawsuits. Since the publication of the 2023 Rule of Law Report, two new alerts have been published regarding Lithuania on the Council of Europe’s Platform to promote the protection of journalism and safety of journalists and on the Mapping Media Freedom platform; one is about the use of spyware against exiled Russian and Belarusian journalists living in Lithuania, committed by unknown

²⁰² The new law further excludes Members of the European Parliament, of the Public Information Ethics Commission and the Inspector of Journalist Ethics from serving on the Supervisory Council of the LRT; written contribution from the Lithuanian Government in the context of the country visit to Lithuania.

²⁰³ 2024 Media Pluralism Monitor, country report for Lithuania, p. 17. According to the European Parliament’s Flash Eurobarometer: News & Media Survey 2023, p. 44, 54% of the population of Lithuania trust public TV and radio stations (incl. online), which is above the EU average of 48%.

²⁰⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 19.

²⁰⁵ Information received from the Lithuanian Journalists’ Union, the LRT and the Office of the Inspector of Journalist Ethics in the context of the country visit to Lithuania.

²⁰⁶ Information received from the Office of the Inspector of Journalist Ethics and from LRT in the context of the country visit to Lithuania. LRT attributes the lack of knowledge of journalists to allegedly missing efforts of the Office of Inspector of Journalist Ethics to distribute the guidelines among journalists.

²⁰⁷ Information received from the Office of the Inspector of Journalist Ethics in the context of the country visit to Lithuania.

²⁰⁸ Information received in the context of the country visit to Lithuania: according to the Office of the Inspector of Journalist Ethics public authorities would not be ‘keen’ to provide information and would use the GDPR as a ‘tool’ in that context. Freedom House also said the culture to talk to journalists could be better. The Ministry of Culture has acknowledged this situation. According to the Lithuanian Journalists’ Union the issue is limited to public authorities at lower levels of government.

²⁰⁹ The study ‘Disputes over Access’ (2023) by Balticada Investigations Studies, which looks at the situation regarding access to documents in the three Baltic states, concludes that in Lithuania, ‘the combination of multiple normative privileges and a multifaceted [freedom of information] appeal mechanism results in a complex web of norms that journalists find hard to understand’, p. 9. The Office of the Inspector of Journalist Ethics does not consider the mechanism to be complex, but to consume time and resources, information received in the context of the country visit to Lithuania.

²¹⁰ LRT (2024), Government for the right of journalists to receive free of charge the data of members of political organisations.

perpetrators²¹¹. In September 2023 the Ministry of Culture adopted an action plan for the protection, safety and empowerment of journalists that envisages various actions to be implemented by different public authorities until 2025, such as training for law enforcement authorities and journalists, informing journalists on draft legislation and providing unemployment insurance coverage to self-employed journalists²¹². So far, the actions have been implemented as planned, with stakeholders describing the situation regarding the safety of journalists (and notably the cooperation between journalists and the law enforcement authorities) to be good²¹³. LRT would like the Government to provide guidance on how to ensure the operation of LRT and the safety of its staff in the event of a war or other major crisis²¹⁴. Strategic Lawsuits against Public Participation (SLAPPs) have been described as a minor occurrence in the country, although the identification of a lawsuit to be a SLAPP has been reported to be a relevant issue due to lack of knowledge about these types of lawsuits²¹⁵. Following the legislative amendments introduced in 2022²¹⁶, a further legislative amendment entered into force on 1 January 2024 which makes it possible for SLAPP targets to receive state-guaranteed legal aid in SLAPP cases without the assessment of the defendant's assets and income²¹⁷.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Lithuania is a representative democratic republic with a directly elected President and a unicameral Parliament (*Seimas*). The Constitutional Court is in charge of constitutional review of laws and other legislation enacted by Parliament and of acts of the President and the Government (ex post control). The Parliament, the President, the Government, and a group of at least 50 000 citizens of the Republic of Lithuania with the right to vote have the right of legislative initiative, and a group of at least 300 000 citizens of the Republic of Lithuania with the right to vote have the right of initiative to change the Constitution and call a referendum²¹⁸. Citizens and foreigners permanently residing in Lithuania, aged 16 and over, also have the right to petition the state or municipal authorities for the adoption of a normative legal act of public interest²¹⁹. The Parliamentary Ombudspersons are the National Human Rights Institution and are tasked with protecting and promoting human rights and fundamental freedoms. The Office of the Equal Opportunities Ombudsperson is the equality body.

²¹¹ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Latvia (the alert has been published in the country profile of Latvia only due to other affected journalists that live in Latvia; the country profile of Lithuania does not include any new alert); European Centre for Press and Media Freedom, Mapping Media Freedom, Lithuania country profile. The other alert (on both platforms) is about an amendment introduced in Parliament which, according to LRT, would threaten the funding model of the public broadcaster if adopted.

²¹² Input from Lithuania for the 2024 Rule of Law Report, p. 45.

²¹³ Information received from the Ministry of Culture and the Lithuanian Journalists' Union in the context of the country visit to Lithuania.

²¹⁴ Information received from the LRT in the context of the country visit to Lithuania.

²¹⁵ Information received from the Office of the Inspector of Journalist Ethics in the context of the country visit to Lithuania.

²¹⁶ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 20.

²¹⁷ Input from Lithuania for the 2024 Rule of Law Report, pp. 45-46.

²¹⁸ The Constitutional Law on Citizens' Legislative Initiative of the Republic of Lithuania, drafted by the Ministry of Justice, should enter into force on 1 September 2024.

²¹⁹ The Constitutional Law on Petitions of the Republic of Lithuania, drafted by the Ministry of Justice, entered into force on 1 July 2023.

The Ministry of Justice has developed new rules to improve the quality of legislation. The Legislative Methodological Recommendations²²⁰ and Recommendations for Codification²²¹ mentioned in the 2023 Rule of Law Report²²², were published on 16 November 2023, after consultation with other ministries and with the Government chancellery. The Recommendations aim to ensure the quality and sustainability of legislation²²³, as well as to determine the general systematic codification of legal acts, while increasing their comprehensibility and accessibility²²⁴. In addition, the rules for coordination in the development of normative legal acts by ministers, Government institutions, and other subjects of public administration subordinate and accountable to the Government the aim of which is to ensure uniform legislative and public consultation rules were developed by the Ministry of Justice and adopted by the Government on 3 May 2024²²⁵.

The Judicial Council is preparing a proposal to amend the Constitution in order to be granted the right of constitutional appeal regarding legislation affecting the judiciary. The document ‘Vision of the development of Lithuanian courts for the years 2023-2033’, adopted by the Judicial Council in 2022²²⁶, includes the proposal for the establishment of the right of the Judicial Council to appeal to the Constitutional Court of the Republic of Lithuania by amending Article 106 of the Constitution²²⁷. Such an amendment would provide the Judicial Council with the right to apply to the Constitutional Court in cases where it is considered that the independence of the judiciary is threatened²²⁸. A draft concept note of the Judicial Council’s right to constitutional appeal has been prepared²²⁹, and will be submitted to the Judicial Council’s Plenum for approval, after which the National Courts Administration will draft the proposed constitutional amendment²³⁰. The Judicial Council plans to obtain the amendment adopted by 2028²³¹.

The Constitutional Court was called to clarify the principle of separation of powers. In a ruling of 26 April 2023²³², the Constitutional Court clarified the separation between the legislative and executive powers. This concerned the possibility to regulate through implementing regulation cases which, according to the Constitution, must be regulated through laws²³³. In this case, it was considered that Parliament disregarded the prohibition,

²²⁰ Ministry of Justice, ‘Legislative methodological recommendations’.

²²¹ Ministry of Justice, ‘Recommendations for Codification’.

²²² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 20.

²²³ In Lithuania, 27% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

²²⁴ Input from Lithuania for the 2024 Rule of Law Report, pp. 50-51.

²²⁵ Input from Lithuania for the 2024 Rule of Law Report, pp. 50-51.

²²⁶ Available at: <https://www.teismai.lt/data/public/uploads/2023/02/eng-taisyta-1.pdf>.

²²⁷ Which enshrines the right to constitutional appeal of the President of the Republic, Parliament, Government and individuals.

²²⁸ Input from Lithuania for the 2024 Rule of Law Report, p. 13; Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, pp. 11-12.

²²⁹ Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, pp. 11-12.

²³⁰ Information received from the Judicial Council and National Courts Administration in the context of the country visit to Lithuania.

²³¹ Input from Lithuania for the 2024 Rule of Law Report, p. 13; Contribution from European Network of Councils for the Judiciary (ENCJ) for the 2024 Rule of Law Report, pp. 11-12.

²³² Constitutional Court, judgment of 26 April 2023, No. KT40-N4/2023, case No. 7/2022.

²³³ Input from Lithuania for the 2024 Rule of Law Report, p. 50.

arising from the constitutional principle of the rule of law, of entrusting the Government with the implementation of a competence entrusted to Parliament by the Constitution. The ruling was swiftly implemented by Parliament, which revised and amended the contested legal regulation²³⁴.

On 1 January 2024, Lithuania had 22 leading judgments of the European Court of Human Rights pending implementation, an increase of three compared to the previous year²³⁵. At that time, Lithuania's rate of leading judgments from the past 10 years that remain pending was at 34% (compared to 31% in 2023), the average time that the judgments have been pending implementation was almost 3 year and 8 months (compared to 3 years and 4 months in 2023)²³⁶. The oldest leading judgment, pending implementation for 16 years, concerns the lack of legislation governing the conditions and procedures relating to gender reassignment²³⁷. As regards the respect of payment deadlines, on 31 December 2023 there were no cases in total awaiting confirmation of payments (in 2022 compensations were also paid within the deadline)²³⁸. On 1 July 2024, the number of leading judgments pending implementation had remained 22²³⁹. Following the European Court of Human Rights decision in *Macatė v Lithuania*²⁴⁰, the Ministry of Justice prepared a draft law aiming at executing the judgment²⁴¹, which was however rejected by Parliament in November 2023. Following that, the Government submitted an application to the Constitutional Court²⁴², which was admitted on 22 February 2024²⁴³.

²³⁴ Education Law No. I-1489 – Amendment of articles 28, 37, 42, 43, 44, 66 and 67, of 26 September 2023.

²³⁵ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

²³⁶ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, pp. 5-6.

²³⁷ Judgment of the European Court of Human Rights of 11 September 2007, *L. v. Lithuania*, 27527/03, pending implementation since 2008.

²³⁸ In 2022, in one specific case, additional corrections to the payment of compensation were made after the deadline. Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 137.

²³⁹ Data according to the online database of the Council of Europe (HUDOC).

²⁴⁰ European Court of Human Rights, judgment of 23 January 2023, *Macatė v Lithuania*, case no. 61435/19. The Court found the State measures imposed on the applicant's children's book containing storylines about same-sex marriage (temporary suspension of the distribution of the book and further marking with a warning label stating that its contents could be harmful to children under the age of 14) in application of Art. 4 of the Law on the Protection of Minors against Negative Effects of Public Information to be in violation of Article 10 ECHR.

²⁴¹ Updated Action Plan (09/11/2023) – Communication from Lithuania concerning the case of *Macatė v. Lithuania* (Application No. 61435/19).

²⁴² The Government asks whether Paragraph 16 of Part 2 of Art. 4 of the Law on the Protection of Minors against Negative Effects of Public Information is in line with Parts 1 and 2 of Art. 25 (freedom of expression), Art. 29 (principle of equality), Parts 1 and 2 of Art. 38 (protection of the family), and part 3 of Art. 138 (International treaties ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania) of the Constitution, as well as with the constitutional principle of the rule of law.

²⁴³ Information received from the Constitutional Court in the context of the country visit to Lithuania. The Government considers nevertheless, even if the amendments to the Minors Protection Act were not adopted,

There has been significant progress in providing adequate human and financial resources for the Parliamentary Ombudspersons. The 2023 Rule of Law Report recommended to Lithuania to '[p]rovide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles'²⁴⁴. In 2023, in the context of the discussions of the 2024 state budget, additional EUR 64 000 were allocated to finance two vacant posts in the Human Rights Division²⁴⁵ for the year 2024. In addition, in the context of the reform of the civil service²⁴⁶, the remuneration of the Parliamentary Ombudspersons was increased²⁴⁷. The Office of the Parliamentary Ombudspersons is accredited with 'A' status by the UN Global Alliance of National Human Rights Institutions (GANHRI)²⁴⁸, and the Office reports that the increase in the allocated resources will be instrumental to ensure the reaccreditation²⁴⁹. While this has been considered a positive development, the Office continues to raise concerns regarding its adequacy to fulfil its extensive mandate²⁵⁰, in particular in the light of the possible attribution of new tasks currently under discussion. Moreover, the Office reported that the reform which abrogated some of its prerogatives in the recruitment process, could impact the capacity of newly recruited staff to exercise functions requiring legal analysis²⁵¹. Overall, there has been significant progress on the recommendation made in the previous years.

that, based on the current practice, there is no possibility for the contested provision which is still in place to be applied in violation of Article 10 ECHR (Information received from the Lithuanian Government in the context of the country visit to Lithuania. See also Updated Action Plan (09/11/2023) – Communication from Lithuania concerning the case of *Macate v. Lithuania* (Application No. 61435/19).

²⁴⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2. The 2022 Rule of Law Report had also recommended to Lithuania to '[p]rovide adequate human and financial resources for the functioning of the Office of the Parliamentary Ombudspersons, taking into account European standards on resources for Ombudsinstitutions and the UN Paris Principles' (2022 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 2. In 2023 the Commission concluded that 'no progress' had been made on the recommendation addressed in the 2022 Rule of Law Report.

²⁴⁵ Law on the Approval of Financial Indicators of the State Budget and Municipal Budgets of the Republic of Lithuania for 2024. See also contribution from the European Network of National Human Rights Institutions (ENNHRI) for the 2024 Rule of Law Report, pp. 346-347.

²⁴⁶ Law amending the Law on Remuneration of State Politicians and State Officials No VIII-1904 (TAR, 25 May 2023, No. 11591), adopted on 25 May 2023.

²⁴⁷ Information received from the Office of the Parliamentary Ombudspersons in the context of the country visit to Lithuania; Input from Lithuania for the 2024 Rule of Law Report, p. 61. See also contribution from the European Network of National Human Rights Institutions (ENNHRI) for the 2024 Rule of Law Report, p. 346.

²⁴⁸ Global Alliance of National Human Rights Institutions (GANHRI), Sub-Committee on Accreditation (SCA) (2017), Accreditation Report – March 2017.

²⁴⁹ Information received from the Office of the Parliamentary Ombudspersons in the context of the country visit to Lithuania. The periodic accreditation of the Lithuanian NHRI was considered by the SCA between March and May 2024 (see also contribution from the European Network of National Human Rights Institutions (ENNHRI) for the 2024 Rule of Law Report, p. 50).

²⁵⁰ Which includes the investigation of complaints from individuals against the activities (inaction) of officials of state and municipal authorities, national prevention of torture and national human rights institution. The Human Rights Division of the Office counts with five staff members who, however, do not practice exclusively in specific areas of expertise (Input from Lithuania for the 2024 Rule of Law Report, p. 62).

²⁵¹ In line with the new rules applicable, the Office of the Ombudsperson no longer has the prerogative to determine the academic requirements for the fulfilment of vacancies. Information received from the Office of the Parliamentary Ombudspersons in the context of the country visit to Lithuania.

Stakeholders have reported concerns regarding the effective participation of civil society in decision-making processes. The civic space continues to be considered open²⁵². Civil society organisations (CSOs) continue to be actively involved in decision-making and implementation regarding the support to refugees from Ukraine and in crisis management, as also reported in the 2023 Rule of Law Report²⁵³, and working groups are being created in this context²⁵⁴. While the National NGO council continues to operate under the Prime Minister's office, in addition to municipal NGO councils²⁵⁵, stakeholders reported some challenges regarding their participation in decision making²⁵⁶, and raised concerns that public participation is broadly seen as *pro-forma*²⁵⁷. According to CSOs²⁵⁸, 'SKAIDRIS', the lobby register, remains key to participate fully in the decision-making process²⁵⁹. Concerns have also been raised regarding the fact that NGOs' right to access to information is narrowly defined, requiring direct interest, which limits their capacity to meaningfully participate in the decision-making process and exercise their role as watchdogs²⁶⁰, thus impacting their work in concrete areas²⁶¹. The National NGO fund continues to finance programmes to support capacity building²⁶², although stakeholders continue to raise concerns about the limited availability of funds, which have remained unchanged for several years²⁶³.

²⁵² Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²⁵³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Lithuania, p. 23.

²⁵⁴ Information received from the NGO Coalition in the context of the country visit to Lithuania.

²⁵⁵ Input from Lithuania for the 2024 Rule of Law Report, p. 60.

²⁵⁶ Information received from the NGO Coalition in the context of the country visit to Lithuania.

²⁵⁷ Information received from the Human Rights Monitoring Institute in the context of the country visit to Lithuania.

²⁵⁸ Parliament of Lithuania, Public discussion at the Parliament of Lithuania, official recording, Atviras Seimas - 'Discussion "Transparency of politics: how to ensure open decision-making"?', 21 November 2023.

²⁵⁹ Only 11% of the population, 10% of company managers and 20% of civil servants think that the decision-making in Lithuania is an open process. Civil servants and company managers consider that the pharmaceutical, healthcare and energy sectors are the most influential. The most frequently mentioned forms of influence remain the same as in 2021: informal meetings and proposals, use of acquaintances, support for political campaigns or parties, and the promise of financial rewards for a favourable decision. Special Investigation Service, 'Lithuanian Map of Corruption, 2022/2023'.

²⁶⁰ Information received from the NGO Coalition and Human Rights Monitoring Institute in the context of the country visit to Lithuania. See also contribution from Liberties Europe for the 2024 Rule of Law Report, pp. 15-16.

²⁶¹ Contribution from Human Rights Monitoring Institute for the 2024 Rule of Law Report, p. 22.

²⁶² Input from Lithuania for the 2024 Rule of Law Report, p. 66.

²⁶³ Information received from the NGO Coalition in the context of the country visit to Lithuania.

Annex I: List of sources in alphabetical order*

* The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en.

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Annex II: Country visit to Lithuania

The Commission services held virtual meetings in January and February 2024 with:

- Bar Association
- COEC
- Confederation of Lithuanian Industrialists
- Constitutional Court
- Freedom House
- Human Rights Monitoring Institute
- Judicial Council
- Lithuanian Journalists Union
- Lithuanian Radio and Television
- Media Authority – Radio and Television Commission of Lithuania
- Ministry of Culture
- Ministry of Foreign Affairs
- Ministry of Justice
- National Courts Administration
- National NGO Coalition
- Office of the Inspector of Journalist Ethics
- Office of the Prosecutor General
- Office of the Seimas Ombudspersons
- Public Information Ethics Association
- Public Procurement Service
- Special Investigation Service
- Supreme Court
- Transparency International Lithuania

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation

- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU