Republic of Lithuania Materials on International Law 2020

Edited by Andrius Bambalas and Saulius Katuoka***

[Editors' Notes:

1. Republic of Lithuania Materials on International Law 2020 (RLMIL2020) are drafted and classified pursuant to Recommendation (97)11 of 12 June 1997 of the Committee of Ministers of the Council of Europe, as applied by the British Yearbook of International Law from the year 1997, with certain minor amendments.
2. For ease of reading a number of abbreviations are used in RLMIL2020, namely ECHR – Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; ECtHR – European Court of Human Rights; Seimas – Parliament of the Republic of Lithuania; Government – Government of the Republic of Lithuania. Unless explicitly provided for otherwise, references to cases or decisions in RLMIL2020 are references to acts of national courts and institutions. The case law of the Constitutional Court of the Republic of Lithuania is available in English on its website <https://www.lrkt.lt/en/>. Case law of the European Court of Human Rights is available through the website <http://www.echr.coe.int/echr/>. Information on treaties of Lithuania are available at the following website: <https://www.urm.lt/default/en/foreign-policy/treaties/bilateral>. Universal and regional international instruments mentioned in RLMIL2020 do not bear any reference to their source, as these may be easily accessed from various pages on the internet. Due to limited scope, RLMIL2020 does not reproduce entire texts, so certain information is omitted and marked [...].
3. The RLMIL2020 mostly concern opinions from Lithuanian institutions and officials. If not expressly stated otherwise, the institutions and officials mentioned in the RLMIL2020 are those of Lithuania. Often, different officials expressed views on the same issues. In order to prevent undue repetition, the editor has selected materials from the highest possible level. Some materials are quoted at length due to their importance

* Attorney-at-law, PhD student at Mykolas Romeris University (Vilnius); LL.M (Mykolas Romeris University).

** Professor at Mykolas Romeris University (Vilnius).

© ANDRIUS BAMBALAS AND SAULIUS KATUOKA, 2023 | DOI:10.1163/22115897_02001_015
This is an open access article distributed under the terms of the CC BY-NC 4.0 license.
Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 License at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

or because they provide a useful insight into the relevant aspects of Lithuanian history, politics or geopolitical concerns, etc.

4. There were several recurring topics in the speeches given and statements by officials, for example safety concerns over the nuclear power plant at the Astravets site in Belarus, the human rights situation in Belarus or Crimea, the unlawful annexation of Crimea by the Russian Federation. Moreover, in 2020 Lithuania became active in the sphere of allocation of humanitarian aid.
5. In 2020 the ECtHR communicated 25 cases to the Lithuanian Government and handed down eleven judgments on the merits against Lithuania and found some violations in six cases. Violations concerned Articles 5 §1, 6 §1, 8, 13, 14 and Article 1 of Protocol No. 1 of the Convention. Ten applications were declared inadmissible or struck out of the list.]

Part One: II. International Law in General – History

1/1

On 7 May 2020 a joint statement was issued by U. S. Secretary of State and the Foreign Ministers of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Slovakia regarding the 75th anniversary of the end of the Second World War:

> Marking the 75th anniversary of the end of the Second World War in 2020, we pay tribute to the victims and to all soldiers who fought to defeat Nazi Germany and put an end to the Holocaust.
>
> While May 1945 brought the end of the Second World War in Europe, it did not bring freedom to all of Europe. The central and eastern part of the continent remained under the rule of communist regimes for almost 50 years. The Baltic States were illegally occupied and annexed and the iron grip over the other captive nations was enforced by the Soviet Union using overwhelming military force, repression, and ideological control.
>
> For many decades, numerous Europeans from the central and eastern part of the continent sacrificed their lives striving for freedom, as millions were deprived of their rights and fundamental freedoms, subjected to torture and forced displacement. Societies behind the Iron Curtain desperately sought a path to democracy and independence.
>
> The events of 1956, creation and activities of the Charter 77, the Solidarity movement, the Baltic Way, the Autumn of Nations of 1989, and

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> the collapse of the Berlin Wall were important milestones which contributed decisively to the recreation of freedom and democracy in Europe.
>
> Today, we are working together toward a strong and free Europe, where human rights, democracy and the rule of law prevail. The future should be based on the facts of history and justice for the victims of totalitarian regimes. We are ready for dialogue with all those interested in pursuing these principles. Manipulating the historical events that led to the Second World War and to the division of Europe in the aftermath of the war constitutes a regrettable effort to falsify history.
>
> We would like to remind all members of the international community that lasting international security, stability and peace requires genuine and continuous adherence to international law and norms, including the sovereignty and territorial integrity of all states.
>
> By learning the cruel lessons of the Second World War, we call on the international community to join us in firmly rejecting the concept of spheres of influence and insisting on equality of all sovereign nations.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/the-following-is-a-joint-statement-by-u-s-secretary-of-state-and-the-foreign-ministers-of-bulgaria-the-czech-republic-estonia-hungary-latvia-lithuania-poland-romania-and-slovakia>, visited on 23 March 2022).

1/2

On 8 May 2020 a joint statement was issued by the Foreign Ministers of Ukraine, Lithuania, Latvia and Estonia on World War Two and Memories as a Warning:

> This year, as we commemorate 75 years since the end of hostilities in Europe, we primarily honour those who fought against, and ultimately defeated, Nazism. We also remember the tens of millions of innocent victims who lost their lives during the war, including those six million Jews who perished in the Holocaust perpetrated by Nazis and their collaborators.
>
> With Europe as its main battlefield, World War II was the largest, most brutal and bloody war in living memory. "Never again" was the principal lesson we took from it. It is this message that has propelled the ideas of humanism, aversion to new conflicts, aspiration for peace, cooperation and solidarity.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

These ideals were initially realized only in the western part of Europe, free of Soviet dominance. There the values of democracy emerged victorious and shaped the European Union as we know it today.

Despite the overwhelming horrors of WWII, our democratic and humanitarian ideals prevailed over totalitarianism. Regretfully, in the years after the bloodshed ended, only the Nazi regime and ideology were brought to justice at Nuremberg. The individuals responsible for these crimes were tried and convicted. The Soviet Union under the leadership of its no less totalitarian communist party – as a victor – became a permanent member at the UN Security Council instead.

Using the declared victory in the war as a justification for many years, the brutal Soviet regime abused the victory in the war to justify its policies. It expropriated collectively the deeds of millions Allied soldiers who defeated the Nazis, including soldiers of the Red army, which was itself multinational. Both Soviet and Russian efforts to undermine the suffering and the role of other nations in ending the war are unacceptable.

All of our countries suffered a terrible devastation in the course of the war, which rolled through them twice: first to the east and then to the west.

We must not forget that in 1939, the Soviet Union entered WWII as an ally of Nazi Germany. In secret protocols to the Molotov-Ribbentrop Pact, Hitler and Stalin decided to partition Europe among themselves. This plan paved the way to the war. We strongly condemn any attempts to justify this pact by reasoning that at the time it was deemed inevitable and strategically expedient.

In the aftermath of WWII, the Soviet regime exploited the turmoil and the shifts in status-quo in Europe to divide the continent into two camps against its will: democratic nations on the one side and captive nations oppressed by totalitarian Soviet regime on the other.

Although the arms in Europe fell silent in 1945, the oppression in Central and Eastern Europe continued. The Soviet Union occupied and illegally annexed Latvia, Lithuania and Estonia in 1940. For the people of the Baltic States, the long years of fighting did not bring freedom and prosperity. It brought political repressions and forced deportations. The USSR brutally oppressed resistance movements. Ukrainians largely shared the same destiny. By means of active and passive resistance, our people showed that they will not rest until our nations are free, and international order is restored.

For us, having suffered this fate, freedom and restoration of independence only came some 30 years ago, when the Berlin Wall was torn down and the Soviet Union finally collapsed.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> Regretfully, just a few decades after the fall of the Soviet Union, we began to witness Russia's new attempts to gloss over Stalin and his rule, ignore human rights violations and build a regime with one all-powerful person at its helm. We now see a new zeal to divide Europe into discrete spheres of interest and shamelessly use force to attempt to annex a territory of a sovereign nation.
>
> By using premeditated aggression against Georgia in 2008 and against Ukraine in 2014, Russia severely damaged the European security architecture.
>
> Instead of acknowledging that victory in WWII and defeat of Nazism was a merit of Allied determination and sacrifice, Russia turned its cult of WWII into a tool of manipulation. The Kremlin is bent on generating historical myths while seeking to deny inconvenient historical facts.
>
> This insincere cult of victory, misappropriated by people who have nothing to do with the victory itself, dishonours those who lost their lives. In our countries, we respectfully bow our heads in sombre remembrance of our loved ones who died in WWII. We remember their suffering and honour their sacrifice for the sake of us all.
>
> The mass graves of the victims call us to repeat, "Never again!" The atrocities of war gave birth to the Universal Declaration of Human Rights. The regained confidence in the power of cooperation gave us the Schuman Declaration, eventually leading to the establishment of the European Union. On this solemn day let memories serve us as a warning.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/world-war-two-memories-as-a-warning>, visited on 23 March 2022).

1/3

On 18 June 2020 a joint statement was issued by the foreign ministers of Ukraine, Estonia, Georgia, Latvia, Lithuania and Poland on the 76th anniversary of the Crimean Tatar people deportation:

> 76 years ago, on 18 May 1944, the Soviet regime criminally deported the Crimean Tatar people from the territory of their historic residence – Crimea – to distant areas of Uzbekistan, Kazakhstan and the Russian Federation.
>
> Just in the first years of exile almost half of all deported Crimean Tatars died. The period of the ban on return to the homeland - to Crimea,

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

lasted until 1989 and was accompanied by purposeful linguistic and cultural assimilation.

The tragedy of the Crimean Tatar people repeated in 2014, when the Russian Federation seized and illegally attempted to annex Crimea, which is an integral part of Ukraine.

It is no coincidence that Russia, which glorifies Stalin's totalitarian regime, continues its criminal policy in the 21st century in the temporarily occupied Crimea: ban the Mejlis of the Crimean Tatar People, systemic repressions, persecution and violations of the rights of Crimean Tatars, who opposed Russia's armed aggression against the territorial integrity of Ukraine. It forced thousands of Crimean Tatars, indigenous people of Crimea, to leave their homes and move to mainland Ukraine.

We honour the memory of numerous innocent victims of Stalin's deportation of the Crimean Tatar people.

We express our support to the Crimean Tatar people in their struggle for their rights.

We emphasize the inviolability of sovereignty, territorial integrity within the internationally recognized borders and political independence of Ukraine.

We condemn Russia's aggressive policy towards Ukraine and new repressions against the Crimean Tatar people.

We call upon Russia to stop violations of the fundamental principles of international law, implement fully UN General Assembly resolutions on Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and comply with the demands of the international community regarding the deoccupation of the Autonomous Republic of Crimea and the city of Sevastopol.

Whatever attempts Russia undertakes to legitimize its occupation of the peninsula, the fact remains undisputed: Crimea is Ukraine.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-by-foreign-ministers-of-ukraine-estonia-georgia-latvia-lithuania-and-poland-on-the-76th-anniversary-of-the-crimean-tatar-people-deportation>, visited on 23 March 2022).

1/4

On 23 July 2020 a joint statement was issued by U.S. Secretary of State and the Ministers of Foreign Affairs of Estonia, Latvia, and Lithuania on 80th Anniversary of the Welles Declaration:

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Today we celebrate the 80th Anniversary of the Welles Declaration, which laid the foundation for the United States of America's non-recognition policy, by which it never formally accepted the occupation and annexation of Estonia, Latvia, and Lithuania by the Soviet Union.

The Welles Declaration established an international framework for the survival of the three Baltic states de jure throughout the entire period of Soviet occupation and for the eventual restoration of statehood of Estonia, Latvia, and Lithuania. The people of Estonia, Latvia, and Lithuania value and cherish the Declaration for the hope that it gave during the difficult times of totalitarian rule.

We stand firmly against any attempts by Russia to rewrite history in order to justify the 1940 occupation and annexation of the Baltic states by the Soviet Union. The Welles Declaration shows that already in 1940 the free world recognized the Soviet action for what it was – an illegal act of forceful annexation. Regrettably, even the end of WWII a few years later did not bring liberation to the Baltic states and other nations in Eastern and Central Europe; instead, it brought repression and persecution.

The legacy of the Welles Declaration and the United States' firm support of the Baltic states' sovereignty and territorial integrity led to a prospering relationship between our nations after the fall of the Soviet Union. Through our membership in the North Atlantic Treaty Organization we have become strong Allies, working together to safeguard peace and stability.

The commitment of Estonia, Latvia, and Lithuania to the trans-Atlantic Alliance remains unquestionable. The Baltic states value the United States' contribution to European defense, notably through maintaining regular deployments of forces to the Baltic States – crucial to deter any potential adversary.

The Welles Declaration's historic importance remains highly relevant in the 21st century, when some countries challenge the key principles and norms of a rules-based international order – notably sovereignty and territorial integrity. The principles of the Welles Declaration were rightly invoked again on July 25, 2018, when the United States confirmed its refusal to accept the attempted annexation of Crimea by the Russian Federation.

We – Estonia, Latvia, Lithuania, and the United States – stand together in support of a rules-based international order that ensures security and prosperity for every nation.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-by-the-us-secretary-of-state-and-the-ministers-of-foreign-affairs-of-estonia-latvia-and-lithuania->, visited on 23 March 2022).

Part Three: 11. A. The Law of Treaties – Observance, Application and Interpretation of Treaties – Observance of Treaties

3/1

On 11 December 2020 Parties to the Espoo Convention reaffirmed that Belarus had failed to comply with the Convention in developing the Ostrovets nuclear power plant project. The relevant text of announcement of Ministry of Foreign Affairs is as follows:

> On 11 December, the Parties to the Espoo Convention reaffirmed that Belarus had failed to comply with the provisions of the Convention in developing the Ostrovets nuclear power plant (NPP) project and mandated Belarus to implement the Convention properly in the future. The confirmation by the international community that Belarus has failed to comply with the Espoo Convention is important for Lithuania and will contribute to Lithuania's position on strengthening the plant's operational safety.
>
> On 8–11 December, Lithuania organised the 8th session of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the 4th session of the Meeting of the Parties to the Protocol on Strategic Environmental Assessment.
>
> The virtual meeting was dedicated to the 30th anniversary of the Espoo Convention. Important decisions have also been adopted regarding the guidance on the applicability of the Convention to the lifetime extension of nuclear power plants, the adoption of a long-term strategy until 2030 and of a plan of measures.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/parties-to-the-espoo-convention-reaffirmed-that-belarus-had-failed-to-comply-with-the-convention-in-developing-the-ostrovets-npp-project>, visited on 23 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Part Four: 11. Relationship between International Law and Domestic Law – Application and Implementation of International Law in Domestic Law

4/1

The Constitutional Court of the Republic of Lithuania in ruling No KT41-N4/2020, case No. 16/2019 on immunity of judges took into account provisions of the ECHR, the Statute of the Court of Justice of European Union and a judgment of the Constitutional Court of the Republic of Moldova. The relevant paragraphs read:

> 13.1. Under Article 51 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the judges of the European Court of Human Rights are entitled, during the exercise of their functions, to the privileges and immunities provided for in the Statute of the Council of Europe and in the agreements made thereunder. The immunities granted to the judges of the European Court of Human Rights are governed by the 1996 Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, whose Article 4 prescribes that privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions; the immunity of a judge must be lifted in any case where the immunity would impede the course of justice, and where it can be lifted without prejudice to the purpose for which the immunity is accorded.
>
> 13.2. The immunity of the judges of the Court of Justice of the European Union is regulated by the provisions of Protocol (No 3) on the Statute of the Court of Justice of the European Union, annexed to the Treaty on the Functioning of the European Union; according to those provisions, the judges shall be immune from legal proceedings (Article 3). The judges of the Court of Justice of the European Union are also subject to the provisions of Protocol (No 7) on the privileges and immunities of the European Union, annexed to the Treaty on the Functioning of the European Union, under which each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union (Article 17).
>
> 14. In the context of this constitutional justice case, mention should be made of the judgment of the Constitutional Court of the Republic of

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> Moldova of 5 September 2013, delivered in case no 33a/2012. It was noted therein that the independence of judges is not an objective in itself, it is not a privilege of judges, but a guarantee that protects against external pressure on decision making and ensures that judges are able to carry out the functions assigned to them, including the protection of human rights and freedoms.
>
> The aforementioned judgment of the Constitutional Court of the Republic of Moldova also states that the immunity of judges is not absolute. The constitutional principle of the independence of courts is inseparable from the principle of the liability of judges. The legislature is obliged to provide by law for guarantees of the independence of courts and judges in such a way as to strike a balance between the independence of judges and their responsibility, on the one hand, and the public confidence in the decisions taken by the courts, on the other. Immunity should not be an obstacle to implementing the fundamental functions and tasks of justice, as well as to implementing democratic principles of a state under the rule of law. Thus, the immunity of a judge cannot be interpreted as an obstacle to the imposition of the criminal and disciplinary liability on the judge.

(Available in English at the website of the Constitutional Court of the Republic of Lithuania, <https://lrkt.lt/en/court-acts/search/170/ta2137/content>, visited on 25 March 2022).

4/2

The Constitutional Court of the Republic of Lithuania in ruling No KT166-A-N14/2020, case No. 4-A/2020, on mandatory membership of certified architects in the association of professional self-governance noted that liberal professions are not considered associations within the meaning of Article 11 of the ECHR. The relevant paragraph reads as follows:

> 9. It should be mentioned in the context of this case that the European Court of Human Rights has more than once held that the institutions of self-governance founded on the basis of laws in liberal professions are not considered associations within the meaning of Article 11 "Freedom of Assembly and Association" of the Convention for the Protection of Human Rights and Fundamental Freedoms; Paragraph 1 of this article, inter alia, provides that everyone has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his/her interests; the purpose of such above-mentioned institutions founded on the basis of laws is to regulate and promote

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> certain professions that exercise important public-law functions for the protection of the public; mandatory membership in these institutions stems from the individual decision of each person to engage in such professional activities that, by their nature, require a particular legal regulation (decision of 6 November 2003 as to admissibility in the case of Popov and Others v Bulgaria, petition no 48047/99, no 48961/99, no 50786/99, and no 50792/99).

(Available in English at the website of the Constitutional Court of the Republic of Lithuania, <https://lrkt.lt/en/court-acts/search/170/ta2249/content>, visited on 25 March 2022).

4/3

The Constitutional Court of the Republic of Lithuania in ruling No KT113-N10/2020, case No. 7/2019-10/2019, on restoring the right to drive at the earliest after ten years to persons who have repeatedly driven under the influence of alcohol or drugs or who have systematically violated traffic rules, dated 24 July 2020, took into account case law and the requirements of Article 4(1) of Protocol No 7 to the Convention, which prohibits repeat punishment for the same offence. The relevant paragraphs read:

> 13.2. Article 4(1) of Protocol No 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms ('the Convention') provides: 'No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of the State'.
>
> 13.2.1. In interpreting this provision, the ECtHR has noted that Article 4 of Protocol No 7 to the Convention is to be understood as precluding prosecution or judicial proceedings for a second offence in so far as it arose from identical facts or facts which were essentially the same (*inter alia* judgment of the Grand Chamber of 10 February 2009 in case *Sergey Zolotukhin v Russia*, application no. 14939/03, § 82; judgment of the Grand Chamber of 27 February May 2014 in case *Marguš v Croatia*, application no. 4455/10, § 114; judgment of the Grand Chamber of 8 July 2019 in case *Mihalache v Romania*, application no. 54012/10, § 67). The repetition of proceedings or punishment is an essential aspect referred to in Article 4 of Protocol No 7 to the Convention (judgment of the Grand Chamber of 20 July 2004 in case *Nikitin v Russia*, application no. 50178/99, § 35; judgment of the Grand Chamber of 8 July 2019 in case *Mihalache v Romania*, application no. 54012/10, § 48).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

13.2.2. According to the jurisprudence of the ECtHR, three criteria are relevant for assessing whether the proceedings are of a criminal nature: the first is the legal classification of the infringement under domestic law, the second is the very nature of the infringement and the third is the degree of severity of the sanction against the person (*inter alia* judgment of the Grand Chamber of 10 February 2009 in case *Sergey Zolotukhin v Russia*, application no. 14939/03, § 53; judgment of the Grand Chamber of 8 July 2019 in case *Mihalache v Romania*, application no. 54012/10, § 54)

13.2.3. In its judgment on admissibility of 13 December 2005 in case *Nilsson* v. *Sweden*, application no. 73661/01, the ECtHR decided on whether the procedure relating to the revocation of licence to drive a vehicle could be regarded as criminal within the meaning of Article 4 of Protocol No 7 to the Convention. The ECtHR noted that in the present case a person committed an offence of drunk-driving on 21 November 1998, he was deprived of the right to drive only on 5 August 1999, so prevention and deterrence in order to protect road users could not have been the only objectives of that measure; that sanction was imposed several months after the applicant had been found guilty of the offences committed and it had not only a preventive and dissuasive purpose but a punitive character too. The ECtHR also noted that, despite the fact that in national legislation the disqualification from driving vehicles is considered an administrative measure designed to ensure road safety, the severity of this measure (disqualification from driving vehicles for 18 months) allows it to be qualified as a criminal sanction under Article 4 of Protocol No 7 to the Convention.

(Available in Lithuanian at the website of the Constitutional Court of the Republic of Lithuania, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2193/content>, visited on 25 March 2022).

Part Five: 1.B.6. Subjects of International Law – States – Recognition – Non-recognition (including Non-recognition of Governments) and Its Effects

5/1

On 23 September 2020, the Ministry of Foreign Affairs issued the following statement on the situation in Belarus and non-recognition of the election of Alexander Lukashenko as legitimate leader of Belarus:

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> In response to a secretly held self-inauguration of Alexander Lukashenko for the new term of the President of Belarus on 23 September, the Ministry of Foreign Affairs of Lithuania reaffirms that the presidential election held in Belarus on 9 August did not comply with the international commitments of Belarus and globally recognized standards of democracy. It was not free and fair. Thus, Lithuania recognizes neither the result of the election nor Alexander Lukashenko as a legitimate leader of Belarus. The newly self-inaugurated Lukashenko does not legally have any rights to represent the people of Belarus or their interests.
>
> We urge the de-facto Belarusian authorities to hear the voice of the citizens calling for organising a new democratic election in Belarus, ending the repression against the nation, and releasing all detainees, including political prisoners.
>
> Lithuania highlights that the current crisis in Belarus can only be resolved by engaging in dialogue with the civil society, which is represented by the elected leader of the people of Belarus – Sviatlana Tsikhanouskaya – and the Coordination Council that has been established at her initiative. If need be, we stand ready to offer all necessary assistance and mediation in an attempt to facilitate the dialogue. We will welcome a new democratic presidential election with the presence of international election observers. It is in our interest to foster a good neighbourly relationship based on mutual respect and trust. Thus, we strongly support the sovereignty and independence of Belarus.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuanian-foreign-ministrys-statement-on-the-situation-in-belarus>, visited on 24 March 2022).

5/2

(*17/1*)

On 21 February 2020, the Ministry of Foreign Affairs issued the following statement on the 6h anniversary of the occupation of Crimea:

> On the sixth anniversary of the illegal occupation of Crimea, the Ministry of Foreign Affairs of Lithuania condemns the military aggression of the Russian Federation against Ukraine, which has begun in Ukraine's Autonomous Republic of Crimea and spread to eastern Ukraine. Russia's illegal actions violate the international law, the Charter of the United

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> Nations, the provisions of the Helsinki Final Act and the Budapest Memorandum, as well as bilateral agreements between Ukraine and Russia.
>
> On 27 March 2014, the United Nations General Assembly adopted a resolution 68/262, affirming the General Assembly's commitment to the territorial integrity of Ukraine within its internationally recognized borders, including the Autonomous Republic of Crimea and the city of Sevastopol, and underscoring the invalidity of the Crimean 'referendum'.
>
> We condemn the continued deterioration of the human rights situation on the Crimean peninsula and its ongoing militarization. Bearing in mind the 2019 United Nations General Assembly resolution 74/168 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and the resolution 74/17 on the problem of the militarization of the Autonomous Republic of Crimea, we urge the Russian Federation to stop systematic human rights violations and to lift restrictions of fundamental freedoms in Crimea, to immediately release illegally detained and imprisoned Ukrainian citizens, to end the illegal deportation of Ukrainian citizens from Crimea, to stop persecution of Crimean Tatars, as well as to provide full, free and unhindered access to international human rights monitoring mechanisms to Crimea, and to ensure unhindered and free passage of all ships through the Kerch Strait to and from the Azov Sea.
>
> Lithuania firmly supports the sovereignty, independence, and territorial integrity of Ukraine within its internationally recognized borders. Lithuania will consistently pursue the non-recognition policy of the illegal occupation and annexation of the Autonomous Republic of Crimea and the city of Sevastopol, and will continue to strive to ensure that the EU and other international sanctions against the Russian Federation remain in place until Russia withdraws from the illegally seized territory of Ukraine.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/foreign-ministrys-statement-on-the-sixth-anniversary-of-illegal-occupation-of-crimea>, visited on 24 March 2022).

5/3

On 23 March 2020 the Ministry of Foreign Affairs of Lithuania announced a joint statement on so-called "presidential elections" in Abkhazia. The text read as follows:

> Bulgaria, the Czech Republic, Canada, Estonia, Finland, Ireland, Latvia, Lithuania, Norway, Poland, Romania, Sweden, Ukraine, United Kingdom

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

and the United States of America do not recognize the legitimacy of the so-called "presidential elections" held in Georgia's Abkhazia region on March 22, 2020.

We reiterate our full support for the territorial integrity and sovereignty of Georgia within its internationally recognized borders, and remain deeply concerned over the continued occupation of the territory of Georgia.

We once again urge Russia to fulfill all of its obligations under the EU-mediated 12 August 2008 ceasefire agreement, including the withdrawal of its forces to their positions prior to the outbreak of hostilities and the provision of free access for humanitarian assistance to these regions. We also call on Russia to reverse its recognition of the so-called independence of the Georgian regions of Abkhazia and South Ossetia.

We give our full support to negotiations in the framework of the Geneva International Discussions.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-on-so-called-presidential-elections-in-abkhazia-1>, visited on 24 March 2022).

Part Five: 11.A.2. Subjects of International Law – International organizations – in General – Participation of States and International Organizations in International Organisations and in Their Activities

5/4

On 29 April 2020 the Ministry of Foreign Affairs announced that in order to support the efforts of the United Nations in ensuring respect for human rights, Lithuania has allocated thirty thousand euros to the Office of the High Commissioner for Human Rights (OHCHR).

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-allocates-funds-in-support-of-the-office-of-the-high-commissioner-for-human-rights>, visited on 24 March 2022).

5/5

On 18 December 2020 the Ministry of Foreign Affairs allocated EUR 3,000 to the UN Office of the High Commissioner for Human Rights in support of the activities of the Working Group on Enforced or Involuntary Disappearances.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-allocates-funds-in-support-of-the-un-working-group-on-enforced-or-involuntary-disappearances>, visited on 24 March 2022).

Part Five: 11.A.2.(d). Subjects of International Law – International organizations – in General – Participation of States and International Organizations in International Organisations and in Their Activities – Representation of States and International Organizations to International Organizations, including Privileges and Immunities

5/6

On 14 January 2020, Ambassador Audra Plepytė, Permanent Representative of Lithuania to the United Nations was elected Vice-President of the Bureau of the Executive Board of the United Nations Children's Fund (UNICEF). Lithuania was elected a member State of the Executive Board in January 2019 for a three-year term. Lithuania focuses on protection of children, prevention of bullying, keeping children safe in cyberspace, as well as use of new technology and innovations for children's well-being.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/ambassador-audra-plepyte-elected-as-vice-president-of-bureau-of-executive-board-of-unicef->, visited on 24 March 2022).

5/7

On 6 November 2020 Lithuania's representative Feliksas Bakanauskas was elected to the United Nations Advisory Committee on Administrative and Budgetary Questions for a period of three years (2021–2023) during the election of the Fifth Committee of the General Assembly.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuanias-representative-elected-to-the-un-advisory-committee-on-administrative-and-budgetary-questions>, visited on 24 March 2022).

5/8

On 9 November 2020 professor Dalia Leinartė, the Lithuanian candidate was re-elected to the Committee on the Elimination of Discrimination against Women for a third term for the period 2021–2024.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/professor-dalia-leinarte-re-elected-to-the-un-committee-on-the-elimination-of-discrimination-against-women-for-a-third-time>, visited on 24 March 2022).

Part Six: VIII. C. The Position of the Individual (including Corporations) in International Law – Human Rights and Fundamental Freedoms – Under Council of Europe Treaty System

6/1

On 14 January 2020, the ECtHR issued a judgment in the case of *Beizaras and Levickas* v. *Lithuania*, where the applicants complained that they had been discriminated against on account of their status, which had been the reason underlying the domestic authorities' refusal to open a pre-trial investigation regarding hateful comments posted on the first applicant's social network page. The applicants maintained that they had been treated differently by the Lithuanian authorities because of their sexual orientation, thus violating Article 14 of the Convention, taken in conjunction with Article 8 of the Convention. Moreover, the applicants complained that the authorities had not responded effectively to their complaints of discrimination on account of their sexual orientation, thus violating Article 13 of the Convention. The Court unanimously found violation of Article 14 in conjunction with Article 8 as well as Article 13 of the Convention. The relevant text reads as follows:

> ALLEGED VIOLATION OF ARTICLE 14 OF THE CONVENTION, TAKEN IN CONJUNCTION WITH ARTICLE 8
>
> 67. The applicants complained that they had been discriminated against on account of their status, which had been the reason underlying the domestic authorities' refusal to open a pre-trial investigation regarding hateful comments posted on the first applicant's social network page. [...]
>
> [...]
>
> 118. In the Government's submission, the case disclosed no element of discrimination (compare and contrast *Sidabras and Džiautas v. Lithuania*, nos. 55480/00 and 59330/00, § 34, ECHR 2004-VIII, and *Varnas v. Lithuania*, no. 42615/06, §§ 99–102, 9 July 2013, where the Government had acknowledged differential treatment), for the domestic authorities' decision not to start a criminal investigation regarding the

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

comments at issue had nothing to do with the applicants' sexual orientation [...]. Instead, their argument essentially was twofold: firstly, the applicants had themselves wished to provoke such a reaction, partly by using a religious symbol on the first applicant's clothing, and, secondly, the comments at issue had not reached a level at which they could be considered criminal. Accordingly, the Court will address those arguments in turn, in order to assess whether in dealing with the applicants' case the Lithuanian authorities had discharged their positive obligations under the Convention.

(*i*) *As to the applicants' allegedly provocative behaviour*

119. The Court observes that although in their application to the Court the applicants stated that the idea behind their posting of the photograph in question had been to announce the beginning of their relationship, in their subsequent observations they admitted that the photograph had been meant to incite discussion about gay people's rights in Lithuania [...]. That being so, and although the Government saw the latter fact as provocative, the Court does not view either of those reasons as illegitimate or meriting their suppression. On the contrary, it has already held that there is no ambiguity about the member States' recognition of the right of individuals to openly identify themselves as gay, lesbian or any other sexual minority, and to promote their rights and freedoms [...] The Court also points to LGBT-friendly Vilnius's follow-up posts on its own Facebook page in which it was stated that the applicants' photograph had been posted to serve the aim of helping other LGBT people in Lithuania, and potentially those who were "condemned by others" and perhaps "[standing] on the roof of some house, or on the edge of a window sill or balcony", to move "to a safer spot". The applicants also confirmed this intention when interviewed by the LGL Association [...]. While accepting the Supreme Court's finding that the atmosphere in respect of issues concerning homosexuality is tense in Lithuania [...], the Court cannot view the above-mentioned intentions, as indicated by the applicants, as having threatened to cause public [...] In fact, it is a fair and public debate about sexual minorities' social status that benefits social cohesion by ensuring that representatives of all views are heard, including the individuals concerned [...].

120. Furthermore, and even though the Government placed much emphasis on what they saw as the shape of a cross on the first applicant's sweater in the photograph in question [...], the Court must note that this argument was not the object of any analysis whatsoever, either by the prosecutor or by the courts at two instances that ruled that the thirty-one

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

comments referred to them by the LGL Association did not constitute a crime. In this context the Court notes the applicants' view that such argument by the Government was "additional" and "distracting", also given that the Government could only point to a single religion-related comment [...]. As the Court does not consider it necessary to take a position on this view of the applicants, it suffices to note the Constitutional Court's case-law to the effect that Lithuania is a secular State where there is no State religion [...]. That being so, it transpires that the criminal courts which examined the applicants' case focused on what they saw as the applicants' "eccentric behaviour", the argument which the Court will address next.

121. The Court thus recalls that the Klaipėda District Court considered that the picture of two men kissing did not contribute to social cohesion and the promotion of tolerance [...]. That view was fully endorsed by the Klaipėda Regional Court, which also found that it would have been preferable if the applicants had only shared such pictures among "like-minded people", since the Facebook social network allowed such a possibility [...]. Given those express references to the applicants' sexual orientation, it is clear that one of the grounds for refusing to open a pre-trial investigation was the courts' disapproval of the applicants' demonstrating their sexual orientation (compare and contrast *Bączkowski and Others* [...]).

122. The Court furthermore refers to the Klaipėda District Court's statements that "the majority of Lithuanian society very much appreciates traditional family values", whereby "family, as a constitutional value, [was] the union of a man and a woman", which that court found to be supported by the Constitution and the Constitutional Court's case-law (see paragraph 21 above). The Court has already considered a similar argument in *Kozak v. Poland* (no. 13102/02, § 98, 2 March 2010). In that case it accepted that the protection of the family in the traditional sense was, in principle, a weighty and legitimate reason that might justify a difference in treatment. However, in pursuance of that aim a broad variety of measures might be implemented by the State. Moreover, given that the Convention is a living instrument, to be interpreted in the light of present-day conditions, the State, in its choice of means designed to protect the family and to secure, as required by Article 8, respect for family life, must necessarily take into account developments in society and changes in the perception of social, civil status and relational issues, including the fact that there is not just one way or one choice in the sphere of leading and living one's family or private life. In the present case, although the

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Klaipėda District Court cited the alleged incompatibility between maintaining family values as the foundation of society and acknowledging the social acceptance of homosexuality, the Court sees no reason to consider those elements as incompatible, especially in view of the growing general tendency to view relationships between same-sex couples as falling within the concept of "family life" (see *Bayev and Others v. Russia*, nos. 67667/09 and 2 others, § 67, 20 June 2017).

123. The Court also has particularly strong reservations as to the validity of the latter element (that is to say what constitutes a family), since already in 2011 the Constitutional Court underlined that whilst marriage is a union between a man and a woman, the concept of family is not limited to the union of two such persons [...]. This was confirmed by the Constitutional Court in 2019 when examining questions related to two persons of the same sex living in two different countries who wished to be reunited in Lithuania [...]. In the latter ruling the Constitutional Court also underlined not only the fact that under the Lithuanian Constitution "the concept of family [was] neutral in terms of gender" but also that "the Constitution is an anti-majoritarian act" and that the views of the majority may not override those of the minority [...]. The Court, for its part, has also held that it would be incompatible with the underlying values of the Convention if the exercise of Convention rights by a minority group were made conditional on its being accepted by the majority. Were this so, a minority group's rights would become merely theoretical rather than practical and effective, as required by the Convention (see, *mutatis mutandis, Alekseyev*, [...] and the case-law cited therein).

124. Taking into account all the evidence, the Court thus considers it established that the applicants have made a *prima facie* case that their homosexual orientation played a role in the way they were treated by the State authorities (see, *mutatis mutandis, Begheluri*, [...], § 176, 7 October 2014, and the case-law cited therein). It therefore remains for the Court to determine whether the Government have sufficiently demonstrated that the way the national authorities assessed the relevant facts, as presented in the criminal complaint lodged by the LGL Association, was acceptable [...]. In particular, the Court is called upon to determine whether the decision by the prosecutor to discontinue the criminal investigation, subsequently confirmed by the national courts, was motivated by a discriminatory attitude and stereotypes related to sexual orientation (see, *mutatis mutandis*, *Carvalho Pinto de Sousa Morais v. Portugal*, no. 17484/15, § 46, 25 July 2017).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(*ii*) *As to the assessment by the domestic authorities whether the comments constituted a crime under Article 170 of the Criminal Code*

125. On the facts of this case the Court firstly notes the prosecutor's view that the authors of the comments, including those stating that "it's not only the Jews that Hitler should have burned" and that "faggots ... [should be thrown] into the gas chamber" or "into the bonfire" or have "a free honeymoon trip to the crematorium", or have "their heads smash[ed]" or be "castrated" or be "[shot]" [...], had acted "unethically" but that such "amoral behaviour" had not reached the threshold required by Article 170 §§ 2 and 3 of the Criminal Code [...]. The Klaipėda District Court came to the same conclusion, finding that those comments were mere "obscenities" and were simply words "not chosen properly" [...]. However, whilst being careful not to hold that each and every utterance of hate speech, must, as such, attract criminal prosecution and criminal sanctions [...], the Court is unable to subscribe to such conclusions of the Lithuanian authorities. The Court recalls its finding that comments that amount to hate speech and incitement to violence, and are thus clearly unlawful on their face, may in principle require the States to take certain positive measures (see, *mutatis mutandis*, Delfi, [...] §§ 153 and 159). It has likewise held that inciting hatred does not necessarily entail a call for an act of violence or other criminal acts. Attacks on persons committed by insulting, holding up to ridicule or slandering specific groups of the population can be sufficient for the authorities to favour combating racist speech in the face of freedom of expression exercised in an irresponsible manner (see *Vejdeland and Others v. Sweden*, no. 1813/07, § 55). Moreover, the Court cannot but observe that other comments, even without calling for violence, regarding the Jews [...] have been treated by the Lithuanian authorities as falling under Article 170 of the Criminal Code. It also considers that the Government have not provided weighty arguments to refute the applicants' view that if comments such as those uttered in their case did not amount to inciting not only hatred but even violence on the basis of the applicants' sexual orientation, then it is hard to conceive what statements would [...]. Therefore, the Court, sharing the view of the Constitutional Court that the attitudes or stereotypes prevailing over a certain period of time among the majority of members of society may not serve as justifiable grounds for discriminating against persons solely on the basis of their sexual orientation, or for limiting the right to the protection of private life [...], considers that the assessment made in this case by the national authorities was not in conformity with the fundamental principle in a democratic State, governed by the rule of

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

law (see also, *mutatis mutandis, Carvalho Pinto de Sousa Morais*, […], § 46, and *Biao v. Denmark* [GC], no. 38590/10, § 126, 24 May 2016).

126. Secondly, the Government also relied on the prosecutor's finding that the comments lacked a "systematic character", since most of the comments referred by the LGL Association to the prosecutor had been written by different people […]. The Court again cannot subscribe to this argument. It notes that the Lithuanian courts' practice on this issue is not uniform, in that while the courts sometimes ascribe importance to an accused posting numerous discriminatory comments and find him or her guilty under Article 170 of the Criminal Code […], in other cases the making of a single discriminatory comment is sufficient to attract criminal liability […]. In this context the Court, whilst acknowledging that it is not its task to take the place of the domestic courts to resolve problems of interpretation of domestic legislation (see, among many authorities, *Nejdet Şahin and Perihan Şahin v. Turkey* [GC], no. 13279/05, § 49, 20 October 2011), does not disregard the argument that the LGL Association put forward in the domestic proceedings […], namely that the number of the comments could constitute a circumstance determining the gravity of the crime or the extent of the culprit's criminal liability, but that it did not constitute an indispensable element of the crime under the aforementioned provision of the Criminal Code.

127. The Court also notes the Klaipėda District Court's finding that the post on the first applicant's Facebook page and the comments under that post were in the "public space" […], which was one of the necessary constitutive elements of a crime under Article 170 of the Criminal Code. The potential of the comments on the Internet as well as the danger they may cause, especially when they are published on popular Internet websites, has also been underlined by the Lithuanian Supreme Court […]. For its part, the Court has also held that in the light of its accessibility and its capacity to store and communicate vast amounts of information, the Internet plays an important role in enhancing the public's access to news and facilitating the dissemination of information in general. At the same time, in considering the "duties and responsibilities" of those placing such information, the potential impact of the medium concerned is an important factor (see, *mutatis mutandis*, *Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt*, […] § 56, with further references). Accordingly, the Court does not find it unreasonable to hold that even the posting of a single hateful comment, let alone that such persons should be "killed", on the first applicant's Facebook page was sufficient to be taken seriously. This is further supported by the fact

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

that the photograph had "gone viral" online and received more than 800 comments [...]. The report on Lithuania by the ECRI also indicates that the country "has a problem" and that most hate speech takes place on the Internet, and also on social networks [...]. The Court therefore also rejects the Government's argument that comments on Facebook are less dangerous than those on the Internet news portals [...]. Neither can it see as pertinent the Government's argument that the people who commented negatively on the Facebook page of the first applicant had not outnumbered the applicants and their supporters [...].

128. The Court has already pointed out that criminal sanctions, including against the individuals responsible for the most serious expressions of hatred, inciting others to violence, could be invoked only as an *ultima ratio* measure [...]. It considers that this equally applies to hate speech against persons' sexual orientation and sexual life. The Court observes that the instant case concerns undisguised calls on attack on the applicants' physical and mental integrity (see, in this context, *Panayotova and Others v. Bulgaria* (dec.), no. 12509/13, §§ 58 and 59, 7 May 2019, with further references), which require protection by the criminal law [...]. Article 170 of the Criminal Code indeed provides for such a protection [...]. However, due to the Lithuanian authorities' discriminatory attitude, the provisions of this Article were not employed in the applicants' case, and the requisite protection was not granted to them. The Court considers that, in the circumstances of this case, it would have been manifestly unreasonable for the victims as well as downplaying the seriousness of the impugned comments to require the applicants to exhaust any other remedies. Accordingly, the Government's objection to the effect that the applicants could have had recourse to other – civil law – remedies [...], must be dismissed.

(*iii*) *Conclusion*

129. Having regard to all the material at hand, the Court thus finds it established, firstly, that the hateful comments including undisguised calls for violence by private individuals directed against the applicants and the homosexual community in general were instigated by a bigoted attitude towards that community and, secondly, that the very same discriminatory state of mind was at the core of the failure on the part of the relevant public authorities to discharge their positive obligation to investigate in an effective manner whether those comments regarding the applicants' sexual orientation constituted incitement to hatred and violence, which confirmed that by downgrading the danger of such comments the authorities at least tolerated such comments (see, *mutatis*

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

mutandis, *Begheluri*, [...] § 179). In the light of those findings the Court also considers it established that the applicants suffered discrimination on the grounds of their sexual orientation. It further considers that the Government did not provide any justification showing that the impugned distinction was compatible with the standards of the Convention (see also *Alekseyev*, [...] § 109).

130. Accordingly, the Court holds that in the present case there has been a violation of Article 14, taken in conjunction with Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

131. The applicants complained that the authorities had not responded effectively to their complaints of discrimination on account of their sexual orientation. [...]

[...]

151. At the outset, the Court notes that it does not call into question that the Lithuanian criminal law, in particular Article 170 of the Criminal Code, and criminal justice system, including the courts, provide for a remedy which is generally effective for the purposes of Article 13 of the Convention. However, in the present case, the applicants allege that the authorities did not respond effectively to their complaints of discrimination on account of their sexual orientation (see paragraph 131 above). The Court is therefore called upon to determine whether Article 13 of the Convention can be infringed in situations where generally effective remedies are considered not to have operated effectively in a particular case due to discriminatory attitudes negatively affecting the application of national law. In this regard, the Court notes that in cases involving complaints under Article 13, based on such allegations of discriminatory attitudes affecting the effectiveness of remedies in the application of generally applicable national laws, the Court has usually not considered it necessary to separately examine the complaints under that provision if a violation of Article 14, taken together with other Convention provisions, has already been found (see, in particular, *Opuz v. Turkey*, no. 33401/02, § 205, ECHR 2009).

In the present case, and considering the nature and substance of the violation found in the applicants' case, on the basis of Article 14, taken in conjunction with Article 8, the Court finds that a separate examination of the applicants' complaint is warranted. In its assessment, the Court will have regard to general developments in the case-law of the national courts, to conclusions by international monitoring bodies reviewing the

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

issue of discrimination on the grounds of sexual orientation in Lithuania and statistical information provided for by the Government, the applicants as well, as third-party interveners and international bodies.

152. Given the materials provided by the Government […], the Court acknowledges that in those cases the district courts, that is, the courts of first level of jurisdiction, reached guilty verdicts regarding discriminatory and homophobic comments on the Internet as well as other types of homophobic behaviour. That being so, and inasmuch as it concerns the applicants' case, the Court cannot turn a blind eye to the fact that in reaching the conclusion that the comments at issue had been merely "unethical" and "immoral" the prosecutor relied on the practice of the Supreme Court to the same effect […]. Indeed, in two cases concerning homophobic hate speech the Supreme Court reached verdicts exculpating those on trial […]. The Court notes that in the ruling of 18 December 2016 the Supreme Court had to have recourse to two dictionaries to reach a conclusion that calling people of homosexual orientation names such as "perverts" and "reprobates" who should "be urgently sent to a psychiatric hospital" was negative and demeaning, but had found the use of those names not calling for an application of Article 170 of the Criminal Code, which establishes criminal liability for discrimination, inter alia, on the basis of sexual orientation […]. The Court notes with concern the emphasis in part of the Supreme Court's case law on the "eccentric behaviour" or the supposed duty of persons belonging to sexual minorities "to respect the views and traditions of others" in exercising their own personality rights […].

At the same time, the Court recognises that the reliance by the prosecutor in the current case on the case-law of the Supreme Court ignored significant differences in the level of gravity of homophobic speech at stake in this case, compared to expressions examined by prior Supreme Court judgments, namely, that the Supreme Court had examined expressions of homophobic speech which were clearly less grave than those examined in the present case. As the Government have not provided a single verdict by the Supreme Court showing that a trend of interpretation, which was perceived by the prosecutor as rather lenient towards those accused of hate speech against homosexuals, has been reversed, it does not appear that the Supreme Court has had an opportunity to provide greater clarity on the standards to be applied in hate speech cases of comparable gravity. In that context the Court notes the statutory obligation on the domestic courts to take into account the Supreme Court's case-law (see also *Orlen Lietuva Ltd. v. Lithuania*, no. 45849/13,

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

§§ 33–35, 29 January 2019). Accordingly, the Court finds that the manner in which the case law of the Supreme Court was applied by the prosecutor, whose decision was upheld by the domestic courts which examined the applicants' case, did not provide for an effective domestic remedy for homophobic discrimination complaints.

153. As regards the Government's reliance on the Inspector, the Court observes that although in one of the cases referred to by the parties the Inspector reached a conclusion that was instrumental in a conviction for hate speech […], it was also criticised by the ECRI for upholding so-called "traditional values", as a basis for supporting intolerance […]. Similarly, on the facts of the case, and taking into account the gravity of the threats uttered by the Internet commenters, the Court has already found that a civil-law remedy, or a referral of such comments to the Inspector […], did not constitute remedies that had to be exhausted […].

154. On the facts of the present case the Court also notes the prosecutor's finding that the majority of the persons who had posted hate inciting comments, including those directly calling for violence, on the first applicant's Facebook profile had used their own personal profiles […]. Accordingly, it cannot find that, at least in this case, failure to establish the identity of those persons and bring them to justice was impossible due to any technical limitations, even if the Lithuanian authorities had been willing to do so […].

155. The Court cannot but find that the statistics provided both by the Government and the applicants, as well as those by the third-party interveners as well as by international bodies, show otherwise. Firstly, even acknowledging that between 2012 and 2015 some thirty pre-trial investigations regarding homophobic hate speech were opened in Lithuania, one may not overlook the fact that all of them were discontinued, mostly because the culprits could not be found […]. As the ECRI noted in 2016, the growing level of intolerance against sexual minorities had remained largely unchecked […]. That being so, the Court also gives weight to the applicants' argument that in view of the law-enforcement authorities' practice in this regard – and also in response to the outcome of their own case – they had not felt like complaining to the law-enforcement agencies again […]. In fact, in the applicants' case the regional court even considered that to open criminal proceedings would have been a "waste of time and resources" […]. As put forward by the applicants and the third party interveners, who also relied on the ECRI […], such prejudicial attitude of the domestic court is fraught with the risk that Article 170

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> of the Criminal Code would remain a "dead letter", that, in the words of the LGL association, the law-enforcement authorities chose not to apply "by giving unjustified preference to freedom of expression, or perhaps owing to other motives which, although not related to law, had an influence on law" [...]. Secondly, the Court notes information regarding the Lithuanian law-enforcement institutions' failure to acknowledge bias-motivation of such crimes and to take such an approach which would be adequate to the seriousness of the situation [...]. In this connection the Court reminds that it has already held in *Identoba and Others* (cited above, § 77) that without such a strict approach on the part of the law-enforcement authorities, prejudice-motivated crimes would unavoidably be treated on an equal footing with ordinary cases without such overtones, and the resultant indifference would be tantamount to official acquiescence or even connivance in hate crimes. Regarding Lithuania, the most recent materials by the ECRI also show lack of a comprehensive strategic approach to tackle the issue of racist and homophobic hate speech by the authorities [...].
>
> 156. In the light of the foregoing the Court holds that, despite one-off cases showing otherwise [...], the applicants have been denied an effective domestic remedy in respect of their complaint concerning a breach of their right to private life, on account of their having been discriminated against because of their sexual orientation. Consequently, the Court concludes that there has been a violation of Article 13 of the Convention.

(*Beinaras and Levickas* v. *Lithuania*, application no. 41288/15, 14 January 2020, Judgment of the Chamber).

6/2

On 14 January 2020, the ECtHR issued a judgment in the case of *Rinau* v. *Lithuania*, where it considered whether Lithuania had violated the right to respect for their family life under Article 8 of the Convention because of the way the proceedings for the second applicant's return to Germany had been handled in Lithuania. In this case a father from Germany who had been awarded custody of an underage child claimed that the Lithuanian authorities had violated the right to respect for family life and breached Article 8 of the European Convention on Human Rights, because it failed to act in a timely fashion and in application of Council Regulation (EC) No. 2201/2003 and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction against the mother, a citizen of Lithuania, who abducted the

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

child from Germany, relocated to Lithuania and refused to return the child to the custodian – the father. The ECtHR found that Lithuania had breached Article 8 of the Convention, because whilst the initial decision-making of the applicant's case by the domestic courts met the requirements of Article 8 of the Convention, the later conduct of the Lithuanian authorities, with the exception of the President of the Republic – and this includes politicians, child care officials, and prosecutors – failed to ensure fair decision-making in the applicants' case in the phase of execution of the Court of Appeal judgment of 15 March 2007. The Court awarded EUR 30,000 in respect of non-pecuniary damages and EUR 93,230 in respect of costs and expenses.

(*Rinau* v. *Lithuania*, application no. 10926/09, 14 January 2020, Judgment of the Chamber).

6/3

On 21 April 2020, the ECtHR issued a judgment in the case of *Anželika Šimaitienė* v. *Lithuania*, where it concluded that State had violated Article 1 of Protocol No. 1 to the Convention by refusing to compensate the applicant for her unpaid salary for the period of her suspension from judicial office and as pecuniary damages awarded the applicant unpaid salary.

(*Anželika Šimaitienė* v. *Lithuania*, application no. 36093/13, 21 April 2020, Judgment of the Chamber).

6/4

On 18 June 2020, in its judgment issued in the case of *Černius and Rinkevičius.* v. *Lithuania*, the ECtHR found that the domestic courts' refusal to reimburse the applicants' legal costs incurred during administrative litigation in which they obtained the quashing of the respective decisions, as unfounded, regardless of the amount of those legal costs, constituted a breach of their right of access to court and thus a violation of Article 6 § 1 of the Convention.

(*Černius and Rinkevičius* v. *Lithuania*, applications nos. 73579/17 and 14620/18, 18 June 2020, Judgment of the Chamber).

6/5

On 7 July 2020, the ECtHR issued a judgment in the case of *Balkūnas* v. *Lithuania*, where it found that refusal by the Supreme Court of Lithuania to partly exempt the applicant from payment of court fees equal to EUR 1,422 had unnecessarily and disproportionately restricted his access to a court and thus violated Article 6 § 1 of the Convention.

(*Balkūnas* v. *Lithuania*, application no. 75435/17, 7 July 2020, Judgment of the Chamber).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

6/6

On 4 August 2020, the ECtHR issued a judgment in the case of *Kaminskas* v. *Lithuania*, where it found that a demolition order against the applicant's home on the grounds that it had been built unlawfully on forest land does not constitute a violation of Article 8 of the Convention, since the domestic authorities had assessed all the relevant circumstances and adequately addressed the applicant's arguments regarding his individual rights.

(*Kaminskas* v. *Lithuania*, application no. 44817/18, 4 August 2020, Judgment of the Chamber).

6/7

On 10 November 2020, the ECtHR issued a judgment in the case of *Leonienė* v. *Lithuania*, where it considered whether the applicant's detention following her repeated absences from court hearings in criminal proceedings had been unjustified. The ECtHR found a violation of Article 5 §1, because the domestic courts had not convincingly demonstrated that the applicant's detention was necessary in the circumstances, especially taking into account the availability of other less restrictive measures such as electronic monitoring, house arrest and bail, and lack of court proceedings during the applicant's detention of three months.

(*Leonienė* v. *Lithuania*, application no. 61264/17, 10 November 2020, Judgment of the Chamber).

Part Six: IX. The Position of the Individual (including Corporations) in International Law – Crimes under International Law

6/6

On 9 April 2020 the Ministry of Foreign Affairs announced support for the OPCW IIT report on the use of chemical weapons in Syria. The relevant paragraphs read as follows:

> On 8 April OPCW IIT has published its first report on the responsibility of the use of chemical weapons in Syria in March 2017. The collected factual evidence gives sufficient grounds to believe that the responsible individuals belong to the Syrian Arab Republic Air Force. Shortly this report will be considered by the OPCW Executive Council and later by the United Nations.
>
> Lithuania fully supports comprehensive and impartial work of IIT in preparing the report, as well as its findings. Lithuania strongly condemns

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> the use of chemical weapons in any context. Those responsible for the use of chemical weapons must be kept accountable. An IIT report is a very important step in this direction.
>
> By taking joint and decisive action we will prevent tragedies caused by the use of chemical weapons from recurring. The use of chemical weapons by anyone is a violation of international law and can amount to the most serious of international crimes - war crimes and crimes against humanity.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/opcw-iit-report-is-a-very-important-step-towards-holding-those-responsible-for-the-use-of-chemical-weapons-in-syria>, visited on 24 March 2022).

6/7

On 9 September 2020 a Joint statement from the Nordic-Baltic (NB8) Foreign Ministers' annual meeting condemned usage of a chemical nerve agent of the Nivichok group to poison the Russian opposition leader Alexey Navalny. The relevant paragraphs read as follows:

> The Foreign Ministers of the Nordic-Baltic 8 - Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden - condemn in the strongest possible terms the usage of a chemical nerve agent of the Novichok group to poison the Russian opposition leader Alexey Navalny. Ministers call upon Russia and the international community to initiate an impartial and international investigation that would include the experts of the OPCW. Those responsible for the attack must be brought to justice.
>
> NB8 Foreign Ministers also call for a strong and joint international response to the poisoning. Two years ago a chemical nerve agent of the Novichok group was used to commit a similar crime in the United Kingdom. Such attacks constitute an unacceptable threat to human lives as well as grave violations of basic human rights and international law. It is the responsibility of the international community to implement measures that would prevent similar crimes from happening in the future. We wish Mr Navalny a full and speedy recovery.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-from-nordic-baltic-nb8-foreign-ministers-annual-meeting>, visited on 24 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Part Nine: I. State Territory – Territory

9/1

On 19 June 2020 Lithuania expressed support for Ukraine and Georgia at the UN Human Rights Council in Geneva at the 43rd session of the UN Human Rights Council:

> The Permanent Representative of Lithuania Ambassador Andrius Krivas expressed Lithuania's deep concern about the continued violations of human rights and fundamental freedoms by Russian occupational authorities in Ukraine's Crimea, City of Sevastopol and Ukraine's Donbas region, in particular, the violations of rights of Crimean Tatars and forced military conscription in Crimea. He urged Russia to fulfil its international obligations and grant full and unhindered access to the international human rights monitoring mechanisms.
>
> During the general debate on technical assistance and capacity building, Lithuania commended Georgia's close cooperation with the Office of the High Commissioner for Human Rights and expressed its great concern about the deterioration of the security, humanitarian and human rights situation in Russia-occupied Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, continuous process of "borderization" and restrictions of movement, particularly in light of the Covid-19 pandemic.
>
> Lithuania reiterated its unwavering support to Ukraine's and Georgia's sovereignty and territorial integrity within its internationally recognized borders.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-expresses-support-to-ukraine-and-georgia-at-un-human-right-council-in-geneva-1>, visited on 25 March 2022).

Part Nine: I. B. State Territory – Territory – Good Neighbourliness

9/1

On 3 July 2020 Lithuania handed over a verbal note to Russia concerning environmental violations:

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> The note expresses deep concerns over the environmental damages that have been identified by the Russian Federal Service for Supervision of Natural Resources (Rosprirodnadzor) on the D-6 oil field. In addition, the Foreign Ministry requests for more detailed information and an explanation about the investigation carried out by Rosprirodnadzor, as well as possible environmental incidents on the offshore platform that could have damaged the ecosystems of the Baltic Sea and its coastal areas.
>
> Built and launched in 2004, the Kravtsovskoye (D-6) oil field is located in the Russian sector of the Baltic Sea, only 5 km away from the Lithuanian-Russian state border and 22.5 km away from a site on the UNESCO's World Heritage List – the Curonian Spit. The issue of proper maintenance of the offshore platform is of particular importance to Lithuania due to environmental impacts and damage that could be the result of an ecological accident caused by improper operation.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-hands-over-verbal-note-to-russia-concerning-environmental-violations>, visited on 25 March 2022).

9/2

On 15 July 2020 Lithuanian Ministry of Foreign Affairs issued a statement on the situation in Belarus:

> It is in our interests to foster a good neighborly relationship with Belarus built on mutual respect and trust. However, this also depends on the will and actions of our neighboring country.
>
> We are closely following the presidential election campaign in Belarus with great concern, including the selective registration of presidential candidates and a new wave of political repression — massive crackdown on the opposition, civil society, political opponents and candidates, the independent media and bloggers. Hundreds of people have been arrested. Recent events show that Belarus has increasingly shed the façade of democratic practice.
>
> We call on the leaders of Belarus to ensure a competitive electoral environment, secure free and fair elections, to release all those arrested, as well as to protect fundamental freedoms and human rights. Continued political repressions and a possible increase in the number of new political prisoners will influence further relations between the European Union and Belarus. However, peaceful, free and fair presidential elections would promote democracy in Belarus, strengthen the country's sovereignty and independence.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> On many occasions, the Belarusian leadership has publicly announced that it was ready to follow the recommendations of international institutions, as well as affirmed its agreement on the international review of the implementation of recommendations set out in the National Action Plan regarding the EU stress tests. However, there has been no real progress in this area so far. We call on Belarus to cooperate with the EU on nuclear safety and environmental protection in implementing the Ostrovets nuclear power plant (NPP) project, and not to start the operation of the NPP hastily, but to direct the efforts of all Belarusian institutions towards meeting the nuclear safety and environmental requirements.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/foreign-ministrys-statement-on-situation-in-belarus>, visited on 25 March 2022).

9/3

On 7 August 2020 the Embassy of Belarus was presented with a protest note by the Lithuanian Ministry of Foreign Affairs, which strongly condemns Belarus's actions to begin the loading of nuclear fuel into the unsafe nuclear power plant at the Astravets site in Belarus. The relevant part reads as follows:

> The note states that Belarus's actions while implementing the nuclear power plant project have violated the principles of openness, transparency and good neighbourliness, whereas, due to its proximity to Vilnius, the capital of Lithuania, as well as unresolved nuclear safety issues and the failure to ensure the culture of safety during construction, the operation of the power plant poses a direct threat to Lithuania's national security, environment and population.
>
> The note urges Belarus to suspend the launch of the nuclear power plant until the recommendations presented in the European Union (EU) stress test procedure are implemented and to engage in full co-operation with the European Nuclear Safety Regulators Group, the European Commission and other international organisations in order to ensure an adequate level of nuclear safety and environmental requirements, including those set out in the Espoo Convention.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-strongly-condemns-start-of-nuclear-fuel-loading-into-unsafe-nuclear-power-plant-in-belarus>, visited on 25 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

9/4

On 14 September, Estonia, Greece, Italy, Latvia, Lithuania and Poland sent a joint statement on the Belarusian nuclear power plant to the Director General of the International Atomic Energy Agency (IAEA) and contracting parties to the Convention on Nuclear Safety (CNS). The relevant announcement from the Ministry of Foreign Affairs reads as follows:

> The joint statement calls on Belarus to start addressing nuclear safety issues without delay, to cooperate with the CNS contracting parties in a transparent manner, to provide all relevant information and to answer the issues raised, as well as to voluntarily engage in the assessment of its progress.
>
> The countries urge Belarus to implement all safety recommendations that were outlined in the EU Peer Review Report of the Belarus NPP 'stress tests' after the peer review exercise in Belarus in 2018. In addition, the countries call for addressing in a timely manner all nuclear safety and environmental issues raised by experts from the EU and international community.
>
> The statement was issued after the contracting parties to the Convention on Nuclear Safety agreed to postpone the 8th Review Meeting to March 2021 due to the current COVID-19 epidemiological situation worldwide.
>
> The CNS contracting parties commit themselves to ensuring internationally recognized high levels of nuclear safety. Review Meetings are held every three years and provide the opportunity to review the National Reports of all contracting parties.
>
> In 2019, the CNS contracting parties submitted as many as 239 questions regarding Belarus' eighth national report, showing the international community's deep concern over the nuclear safety situation in Belarus.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-on-the-belarusian-nuclear-power-plant-in-ostrovets>, visited on 25 March 2022).

Part Thirteen: III.A. International Responsibility – Responsible Entities – States

13/1

On 17 June 2020, the Ministry of Foreign Affairs issued a statement on Investigation into the Downing of Flight MH17, which reads as follows:

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> Recalling the downing of flight MH17 six years ago, Lithuania expresses solidarity with families of the victims and supports their and the Dutch government's efforts to seek recognition of Russia's responsibility for the tragedy before the European Court of Human Rights, as well as the trial of four suspects opened in the Netherlands earlier this year. Those responsible for the tragedy must be brought to justice.
>
> Lithuania calls upon the Russian Federation to finally accept the findings of the Joint Investigation Team (JIT) about its role in the downing of MH17 and to cooperate unconditionally with JIT and the Netherland's court as foreseen in the UN Security Council Resolution 2166.
>
> Malaysia Airlines Flight MH17 was shot down on 17 July 2014 while flying over temporarily occupied territory of Ukraine by a Buk missile originating from the Russian 53rd Anti-Aircraft Missile Brigade based in the city of Kursk. All 298 people on board were killed.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/foreign-ministrys-statement-on-investigation-into-the-downing-of-flight-mh17->, visited on 26 March 2022).

Part Seventeen: I.B.8. The Law of Armed Conflict and International Humanitarian Law – International Armed Conflict – The Law of International Armed Conflict – Belligerent Occupation

17/1

(*5/2*)

Part Nineteen: VI. Legal Aspects of International Relations and Co-operation in Particular Matters – Social and Health Matters

19/1

On 6 April 2020 the Ministry of Foreign Affairs announced designation of EUR 100,000 to humanitarian efforts of the Red Cross and Red Crescent Movement and EUR 50,000 to the UN Refugee Agency.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-contributes-to-humanitarian-efforts-of-red-cross-and-red-crescent-movement-and-unhcr->, visited on 26 March 2022).

19/2

On 23 April 2020 the Ministry of Foreign Affairs announced humanitarian aid to Italy:

> On 22 April, Lithuania sent essential medical devices including personal protective equipment for coronavirus disease (COVID-19) to Italy. The country provided humanitarian aid in accordance with the decision of the Lithuanian Government of 8 April to its close partner, Italy, in response to its request for face masks and medical gear to help fight the pandemic that has caused a large number of deaths in the country.
>
> […]
>
> Medical devices worth around EUR 60, 000 were acquired from the UAB Intersurgical, which operates in Pabradė. […]

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-sends-humanitarian-aid-to-italy>, visited on 26 March 2022).

19/3

On 28 April 2020 the Ministry of Foreign Affairs announced humanitarian aid to Spain:

> On 27 April, Lithuania sent essential medical supplies for combating the coronavirus disease (COVID-19) to Spain. The country provided humanitarian aid in accordance with the decision of Lithuania's Government of 8 April and in response to Spain's request for medical supplies to help fight the pandemic in the country.
>
> […]
>
> Lithuania has allocated EUR 40, 000 in humanitarian aid to help Spain. The medical devices including disinfectant products were acquired from TEREKAS UAB, a plastic product manufacturing company operating in Kretinga, Lithuania.
>
> L. Linkevičius thanked Spain for remaining a strong partner and ally of Lithuania, despite the many obstacles and challenges it had to face. Lithuania highly appreciates Spain's contribution to ensuring security in

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> our region. This month, Spain, together with the UK's Royal Air Force, is taking over the NATO Baltic Air Policing Mission in Šiauliai for the seventh time. Thus, a military aircraft of the Spanish mission is carrying Lithuania's humanitarian aid to Spain.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-sends-humanitarian-aid-to-spain>, visited on 26 March 2022).

19/4

On 5 May 2020 and 1 October 2020 the Ministry of Foreign Affairs announced allocation of EUR 67,000 for humanitarian aid to Palestinian refugees in order to help reduce the disruption caused by the COVID-19 pandemic. The funds will be transferred to the International Committee of the Red Cross (ICRC).

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-allocates-funds-for-humanitarian-aid-to-palestine-refugees> and <https://urm.lt/default/en/news/lithuania-allocated-humanitarian-aid-to-help-palestinians-in-need->, visited on 26 March 2022).

19/5

On 2 June 2020 the Ministry of Foreign Affairs announced EUR 100,000 humanitarian aid to Yemen by transferring funds to UN's Yemen Humanitarian Fund.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-helps-to-solve-humanitarian-crisis-in-yemen>, visited on 26 March 2022).

19/6

On 13 June 2020 the Minister of Foreign Affairs discussed Taiwan's participation in the WHO with the Director-General of the World Health Organization:

> On 13 May, the Minister of Foreign Affairs of Lithuania Linas Linkevičius had a telephone conversation with Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (WHO). The interlocutors discussed topical issues of the fight against the COVID-19 pandemic, Taiwan's participation in the WHO and a possible invitation to a session of the World Health Assembly on 18 May.
>
> "Lithuania adheres to the "One-China" policy and is not trying to challenge it. However, the participation of Taiwanese experts in the battle

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> against the COVID-19 pandemic, as well as the sharing of experience, is beneficial to all. I hope that a consensus will be reached on the participation of Taiwanese experts in a way that would not violate the principles and rules of international organizations,"0022 said L. Linkevičius.
>
> Taiwan has recorded 440 confirmed cases as of 13 May. 375 Covid-19 patients have recovered and seven have died. The country has a population of about 23 million.
>
> A donation of 100,000 medical masks from Taiwan arrived in Lithuania on 20 April.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/l-linkevicius-discusses-taiwans-participation-in-who>, visited on 26 March 2022).

19/7

On 14 June 2020 the Ministry of Foreign Affairs announced humanitarian aid to Armenia, Moldova, Georgia, and Ukraine:

> On 14 May, Lithuania is sending essential medical supplies for combating the coronavirus disease (COVID-19) to Armenia, Moldova, and Georgia. The medical devices were manufactured in Lithuania. The country also sent a humanitarian cargo to Ukraine on 13 May.
>
> Lithuania provided humanitarian aid in accordance with the decision of Lithuania's Government of 22 April in response to the Eastern Neighborhood countries' request for medical supplies to help fight the COVID-19 pandemic.
>
> 52.6 thousand protective face shields worth EUR 100,000 were acquired from UAB Baltic Digital Printing and UAB Medienos Era.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-sends-humanitarian-aid-to-armenia-moldova-georgia-and-ukraine>, visited on 26 March 2022).

19/8

On 26 June 2020 the Ministry of Foreign Affairs announced Lithuania's decision to allocate EUR 25,000 of humanitarian aid to Sudan by transferring funds to the United Nations World Food Programme.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-provides-humanitarian-assistance-to-sudan>, visited on 26 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

19/9

On 30 June 2020 the Ministry of Foreign Affairs announced that Lithuania had allocated EUR 50,000 in humanitarian aid to support the activities of the United Nations Children's Fund in Syria.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-provides-humanitarian-assistance-to-syria>, visited on 26 March 2022).

19/10

On 14 July 2020 the Ministry of Foreign Affairs announced the sending of medical supplies for combating COVID-19 to the U.S.A.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-sends-medical-supplies-for-combating-covid-19-to-usa>, visited on 26 March 2022).

19/11

On 11 November 2020 the Ministry of Foreign Affairs announced that Lithuania had allocated EUR 75,000 to provide humanitarian aid for those affected by the Nagorno-Karabakh armed conflict by transferring funds to the International Committee of the Red Cross.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-provided-humanitarian-aid-to-those-affected-by-the-nagorno-karabakh-armed-conflict, visited on 26 March 2022).

19/12

On 10 December 2020 the Ministry of Foreign Affairs announced that Lithuania had allocated EUR 100,000 in humanitarian aid to Ukraine by transferring funds to the International Committee of the Red Cross.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-allocated-humanitarian-aid-to-ukraine>, visited on 26 March 2022).

19/13

On 30 December 2020 following a request for assistance from the Croatian authorities, Lithuania allocated EUR 100,000 for humanitarian aid to the country in the aftermath of an earthquake.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-allocates-humanitarian-aid-to-croatia>, visited on 26 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Part Nineteen: VIII. Legal Aspects of International Relations and Co-operation in Particular Matters – Legal Matters

19/14

On 29 May 2020 the Minister of Foreign Affairs Linas Linkevičius participated in a video conference of the EU Foreign Affairs Ministers and discussed the EU-China relationship:

> Lithuania's Foreign Minister expressed great concern about restrictions on democracy and human rights in Tibet, Xinjiang, and Hong Kong. The EU must strongly condemn China's decision to impose the new national security law on Hong Kong, which erodes the city's autonomy.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/l-linkevicius-chinas-decision-erodes-autonomy-of-hong-kong>, visited on 26 March 2022).

Part Nineteen: IX. Legal Aspects of International Relations and Co-operation in Particular Matters – Military and Security Matters

19/15

On 10 February 2020 the Minister of Foreign Affairs Linas Linkevičius had a meeting with French Minister of Foreign Affairs Jean-Yves le Drian in Paris, where they discussed key issues of bilateral cooperation, security, the European Union and NATO, and the European Neighbourhood:

> Linas Linkevičius underlined that Russia's behaviour was not changing therefore there was no ground for changing European Union's policy towards this country. "We must strengthen our resilience against threats from Russia and at the same time support Russian civil society", Mr Minister noted.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/linas-linkevicius-france-a-strategic-partner-in-enhancing-lithuanian-security>, visited on 26 March 2022).

19/16

On 25 February 2020 along with Denmark, Estonia, Finland, France, Germany, Greece, Ireland, the Netherlands, Poland, Portugal, Slovakia, and Sweden,

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Lithuania became a founding member of the new Center of Excellence for Civilian Crisis Management. The Center of Excellence for Civilian Crisis Management is expected to gather, analyse and manage information on the civilian Common Security and Defence Policy (CSDP), to standardize training and procedures, and to take interest in the implementation of the activities and mandates of civilian EU missions.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/lithuania-becomes-a-founding-member-of-new-european-center-of-excellence-for-civilian-crisis-management->, visited on 26 March 2022).

19/17

On 19 May 2020, ministers of foreign affairs of nine NATO countries, including Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia, Albania and North Macedonia issued Vilnius statement on NATO's Role in the Changing Security Environment in Europe:

> We have gathered today in Vilnius to demonstrate our solidarity and commitment to the creation of a Europe whole and free in an alliance including the countries of Europe, the United States and Canada as the foundation for stability and security in the 21st century.
>
> We subscribe to the fundamental and common values of the Euro-Atlantic community, including a belief in individual liberty, the free market and the rule of law. We not only share these values but consider ourselves to have contributed to their development in Europe over the centuries. Our desire to integrate into the institutions of the Euro-Atlantic community emanates from our readiness to assume our fair share of responsibility for the common defense and to add our voice to the debate on our common future. Having experienced the consequences of political indifference towards the fate of others far too often in our own history, we are committed to defend these values in order to contribute to freedom and peace.
>
> We recognize that security for Europe and North America lies in maintaining a strong transatlantic alliance. Today, we reaffirm our commitment to the completion of the historic project of a Europe whole and free. In this regard, we welcome the contributions of the newest members of the Alliance, Poland, the Czech Republic, and Hungary as an important step in achieving this vision. Their membership in the North Atlantic Treaty Organization has enhanced European stability and contributed significantly to the military strength and political cohesion of NATO.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

We are not only prepared for the responsibilities and burdens of NATO membership today, but we are already coordinating our defense structures and policies with the Alliance and contributing to NATO political and military undertakings. Furthermore, we remain committed to practical and political efforts to further improve the specific qualifications of our countries, including implementation of the Membership Action Plan. While each country should be considered on its own merits, we believe that the integration of each democracy will be a success for us all and the integration of all our countries will be a success for Europe and NATO.

We welcome the commitment by NATO Heads of State at the Washington Summit that the transatlantic link remains as important for our future as it has been in the past and that NATO will remain the institution of choice when Europe and the United States decide to act together. The Alliance remains the foundation of the collective defense of its members and must be capable of addressing both current and future threats to our common values through crisis management.

We also welcome the commitment of the European Union to build a Common European Security and Defense Policy that fulfills Europe's aspirations and strengthens the transatlantic link, and we are ready to contribute to those efforts. We recognize that NATO and the European Union are the two central foundations of the Euro-Atlantic community and that we must pursue accession in both institutions if we are to fully re-integrate our democracies into the community we share. We recognize that these aspirations are complementary, and we are committed to pursuing both objectives in parallel.

We are determined to contribute to the efforts of the European Union as well as to NATO missions. The stabilization, reconstruction and integration of South-East Europe into the European mainstream is in our common interest. Therefore, we pledge our continued support for the efforts of the international community to restore stability in the Western Balkans.

We are firmly convinced that the integration of our democracies into NATO and the EU will facilitate the creation of a free, prosperous and undivided Europe. Today, we reiterate our common commitment to work together cooperatively to achieve this goal. Our goal will not be reached until each of us, as well as other European democracies sharing the values of the Euro-Atlantic community and able to bear its common responsibilities, has been fully integrated into these institutions. We call upon the member states of NATO to fulfill the promise of the Washington Summit to build a Europe whole and free. We call upon the member states at the next NATO Summit in 2002 to invite our democracies to join NATO.

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/natos-role-in-the-changing-security-environment-in-europe-vilnius-statement>, visited on 26 March 2022).

19/18

On 22 May 2020 the Minister of Foreign Affairs Linas Linkevičius reiterated the need to ensure accountability for cybercrime at an informal meeting of the United Nations Security Council:

> "Lithuania supports the international community's efforts to ensure accountability of those engaging in irresponsible behavior in cyberspace, including the application of appropriate sanctions," said Lithuania's Foreign Minister, reminding of the importance of cooperation aimed at gaining the support of various states for building more efficient cybercrime prevention.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/l-linkevicius-we-must-ensure-accountability-for-cybercrime>, visited on 26 March 2022).

19/19

On 2 June 2020 a Joint Statement was issued by the Foreign Ministers of the Baltic States and Poland concerning security. The relevant part reads as follows:

> Strengthening security in the region remains our priority. We stress the need to continue developing NATO's defensive posture in our region, including through training, exercising and increasing interoperability among the four multinational NATO battlegroups and enhancing regional air defence capabilities. We have agreed to enhance our work in building cyber and hybrid resilience, thus contributing to EU and NATO work in those fields. We underline the need for adequate and speedy investment into developing military mobility infrastructure and procedures. Enhanced military presence of the United States in our region is an essential element of security. We also need to address and ensure the security of communications, including 5G.
>
> An important aspect contributing to enhancing the security is focus on developing regional connectivity – implementation of strategic regional energy and transport infrastructure projects, also within Three Seas Initiative, and development of the EU's digital agenda. More modernized and developed connections are essential for the expansion of economic

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

> potential in the whole region. Timely synchronization of the Baltic states with continental Europe networks via Poland is of crucial importance to the energy security of our states. In light of the challenges for economies brought by COVID-19, ensuring sufficient EU funding is the key element for the successful finalization of the project. Moreover, strengthening the regional economy together with the economic recovery package on the EU level will contribute to resilience of our economies, growth and jobs, using also the potential proposed by the EU green transition. The economic cooperation in regional and EU level needs to be continued in united and efficient way in different strands of work, including with the objective to uphold and support the Single Market. Globally, efforts have to be continued to work together to keep international trade and means of transport open and flexible in order to minimize the already huge setback on our countries' economies.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/joint-statement-of-the-foreign-ministers-ofthe-baltic-states-and-poland-after-the-joint-meetingin-tallinn-2-june-2020>, visited on 26 March 2022).

19/20

On 16 June 2020 the Minister of Foreign Affairs L. Linkevičius took part in a meeting of the International Coalition for Sahel. The relevant part from the announcement is as follows:

> L. Linkevičius underlined the importance of stability in the Sahel region for Europe and welcomed the new initiative to establish the Partnership for Security and Stability in the Sahel. Lithuania's Foreign Minister also stressed that, in order to ensure effective security in the Sahel, there was a need to improve the synergy among actions and programmes of all countries operating in the region, international organizations and donors, as well as an effective exchange of information and coordination of actions.
>
> Lithuania remains committed to continuing its contribution to the international community's efforts to ensure security in the Sahel region. The Lithuanian troops are currently serving with the MINUSMA mission in Mali and the EU Training Mission in Mali.

(Available in English at the Internet site of the Ministry of Foreign Affairs, <https://urm.lt/default/en/news/minister-llinkevicius-takes-part-in-meeting-of-international-coalition-for-sahel>, visited on 26 March 2022).

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Appendices

Annex 1. A. Agreements Signed by Lithuania before 2020 but Entered into Force in Regard to Lithuania in 2020 – Bi- and Multilateral Agreements

Title	Conclusion	Entry into force
Protocol between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine Implementing the Agreement between the European Community and Ukraine on the Readmission of Persons	07.12.2018	01.01.2020
Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Macedonia on International Transport by Road	28.01.2019	07.02.2020
Agreement between the Republic of Lithuania and the Principality of Liechtenstein for the Elimination of Double Taxation with respect to Taxes on Income and on Capital and the Prevention of Tax Evasion and Avoidance	15.02.2019	19.02.2020
Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part	21.12.2015	01.03.2020
Agreement between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine on the Employment and Cooperation in the Field of Labour Migration	07.12.2018	17.03.2020

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Title	Conclusion	Entry into force
Protocol to the North Atlantic Treaty on the Accession of the Republic of North Macedonia	06.02.2019	19.03.2020
Agreement between the Government of the Republic of Lithuania and the Government of Mongolia on International Carriage of Passengers and Goods by Road	10.06.2019	09.04.2020
Air transport agreement between the European Community and its member states, of the one part, and the United States of America, of the other part	30.04.2007	29.06.2020
Agreement on Consular Assistance and Co-operation between the Government of the Republic of Lithuania, the Government of the Republic of Estonia and the Government of the Republic of Latvia	06.12.2019	02.07.2020
Protocol amending the Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Belarus on State Border Crossing Points concluded on 18 July 1995	31.12-2019	12.08.2020

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Annex 1. B. Agreements Signed by Lithuania before 2020 but Entered into Force in Regard to Lithuania in 2020 – Conventions

Title	Conclusion	Entry into force
Amendment of the text and annexes II to IX to the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone and the addition of new annexes X and XI adopted by Decision 2012/2	04.05.2012	13.01.2020
The Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (HCCH 1970 Evidence Convention) In regard to the Republic of Belarus In regard to the Russian Federation	18.03.1970	07.06.2020 15.08.2020
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)	16.05.2005	01.08.2020
Council of Europe Convention on Access to Official Documents (CETS No. 205)	18.06.2009	01.12.2020
Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change	08.12.2012	31.12.2020

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Annex 11. A. Agreements Signed by Lithuania in 2020 – Bi- and Multilateral Agreements

Title	Conclusion	Entry into force
Amendment to the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Iceland on Visa Representation	21.01.2020	01.03.2020
Agreement amending Section 14 of the Statutes, Annexed to the Agreement of 11 February 2004 between Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden concerning the Nordic Investment Bank	28.02.2020	29.07.2020
Agreement for the Termination of Bilateral Investment Treaties between the Member States of the European Union	05.05.2020	04.09.2020
Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on the Exchange and Mutual Protection of Classified Information	25.06.2020	15.10.2021
Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany concerning Temporary Stays of Members of the Armed Forces of the Republic of Lithuania and the Armed Forces of the Federal Republic of Germany in the Territory of the other State (Lithuanian-German Visiting Forces Agreement)	30.06.2020	13.09.2021

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/

Title	Conclusion	Entry into force
Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland for Mutual Recognition of Documents Supporting the Right to Higher Education, Partial Studies, Qualification Degrees and Scientific as well as Artistic Degrees	03.08.2020	01.02.2021
Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Finland on the termination of the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Finland for the Promotion and Protection of Investments	07.09.2020	26.08.2021
Agreement between the Government of the Republic of Lithuania and the Government of Sweden on the termination of the Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on the Promotion and Reciprocal Protection of Investments	07.09.2020	29.08.2021
Agreement between the Government of the Republic of Lithuania and the Government of the Grand Duchy of Luxembourg on Exchange and Mutual Protection of Classified Information	07.12.2020	

Downloaded from Brill.com 04/10/2024 06:13:24AM
via Open Access. This is an Open Access article distributed under the terms
of the prevailing CC BY-NC 4.0 license at the time of publication.
https://creativecommons.org/licenses/by-nc/4.0/