



United Nations Development Programme  
Oslo Governance Centre  
**The Democratic Governance  
Fellowship Programme**

# **Development of a national human rights action plan: The experience of Lithuania**

**Tomas Baranovas, December 2002**



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The Democratic Governance Fellowship Programme is hosted by UNDP Oslo Governance Centre. The Fellowship Programme provides UNDP staff with an opportunity for knowledge reflection, codification and discussion on specific governance issues. The opinions and views expressed in this paper rest solely with its author, and do not necessarily reflect the official views or policies of UNDP.

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## Executive summary



In September 2002 the United Nations Development Programme launched a Democratic Governance Fellowship Programme to support the development of the UNDP into a practice organization. This paper is the result of the Fellowship at the UNDP Oslo Governance Centre and presents the experience of the UNDP Country Office in Lithuania in its efforts to develop a National Human Rights Action Plan (NHRAP) within the framework of the global Human Rights Strengthening (HURIST) programme. According to the Human Development Index, Lithuania is ranked 49<sup>th</sup> in the world, placing it among the countries with high human development. It is expected to become a member of the EU and NATO in 2004. The Country Cooperation Framework for Lithuania 2001-2003 applies a human rights perspective to the work of UNDP in Lithuania. More than a decade after restoration of independence, a major challenge remains to transform law into practice.

The development process of the Action Plan may be divided into two stages: the process before the approval of the UNDP project supporting the development of the Action Plan (December 1999 – March 2001) and the implementation of the UNDP project (April 2001 – December 2002). During the first stage, a national working group (a HURIST Country Team) was set up, an initial situation assessment mission carried out, and a public opinion survey conducted.

The UNDP project was implemented in three phases. In the first phase (September 2001 - March 2002), priority issues were identified through a participatory process. A baseline study on human rights in Lithuania was also developed and validated at the expert level. During the second phase (March 2002 - June 2002), the baseline study on human rights in Lithuania was verified and corrected involving broad participation of the public, including five regional workshops and a national conference. In the third phase (July – October 2002), the National Human Rights Action Plan was drafted on the basis of the conclusions and recommendations of the baseline study on human rights in Lithuania as well as the results of the regional workshops and the national conference. The Action Plan was approved by the Parliament in November 2002. During the three phases, key roles were played by the Parliament, the Project Manager, the National HURIST Country Team and UNDP. Public information and awareness measures included a TV and radio campaign.

Networking with international partners was an important factor throughout the development of the Action Plan in Lithuania. The main partners were the Danish Centre for Human Rights, the Swedish

Ministry of Justice and the Moldovan UNDP project in support of development of a National Human Rights Action Plan in Moldova.

In order to contribute to further progress in respecting, protecting and fulfilling human rights in Lithuania as well as to strengthen the potential of using Lithuania's experience in the international context, the UNDP Country Office in Lithuania decided to support the Lithuanian authorities in the implementation of the National Human Rights Action Plan.

A number of lessons may be drawn from the process of development of a National Human Rights Action Plan in Lithuania

- The assignment of overall responsibility to an inter-agency working group did not prove to be an effective arrangement due to insufficient concentration of accountability and commitment for the task.
- The shift of political responsibility to the Parliament, which was considered to be 'closer to the people', assisted by an inter-agency working group, proved to be an effective management arrangement. It also ensured national political commitment at the highest level.
- Choosing public opinion as a primary basis for identifying priority human rights issues ensured broad-based public involvement in the process of development of the Action Plan.
- The decrease in intensity of UNDP's involvement in developing the Action Plan helped to strengthen the leadership and commitment of national entities.
- Lithuania's desire for raising its international standing in the area of human rights protection encouraged commitment to the Action Plan.
- Networking with international partners significantly facilitated the process.
- The 15 months allocated to the UNDP project proved to be too short to accommodate the participatory process.
- The linkage with other national development strategies proved to be effective in integrating a human rights approach with other national policies, although tensions between 'the voice of the people', as expressed in the Action Plan, and the 'regular' work of the ministries had to be dealt with.
- The personal commitment of stakeholders played a key role.
- The 1998 UNDP guidelines on Integrating Human Rights with Sustainable Human Development provided a conceptual framework to the process but did not serve as practical guidance because they do not elaborate on the development of NHRAPs.

The Lithuanian National Human Rights Action Plan was developed in a participatory manner, with involvement of the Parliament, government agencies and civil organizations at all stages of the process. Results of public opinion surveys were given a special emphasis. The methodology applied has laid the groundwork for the implementation of the Action Plan and a significant improvement in the human rights situation in Lithuania. It may also be of use to other countries wishing to develop a National Human Rights Action Plan.

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## Introduction

In September 2002, the United Nations Development Programme launched a Democratic Governance Fellowship Programme aimed at supporting the development of UNDP into a practice organization, encouraging all staff members to enhance their skills and strengthen organizational knowledge.

The Fellowship Programme provides focused opportunities for reflection, codification and discussion on specific governance issues, as well as the strengthening of UNDP's programmes and advocacy by enhancing the organization's capacity to research new areas and learn from its vast field experience. The programme's goal is to build stronger synergies between individual activities of staff and country offices around the world with broad-based substantive policy-making in the area of governance within the UNDP. The programme also explores new areas and issues to contribute to UNDP's knowledge base on the linkages between governance and poverty.

This paper is the result of the Fellowship at the UNDP Oslo Governance Centre in November - December 2002. The Fellowship's objective was to record and present the experience of the UNDP Country Office in Lithuania with the development of a National Human Rights Action Plan, as recommended by the 1993 Vienna World Conference on Human Rights.

The development of the National Human Rights Action Plan (NHRAP) in Lithuania was carried out within the framework of the global Human Rights Strengthening (HURIST) programme<sup>(1)</sup>. Window 1 of HURIST aims at testing guidelines for the development of national human rights action plans. Other countries involved in Window 1 of HURIST include Moldova, Mongolia, Nepal, Cape Verde and Mauritania.

This working paper provides background information on Lithuania and UNDP's activities in Lithuania in Section I. Section II describes the development process of the NHRAP in Lithuania, including the key stages and networking with international partners. Prospects for implementation of the NHRAP in Lithuania and further sharing of experience are examined in Section III. The lessons learned from experience are presented in Section IV. A list of key stakeholders involved in the process, useful web links and the UNDP project document in support of development of the NHRAP are attached as annexes.

(1) Information on this joint programme of UNDP and the Office of the UN High Commissioner for Human Rights can be accessed at <http://www.undp.org/governance/hurist.htm> and <http://www.unhchr.ch/development/hurist.html>

## Background information on the country situation

Understanding the country situation is important as a background to the development of the NHRAP in Lithuania. It also plays a role in any forthcoming analysis by other countries that may wish to develop similar plans.

(2)Data from the Human Development Report 2002 (<http://www.undp.org/hdr2002/>)

Lithuania is a middle-income country, ranked 49th in the world according to the Human Development Index<sup>(2)</sup>, which places Lithuania in the group of countries with high human development. It restored independence from the Soviet Union in March 1990. The transition from a planned economy within the totalitarian Soviet Union to an independent democratic state based on a free market economy was painful in economic and social terms and, since 1990, the country has fallen by seven places in the HDI ranking. However, in recent years Lithuania's economic and social situation has steadily improved. After a recession mostly caused by the Russian crisis in 1999, the economy grew by 3.8 percent in 2000 and 5.9 percent in 2001. Prospects for growth in the medium term remain strong. Despite positive developments, the GDP per capita in real terms remains at about a third of the average of the current EU member states.

Lithuania has made considerable progress in advancing towards membership of the North Atlantic Treaty Organization and the European Union. At NATO's Prague Summit of November 2002, Lithuania was invited to join this organization. During the Copenhagen European Council in December 2002, Lithuania concluded accession negotiations with the EU. Lithuania is expected to become a full member of both organizations by mid-2004.

The UNDP Country Office in Lithuania was established in 1992. UNDP supported a number of government and civil society initiatives in the area of human rights protection, including the strengthening of the institutional framework through the establishment of the Lithuanian Centre for Human Rights in 1994, the establishment of the Parliamentary Ombudsman in 1995 and the establishment of the Equal Opportunities Ombudsman in 1999.

The Country Cooperation Framework (CCF) for Lithuania 2001-2003 applies a human rights perspective to the work of the UNDP in Lithuania. Three programme areas have been identified: the promotion of civil rights and good governance, the promotion of economic and social rights, and the promotion of environmental rights. It was envisaged that the development of the Action Plan within the framework of HURIST would support the human rights perspective of the CCF.

For the sake of understanding the process, it is important to distinguish the reasons for Lithuania's decision to develop a NHRAP.

Lithuania has achieved remarkable progress in the area of human rights protection since restoration of independence in 1990. In 1991 Lithuania pledged to follow the principles of the Universal Declaration of Human Rights and acceded to the International Charter of Human Rights, thereby committing itself to respect and protect human rights in all aspects of life.

The Constitution of 1992 proclaimed the basic values of the nation, including respect for fundamental human rights and the duty of the state to protect them. These principles were subsequently infused into national legislation. Lithuania also took on obligations under major international and regional human rights treaties, thus establishing a solid legislative base for human rights protection.

Lithuania has considerably advanced in the development of institutional structures for human rights. In addition to the institutions supported by UNDP, the Children's Rights Ombudsman was established in 2000, as well as a Parliamentary Committee on Human Rights. A Department of National Minorities and Lithuanians Living Abroad established by the government in 1990 has contributed towards a culture of tolerance among different ethnic groups living in Lithuania. As a consequence of the rapid development of civil society, a large number of NGOs emerged, working in diverse areas of human rights protection.

In November 2000 UNDP commissioned a public opinion poll. Despite positive developments, nine out of ten Lithuanian people considered that human rights in Lithuania were either systematically (38.6 percent) or occasionally (54 percent) violated. One out of four believed that there was no system of human rights protection in Lithuania; two thirds of the respondents claimed that while such a system existed, it was not effective. Just over 40 percent of people believed that they themselves should protect their rights, and only 17 percent considered it to be the task of NGOs.

More than a decade after restoration of independence, a major challenge remains to transform law into practice. Thorough assessment of the situation and mobilization of existing mechanisms are crucial elements of this process. By committing to the development of the Action Plan, the Lithuanian authorities pursued the objective of raising the protection of human rights in Lithuania to a level compatible with the best international standards. This has resulted in increased awareness among the people, better



protection and greater enjoyment of their rights. Lithuania chose to lead the way in following international human rights obligations.

## The development process of the National Human Rights Action Plan in Lithuania

### 3.1. Timeline of key events

December 1999	Lithuania requested to be included in the HURIST programme
January 2000	A National HURIST Country Team set up
February 2000	A situation assessment mission by the Danish Centre for Human Rights carried out
November 2000	A public opinion survey carried out
April 2001	A UNDP project in support of development of the National Human Rights Action Plan signed
October 2001	An international seminar carried out
November 2001	A public opinion survey carried out
November 2001 - February 2002	Workshops in five regions of Lithuania on priority human rights issues conducted
December 2001	Priority issues and structure of the baseline study on human rights situation approved by the Parliamentary Committee on Human Rights
December 2001 - March 2002	Baseline study on human rights situation in Lithuania drafted and validated by independent review
March - May 2002	Priority human rights issues discussed at workshops in five regions
June 2002	Final validation of the baseline study carried out at a national conference
July - October 2002	National Human Rights Action Plan drafted and submitted to the Parliament
November 2002	National Human Rights Action Plan approved by the Parliament

### 3.2. Developments before the UNDP project

The Chairman of the Parliament of Lithuania officially requested to include Lithuania in the HURIST programme in January 1999. A positive response from the UNDP Administrator followed shortly thereafter.

A working group tasked with developing the National Human Rights Action Plan (the National HURIST Country Team) was established by decree of the Prime Minister of Lithuania in January 2000. It was chaired by the Chairman of the Parliamentary Committee on Human Rights and it included senior public officials, NGO representatives and a UNDP Programme Officer.

In February 2000 a mission led by the Danish Centre for Human Rights was fielded to Lithuania. Its aim was to appraise the potential for the development of a NHRAP in Lithuania, incorporating an assessment of government commitment and an outline of the scope, principles and methodology.

In May 2000 the National HURIST Country Team reacted to recommendations of the mission and highlighted directions for further action. The Country Team indicated that the Mission Report drafted by the Danish Centre for Human Rights was to serve as a valuable reference in the process of developing the NHRAP.

The Country Team called for the setting up of a support structure (the Secretariat) in order to facilitate consultations with representatives of the public and key stakeholders. The Secretariat was also responsible for obtaining the necessary expertise and the dissemination of information to the general public. In order to reach these goals, the Country Team asked the UNDP Country Office in Lithuania to develop a technical assistance project, which, by July 2000, had been drafted and disseminated to a wide range of stakeholders. A large number of comments were received.

In September 2000, due to the substantial nature of the comments and the pending parliamentary elections in October, approval of the UNDP project document was postponed by the Country Team until after the elections.

Following consultations with the new leadership of the Parliamentary Committee on Human Rights at the end of 2000, it was decided that the main political responsibility for the development of the Action Plan would be shifted to the Parliamentary Committee on Human Rights. The National HURIST Country Team continued as the executive body answerable to the Committee.

Prior to the approval of the UNDP project, UNDP was actively involved in facilitating the national process. The Resident Representative, assisted by the Programme Officer, made a series of initial contacts with national counterparts in order to secure high-level commitment for the development of a NHRAP. The Programme

Officer actively participated in the work of the Country Team as well as drafting the UNDP project document based on the inputs of key stakeholders.

### 3.2 Implementation of the UNDP project supporting the development of the NHRAP

This project document was signed by both the Chairman of the Parliament of the Republic of Lithuania and the UNDP Resident Representative on 2 April 2001<sup>(3)</sup>. Development of the Action Plan was conducted in three phases: Priority issues were identified through a participatory process and a baseline study on human rights in Lithuania was drafted and validated on the expert level. The baseline study was then validated through a national conference and regional workshops. Finally, the National Human Rights Action Plan was drafted incorporating the findings of the baseline study and the broad process of consultation. The 15 months originally allocated to the project had to be extended to 21 months to accommodate the participatory process.

(3) Extensive documentation of the process of development of the Action Plan, including public opinion surveys and reports from project events, can be found on the website of the project at <http://www.lrs.lt/hrap/>

Sweden's experience in developing a similar plan was looked upon as a model and the Lithuanian experience was extensively shared with the Moldovan authorities who were engaged in developing their own NHRAP. Continuous partnership with the Danish Centre for Human Rights ensured that a broader international perspective was maintained throughout the process.

#### The role of key actors

In the course of development of the NHRAP, key roles were played by the Parliament, including the Parliamentary Committee on Human Rights and the Chancellery of the Parliament, the Project Manager, the National HURIST Country Team and UNDP.

The Parliament was responsible for the achievement of the results of the project, namely the approval of the NHRAP and the introduction of a system of monitoring human rights in Lithuania.

The Parliamentary Committee on Human Rights was responsible for the development of the NHRAP. The Committee had to provide guidelines for the development of the NHRAP and oversee implementation once the NHRAP was approved. The main tasks of the Committee were:

- approval of the candidature of the Project Manager;
- approval of the project work plan prepared by the Project Manager;

- transformation of the National HURIST Country Team, assignment of tasks and control of their implementation; review of the progress of development of the NHRAP on a regular basis;
- initiation of the process of approval of the NHRAP by the Parliament.

The Chancellery of the Parliament was responsible for the organizational matters related to implementation of the project. The main tasks of the Chancellery included:

- upon approval of the candidature of the Project Manager by the Parliamentary Committee on Human Rights and UNDP, settlement of a job contract with the Project Manager;
- allocation of premises for the Project Manager within the building of the Parliament;
- appointment of an assistant to the Project Manager;
- assistance to the Project Manager in fulfilling accountability procedures to UNDP, including the preparation of financial reports;
- enabling the Project Manager to use the facilities of the Chancellery for project purposes, including premises for project events and services of interpreters.

The Project Manager was assigned personal responsibility for the implementation of the project, including the fulfilment of the accountability requirements of UNDP. The main tasks of the Project Manager included:

- preparation of the project work plan and its submission to the Parliamentary Committee on Human Rights for approval;
- organization of the implementation of project activities according to the work plan;
- briefing the Parliamentary Committee on Human Rights on the progress of development of the NHRAP on a regular basis;
- networking with project partners, including financial donors;
- submission of quarterly financial reports to UNDP;
- submission of a mid-term progress report and a final project report to UNDP.

The primary mission of the National HURIST Country Team was to ensure the involvement of the relevant ministries and government agencies as well as civil society organizations in the development of the NHRAP. The main functions of the Country Team included:

- preparation of a list of priority issues for inclusion in the baseline study on the human rights situation in Lithuania and its submission for approval to the Parliamentary Committee on Human Rights;
- ensuring linkages between the NHRAP and other human rights related national strategies.

The UNDP Country Office in Lithuania fulfilled project oversight functions characteristic of the UNDP National Execution modality. The main functions of UNDP included:

- approval of the candidature of the Project Manager;
- advising the Parliament and the Project Manager on the implementation of the project;
- assistance to the Parliament and the Project Manager in the achievement of project results, especially in networking with international partners;
- funding the implementation of the project;
- organizing the involvement of international experts in the project.

The UNDP's involvement was especially active at the beginning of the implementation of the project. The Resident Representative, assisted by the Programme Officer, approved the candidature of the Project Manager. The Programme Officer advised the Project Manager in preparation and subsequent revision of the project work plan. The UNDP Programme Officer, as a member of the transformed National HURIST Country Team, participated and contributed to this particular aspect of the work. The UNDP Programme Officer liaised with the HURIST management and the Swedish Ministry of Justice to arrange the participation of experts from the Danish Centre for Human Rights and the Swedish Ministry of Justice in project events.

Eventually, when the national counterparts had gained sufficient experience in implementation of the project and UNDP's assistance was less vital, UNDP's involvement concentrated on public statements by the Resident Representative and the Programme Officer in support of the development and subsequent implementation of the Action Plan. The UNDP deliberately limited its involvement in the process in order not to hamper the leadership and commitment of national entities.

### **The first phase**

In the first phase (from September 2001 to March 2002), priority issues were identified and a baseline study on human rights in Lithuania was developed and validated at the expert level.

The implementation of the project began with the recruitment of the National Project Manager. According to the project document, the Project Manager had to be recruited by the Chancellery of the Parliament upon approval by the Parliamentary Committee on Human Rights and UNDP. She/he was to bear the overall responsibility for implementation of the project, including fulfilment of UNDP reporting requirements. The Project Manager assumed her duties on 29 May 2001. An assistant to the Project Manager was appointed in June.

As a next step, a project work plan was prepared by the Project Manager in consultation with the UNDP Programme Officer. Based on the project document, it described in detail how the activities were to be performed, indicated partners, duration and estimated cost of activities.

The subsequent step of the process was the transformation of the National HURIST Country Team. Although the title of this entity remained the same, its mission, functions and composition changed. The Country Team had to coordinate the activities of different stakeholders in order to ensure the implementation of the UNDP project; coordinate the development of the baseline study on human rights in Lithuania; and participate in workshops, the national conference and other events related to the development of the NHRAP. The Country Team had to ensure linkages between the NHRAP and other national strategies related to human rights, such as the national programme against sexual abuse and exploitation of children and the reform of social protection of the disabled.

The Country Team was chaired by the Vice-Minister (later State Secretary) of the Ministry of Justice. It included 21 members: 11 representatives of the ministries and other state agencies, seven representatives of NGOs, two representatives of the academia and a representative of UNDP. The first meeting of the transformed Country Team was convened in September 2001.

As the first public event of the project, an international seminar entitled 'The National Human Rights Action Plan in the context of the HURIST programme' was held on 1 October 2001. The seminar had several objectives: to serve as an induction for the key stakeholders of the process, primarily the Country Team and the donor community; to re-affirm the high-level political support of Lithuanian authorities for the process of development of the NHRAP; to present Sweden's experience in developing a NHRAP as a relevant example; to involve the key international partners, namely the Office of the United Nations High Commissioner for Human Rights and the Danish Centre

for Human Rights, from the early stage of the process. The seminar was attended by, inter alia, the Chairman of the Parliament, the Adviser to the President and a Human Rights Officer at the OHCHR. The interventions and the discussions helped to shape the course of the development of the NHRAP in Lithuania.

In order to proceed to the drafting of the baseline study on human rights situation in Lithuania, the Country Team had to identify the issues to be addressed by the NHRAP and submit them to the Parliamentary Committee on Human Rights for approval. In this process, the Country Team was guided by the following principles:

- The primary basis was to be the opinion of the public;
- Protection of the rights of vulnerable groups had to be encouraged;
- Areas for improvement identified by international human rights organizations had to be tackled.

The following information sources were used to select priority issues:

- representative public opinion surveys, conducted in November 2000 and 2001;
- workshops in five regions (counties) of Lithuania, held from November 2001 to February 2002;
- areas for improvement identified by international human rights organizations, as noted in the UNDP project document.

Although there were suggestions that priority issues be based exclusively on Lithuania's obligations under international human rights treaties, ultimately public opinion was adopted as the primary basis in order to reflect the concerns of the people, thereby securing a broad-based commitment to the process.

The public opinion survey of November 2001 revealed that public attitudes towards the general state of human rights protection in Lithuania remained virtually unchanged from the survey results acquired at the end of 2000. The vast majority (91.7 percent in 2001; 92.6 percent at the end of 2000) of the population held that human rights in Lithuania are either systematically (38.7 percent in 2001; 38.6 percent in 2000) or occasionally (53 percent in 2001; 54 percent in 2000) violated. An absolute majority of the population related violations of human rights to the social and economic problems of Lithuania. On the other hand, civil and political rights were generally considered as the best protected. Among the problematic issues, the following topped the list:



- the right to work and free choice of employment;
- the right to a fair wage;
- the right to an adequate standard of living;
- the right to social security;
- the right to timely and professional medical care;
- the rights of children to receive adequate support from the state towards ensuring their right to education;
- the rights of the elderly to social security;
- the right to a fair hearing in court;
- the rights of the victims of crime;
- the right to the inviolability of one's property.

Regional workshops were held in the counties of Alytus, Kaunas, Vilnius, Marijampole and Utena, and identified the most pressing human rights issues as perceived by the people of these regions. The workshops followed a common methodology of proceedings. The participants usually represented regional administrations, municipal entities, the police, non-governmental organizations, universities and schools. No attendance restrictions were applied. The participants were divided into two working groups, usually consisting of a group of public officials and a group of NGOs and others. The working groups were required to answer the following questions:

1. Do you believe human rights are violated in Lithuania? (Have you experienced this yourself?)
2. Which human rights areas are most urgent and call for special attention?

Based on these questions, the working groups came up with their lists of the most pressing human rights issues. In the discussion that followed, the two groups tried to produce a consolidated list of issues and suggested directions for action to address them.

The regional workshops identified different areas of concern in the issues involved in human rights protection but the recurring ones were unfair remuneration, unemployment or a poor choice of jobs, unequal opportunities between women and men, insufficient social protection, violence against women and children and age-based discrimination.

The UNDP project document also listed certain areas for improvement that had been identified by international human rights

organizations including the trafficking of women and the conditions of imprisonment.

Based on the compiled information, the Country Team produced a draft list of priority issues and submitted it to the Parliamentary Committee on Human Rights for approval. The Committee approved the list on 5 December 2001, paving the way for the drafting of the baseline study.

The baseline study on human rights in Lithuania was drafted by a group of experts identified by the National HURIST Country Team. The experts represented a wide spectrum of institutions, ranging from the ministries to academia and non-governmental organizations. Each chapter of the baseline study was assigned an independent reviewer.

The draft baseline study was discussed at two round tables, on 12 and 19 March 2002. The round tables were attended by the members of the Committee on Human Rights of the Parliament, the authors of the baseline study, the independent reviewers, members of the editorial committee, members of the National HURIST Country Team, representatives of NGOs, the media and other stakeholders. The comments made during the round tables were subsequently incorporated into the draft of the baseline study.

The validation of the baseline study by the independent reviewers then completed the first phase of the development of the NHRAP.

### **The second phase**

During the second phase (from March 2002 to June 2002), the baseline study on human rights in Lithuania was verified and corrected by involving the broad participation of the public. A new round of regional workshops was organized in five counties of Lithuania. The baseline study was validated and finalized during a national conference held on 18-19 June 2002 in Vilnius.

This time the regional workshops were held in the counties of Siauliai, Taurage, Panevezys, Klaipeda and Telsiai. The organizers aimed at assembling participants who represented the specific structure of a particular region. The participants usually represented regional administrations, municipal entities, the police, non-governmental organizations, universities and schools. The participants were divided into two working groups, usually a group consisting of public officials and a group of NGOs. Each workshop addressed one or two issues described by the baseline study. The

discussions concentrated on the proposed issue and a set of concrete recommendations for improvement of the situation was produced.

Further validation of the baseline study was carried out during a national conference entitled 'Human Rights in Lithuania: Situation Assessment and Action Plan', which was held on 18-19 June 2002 in Vilnius.

The first day of the conference consisted of a morning plenary session and afternoon group sessions. On the second day the results of the discussions in working groups were presented and a round-table discussion held. The results of the group sessions were compiled into an Annex to the baseline study.

The baseline study identified an urgent need for an institutional arrangement to cover various forms of discrimination, including age, disability, ethnic or racial origin and sexual orientation. In order to address this issue a UNDP project entitled 'Expansion of Equal Opportunities' was signed by the Chairman of the Parliament in April 2002. The project's main objective was to identify an optimal strategy for establishing institutional coverage for various kinds of discrimination through a wide consultative process with interest groups and the public. In particular, the project explored the option of expanding the mandate of the Ombudsman for Equal Opportunities of Men and Women by including additional kinds of possible discrimination. As a result of the project, a law expanding the mandate of the Equal Opportunities Ombudsman was drafted, extensive consultations with the public carried out, and a substantial number of public servants were trained in preparation for the legislative changes. The project was funded from the first tranche of the UNDP's Democratic Governance Thematic Trust Fund facility. This way of funding proved to be highly efficient because it meant that, having identified a national human rights priority, this could then be quickly and effectively addressed.

### **The third phase**

In the third phase (from July to October 2002), the National Human Rights Action Plan was drafted on the basis of the conclusions and recommendations of the baseline study on human rights in Lithuania as well as the results of the regional workshops and the national conference. Upon the approval by the Committee on Human Rights of the Parliament, the Action Plan was presented to the Parliament for debate and approval.

In order to draft the Action Plan, a working group of three members was composed, led by a lawyer, a former Secretary of the

Government, Chancellor of the Government and Adviser to the Parliamentary Committee on Human Rights.

The concerned ministries were given an opportunity to comment on the draft NHRAP. Many comments reflected an obvious tension between the proposed actions of the NHRAP and the strategies developed during the course of the implementation of the government programme. This exposed a conflict between 'the voice of the people' as expressed in the Action Plan and the 'regular' work of the ministries, which was softened but not eliminated by the involvement of ministry representatives in the National HURIST Country Team.

The NHRAP was deliberated in Parliamentary Committees and approved by Resolution No. IX-1185 of the Parliament on 7 November 2002.

(4) The English translation of the NHRAP is available at the website of the project at <http://www.lrs.lt/hrap/>

The NHRAP consists of 14 Chapters<sup>(4)</sup>:

**1. Aim, purpose and preparation criteria of the national action plan for the promotion and protection of human rights in the Republic of Lithuania.**

This Chapter refers to the 1993 Vienna World Conference, describes the UNDP project in support of development of the NHRAP, presents aims and objectives of the Action Plan as well as the main requirements for its preparation and implementation, describes the notion of human rights, presents Lithuania's international commitments as one of the main criteria of the Plan, highlights the connection with Lithuania's integration into the EU, gives an overview of the human rights situation in Lithuania and sets the purpose for implementing the Plan.

**2. Structural peculiarities of the national action plan for the promotion and protection of human rights in the Republic of Lithuania.**

This Chapter lists the requirements for the Action Plan, describes continuous and temporary actions, and presents measures for ensuring the implementation of the Plan.

**3. Implementation of the right to work and the right to safe and healthy working conditions.**

This Chapter includes actions on the increased speed and quality of settling labour disputes, the participation in the EU employment policy coordination, the implementation of the employment enhancement programme, and the occupational safety and health programme.

**4. Implementation of the right to health protection.**

This Chapter includes actions on ensuring healthcare quality and safeguarding the patients' rights as well as reducing the risk of spread of contagious diseases.

**5. Protection of the rights of elderly and disabled people.**

This Chapter includes actions on the protection of the rights of the elderly and disabled persons.

**6. Improving the protection of the rights of consumers.**

This Chapter includes actions on the strategy for the state protection of consumers' rights, the quality of services and guarantees to consumers as well as raising consumers' awareness and increasing influence of their opinion.

**7. Implementation of women's rights in the context of gender equal opportunities. Prevention of violence against women. Protection of women's reproductive rights.**

This Chapter includes actions on the enhancement of legal instruments for the protection of women's rights, the prevention of violence against women and the protection of women's reproductive rights.

**8. Measures for the protection of the rights of the child.**

This Chapter includes actions on more effective functioning of institutions for the protection of the rights of the child as well as other measures for improving the protection of the rights of the child.

**9. Actions for safeguarding the rights of the accused and the imprisoned.**

This Chapter includes actions on the increased responsibility and better qualification of law enforcement officials and more effective protection of the rights of the accused and the imprisoned.

**10. Protection of the rights of crime victims. Prevention of trafficking in persons.**

This Chapter includes actions on enhanced legal preconditions for protecting the rights of crime victims as well as measures aimed at preventing trafficking in human beings.

**11. Actions against discrimination. Protection of the rights of sexual minorities. Strengthening of the protection of the rights of migrants and refugees.**

This Chapter includes actions against discrimination as well as actions on the protection of the rights of sexual and national minorities, the increased protection of the right to refuge, and strengthening the protection of the rights of refugees and migrants.

**12. Implementation of the right to receive and disseminate information. Protection of private life.**

This Chapter includes actions on increased possibilities for the public to obtain information from state and municipal institutions as well as improving the protection of private life.

**13. Implementation of the right of citizens to participate in state governance. Strengthening of self-governance by the public.**

This Chapter includes actions on increased awareness of citizens of possibilities to participate in state governance and the development of self-governance by the public.

**14. Actions in relation to the implementation of the national strategy in the area of human rights protection and the implementation of the national action plan for the promotion and protection of human rights in the Republic of Lithuania.**

This Chapter includes actions on the improvement of the institutional system, the involvement of the public in implementing justice, the monitoring of human rights in Lithuania, raising public awareness about human rights and ways for their protection as well as establishing a management structure for implementation of the NHRAP.

The NHRAP does not provide a detailed description of the human rights situation in Lithuania, which was a task of the baseline study.

Chapters 3-13 of the Plan include actions for the implementation of human rights in specific areas. These chapters were designed taking into consideration the recommendations of the baseline study on human rights in Lithuania and the findings of the public opinion surveys. Each chapter identifies the institution responsible, specifies objectives and provides measures for achieving them along with deadlines for their completion. Each chapter usually indicates two types of actions: continuous and temporary.

Continuous actions of the Plan ensure the continuity of the actions of the Plan, constant attention of public authorities and non-governmental organizations to the protection of human rights, and monitoring and assessment of the state of human rights.

Temporary actions are aimed at solving a specific problem and have to be implemented within a specific time-frame, a period not longer than four years. This means that all such actions would have to be taken before the preparation of a new human rights report in Lithuania. The list of temporary actions set forth in the Plan may be supplemented or amended by a parliamentary resolution.

In each chapter each measure is followed by the names of the institutions responsible for the respective implementation.

Chapter 14 states that the implementation of the Plan will be coordinated by a National Commission for the Implementation of the National Action Plan for the Promotion and Protection of Human Rights in the Republic of Lithuania, which is to be composed of the representatives of public institutions and non-governmental organizations as well as the UNDP. The Commission will be assisted by the National Executive Secretariat and the implementation of its decisions will be the responsibility of the Secretariat.

As set out in the NHRAP, the implementation of the Action Plan will:

- ensure a national strategy for human rights;
- facilitate the introduction of a continuous monitoring system of human rights in Lithuania;
- strengthen the institutions operating in the area of human rights;
- guarantee constant accountability of these institutions before the public on their activities and implementation of the Plan;
- create preconditions for ongoing public debates about human rights;
- help the Lithuanian people better understand their rights, defend them more effectively and exercise them in a wider manner.

#### **Public information and awareness measures**

Developing the NHRAP has included measures for informing the public about the Action Plan and raising awareness on human rights issues. Information packages on specific human rights issues were distributed and the results of the 2001 public opinion poll were presented jointly by the Chairman of the Parliament, the Chairman of the Parliamentary Committee on Human Rights and the UNDP Resident Representative at a press conference on International Human Rights Day, 10 December 2001

Extensive public information and awareness-raising was also carried out within the framework of another UNDP project on the legal education of the public, which was being implemented by the Ministry of Justice, a campaign that was mainly channelled through TV and radio programmes.

The TV campaign was conducted through regional TV channels. In total, 13 programmes were produced and broadcast in 2002 by several regional stations featuring discussions on human rights protection. The radio campaign was carried out in partnership with a

national radio station with more than 20 programmes on human rights protection broadcast.

### **3.4. Networking with international partners**

Networking with international partners was an important factor throughout the development of the NHRAP in Lithuania.

#### **Networking within HURIST**

The Lithuanian NHRAP was developed within the framework of the HURIST programme. The process benefited from the sharing of advice and experiences within the HURIST network. Partnership with the Danish Centre for Human Rights, the HURIST workshop in New York and the sharing of experiences with Moldova were the most important aspects of the international networking.

The Danish Centre for Human Rights made the initial assessment of Lithuania's commitment and capacity to develop a NHRAP through a mission carried out in February 2000. The mission resulted in a report containing the assessment of, as well as recommendations for, the process of development of the NHRAP. The Danish Centre for Human Rights remained an important partner throughout the implementation of the project. A representative of the Centre attended the HURIST workshop in New York as well as the international seminar in Vilnius in October 2001.

The HURIST workshop held in April 2001 in New York was an excellent opportunity for the participants of this global programme to get together and share their experiences of the development process of NHRAPs. In addition to the representatives of HURIST Window 1 programme countries, the workshop benefited from interventions by representatives of countries like South Africa and Sweden who shared the experience of their countries in the development of NHRAPs. In addition to the workshop, the networking within HURIST was facilitated by regular status reports on the implementation of the programme.

The networking within HURIST led to the establishment of direct contact between UNDP Country Offices in Lithuania and Moldova on the exchange of experience in developing the NHRAPs. In Moldova, a NHRAP development project was launched by UNDP in January 2002. The highlights of this cooperation were the visit of the UNDP/Lithuania Project Manager and a Lithuanian expert to Moldova in April 2002, the participation by the UNDP/Moldova Project Manager in the Lithuanian national conference in June 2002, and the visit of the Moldovan delegation to Lithuania in September-October 2002.



The Lithuanian Project Manager and a member of the National HURIST Country Team were invited by HURIST to contribute to the training workshop for the key stakeholders of development of a NHRAP in Moldova, held in Chisinau on 29-30 April 2002. The Lithuanian experts shared the experience of developing a NHRAP as well as presenting the situation of human rights protection in Lithuania.

In continuation of the partnership, a Moldovan delegation headed by the Chairman of the Parliamentary Commission for Human Rights and National Minorities visited Lithuania on 29 September – 3 October 2002. The delegation had meetings with key stakeholders of the development of the NHRAP in Lithuania, including civil society organizations.

#### **Networking with the Ministry of Justice of Sweden**

During the HURIST workshop in New York, a partnership was initiated with the Swedish Ministry of Justice, the leading agency in the development of a NHRAP in Sweden. The process of development of a NHRAP in Sweden started in May 2000. Lithuanian stakeholders decided to pursue this partnership in order to learn from the Swedish experience. The highlights of cooperation were the visit of the Lithuanian delegation to Sweden in February 2002 as well as two visits by an official of the Swedish Ministry of Justice to project events in Lithuania.

In order to get acquainted with the experience of Sweden, a Lithuanian delegation headed by the Chairman of the Parliamentary Committee on Human Rights visited Sweden on 17-21 February 2002. The delegation had meetings with key stakeholders, including the Minister for Democratic Issues and Public Administration of the Ministry of Justice and civil society organizations.

## Prospects for the future

**Lithuania's commitment to develop a National Human Rights Action Plan, the participatory process of its development and its approval have placed Lithuania among the leading countries in fulfilling the commitments made at the 1993 Vienna World Conference on Human Rights.**

Lithuania's experience may be useful to other countries desiring to develop Human Rights Action Plans, as was noted by the United Nations High Commissioner for Human Rights, Mary Robinson, during her visit to Lithuania in April 2002. However, significant improvement in the human rights situation is only possible if the NHRAP is successfully and effectively implemented, a consistent system of monitoring the human rights situation in Lithuania established, and a mechanism for continuous dialogue between the authorities and the civil society on the improvement in the human rights situation developed.

In order to contribute to further progress in respecting, protecting and fulfilling human rights in Lithuania as well as to strengthen the potential of using Lithuania's experience in the international context, the UNDP in Lithuania decided to support the Lithuanian authorities in the implementation of the National Human Rights Action Plan. To this end, a Memorandum of Understanding regarding joint provision of substantive and financial assistance to implementation of the National Human Rights Action Plan in Lithuania from 1 January 2003 was signed by the Chairman of the Parliament of the Republic of Lithuania and the UNDP Resident Representative on 21 October 2002.

A UNDP programme of support for the implementation of the NHRAP was signed on 16 December 2002, with joint funding by UNDP and the Lithuanian state budget. The programme is to be implemented during the period 2003 - 2005.

As noted above, an extensive exchange of experiences has been carried out with stakeholders involved in the development of a NHRAP in Moldova. An attempt to present key elements of the process of the development of the NHRAP in Lithuania to a wider audience was made by this paper. The Lithuanian stakeholders involved in the development of the NHRAP are committed to further sharing their experience with other interested countries by various means.

## Lessons learned

### A number of lessons were learned in the process of developing the National Human Rights Action Plan in Lithuania:

- The assignment of overall responsibility for developing a NHRAP to an inter-agency working group (the original National HURIST Country Team) did not prove to be an effective arrangement due to insufficient concentration of accountability and commitment. See Section II, Developments before UNDP project.
- The process was revitalised after the shift of political responsibility to the Parliament, with the assistance of the transformed National HURIST Country Team. The leading role of the Parliamentary Committee on Human Rights ensured broad involvement of the public, which presumably could have been more difficult to achieve for certain parts of the executive branch of government; a parliament is perceived to be 'closer to the people' than an executive, which is more restrained by bureaucratic processes. The development of the Action Plan benefited from the personal involvement and commitment of the Chairman of the Parliament. Thus, an effective management arrangement and national political commitment at the highest level were prerequisites for a successful process. See Section II, **The role of key actors**.
- Choosing public opinion as a primary basis for identifying priority human rights issues ensured a broad-based public involvement in the process of development of the NHRAP. See Section II, **The first phase**.
- Active facilitation by UNDP was important for initiating and sustaining the process in its early stages. The decreased intensity of UNDP's involvement in later stages enabled the leadership and commitment of national entities to take root. See Section II, Developments before UNDP project and **The role of key actors**.
- Lithuania's desire and potential to raise its international standing in the area of human rights protection further committed the country towards developing the NHRAP. See Section I.
- Networking with international partners, especially Sweden and Moldova, significantly facilitated the process of development of the NHRAP. See Section II, **Networking within HURIST and Networking with the Ministry of Justice of Sweden**.
- The original duration of the UNDP project of 15 months had to be extended to 21 months to accommodate the participatory process. See Section II, Implementation of the UNDP project in support of the development of the National Human Rights Action Plan.
- The pursued linkage with other national development strategies, inter alia through the transformed National HURIST Country Team, proved to be effective in integrating a human rights approach to other national strategies as well as addressing specific human

rights issues. However, tension between ‘the voice of the people’ as expressed in the Action Plan and the ‘regular’ work of the ministries had to be dealt with. See Section II, **The role of key actors** and **The third phase**.

- Personal commitment of stakeholders played a key role. The development of the NHRAP was facilitated by the genuine dedication of many people, especially the Project Manager, the Chairman of the National HURIST Country Team and the Chairman of the Parliamentary Committee on Human Rights. See Section II, **The role of key actors**.
- The 1998 UNDP guidelines on Integrating Human Rights with Sustainable Human Development provided a conceptual framework to the process; however, they did not serve as practical guidance as they do not elaborate on the development of NHRAPs.

The Lithuanian National Human Rights Action Plan was developed in a participatory manner with involvement of the Parliament, government agencies and civil society organizations at all stages of the process. Results of public opinion surveys were given a special emphasis. The methodology applied has laid the groundwork for the implementation of the Action Plan and a significant improvement of the human rights situation in Lithuania. It may be useful to other countries wishing to develop a National Human Rights Action Plan.

## List of key stakeholders

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## Useful web links

Documentation of implementation of the UNDP project LIT/00/006 'Support to development of National action plan for the promotion and protection of human rights', [www.lrs.lt/hrap](http://www.lrs.lt/hrap)

The Human Rights Strengthening (HURIST) programme  
[www.undp.org/governance/hurist.htm](http://www.undp.org/governance/hurist.htm) and [www.unhcr.ch/development/hurist.html](http://www.unhcr.ch/development/hurist.html)

The Ministry of Justice of Sweden, <http://justitie.regeringen.se/inenglish/index.htm>

The UNDP project 'Support to the National Human Rights Action Plan in the Republic of Moldova', <http://hr.un.md/eng/index.php>