



LIETUVOS NUOLATINĖ ATSTOVYBĖ EUROPOS SĄJUNGOJE
PERMANENT REPRESENTATION OF LITHUANIA TO THE EUROPEAN UNION

Rue Belliard 41-43, 1040 Brussels, Belgium, tel.: + 32 2 771 01 40, faks + 32 2 771 45 97,
e-mail office@eu.mfa.lt, <http://www.eu.mfa.lt>

Directorate General for Justice and
Consumers
Fundamental Right and Rule of Law
(JUST.C.2)
European Commission
JUST-C2-CHARTER@ec.europa.eu

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CONCERNING THE LETTER TRANSMISSION

Please find enclosed the letter from the Ministry of Justice of the Republic of Lithuania with the answers to the questionnaire, which was distributed to the FREMP working group members, while preparing the report on the implementation of the EU Charter of Fundamental Rights.

Enclosed: 15 pages.

Permanent Representative of Lithuania to the EU

Arnoldas Pranckevičius

Irma Gudžiūnaitė, +32 2 401 9854, irma.gudziunaite@mfa.lt
Jovilė Vilčinskienė, +32 2 775 9086, jovile.vilcinskiene@urm.lt

2022 REPORT ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS: THE CIVIC SPACE AND ITS ROLE IN PROTECTING AND PROMOTING THE FUNDAMENTAL RIGHTS UNDER THE CHARTER

CONSULTATION OF EU MEMBER STATES

Civil society organisations (CSOs)¹ and rights defenders² are key actors for the enforcement of the EU Charter of fundamental rights (the Charter). They play an important role in protecting rights under the Charter and promoting a culture of values, based on the rule of law, democracy and fundamental rights.

This was underlined in the 2020 and 2021 rule of law reports³, in the democracy action plan⁴ and in the strategy to strengthen the application of the Charter in the EU (the Charter strategy)⁵. Promoting an enabling and supportive environment for CSOs and rights defenders is a shared responsibility of the EU and the Member States and was one of the four priorities of the Charter strategy.

It is for these reasons that the Commission decided to dedicate its 2022 annual report on the application of the EU Charter of fundamental rights to *the civic space and its role in protecting and promoting the fundamental rights under the Charter*.

The report will explain, in a factual manner and through concrete examples, the **role** of CSOs and rights defenders in ensuring the effective implementation of the Charter, and illustrate EU and Member State actions to **protect, support, and empower** them.

To inform its work on preparing the report, the Fundamental Rights Unit of DG Justice and Consumers of the European Commission is consulting key actors in the Charter's enforcement chain and in promoting an enabling environment for CSOs and rights defenders, such as CSOs,

¹ For the purposes of this consultation, civil society organisations (CSOs) are defined as “non-governmental organisations and institutions of civil society, active in the field of fundamental rights which are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members”. See Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (the Founding Regulation), OJ 2007 L 53, Art. 10 and the Council of Europe Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe. They do not include political parties. This consultation covers CSOs that work to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and/or international level. See the UN Declaration on Human Rights Defenders. Please note that under that Declaration, the scope of those who may be defined as a ‘human rights defender’ is not limited to human rights NGOs/CSOs, but may include individuals and other groups as well. For more details, see the OHCHR webpage on human rights defenders.

² For the purposes of this consultation, rights defenders include national human rights institutions (NHRIs), equality bodies and Ombuds-institutions.

³ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report_en

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2250

⁵ COM(2020)711, available at :

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0711&qid=1608047356199>

international organisations and the European networks of NHRIs and Equality bodies. **Member States** are instrumental in ensuring the effective application of the Charter at the national, regional and local levels and their authorities often work in close connection with civil society actors in protecting and promoting Charter rights. Relevant contributions already submitted to the Commission, for instance in preparation to the Rule of Law reports, will also be taken into account.

The Commission would like to collect Member States' views on the questions below. Delegations are welcome to send their contributions in writing until 29 April 2022 at the following email address: JUST-C2-CHARTE@ec.europa.eu. Please limit the length of the answers to 500 words per question. A discussion around these questions will take place at a FREMP meeting before the summer 2022 (date to be confirmed).

The EU Agency for Fundamental Rights (FRA) will assist the European Commission in the assessment of the contributions received. Please refer to the privacy statement attached for information on data protection regarding this consultation.

Questionnaire:

A – The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. How do CSOs contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.
2. In which areas do CSOs contribute the most to the protection of fundamental rights?
3. How do rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.
4. In which areas do right defenders contribute the most to the protection of fundamental rights?

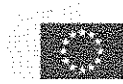
B – The work of the Member States to protect CSOs and rights defenders

5. How do you ensure that CSOs and rights defenders work in a safe and enabling environment?
6. Please explain the main features of the legal framework applicable to CSOs (for example, rules on declaration/registration/dissolution, rules governing the exercise of their activities, court decisions relating to the application of this legal framework, etc.). Please add relevant references to such rules.
7. Do you have in place a system for reporting and monitoring threats or attacks (including physical attacks) on CSOs activists and rights defenders? If yes, how does it work?
8. Do you provide for, support, or finance an alert mechanism and/or supporting services in case of physical and on-line attacks to CSOs activists and rights defenders?
9. Are you part of the Open Government Partnership⁶ (OGP)? If yes, could you share the link to your latest OGP action plan?
10. Do you assess how CSOs are impacted by legislative proposals in the legislative preparatory work? If yes, please briefly describe the process/mechanism.
11. Do you consider it necessary to improve the cooperation between Member States and the EU to strengthen the level of protection of CSOs and rights defenders working to protect fundamental rights? How?

C – The work of the Member States to support CSOs and rights defenders

12. Please indicate which public authorities are competent to disburse public funding and the main programmes of funding available at national and local level for CSOs working to protect and promote fundamental rights.

⁶ <https://www.opengovpartnership.org/>



- (a) How do authorities select the CSOs, and what are the main conditions they have to fulfil?
 - (b) How do authorities ensure a fair distribution of funds among CSOs?
 - (c) Is there public funding available for organisations' core costs for administrative expenditures and infrastructure?
 - (d) Is there public funding available for human rights advocacy?
13. Do you have a system in place to get an overview or to coordinate the funding opportunities available at the different levels? By whom is it coordinated, and how does it work?
14. Has any process to simplify and speed up access to funding been considered/adopted/implemented?
15. Does your taxation system provide for a tax exception/relief/incentive in case of donations to CSOs?
16. What is the legal framework applicable to donations for other EU countries or third countries to CSOs?

D – The work of the Member States to empower CSOs and rights defenders

17. Is there a structured dialogue policy between CSOs and public authorities at local, regional and national level? Is there a body representing the interest of CSOs? How is it composed and which are its competences?
18. What is the process of consultation of CSOs regarding legislative proposals having an impact on civil society and civic space?
19. Do you have an easily accessible one-stop-shop online platform in place, which regroups all consultations with CSOs and the public?
20. Do you have any guidelines or standards on public participation?
21. Are CSOs or, where relevant, NHRIs included in the committees set up to monitoring the implementation of EU funded programmes under the Common Provisions Regulation (CPR)⁷ and are they involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is their role in this context?

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060>

LITHUANIAN CONTRIBUTION TO THE 2022 REPORT ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS

Questionnaire:

A – The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. How do CSOs contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

CSOs greatly contribute to ensuring that the fundamental rights enshrined in the Charter is a reality by carrying out advocacy and awareness raising activities, for example, organizing the National Forum on Human Rights (NFHR) each year. The event invites the public to discuss the current human rights situation in the country and ways forward, to ensure that people of all nationalities, races, genders, social statuses, beliefs, and convictions can fully implement their rights in the country¹.

Furthermore, Lithuania's membership at the United Nations Human Rights Council is based on a close dialogue with the civil society. Government is actively working with non-governmental organizations on various human rights issues, promoting regular dialogue with civil society and human rights defenders, enabling them to actively engage in the work of the United Nations Human Rights Council.

Moreover, Lithuanian authorities work together with Lithuanian non-governmental organizations (NGOs) to ensure the dissemination of European Union values and to better empower the non-governmental sector to participate in the Lithuanian EU policy-making process, for example supporting the re-establishment of the European Movement in Lithuania, which brought together interested NGOs and civil society actors in an umbrella organization. The main objective of this movement is to promote and disseminate common EU values: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. A specific sub-system of the Lithuanian EU membership information system (LINESIS) has been established, allowing NGOs to have access to participation in preparation of certain documents.

Lithuanian authorities also actively cooperate with international non-governmental organizations in the sphere of human rights and the strengthening of the civil society. The international non-governmental organization "Freedom House" is an important partner in the implementation of a wide range of activities aimed at supporting Belarusian, Russian civil society. There is also a cooperation with the "Barys Zvozkau Belarusian Human Rights House", which assists Belarusian human rights defenders in support of the Belarusian human rights community. It is one of the most prominent Belarusian human rights organizations, established in Vilnius more than 15 years ago, providing support to Belarusian human rights defenders.

2. In which areas do CSOs contribute the most to the protection of fundamental rights?

There are quite a few NGOs in the country working on various human rights issues. Some of them are working on the specific sectional issues and / or representing a certain societal group (Lithuanian Disability Forum, LGL (national LGBT rights organization), Lithuanian Women's

¹ <https://nzt.lt/en/>

Lobby, etc.), others – cover a wide range of human rights topics (Human Rights Monitoring Institute, Human Rights Centre of Lithuania, etc.).

Migration and refugees

In the area of migration Lithuania has been financing two projects implemented by the Lithuanian Red Cross Society (hereinafter – LRCS): monitoring of asylum seekers and irregular migrants' reception conditions and accommodation sites as well as monitoring of forced returns operations. LRCS prepares quarterly and annual reports on the implementation of these projects, also, a round table discussions with all relevant stakeholders and governmental institutions are organized yearly, where the main issues and progress is discussed. In addition, a meeting with CSOs, right defenders, UNHCR, WHO and other relevant stakeholders is being organized every second Thursday ensuring an ongoing dialogue regarding irregular migration issues.

In the area of integration of foreigners, the Ministry of Social Security and Labour together with representatives from CSOs has started to develop a concept of a national reform (every week a meeting is being held with a representative from NGO, academics, UNHCR).

Disability

Lithuanian Disability Forum (LDF) is the largest Lithuanian organization representing the interests of various disability groups. LDF unites 15 organizations which represents a combined 300 000 persons with disabilities, their families, as well as temporarily disabled people. LDF was founded in 2001, with the goal of uniting organisations that represent different disabilities and making a combined effort to change disability policies in Lithuania and ensure that various policies as well their implementation corresponds with international human rights standards.

LGBTI rights

The National LGBT* rights organization LGL is a national nonprofit, uniting homosexual, bisexual and transgender persons. Organization is dedicated to fighting homophobia and discrimination based on sexual orientation and gender identity. Through education, support, and representation of the LGBT community, LGL promotes an inclusive social environment for gay men, lesbian women, bisexual and transgender persons.

Women rights

The Lithuanian Women's Lobby is made up of NGOs in Lithuania working on promoting gender equality, combating violence against women, promoting women's entrepreneurship and public education. It's aim is to educate and inform society about gender equality issues, gender policy and promote the development of women's rights in Lithuania.

Racism, prevention of xenophobia

Human Rights Centre of Lithuania (hereinafter – HRCL) is a nongovernmental organization and one of the oldest human rights educational organizations in Lithuania. Since its establishment, the HRCL has been organizing the efforts of its members and experts to implement many significant projects in the areas of human rights education and legal research. Today the HRCL main activities concentrate on legal research and educational projects in the fields of racism, prevention of xenophobia, and equal rights.

Development cooperation

In the field of development cooperation, representatives of non-governmental organizations are included in the National Development Cooperation Commission which is led by the Ministry of Foreign Affairs. The main objective of the Commission is to ensure the coherence of the development cooperation policy of the Republic of Lithuania. The Commission coordinates development cooperation activities in accordance with Resolution No 42 of the Government of

the Republic of Lithuania of 15 January 2014 on the establishment of the National Commission for Development Cooperation and the approval of its provisions and facilitates the processes of monitoring and the assessment of results.

Yearly organized *National Human Rights Forum* is a unique example of long-standing cooperation between public and private institutions, non-governmental organizations, academia, civil society and international partners, is also relevant in this regard. The aim of the Forum is to invite experts with different views for discussion, to share their experiences, knowledge and ideas, and at the same time, to identify possible ways and means to address human rights issues. The National Human Rights Forum is organized each year (since 2018) on 10 December, marking the International Human Rights Day.

3. How do rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

The national Equality body (Office of the Equal Opportunities Ombudsperson) in Lithuania is a quasi-judicial institution and thus it carries out investigations on complaints for possible cases of discrimination; it is also active in taking proactive measures to prevent discrimination, as well in educating the society on the issues of equal opportunities and the Office also conducts independent reviews of equal opportunities². Notable examples include the National Equality Awards and tools such as equal opportunities ruler³.

The Ombudsperson for Child's Rights, in the exercise of the powers conferred to him, monitors the implementation of the provisions of the Charter, and those of the other international treaties of the Republic of Lithuania, legal acts of the European Union, the Constitution of the Republic of Lithuania, laws and other legal acts regulating the protection of the rights of the child and his or her legitimate interests. The activities of the Ombudsperson are aimed to protect the rights of the child and his or her legitimate interests and to improve the legal protection of the child. The Ombudsperson pursues these objectives by examining complaints concerning alleged violations of the rights of the child; conducting investigations into the alleged violation of the rights of the child, considering the information received, or investigating the circumstances of the protection of the rights of the relevant group of children or the situation of the protection of the relevant right(s) of the child. The decisions of the Ombudsperson are of a recommendatory nature. All natural and legal persons to whom the decision are addressed must examine it and inform the Ombudsperson about the results of the examination and the execution of the decision. Decisions can provide not only recommendations relevant to a specific (individual) situation, but also the need for systematic changes in the implementation of complex measures. The objectives of the Ombudsperson for Child's Rights are also pursued through proposals for measures to improve the protection of the rights of the child and his or her legitimate interests, for the development and implementation of policies relating to the protection of the rights of the child and his or her legitimate interests. Assessments of the Ombudsperson for Child's Rights on the protection of the rights of the child and his or her legitimate interests in the country, conclusions of investigations, opinions and suggestions for improving the protection of children's rights are submitted directly to the competent authorities, discussed in the annual activity reports (with specific proposals), otherwise made public, informing the public, as well as in cooperation with international and regional child/human rights organizations, etc.

The Inspector of Journalistic Ethics is an independent oversight authority. The main function of the Inspector of Journalistic Ethics is to investigate the complaints of the interested parties

² See for more information: <https://lygybe.lt/en/activities/mainstreaming/441>

³ <https://www.lygybe.lt/lt/lygiu-galimybiu-liniuote/>

regarding the violation of their honor and dignity in the mass media, the right to protection of private life.

The Seimas Ombudsmen's Office of the Republic of Lithuania was accredited as the National Human Rights Institution, which complies with the Paris Principles. The Seimas of the Republic of Lithuania on 7 December 2017 adopted the Law on amending Articles 3, 19, 19-1 of the Law on the Seimas Ombudsmen No. VIII-950 and supplementing it with Article 19-2 (effective from 1 January 2018), defining the new areas of competence of the Seimas Ombudsmen in the performance of the functions of the NHRI: carry out monitoring of human rights in Lithuania and prepare human rights reports; disseminate information on human rights and public awareness on human rights issues; present the evaluation of the human rights situation in Lithuania in international organizations and provide them with information on the obligations established in international treaties of the Republic of Lithuania; provide proposals to state and municipal institutions and bodies on human rights issues; seek to bring national legislation in line with the international obligations of the Republic of Lithuania in the field of human rights; initiate inquiries on fundamental human rights issues.

4. In which areas do right defenders contribute the most to the protection of fundamental rights?

The Office of the Equal Opportunities Ombudsperson is the national equality body, the direct functions of which coincide with the obligation laid down in Article 21 of the Charter to ensure the principle of non-discrimination. The grounds for prohibited discrimination provided for in Articles 21-23 and 25-26 of the Charter are, in essence, the same as those provided for in the Law on Equal Treatment and Law on Equal Opportunities for Women and Men. In 2019, there was a Monitoring Commission on the Rights of Persons with Disabilities established, comprised of representatives from 4 NGOs and one representative from the Office of the Equal Opportunities Ombudsperson. This commission monitors the implementation of the UN Convention on the Rights of Persons with Disabilities.

The Office of the Ombudsperson for Child's Rights is an independent state institution for the supervision and control of the rights of the child.

The Inspector of Journalistic Ethics operates mainly in the sphere of the protection of private life in the context of media.

The Seimas Ombudsmen's Office of the Republic of Lithuania as a NHRI is carrying monitoring functions on various human rights issues as well as initiating the investigation into the fundamental human rights problems. Since 2017, when the NHRI mandate was received, Office carried out various investigations related to: rights of persons with disabilities, assistance to victims of domestic violence, provision of psychological services to persons placed in social care institutions, physical abuse by law enforcement officials, homelessness, etc.

Since 2014, the Seimas Ombudsmen have been carrying out the national prevention of torture (NPT) by regularly visiting places of detention. According to Article 19¹ (2) of the Law on the Seimas Ombudsmen, the place of detention is any place under the jurisdiction or control of the Republic of Lithuania, where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence, i.e. arrest houses, imprisonment institutions, social care homes, mental health facilities, communicable disease treatment facilities, places of detention of foreigners and other institutions. According to the data available to the Seimas Ombudsmen's Office, there are more than 400 places of detention in Lithuania.

B – The work of the Member States to protect CSOs and rights defenders

5. How do you ensure that CSOs and rights defenders work in a safe and enabling environment?

CSOs and right defenders facing discrimination can complain to the Lithuanian equality body, police, the court or any other competent authority according to the issue.

In June 2021, the Ministry of Social Security and Labour established a division responsible for the development of NGOs. The division's main purpose is to ensure an enabling environment for NGOs.

In 2020, during the COVID-19 pandemic, Ministry of Social Security and Labour allocated 2 million EUR in subsidies to NGOs, which provided social services during quarantine. 520 NGOs were granted subsidies ranging from 500 to 10 000 EUR. Subsidies enabled NGOs to purchase necessary personal protection measures (masks, disinfectants, etc.), train and organize volunteers, establish remote workplaces for service provision and pay salaries and bonuses to employees, who had to work longer hours or work under dangerous circumstances, especially regarding COVID-19. In 2021, Ministry of Social Security and Labour allocated additional 3.5 million EUR in subsidies to NGOs, which provided social services during quarantine. 498 NGOs were granted subsidies in range from 500 to 20 000 EUR. The COVID-19 pandemic bolstered the coordination and collaboration between state institutions and NGOs as well as NGOs themselves. In order to ensure successful coordination, there were: organized round table discussions to identify main challenges together with NGOs, recommendations on how to organize volunteer activities during extreme situations (with best national and international practices) were issued, stressing the importance of collaboration between government and civil society organizations. Additionally, reacting to increased need for volunteers working in social care and health care systems, Ministry of Social Security and Labour allocated 600 thousand EUR in subsidies to NGOs that coordinate volunteers in these fields. More than 1000 volunteers participated in activities based on this program, which enabled NGOs to cover volunteers' expenses for training and activities. Ministry of Social Security and Labour created additional online training program for volunteers to ensure their preparedness to work with COVID-19 security requirements and to adequately recognize and respond to mental health related issues.

6. Please explain the main features of the legal framework applicable to CSOs (for example, rules on declaration/registration/dissolution, rules governing the exercise of their activities, court decisions relating to the application of this legal framework, etc.). Please add relevant references to such rules.

The new Law on Development of Non-Governmental Organisations⁴, which was adopted in December 2019 and took effect on 1 March 2020, stipulates that information on legal entities, which are NGOs, shall be collected in the Register of Legal Entities and made publicly available. The new law provides a possibility for non-profit organizations to register as NGOs at the Register of Legal Entities. The procedure is notification based and does not require authorization. It is also free of charge. New measure provide clarity to institutions and the society whether particular legal entity complies with definition of NGO stated in the Law. It is also a base for future developments regarding collecting data on NGOs, which is necessary in order to carry out informed policymaking. Such open data also improves trust in NGOs in the society as more information becomes available to the public.

⁴ Accessible through: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/6d325472a0c111ec9e62f960e3ee1cb6>

7. Do you have in place a system for reporting and monitoring threats or attacks (including physical attacks) on CSOs activists and rights defenders? If yes, how does it work?

There are no specific measures for monitoring threats or attacks on CSOs, however if any threats or attacks would be suffered, COSs can address these issues to the nearest police units and they should be investigated without any discrimination. There are no indicators that the CSOs in Lithuania would face systematic threats.

8. Do you provide for, support, or finance an alert mechanism and/or supporting services in case of physical and on-line attacks to CSOs activists and rights defenders?

See answer to the question number 7.

9. Are you part of the Open Government Partnership (OGP)? If yes, could you share the link to your latest OGP action plan?

Yes: <https://epilietis.lrv.lt/atviros-vyriausybes-partneryste>
<https://epilietis.lrv.lt/en/open-government-partnership>

10. Do you assess how CSOs are impacted by legislative proposals in the legislative preparatory work? If yes, please briefly describe the process/mechanism.

The legislative process is regulated by Legislative framework law of the Republic of Lithuania. According to it, all projects of the legal acts and its accompanying documents are made public in the Information system of the legal acts of the Chancellery of the Seimas of the Republic of Lithuania. Then, every person (and CSOs) may see these legislative initiatives and make comments. Afterwards, the legislative institution evaluates all the comments and suggestions for the project of the legal act and may take into account these comments and adjust the project accordingly.

11. Do you consider it necessary to improve the cooperation between Member States and the EU to strengthen the level of protection of CSOs and rights defenders working to protect fundamental rights? How?

The Government of the Republic of Lithuania sees a great value in close cooperation and coordination with CSOs, having this in mind, there are constant consultation with the members of CSOs on how to strengthen the existing cooperation.

C – The work of the Member States to support CSOs and rights defenders

12. Please indicate which public authorities are competent to disburse public funding and the main programmes of funding available at national and local level for CSOs working to protect and promote fundamental rights.

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- (a) How do authorities select the CSOs, and what are the main conditions they have to fulfil?
 - (b) How do authorities ensure a fair distribution of funds among CSOs?
 - (c) Is there public funding available for organisations' core costs for administrative expenditures and infrastructure?
 - (d) Is there public funding available for human rights advocacy?

Starting from 2022, Ministry of Social Security and Labour is organizing a project selection contest for CSOs for the implementation of measures promoting equal opportunities and non-discrimination. All CSOs that have a 1-year experience in carrying out activities on equal opportunities and non-discrimination can apply. Projects are evaluated and rated by independent experts. Also, for more than 5 years, Ministry of Social Security and Labour is carrying out a project selection contest for CSOs working in the field of implementation of measures promoting gender equality.

13. Do you have a system in place to get an overview or to coordinate the funding opportunities available at the different levels? By whom is it coordinated, and how does it work?

The Law on Development of Non-Governmental Organisations⁵ in this regard stipulates the following:

CHAPTER III FINANCING OF NON-GOVERNMENTAL ORGANISATIONS

Article 7. Financing of non-governmental organisations

1. Financing may be allocated to non-governmental organisations through competitive tendering from the state budget or municipal budgets of the Republic of Lithuania to achieve the following goals:

- 1) to strengthen their activities;
- 2) to implement the targeted projects in the area of their activity;
- 3) to implement the projects building capacities necessary for the provision of public services;
- 4) to implement the Law on the Development of Community-based Organisations;
- 5) to implement agreements of strategic partnership between the State and non-governmental organisations concluded in accordance with the procedure laid down by the Government.

2. Financing shall be allocated to non-governmental organisations by appropriation managers under ongoing programmes and measures. The appropriation managers implementing programmes and measures in the social field, in the field of the development of non-governmental organisations, protection of human rights or education policy may authorise the public institution European Social Fund Agency to administer those programmes and measures under which financing is provided to non-governmental organisations.

2¹. The activities of the public institution European Social Fund Agency in performing the functions referred to in paragraph 2 of this Article shall be financed from the state budget appropriations allocated to appropriation managers and/or from other funds.

3. The Government or an institution authorised by it shall lay down a procedure for financing non-governmental organisations from the state budget and administering these funds, project assessment arrangements, a procedure for transferring funds and reporting on the financing received. Appropriation managers shall, in implementing non-governmental organisations' financing programmes and measures, approve regulations of tendering procedures for financing setting out areas of financing, goals to be achieved and procedures for assessing results of the implementation of projects.

4. The procedure for financing of non-governmental organisations from a municipal budget, the procedure for administering these funds and the areas of activity of non-governmental organisations to be financed shall be established by the municipal council, having regard to state policy for the development of non-governmental organisations and taking into account the needs of the local community.

⁵ See footnote no. 4

5. Financing may be allocated to the legal persons falling within the definition of a non-governmental organisation set out in Article 2(3) of this Law.

Article 8. Financing of public benefit non-governmental organisations

When allocating the funds for funding the activities of non-governmental organisations, appropriation managers may provide for a priority to be given to non-governmental organisations of public benefit. Non-governmental organisations shall be recognised as public benefit non-governmental organisations in accordance with the procedure laid down by an institution authorised by the Government.

Article 9. Non-governmental Organisations Fund

1. The Non-governmental Organisations Fund (hereinafter: the 'Fund') shall be set up for the purpose of allocating funds to non-governmental organisations, as well as formulating and implementing state policy for the development of non-governmental organisations. The formulation and implementation of state policy for the development of non-governmental organisations may be allocated not more than 20% of the Fund's funds. The Fund's funds may be allocated, through competitive tendering:

- 1) to build the institutional capacity of non-governmental organisations;
- 2) to finance, in accordance with the procedure laid down in the regulations of the Fund, the activities of non-governmental organisations as provided for in the regulations of the Fund.

2. The Fund's resources shall be made up of appropriations allocated to the Ministry of Social Security and Labour and other lawfully obtained funds.

3. The Fund shall be administered in accordance with this Law and other legal acts establishing the principles of and procedure for using state budget funds and the regulations of the Fund approved by the Government. The Fund shall be administered by the Ministry of Social Security and Labour, and the implementation of the Fund's strategic programmes shall be managed by the public institution European Social Fund Agency. The resources of the Fund may not be used to finance public needs other than those referred to in paragraph 1 of this Article.

4. Decisions on strategic orientations of the Fund's programmes and the allocation of funds for certain activities of the Fund shall be taken by the Council of the Fund in accordance with the procedure laid down in the regulations of the Fund. The Council of the Fund shall consist of seven members: three representatives of non-governmental organisations, three representatives of state institutions and agencies, and one researcher in the area of non-governmental organisations. A person meeting the requirements of good repute set forth in the Law of the Republic of Lithuania on the Civil Service may be appointed as member of the Council of the Fund. The institutional composition of the Council of the Fund shall be approved by the Government for a term of three years on a recommendation of the Minister of Social Security and Labour. The personal composition of the Council of the Fund shall be approved by the Minister of Social Security and Labour. The procedure for setting up the Council of the Fund, requirements for the competence of the members of the Council of the Fund shall be established in the regulations of the Fund. The work of the members of the Council of the Fund who are not representatives of state institutions and agencies shall be remunerated in accordance with the procedure laid down by the Law of the Republic of Lithuania on Remuneration of Employees of State and Municipal Agencies and Members of Commissions.

Article 10. Grounds for exclusion of financing

1. Funds of the state budget and municipal budgets may not be allocated to non-governmental organisations if at least one of the following circumstances is identified:

- 1) the activities of a legal person have been suspended or restricted on statutory grounds;

- 2) the seizure and recovery of assets applied to a legal person could be directed to the funds of the state budget, municipal budgets allocated for the implementation of a project, the legal person is in liquidation or bankruptcy proceedings have been opened against the legal

person or another person and recovery could be directed to the funds of the state budget, municipal budgets allocated for the implementation of the project;

3) the legal person has submitted false data or falsified documents when applying for the allocation of funds from the state budget or municipal budgets;

4) in using funds of the state budget or municipal budgets, the legal person has failed to perform an agreement on the use of funds of the state budget or municipal budgets concluded with a state or municipal institution or has improperly performed it, where such failure constitutes a material breach of the agreement on the use of funds of the state budget or municipal budgets (as indicated in the agreement);

5) the legal person does not meet the requirements set out in the regulations of tendering procedures for project financing approved by the appropriation manager;

6) the legal person has failed to submit a set of financial statements, an activity report in accordance with the procedure laid down by legal acts and fails to publish on its website (if any) any information about ongoing or completed projects.

2. If the circumstances referred to in paragraph 1 of this Article emerge or transpire after the adoption of a decision to allocate funds of the state budget or municipal budgets to the implementation of a project, the payment of the funds of the state budget or municipal budgets shall be suspended and the funds of the state budget or municipal budgets allocated under such circumstances must, in accordance with the procedure laid down by the appropriation manager and within set time limits, be repaid respectively to the state treasury account specified in an agreement on the use of funds of the state budget or to a municipality's account specified in an agreement on the use of funds of a municipal budget. If the circumstances referred to in paragraph 1 of this Article disappear before the expiry of a time limit set for the implementation of projects, the payment of the funds of the state budget or municipal budgets shall be resumed for the implementation of the projects whose time limits have not expired.

Article 11. Publication of information on the allocation of financing to non-governmental organisations

1. Appropriation managers shall publish on their websites:

1) the areas of activities to be financed in which financing will be allocated to non-governmental organisations;

2) information on the conditions of and procedure for providing financing;

3) information on non-governmental organisations which have submitted applications for financing (the name of a non-governmental organisation, the name of a project and the amount of funds requested);

4) information on non-governmental organisations which have received financing (the name of a non-governmental organisation, the name of a project and the amount of funds allocated);

5) information on ongoing and completed projects of non-governmental organisations.

2. Non-governmental organisations shall publish on their websites information on ongoing and completed projects, indicating their sources of financing.

14. Has any process to simplify and speed up access to funding been considered/adopted/implemented?

The Government of the Republic of Lithuania is always searching for ways to enhance the effectiveness of the access to funding for CSOs.

15. Does your taxation system provide for a tax exception/relief/incentive in case of donations to CSOs?

In case of donations to CSOs, there is a possibility of corporate income tax relief. The relevant provisions of the Law on Corporate Income Tax⁶ provide the following:

Article 28. Sponsorship

1. Taxpayers who are entitled to provide charity and sponsorship under the Law of the Republic of Lithuania on Charity and Sponsorship shall be allowed to deduct from their income all of the payments made (except for cash payments which exceed the amount of 250 MLS [minimum living standard] in respect of a single recipient of sponsorship or charity during the tax period), including the assets transferred and services provided, which are intended for charity and sponsorship in accordance with the procedure laid down in the Law of the Republic of Lithuania on Charity and Sponsorship, unless this Article provides otherwise.

2. Taxpayers who are entitled to provide only sponsorship under the Law of the Republic of Lithuania on Charity and Sponsorship, shall be allowed to deduct from their income two times the payments made (except for cash payments which exceed the amount of 250 MLS in respect of a single recipient of sponsorship during the tax period), including the assets transferred and services provided, which are intended for sponsorship in accordance with the procedure laid down in the Law of the Republic of Lithuania on Charity and Sponsorship, but not in excess of 40% of the taxpayer's income, calculated by deducting non-taxable income, allowable deductions and limited allowable deductions, except for sponsorship and losses from the previous tax periods.

<...>

Article 5. Tax rates

<...>

4) a 15% tax rate (without any deductions) shall apply to the sponsorship received, which is used for purposes other than specified in the Law of the Republic of Lithuania on Charity and Sponsorship, as well as part of the sponsorship received in cash from a single provider of sponsorship during the tax period, exceeding the amount of 250 MLS.

<...>

16. What is the legal framework applicable to donations for other EU countries or third countries to CSOs?

According to Article 5 para 2 of the Law of the Republic of Lithuania on Charity and Sponsorship, sponsorship shall be recognized as such where provided by foreign states, foreign legal and natural persons, and international organizations, so there are no additional obstacles for other EU countries or third countries to provide donations for the CSOs in Lithuania.

D – The work of the Member States to empower CSOs and rights defenders

17. Is there a structured dialogue policy between CSOs and public authorities at local, regional and national level? Is there a body representing the interest of CSOs? How is it composed and which are its competences?

The Law on the Development of NGOs established the NGO council next to the Government Chancellery and dedicated its administration to the Ministry of Social Security and Labour. The Council is composed of 20 members: 10 representatives from NGOs and 10 from Ministries, Government Chancellery and President chancellery representatives. The Council is an advisory institution for planning and implementing the policy, it is also a platform where state institutions and NGOs can share their opinions on important issues. The Council invites representatives of the state institutions to introduce and discuss changes of legal acts related to

⁶ Accessible through:

<https://www.vmi.lt/evmi/documents/20142/736417/PMI%CC%A8+aktualus+anglu%CC%A8+k.+%282020-12-31%29.pdf/9736fab2-56a3-45fb-9117-21b2498d59e3?t=1609847387816>

regulation of NGOs activities. One of the most important roles of the Council is the assessment of legal acts and provision of feedback (conclusion of the Council) to the state institutions. Local NGOs councils are also formed at every municipality and aims to involve citizens to decision making process.

18. What is the process of consultation of CSOs regarding legislative proposals having an impact on civil society and civic space?

According to Legislative framework law of the Republic of Lithuania art. 7 consulting the society during the legislative process is mandatory. Therefore, each project of the legal act is submitted for open consultations with society. Also, the NGOs council and local NGOs councils are the tools where state institutions submit the projects of the legal acts for the consultations with society.

19. Do you have an easily accessible one-stop-shop online platform in place, which regroups all consultations with CSOs and the public?

Yes, Legal acts information system: <https://e-seimas.lrs.lt/portal/documentSearch/lt>

20. Do you have any guidelines or standards on public participation?

State institutions are encouraged to introduce all initiatives to change/improve legal acts regulating NGOs activities to the NGOs Council. Also, state institutions are encouraged to organize public consultations which are a form of cooperation between society and government aiming to collect opinion and proposals of the society and interested parties in order to make decisions.

21. Are CSOs or, where relevant, NHRIs included in the committees set up to monitoring the implementation of EU funded programmes under the Common Provisions Regulation (CPR) and are they involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is their role in this context?

Representatives of NGOs are increasingly involved in the activities of the committees, working groups, etc. of the Government of the Republic of Lithuania. Several representatives of NGOs take part in the work of the Monitoring Committee of the European Union Funds' Investment Programme for 2021–2027.

