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Lithuania

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*European Commission
B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Lithuania

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Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

Lithuania regained its independence from the Soviet Union in 1990. The current Constitution¹ was approved by referendum in 1992. On 1 May 2004, Lithuania joined the European Union, requiring significant changes to be made to the legal system in little over a decade to meet EU and international standards, without broader discussion.

According to the general census² carried out in 2021, Lithuanians account for 84.6 % of the population, with the biggest minority groups being Poles (6.5 %) and Russians (5 %). The same may be applied to religion and beliefs: 74.2 % of the population consider themselves to be Roman Catholics; 13.7 % did not indicate their religion; 3.8 % are Orthodox; and 2.3 % belong to other religious communities. Hence, Lithuania could be considered a rather homogenous country. That is supported by the results of the 2023 Eurobarometer survey on discrimination: 27 % of Lithuanian residents think that discrimination on the basis of ethnic origin is widespread in the country (the EU average is 60 %), and just 14 % think that religious discrimination is widespread (the average in the EU is 42 %).³ However, the same Eurobarometer survey shows that Lithuanian residents think that discrimination is most widespread on the basis of being Roma (52 %), sexual orientation (53 %), being perceived as too old or too young (53 %), disability (42 %) and being transgender (46 %).

Prejudice against gay people is deeply rooted in society. The issue of sexual orientation is addressed by the Law on Equal Treatment⁴ (LET), which is designed to transpose EU anti-discrimination legislation. The education system is only just beginning to partly address the issue. Public discussions regarding same-sex partnerships have raised significant opposition, with some increase in hate speech.⁵ In December 2024, the Constitutional Court of the Republic of Lithuania declared that the provision of the Law on the Protection of Minors from the Detrimental Effects of Public Information, which restricts the dissemination of information about LGBTIQ+ families, is unconstitutional, and therefore void.⁶ A year before, the ECtHR ruled in favour of a violation of the ECHR. Despite this, the Seimas did not repeal the Law, so the Government appealed to the Constitutional Court.

In 2025, the Constitutional Court held that the Civil Code provision allowing the registration of partnership only between a man and a woman was unconstitutional. It concluded that the constitutional concept of family is gender-neutral, unlike the constitutional concept of marriage, and that excluding same-sex couples from the possibility of registering a partnership violates the constitutional principles of equality, human dignity and the protection of private and family life.⁷

¹ Constitution of the Republic of Lithuania (*Lietuvos Respublikos Konstitucija*), 1992, No. 33-1014, available in English at: <https://www.lrs.lt/home/Konstitucija/Konstitution.htm>.

² 'Key results of the 2021 Population and Housing Census', Official Statistics Portal website, 21 December 2021, available in English at: <https://osp.stat.gov.lt/en/informaciniai-pranesimai?eventId=288049>.

³ European Commission, Special Eurobarometer 493, 'Discrimination in the European Union', May 2019, <https://europa.eu/eurobarometer/surveys/detail/2251>.

⁴ Law on Equal Treatment (*Lietuvos Respublikos Lygių galimybių įstatymas*), 2003, No. 114-5115, entry into force 1 January 2005, <https://www.e-tar.lt/portal/lt/legalAct/TAR.0CC6CB2A9E42/asr>.

⁵ In 2021, the Lithuanian Family Movement was established with the aim of opposing the rights of LGBTIQ+ persons, ratification of the Istanbul Convention, etc. The Big Family Defence March was also held as a rally against 'genderist propaganda'.

⁶ Ruling of the Constitutional Court of the Republic of Lithuania, No. KT101-N15/2024 On the Compliance of Article 4(2)(16) of the Law on the Protection of Minors from the Detrimental Effects of Public Information with the Constitution of the Republic of Lithuania, 18 December 2024, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3089/content>.

⁷ Ruling of the Constitutional Court of the Republic of Lithuania No. KT21-N5/2025, <https://lrkt.lt/en/about-the-court/news/1342/the-legal-regulation-related-to-the-institution-of-partnership-is-in-conflict-with-the-constitution:756>.

A small population of Roma (around 2 251) live in Lithuania, the majority being Lithuanian citizens. Despite the fact that the situation of Roma households has slightly improved during the past years (data from 2015 and 2020), an absolute majority of Lithuanian Roma (96 %) still live below the risk-of-poverty threshold, and 61 % live in households that experience severe material deprivation.⁸

2. Main legislation

The principle of equality of persons is outlined in the Constitution. Although age, disability and sexual orientation are not explicitly mentioned in the Constitution's equality clause, such grounds are protected under Article 29 of the Constitution, as the number of grounds listed is non-exclusive, according to the Constitutional Court of the Republic of Lithuania.⁹

The Republic of Lithuania has signed, or signed and ratified, a number of international human rights treaties.¹⁰ According to the Constitution, international agreements that have been ratified by Parliament form a constituent part of the legal system. Protocol No. 12 to the ECHR has not been ratified. The Law on International Agreements¹¹ asserts that, if an international agreement that has been ratified by the Republic of Lithuania and entered into force establishes norms other than those established by the laws of the Republic of Lithuania, the provisions of the international agreement shall apply.

National anti-discrimination law consists of two major pieces of legislation: the Law on Equal Opportunities for Women and Men,¹² adopted in 1998, which prohibits discrimination on the ground of sex¹³ and established the Equal Opportunities Ombudsperson, and the Law on Equal Treatment, adopted in 2003, which was designed to ensure the implementation of the EU anti-discrimination directives in national legislation and added age, sexual orientation, disability, race, ethnicity, religion and beliefs to the list of non-discrimination grounds, provided additional concepts and further expanded the competence of the Ombudsperson.

In 2022, important amendments to the Law on Equal Treatment were adopted, extending the competences of the Equal Opportunities Ombudsperson and strengthening protection against discrimination, including through:

- Prohibition of harassment in the field of goods and services (until 2022, protection was limited to employment and education);
- Protection against victimisation in education (Article 6(4)) and in the provision of goods and services (Article 8(3));

⁸ Kontvainė, V. and VŠĮ Diversity Development Group (2020), *Romų tautybės asmenų padėtis 2020 m.* (The situation of people of Roma ethnicity in 2020), a sociological study, [https://tmde.lrv.lt/uploads/tmde/documents/files/Rom%C5%B3%20pad%C4%97tis%202020_TYRIMO%20ATASKAITA_galutin%C4%97%20\(002\).pdf](https://tmde.lrv.lt/uploads/tmde/documents/files/Rom%C5%B3%20pad%C4%97tis%202020_TYRIMO%20ATASKAITA_galutin%C4%97%20(002).pdf).

⁹ Conclusion of the Constitutional Court of the Republic of Lithuania, No. 22/94, 1995 (*Dėl Europos žmogaus teisių ir pagrindinių laisvių apsaugos konvencijos 4, 5, 9, 14 straipsnių ir jos Ketvirtąjo protokolo 2 straipsnio atitikimo Lietuvos Respublikos Konstitucijai*), available in English at: <http://www.lrkt.lt/en/court-acts/search/170/ta990/content>. Conclusion of the Constitutional Court of the Republic of Lithuania elaborating on the grounds of sexual orientation and gender identity, 11 January 2019, No. KT3-N1/2019, available in English at: <http://lrkt.lt/en/court-acts/search/170/ta1915/content>.

¹⁰ For more details, see Annex 1.

¹¹ Law on International Agreements (*Tarptautinių sutarčių įstatymas*), 1999, No. 60-1948, <https://www.e-tar.lt/portal/lt/legalAct/TAR.5BCEC9B41811/asr>.

¹² Law on Equal Opportunities for Women and Men (*Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas*), 1998, No. 112-3100, <https://www.e-tar.lt/portal/lt/legalAct/TAR.746227138BCB/asr>.

¹³ 'Sex' and 'gender' can both be translated as *lytis* in Lithuanian. Therefore, in all legal acts, the term *lytis* might be used to refer to both sex and gender. In the official English translation of the Law on Equal Opportunities for Women and Men, the term 'sex' is used, whereas in the translation of the Law on Equal Treatment, 'gender' is used, in line with the translation of the Constitution. So far, this has not had any consequences for the application of the laws.

- The extension of reasonable accommodation for persons with disabilities to working conditions, not just premises;
- The introduction of a new ground of discrimination - family status,¹⁴ which falls under social status;
- The introduction of positive action in relation to social advantages¹⁵ for persons on grounds of age, disability and social status.

The Labour Code¹⁶ that entered into force on 1 July 2017 included most of the provisions on employment that were previously outlined in the Law on Equal Treatment. However, the code also introduced an obligation on public and private entities that employ more than 50 employees to adopt measures aimed at promoting and executing equality policies in the workplace, and it set out a broader list of non-discrimination grounds.

A new version of the Law on Equal Treatment was introduced in the Parliament in 2019, but, as of early 2026, deliberations on the bill have not yet been completed.¹⁷

3. Main principles and definitions

Currently, the Law on Equal Treatment repeats the wording of the directives in most instances, without going into the details of particular provisions, hence most concepts still require judicial interpretation. Both natural and legal persons are protected from discrimination. Besides the prohibition of direct and indirect discrimination, discrimination by association, harassment, instructions to discriminate and victimisation are also considered illegal. Since 2022, harassment has been prohibited in access to or the provision of goods and services.

An amendment¹⁸ to the Law on Equal Treatment passed in 2022 obliges employers to take reasonable measures to enable persons with disabilities to access employment, work, careers or training. This obligation extends beyond the provision of accessible work premises. Failure to provide suitable working conditions are considered discrimination, unless the accommodation measures would impose a disproportionate burden on the employer. In 2025, an amendment to the Law on Equal Opportunities was adopted, extending the obligation to ensure reasonable accommodation for persons with disabilities to other public and private institutions.¹⁹

Furthermore, the provision on genuine and determining occupational requirements in the Law on Equal Treatment is found in a list of exceptions to direct discrimination. The national provisions simply repeat the wording of the directive and do not elaborate on it. A case considering the exception was heard by the Supreme Administrative Court in

¹⁴ More practice on same-sex families is needed. The Constitutional Court has already clarified that the Constitution protects against discrimination not only families that are formed on the basis of marriage and are gender-neutral. However, the Law on Equal Opportunities does not define family status. Although the Equal Opportunities Ombudsperson has called on same-sex families to report possible discrimination, there have been no related decisions so far.

¹⁵ For example, it is possible to apply certain discounts or additional measures based on a person's low income. These benefits have to be justified by a legitimate aim pursued by appropriate and necessary means.

¹⁶ Labour Code (*Darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Darbo Kodeksas*), 2016, No. XII-2603, entry into force 1 July 2017, latest amendments 20 December 2018, <https://www.e-tar.lt/portal/lt/legalAct/f6d686707e7011e6b969d7ae07280e89/asr>.

¹⁷ There were some doubts and objections regarding the narrowing of exceptions for religious communities, as well as regarding the application of the law in the field of family and private life, etc.

¹⁸ Law amending Articles 2 and 7 and the Annex to the Law on Equal Treatment of the Republic of Lithuania No. IX-1826 (*Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 2, 7 straipsnių ir priedo pakeitimo įstatymas*), 28 June 2022, <https://www.e-tar.lt/portal/lt/legalAct/24f6571000e811ed8fa7d02a65c371ad>.

¹⁹ Law amending Articles 2, 5, 6, 7, 8, 9 and 15-1 of the Law on Equal Treatment of the Republic of Lithuania No. IX-1826 (*Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 2, 5, 6, 7, 8, 9 ir 15-1 straipsnių pakeitimo įstatymas*), 26 June 2025, No. XV-355, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a6fc6d0532011f0a19dcea0bcc863ad?jfwid=-3m978ch4k>.

2019, as discussed in previous versions of this report.²⁰

The concept of multiple discrimination has not been addressed by the legislation and has been addressed only by the Equal Opportunities Ombudsperson, not by the courts. Assumed or associated discrimination is not explicitly prohibited by law; nevertheless, in 2023, the courts found discrimination by association and awarded non-pecuniary damages in two cases, details of which are available to the public.²¹

The concept of intersectional discrimination has not been addressed by the legislation and has been addressed only by the Equal Opportunities Ombudsperson. In the Ombudsperson's *Annual report for 2024*, it was noted that older people often experience a range of disabilities and difficulties as a result of declining health, and often face intersectional discrimination on the basis of both their age and disability.²² In the Ombudsperson's *Annual report for 2025*, it is noted that people searching for rental housing also experience intersectional and multiple discrimination, where other factors also play an important role, such as family status, skin colour, gender, religion or pregnancy.²³

4. Material scope

National anti-discrimination law applies to both the public and private sectors. It should be applied in employment, education and access to goods and services on all grounds covered by the directives. In addition, national anti-discrimination law provides protection against discrimination on the grounds of social status (including family status), language, convictions and citizenship.²⁴

Part of the material scope of the directives still lacks protection by national law. The existing Law on Equal Treatment does not explicitly state that social protection and social security fall under its scope. The generally defined duty of state and municipal institutions and agencies to implement equal opportunities could theoretically be interpreted to apply to social security, and the prohibition of discrimination in access to and the provision of goods and services should apply to healthcare, since those fields are not mentioned among those in which, according to the law, the principle of non-discrimination does not apply.

When it comes to social advantages and benefits, the practice of the Ombudsperson is inconsistent. In the past, it considered that social advantages did not fall under its scope. However, since 2014, it has accepted complaints and conducted investigations in the area of social benefits. In 2022, an amendment²⁵ to the Law on Equal Treatment was adopted which introduced the possibility of granting social benefits to people on the basis of their age, disability and social status.

²⁰ Decision of the Supreme Administrative Court of Lithuania, case No. eA-949-415/2019, 5 November 2019, <http://liteko.teismai.lt/viesasprendimupaiska/tekstas.aspx?id=796b8e5b-3ca2-4452-9a86-901fdcd804b2>.

²¹ Supreme Court of Lithuania, case No. e3k-3-246-421/2023, 11 October 2023; Vilnius Regional Court, case No. 2A-1927-803/2023, 24 October 2023.

²² Equal Opportunities Ombudsperson (2025), 2024 Annual Report of the Equal Opportunities Ombudsperson of the Republic of Lithuania, <https://lygybe.lt/wp-content/uploads/2025/05/annual-report-2024.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2025), Annual report for 2024.

²³ Equal Opportunities Ombudsperson (2026), 2025 Annual Report of the Equal Opportunities Ombudsperson of the Republic of Lithuania, <https://lygybe.lt/wp-content/uploads/2026/05/2025-annual-report-of-the-equal-opportunities-ombudsperson-of-the-republic-of-lithuania.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2026), Annual report for 2025.

²⁴ However, this applies only to EU and EEA citizens and their family members; the law does not explicitly mention partnerships (as opposed to marriage), and judicial interpretation is required regarding same-sex families. Same-sex partnerships remain unregulated by national law.

²⁵ Law amending Articles 2 and 7 and the Annex to the Law on Equal Treatment of the Republic of Lithuania No. IX-1826, <https://www.e-tar.lt/portal/lt/legalAct/24f6571000e811ed8fa7d02a65c371ad>.

5. Enforcing the law

A victim has several choices as to whom to address complaints of discrimination. The victim may lodge a complaint with the Office of the Equal Opportunities Ombudsperson;²⁶ with a court; or with a labour dispute commission, if the complaint concerns an employment relationship. The commission is a mandatory institution for hearing labour disputes on points of law and for the resolution of individual and collective labour disputes on such points.

However, it should be emphasised that the only way for a victim of discrimination to get compensation for the harm suffered is to pursue the case in court or before a labour dispute commission in cases of unfair dismissal. Barriers faced by litigants seeking redress are explained in more detail in Section 6.1(b).

In practice, associations initiate administrative proceedings with the Ombudsperson, although case law on the issue confirms that only persons whose rights have been directly infringed by particular decisions have the right to appeal to the Ombudsperson.²⁷ In this case, the Ombudsperson will start an investigation on its own initiative. Even though support from various associations is crucial in discrimination cases, the right of associations to engage in legal proceedings in representation of the public interest is limited in both regulation and practice.

Finally, one must take into account the fact that the national NGO scene is rather weak and fragmented, lacking financial and human resources. There are only a few NGOs that deal with human rights (and non-discrimination is only one field of their activities), in addition to organisations that deal with particular grounds of discrimination.

In Lithuania, there are two options for imposing sanctions for discriminatory behaviour: judicial proceedings in criminal, administrative or civil courts or through the Equal Opportunities Ombudsperson (who can impose sanctions but does not in any way compensate the victim). As there have been only a handful of successful discrimination cases (most of them on the ground of gender, and only a few on other grounds), it is not possible to provide a comprehensive answer about general trends. Currently, judicial compensation for victims of discrimination ranges from EUR 579 to EUR 5 000, although it can be higher in cases that ended in settlement between the two parties.

Decisions of the Equal Opportunities Ombudsperson to apply administrative sanctions are binding, so they can be challenged in court. These sanctions apply to all five grounds of discrimination. However, in the overwhelming majority of cases, the Ombudsperson chooses to issue 'opinions' to stop discriminatory actions, although these are not essentially binding. Since May 2017, a table of recommendations and the status of their implementation (a monitoring report) has been available on the website of the Ombudsperson.²⁸ However, the document reflects only a few cases from 2025.

In 2025, 22 of the Ombudsperson's decisions were challenged in the courts. In four cases, appeals were brought by legal persons who had committed violations and disagreed with the Ombudsperson's decision; five appeals were brought by applicants whose complaints were not upheld on the grounds that there had been no violation of equal opportunities. The Ombudsperson has participated in a total of 14 legal proceedings dealing with discrimination issues, and has issued conclusions or participated

²⁶ Throughout the report, the terms 'the Office' and 'the Ombudsperson' are used; they both refer to the Office of the Equal Opportunities Ombudsperson.

²⁷ Supreme Administrative Court of Lithuania, No. A662-665/2010, decision of 19 April 2010 (*Vyriausiojo administracinio teismo sprendimas byloje Nr. A662-66/2010*); Supreme Administrative Court of Lithuania, *Europos žmogaus teisių fondas v. Lygių galimybių kontrolieriaus tarnyba*, administrative case No. A492-2078/2013, decision of 7 November 2013.

²⁸ See the website of the Equal Opportunities Ombudsperson at: <https://lygybe.lt/en/>.

as a third party in six civil cases.²⁹ The data in the annual report are not disaggregated by grounds of discrimination.

According to the institution's annual reports, the Ombudsperson issued a fine only a few times during its past 20 years of operation (four times in 2005, and twice in 2006, 2008 and 2012). However, such administrative sanctions cannot be considered effective, proportionate and dissuasive. Fines are provided for in the Administrative Violations Code and range from EUR 40 to EUR 560 (and from EUR 560 to EUR 1 200 for repeated offences).³⁰

6. Equality bodies

The Equal Opportunities Ombudsperson is the national anti-discrimination body, established to fulfil the requirements of the Racial Equality Directive. When the Law on Equal Treatment came into force in 2005, it expanded the mandate of the previous Ombudsperson for Equal Opportunities for Men and Women. A new institution – the Equal Opportunities Ombudsperson – was established in 2005, covering all grounds of discrimination in Directives 2000/43/EC and 2000/78/EC plus the ground of gender.

For the Ombudsperson, recent years have marked an important turning point in moving towards increased efficiency and strengthening the institutional structure. The institution was restructured with four internal divisions (the legal division, equal opportunities mainstreaming division, communication division and operational management division), in addition to a financial adviser and the Ombudsperson herself. Furthermore, the institution has been adopting strategic plans since 2016.

The Ombudsperson considers itself as a mixed mandate (promotional and tribunal) body, and it carries out different functions that may be attributed to a quasi-judicial body, but it also carries out education, campaigning and research activities. The Ombudsperson exercises its functions with respect to gender, race, 'nationality', citizenship, language, origin, social status (including family status since 2022), belief, convictions or views, age, sexual orientation, disability, ethnic origin and religion. Decisions of the Equal Opportunities Ombudsperson can be overruled by a court. Applying to the Equal Opportunities Ombudsperson does not prevent a complainant from lodging a claim with a court on the same matter (however, the Ombudsperson cannot deal with a complaint at the same time as it is being examined by a court). The Ombudsperson often acts as a mediator in practice as, according to the Office of the Ombudsperson, peaceful resolution of discrimination is one of its main objectives.

According to the law, the Ombudsperson is not obliged to provide independent assistance to victims of discrimination in pursuing their complaints of discrimination, as specified in Article 13 of the Racial Equality Directive, by bringing discrimination complaints or intervening in legal cases. Such activities are not exercised in practice either. However, the Ombudsperson does offer people direct consultations by e-mail, phone or Facebook. The Ombudsperson has a right to conduct independent research relating to complaints of discrimination and to draft independent reports and overviews of the situation as regards discrimination, and it has a right to offer recommendations.

Since 2019, the Ombudsperson has been monitoring compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD). Moreover, the Ombudsperson's

²⁹ Equal Opportunities Ombudsperson (2023), Annual Report , <https://lygybe.lt/wp-content/uploads/2023/07/2022-Annual-Report-of-the-Equal-Opportunities-Ombudsperson.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2023), Annual report for 2022.

³⁰ Administrative Violations Code (*Lietuvos Respublikos Administracinių nusižengimų kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo tvarkos įstatymas. Lietuvos Respublikos administracinių nusižengimų kodeksas*), 25 June 2015, No. XII-1869, <https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b/asr>.

competences were extended in 2022 due to the addition of areas and grounds for discrimination in the law. The amendment to the law creates a legal basis for the Ombudsperson to investigate cases of harassment and sexual harassment in access to and the supply of goods and services.

The Office of the Equal Opportunities Ombudsperson is an independent institution financed from the fiscal budget, and the Ombudsperson is appointed by Parliament for a five-year term (for no more than two consecutive terms). However, since there is no board or other body, civil society is neither consulted nor involved in the appointment. Hence, the work of the institution and its political independence completely depend on the position of the head of the institution – the Ombudsperson themselves.

The pending Draft Law on Equal Treatment, which was introduced in the Parliament in 2019, would allow the Ombudsperson to submit complaints to the courts in representing a public interest. In addition, the new law would provide for two additional types of decision to be taken by the Ombudsperson: (1) a recommendation to adopt an internal document in the organisation to ensure equal opportunities for employees; and (2) a proposal to organise internal training on non-discrimination. However, deliberations on the draft law had still not been completed by the end of 2025.

7. Key issues

Most of the national anti-discrimination legislation repeats the wording of the directives, without going into details of particular provisions. In the opinion of the author, transposition into national law is still insufficient concerning the following aspects:

- The Equal Opportunities Ombudsperson, when applying administrative sanctions, issues them to the executive body of a legal person (director, etc.) but not to its employees. According to the Ombudsperson, the current wording of the Law on Equal Treatment does not suggest that it could be enforced against a broad spectrum of parties.³¹
- As to the laws on self-employment, it is not precisely clear from the Law on Equal Treatment whether the directives have been adequately transposed. Self-employment is not explicitly mentioned in the Law on Equal Treatment but, on the other hand, the Labour Code is *lex generalis* in the occupational sphere, and therefore its principles would apply in the absence of specific rules.
- The existing Law on Equal Treatment does not explicitly state that social protection, social security and healthcare fall under its scope.
- The Law on Equal Treatment provides an exception concerning recruitment and employment by employers with an ethos based on religion or belief. However, it is applied not only to recruitment but to education materials and other matters. The exception in the Law is much broader than that of the directive, where a 'person's religion or belief constitutes a genuine, legitimate and justified occupational requirement'. It remains unclear which organisations can take advantage of this exception, and there is no case law or interpretation on the matter.
- The right for associations to engage in legal proceedings was included in the Law on Equal Treatment, repeating the wording of the directives. However, exercising this right is limited in practice. The Code of Civil Procedure states that only actual members of a particular organisation can be represented in court by that association. In theory, associations can act on behalf of the victim in administrative procedure only, but not in civil cases.
- The system of sanctions must be significantly strengthened to make them effective, proportionate and dissuasive.

³¹ For more details, please see Section 2.6.

- Providing independent assistance to victims of discrimination in pursuing their complaints of discrimination does not explicitly fall within the competence of the national equality body.

At the end of 2024, for the first time in Lithuania, a court recognised a same-sex partner as a child's parent.³² Following this decision, the mother was granted family leave and benefits.

The Civil Code provides for the institution of partnership as a form of cohabitation outside marriage. However, the operation of this legal framework has been limited in two important respects. First, the relevant provisions linked the entry into force of the rules on partnership to the adoption of additional implementing legislation. Secondly, Article 3.229 of the Civil Code defined partnership as a relationship between a man and a woman, thereby excluding same-sex couples from its scope.

In 2025, the Constitutional Court ruled that the Civil Code provision allowing the registration of partnership only between a man and a woman was unconstitutional.³³ Acting within its constitutional powers, the Government asked the Constitutional Court to review provisions adopted by the Seimas in the Civil Code and in the law on its approval, entry into force and implementation. The request concerned two issues: first, whether the legislature could make the entry into force of the Civil Code provisions on partnership dependent on the adoption of a separate law regulating the registration procedure; and second, whether registered partnership could be limited to different-sex couples. It concluded that the constitutional concept of family is gender-neutral and that excluding same-sex couples from the possibility of registering a partnership violates the constitutional principles of equality, human dignity and the protection of private and family life. The Court also held that the legal regulation making the entry into force of the Civil Code provisions on partnership conditional on the adoption of additional legislation was incompatible with the Constitution. The Court found that the legislature's prolonged failure to adopt the necessary implementing law effectively prevented individuals from exercising their constitutional right to have their family relationships legally recognised and protected.

In reaching this conclusion, the Court also referred to the relevant case law of the European Court of Human Rights, including *Schalk and Kopf v. Austria*, *Hämäläinen v. Finland* and *Orlandi and Others v. Italy*, and of the Court of Justice of the European Union, including *Römer*, *Parris*, *Maruko* and *García Avello*.

The necessary legislation regulating partnership has not yet been adopted. Nevertheless, courts have begun registering partnerships upon application by couples, thereby providing judicial protection in individual cases. However, comprehensive legislation remains necessary to establish a clear and accessible registration procedure, define the legal consequences of partnership, ensure legal certainty and guarantee equal and consistent access to partnership rights without requiring judicial proceedings.

On 1 September 2024, amendments to the Law on Education entered into force, under which schools are obliged to admit all children regardless of their disabilities, rather than segregating them into separate classes or schools. According to the Ministry of Education, Science and Sport, since the inclusive education reform came into force, more than 2 000 children with special educational needs have been enrolled in mainstream

³² The judgment is not publicly available and the case number, court and party details have not been disclosed due to the private nature of the proceedings. The information is based on: Juškaitė, J., 'Aš esu mama' ('I am a mother'), *Manoteises.lt*, 6 December 2024, <https://manoteises.lt/straipsnis/jurate-juskaite-as-esu-mama/>.

³³ Ruling of the Constitutional Court of the Republic of Lithuania No. KT21-N5/2025, <https://lrkt.lt/en/about-the-court/news/1342/the-legal-regulation-related-to-the-institution-of-partnership-is-in-conflict-with-the-constitution:756>.

classes in general education schools than in the previous school year. However, it remains possible to refuse admission if there is a disproportionate burden on the institution to adapt the educational needs and conditions. There are currently around 50 000 school-age children with special educational needs in Lithuania. Around 90 % of these children study with their peers in mainstream classes, 3 % in special classes in general education schools and 7 % in special schools.³⁴

On 1 November 2024, amendments to the Law on Safety and Health at Work came into force, removing the obligation for persons with disabilities to provide employers with information about their disability. Previously, persons with disabilities had to undergo compulsory health checks at the time of employment and when working conditions changed. From now on, this will depend on occupational risk factors and not on the fact of disability.³⁵

On 7 November 2024, the Law on National Minorities was adopted, almost 15 years after the previous law regulating national minorities had ceased to be in force. The Law defines what a national minority is, and sets out the legal framework, conditions and procedures for their education, culture and information dissemination. According to Ewelina Dobrowolska, the then Minister of Justice, the Law enables a clear distinction between migration policy and the rights of Lithuanian citizens who belong to national minorities, allowing different legal frameworks to be applied to national minorities and migrants.³⁶

³⁴ Data from the Ministry of Education, Science and Sport, October 2024, available in Lithuanian: <https://smsm.lrv.lt/lt/naujienos-1/pranesimai-ziniasklaidai-1/pirmieji-visuotines-itraukties-menesiai-procesas-vyksta-numatytu-ritmu-sudetingi-atvejai-sprendziami/>.

³⁵ Draft Law on Safety and Health at Work, Articles 1, 2, 4, 10, 13, 15, 18, 21, 23, 28, 33, 44, 46, amendment of the title of Chapter V and repeal of Article 38 No. XIVP-3640(2) (*Darbuotojų saugos ir sveikatos įstatymo Nr. IX-1672 1, 2, 4, 10, 13, 15, 18, 21, 23, 28, 33, 44, 46 straipsnių, V skyriaus pavadinimo pakeitimo ir 38 straipsnio pripažinimo netekusiu galios įstatymo projektas*), 22 May 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/45b79de0182611ef8e4be9fad87afa59?jfwid=-1bcnp0yh9h>.

³⁶ See: <https://www.lrt.lt/naujienos/lietuvoje/2/2407720/po-15-metu-pertraukos-lietuva-vel-tures-tautiniu-mazumu-istatyma>.

INTRODUCTION

The national legal system

The Republic of Lithuania is a unitary state. The Constitution of the Republic of Lithuania³⁷ was adopted by referendum on 25 October 1992 and entered into force on 2 November 1992. Lithuania is party to a number of international agreements that guarantee protection against discrimination on various grounds. Article 138(3) of the Constitution states that international agreements that have been ratified by the Parliament form a constituent part of the legal system. According to the Law on International Agreements, if an international agreement that has been ratified and enforced by the Republic of Lithuania establishes norms other than those established by the laws of the Republic of Lithuania or by other legal acts existing or coming into force after the date of the entry into force of the international agreement, the provisions of the international agreement shall apply.

The Constitution stipulates that constitutional review in Lithuania is exercised by the Constitutional Court of the Republic of Lithuania. It ensures the supremacy of the Constitution within the legal system, as well as constitutional justice by deciding whether laws and other legal acts adopted by Parliament are in conformity with the Constitution and whether the acts adopted by the President, or the Government are in compliance with the Constitution and the law.

The right to file a petition with the Constitutional Court concerning the constitutionality of a legal act is vested in the Government, groups consisting of at least one fifth of all members of the Seimas (Parliament), the courts and the President of Lithuania. The right for individuals to lodge petitions with the Constitutional Court was granted in 2019.³⁸

List of main legislation transposing and implementing the directives

The main laws designed to implement the anti-discrimination directives are:

Official title of the law: The Law on Equal Treatment of the Republic of Lithuania³⁹
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Name used in this report: Law on Equal Treatment
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Abbreviation: LET

Date of adoption: 18 November 2003

Entry into force: 1 January 2005

Latest amendment: 25 December 2025

Web link: https://www.e-tar.lt/portal/lt/legalAct/TAR.0CC6CB2A9E42/asr

Grounds covered: gender, race, 'nationality', citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin and religion.
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Civil/administrative law

Material scope: public and private employment, access to goods or services (including housing) and education
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Principal content: The main national law, implementing directives, covering prohibition of direct and indirect discrimination, harassment, victimisation, instruction to discriminate and regulation of the competences of a specialised body.
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³⁷ Constitution of the Republic of Lithuania, <https://www.lrs.lt/home/Konstitucija/Constitution.htm>.

³⁸ Law amending Articles 106 and 107 of the Constitution of the Republic of Lithuania, 21 March 2019, No. XIII-2004; entry into force: 1 September 2019; available in English at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/786eb162508a11e98bc2ba0c0453c004?ifwid=pffih3y6p>.

³⁹ Law on Equal Treatment of the Republic of Lithuania (*Lietuvos Respublikos Lygių galimybių įstatymas*), 2003, No. 114-5115.

Official title of the law: Law on the Fundamentals of Protection of the Rights of Persons with Disabilities⁴⁰

Abbreviation: LFPRPD

Date of adoption: 28 November 1991

Entry into force: 15 December 1991

Latest amendment: 18 December 2025

Web link: <https://www.e-tar.lt/portal/lt/legalAct/TAR.199156E4E004/asr>

Ground covered: Disability

Civil/administrative law

Material scope: private and public employment, access to goods or services (including housing), education, social protection

Principal content: Prohibition of discrimination on the ground of disability, various measures on social inclusion, provision of services etc.

Official title of the law: Labour Code of the Republic of Lithuania⁴¹

Name used in this report: Labour Code

Abbreviation: LC

Date of adoption: 14 September 2016

Entry into force: 1 July 2017

Latest amendment: 17 October 2024

Web link: <https://www.e-tar.lt/portal/lt/legalAct/f6d686707e7011e6b969d7ae07280e89/asr>

Grounds covered: gender, race, 'nationality', citizenship, language, origin, social status, age, sexual orientation, disability, health status, ethnic origin, membership of political parties or other organisations, religion, belief, convictions or views, intention to have a child, family and marital status, conditions not related to characteristics of employees, or other grounds set out in the law.

Civil law

Material scope: Employment

Principal content: General prohibition of discrimination in employment, duties for employers

⁴⁰ Law on the Fundamentals of Protection of the Rights of Persons with Disabilities of the Republic of Lithuania (*Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymas*), 1991, I-2044.

⁴¹ Labour Code of the Republic of Lithuania (*Lietuvos Respublikos darbo kodeksas*), 2016, XII-2603.

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Constitution of the Republic of Lithuania includes the following Articles dealing with non-discrimination.

Article 29 of the Constitution declares that: 'All persons shall be equal before the law, the courts, and other State institutions and officials. A person's rights may not be restricted, nor may he be granted any privileges, on the ground of gender, race, 'nationality',⁴² language, origin, social status, belief, convictions, or views.'

This general equality clause is embodied in Chapter 2 under the heading 'The Individual and the State'. The wording of the Article thus covers religion (beliefs) as well as political views. According to the Constitutional Court, convictions are a broad and diverse constitutional notion, including political and economic convictions, religious feelings, cultural disposition, ethical and aesthetic views, etc.⁴³

Although disability, age and sexual orientation are not explicitly mentioned in the text of the Constitution, the Constitutional Court stated, in a landmark decision, that the list of discriminatory grounds in Article 29 is not exhaustive, and therefore covers discrimination on the grounds of disability, age, sexual orientation and gender identity. According to the Constitutional Court, the Constitution is an integral enactment and cannot be interpreted literally.⁴⁴

Constitutional provisions regarding the principle of non-discrimination were commented upon in a ruling by the Constitutional Court on 11 November 1998. It stated that:

'the principle of equality of persons is defined as non-discrimination. ... Discrimination is, as a rule, understood to mean changing the situation of a person or a group of persons relative to other persons without any valid reason. ... The principle of equality of persons, which is established by Article 29 of the Constitution means, in essence, a prohibition of discrimination. Discrimination is most often understood as a restriction of the rights of an individual or a granting of certain privileges according to his or her sex, race, *nationality*, language, origin, social status, religion, convictions or views.'⁴⁵

⁴² The term used in the LET is *tautybė*, which refers to belonging to a national minority and is not used in the meaning of 'citizenship'.

⁴³ Ruling of the Constitutional Court of the Republic of Lithuania of 13 June 2000, available in English at: <http://www.lrkt.lt/en/court-acts/search/170/ta1161/content>.

⁴⁴ Conclusion of the Constitutional Court of the Republic of Lithuania elaborating on the grounds of sexual orientation and gender identity, 11 January 2019, No. KT3-N1/2019. 'Therefore, Paragraph 2 of Article 29 of the Constitution may not be understood as consolidating an exhaustive list of the grounds of non-discrimination; otherwise, the preconditions would be created for denying the equality of all persons before the law, courts, and other state institutions, i.e., the very essence of the constitutional principle of the equality of the rights of persons, as guaranteed under Paragraph 1 of Article 29 of the Constitution. ... In the context of the constitutional justice case at issue, it should be noted that one of the forms of discrimination prohibited under Article 29 of the Constitution is the restriction of the rights of a person on the grounds of his/her gender identity and/or sexual orientation; such a restriction should also be regarded as degrading human dignity.' The Constitutional Court elaborated on the provisions of the Constitution, taking into account the constitutional provisions on equality and referring also to international agreements and CJEU and ECtHR case law. Conclusion available in English at: <http://lrkt.lt/en/court-acts/search/170/ta1915/content>.

⁴⁵ Ruling of the Constitutional Court of the Republic of Lithuania No. 100-2791, 1998 (*Dėl Lietuvos Respublikos Seimo rinkimų įstatymo 38 straipsnio 4 dalies ir Lietuvos Respublikos savivaldybių tarybų rinkimų įstatymo 36 straipsnio 4 dalies atitikimo Lietuvos Respublikos Konstitucijai*), <http://www.lrkt.lt/en/court-acts/search/170/ta1134/content>.

Besides the ruling mentioned, the Constitutional Court elaborated on the non-discrimination principle in its conclusion of 24 January 1995, in particular on the meaning of the non-discrimination clause and the grounds of discrimination using a 'non-formalistic' approach.⁴⁶

Other constitutional clauses relating to equality and non-discrimination are as follows:

- 1) Article 25 deals with freedom of expression and prohibits the instigation of national, racial, religious, or social hatred, violence or discrimination or the dissemination of slander or misinformation. Article 26 proclaims freedom of thought, conscience, and religion.
- 2) Article 48 states that:

'Each human being may freely choose a job or business, and shall have the right to have proper, safe and healthy conditions at work, to receive fair pay for work and social security in the event of unemployment.'

However, some clauses outline rights that are enjoyed solely by citizens of the country.

- 3) Article 33 states that:

'Citizens shall have the right to participate in the governance of their State both directly and through their democratically elected representatives as well as the right to enter on equal terms the State service of the Republic of Lithuania.'
- 4) According to Article 37:

'Citizens belonging to ethnic communities shall have the right to foster their language, culture, and customs.'

These provisions do not apply to all areas covered by the directives. Their material scope is not broader than that of the directives.

The Constitution is directly applicable. According to Article 6 of the Constitution, 'The Constitution shall be an integral and directly applicable act. Anyone may defend his rights by invoking the Constitution.' The Constitutional Court has stated on many occasions that constitutional provisions and the Constitution itself are directly applicable and that each individual may defend their rights on the basis of the Constitution. Nevertheless, cases where claimants base their demands directly and solely on the relevant provisions of the Constitution are rare in practice.

Regarding the enforcement of provisions of the Constitution against private individuals, the constitutional equality clause is embodied in the chapter headed 'The Individual and the State', and the jurisprudence of the Constitutional Court on Article 29 of the Constitution is rather limited. It has always been interpreted as applying to the relationship between the individual and the state and never as governing the relationship between individuals. It is therefore doubtful whether it could be enforced against private individuals.

⁴⁶ Conclusion of the Constitutional Court of the Republic of Lithuania, No. 22/94, 1995 (*Dėl Europos žmogaus teisių ir pagrindinių laisvių apsaugos konvencijos 4, 5, 9, 14 straipsnių ir jos Ketvirtąjo protokolo 2 straipsnio atitikimo Lietuvos Respublikos Konstitucijai*), available in English at: <http://www.lrkt.lt/en/court-acts/search/170/ta990/content>.

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

The general rule is that national legislation does not provide definitions of equality grounds, with the exception of 'social status', 'disability' and 'citizenship', which are defined in different laws.

According to Article 2(8) of the Law on Equal Treatment, 'social status' is defined as family status, the level of education attained by a natural person, their qualifications and characteristics related to that person's financial or economic situation (such as income or property ownership).

Citizenship was added to the list of protected grounds in the Law on Equal Treatment in 2017 as a result of the transposition of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. In the context of the Law on Equal Treatment, it is explicitly defined that the ground of citizenship only applies to citizens of EU and EEA countries and their family members.⁴⁷ However, the wording does not mention unmarried partners (neither opposite-sex nor same-sex partners).

a) Racial or ethnic origin

Neither the Law on Equal Treatment nor any other law provides separate definitions of race or ethnic origin. Both grounds are expressly listed in the Law on Equal Treatment, but their interpretation in national practice remains limited. In the reports of the Equal Opportunities Ombudsperson, race, 'nationality', citizenship, language, origin and ethnic origin are always reported under the same headline and are dealt with as interrelated concepts.

As regards race, national law does not define the concept. In practice, complaints based on race are rare and are usually linked to other grounds, such as skin colour, nationality, origin or ethnic origin. The Ombudsperson refers to the definition of racial discrimination provided in the UN Convention on the Elimination of All Forms of Racial Discrimination:

'As defined by the Convention, "racial discrimination" means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Therefore, such definition implies a possibility to claim that the characteristics of race, *nationality*, origin, ethnic origin and language are highly related.'⁴⁸

This suggests that race is understood broadly in the Ombudsperson's practice and may include visible or perceived racial characteristics, in particular skin colour. However, there is no relevant court case law clarifying the interpretation of race as a separate ground of discrimination.

As the 2020 *Annual report* of the Equal Opportunities Ombudsperson states:

'Legal acts of the Republic of Lithuania do not provide any definition of race,

⁴⁷ For more detail, see Section 4.4.

⁴⁸ Equal Opportunities Ombudsperson (2019), *Lietuvos Respublikos lygių galimybių kontrolieriaus 2018 metų veiklos ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2018), <https://lygybe.lt/wp-content/uploads/2023/05/lqk-2018-m.-veiklos-ataskaita-1-1.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

nationality, ethnic origin or origin, nevertheless, persons approaching the Office based on alleged discrimination on the ground of language very often indicate the grounds of *nationality* together. Identification of the grounds is made with the help of indicated factual circumstances within the complaint. When applicants file complaints regarding discrimination based on the ground of race or ethnic origin, they also refer to themselves as belonging to a specific ethnic, *national* or territorial group based on their origin and describe themselves based on skin colour. Sometimes origin is defined by cultural characteristics, such as language, or a common attitude towards ethnic majority or minority. When applicants imply the grounds of *nationality* and citizenship, they usually emphasise the connection with a specific country or belonging to an ethnic majority or minority.⁴⁹

Ethnic origin is also not defined in the Law on Equal Treatment. In the Ombudsperson's practice, ethnic origin is usually assessed together with 'nationality', origin, language and, in some cases, citizenship. The Ombudsperson has noted that applicants alleging discrimination on the grounds of race or ethnic origin often describe themselves as belonging to a specific ethnic, national or territorial group and may refer to skin colour, language, cultural characteristics or their relationship to an ethnic majority or minority. This indicates that ethnic origin is understood in practice as a combination of factors, including national or territorial origin, shared language, culture, traditions and belonging to an ethnic majority or minority.

Article 2(2) of the Law on National Minorities, adopted in 2024, states that national (ethnic) identity is a person's freely chosen identification with the 'nationality' of one of their parents or grandparents, based on the totality of its characteristic features – culture, language, traditions, customs – or at least one of these features.⁵⁰ The Law was passed without much objection, although it was acknowledged to be a compromise. There is no absolute consensus among lawyers and politicians on the concept of a national minority, and some support a more liberal definition that would allow for a free choice of national identity, rather than, as under the current Law, linking it to the nationality of one's parents and grandparents.⁵¹

In 2025, according to its annual report, the Ombudsperson's Office received 107 complaints⁵² and 745 enquiries⁵³ on the grounds of race, 'nationality', citizenship, language, origin and ethnic origin. Situations related to these grounds are usually discussed together, as they are highly intertwined. Complainants and applicants often point to more than one of these grounds when making their complaints. The highest number of complaints was received in the area of consumer protection (13), followed by five complaints each in the area of labour relations and education and four complaints in the area of activities of state and local authorities and bodies. Although the annual report notes an increase in complaints on the grounds of race, 'nationality', citizenship,

⁴⁹ Equal Opportunities Ombudsperson (2021), *Lietuvos Respublikos lygių galimybių kontrolieriaus 2020 metų veiklos ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2020), https://lygybe.lt/wp-content/uploads/2023/05/Lr_lygiu_galimybiu_kontrolieriaus_2020_m_veiklos_ataskaita.pdf. Subsequent mentions: Equal Opportunities Ombudsperson (2021), *Annual report for 2020*.

⁵⁰ Law on National Minorities No. XIV-3079, 7 November 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/34b38e809d4d11ef955ff95815eb5ce5>.

⁵¹ See more: <https://www.lrt.lt/naujienos/lietuvoje/2/2388109/tautiniu-mazumu-istatymas-reikalingas-bet-dar-per-daug-neaiskumu>.

⁵² The annual report notes that the number of complaints by ground does not correspond to the total number of complaints, as a person may submit a complaint alleging possible discrimination on more than one ground at the same time (for example, sex and age or sex and social status).

⁵³ The number of enquiries by ground does not correspond to the total number of enquiries, as a person may contact the Office regarding possible discrimination on more than one ground at the same time (for example, sex and age or sex and social status). Enquiries concerning the ensuring of equal opportunities across all grounds provided for in the Law on Equal Treatment have been counted under each of those grounds.

language, origin and ethnic origin, no decisions finding discrimination on these grounds were issued in 2025.

The Office has noted that, with each passing year, individuals have got better at identifying the ground on which they have been discriminated against. In 2021, it was observed that individuals very clearly distinguished and noted the precise grounds on which they felt that they had been discriminated against.

There has not been any case law regarding discrimination on the ground of race, while the majority of cases before the Equal Opportunities Ombudsperson have concerned 'nationality' (ethnicity), language or ethnic origin. Due to the lack of jurisprudence, it is not possible to identify patterns in the interpretation of the grounds of race or ethnic origin by the courts in practice.

b) Religion or belief

The Law on Equal Treatment states that belief, convictions or views and religion are among the protected grounds, but it does not provide their definitions. There is no state religion in Lithuania. Article 26(1) and (2) of the Constitution states:

'Freedom of thought, conscience, and religion shall not be restricted.
Every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching.'

The right to freely choose religion or belief is also described in the Law on Religious Communities and Associations; however, it does not provide any definitions of belief, convictions or views and religion.⁵⁴ This leaves room for interpretation, because in the Lithuanian language, these concepts are often treated as synonymous. In its *Annual report for 2021*, the Ombudsperson refers to explanations of terms in the legal literature, in which certain views and attitudes formed in the process of observation and cognition are considered beliefs.⁵⁵ Beliefs can be political, religious, economic, aesthetic, cultural and so on. They reflect the human views on the phenomena of social and state life, etc., formed in the environment of certain ideology, culture, morality, ethics and moral norms. The Constitutional Court has provided the following interpretation of convictions:

'Convictions are a broad and diverse constitutional notion, including political, economic convictions, religious feelings, cultural disposition, ethical and esthetical views etc.

The freedom to have convictions means that an individual is free to form his own convictions, to choose world-view values, he is protected from any coercion, it is not permitted to exert control over his convictions. The duty of state institutions is to ensure and protect this freedom of individuals. The content of convictions is a private matter of the individual.'⁵⁶

Therefore, it can be argued that a wide spectrum of non-religious beliefs is covered by the Law on Equal Treatment.

⁵⁴ Law on Religious Communities and Associations (*Religinių bendruomenių ir bendrijų įstatymas*), 1995, No. 89-1985, <https://www.e-tar.lt/portal/lt/legalAct/TAR.B4DBBD7C388A/asr>.

⁵⁵ Equal Opportunities Ombudsperson (2022), Equal Opportunities Ombudsperson of the Republic of Lithuania 2021 Annual Report, <https://lygybe.lt/wp-content/uploads/2023/05/annual-report-2021.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2022), *Annual report for 2021*.

⁵⁶ Ruling of the Constitutional Court of the Republic of Lithuania, No. 23/98, 13 June 2000, available in English at: <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta341/content>.

In 2025, according to its annual report, the Ombudsperson's Office received 23 complaints and 294 enquiries on the grounds of belief, religion and convictions or views.

In the previous annual reports it was also noted that the Office receives repeated complaints from persons in prison. The most frequent complaints concern the provision of conditions for persons serving sentences who profess Islam as their faith to perform religious rites and to acquire religious literature. Such complaints are forwarded to the Lithuanian Prison Service.

c) Disability

Lithuanian legislation uses and defines two different terms: 'disability' and 'person with a disability'. There is no legal definition of disability provided in the Law on Equal Treatment. The only available legal definition of disability is provided in the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities that entered into force on 1 January 2024:

"Disability' means a long-term functional impairment in a person's body (person's congenital and/or acquired conditions) which, as a result of environmental factors, prevents the person from participating fully and effectively in the life of society on an equal basis with others.'⁵⁷

The definition does not necessarily affect the decisions of the Ombudsperson or the courts, but it is relevant in relation to the application of reasonable accommodation measures and the recognition of who is eligible for state-supported measures, as well as in the context of disability discrimination, as the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities and the Law on Equal Treatment are part of the legal system and do not function separately within it. In other words, the Law on Equal Treatment does not define the concept of disability, so the definition contained in the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities is relevant in dealing with discrimination.

Such a definition established in Lithuanian law is viewed in a mixed light and does not necessarily in line with the concept of disability established by the UN CRPD and with the definition given by the Court of Justice of the European Union in its reasoning on joined cases C-335/11 and C-337/11, *Skouboe Werge and Ring*:

'A limitation which results in particular from physical, mental or psychological impairments which in interaction with various barriers may hinder the full and effective participation of the person concerned in professional life on an equal basis with other workers.'⁵⁸

Although the reform, which entered into force in 2024, seeks to move from a medical to a social model of disability, aligning legislation as closely as possible with the UNCRPD, the definition may not be fully aligned with the international law, as disability is not caused by a person's interaction with barriers, but rather by the barriers itself.

The law also uses the term 'person with a disability' which is defined as 'a person in respect of whom a level of disability or a level of participation⁵⁹ of 55 % or less has been determined in accordance with the procedure laid down in this Law'. This regulation

⁵⁷ Law on the Fundamentals of Protection of the Rights of Persons with Disabilities of the Republic of Lithuania (*Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymas*), new version No. XIV-1722, 20 December 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/asr>.

⁵⁸ Judgment of 11 April 2013, *Skouboe Werge and Ring*, joined cases C-335/11 and C-337/11, EU:C:2013:222, available at: <http://curia.europa.eu/juris/liste.jsf?num=C-335/11>.

⁵⁹ The level of disability is assessed for minors under 18 and the level of participation is assessed for adults.

prevents persons with 'milder' disabilities from receiving the help and services they need, as they are not recognised as subjects of the law.

The term 'capacity for work' (*Darbingumo lygis*) was used in the social security field before the disability reform; however, it was only partly linked to a person's ability to work. The new model of disability that was introduced on 1 January 2024 proposed to assess the individual's needs in various areas of life, so the term 'capacity to participate' (*Dalyvumo lygis*) has been used since then.

In the author's view, even after the reform, there is a threshold for the recognition of disability as regards level of participation (capacity to participate), which may cause problems in practice. Some outdated or medicalised terminology relating to disability still appears in Lithuanian legislation, particularly in health-related laws. However, terms such as 'invalidity' have largely been replaced by person-first language (e.g. 'person with a disability'), while other medical terms (e.g. relating to mental health conditions) continue to be used primarily in the context of medical regulation.

However, while recognition of a disability may lead to the allocation of particular aid and social benefits to persons with disabilities, it does not prevent the Equal Opportunities Ombudsperson or courts from using a wider interpretation of disability when enforcing the Law on Equal Treatment, because that Law does not provide an exact definition of disability. In previous practice, the Office of the Equal Opportunities Ombudsperson interpreted disability more widely and did not limit itself to the provisions of the previous versions of the law. With the new Law, the Office of the Equal Opportunities Ombudsperson can use the new concept, but this should not restrict the possibility of finding discrimination against people who are not considered to be persons with a disability under the law (i.e. who have a higher level of participation or a higher level of disability). The author has not seen any interpretations of 'disability' by the courts. In most cases, the courts have referred to provisions of the CRPD when examining claims on the ground of disability, including those regarding reasonable accommodation. The Supreme Administrative Court of Lithuania and the Supreme Court of Lithuania referred to the CRPD in cases that they examined in 2023.⁶⁰

In 2025, the Ombudsperson received 125 complaints about possible discrimination on the grounds of disability, 34 infringements were found. This is linked to the still widespread inaccessibility of buildings and urban infrastructure, gaps in the provision of digital services and a lack of social services. The most complaints received, and the most infringements found, were in access to and the supply of goods and services (66 cases). Persons with disabilities contacted the Office by phone or in writing 456 times last year and were advised on the possible restriction of rights on this basis.

d) Age

National law does not provide definitions of 'age' and, to the knowledge of the author, these concepts have not been elaborated on in the courts either. The Ombudsperson's report states that:

'Discrimination on the ground of age is often associated only with discrimination against older people. The age at which a person is considered to be of 'older age' depends on many aspects, but the set of circumstances outlined in the complaints suggests that younger and older people may suffer less favourable treatment.'⁶¹

⁶⁰ Supreme Court of Lithuania decision, case No. e3K-3-87-781/2023, 2 March 2023; Supreme Court of Lithuania decision, case No. e3K-246-421/2023. Supreme Administrative Court of Lithuania decision, case No. eA-127-821/2023, 25 January 2023.

⁶¹ Equal Opportunities Ombudsperson (2021), *Annual report for 2020*.

It should be noted that the Law on Equal Opportunities specifies quite narrowly that the only cases in which the indication of the age criterion is not considered to be direct discrimination are age restrictions provided for in the form of the Law. Even in such cases, the restrictions must be justified by a legitimate aim pursued by appropriate and necessary means. Specific entities (employers, service providers, etc.) are not free to set age-based restrictions. The Law therefore provides for a wider scope of protection than only employment.

In 2025, the Office received 55 complaints and 327 enquiries on possible age discrimination.

According to information provided by the State Labour Inspectorate, in practice discriminatory requirements may be disguised in general formulations describing the position or the desired candidate profile.⁶² For example, references to 'energy', 'youthfulness', or invitations to join a 'young team' may function as implicit barriers for older candidates.

The Lithuanian Public Employment Service has similarly indicated that age is among the most frequently mentioned grounds of discrimination reported by jobseekers.⁶³ Both older and younger candidates may be affected. Older applicants (particularly those aged 50+) are sometimes perceived by employers as less technologically skilled, slower or more likely to have health problems, while younger applicants may be rejected due to a perceived lack of experience.

e) Sexual orientation

National law does not provide definitions of 'sexual orientation' and, to the knowledge of the author, such concepts have not been elaborated upon in the courts either.

However, the Ombudsperson has stated in the past that, since the Law on Equal Opportunities does not define the concept of sexual orientation, it is interpreted according to the verbal interpretations in the public domain, dictionaries and encyclopaedias:

'Sexual orientation refers to the orientation of each individual towards sexual and other contact with people of a certain sex, and can refer to the desire, need and interest in sexual contact with people of the opposite sex (heterosexuality), with people of the same sex (gays and lesbians), with men and women (bisexual people of both sexes).'⁶⁴

In 2025, the Office of the Equal Opportunities Ombudsperson received three complaints and received seven enquiries in this field. Previous reports have noted that individuals whose rights have been violated often do not come forward to file complaints. The Ombudsperson's *Annual report for 2022* linked the low number of complaints to the fact that sexual orientation is not necessarily a visible identity characteristic. Filing a complaint would require a person to disclose their sexual orientation and not all LGBTIQ+ persons in Lithuania feel safe doing so.⁶⁵

⁶² Based on information received by the author from the State Labour Inspectorate of the Republic of Lithuania, 4 March 2026.

⁶³ Based on information received by the author from the Lithuanian Public Employment Service, 26 February 2026.

⁶⁴ Equal Opportunities Ombudsperson's Statement No. (16)SI-7)SP-26, 24 March 2016.

⁶⁵ Equal Opportunities Ombudsperson (2023), *Annual report for 2022*, https://lygybe.lt/wp-content/uploads/2023/07/Lygiu_galimybiu_kontrolieriaus_tarnybos_metine_ataskaita_2022_leidinys-2.pdf.

2.2 Multiple and intersectional discrimination

In Lithuania, multiple discrimination is not prohibited by law. Moreover, there is no case law dealing with multiple discrimination. However, the Ombudsperson mentions the examination of multiple discrimination cases in its annual reports. However, as warnings are usually given in cases of violations of the Law on Equal Opportunities, which do not entail any legal sanctions, the occurrence of multiple discrimination does not influence the final decision or the consequences for the person responsible for the discrimination.

In Lithuania, intersectional discrimination is not prohibited by law. To the author's knowledge, there is no case law dealing with intersectional discrimination, either as a separate legal concept or as a factor relevant to the finding of discrimination or the determination of sanctions. The concept of intersectional discrimination has been addressed only by the Equal Opportunities Ombudsperson in its annual reports; however, it is not taken in account when deciding on discrimination cases.

In its *Annual report for 2025*, the Ombudsperson notes that 62 complaints concerned multiple discrimination.⁶⁶

However, there are no special rules or procedures regarding the investigation of multiple and/or intersectional discrimination cases by the Ombudsperson, nor there are instructions for the application of more severe sanctions or information on more severe sanctions in cases of multiple and/or intersectional discrimination.

The issue of multiple or intersectional discrimination in Lithuania was raised in 2014⁶⁷ and 2019 by the UN Committee on the Elimination of Discrimination against Women, which stated that the committee was concerned:

'That there is no legislation specifically prohibiting intersectional forms of discrimination against women and no definition of the legal concepts of gender and sex',⁶⁸

'No legislation specifically prohibiting intersecting forms of discrimination against women and no definition of the legal concepts of gender and sex.'⁶⁹

The committee urged the Lithuanian Government to amend its anti-discrimination and equal opportunities laws to ensure that they explicitly protect women from multiple or intersecting forms of discrimination. Therefore, there are plans to prohibit multiple discrimination under the Law on Equal Treatment. The Ombudsperson suggested certain amendments to the Law on Equal Treatment in its *Annual report for 2018*.⁷⁰ The Draft Law on Equal Treatment, currently pending in the Parliament, would explicitly prohibit multiple discrimination. However, according to the pending provisions, no harsher sanctions would be established in cases of multiple discrimination.⁷¹

⁶⁶ There are no specific norms or procedures for investigating possible multiple discrimination. The Ombudsperson recognises such cases based on the number of grounds on which the person has applied. The courts have not ruled on multiple discrimination or on the concept of multiple discrimination.

⁶⁷ UN Committee on the Elimination of Discrimination against Women (2014), *Concluding observations on the fifth periodic report of Lithuania* (CEDAW/C/LTU/5), adopted by the Committee at its 58th session (30 June-18 July 2014).

⁶⁸ UN Committee on the Elimination of Discrimination against Women (2019), *Concluding observations on the sixth periodic report of Lithuania* (CEDAW/C/LTU/6), adopted by the Committee at its 1734th and 1735th meetings held on 31 October 2019.

⁶⁹ CEDAW/C/LTU/5.

⁷⁰ Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

⁷¹ Draft Law on Equal Treatment (new edition) (*Lygių galimybių įstatymo Nr. IX-1826 įstatymo projektas (nauja redakcija)*), introduced 30.05.2019, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/96f31cf082b411e98a8298567570d639?jfwid=rmpk3gwww>.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Lithuania, discrimination based on a perception or assumption of a person's characteristics is not explicitly prohibited in national law. However, Article 2(9) of the Law on Equal Treatment could be interpreted as prohibiting discrimination based on perception or assumption of what a person is.

Article 2(9) of the Law defines direct discrimination as follows:

'Direct discrimination means any situation where one person is treated less favourably than another is, has been or would be treated in a comparable situation on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the following cases'.

This definition corresponds to the wording of the directives and could be interpreted to include assumed discrimination as well. However, this issue has not yet been raised either in the courts or in the Equal Opportunities Ombudsperson's decisions, according to the current information available to the author. Therefore, it would be meaningful to include discrimination by assumption explicitly in the Law on Equal Treatment.

Although the definition contains the singular (person), the interpretation of the national wording (either by the Ombudsperson or by the courts) does not imply that groups of persons would not come under the protection of the law.

The author is not aware of any cases of discrimination by assumption that have been investigated by the Equal Opportunities Ombudsperson or by the courts in Lithuania.

b) Discrimination by association

In Lithuania, discrimination based on association with persons with particular characteristics is not explicitly prohibited in national law; therefore, judicial interpretation of Article 2(9) of the LET would be required. The current definition of direct discrimination corresponds to the wording of the directives and could be interpreted in the light of Case C-303/06, *Coleman v. Attridge Law and Steve Law*.⁷² Therefore, the wording should also be interpreted as has been established by CJEU case law, such that a person can suffer discrimination together with a certain group without belonging to it.

However, in the past, the Equal Opportunities Ombudsperson did not consider this wording to be sufficient. In 2012, it proposed adding the definition of 'discrimination by association' to the Law on Equal Treatment, stating that a person should not be discriminated against because of a certain characteristic of their parents or children, foster child or foster parent, other family members or other legal representatives.⁷³

In October 2022, the Vilnius Regional Administrative Court handed down a landmark decision recognising discrimination by association.⁷⁴

⁷² Judgment of 17 July 2008, *Coleman v. Attridge Law and Steve Law*, C-303/06, EU:C:2008:415, available at: <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-303/06>.

⁷³ Equal Opportunities Ombudsperson (2013), *Lygių galimybių kontrolieriaus tarnybos 2012 m. Ataskaita* (Annual report of the Equal Opportunities Ombudsperson for 2012), <https://lygybe.lt/wp-content/uploads/2023/05/lgkt-ataskaita-2012.pdf>.

⁷⁴ Vilnius Regional Administrative Court, case No. eI2-4079-811/2022, 24 October 2022, <https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=d5a6405f-5151-441b-9fe2-01a8ecb50377>.

Legal amendments that would explicitly enshrine discrimination by association were drawn up in 2019 and were submitted for consideration by the Parliament. They are currently still going through a parliamentary procedure covering and defining discrimination by association.⁷⁵

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Lithuania, direct discrimination is prohibited in national law. Article 2(9) of the Law on Equal Treatment defines direct discrimination as follows:

‘Direct discrimination means any situation where one person is treated less favourably than another is, has been or would be treated in a comparable situation on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the following cases.’

Although the definition mentions ‘a person’, this does not imply that it could be interpreted as excluding groups of persons from protection. The definitions in the directives concentrate on the current, past or probable future difference of treatment in a comparable situation (‘one person is treated less favourably than another is, has been or would be treated in a comparable situation’). Therefore, the definition contained in the Law on Equal Treatment is in conformity with the definition in the directives, as are the grounds that are covered: a person’s age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. It is important to note that, in interpreting the Law on Equal Treatment, disability is a symmetrical ground, which means that persons without disability could be considered as being discriminated against in cases when jobs are reserved for persons with disabilities.

Under the heading ‘Discriminatory Advertisements’, Article 11 of the Law on Equal Treatment explicitly states that announcements that advertise job vacancies or civil service or education opportunities that give preference to candidates of a particular gender, race, ‘nationality’, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion are prohibited, with the exception of those situations set out in Article 2 (a general clause on genuine occupational requirements).

The Equal Opportunities Ombudsperson has been monitoring advertisements on a regular basis since 2016. Persons mostly submit information about discriminatory job announcements to the Ombudsperson via social media. According to its *Annual report for 2021*, most of them concern discriminatory requirements on the basis of gender and/or age. Similar trends continued in 2025.

When it comes to defending rights in court, the situation is different. In 2013, the Supreme Administrative Court of Lithuania issued a landmark decision stating that only those persons whose rights are or have been directly affected have a right to initiate proceedings in the court.⁷⁶ Therefore, a discriminatory job advertisement could only be challenged in court by a person who directly suffered discrimination; associations or other non-governmental actors cannot challenge such advertisements, because the law does not allow them to act in defence of the public interest. However, the Ombudsperson usually responds regarding any job announcement notified to them by NGOs without having an individual person or persons claiming that their rights have been violated. If

⁷⁵ Draft Law on Equal Treatment (new edition), introduced 30 May 2019, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/96f31cf082b411e98a8298567570d639>.

⁷⁶ Supreme Administrative Court of Lithuania, *Europos žmogaus teisių fondas v. Lygių galimybių kontrolieriaus tarnyba*, administrative case No. A⁴⁹²-2078/2013, 7 November 2013.

there has been a refusal to change the wording of the announcement or to remove it, the Ombudsperson may start an investigation on its own initiative.

The situation with discriminatory public announcements or statements made by representatives of state or municipality institutions is rather unclear. According to case law, such general discriminatory oral statements would not fall under the scope of the Law on Equal Treatment. For example, previous case law has held that a mayor's oral statements do not fall under the scope of the national anti-discrimination law as the mayor of a municipality is not a municipal authority.⁷⁷ Even though the law has changed in recent years when the mayor became a directly elected municipal executive and not just a municipal politician, further judicial interpretation would be required. Article 5 of the Law on Equal Opportunities, which sets out the duties of state and municipal authorities in the field of equal opportunities, only covers legislative areas, not the implementation of equal opportunities, which could potentially include discriminatory public statements.

According to the 2025 annual report of the Office of the Equal Opportunities Ombudsperson, the institution regularly receives complaints and requests to assess the conduct and public statements of politicians that may contain elements of harassment on grounds such as sex, nationality, skin colour or sexual orientation. While such statements may shape societal attitudes towards certain social groups and potentially contribute to discrimination, the Ombudsperson currently lacks the legal competence to assess politicians' public statements under the Law on Equal Opportunities or the Law on Equal Opportunities for Women and Men. This does not exclude the possibility that, in specific circumstances, public statements may fall within the scope of equality law where they are sufficiently linked to an area covered by that legislation, such as access to employment or recruitment, in line with the CJEU case law in *Asociația Accept* and *N.H.*. The Ombudsperson has therefore suggested that the Human Rights Committee of the Seimas should assess whether the current legal regulation and accountability mechanisms in such cases are sufficient.⁷⁸

The courts took a very formal and narrow approach and did not go into the substance of the statements. No references to the jurisprudence of the CJEU were made, and the courts mainly focused on the issue of whether a mayor could be considered 'a municipal agency or institution' within the meaning of the Law on Equal Treatment and under administrative law. However, in previous years, the Ombudsperson had investigated oral statements by civil servants (particularly on the ground of gender) and found them to be discriminatory.⁷⁹ Therefore, in that respect, national jurisprudence is potentially non-compliant with the directives and needs to be clarified, especially taking into account clarifications of the EU anti-discrimination provisions in the more recent CJEU case law.⁸⁰

b) Justification for direct discrimination

The Law on Equal Treatment does not generally permit the justification of direct discrimination, but it provides an exhaustive list of exceptions, specifically adjusted to particular grounds. Specific exceptions to direct discrimination as established by the Law on Equal Treatment are set out in Chapter 4.

⁷⁷ Supreme Administrative Court of Lithuania, case No. A^{662-665/2010}, 19 April 2010.

⁷⁸ After the cut-off date for this report, the Human Rights Committee of the Seimas considered the Ombudsperson's suggestion on 25 March 2026 and requested several ministries to assess the recommendations contained in the report and provide information on measures implemented or planned to be implemented. However, no information appears to be available indicating that this particular suggestion has already resulted in specific legislative amendments.

⁷⁹ Equal Opportunities Ombudsperson (2008), *Annual report of the Equal Opportunities Ombudsperson 2008*, <https://lygybe.lt/wp-content/uploads/2023/05/lgkt-ataskaita-2008.pdf>.

⁸⁰ Judgment of 25 April, *Asociația ACCEPT v. Consiliul Național pentru Combaterea Discriminării*, C-81/12, EU:C:2013:275, available at: <http://curia.europa.eu/juris/liste.jsf?num=C-81/12>.

In 2022, certain exceptional justifications allowing for positive action in favour of persons with disabilities and persons of certain ages or with a certain social status were established in the Law on Equal Treatment.⁸¹ For example, it is possible to apply certain discounts or additional measures based on a person's low income and to offer some services free of charge for seniors or persons with disabilities. These benefits have to be justified by a legitimate aim pursued by appropriate and necessary means. The Equal Opportunities Ombudsperson of Lithuania has already recommended amending the Law on Equal Treatment to establish exceptions within the Law to allow for certain benefits for persons with disabilities, persons of certain ages or those in certain financial situations:

'In certain cases, based on the assessment of a person's age or disability or the material conditions of people belonging to a particular social group, limited legal capacity, need for financial support, the granting of preferences for the acquisition of goods and services could be justified, although the Law on Equal Treatment does not justify the provision of such benefits. Therefore, it is suggested that the Law on Equal Treatment be supplemented with provisions establishing exceptional situations in which the provision of goods and services exclusively (or primarily) to persons of certain characteristics can be justified by a legitimate aim, and the means to achieve that aim are appropriate and necessary, and such situations would not be considered a more favourable treatment.'⁸²

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Lithuania, indirect discrimination is prohibited in national law. It is defined.

The definition of indirect discrimination for the grounds covered by the Racial Equality Directive and the Employment Equality Directive is provided in Article 2(5) of the Law on Equal Treatment, where indirect discrimination is defined as follows:

'Indirect discrimination means any act or omission, legal provision or assessment criterion, apparently neutral provision or practice that formally are the same but their implementation or application results or would result in de facto restrictions on the exercise of rights or extensions of privileges, preferences or advantages on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, unless that act or omission, legal provision or assessment criterion, provision or practice is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.'

The definition of indirect discrimination provided in national law is sufficient to achieve the goals set out in the directives, but its implementation in practice has not yet been established. To the author's knowledge, there is no Lithuanian case law in which the prohibition of indirect discrimination has been used to address structural discrimination in a manner comparable to the issues discussed in the Advocate General's Opinion in *Commission v Slovakia*.⁸³ Indirect discrimination remains underdeveloped in Lithuanian practice and has mostly been addressed by the Equal Opportunities Ombudsperson in individual complaints, particularly in relation to disability and accessibility. Broader structural problems are visible in areas such as the situation of Roma, accessibility for

⁸¹ Law amending the Law on Equal Treatment, No. IX-1826, Articles 2 and 7 and the Annex, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/36c56052f88011ecbfe9c72e552dd5bd?jfwid=ofw8pn7ak>.

⁸² Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

⁸³ Opinion of Advocate General Ćapeta of 1 August 2025, *Commission v Slovakia*, case C-799/23, EU:C:2025:621, available at: <https://infocuria.curia.europa.eu/tabs/document/C/2023/C-0799-23-00000000RD-01-P-01/CONCL/303891-EN-1-html>.

persons with disabilities and discrimination against migrants in the housing rental market, but these have not yet been framed or adjudicated by national courts as cases of structural indirect discrimination.

In 2025 the Equal Opportunities Ombudsperson dealt with several possible cases of indirect discrimination, mostly relating to disability, such as indirect discrimination against a person with a visual impairment because of the inaccessible post office and indirect discrimination due to the restriction of persons with disabilities from using the toilets provided for them.⁸⁴

b) Justification test for indirect discrimination

The law provides a general exception test to justify indirect discrimination: treatment must be justified by a legitimate aim, and the means of achieving that aim must be proportionate and necessary. It is far from clear how the test would be implemented in practice, since indirect discrimination case law is scarce.

The existing jurisprudence of the Constitutional Court suggests that a 'legitimate aim' must be 'constitutionally justified'.⁸⁵ However, this interpretation did not consider the wording of the Law on Equal Treatment, which had not been enacted at the time of the ruling.

It must also be mentioned that language is an explicitly mentioned discrimination ground, embodied in the Law on Equal Treatment. However, the Law also provides exceptions to this ground in the case of direct discrimination, where a requirement to know the official state language is enshrined in other laws. Where particular language requirements set by law could potentially have an indirect discrimination effect on the grounds of race or ethnic origin, the general justification test contained in the definition of indirect discrimination should be used by the courts or other judicial or administrative bodies in concrete cases.

So far, no cases of indirect discrimination regarding language have been adjudicated in the courts. However, the Equal Opportunities Ombudsperson clearly states the link between requirements to know a particular language and indirect discrimination based on ethnic origin.⁸⁶

2.5.1 Statistical evidence

a) Legal framework

In Lithuania, there is legislation regulating the collection of personal data.

The use of statistical data is not explicitly enshrined in national law, but neither is it restricted.

⁸⁴ Decision of the Equal Opportunities Ombudsperson No. Nr. (23)SN-196)SP-3, 11 January 2023 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos negalios pagrindu prekybos centre „Saulės miestas“ sudarant sąlygas naudotis asmenims su negalia skirtais tualetais*), <https://lygybe.lt/wp-content/uploads/2024/01/Del-galimos-diskriminacijos-negalios-pagrindu-prekybos-centre-Saules-miestas-sudarant-salygas-pasinaudoti-asmenims-su-negalia-skirtais-tualetais.pdf>.

⁸⁵ Ruling of the Constitutional Court of the Republic of Lithuania of 13 December 2004 (*Lietuvos Respublikos Konstitucinio Teismo 2004 m. gruodžio 13d. nutarimas 'Dėl kai kurių teisės aktų, kuriais reguliuojami valstybės tarnybos ir su ja susiję santykiai, atitikties Lietuvos Respublikos Konstitucijai'*).

⁸⁶ Equal Opportunities Ombudsperson (2017), *Lietuvos Respublikos lygių galimybių kontrolieriaus 2016 m. veiklos ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2016), <https://lygybe.lt/wp-content/uploads/2023/05/lygiu-galimybiu-kontrolieriaus-2016m.-veiklos-ataskaita.pdf>. Subsequent mentions: Equal Opportunities Ombudsperson (2017), *Annual report for 2016*.

In general, personal data collection must proceed under the requirements of the Law on the Legal Protection of Personal Data and, since 2018, it must also adhere to the requirements of the General Data Protection Regulation (GDPR).⁸⁷ As the GDPR is directly applicable in Lithuania, the collection of personal data must be carried out in conformity with its requirements.

The general rule according to the GDPR is that the processing of data is lawful if 'the data subject has given consent' (Article 6(1a)). The GDPR generally prohibits the processing of special categories data, which is 'personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, ... data concerning health or data concerning a natural person's sex life or sexual orientation' (Article 9(1)). This general rule prohibits the collection of such data, with exceptions provided by the GDPR. Among these are when the person 'has given explicit consent to the processing of those personal data' or 'processing is necessary for the establishment, exercise or defence of legal claim' (Article 9(2)(a) and (f)).

Data in special categories can also be collected for statistical purposes (Article 9(2f)), but with safeguards established by Article 89(1), for example by using a pseudonym to ensure that the data subject cannot be identified further.

Therefore, in the opinion of the author, the collection of certain data for the purpose of proving indirect discrimination is not restricted in practice.

Although there are no special restrictions on the use of data on gender, the use of data on racial or ethnic origin, data concerning health or sexual orientation seems to be allowed only under certain exceptions established by the GDPR.

In Lithuania, statistical evidence may be admitted under national law in order to establish indirect discrimination. No requirements for the usage of statistical evidence to establish indirect discrimination are established by law. However, due to a lack of case law in the field of discrimination, it is hard to state how the use of such evidence would be valued in court. Moreover, there is no consistent practice of equality data collection in Lithuania.

b) Practice

In Lithuanian case law, statistical evidence is not used in order to establish indirect discrimination. However, statistical evidence is used in the decisions of the Equal Opportunities Ombudsperson. In 2025, the Equal Opportunities Ombudsperson did not rely on statistical data in discrimination cases. However, in 2024, statistical data were used in several cases concerning possible age discrimination, for example in relation to travel insurance and access to breast cancer prevention measures. For example, the Ombudsperson, when assessing whether travel insurance could be denied to elderly people, stressed that statistics show that the incidence of various diseases increases with ageing, with older people having a significantly higher incidence of various diseases than younger people. Therefore, it cannot be unequivocally and unquestionably accepted that persons over the age of 75 are unjustifiably subjected to potentially less favourable treatment on the grounds of age, since groups of persons of different ages are in dissimilar, but not similar, circumstances because of the objective factors which characterise them.⁸⁸ When investigating a complaint of possible age discrimination in the

⁸⁷ Law on the Legal Protection of Personal Data (*Asmens duomenų teisinės apsaugos įstatymas*), 1996, No. 63-1479, available in Lithuanian at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.5368B592234C/XSpzxvEjIq>.

⁸⁸ Decision of the Equal Opportunities Ombudsperson No. (24)SI-2)SP-56, 1 July 2024 (*Lygių galimybių kontrolieriaus sprendimas Dėl galimos diskriminacijos amžiaus pagrindu teikiant kelionės draudimo paslaugas internetu 75 metų amžiaus ir vyresniems asmenims tyrimo*), <https://lygybe.lt/wp-content/uploads/2024/07/del-galimai-galimos-diskriminacijos-amziaus-pagrindu-teikiant-keliones-draudimo-paslaugas-internetu-75metu-amziaus-ir-vyresniems-asmenims-tyrimo-1.pdf>.

exclusion of women patients under 50 years of age from the service of mammography examination and evaluation of the results, the Ombudsperson, taking into account the statistics provided by the Ministry of Health on the prevalence of malignant growth in the breast according to the relevant age groups and on the effectiveness of the treatment after the detection of such a growth, stated that the age limits imposed on the targeted group of persons were justified by a legitimate aim, and that this aim was pursued by appropriate and necessary measures.⁸⁹

The lack of proper statistical data is one of the obstacles to assessing discrimination at national level. The state institutions use statistical data to draw up strategic documents, such as the action plans for the promotion of non-discrimination, the integration of Roma persons and equal opportunities for women and men. The Equal Opportunities Ombudsperson also uses statistical data as well as public opinion polls in considering certain types of discrimination when carrying out discrimination prevention activities. The data are mostly based on surveys, and research and surveys are usually performed by private companies, on the basis of service contracts. The competent institutions (such as the Department of Statistics) lack the capacity and financial resources to manage large-scale equality data collection.

There is no information that would indicate a reluctance to use statistical data as evidence in court. As mentioned above, the law does not explicitly prohibit its use, but the major obstacle is the general lack of reliable qualitative statistical equality data. In October 2024, the Ministry of Social Security and Labour announced the establishment of a working group on the statistical study of equal opportunities to analyse the challenges in establishing and developing a system of collecting, improving and publishing equality data, and to develop a national strategy in that respect, drawing on good practice from other foreign countries.⁹⁰ Its members were approved by a ministerial order of 5 December 2024.⁹¹ At the beginning of 2025, the strategy had not yet been adopted.

In accordance with the Action Plan for Roma Integration into Lithuanian Society 2015-2020, information on Roma people was collected through a representative survey of the Roma population⁹² and was compared with information from the general population census.⁹³ The data were used to develop the new Roma Inclusion 2030 Plan⁹⁴. The Action Plan for the Implementation of Equal Opportunities 2024-2026 foresees the drafting and adoption of legislation on the collection of equal opportunities data⁹⁵. At the beginning of 2025, the strategy had not yet been adopted.

⁸⁹ Decision of the Equal Opportunities Ombudsperson No. (24)SN-81)SP-47, 23 May 2024 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos amžiaus pagrindu nustatant amžiaus ribą vykdant krūties piktybinio naviko atrankinę mamografinę patikrą tyrimo*), <https://lygybe.lt/wp-content/uploads/2024/05/del-galimai-qalimos-diskriminacijos-amziaus-pagrindu-nustatant-amziaus-riba-vykdan-kruities-piktybinio-naviko-atrankine-mamografine-patikra-tyrimo.pdf>.

⁹⁰ Official letter from the Ministry of Social Security and Labour, 4 October 2024, No. SD-4247 (25.2 Mr-23).

⁹¹ Order of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-852 on the Establishment of the Working Group on Preparation of the National Equality Data Strategy, 5 December 2024, <https://www.infolex.lt/ta/993792>.

⁹² VŠĮ Diversity Development Group and Petrušauskaitė, V. (2015), 'Lithuania / Sociologinio tyrimo "Romų padėtis lyginant su kitais šalies gyventojais" tyrimo ataskaita', 30 April 2015, available in Lithuanian at: <https://lygybe.lt/wp-content/uploads/2023/05/romu-tautybes-asmenu-padetis-lyginant-su-kitais-salies-gyventojais.pdf>.

⁹³ The survey was carried out at the beginning of the action plan period in 2015; a second survey was carried out in 2020. Kontvainė and Diversity Development Group (2020).

⁹⁴ Order of the Director of the Department of National Minorities under the Government of the Republic of Lithuania, 29 December 2023, <https://tmde.lrv.lt/media/viesa/saugykla/2024/2/EwBBKB9fONY.pdf>.

⁹⁵ Order of the Minister of Social Security and Labour on the adoption of the Action Plan for the Promotion of Equal Opportunities 2024-2026, 28 July 2023, available at: <https://www.e-tar.lt/portal/lt/legalAct/ecaf9b702d7111ee9de9e7e0fd363afc/asr>.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Lithuania, harassment is prohibited in national law. It is defined. Harassment explicitly constitutes a form of discrimination.

The Law on Equal Treatment (Article 2(1)) provides a general definition of discrimination which, among other things, specifies that harassment is a form of discrimination. In addition, Article 2(7) of the LET provides a definition of harassment in compliance with the definition outlined in the directives. Article 2(7) reads as follows:

‘Harassment means any unwanted conduct which occurs with the purpose, or effect, of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or offensive environment on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.’

Although the definition contains the singular (person), the interpretation of the national wording (either by the Ombudsperson or by the courts) does not imply that groups of persons would not come under the protection of the law.

In 2022, the Lithuanian Parliament finally approved amendments to the Law on Equal Treatment, which expand protection against harassment to cover access to goods and services and in relation to membership of and involvement in workers’ or employers’ organisations. The amendments also increase compliance with EU directives. The practical need for these changes became apparent almost immediately: following their entry into force, the Office of the Equal Opportunities Ombudsperson received a significant number of complaints and enquiries concerning harassment in the newly covered areas.

Codes of conduct are not widespread in Lithuania; however, diversity charters were launched in around 30 companies and organisations in 2018. Some Government agencies (particularly those dealing with the implementation of EU-funded programmes) as well as larger companies operate under codes of conduct in their work. However, in most cases, such codes of conduct do not have detailed provisions on non-discrimination or harassment. Very often, non-discrimination is addressed only by the general provisions on equality and impartiality that are embodied in the codes. In some instances, harassment and sexual harassment are mentioned but not defined.

The 2025 annual report of the Office of the Equal Opportunities Ombudsperson indicates growing attention to internal organisational policies as a tool for preventing discrimination, harassment and sexual harassment. The Ombudsperson recommended amending the Labour Code so that employers with at least 20 employees would be required to adopt and publicly disclose equal opportunities policies and policies on the prevention of violence and harassment, including sexual harassment.⁹⁶ The recommended content of such policies would include rules on recognising different forms of violence and harassment, informing employees about prevention measures, examining reports, protecting and supporting persons who report misconduct, and setting rules of conduct for employees.

While investigating complaints regarding harassment in the field of employment in 2019, the Ombudsperson referred to the *Handbook on European non-discrimination law* by the European Union Agency for Fundamental Rights (FRA), stating that there is no need for a comparator to prove harassment. This essentially reflects the fact that harassment in

⁹⁶ Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

itself is wrong because of the form it takes (verbal, non-verbal or physical abuse) and the potential effect it may have (violating human dignity).⁹⁷ The Ombudsperson also referred to the interpretation of harassment by the Constitutional Court, stating that it is one of the forms of discrimination forbidden under the equality clause established by Article 29 of the Constitution, even though no harassment was recognised in the specific investigation.⁹⁸

The Constitutional Court set out its views on harassment in its landmark decision of 2017:

'In the context of the constitutional justice case at issue, it needs to be emphasised that one of the forms of discrimination (including the degrading of human dignity), prohibited under Article 29 of the Constitution, is harassment, which is understood as offensive, unacceptable, or unwanted conduct that has the purpose or effect of violating a person's dignity, or of creating a hostile, intimidating, humiliating, or offensive environment for him/her on the grounds of gender, race, *nationality*, language, origin, social status, belief, convictions, or views, as well as other attributes such as disability, age, or sexual orientation. It should be noted that harassment also inevitably encroaches on a person's physical or psychological inviolability, *inter alia*, disturbs his/her physical, mental, or spiritual state, restricts the expression of his/her freedom of physical activity, of his/her intellectual and creative freedoms, thus, also the expression of his/her free personality, and can make his/her relations with other persons more complicated. Harassment can lead to long-term or even permanent consequences that adversely affect a person's private and social life.'⁹⁹

b) Scope of liability for harassment

In Lithuania, where harassment is perpetrated by an employee, the employer is liable. The employee can be held liable in concrete situations, based on the law under which harassment is addressed.

As regards third-party harassment, the legal framework does not contain explicit provisions establishing liability of employers or providers of education, social protection (including healthcare), social advantages, goods or services for failing to address harassment between persons under their authority and third parties. However, in practice such liability may arise indirectly. Under labour law, employers have a general duty to ensure a safe and dignified working environment and to prevent harassment in the workplace. Failure to take reasonable measures to address harassment by third parties (for example, customers or clients) could therefore potentially give rise to employer liability under labour or civil law. Similarly, providers of services or education may incur civil liability if they fail to take appropriate measures to prevent or stop harassment occurring in environments under their control. Nevertheless, the national anti-discrimination legislation does not explicitly regulate third-party harassment and there is limited case law clarifying the extent of such liability.

The scope of liability would depend on the situation and the law under which it is addressed. If discrimination is addressed via provisions of criminal law, the liability is

⁹⁷ European Union Agency for Fundamental Rights (2010), *Handbook on European Non-discrimination Law*, p. 32, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2011-handbook-non-discrimination-law-2011_en.pdf.

⁹⁸ Decision of the Equal Opportunities Ombudsperson No. (19)SN-198)SP-9, 28 January 2020 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos tautybės ir kilmės pagrindu teatre (duomenys neskelbtini) tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-nr.-19sn-198sp-9.pdf>.

⁹⁹ Constitutional Court of the Republic of Lithuania, Conclusion of 19 December 2017 on the compliance of the actions of Kęstutis Pūkas, a member of the Seimas of the Republic of Lithuania, against whom an impeachment case had been initiated, No. KT20-11/2017 available in English at: <https://www.lrkt.lt/en/court-acts/search/170/ta1778/content>.

personal – only a direct perpetrator (whether a natural or legal person) can be liable. In contrast, the civil law provides for vicarious liability. For example, the Civil Code would allow a claim for damages against the employers for the actions caused by its employees (Article 6.264).

When applying administrative sanctions, the Equal Opportunities Ombudsperson issues them to the executive body of a legal person (a director, for example) but not to its employees. According to the Ombudsperson, the current wording of the Law on Equal Treatment does not suggest that it could be enforced against a broad spectrum of parties. Tenants, customers and employees cannot be held liable. In its earlier annual reports, the Ombudsperson recommended amending the Law on Equal Treatment with provisions explicitly extending the scope of liability of persons.¹⁰⁰ However, such recommendations have not been repeated in more recent reports. The same would apply for the actions of members of particular associations or trade unions – according to the Ombudsperson, the current wording does not suggest that individual members could be held liable.¹⁰¹

According to the Code of Administrative Offences, employers or other responsible persons can be held liable for violating Article 30 of the Labour Code (protection of the honour and dignity of workers, prohibition of violence and harassment); failure to take the necessary measures to prevent violence and harassment or to take active steps to provide assistance to persons subjected to violence or harassment; or a violation of the prohibition of violence or harassment by a natural person of the employer or by the head of a legal person of the employer. Under the Code, such an offence is punishable by a fine of between EUR 500 and EUR 1 400.¹⁰²

The employee can be held liable only by an employer applying the Labour Code, as harassment based on gender or sexual harassment, discriminative actions or violations of the honour and dignity of other employees or third parties during work or at the workplace would be considered a grave violation of working duties and a reason to terminate the employment contract.¹⁰³

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Lithuania, instructions to discriminate are prohibited in national law and explicitly constitute a form of discrimination. However, the Law on Equal Treatment does not define the concept of an instruction to discriminate and does not specify whether it covers only explicit instructions or also preferences, suggestions, encouragement or pressure that may have a discriminatory impact.

The LET (Article 2(1)) defines discrimination as follows:

‘Discrimination means any direct or indirect discrimination, harassment, instruction to discriminate on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.’

¹⁰⁰ Equal Opportunities Ombudsperson (2010), *Lygių galimybių kontrolieriaus tarnybos 2009 m. ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2009), <https://lygybe.lt/wp-content/uploads/2023/05/lgkt-ataskaita-2009.pdf>.

¹⁰¹ Equal Opportunities Ombudsperson (2011), *Lygių galimybių kontrolieriaus tarnybos 2010 m. ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2010), <https://lygybe.lt/wp-content/uploads/2023/05/lgkt-ataskaita-2010.pdf>.

¹⁰² Draft Law amending Article 96 and the Annex to the Code of Administrative Offences, No. XIVP-3963(2), 26 September 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/a6d623007bc511ef84ff9693ecd03ff5?jfwid=-1bcnp0yfvd>.

¹⁰³ Labour Code, 2016.

In addition, Article 2(10) of the LET explicitly states that instructions to discriminate are considered to be discrimination, as defined in Article 2(5) on indirect discrimination and Article 2(9) on direct discrimination. Therefore, instructions to discriminate directly or indirectly are considered to be discrimination, although the LET does not elaborate on what particular actions could amount to an instruction to discriminate.

Lithuanian law does not expressly require a hierarchical relationship between the instructor and the instructed person for conduct to qualify as an instruction to discriminate. However, in the absence of a statutory definition and relevant case law, it remains unclear how broadly this concept would be interpreted in practice, including whether it would cover informal encouragement, pressure or expressions of discriminatory preference. No investigations on instructions to discriminate carried out by the Ombudsperson over the past five years are known to the author of this report.

b) Scope of liability for instructions to discriminate

In Lithuania, the instructor and/or discriminator is liable, i.e. the executive body of a legal person, but not the employee who instructs another employee.

As mentioned in Section 2.6(b) above, there is both a lack of clarity and inconsistency in the case law. When applying administrative sanctions, the Equal Opportunities Ombudsperson issues them to the executive body of the relevant legal person (a director, for example) but not to its employees. According to the Ombudsperson, the current wording of the Law on Equal Treatment does not suggest that it could be enforced against a broad spectrum of parties. Tenants, customers and employees cannot be held liable. In its annual reports for 2009 to 2011, the Ombudsperson recommended amending the Law on Equal Treatment to introduce provisions explicitly extending the scope of liability of persons.¹⁰⁴ Therefore, it appears that an individual employee or representative of an education institution could not be held liable under the application of the Law on Equal Treatment.

Since 2022, expanded protection against harassment in the field of access to and the supply of goods and services has been in force following amendments to the Law on Equal Treatment, which introduced liability for service providers for an instruction to discriminate.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Lithuania, the duty to provide reasonable accommodation is included in the law.

Article 7(8) of the LET states that, when applying equal treatment, employers must:

‘Take appropriate measures to ensure reasonable accommodation for persons with disabilities, where needed in a particular case, in order to enable them to access employment, perform work, pursue a career or receive training.’

Article 26(2)(6) of the Labour Code states that, when applying equal treatment, employers must:

‘Take appropriate measures to ensure that persons with disabilities are able to access employment, perform work, pursue a career or receive training, including by

¹⁰⁴ Equal Opportunities Ombudsperson, annual reports for 2009 to 2011.

adapting working conditions where necessary. Such measures must be provided unless they would impose a disproportionate burden on the employer.’

The legal framework does not provide any criteria for assessing the extent of the duty of the employer, nor does it give any explanation what ‘disproportionate burden’ for an employer means. Financial assistance from the state in this regard is not taken into account in the legislation.

In 2025, amendments to the Law on Equal Treatment were adopted which not only extended the duty to provide reasonable accommodation beyond the field of employment but also introduced a statutory definition of reasonable accommodation. According to Article 2(10), reasonable accommodation is defined as the modification of circumstances and/or the removal of barriers required in a particular case to ensure that persons with disabilities can exercise their human rights and freedoms, provided that such adjustments do not impose a disproportionate or undue burden on the responsible entity.

There is no clear mechanism provided in national law for the enforcement of the duty to provide ‘reasonable accommodation’ in court practice. The law does not provide criteria for assessing an employer’s duty or evaluating what can be considered as a proportionate burden – or when it can be considered disproportionate.

However, the Ombudsperson applies the concept of ‘individualised assessment’ instead of a general rule when examining complaints, and the courts seem to support the decisions made by the Ombudsperson, holding a view supported by the provisions of the CRPD.

The UN Convention on the Rights of Persons with Disabilities is an integral part of the national legal system. Article 5 of the Convention states that ‘in order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.’

The duty to provide reasonable accommodation is similar, in law and in practice, for private sector workers and for civil servants in the public sector.

b) Case law

Since neither the Law on Equal Treatment nor other legislation provides more details on how reasonable accommodation should be implemented in practice, there is no mechanism in place to evaluate how the provisions are implemented in practice and what burden on the employer is disproportionate.

In 2018, the Ombudsperson issued two landmark decisions that may contribute to the interpretation of the principle of ‘reasonable accommodation’. Complaints were submitted by a person who had partial ability to work, as established by a competent institution, and was applying for a position of a cashier/salesperson in two different shops. In both cases, the Ombudsperson found that there had been discrimination in the field of employment based on the person’s disability, when the employers failed to provide reasonable accommodation.¹⁰⁵ Both employers did not agree to adapt the nature of the work, but did not prove that it was impossible to do so. The Ombudsperson stressed that the essential criteria in decision making by an employer should be an individualised assessment of a person’s ability to perform a particular job.

¹⁰⁵ Decision of the Equal Opportunities Ombudsperson No. (18)SN-175)SP-115, 13 November 2018 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos negalios pagrindu priimant į kasininko-pardavėjo pareigas tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-18sn-175sp-115.pdf>; Decision of the Equal Opportunities Ombudsperson No. (18)SN-176)SP-116, 13 November 2018 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos negalios pagrindu priimant į kasininko-pardavėjo pareigas tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-18sn-176sp-116.pdf>.

The courts are contributing to the interpretation of reasonable accommodation. One of the complaints was challenged in court, and the court confirmed the decision made by the Ombudsperson in 2019. The court found that, by refusing to employ the person and failing to provide reasonable accommodation, the company had violated the Law on Equal Treatment.¹⁰⁶

In a landmark decision of 2020, the Supreme Administrative Court of Lithuania held, on the basis of the CRPD, Council Directive 2000/78/EC and the Law on Equal Treatment,¹⁰⁷ that:

'Reasonable accommodation is not only understood as reasonable accommodation of premises suitable for persons with disabilities to work, it is a broader concept, which also includes other working conditions that must ensure the proper implementation of the right to work for persons with disabilities. It has been mentioned that Council Directive 2000/78/EC interprets reasonable accommodation not only as appropriate measures, that ensure the adaptation of premises, but also the patterns of working time, the distribution of tasks, etc. Thus, the establishment of a working time model is one of the important factors in ensuring proper reasonable accommodation for persons with disabilities who want to exercise their right to work.'¹⁰⁸

Besides the abovementioned case law, legal uncertainty remains over how the definition should be interpreted and what would be considered a 'disproportionate burden' on an employer. Legal criteria for 'disproportionate burden' would contribute to clarity on what the term means.

The available case law therefore covers both private-sector employment and the general public-sector context, although it remains limited. However, no extensive body of case law exists in either the private or the public sector and the courts have not yet developed detailed criteria for assessing when a requested accommodation would impose a disproportionate burden.

c) Definition of disability and non-discrimination protection

There is no separate definition of 'disability', either for claiming protection from discrimination or for the purpose of claiming a reasonable accommodation. The general definition of 'disability' is provided in the Article 2(13) of the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities:

"Disability' means a long-term functional impairment of a person's body (person's congenital and/or acquired conditions) which, as a result of environmental factors, prevents the person from participating fully and effectively in society on an equal basis with others.'¹⁰⁹

It can be supposed that the personal scope in the context of reasonable accommodation does not differ from the general prohibition of non-discrimination on the ground of disability. The definition is the same in the private and the public sectors.

¹⁰⁶ Vilnius Regional Administrative Court decision, case No. eI-2472-244/2019, 3 July 2019, (*Vilniaus apygardos administracinio teismo 2019 m. liepos 3 d. sprendimas administracinėje byloje*).

¹⁰⁷ Article 7(6,9) of the Law on Equal Treatment (Duty of the Employer to Implement Equal Treatment at the Workplace, in the Civil Service).

¹⁰⁸ Supreme Administrative Court of Lithuania decision, case No. A-162-602/2020, 25 March 2020, (*Lietuvos vyriausiojo administracinio teismo nutartis administracinėje byloje*), <https://eteismai.lt/byla/187295332148781/A-162-602/2020?word=tomas%20ryzgelis>.

¹⁰⁹ Law on the Fundamentals of Protection of the Rights of Persons with Disabilities, 2004. The new version entered into force on 1 January 2024.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Lithuania, failure to meet the duty of reasonable accommodation in employment for persons with disabilities is recognised as a form of discrimination in both the private and the public sectors. However, it is not clearly stated that a failure to provide reasonable accommodation constitutes direct discrimination.

Notwithstanding this development, failure to meet the duty of reasonable accommodation has been considered direct discrimination in accordance with established case law prior to the 2022 amendments.¹¹⁰ As analysed in Section 2.8(b), the Equal Opportunities Ombudsperson has also considered that failure to ensure that the workplace and conditions are adapted/accommodated to ensure a person's access to that workplace constitutes discrimination in the field of employment against persons with disabilities.¹¹¹

In 2014, the first case explicitly concerning a failure to provide reasonable accommodation was adjudicated in court.¹¹² Although the reasoning of the court did not elaborate on the concept extensively, it acknowledged that failure to provide reasonable accommodation is direct discrimination. The court held that the dismissal of an employee because of his state of health, without trying to provide reasonable accommodation, amounted to direct discrimination. This position was upheld by the higher court,¹¹³ which stated that the employer did not provide any proof that it had tried to realistically evaluate the ability of the employee to work, nor had it considered adjusting working conditions, which amounted to discrimination on the basis of disability.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Lithuania, there is a duty to provide reasonable accommodation for persons with disabilities outside the employment field, including education, access to goods, products and services, and participation in organisations and associations, according to the Law on Equal Treatment. Even before the recent legislative amendments, this obligation had already been recognised in practice, as confirmed by the case law of both the Equal Opportunities Ombudsperson and the courts.¹¹⁴

Article 3 of the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities, which entered into force on 1 January 2024, states that one of the principles for the implementation of the protection of the rights of persons with disabilities is the provision of reasonable accommodation (although the English version of the Law translates it as 'appropriate adaptation of accessibility'):

'[reasonable accommodation] means necessary and reasonable changes and adjustments that impose no disproportionate or unreasonable burden and that are necessary in a particular case to ensure that persons with disabilities are able to exercise, on an equal basis with others, all human rights and fundamental freedoms.'

Moreover, Article 5 of the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities states that persons with disabilities shall have the right to an accessible environment throughout the territory of the Republic of Lithuania. When ensuring this right state and municipal institutions and agencies shall, within their remit, co-coordinate

¹¹⁰ Decision of the Supreme Administrative Court of Lithuania, case No. A-162-602/2020, 25 March 2020, <https://eteismai.lt/byla/187295332148781/A-162-602/2020?word=tomas%20ryzgelis>.

¹¹¹ Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

¹¹² Vilnius Regional Court decision, Case No. 2A-557-640/2014, 27 February 2014, (*Vilniaus apygardos teismo 2014 m. vasario 27 d. nutartis Civilinėje byloje Nr. 2A-557-640/2014*), <https://eteismai.lt/byla/276850064617444/2A-557-640/2014>.

¹¹³ Vilnius Regional Court decision, Case No. 2A-557-640/2014, 27 February 2014.

¹¹⁴ For example, Vilnius Regional Administrative Court, Case No. eI2-4079-811/2022, 24 October 2022.

the development of an accessible environment throughout the territory of the Republic of Lithuania, develop and approve standards and/or guidelines for an accessible environment, and supervise and control compliance therewith, educate the public and provide training on matters related to ensuring an accessible environment. The Law also mentions specific institutions that are responsible for the implementation of accessible environment, for example, The Ministry of the Environment is responsible for the adaptation of the physical environment, the Ministry of the Environment, the Ministry of Transport and Communications and other institutions are responsible for the preparation of normative technical documents for the adaptation of transport facilities to the needs of persons with disabilities, the users of buildings are responsible for the adaptation of buildings, and the Ministry of Social Security and Labour, together with the Ministry of Economic Affairs and Innovation as well as the Ministries of the Interior and Ministry of Transport and Communications, are responsible for the drafting of the accessibility legislation and for the supervision of the implementation of the accessibility of information services.

The Law on Education imposes a duty on state and municipal institutions to ensure opportunities to accommodate students with special needs (special educational assistance, special study aids, and social and medical care). In Article 34(3), the Law on Education provides that 'Accessibility of education is ensured by adapting the school environment, providing psychological, special pedagogical, special and social pedagogical support, supplying with technical aid measures at school and special educational measures in other ways established by law.'¹¹⁵ In addition, students with disabilities have the right to financial support granted by the state during their studies in further education establishments and universities. The concept of 'disproportionate burden' is not regulated in the field of education.

f) Duties to provide reasonable accommodation in respect of other grounds

In Lithuania, there is no legal duty to provide reasonable accommodation in respect of other grounds in the public and private sectors.

¹¹⁵ Law on Education (*Lietuvos Respublikos Švietimo įstatymas*), 1991, No. I-1489, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.1480/asr>.

3 PERSONAL AND MATERIAL SCOPE

As of the cut-off date for this report, no case law has been identified in Lithuania addressing cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

However, the State Labour Inspectorate has observed that automated decision-making tools are increasingly used in the Lithuanian labour market, for example artificial intelligence systems used for the initial filtering of CVs or for employee performance evaluation. According to the Inspectorate, such systems may pose risks to equal opportunities, particularly due to algorithmic bias, where historical data embedded in automated systems may indirectly disadvantage certain groups (for example, on the basis of age, sex or place of residence). At the same time, it is expected that these risks will be addressed through the implementation of the AI Act (Regulation (EU) 2024/1689).¹¹⁶

3.1 Personal scope

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Lithuania, there are no residency or citizenship/nationality requirements for protection under the relevant national laws transposing the directives.

The protection from discrimination should be valid for irregular or undocumented migrants and for persons under 18 years old in all spheres. The protection from discrimination in employment or social benefits, however, might not be covered for adult irregular migrants, unless they are asylum seekers, because they do not have a right to work in Lithuania. There has been no case law to provide a more thorough interpretation.

The protection from discrimination on the ground of citizenship applies to EU and EEA citizens and their family members.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Lithuania, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of protection against discrimination.

The Law on Equal Treatment, in Article 12, does not explicitly distinguish between natural and legal persons, and the word 'persons' should be interpreted to encompass both legal and natural persons. This is supported by the findings of the Equal Opportunities Ombudsperson as well as by other provisions under the LET and by case law. For instance, on the provision on the shift of the burden of proof, Article 4 of the Law on Equal Treatment states that it should be applied while investigating complaints of discrimination submitted by natural and legal persons. Similarly, Article 24, which provides for the possibility to submit a complaint, states that any natural or legal person, any other organisation or its division shall have the right to submit a complaint to the Equal Opportunities Ombudsperson about a violation of equal opportunities.

¹¹⁶ Based on information received by the author from the State Labour Inspectorate of the Republic of Lithuania, 4 March 2026.

b) Liability for discrimination

In Lithuania, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination. Both natural and legal persons are liable for discriminatory acts according to the law. Natural persons can have administrative and criminal responsibility. Legal persons bear administrative liability (the obligation to pay a fine in the case of a violation of the Law on Equal Treatment), and criminal liability based on Article 170 of the Criminal Code (incitement of hatred or hatred). Criminal liability for natural persons is covered in Article 169 of the Criminal Code (in the article on 'Discrimination on Grounds of *Nationality*, Race, Sex, Descent, Religion or Belonging to Other Groups', where other grounds are also included).¹¹⁷

When it comes to the scope of liability, there is a lack of clarity. The Law on Equal Treatment, in Articles 29 and 30, mentions persons but does not specify whether they are legal or natural persons to whom the Equal Opportunities Ombudsperson can address a decision after analysing the complaint, although the law does mention that both natural and legal persons are obliged to submit the requested information, documents, etc. However, since natural persons can also be employers and providers of goods and services, the liability should also apply to them.

It is not very clear whether, in cases of discrimination in the occupational sphere, both the employer and the employee can be held liable for discrimination. The only available case law on the matter concerns the scope of liability for sex discrimination in employment relations and the decisions of the Equal Opportunities Ombudsperson (although the outcomes may also be applied to other grounds of discrimination). The Supreme Administrative Court of Lithuania ruled in its landmark decision that, although the Law on Equal Opportunities did not *expressis verbis* provide a list of subjects who could be admonished, a systematic analysis of the Law on Equal Opportunities for Women and Men and of the jurisprudence of the Supreme Court led the court to believe that not only employers but also their representatives could be held accountable for discrimination and could be admonished by the Equal Opportunities Ombudsperson.¹¹⁸ This means that managers or heads of administration and other personnel with the legal capacity to represent the employer can be held accountable according to the Law on Equal Opportunities. However, there is still a lack of clarity in national legislation that might lead to inconsistencies in almost identical situations, as the regional administrative court, just one month prior to the Supreme Administrative Court's decision, held that only employers, not their representatives, could be held liable.¹¹⁹

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Lithuania, national law covers the private and public sectors, including public bodies, for the purpose of protection against discrimination, as regulated by Articles 5 to 9 of the Law on Equal Treatment.

b) Liability for discrimination

In Lithuania, the personal scope of anti-discrimination law covers the private and public sectors, including public bodies, for the purpose of liability for discrimination.

The Law on Equal Treatment was designed with the particular purpose of transposing the requirements of the EU anti-discrimination directives into national legislation. The law

¹¹⁷ The grounds mentioned in Article 169 of the Criminal Code are: age, sex, sexual orientation, disability, race, 'nationality', language, descent, social status, religion, and convictions or views.

¹¹⁸ Supreme Administrative Court of Lithuania, administrative case No. A⁸⁵⁸-403/2012, decision of 2 April 2012.

¹¹⁹ Vilnius Regional Administrative Court, Case No. I-1278-624/2012, decision of 1 March 2012.

does not make a distinction between the public and private sectors in the fields of employment, education and the provision of goods and services (Articles 6-9). In addition, it has a separate provision on public entities, Article 5, which states that:

‘State and local government institutions and agencies must within the scope of their competence ensure that in all the legal acts drafted and passed by them, equal rights and treatment are laid down without regard to gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.’

Although the law does not explicitly mention social protection, it does not exclude this field either. It can be interpreted as encompassing it but, as described below, court interpretation might be needed for clarification.

3.2 Material scope

As of the date of this report, no case law has been identified in Lithuania addressing cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Lithuania, national legislation prohibits discrimination in relation to conditions for access to employment, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the five grounds, as well as sex, and in both private and public sectors as described in the directives. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Article 7 of the Law on Equal Treatment has a general provision that all employers are bound by the principle of equality of persons, followed by a list of obligations. The same wording was repeated in the Labour Code, Articles 2 and 26.¹²⁰ In Article 11, the LET prohibits discriminatory advertisements offering job, civil service or education opportunities. Neither law explicitly includes self-employment or occupation. The Law on Income Tax,¹²¹ which provides a list of activities related to self-employment or occupation (artists, performers, designers, etc.), does not have any references to anti-discrimination. On the other hand, the Labour Code is *lex generalis* in the occupational sphere, and therefore its principles would apply in the absence of specific rules in other legislation. Under Article 21(2) of the Labour Code, natural persons may be employers. However, it remains unclear whether the provisions apply in cases where the services of self-employed persons are declined because of discriminatory attitudes. Thus, it depends on how the Law on Equal Treatment is interpreted. For example, joint activity (partnership) contracts are not equated with a service or employment contract and therefore are not regulated by the Law on Equal Treatment, as stated by the Ombudsperson.¹²²

¹²⁰ Labour Code, 2016.

¹²¹ Law on Income Tax (*Lietuvos Respublikos Gyventojų pajamų mokesčio įstatymas*), 2002, No. 73-3085, <https://www.e-tar.lt/portal/lt/legalAct/TAR.C677663D2202/wVGhEHdaRq>.

¹²² Decision of the Equal Opportunities Ombudsperson No. (18)SN-129)SP-77, 10 August 2018 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos kilmės, kalbos ir pilietybės pagrindais UAB "Dallis" vykdančią priėmimą į darbą tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-nr.-77.pdf>.

According to the Law on the Legal Status of Foreigners,¹²³ foreigners granted refugee status and foreigners granted subsidiary protection are exempt from the obligation to obtain a work permit, and thus can start to work under an employment contract as soon as they receive a residence permit in Lithuania. However, before asylum status and a Lithuanian residence permit are granted, persons are not allowed to work in Lithuania. Since the asylum procedure takes months, in practice most of the people concerned were not allowed to work for a year or more after arrival.¹²⁴

According to the State Labour Inspectorate, migrants appear to be particularly vulnerable due to their origin or citizenship status.¹²⁵ Although no statistical data are available, the Inspectorate notes that, in practice, migrant workers often refrain from reporting discrimination or labour rights violations. The most commonly cited reasons include fear of not being able to find another job, particularly in smaller or more remote towns; reluctance to have complaints examined by the local office of the Labour Inspectorate due to concerns about potential bias; and a perception that filing a complaint would not lead to meaningful results and could instead worsen their situation.

The State Labour Inspectorate has also observed that automated decision-making tools are increasingly used in the Lithuanian labour market, for example artificial intelligence systems used for the initial filtering of CVs or for employee performance evaluation. According to the Inspectorate, such systems may pose risks to equal opportunities, particularly due to algorithmic bias, where historical data embedded in automated systems may indirectly disadvantage certain groups (for example, on the basis of age, sex or place of residence).

The laws relating to specific professions, such as the Attorney Law,¹²⁶ the Law on the Healthcare System,¹²⁷ the Accountancy Law,¹²⁸ the Audit Law¹²⁹ and the Dentistry Law,¹³⁰ do not contain non-discrimination clauses, definitions of discrimination or any regulations on protection against discrimination, nor do they include a direct prohibition of discrimination on the grounds covered by the directives. However, the general principles of non-discrimination established in the Constitution and in the Law on Equal Treatment should apply.

The findings of the Eurobarometer 2023 survey present worrying trends when it comes to accessing employment. The following criteria may put one candidate at a disadvantage when a company wants to hire someone and has a choice between two candidates with equal skills and qualifications: the candidate's age, if they are considered too young or too old (61 %), a disability (43 %), being Roma (42 %), looks (37 %) sexual orientation (being gay, lesbian or bisexual) (25 %), gender identity (for example, being transgender) (25 %), gender or sex (26 %), sex characteristics (being intersex) (22 %), way of speaking or accent (31 %), skin colour (19 %), expression of religious belief

¹²³ Law on the Legal Status of Foreigners (*Įstatymas dėl užsieniečių teisinės padėties*), 29 April 2004, <https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/asr>.

¹²⁴ Lietuvos socialinių tyrimų centras (Lithuanian Social Research Centre) and Diversity Development Group (2016), *A Study of integration policy of foreigners, granted asylum in Lithuania*, available at: <http://www.diversitygroup.lt/wp-content/uploads/2017/03/Refugee-Integration-EN.pdf>.

¹²⁵ Based on information received by the author from the State Labour Inspectorate of the Republic of Lithuania, 4 March 2026.

¹²⁶ Attorney Law (*Lietuvos Respublikos Advokatūros įstatymas*), 2004, No. 50-1632, <https://www.e-tar.lt/portal/lt/legalAct/TAR.9F4371AB03A3/asr>.

¹²⁷ Law on the Healthcare System (*Lietuvos Respublikos Sveikatos sistemos įstatymas*), 1994, No. 63-1231, <https://www.e-tar.lt/portal/lt/legalAct/TAR.E2B2957B9182/ykTupWhxcs>.

¹²⁸ Accountancy Law (*Lietuvos Respublikos Buhalterinės apskaitos įstatymas*), 2001, No.99-3515, <https://www.e-tar.lt/portal/lt/legalAct/TAR.43178AA9832E/eGHQNZASDS>.

¹²⁹ Audit Law (*Lietuvos Respublikos Finansinių ataskaitų audito įstatymas*), 1999, No. VIII-1227, <https://www.e-tar.lt/portal/lt/legalAct/TAR.9845F775C518/npJADmsHoX>.

¹³⁰ Dentistry Law (*Lietuvos Respublikos Stomatologinės priežiūros (pagalbos) įstatymas*), 2004, No. 4-36, <https://www.e-tar.lt/portal/lt/legalAct/TAR.D9F7AA1AE41F/ORZTZCmqKw>.

(10 %) and ethnic origin (15 %).¹³¹ Compared to 2019 data, the percentage has increased for all grounds except disability, sexual orientation and religious beliefs.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Lithuania, national legislation prohibits discrimination in working conditions, including pay and dismissals, for all five grounds, as well as sex, and for both private and public employment. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

According to Article 7 of the Law on Equal Treatment, the actions of an employer shall be deemed discriminatory if he or she applies less (or more) favourable terms of employment, payment for work or dismissal criteria to one employee or civil servant than to another. The same wording is repeated in the Labour Code under Article 26(2). The general equality principle is also mentioned in Article 2 of the Labour Code.¹³²

In its landmark ruling of 12 February 2021, the Constitutional Court noted that the establishment of the maximum age limit of 65 for researchers and lecturers is aimed at the constitutionally important goal of ensuring the quality of higher education by guaranteeing consistent and optimal turnover of scientists and lecturers, as well as encouraging younger highly qualified researchers and lecturers into work. According to the Constitutional Court, there are no grounds to state that the establishment of the maximum age limit of 65 for researchers and lecturers means disregarding the requirement arising from the constitutional principle of proportionality not to restrict the rights of a person beyond what is necessary to achieve the constitutionally justified goal.¹³³

3.2.3 Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Lithuania, national legislation prohibits discrimination in vocational training outside the employment relationship, such as in adult lifelong learning courses or vocational training provided by technical schools or universities, based on the prohibition of non-discrimination in education. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Article 7 of the Law on Equal Treatment obliges employers to 'provide equal working and civil service conditions and opportunities for vocational training, advanced vocational training, retraining, practical work experience, as well as provide equal benefits', although the law does not provide explanations as to what the concepts 'vocational training' or 'advanced vocational training' mean. The same wording is repeated in the Labour Code under Article 26(2)(2)).¹³⁴

However, there is not much case law on this issue. In 2021, the Supreme Administrative Court of Lithuania found that the Ministry of Education, Science and Sports, in establishing the procedure for vocational training, had not ensured the possibility that the applicant with individual educational needs was able to study in vocational education

¹³¹ European Commission, Special Eurobarometer 535, 'Discrimination in the European Union', December 2023.

¹³² Labour Code, 2016.

¹³³ Ruling of the Constitutional Court of the Republic of Lithuania, No. KT29-N1/2021, 12 February 2021 (*Lietuvos Respublikos Konstitucinio teismo 2021 m. vasario 12 d. nutarimas dėl Lietuvos Respublikos Vilniaus universiteto statuto 15 straipsnio 9 dalies nuostatų atitikties Lietuvos Respublikos Konstitucijai*), <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2369/content>.

¹³⁴ Labour Code, 2016, Article 26.

institutions.¹³⁵ Therefore, judicial interpretation of the national legislation would clarify the application of the law.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Lithuania, national legislation prohibits discrimination in relation to membership of and involvement in workers' or employers' organisations, as formulated in the directives, for all five grounds, as well as sex, and for both private and public employment. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Article 9 of the Law on Equal Treatment repeats the wording of the directive. As there have not been any rulings on the matter, it is not clear how this provision would function in practice. However, according to the case law, different provisions related to the duration of annual leave applying to workers belonging to different trade unions or not belonging to any union has led to indirect discrimination.¹³⁶

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Lithuania, national legislation does not explicitly prohibit discrimination in social protection, including social security and healthcare, as formulated in the Racial Equality Directive. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Provision of housing is included under the provisions regulating the prohibition of discrimination in the field of consumer protection (access to and supply of goods and services) (Article 8 LET). This article does not explicitly mention social housing, but it is applied in practice for the provision of public services.

The existing Law on Equal Treatment, in contrast to the Law on Equal Opportunities for Women and Men,¹³⁷ does not explicitly state that social protection, including social security and healthcare, falls under the scope of the law. There are no particular provisions on this in the LET, with the exception of a general duty to implement equal opportunities (Article 5), which reads as follows:

'State and local government institutions and agencies must within the scope of their competence ensure that in all the legal acts drafted and passed by them, equal rights and treatment are laid down without regard to gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.'

However, the position of the Ombudsperson in this respect is not clear or consistent. In the past, the Ombudsperson considered that social security and social protection would not fall under the scope of the Law on Equal Treatment while healthcare did, since the wording of the law regarding goods and services was broad enough to include health services.¹³⁸ On one occasion in 2014, however, the Ombudsperson investigated a case comprising 32 complaints regarding the state pension and its reduction for a certain

¹³⁵ The case is declared non-public and is described in more detail in the 2022 report.

¹³⁶ Supreme Court of Lithuania, *VšĮ Greitosios medicinos pagalbos stoties darbuotojų profesinės sąjunga (Emergency Medical Service Station Trade Union) v. VšĮ Greitosios medicinos pagalbos stotis (Public Institution Emergency Medical Service Station)*, 26 August 2021, <http://liteko.teismai.lt/viesasprendimupaiseska/tekstas.aspx?id=8c5fa0b3-1f7e-4369-ba1b-c40a2dd23ee1>.

¹³⁷ Article 9 of the Law on Equal Opportunities for Women and Men explicitly states that discrimination on the ground of sex is prohibited in the field of social protection.

¹³⁸ Equal Opportunities Ombudsperson (2011), *Annual report for 2010*.

group of persons. The Ombudsperson started the investigation procedure on the basis of alleged discrimination on the ground of social status and did not reject the complaint with reference to material scope. Eventually the Ombudsperson closed the investigation without clearly stating that the regulation was discriminatory and issued a recommendation to the Parliament to enact laws that would compensate state pension recipients for their loss of income because of reduced pensions. Since then, there has been no case law on this matter.

In addition to this, social protection is mainly regulated by the Law on State Social Security Insurance.¹³⁹ However, this Law does not have any anti-discrimination clauses either; it does not mention religion, belief, race or ethnicity, age, disability, sexual orientation or sex in terms of social protection. Social protection, social security and healthcare are governed by a number of other special laws that cover areas such as social state benefits,¹⁴⁰ but these laws also lack non-discrimination provisions. The Law on the Healthcare System¹⁴¹ only provides a description of the principle of 'just healthcare' – as 'state-recognised healthcare conditions ensuring equal opportunities to seek health and as much as possible reducing the differences between those seeking it'. It also sets out the principles regulating healthcare activities, among which are: 'the rights of every individual to enjoy the best health possible regardless of their sex, race, ethnicity, citizenship, social status and profession'.¹⁴² The Law on Support for the Purchase or Rental of Housing¹⁴³ only sets out a general equality principle, without mentioning specific grounds. The issue of social housing is also addressed in Section 3.2.9 ('Housing'), under paragraph (a) on 'Trends and patterns regarding housing segregation for Roma'.

Based on the practice of the Ombudsperson, as well as court practice, it can be maintained that healthcare is considered as an example of accessing goods and services and as a public service.¹⁴⁴ Nevertheless, it would be useful to have this explicitly regulated by the Law on Equal Treatment.

a) Article 3(3) exception (Directive 2000/78)

National law does not seek to explicitly rely on the exception in Article 3(3), Directive 2000/78 in relation to particular grounds.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Lithuania, national legislation does not prohibit discrimination regarding social advantages as formulated in the Racial Equality Directive. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Nevertheless, complaints regarding social benefits are likely to be investigated by the Ombudsperson, based on the duty of the state and municipal institutions and agencies to ensure that equal rights and opportunities are enshrined in all legal acts irrespective of gender, race, 'nationality', citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, as established by Article 5 or Article 8 of the LET, which contains an obligation to ensure equal treatment in

¹³⁹ Law on State Social Security Insurance (*Lietuvos Respublikos valstybinio socialinio draudimo įstatymas*), available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.0F9036415DBD/asr>.

¹⁴⁰ Law on Social State Benefits (*Valstybinių šalpos išmokų įstatymas*), 1994, No. 96-1873, <https://www.e-tar.lt/portal/lt/legalAct/f5ee93504a6e11e6b5d09300a16a686c/owltqajZQe>.

¹⁴¹ Law on the Healthcare System, 1994.

¹⁴² Law on the Healthcare System, 1994.

¹⁴³ Law on Support for the Purchase or Rental of Housing (*Lietuvos Respublikos paramos būstui įsigyti ar išsinuomoti įstatymas*), 2014, No. 15180, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/620cd9e0584311e49df480952cc07606/asr>.

¹⁴⁴ Decision of the Equal Opportunities Ombudsperson No. (18)SN-115)SP-88, 12 November 2020.

the field of consumer protection. These provisions could be interpreted as covering social benefits, since they are not mentioned among the exceptions.

The Law on Equal Treatment allows for the granting of social advantages on the grounds of age, disability and social status, when it is justified by a legitimate aim and if that aim is pursued by appropriate and necessary means.

The Ombudsperson has received and investigated complaints about alleged discrimination in the area of social advantage. In the past, the Equal Opportunities Ombudsperson issued decisions concerning the sale of reduced-rate tickets to pensioners by Vilnius City Municipality,¹⁴⁵ kindergarten benefit schemes according to which parents who sent their children to private kindergartens could get compensation,¹⁴⁶ and benefits to people with type 1 diabetes.¹⁴⁷

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Lithuania, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

In general, all educational institutions, schools, and scientific and academic institutions (public and private) are obliged under Article 6 of the Law on Equal Treatment to ensure that the principle of non-discrimination is applied in admitting students to educational institutions, awarding study grants, drafting educational programmes, selecting curricula and assessing knowledge with regard to all the grounds listed in the Law on Equal Treatment. Furthermore, the Law sets out that 'Educational establishments, other education providers as well as research and education establishments must, within their competence, ensure that education programmes, textbooks and teaching aids do not contain or propagate discrimination' on all grounds, including on the basis of sex.

In addition, Article 5(1) of the Law on Education states equal opportunities as one of the principles of the education system. Jurisprudence on equality in education remains scarce since very few cases regarding discrimination in this field have been brought to court in recent years.

In its landmark decision of 2021, the Supreme Administrative Court of Lithuania found that the Ministry of Education, Science and Sport, which is responsible for vocational training and lifelong learning policy, violated the Law on Equal Opportunities by not ensuring that a person with individual educational needs can study in vocational education institutions.¹⁴⁸

In Lithuania, the general approach towards pupils with disabilities, combined with a lack of funding, gives rise to problems.

Significant developments took place in 2020. The Parliament adopted amendments to the Law on Education, eliminating legal provisions that were discriminatory towards children

¹⁴⁵ Equal Opportunities Ombudsperson (2012), *Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2011), <https://lygybe.lt/wp-content/uploads/2023/05/lqkt-ataskaita-2011.pdf>.

¹⁴⁶ Decisions of the Equal Opportunities Ombudsperson with regard to social status, available (in Lithuanian) at: https://lygybe.lt/sprendimai/?_sft_sprendimai-kategorija=socialine-padėtis.

¹⁴⁷ Decision of the Equal Opportunities Ombudsperson No. (19)SN-92)SP-79, 20 June 2019 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos negalios pagrindu nustatant specialiuosius poreikius tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/nr.-19sn-92sp-79.pdf>.

¹⁴⁸ The case was declared non-public by the court, therefore the decision is not publicly available. However, this case is mentioned in the Equal Opportunities Ombudsperson's *Annual report for 2021*.

with disabilities.¹⁴⁹ The new provisions of the Law entered into force from 1 September 2024. General schools are no longer able to refuse to accept children with special educational needs or students with disabilities and refer them to special schools. Since the reform came into force, the number of children with special educational needs in mainstream classes is estimated to be 2 067 more than in the previous school year. In total, it is estimated that there are about 50 000 children with special educational needs in Lithuania.¹⁵⁰

On 14 December 2023, a draft amendment to the Law on Education was registered in the Seimas, which would have brought back a provision that would allow a child to be refused admission to school on the grounds of disability. After discussions with organisations representing persons with disabilities, an amendment to the Law was adopted,¹⁵¹ which partially took into account the criticisms raised by the Lithuanian Disability Forum. However, the view of disability organisations raises the risk of uncertainty about the admission of children with disabilities to schools and the risk of discrimination against children with disabilities, especially those with a higher level of educational need.¹⁵²

Under the Law on Education, parents have the right to choose a form of education for their child, but only to a certain extent. If the school cannot meet all the educational needs of the enrolled pupil and it is assessed, in accordance with the procedure established by the Minister of Education, Science and Sport, that it is not possible to ensure appropriate educational accommodation for the pupil due to a disproportionate or unreasonable burden, the head of the school shall submit a reasoned request to the executive body of the municipality to propose that the pupil enrol in another school and/or that appropriate educational accommodation should be provided for him/her.¹⁵³ However, in many cases, education in general schools is barely possible due to the fact that many mainstream schools lack either the infrastructure or the specialists (or both) to accommodate children who have special needs and are in need of specialist support.¹⁵⁴

Another set of challenges arises with regard to neurodivergent pupils with special educational needs. According to the autism association, *Lietaus vaikai*, home schooling is increasingly being used by families with autistic children. There are also cases where pupils attend individual classes in separate classrooms. Representatives of the community further report difficulties related to the provision of teaching assistant support, noting that such assistance is sometimes not provided at all or is provided to a lesser extent than the assessed needs of the pupil.¹⁵⁵

It is also noted that the school environment – both physical and curricular – remains insufficiently adapted for pupils with special educational needs. Although sensory-friendly environments are important for many pupils, schools are often not adequately prepared to ensure such conditions. Some adjustments are observed during examinations, for example allowing pupils to take exams in their own school, allowing additional time or appointing a familiar person as the exam supervisor. However, the content of

¹⁴⁹ Law on the Amendment of Articles 5, 14, 21, 29, 30, 34 and 36 of the Law on Education and Supplementing it with Article 45-1 (*Lietuvos Respublikos švietimo įstatymo Nr. I-1489 5, 14, 21, 29, 30, 34 ir 36 straipsnių pakeitimo ir įstatymo papildymo 45-1 straipsniu įstatymas*), No. XIII-3268, 30 September 2020, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a396c630c07711eaae0db016672cba9c?ifwid=8oekcj9c3>.

¹⁵⁰ See: <https://smsm.lrv.lt/lt/naujienos-1/pranesimai-ziniasklaidai-1/pirmieji-visuotines-itraukties-menesiai-procesas-vyksta-numatytu-ritmu-sudetingi-atvejai-sprendziami/>.

¹⁵¹ Law amending Articles 28 and 29 of the Law on Education of the Republic of Lithuania No I-1489, No. XIV-2847, 25 June 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/25ea2712339911efb121d2fe3a0eff27?ifwid=-nk81glary>.

¹⁵² Based on information received by the author from the Lithuanian Disability Forum, 5 February 2024.

¹⁵³ Article 29(3¹) of the Law on Education.

¹⁵⁴ According to a survey carried out in 2010, 78 % of schools said that they significantly lacked educational materials for children with special needs.

¹⁵⁵ Based on information received by the author from the Lithuanian Autism Association *Lietaus vaikai*, 27 February 2026.

examinations itself is generally not adapted, particularly for pupils with audio-processing difficulties who may find it difficult to understand what is being asked of them or to follow instructions delivered orally, even where they otherwise have the knowledge or ability to complete the task. The Ombudsperson for Children's Rights has also confirmed these concerns, noting that cases examined by the institution indicate that access to quality education for children with special educational needs is not always ensured.¹⁵⁶

According to the Office of the Ombudsperson for Children's Rights, it examines about 20 complaints each year regarding the rights of children with special educational needs (investigations are carried out at the Ombudsperson's initiative). According to the information provided, the number of complaints has not changed following the entry into force of the amendments to the Law on Education.¹⁵⁷ Nevertheless, significant challenges remain, particularly due to insufficient preparedness, a shortage of specialists, disparities in the capacities of municipalities and educational institutions, limited resources and practical difficulties in ensuring individualised support for each child.

According to the investigation implemented by the Ombudsperson for Children's Rights in 2016, 14 (of 61) of the municipalities did not provide any type of further education opportunities for children with intellectual disabilities finishing compulsory basic education (on average, children usually finish their basic education at the age of 16).¹⁵⁸ According to a 2019 survey among children with disabilities and their parents, in response to a question about the best place for children with disabilities to be educated, the largest number of them (48 %) chose mainstream schools together with all other children, 32.9 % chose special schools and 17.8 % opted for special classes in mainstream schools, with 1.3 % choosing home education.¹⁵⁹ However, when a similar question was asked in a public opinion poll commissioned by the Ombudsperson for Children's Rights in 2018, 37.6 % said special schools, 30.6 % said mainstream schools, 23.8 % said mainstream schools with special classes, and 1.7 % said that home would be the best place for children with special needs to be educated.¹⁶⁰ Parents of children with disabilities stated that they faced further problems when accessing schools: 58 % of them said there were no special schools available in their area, 25.8 % said there were no mainstream schools that would agree to accept their child with disability, and some said that the schools were not adapted to accept children with disabilities or that they had to wait for a long time.

In 2020, the Ombudsperson declared that the current legal acts adopted by the Minister of Education, Science and Sports, which regulate the access to education of students studying according to an individualised basic education programme, prevent a person with a disability from choosing what education he or she wants to pursue and are in violation of Article 5(1) of the Law on Equal Treatment and Article 24 of the United Nations Convention on the Rights of Persons with Disabilities. The Ombudsperson suggested that the Ministry should change the above-mentioned regulations with the involvement of organisations representing persons with disabilities. According to the

¹⁵⁶ Based on information received by the author from the Ombudsperson for Children's Rights, 26 February 2026.

¹⁵⁷ Based on information received by the author from the Ombudsperson for Children's Rights, 26 February 2026.

¹⁵⁸ Certificate of investigation at the initiative of the Ombudsperson for Children's Rights on the situation of children with disabilities in municipalities (2016), <http://vtaki.lt/lt/teisine-informacija/vaiko-teisiu-padeties-vertinimas/atlikti-tyrimai-ir-apibendrinimai>.

¹⁵⁹ Lithuanian Association of Persons with Disabilities, 'Research on Access to Education, Special Education and Education Assistance for Children, evaluating Effectiveness in Implementation of the UN Convention on the Rights of Persons with Disabilities' (2019), https://draugija.lt/wp-content/uploads/2020/10/%C5%A0vietimo-tyrimo-ataskaita-2019_12_31-Galutin%C4%97-senesnis-Word.pdf.

¹⁶⁰ Society's attitude to inclusive education of children with special needs, public opinion poll, 2018, Vilnius, ordered by the Ombudsperson for Children's Rights, <http://vtaki.lt/uploads/documents/files/apklausa%20Vilnius%20SUP%202018%2012.pdf>.

Table for Monitoring the Implementation of the Decisions of the Equal Opportunities Ombudsperson, this recommendation is still in the process of implementation.¹⁶¹

In 2025, the Equal Opportunities Ombudsperson issued an important decision concerning the lower secondary education achievement assessment. Although the relevant authorities had been provided with all the necessary information regarding the required accommodations for a pupil with special educational needs, these adjustments were not ensured during the assessment process. As a result, the Ombudsperson concluded that the situation constituted a violation of the Law on Equal Treatment.¹⁶²

One of the provisions of Article 3 of LET states that the Law does not apply to the admission of persons to study at schools of religious communities and associations, schools established by them or their members, as well as establishments, enterprises and organisations whose main activity is other than academic education, which have been established with the purpose of education in an environment fostering the values of a religious community or association where refusal to admit a person is necessary in order to maintain the ethos of the said organisations. The same rules apply to the process of education as well as to the selection of staff by these establishments, and also to the content of education programmes, textbooks and education tools when teaching the religion of traditional religious communities and associations. It is not clear which schools would be exempted from applying the law and in which cases, since there have not been any rulings on the issue yet. However, the debate on these exceptions in Parliament focused largely on the issue of sexual orientation. Conservative politicians stated that such provisions could be used to 'protect' schools from homosexuals. The present wording is very broad, leaving room for interpretations that could breach the requirements of the Employment Equality Directive (Directive 2000/78/EC) and the Racial Equality Directive (Directive 2000/43/EC).

Challenges are being faced in ensuring the rights of migrant minors, who have increased in number in Lithuania following the 2021 humanitarian crisis on the Lithuanian-Belarusian border and the 2022 war in Ukraine. According to the Ombudsperson for Children's Rights, around 10 complaints are received each year concerning violations of children's rights in migration processes. Particular attention is drawn to unaccompanied minors, who represent a specific category of travelling children and face increased risks due to the absence of family care, as well as limited protection and representation. The disappearance of unaccompanied foreign minors from accommodation centres remains a significant and complex issue affecting their safety and wellbeing. Once they leave these centres, unaccompanied minors may face various risks, including human trafficking, and may lose access to essential social, educational and healthcare services necessary for their integration and development.¹⁶³

a) Trends and patterns regarding Roma pupils

In Lithuania, there have been specific patterns in education regarding Roma pupils, such as segregation. However, the Office of the Ombudsperson for Children's Rights has not received any complaints about the education of Roma children for many years.¹⁶⁴ No such cases were recorded by the Office of the Equal Opportunities Ombudsperson in 2025. However, the author is aware of one instance in which teachers allegedly

¹⁶¹ Table for Monitoring the Implementation of the Decisions of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus sprendimų vykdymo stebėseną*), https://docs.google.com/spreadsheets/d/1NP38IHq2nzKzs-bbM2bnZBVfTL5_FVxhDqiR5oRXHo0/edit#gid=0.

¹⁶² Decision of the Equal Opportunities Ombudsperson No. (25)SN-185)SP-71, 13 October 2025, <https://lygybe.lt/wp-content/uploads/2025/10/del-galimos-diskriminacijos-negalios-pagrindu-pagrindinio-ugdymo-pasiekimu-patikrinimo-vykdyto-metu-2025-10-13.pdf>.

¹⁶³ Based on information received by the author from the Ombudsperson for Children's Rights, 26 February 2026.

¹⁶⁴ Based on information received by the author from the Ombudsperson for Children's Rights, 26 February 2026.

prohibited pupils from speaking the Romani language, although no formal complaint was submitted.

When addressing Roma education issues, it is important to note the structure of the Roma community – children and young people under 19 comprise 41 % of the total Roma population, in contrast with the national average; children and young people up to the age of 19 make up only around 20 % of the total population.¹⁶⁵ Some meaningful developments were recorded in education in relation to a piece of research carried out in 2020. Compared with the situation in 2015, more Roma children attended kindergartens and pre-school education; a more even distribution of Roma students was recorded by classes in general education schools; and the number of students over 16 had increased.¹⁶⁶

It is important to note that, according to the total survey sample for 2020, educational indicators were slightly lower than they were in 2015. However, educational indicators risen among the younger age groups (10-19 and 20-29). The number of Roma children who had not completed primary education or who were still in primary school decreased among the youngest age group (from 36 % in 2015 to 28 % in 2020). The number of illiterate persons or those without primary education decreased (from 11 % to 4 %) in the young adults group (20-29 years), and there had been increases in the numbers of persons with basic education (from 22 % to 30 %) and with secondary education (from 8 % to 18 %). The report noted that only a small proportion of Roma children (about 24 %) attended non-formal education activities, such as day centres or after-school activities.¹⁶⁷ These concerns have been confirmed in discussions among persons working directly with Roma children. It was noted that the need for non-formal education is high, but due to the economic situation, parents are unable to pay for children's extracurricular activities. In addition, following the demolition of the Kirtimai settlement and the relocation of families to various parts of Vilnius, some children find it difficult to attend day care centres,¹⁶⁸ especially children of primary school age.¹⁶⁹ No more recent comparable survey data appear to be available, as no similar study on the educational situation of Roma in Lithuania has been carried out in recent years.

Despite positive developments, the acquisition of primary and secondary education remains a challenge for the majority of Roma pupils, especially if they do not have any support network. The reasons why Roma children face difficulties with learning in schools (which are often simplified to 'unwillingness to learn') are complex. Many Roma children already face learning difficulties at primary level. The lack of preparation for school (weak motor skills and an absence of pre-school education), a lack of social skills and weak Lithuanian language skills are often referred to as the main causes of the complicated adaptation of Roma children in school. These factors, together with the limited ability of parents to help a child at home (a large proportion of Roma parents are illiterate or only completed primary school), determine the falling behind of Roma children at school – children start to lag behind their classmates quite quickly and cannot do their homework independently. Unsuccessful learning experiences begin to emerge quickly (such as missing lessons and behavioural problems), and unresolved problems often make it more difficult to involve children in the educational process.¹⁷⁰ Among the positive examples, the Vilnius City Municipality ensures the provision of four teaching assistants working in

¹⁶⁵ 2021 census data, available (in Lithuanian) at: <https://osp.stat.gov.lt/lt/statistiniu-rodikliu-analize?hash=a098178d-71c2-43f0-807c-3765725d7ded#/>.

¹⁶⁶ Kontvainė and Diversity Development Group (2020).

¹⁶⁷ Kontvainė and Diversity Development Group (2020).

¹⁶⁸ Children come to day care centres after school, do their homework, eat, take part in educational activities and play.

¹⁶⁹ Based on information received by the author from the Padėk pritapti branch of the Lithuanian Young Falcon Union and the Roma Community Centre, 26 February 2022.

¹⁷⁰ Education Development Centre (2017), *Rekomendacijos dėl romų vaikų įtraukiojo ugdymo stiprinimo* (Recommendations on strengthening inclusive education of Roma children), <https://duomenys.ugdome.lt/?veikla/migr/med=9/128>.

three schools attended by Roma children.¹⁷¹ However, initial resistance from some schools to accept the presence of these assistants has been observed.

Pre-primary education is compulsory for everybody from the age of five (sometimes six). However, according to the legislation, compulsory kindergarten education (from birth until six years of age) can be assigned to a child who is raised in a family at risk, or when parents lack social and/or positive parenting skills; to children with an established disability whose parents are not able to meet their special needs; or when parents are experiencing difficulties that prevent them from meeting the child's natural, cultural, social and cognitive needs.¹⁷² The author does not have any information on how or if these provisions are applied among members of the Roma community.

The Action Plan for Roma Inclusion 2030 sets out a number of measures to improve the educational situation of Roma children¹⁷³. However, most of the Plan's activities were planned to be financed by a European Commission-funded project which was not successful, leaving the future of the Plan's implementation unclear. The Plan also received a lot of criticism from NGOs, in particular for its lack of financial perspectives, but it was adopted without a broader debate.

Nevertheless, the Action Plan for Roma Inclusion 2030 aims to achieve the following results:

- The share of children enrolled in pre-primary and pre-school education: 50 % in 2020; 70 % in 2030;
- Proportion of children who are illiterate (have not completed primary school): 8 % in 2021; 4 % in 2030;
- The share of people with basic education: 45 % in 2021; 65 % in 2030;
- The share of people with secondary education: 24.5 % in 2021; 35 % in 2030;
- The share of people with post-secondary education: 0.7 % in 2021; 2 % in 2030.

The data from 2008 indicated that pre-schooling was rare, and most Roma children (69 %) did not attend pre-school establishments or groups and did not participate in after-school activities. The number of children attending kindergartens (1-6 years) increased between 2015 and 2020 (from 25 % to 34 %), as did the number attending pre-school education. There is no comparison to be made here, as pre-school education was made compulsory only from 2016. This is a meaningful development as, based on the research carried out in 2008, a third (32 %) of Roma pupils started education when they were 10 or older.

A separate inclusion programme is being implemented in Vilnius, where the largest share of the Roma community in Lithuania lives. In 2024, the municipality adopted the Vilnius Roma Inclusion Programme 2024–2026, which aims to address the needs of the Roma community in areas such as education, health, employment, housing and social inclusion. The programme continues earlier integration initiatives and includes measures to increase Roma participation in formal and non-formal education, provide additional support in schools attended by Roma pupils (including teacher assistants), strengthen cooperation between schools and NGOs, improve access to social and health services, and promote Roma cultural visibility and community engagement. According to information on the implementation of the action plan in Vilnius City Municipality, attendance by Roma pupils increased by 65 % during 2018-19. According to information

¹⁷¹ Based on information received by the author from the Padėk pritapti branch of the Lithuanian Young Falcon Union, 3 March 2026.

¹⁷² Order of the Minister of Science and Education and the Minister of Security and Labour on the Adoption of the Description of Establishing and Assigning Compulsory Pre-School Education, 26 April 2012, No. V-735/A1-208, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.423753/asr>.

¹⁷³ Order of the Director of the Department of National Minorities under the Government of the Republic of Lithuania, 29 December 2023, <https://tmde.lrv.lt/media/viesa/saugykla/2024/2/EwBBKB9fONY.pdf>.

provided by Vilnius City Municipality in 2025, five children attend pre-school education groups, nine attend pre-primary education groups and 133 attend general education classes.

Non-governmental organisations working with Roma children and the Roma community indicate that segregation of Roma children is sometimes invisible, as different rules are applied when a child stops coming to school. Sometimes no action is taken, or it is taken too late. According to these NGOs, some schools transfer a child from one grade to another without the child actually attending the school for months or even years, as enrolling a child in a specific school brings with it the funding attached to that pupil.¹⁷⁴

The Ombud institutions have dealt with complaints from the Roma community in the field of education. In 2011, the Equal Opportunities Ombudsperson recommended that Saulėtekis secondary school integrate children attending segregated class 3č with other classes in the school.¹⁷⁵ In 2014, the Ombudsperson for Children's Rights carried out an investigation¹⁷⁶ that discovered that at least 50 Romani children who did not demonstrate severe special needs were placed in special schools, despite there being no need for their placement in a special school. In recent years, no information has been received regarding the education of Roma children in special schools.

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Lithuania, national legislation prohibits discrimination in access to and the supply of goods and services as formulated in the Racial Equality Directive. Article 8 of the Law on Equal Treatment explicitly states that providers of goods and services must ensure equal access to all customers, and the prohibition of discrimination extends to all anti-discrimination grounds, as well as sex. Gender identity, gender expression and sex characteristics are not explicitly included in the law.

Article 8(1) of the Law on Equal Treatment states:

'When implementing equal treatment, a seller or producer of goods or a service provider ... must provide consumers with equal access to the same products, goods and services, including housing, as well as apply equal conditions of payment and guarantees for the same products, goods and services or for products, goods and services of equal value.'

On 26 June 2025, an amendment to the Law on Equal Opportunities was adopted, explicitly establishing the obligation to ensure reasonable accommodation for persons with disabilities, extending this duty not only to employers but also to other public and private institutions, including in the access to and supply of goods and services.¹⁷⁷ It is also clearly stated that failure to ensure reasonable accommodation constitutes discrimination on the grounds of disability (both direct and indirect discrimination). The amended provisions entered into force on 1 January 2026.

Failure to ensure access to goods and services for persons with disabilities has previously been recognised as discrimination in the practice of the Ombudsperson. It was recognised that providers of goods and services had to ensure access to buildings and premises and to improve accessibility within buildings. This responsibility applied to café

¹⁷⁴ Based on information received by the author from the Padėk pritapti branch of the Lithuanian Young Falcon Union and the Roma Community Centre, 23 February 2021.

¹⁷⁵ Equal Opportunities Ombudsperson (2012), *Annual report for 2011*.

¹⁷⁶ Decision of the Ombudsperson for Children's Rights, 19 August 2014, No. (6.1- 2013-329) PR-156.

¹⁷⁷ Law amending Articles 2, 5, 6, 7, 8, 9 and 15-1 of the Law on Equal Treatment of the Republic of Lithuania No. IX-1826 (*Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 2, 5, 6, 7, 8, 9 ir 15-1 straipsnių pakeitimo įstatymas*), 26 June 2025, No. XV-355, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a6fc6d0532011f0a19dcea0bcc863ad?jfwid=-3m978ch4k>.

owners,¹⁷⁸ events organised by the Lithuanian Music and Theatre Academy,¹⁷⁹ Kaunas District Court and health service providers, for example.

In 2025, the Ombudsperson received 125 complaints concerning disability discrimination, 66 of which related to the provision of goods and services. The highest number of complaints (15) concerned barriers faced by persons with disabilities when accessing restaurant and café services. The most frequently reported problems in public establishments included entrances that were not accessible for wheelchair users, inaccessible toilets and limited possibilities to move within premises. Several complaints also concerned the lack of accessible services for persons with physical and visual disabilities and the lack of accessible information in post offices and bank branches.

An increasing number of cases concern the inaccessibility of services for persons accompanied by assistance dogs. Individuals with assistance dogs have been refused entry to catering establishments, shopping centres and other public places.¹⁸⁰ In such cases, staff in public establishments often lack awareness of the role of assistance dogs. Even where service providers have internal rules stating that persons accompanied by assistance dogs must be served, employees in practice still impose restrictions or deny access.

Awareness-raising and information activities are being carried out mainly by civil society organisations, sometimes in cooperation with private companies. For example, the organisation Assistance Dogs (*Šunys asistentai*) works to educate the public, employers and other stakeholders about assistance dogs, their role in the lives of persons with disabilities, and the rules governing access to public and professional environments.

According to the Annual report for 2025 of the Equal Opportunities Ombudsperson, the problem of locked accessible toilets for persons with disabilities in public places also persists. Persons with disabilities have reported experiencing humiliating situations, such as being asked to prove their disability with documents, delays in unlocking the facilities, or other barriers when attempting to access them.

In 2025, the Ombudsperson began an investigation on her own initiative concerning the reconstructed Tauras Hill (*Tauro kalnas*) public space in Vilnius, following publicly shared information indicating that some of the paths on Tauras Hill were not accessible for persons who use a wheelchair, as they ended with stairs or curbs and lacked ramps or sloped access.¹⁸¹ After assessing the circumstances, the Ombudsperson concluded that the situation constituted discrimination against persons with disabilities. Following the launch of the investigation, the municipality took certain measures, including making changes to the marking of footpaths.

There are no exceptions in the Law on Equal Treatment that would allow differences in treatment on the grounds of age and disability in the provision of financial services. However, the Law on Insurance¹⁸² does allow differential treatment on the grounds of age as well as state of health when calculating insurance risks, adding that there should not be discrimination within a group at a particular risk level.

Religious communities or associations, as well as associations established by these religious communities or their members, are not obliged to follow the Law on Equal

¹⁷⁸ Decision of the Equal Opportunities Ombudsperson No. (19)SN-134)SP-98, 27 September 2019 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos negalios pagrindu teikiant paslaugas restorane "Ararat" tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-19sn-134sp-98.pdf>.

¹⁷⁹ Decision of the Equal Opportunities Ombudsperson No. (20)SN-48)SP-43, 7 May 2020.

¹⁸⁰ Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

¹⁸¹ Decision of the Equal Opportunities Ombudsperson No. (25)SI-2)SP-72, 14 October 2025, <https://lygybe.lt/wp-content/uploads/2026/01/sprendimas-4.pdf>.

¹⁸² Law on Insurance (*Draudimo įstatymas*), 2003, No. 94-4246, <https://www.e-tar.lt/portal/lt/legalAct/TAR.8447F63760E9/asr>.

Treatment in providing goods and services when the purpose of this provision is of a religious character. The author is not aware of situations in which this exception has been applied in practice. However, since the wording of this provision is rather broad and vague, there is enough room for interpretations that could be used to justify discrimination against LGBTIQ+ persons. For example, a same-sex couple might be refused service at a community centre run by a religious community, or a child of a same-sex couple might not be accepted at a children's day care centre as these would count as providing services of a religious character. However, as has already been stated, the author of this report is not aware of any such situations in practice.

As described above, the Equal Opportunities Ombudsperson proposed to amend the Law on Equal Treatment with provisions covering exceptions whereby the provision of goods and services exclusively (or primarily) to persons with certain characteristics would be justified as a legitimate aim, to be achieved by appropriate and necessary measures, such that these cases would not be considered as less favourable treatment.¹⁸³ These provisions are included in the Draft Law on the Law on Equal Treatment, which was introduced in the Parliament in 2019 and is still pending in early 2026.

a) Distinction between goods and services available publicly or privately

In Lithuania, national law does not distinguish between goods and services available to the public (e.g., in shops, restaurants or banks) and those that are only available privately (e.g., limited to members of a private association).

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Lithuania, national legislation prohibits discrimination in the area of housing as formulated in the Racial Equality Directive. Along with the other grounds, gender identity, gender expression and sex characteristics are not explicitly included in the law.

The Law on Equal Treatment mentions housing within the scope of consumer rights. Article 8 of the Law on Equal Treatment states:

'when implementing equal treatment, a seller or producer of goods or a service provider, without regard to gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must: provide consumers with equal access to the same products, goods and services, *including housing*, as well as apply equal conditions of payment and guarantees for the same products, goods and services or for products, goods and services of equal value.'¹⁸⁴

The Law does not distinguish between citizens and third country nationals; therefore, protection is applied to all.

The author has been informed of a number of instances in which refugees and migrants have been discriminated against by local property owners when trying to rent accommodation. According to an organisation that provides assistance to migrants and refugees, the people who most often face discrimination are those with darker skin colour than average for Lithuanians, those wearing any religious clothing (most commonly, the hijab), or those who speak Lithuanian poorly or not at all. The same situation was reported by organisations working with Roma persons. On at least a few occasions, landlords have refused to rent their accommodation out to refugees, migrants or Roma people. No cases have been reported to the Ombudsperson, however. According to non-governmental organisations, this raises many concerns, as landlords do not want

¹⁸³ Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

¹⁸⁴ Law on Equal Treatment, 2003, entry into force 1 January 2005; latest amendments: 11 December 2018, <https://www.e-tar.lt/portal/lt/legalAct/TAR.0CC6CB2A9E42/asr>. Our emphasis.

migrants, refugees or Roma persons, especially those with children, to declare their place of residence in rented housing. Without alternative mechanisms in place, people without a declared place of residence cannot apply for rent compensation or for a place in kindergarten or school, and they cannot claim child benefit or any other social benefits or services.¹⁸⁵

Unfortunately, national anti-discrimination measures do not specifically address the issue of discrimination against migrants in the housing sector. However, a study carried out by the Office of the Equal Opportunities Ombudsperson in 2025 revealed that migrants and foreign nationals living in Lithuania, particularly those perceived by landlords as non-Lithuanian or as belonging to racial or ethnic minority groups, face discrimination in the housing rental market.¹⁸⁶ The study indicates that such discrimination is not necessarily linked to nationality alone, but may also intersect with ethnic origin, race, skin colour, language or accent, and perceived migration status.

The study found that affected tenants often encounter additional financial burdens when renting housing, such as being charged higher rent than indicated in advertisements, being asked to pay larger deposits or facing higher utility charges after moving in. In addition, landlords often refuse to conclude formal rental agreements, offer only short-term contracts or propose lower-quality housing.

The study also revealed instances of intersectional and multiple discrimination in housing searches, where other factors, such as family status, skin colour, gender, religion or pregnancy, may also play a role. Among its recommendations, the study suggested establishing an independent and impartial alternative dispute resolution mechanism for housing-related disputes (e.g. a Housing Disputes Board or Housing Arbitration), considering mechanisms to regulate certain aspects of rental pricing (including limits on security deposits required before moving in) and introducing safeguards against unjustified rent increases.

The Law on Equal Treatment includes a general duty to implement equal opportunities (Article 5), which could be interpreted to include housing provided by local government institutions. It reads as follows:

‘State and local government institutions and agencies must within the scope of their competence ensure that in all the legal acts drafted and passed by them, equal rights and treatment are laid down without regard to gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.’

It is not yet clear if the court would accept the interpretation of Article 8 as also encompassing social housing. No court cases with regard to discrimination in the field of housing have been brought to court.

a) Trends and patterns regarding housing segregation for Roma

In Lithuania, there are patterns of housing segregation and discrimination against the Roma.

¹⁸⁵ Based on information received by the author from the VA Caritas Foreigners Integration Programme, 11 March 2021, and from the Padėk pritapti branch of the Lithuanian Young Falcon Union and the Roma Community Centre, 23 February 2021.

¹⁸⁶ Equal Opportunities Ombudsperson (2025), *Būsto nuomos rinka: Vilnius, 2025 Lietuvoje gyvenančių užsieniečių situacijos analizė* (The rental housing market: An analysis of the situation of foreigners living in Lithuania), <https://lygybe.lt/wp-content/uploads/2025/12/busto-nuomos-rinka-lietuvoje-gyvenanciu-uzsienieciu-situacijos-analize-2025.pdf>.

In general, Lithuanian Roma live a settled life. In 2008, over half of Roma indicated that they had been living in their current city, town or village for over 20 years.¹⁸⁷ Sociological research, carried out in 2015 and 2020 among Roma, has provided a more reliable overview of their housing situation in 2015 and 2020.¹⁸⁸

The situation of Roma households improved slightly from 2015, according to the research carried out in 2020, but an absolute majority of Lithuanian Roma (96 %) were still living below the risk-of-poverty threshold, and 61 % were living in households that experienced severe material deprivation.

Housing conditions improved, and the number of people living in problematic housing reduced (from 72 % to 55 %), while the number of households able to heat their homes sufficiently increased (from 48 % to 75 %). Household size increased. Despite the positive developments, however, Roma housing was still of a lower quality compared with the national average.

In contrast to the general population, a small percentage of Lithuanian Roma lived in premises that they owned (26 %, in comparison to a national average of 85 %), and 43 % lived in housing where they paid rent that was lower than the market price (either social housing or with rent compensation) compared to the national average of 2 %). About a quarter of the Lithuanian Roma population lived in premises without paying rent (in illegal housing, staying with relatives, etc.), in contrast to a national average of 6 %. Not surprisingly, therefore, living standards among Roma were much lower than the national average: the Roma lived in much more crowded accommodation (14.6 m² per person, in contrast to an average of 35.5 m²), and around half of households were not equipped with a bathtub or shower (47 %, compared with a national average of 12 %) or toilet (40 % compared with a national average of 13 %). Compared with 2015, the quality of Roma housing had improved by 2020 – the number of households without a bathtub or shower had fallen from 56 % to 47 %, and the proportion of homes without a flushing toilet had gone down from 51 % to 40 %. Many Roma households still faced housing quality issues, however: 56 % of households had problems such as a leaking roof, damp walls, floors or foundations, or rotten windows or floors (compared with 68 % in 2015 and a national average figure of 15 % in 2018).¹⁸⁹

The Action Plan for Roma Inclusion 2030 aims to achieve the following results in the field of housing:

1. Proportion of people living in households with housing problems (dripping roof, damp walls, floors or foundations, rotten windows or floors): 55 % in 2020; 45 % in 2030;
2. Proportion of people with a bath/shower: 84 % in 2021; 90 % in 2030;
3. Proportion of people with hot water: 89 % in 2021; 95 % in 2030;
4. Proportion of people living in housing with insufficient heating: 25 % in 2020; 15 % in 2030.

However, as mentioned earlier, the implementation of the action plan is questionable due to insufficient funding.

The Roma community living in Kirtimai (a district of the Vilnius City Municipality) was the most obvious example of segregation. The number of Roma residents in this slum-like

¹⁸⁷ Institution for Social Research, Centre for Ethnic Studies (*Socialinių tyrimų instituto etninių tyrimų centras*) (2008), *Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje*.

¹⁸⁸ VŠĮ Diversity Development Group (2015), *Sociologinio tyrimo 'Romų padėtis lyginant su kitais šalies gyventojais' tyrimo ataskaita* (Report on the situation of Roma in comparison to other residents of the country), <http://lygybe.lt/wp-content/uploads/2023/05/romu-tautybes-asmenu-padetis-lyginant-su-kitais-salies-gyventojais.pdf>.

¹⁸⁹ Kontvainė and Diversity Development Group (2020).

settlement had been steadily decreasing in recent years. According to data from 2020, no Roma persons were left residing in the segregated Kirtimai settlement, and the last families had to demolish their houses in the summer of 2020. In comparison, there were 100 houses with approximately 500 residents in 2001, the absolute majority of them being Roma. Nevertheless, Roma persons still face housing problems.

In a 2023 study, the Roma community highlighted examples of systemic discrimination, in particular unethical house demolitions and evictions. To date, some of the people who were evicted after the demolition of their homes have not been provided with alternative housing.¹⁹⁰

¹⁹⁰ Guliakaitė-Danisevičienė, M., Rūkaitė, K. and Lietuvos žmogaus teisių centras (2023), 'Lithuania's non-discrimination policy: the cases of the Lithuanian Jewish and Roma communities' (*Lietuvos nediskriminavimo politika: Lietuvos žydų ir romų bendruomenių atvejai*), Vilnius, Lietuvos žmogaus teisių centras.

4 EXCEPTIONS

According to Article 2(9) of the Law on Equal Treatment, the following are not considered direct discrimination:

- 1) 'restrictions on the grounds of age as established by law where it is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- 2) requirement to know the state language, as established by law;
- 3) prohibition of participation in political activities in cases specified by law;
- 4) different rights applied on the basis of citizenship, as established by law;
- 5) special measures in the field of healthcare, safety at work, employment and the labour market as established by law with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment;
- 6) special temporary measures, established by law, which are taken to ensure equality and prevent violation of equal treatment on the grounds of gender, race, *nationality*, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;¹⁹¹
- 7) where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, a particular human characteristic constitutes an essential [*genuine* – author] and determining occupational requirement, provided that the aim is legitimate, and the requirement is proportionate;
- 8) where the legal regulation of restrictions, special requirements or conditions with regard to a person's social status¹⁹² are justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- 9) organisation of special sports competitions for persons with disabilities.
- 10) granting benefits on the basis of age, disability and social status, where it is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.'

In addition to this list, Article 3 of the Law on Equal Treatment states that the Law does not apply to a wide range of activities in relation to ethos-based organisations (membership, employment, educational activities) and/or education materials providing traditional religious teaching, and that it also does not apply in the spheres of family and private life. These provisions are described in Section 4.2 below.

In most cases, the Law on Equal Treatment requires that exceptions regarding particular grounds must be established by law and objectively justified by a legitimate aim, and that the means of achieving that aim must be appropriate and necessary.

In 2025, the Equal Opportunities Ombudsperson, relying on Article 2(9)(8) of the Law on Equal Opportunities, found no discrimination on the ground of age in a case where a person was refused entry to an amusement park because adults are not allowed to enter unless they are accompanying a minor.¹⁹³ It was argued that the park's condition (restricting adults from visiting the amusement park without minor children) pursues the legitimate aim of ensuring a safe environment for children and that this aim is pursued through appropriate and necessary measures.

¹⁹¹ However, special temporary measures are not defined in any other laws, except for those identified in relation to a person's disability. It is also unclear whether all of them could be identified as temporary measures.

¹⁹² According to Article 2(8), 'social status' is defined as the status of a person based on his/her past or present education, qualifications, income or property ownership, dependence on social assistance schemes as well as any other characteristics related to the financial situation of a person.

¹⁹³ Decision of the Equal Opportunities Ombudsperson No. (25)SN-101)SP-34, 1 July 2025, <https://lygybe.lt/wp-content/uploads/2025/06/sprendimas-adventica.pdf>.

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Lithuania, national legislation provides for an exception for genuine and determining occupational requirements.

The provision on genuine and determining occupational requirements is contained in the Law on Equal Treatment in the form of a list of exceptions to direct anti-discrimination provisions (Article 2(9)). The national provision repeats the wording of the directive and does not elaborate on it.

A landmark decision was made in 2019, in which the court recognised, as per the request of the Equal Opportunities Ombudsperson, that a special requirement for the director of the Park Directorate to ride a bike constituted a violation of equal opportunities. According to the court, the ability to ride a bicycle cannot relate to the performance of functions. Therefore, for persons with disabilities, this requirement would establish a restriction on the exercise of their rights equally.¹⁹⁴ This approach appears broadly consistent with CJEU case law, as the court required an objective link between the requirement and the actual performance of the functions attached to the post.

According to the State Labour Inspectorate (VDI), instances of indirect discrimination may occur in practice when seemingly neutral requirements are used in job advertisements. For example, a requirement to have a personal car may indirectly discriminate on the grounds of social status.¹⁹⁵ The Lithuanian Employment Service has also provided examples where certain positions require higher education even though vocational qualifications or practical skills would be sufficient.¹⁹⁶ In addition, in some cases high levels of foreign language proficiency are required even when the job functions do not objectively require it (for example, for production workers or cooks), which may unjustifiably restrict the opportunities of some candidates.

No clear incompatibility between the national provision and CJEU case law on genuine and determining occupational requirements has been identified. However, Lithuanian case law on the application of this exception remains very limited and national courts have not yet developed detailed criteria for its interpretation.

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Lithuania, national law provides an exception for employers with an ethos based on religion or belief.

According to Article 3 of the Law on Equal Treatment, the Law would not apply to teachers, employees or members of religious communities, associations or centres, nor would it apply to associations or legal persons (whose ethos was based on a religion or belief and that had been established to serve its purposes) established by these religious communities or their members where, by reason of the nature of the activities of these entities, or of the context in which they are carried out, a person's religion or belief constitutes a genuine, legitimate and justified occupational requirement with regard to the organisation's ethos. Additionally, the LET provides these organisations and

¹⁹⁴ Vilnius Regional Administrative Court (Vilniaus apygardos administracinis teismas), *Office of the Equal Opportunities Ombudsperson v. Vilnius City Municipality*, administrative case No. I-4523-789/2019, decision of 3 October 2019.

¹⁹⁵ Based on information received by the author from the State Labour Inspectorate of the Republic of Lithuania, 4 March 2026.

¹⁹⁶ Based on information received by the author from the Lithuanian Public Employment Service, 26 February 2026.

institutions with the right to require individuals working for them to act in good faith and with loyalty to the organisation's ethos, as allowed by the directive.

Similar wording is repeated in Article 26 of the Labour Code.¹⁹⁷

It is not clear which organisations can take advantage of this exception. There are a few non-profit organisations directly established by the Lithuanian Bishops' Conference (Lithuanian Caritas, Family Centre of Lithuania), as well as shelter homes, children's day centres, cultural and youth organisations, media portals and educational institutions (school and pre-school educational establishments) that are linked to the Catholic church or that claim to represent Christian values. Other religious communities also have schools, centres and other organisations that they have established. The wording of the national provisions is very broad and can be interpreted widely. This is hardly compatible with the goals of the directive, and could eliminate LGBTIQ+ people from certain areas of public life. Some members of Parliament who are notorious for opposing homosexuality and protecting 'traditional values' identified the connection between these provisions and the issue of sexual orientation during discussions of the amendments to the Law, stating that the exception could be used as a 'self-defence tool' for eliminating people of a 'non-traditional' sexual orientation from schools and the education system in general.¹⁹⁸

A similar exception under the Law on Equal Treatment is included for the provision of goods and services (Article 3(3)).

- Conflicts between rights of organisations with an ethos based on religion or belief and other rights to non-discrimination

In Lithuania, there are no specific provisions and/or case law in this area relating to conflicts between the rights of organisations with an ethos based on religion or belief and other rights to non-discrimination.

However, conflicts can be observed in the positions of different members of Parliament when considering exceptions under the LET, in the various petitions organised by church-affiliated organisations against the Istanbul Convention¹⁹⁹ and same-sex partnership, and in the public positions adopted by the Catholic church.²⁰⁰

The initial debate on the amendment to the Law, establishing an exception to the application of the Law on Equal Opportunities for religious communities, focused on homosexuality rather than on religion or belief. The Catholic Church played a significant role in the introduction of the provisions.²⁰¹ The openly negative attitude of church-affiliated organisations towards the LGBTIQ+ community in Lithuania should be borne in mind.

¹⁹⁷ Labour Code, 2016.

¹⁹⁸ Transcript of the plenary session of the Parliament of the Republic of Lithuania of 18 September 2007, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/TAIS.304466>.

¹⁹⁹ The petition against the Istanbul Convention was initiated by the Free Society Institute (*Laisvos visuomenės institutas*). One of the arguments relates to the introduced definition of 'gender': that also introducing non-discrimination on the ground of gender would force persons to recognise their required 'social gender identity'. The petition was initiated on 8 March 2020, and is available in Lithuanian at: <https://laisvavisuomene.lt/veiklos/pilietines-iniciatyvos/stambulo-konvencijai-ne/>.

²⁰⁰ 'Bažnyčia ragina naująją šalies valdžią tos pačios lyties žmonių partnerystės neprilyginti šeimai' (Lithuanian Bishops' Conference, 'The Church urges the new Government not to hold same-sex partnerships equal to family'), *LRT.lt*, 8 December 2020, <https://www.lrt.lt/naujienos/lietuvoje/2/1294027/baznycia-ragina-valdzia-tos-pacios-lyties-zmoniu-partnerystes-neprilyginti-seimai>.

²⁰¹ The Minister of Social Security and Labour publicly admitted that the inclusion of these provisions was discussed with the Lithuanian Bishops' Conference, and that the draft law and these particular provisions were approved by the Lithuanian Bishops' Conference. Transcript of the plenary session of the Parliament of the Republic of Lithuania of 18 September 2007, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/TAIS.304466>.

According to Article 31(5) of the Law on Education, in order to become a religious education teacher, a person must have a permit (appointment), issued by the traditional religious community or by the community leadership.²⁰²

In the case of the Catholic Church, this is also regulated by an agreement with the Holy See,²⁰³ which states that a person wishing to teach religion must have a written appointment letter from the local bishop (*missio canonica*). This applies to all schools (state and private), as well as other institutions in the formal education system. So far, this issue has not been raised in the courts. However, as was proven in the 2017 landmark decision by the Equal Opportunities Ombudsperson, the content of religion classes and educational material used by particular church-approved teachers may be recognised as discriminatory towards the LGBTIQ+ community and as violating the Law on Equal Treatment.²⁰⁴

Therefore, some quite broad provisions may be used as justifications to discriminate on grounds other than religion and belief.

Besides these aspects, the above-mentioned national law provides for many more exceptions in relation to religion and beliefs. For example, it is not applied in relation to admission to schools established by religious communities or schools fostering certain values, and it does not apply to the content of education programmes, textbooks and teaching aids where religious instruction is provided to traditional religious communities and associations (Article 3(4,5)).

However, these exceptions might cause problems, as some educational materials provided by religious education teachers have been recognised as discriminatory on the ground of sexual orientation (as in the above-mentioned case regarding Telšiai Žemaitė Gymnasium).²⁰⁵ Therefore, in the case of Telšiai Žemaitė Gymnasium, no exceptions in relation to religion and beliefs as provided by law were applied. The Ombudsperson recognised such behaviour as violating the Law on Equal Treatment.

In the opinion of the author, the Law on Equal Treatment could be amended, as the current exception is broader than that provided in the directive, where a 'person's religion or belief constitute a genuine, legitimate and justified occupational requirement'. Moreover, it is important to note that, in compliance with the directive, 'difference of treatment shall be implemented taking account of Member States' constitutional provisions and principles, as well as the general principles of Community law, and should not justify discrimination on another ground', therefore it would be useful to review the Law on Equal Treatment and to consider adding that 'difference in treatment should not justify discrimination on another ground'. The Draft Law on Equal Treatment has been introduced in the Parliament; however, it is unclear what provisions will finally be adopted. One of the issues criticised by some members of Parliament and the Government was the removal of certain exceptions. This particularly applies to ethos-based exceptions in the provision of goods and services, and suggestions have been submitted accordingly.²⁰⁶

²⁰² Law on Education, 1991.

²⁰³ International Agreement between Lithuania and Holy See (*Lietuvos Respublikos ir Šventojo Sosto sutartis 'Dėl bendradarbiavimo švietimo ir kultūros srityje'*), 9 August 2000, No. 67-2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.106813>.

²⁰⁴ Decision of the Equal Opportunities Ombudsperson of 13 June 2017, <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-telsiu-gimnazija-nr.-58.pdf>.

²⁰⁵ Decision of the Equal Opportunities Ombudsperson of 13 June 2017.

²⁰⁶ Draft Law amending the Law on Equal Treatment No. IX-1826 (new edition), <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/96f31cf082b411e98a8298567570d639>.

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19, Directive 2000/78)

In Lithuania, the Law on Equal Treatment does not explicitly provide an exception for the armed forces in relation to age or disability discrimination. In this case, the general rule on genuine occupational requirements would apply.

However, other national legislation provides an exception for the armed forces in relation to age or disability discrimination (Article 3(4), Directive 2000/78). Even though it is not mentioned as an exception in relation to discrimination, the laws include different age and health requirements for statutory professions and include disability as a reason for dismissal of a person serving in the military.²⁰⁷

When it comes to laws governing particular statutory professions, there are a number of exceptions concerning age and health requirements. According to the Law on the Organisation of the National Defence System and Military Service,²⁰⁸ the minimum age of acceptance for military service is 18 years (upon request of the person; the usual age is 19). Retirement ages vary, depending on the rank and status acquired by the person in armed service (Article 45), from 40 to 65 (for a military chaplain).²⁰⁹ The Law provides rules for dismissal when a person is not able to perform the duties of a soldier due to disability. This is mentioned in the same sentence as established dependence on alcohol or narcotic, toxic or psychotropic substances (Article 38(1)(8)) and health conditions (Article 38(2)(5)). Article 45(2) states:

‘When a contract on professional military service is terminated due to disability (Article 38(1)(9)) of this Law) or due to a health condition (Article 38(2)(5)), a serviceman shall be dismissed from his position and transferred from professional military service to the reserve not later than within 28 days’.

Lithuanian legislation provides for a definition of ‘armed forces’. Under the Law on the State of War, the armed forces comprise the Lithuanian Armed Forces and, upon the introduction of martial law, other institutions assigned to the armed forces. Separately, the Law on the Organisation of the National Defence System and Military Service defines the Lithuanian Armed Forces as the main part of the national defence system — a state institution of armed defence responsible for safeguarding the sovereignty of the State, the inviolability of its territory and airspace, defending the State against aggression or other armed attacks, and carrying out military tasks in accordance with Lithuania’s international obligations.

In Lithuania, the scope of the exception is not limited to safeguarding the combat effectiveness of the armed forces. Even though the Law on the Organisation of the National Defence System and Military Service mostly regulates age limits and dismissal for persons due to their disability, it also mentions servicemen in professional military service being appointed to diplomatic positions. It is unclear whether they would be able to keep their status as servicemen beyond the age limit and take up such positions for a set period of time, or whether they could temporarily be appointed as civil servants to serve in state institutions where knowledge of warfare is needed, even though they are not considered able to carry out the other functions of a serviceman in professional military service, as the Law covers only the temporary appointment of professional military service personnel.

²⁰⁷ Law on the Organisation of the National Defence System and Military Service (*Krašto sistemos organizavimo ir karo tarnybos įstatymas*), 1998, No. 49-1325, <https://www.e-tar.lt/portal/lt/legalAct/TAR.15C705E93776/asr>.

²⁰⁸ Law on the Organisation of the National Defence System and Military Service, 1998, No. 49-1325, <https://www.e-tar.lt/portal/lt/legalAct/TAR.15C705E93776/asr>.

²⁰⁹ Members of the professional military service are released to the reserve: soldiers and sailors from the age of 40, junior and senior officers from 56, general officers from 58, and military chaplains from 65.

The scope of the exception does not extend to other non-combat staff, such as civilians employed in administrative positions in the army.

Other laws provide special requirements for persons joining certain statutory institutions. According to the Law on the Internal Service Statute,²¹⁰ the general age range for persons willing to join the internal service system (which includes the police, customs and emergency services) is from 18 to 60. Retirement ages vary from 50 to 65, depending on seniority (rank), and retirement can be postponed by up to five years.

In order to be accepted into and serve in the internal services, certain health requirements must be fulfilled. An extensive list of health criteria (from a person's height and body index to particular diseases) has been adopted by order of the Minister of Health and the Minister of the Interior.²¹¹ However, the Minister of the Interior or the head of a particular institution, acting on behalf of the Minister, has the power to set additional requirements relating to a person's physical or intellectual abilities or practical skills, depending on the requirements for specific positions in a particular institution.

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Lithuania, national law includes exceptions relating to difference of treatment based on nationality (citizenship).

Article 2(9)(4)) of the Law on Equal Treatment provides an exception to direct discrimination: 'different rights applied on the basis of citizenship as established by law'.

Since the requirement for citizenship needs to be established by law, there are other laws that mention the requirement of nationality. For instance, Lithuanian nationality is required to join the civil service, compulsory military service, the armed forces, the intelligence services or any of the internal services (police, customs, probation officers, etc.).

In Lithuania, nationality (as in citizenship) is explicitly mentioned as a protected ground in national anti-discrimination law. Citizenship was added to the list of protected grounds in Article 2 of the LET in 2017 as a result of the transposition of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. However, the ground of citizenship is explicitly defined as only applying to citizens of EU and EEA countries and their family members.

Since 2017, when citizenship was added to the list of protected grounds, 16 decisions have been presented on the website of the Office of the Equal Opportunities Ombudsperson analysing complaints on the ground of citizenship. In 2023, the Equal Opportunities Ombudsperson examined a complaint concerning an Italian citizen who was unable to declare his place of residence in Lithuania online and was forced to go directly to the municipality or eldership. The Ombudsperson found discrimination on

²¹⁰ Law on Amendment of the Internal Service Statute (*Vidaus tarnybos statuto pakeitimo įstatymas. Vidaus tarnybos statutas*), 29 June 2018, No. XIII-1381, <https://www.e-tar.lt/portal/lt/legalAct/96842d9088f511e8af589337bf1eb893/asr>.

²¹¹ Order of the Minister of Interior and Minister of Health of 21 October 2003, No. 1V-380/V-618, on the approval of health requirements for persons being admitted to statutory internal service (*Lietuvos Respublikos Vidaus reikalų ministro ir Lietuvos Respublikos Sveikatos apsaugos ministro įsakymas Dėl Sveikatos būklės reikalavimų asmenims, pretenduojantiems į vidaus tarnybą, pageidaujantiems mokytis vidaus reikalų profesinio mokymo įstaigose, kitose švietimo įstaigose Vidaus reikalų ministerijos siuntimu, bei vidaus tarnybos sistemos pareigūnams sąvado patvirtinimo*, 2003 m. spalio 21 d. Nr. 1V-380/V-618), <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.220127/asr>.

grounds of citizenship and a violation of the Law on Equal Opportunities.²¹² No cases of discrimination were identified in 2025.

Potential problems might arise because of the requirements that indirectly discriminate against persons on the grounds of nationality.

In 2022, the Ombudsperson investigated a complaint regarding possible discrimination relating to the provision of services. Following Russia's invasion of Ukraine, Lithuanian Railways announced that train travel would be free for Ukrainian citizens. A Lithuanian citizen complained to the Ombudsperson about discrimination on the grounds of her nationality, asking her to order the Company to stop discriminatory advertising and to initiate administrative proceedings. The Ombudsperson pointed out that unfavourable treatment is relevant in establishing discrimination where it affects persons in a similar situation. In assessing these circumstances, it was noted that persons fleeing Ukraine and unable to return to their country and Lithuanian citizens residing in the Republic of Lithuania were not in similar circumstances (conditions), and therefore no violation had been established.²¹³ In 2023, the Vilnius Regional Administrative Court upheld the Ombudsperson's position.²¹⁴

b) Relationship between nationality and 'racial or ethnic origin'

The term 'nationality' can have two meanings in the Lithuanian language, and this is reflected in the Law on Equal Treatment. One meaning – *tautybė* – translated as 'nationality' as one of the protected grounds in the Law in addition to origin (*kilmė*) or ethnic belonging (*etninė priklausomybė*). In this context it means 'ethnicity' and refers to belonging to a national minority.

Another meaning of nationality – *pilietybė* – refers strictly to citizenship only. As mentioned previously, it was added among the protected grounds to the Law on Equal Treatment only in 2017, protecting only EU and EEA citizens and their family members from discrimination. This mixture of terms can cause some confusion.

Very often, complaints on the ground of citizenship are also investigated based on other grounds, such as language, 'nationality' (ethnicity) or ethnic origin. In the reports of the Equal Opportunities Ombudsperson, race, 'nationality', citizenship, language, origin and ethnic origin are summarised under the same headline and are dealt with as interrelated concepts. The Ombudsperson refers to the definition of 'racial discrimination' provided in the UN Convention on the Elimination of All Forms of Racial Discrimination.

The concepts of 'nationality' (as in ethnicity) and racial and ethnic origin have not been developed in the decisions of the Ombudsperson and, as mentioned above, have been treated as interrelated concepts. There were complaints investigated in the past on the grounds of origin, language and citizenship or 'nationality' (ethnicity) and citizenship, which were often evaluated as inter-related concepts.

The Law on National Minorities, adopted in 2024, establishes the concept of national identity (Article 2(3)) and national minority (Article 2(2)):

'National identity – a person's freely chosen identification with the nationality of one of his or her parents or grandparents, based on the combination of its

²¹² Decision of the Equal Opportunities Ombudsperson No. (23)SN-11)SP-19, 17 March 2023 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos pilietybės pagrindu teikiant informaciją dėl galimybės deklaruoti gyvenamąją vietą*), https://lygybe.lt/wp-content/uploads/2023/05/sprendimas_-sn-11.pdf.

²¹³ Decision of the Equal Opportunities Ombudsperson No. (22)SN-40)SP-33, 31 May 2022 (*Lygių galimybių kontrolieriaus sprendimas Dėl galimos diskriminacijos pilietybės pagrindu UAB LTG LINK teikiant paslaugas ir informaciją tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-22sn-33.pdf>.

²¹⁴ Vilnius Regional Administrative Court (*Vilniaus apygardos administracinis teismas*), Case No. 12-1850-631/2023.

characteristics – culture, language, traditions, customs – or at least one of these characteristics’.

‘National minority – a group of persons consisting of citizens of the Republic of Lithuania residing in the territory of the Republic of Lithuania, having long-term, strong and permanent ties with the Republic of Lithuania, which is smaller in number than the population of the Republic of Lithuania, which is characterised by the Lithuanian national identity, and is united in the desire to preserve its national identity’.²¹⁵

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Lithuania, there are exceptions in relation to disability and health and safety at work (Article 7(2), Directive 2000/78). These are not established directly for measures in relation to disability in the Law on Equal Treatment; however, such a conclusion can be made taking different legislative provisions into consideration.

Article 2(9)(5) of the Law on Equal Treatment provides a general exception to direct discrimination, not mentioning disability separately, when:

‘Special measures in the field of healthcare, safety at work, employment and the labour market as established by law with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment.’

The Law on Equal Treatment does not elaborate on this in detail, except for the reasonable accommodation clause, as described above in Section 2.8.

The Labour Code ensures that persons with disabilities are covered by health and safety considerations at work. From 2020, this has taken a person’s health status into account. Article 38(3) of the Law on the Safety and Health of Workers also provides that a person with disability can be appointed to work overtime or night shifts only if this is not forbidden by the healthcare institution and only with the agreement of the employee; Article 38(2) states that the conclusion of the healthcare institution regarding the abilities of a person with a disability to work in a specific job is binding on the employer and the employee.²¹⁶

The Labour Code does not legislate on other grounds.

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Lithuania, national law allows for specific justifications for direct discrimination on the ground of age. Article 2(9)(1)) of the Law on Equal Treatment repeats the wording of the directive regarding the age exception, and states that restrictions on the grounds of age have to be justified by a legitimate aim where the means of achieving that aim are appropriate and necessary and do not constitute direct discrimination. The Law on Equal Treatment sets out a wider criterion that all the exceptions have to be established under a law (primary legislation), not any other legal act. This raises potential issues in some

²¹⁵ Law on National Minorities No. XIV-3079, 7 November 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/34b38e809d4d11ef955ff95815eb5ce5>.

²¹⁶ Law on the Safety and Health of Workers (*Darbuotojų saugos ir sveikatos įstatymas*), 31 July 2003, No. IX-1672, <https://www.e-tar.lt/portal/lt/legalAct/TAR.95C79D036AA4/vumbtbwaKN>.

cases for granting certain discounts, allowances or even awards to certain age groups that might be justified by a legitimate aim.

However, the Law does not explicitly list the potential legitimate aims and is silent on this issue. Article 2(9)(5) includes a general exception to direct discrimination that is partially similar to that under Article 6(1)(a) of the Directive 2000/78. This does not relate exclusively to exceptions on the ground of age, and the wording refers to the setting of 'special measures in the field of healthcare, safety at work, employment and the labour market as established by laws with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment'.

These restrictions are usually addressed in decisions of the Ombudsperson. For example, the Ombudsperson found that equal rights and opportunities to receive a scholarship for filmmakers and a prize for teachers had not been assured, as the age criterion (up to the age of 35) had been set unreasonably and unjustifiably.²¹⁷ Another complaint concerned the conditions imposed by the Ministry of Agriculture for small farms to receive EU support. Under the rules, farmers under 40 were awarded an extra 10 points in the competition. It was found that there was no violation of equal opportunities as the procedures provided for in the rules, which are more favourable to persons under 40 years of age, do not unduly restrict the ability of older persons to apply for and receive an application. The criterion contributes to the objectives of social inclusion, and the legislation providing for more favourable modalities is a law or legislative act (EU Regulations).²¹⁸

b) Permitted differences of treatment based on age

In Lithuania, national law permits differences of treatment based on age for any activities within the material scope of Directive 2000/78, provided that the restrictions on the grounds of age are established by law, are justified by a legitimate aim and the means of achieving that aim are appropriate and necessary (Article 2(9) of the Law on Equal Treatment).

Most of the age-based exceptions concerning minimum and maximum age requirements for entry to certain professions are set by other laws (as discussed below in Section 4.6.3). There are also prohibitions on access to some goods and services in order to protect minors.

c) Fixing of ages for admission to occupational pension schemes

In Lithuania, national law allows occupational pension schemes to fix the ages for admission to the scheme, taking up the option provided for by Article 2(9) of the Law on Equal Treatment.

Generally, the question of occupational pensions is not of great relevance in a national context, since such pensions are not popular and no occupational pension funds have been established under the Law on Accumulation of Occupational Pensions.²¹⁹ According to this Law, a person may, from the age of 16, be a part of an association establishing an occupational pension fund and may be entitled to a professional pension from the age established by the professional pension fund requirements, but that age cannot be more

²¹⁷ Equal Opportunities Ombudsperson (2021), *Annual report for 2020*.

²¹⁸ Decision of the Equal Opportunities Ombudsperson No. (22)SN-90)SP-53, 23 August 2022 (*Lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos amžiaus pagrindu Lietuvos Respublikos žemės ūkio ministerijai teikiant paramą smulkiesiems ūkininkams tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/22sn-90sp-53.pdf>.

²¹⁹ Law on Accumulation of Occupational Pensions (*Lietuvos Respublikos profesinių pensijų kaupimo įstatymas*, 2006, No. X-745), <https://www.e-tar.lt/portal/lt/legalAct/TAR.103565D95E60/asr>.

than five years lower than the general state pension age established by the Law on State Social Insurance Pensions (Article 32(1)) (see below, Section 4.6.4).

4.6.2 Special conditions for younger or older workers

In Lithuania, there are special conditions set by law for older and younger workers in order to promote their vocational integration.

Article 48 of the Law on Employment states that special programmes to increase employment can be organised for the prevention of unemployment and the integration of immigrants and national minorities into the labour market, with special programmes envisaged for a number of groups, among other measures. The Law specifies the groups to which special programmes can be addressed, among which are persons over 40 years old. The Law also sets conditions under which special subsidies can be provided to employers to employ persons falling into certain categories, based on their age, disability level, duration of unemployment, qualifications, etc. Among the groups mentioned are unemployed persons up to the age of 29, and those over 45.²²⁰ Amendments to the Law on Employment were adopted in 2020. Among other changes, the age from which the employment of a person can be subsidised for six months or through one-off support for creating a workplace in a very small company was lowered from 50 to 45.²²¹

Several special provisions for young people and older people are embodied in the Labour Code. Under Article 57, in the event of a reduction in the number of employees, the following employees have priority in retaining their job: those who are raising more than three children (including adopted children), those who are raising children (including adopted children) under 14 years of age or a child with a disability up to 18 years old on their own; persons whose continuous length of service at that workplace is at least 10 years, with the exception of employees who have become entitled to the full old-age pension or are in receipt thereof; and those who will be entitled to the old-age pension in not more than three years' time.

Some persons are guaranteed a longer warning time should their employment contract be terminated by their employer: persons who have less than five years left before retirement age have double the usual time, and persons who have less than two years left to retirement age are guaranteed triple the length of warning time (Article 57).

4.6.3 Minimum and maximum age requirements

In Lithuania, there are exceptions permitting minimum and maximum age requirements in relation to access to employment (notably in the public sector) and training.

Children younger than 16 are generally forbidden from working, except in certain straightforward jobs consistent with their physical abilities, and in jobs that would not have a negative impact on a child's safety, health or physical, mental, moral or social development under the conditions established by the Law on the Safety and Health of Workers and the resolution adopted by the Government.²²²

Such jobs must not jeopardise the child's education, school attendance or attendance at educational programmes (Article 36), and work may not be undertaken in the mornings

²²⁰ Law on Employment (*Lietuvos Respublikos užimtumo įstatymas*) 21 June 2016, No. XII-2470, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b9ca8ad03de611e68f278e2f1841c088/asr>.

²²¹ Law on Amendments to Articles 1, 8, 10, 22, 24, 25, 37, 44, 47 and 49 of the Law on Employment No. XII-2470 (*Lietuvos Respublikos užimtumo XII-2470 1, 8, 10, 22, 24, 25, 37, 44, 47 ir 49 straipsnių pakeitimo įstatymas*), 30 April 2020, No. XIII-2878, <https://www.e-tar.lt/portal/legalAct.html?documentId=75959960906011ea9515f752ff221ec9>.

²²² Law on the Safety and Health of Workers (*Lietuvos Respublikos darbuotojų saugos ir sveikatos įstatymas*), 31 July 2003, No. IX-1672, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.215253/asr>.

before school, etc. A number of limitations are also set for employees aged 16 to 18 (reduced working hours, prohibition of night shifts, etc.).

For specific professions, the age of competency differs, with the minimum age often set at 18; this is usually dependent on a material condition for carrying out the work in question. The general minimum age for self-employment is 18, but in specific cases it can differ, according to the special requirements for various types of self-employment, for example requirements for training or experience for the proper performance of the activity. Besides this, self-employment is also possible from the age of 14 if the child has the permission of their parents or legal guardians.

Most of the current, specific, age-based exceptions concerning the minimum and maximum age requirements for accessing employment are set for certain statutory bodies (customs, the state security department, etc.), specific professions (ship captains, pilots, members of the armed forces, etc.) or state services (judges, bailiffs, notaries, the Prosecutor General, members of Parliament, members of municipal councils, etc.).

4.6.4 Retirement

a) State pension age

In Lithuania, there is a state pension age at which individuals must begin to collect their state pensions.

If an individual wishes to work beyond the state pension age, the pension cannot be deferred.

An individual can collect a pension and still work.

As of 2025, the retirement age is 65 years for both women and men in 2026.²²³ Reaching the pension age does not preclude a person from continuing to work. According to the jurisprudence of the Constitutional Court on the matter, gaining one constitutional right (to a pension) cannot deprive a person from exercising another constitutional right, such as the right to work or the right to own property.²²⁴

During the period of economic crisis in Lithuania (2009-2011 in particular), state pensions were reduced for most pensioners. However, the reduction for pensioners who were still working was more substantial than it was for others. This regulation was subsequently declared as unconstitutional by the Constitutional Court, which stated that, when there is an especially grave economic and financial situation in the state and when, due to this, there is a necessity temporarily to reduce the pensions that are awarded and paid in order to secure the vitally important interests of society and the state and to protect other constitutional values, it is not permitted to establish any such legal regulation whereby the old-age pension or disability pension awarded and paid to the persons who have a certain job or conduct a certain business may be reduced due to this to a greater extent compared with those people who do not have any job and do not

²²³ Law on State Social Insurance Pensions (*Lietuvos Respublikos socialinio draudimo pensijų įstatymas*), *Valstybės žinios*, 3 August 1994, No. 59-1153, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5901/asr>.

²²⁴ Ruling of the Constitutional Court of the Republic of Lithuania No. 113-5057, 25 November 2002 (*Lietuvos Respublikos Konstitucinio teismo 2002 m. lapkričio mėn. 25 d. nutarimas Dėl Lietuvos Respublikos diplomatinės tarnybos įstatymo 69 straipsnio 2 dalies, Lietuvos Respublikos valstybinio socialinio draudimo įstatymo 4 straipsnio (2000 m. kovo 16 d. redakcija) 1 dalies 9 punkto ir Lietuvos Respublikos valstybinių socialinio draudimo pensijų įstatymo 2 straipsnio (1999 m. gruodžio 16 d. redakcija) 1 dalies 5 punkto bei 23 straipsnio (1994 m. gruodžio 21 d., 2000 m. gruodžio 21 d., 2001 m. gegužės 8 d. redakcijos) atitikties Lietuvos Respublikos Konstitucijai*), *Valstybės žinios*, available in English at: <http://lrkt.lt/en/court-acts/search/170/ta1213/content>.

conduct any business.²²⁵ According to the Constitutional Court, having created (by means of the disputed legal regulation) the preconditions for reducing the state pensions of state pension recipients who have a certain job or who conduct a certain business to a greater extent than for those state pension recipients who do not have any job or do not conduct any business, due to the fact that the former group have a certain job or conduct a certain business, the legislator restricted their right to freely choose a job or business, which is enshrined in Article 48(1) of the Constitution.²²⁶

b) Occupational pension schemes

In Lithuania, there is an age at which people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements.

If an individual wishes to work for longer, payments from such occupational pension schemes cannot be deferred. An individual can collect a pension and still work.

However, occupational pensions cannot be realised in practice yet, as no occupational pension funds have been established since the introduction of the first version of the Law on the Accumulation of Occupational Pensions. It is clear from articles in the media that discussions were opened about the need to establish occupational pension funds after the private funds reform carried out in 2019.²²⁷ As of the beginning of 2026, occupational funds have not been established, and the current system has been criticised by professionals as hindering the migration of members of the pension accumulation system to pension funds in other countries. According to experts, the second pillar pension funds in Lithuania and other countries are very different, therefore persons accumulating pensions in Western countries cannot change the accumulation company by changing their place of residence.²²⁸

In theory, a person could be entitled to a professional pension from the age established by the professional pension fund requirements, but that age cannot be more than five years lower than the general state pension age established by the Law on State Social Insurance Pensions (Article 32(1)).

Again, there has been no practical application of occupational pensions.

c) State imposed mandatory retirement ages

In Lithuania, state-imposed mandatory retirement ages apply only to certain professions and specific positions in the public sector. For some of these positions, the relevant legislation provides discretion to extend the person's service beyond the mandatory retirement age.

²²⁵ Constitutional Court of the Republic of Lithuania, decision of 20 April 2010 (*LR Konstitucinio Teismo 2010 m. balandžio 20 d. sprendimas Dėl Konstitucinio Teismo 2002 m. lapkričio 25 d., 2003 m. gruodžio 3 d., 2006 m. sausio 16 d., 2007 m. rugsėjo 26 d., 2007 m. spalio 22 d., 2007 m. lapkričio 22 d., 2008 m. gruodžio 24 d. nutarimų ir 2009 m. sausio 15 d. sprendimo nuostatų, susijusių su pensijų ir atlyginimų mažinimu per ekonomikos krizę, išaiškinimo*), available in English at: <http://lrkt.lt/en/court-acts/search/170/ta932/content>.

²²⁶ Constitutional Court of the Republic of Lithuania, ruling on the recalculation and payment of pensions upon the occurrence of an especially difficult economic and financial situation in the state, 6 February 2012, available in English at: <http://lrkt.lt/en/court-acts/search/170/ta1073/content>.

²²⁷ Deveikis J., 'Lietuvoje siūloma naujovė: antrąją pensijų pakopą galėtų pakeisti profesiniai fondai' (Innovation proposed in Lithuania: the second pillar pensions could be replaced by an occupational pension fund), *LRT*, 2019, <https://www.lrt.lt/naujienos/verslas/4/247089/lietuvoje-siuloma-naujove-antraja-pensiju-pakopa-galetu-pakeisti-profesiniai-fondai>.

²²⁸ Deveikis J., 'It is possible abroad, but not in Lithuania: a woman who has returned from emigration is surprised that pension funds do not accept her accumulated money' (*Užsienyje galima, o Lietuvoje – ne: iš emigracijos grįžusi moteris nustebė, kad pensijų fondai nepriima jos sukauptų pinigų*), *LRT*, 2021, <https://www.lrt.lt/naujienos/verslas/4/1342775/uzsienyje-galima-o-lietuvoje-ne-is-emigracijos-grizusi-moteris-nustebo-kad-pensiju-fondai-nepriima-jos-sukaupu-pinigu>.

The general rule is that compulsory retirement is not imposed. However, there are requirements for particular professions (mostly public sector or state officials), which set a maximum age of employment. For instance, in general, the maximum retirement age for civil servants is 65, although it can be extended for a period of up to two years if the civil servant signs a fixed-term employment contract for mentoring (transfer of work experience).²²⁹ This age limit does not apply to civil servants of political (personal) confidence (defined as 'a civil servant recruited for a term of office of the appointing state politician or the appointing collegiate state institution or for a term specified in other laws'), nor does it apply to acting public servants.

In its *Annual report for 2023*, the Equal Opportunities Ombudsperson drew attention to the changes in society related to ageing, and recommended the competent Government bodies responsible for national employment policy to review the legislation establishing minimum and maximum age limits for certain professions, fields of work, and for civil and statutory servants, and assessing the justification for such restrictions.²³⁰ The Office repeated this suggestion in 2024.²³¹

There is a compulsory maximum age limit for particular professions. For example, according to the Law on Courts, judges are appointed until the age of 65, with the possibility of continuing their term to complete the hearing of a case or until the hearing is postponed.²³² According to the Law on the Diplomatic Service, the maximum age for a diplomat is 65, and this can be extended by only two years. Again, the limit does not apply to civil servants of political confidence.²³³ Prosecutors must retire at the age of 65,²³⁴ and bailiffs must retire at the age of 70,²³⁵ without the possibility of extension.

Similar rules apply to other state officials and to particular professionals such as pilots and ship's captains, as well as the chief administrators of universities and other educational and scientific institutions. Whether all these requirements are necessary, proportionate and seek a legitimate aim is questionable.

In its landmark ruling of 12 February 2021, the Constitutional Court noted that the establishment of the maximum age limit of 65 for researchers and lecturers is aimed at the constitutionally important goal of ensuring the quality of higher education by guaranteeing consistent and optimal turnover of scientists and lecturers, as well as encouraging younger highly qualified researchers and lecturers into work. According to the Constitutional Court, there are no grounds to state that the establishment of the maximum age limit of 65 for researchers and lecturers means disregarding the requirement arising from the constitutional principle of proportionality not to restrict the rights of a person beyond what is necessary to achieve the constitutionally justified goal.²³⁶

²²⁹ Law on Public Service (*Valstybės tarnybos įstatymas*), *Valstybės žinios*, 30 July 1999, No. 66-2130, available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.D3ED3792F52B/asr>.

²³⁰ Equal Opportunities Ombudsperson (2024), *Lietuvos Respublikos lygių galimybių kontrolieriaus 2023 metų veiklos ataskaita* (Equal Opportunity Ombudsperson of the Republic of Lithuania Annual report for 2023), <https://lygybe.lt/wp-content/uploads/2024/04/lygiu-galimybiu-kontrolieriaus-2023-metu-veiklos-ataskaita.pdf>.

²³¹ See: <https://lygybe.lt/naujienos/siuloma-persvartyti-ar-valstybes-tarnautojams-leisti-dirbti-ilgiau/>.

²³² Law on Courts (*Lietuvos Respublikos teismų įstatymas*), *Valstybės žinios*, 17 June 1994, No. 46-851, <https://www.e-tar.lt/portal/lt/legalAct/TAR.522B3E415B52/asr>.

²³³ Law on the Diplomatic Service (*Lietuvos Respublikos diplomatinės tarnybos įstatymas*), *Valstybės žinios*, 15 January 1999, No. 7-140, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.70992/asr>.

²³⁴ Law on the Prosecutor's Office (*Lietuvos Respublikos prokuratūros įstatymas*), *Valstybės žinios*, 19 October 1994, No. 81-1514, <https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB53577EFCA/asr>.

²³⁵ Law on Bailiffs (*Valstybės žinios*), 29 May 2002, No. 53-2042, <https://www.e-tar.lt/portal/lt/legalAct/TAR.94F5702CA0F1/asr>.

²³⁶ Ruling of the Constitutional Court of the Republic of Lithuania, No. KT29-N1/2021, 12 February 2021, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2369/content>.

d) Retirement ages imposed by employers

In Lithuania, national law does not permit employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract and/or collective bargaining and/or unilaterally.

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights apply to all workers irrespective of age, even if they remain in employment after attaining pensionable age or any other age.

Age cannot be a legitimate reason for an employer to unilaterally terminate a working contract. The Labour Code provides people who have no more than five years until they reach pension age with additional guarantees. There are some additional guarantees, such as a longer warning period. When the employment contract is terminated at the initiative of the employer, this period can be doubled to two months for those who have five years until they reach the pension age, or tripled to three months for those who have three years until pension age. In the event of a reduction in the number of employees on economic or technological grounds or due to the restructuring of the workplace, employees who are entitled to receive the old-age pension in no more than three years' time will enjoy a priority right to job retention, unless they have reached retirement age (Article 57).

Thus, when a person reaches the age when they are entitled to a state pension, this cannot be considered as a legitimate reason to terminate their employment. The anti-discrimination provisions in Article 56 of the Labour Code explicitly state that an employment contract can be terminated upon the request of the employee if they reach the old-age pension age. According to Article 2 of the Labour Code, discrimination on the basis of age is prohibited in principle. Article 26 repeats a number of provisions on the prohibition of discrimination that were previously contained only in the Law on Equal Treatment.

However, as mentioned above, there is a compulsory maximum age limit for particular professions in the public sector. This can be extended only by a limited time, and cannot be extended in certain cases. These rules mostly apply to state officials and pilots (and those in other military or statutory institutions), as well as to chief administrators of universities and other educational and scientific institutions.

f) Compliance of national law with CJEU case law

In Lithuania, national legislation is in line with the CJEU case law on age regarding mandatory retirement.

As was mentioned above, the general rule of the Labour Code is that mandatory retirement upon reaching pension age is not allowed, given that age alone cannot be considered as a legitimate reason to terminate an employment contract. Some laws fix certain age limits for particular professions (judges, diplomats, prosecutors, etc.), but it remains for the national courts to decide whether such provisions are justified.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Lithuania, national law permits age or seniority to be taken into account in selecting workers for redundancy.

The general rule of the Labour Code is that age alone cannot be considered as a legitimate reason to terminate a labour contract (Article 26).

However, the Labour Code provides additional guarantees related to a person's acquisition of the right to a pension. Under Article 57, in the event of a reduction in the number of employees, some employees have a right of priority in retaining their jobs. Among other persons with caring responsibilities, one of the groups who have such a priority are those entitled to the old-age pension in not more than three years' time. However, persons who have reached the age when they are entitled to the old-age pension are not among those who have priority in retaining their jobs.

b) Age taken into account for redundancy compensation

In Lithuania, national law provides compensation for redundancy. Such compensation is not affected by the age of the worker.

Although age is taken into account to the extent that the amount of compensation depends on the length of time that the worker has been employed in the company or institution concerned, compensation does not vary for those who have worked in the same place for more than a year (Articles 56, 57 and 60 of the Labour Code). The additional long-term employment redundancy compensation is paid by the State Social Fund if the contract is terminated at the initiative of the employer. The long-term employment redundancy compensation varies, depending on the number of years for which the person has worked in the same place: they receive 77.58 % of their average monthly salary if they have worked for five to 10 years, 77.58 % of their average salary for two months if they have worked for 10 to 20 years, or 77.58 % of their average salary for three months if they have worked for 20 years or longer.

Employees who have reached the permitted pension age are also entitled to compensation when their contract is terminated at their initiative (Article 56(1)).

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Lithuania, national law does not include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive.

4.8 Any other exceptions

In Lithuania, other exceptions to the prohibition of discrimination in national law (on any ground covered by this report) are as follows:

The requirement to know the state language and a prohibition on participation in political activities are listed as exceptions (see, for instance, Article 9 of the Law on Public Service),²³⁷ and exceptions are elaborated in other laws. For example, the Equal Opportunities Ombudsperson has to suspend their membership in a political party (Article 18(4) of the Law on Equal Treatment), and persons serving in the armed forces cannot be members of a political party (Article 36 of the Law on the Organisation of the National Defence System and Military Service).²³⁸ However, there are no specific exceptions in the field of private employment.

²³⁷ Law on the Civil Service (*Lietuvos Respublikos valstybės tarnybos įstatymas*), 30 July 1999, No. VIII-1316, <https://www.e-tar.lt/portal/lt/legalAct/TAR.D3ED3792F52B/asr>.

²³⁸ Law on the Organisation of the National Defence System and Military Service (*Lietuvos Respublikos krašto apsaugos sistemos organizavimo ir karo tarnybos įstatymas*) 27 May 1998, No. VIII-723, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.56646>.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Lithuania, positive action is permitted in national law in respect of disability, gender, race, 'nationality', citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

Article 2(9) of the Law on Equal Treatment provides exceptions to direct discrimination legislation that could be interpreted as allowing positive action:

- 1) special measures applied in healthcare, safety at work, employment and the labour market when striving to create and implement conditions and opportunities guaranteeing and promoting the integration of persons with disabilities into the work environment;
- 2) special temporary measures applied in an attempt to ensure equality and prohibit violation of equal treatment on the basis of gender, race, 'nationality', citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;
- 3) granting benefits on the basis of age, disability and social status, where it is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

The concept of positive action is not widely discussed at national level. Although different measures, which vary in scope and form, exist in practice, a consistent legal/political approach is lacking. This issue was highlighted by the Equal Opportunities Ombudsperson.²³⁹ The Ombudsperson identified the need for a comprehensive approach to positive action measures, as well as highlighting the fact that the country lacks a clear mechanism for the implementation of positive measures. The Ombudsperson recommended that a law on positive action be passed.

There is no legislation that deals with positive action measures, and a definition of such measures is not provided in national law. A landmark ruling of the Constitutional Court²⁴⁰ made some time before the Law on Equal Treatment was passed gives some idea as to how positive action measures may be applied in practice. According to the Constitutional Court, a legal regulation that treats certain groups of people differently in order to achieve positive and socially meaningful goals is not regarded as discrimination. In addition, special requirements or certain conditions relating to a group that are linked to the specificities of a particular employment position do not constitute discriminatory restrictions – for example, the laws that set out certain requirements in respect of the education, qualifications, health or work experience of citizens who enter the civil service.

The Law on Equal Treatment requires state and municipal institutions to draft measures ensuring equal opportunities:²⁴¹

'Public authorities are obliged to draft measures to ensure equal opportunities in their strategic planning documents. The municipal authorities are obliged to draft measures to ensure equal opportunities in their strategic municipal development and (or) strategic action plans.'

²³⁹ Equal Opportunities Ombudsperson (2010), *Annual report for 2009*.

²⁴⁰ Ruling of the Constitutional Court of the Republic of Lithuania No. 100-2791, 11 November 1998, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta384/content>.

²⁴¹ Law on Equal Treatment (*Lygių galimybių įstatymas*), <https://www.e-tar.lt/portal/lt/legalAct/TAR.0CC6CB2A9E42/asr>.

This might be considered as some sort of equality mainstreaming obligation; however, it is brief, it is not elaborated upon, and no control mechanism has been put in place. In 2020, the Equal Opportunities Ombudsperson presented a developed initiative for different entities to self-evaluate the level of implementation of equal opportunities among them – if they have special measures. The initiative is called the Equal Opportunities Ruler.²⁴²

In 2025, no relevant cases were identified. However, in 2024, the Ombudsperson investigated a complaint about the pricing of a bank's service plans where the price is based on age – for example, a free plan for people under 25. The Ombudsperson concluded that the waiving of the fee for the bank's plans did not constitute direct age discrimination in the provision of the bank's services, but instead constituted an age-based benefit, the legitimate aim of which was to increase access to financial services and promote financial literacy among persons of that age group, and that this aim was pursued by charging a zero fee for the use of those service plans, which was an appropriate and necessary means of achieving that legitimate aim.²⁴³

The Labour Code sets an obligation on public and private entities employing more than 50 employees to adopt measures aimed at promoting and implementing equality policies in the workplace (Article 26).²⁴⁴ Following these legislative amendments, and noting its duty to carry out preventive educational activities and activities encouraging the implementation of equal opportunities, the Equal Opportunities Ombudsperson introduced recommendations, with training for companies and employers on how to create equality plans.²⁴⁵ This may be found at www.lygybesplanai.lt.²⁴⁶

The Law on Employment creates a system of additional support measures to ensure employment for persons with disabilities, unqualified workers, long-term unemployed persons, unemployed persons over 45 and under 29, unemployed persons starting their first job according to their qualifications, and persons with refugee status or subsidiary or temporary protection.

b) Quotas in employment for persons with disabilities

In Lithuania, national law provides for quotas for persons with disabilities in employment.

On 1 January 2024, along with a new version of the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities, a provision came into force requiring that at least 5 % of the employees of public bodies or public sector companies with 25 or more employees must be persons with disabilities.²⁴⁷ Control over compliance with this provision is exercised by the State Social Insurance Fund Board under the Ministry of Social Security and Labour of the Republic of Lithuania in accordance with the procedure established by the Minister of Social Security and Labour.²⁴⁸ The law does not impose any liability on companies that do not comply with this obligation.

Initially, the provision was set to remain in force until 1 January 2028. However, amendments adopted in 2025 removed the expiry date of the provision and introduced a

²⁴² Equal Opportunities Ombudsperson (2021), *Annual report for 2020*.

²⁴³ Decision of the Equal Opportunities Ombudsperson No. (24)SN-96)SP-49, 30 May 2024, <https://lygybe.lt/wp-content/uploads/2024/06/del-galimos-diskriminacijos-amziaus-ir-socialines-padeties-pagrindais-nustatant-ab-seb-bankui-paslaugu-planu-jaunimas-ir-kasdienis-nulini-mokesti-tyrimo.pdf>.

²⁴⁴ Labour Code, 2016.

²⁴⁵ Equal Opportunities Ombudsperson, '2018 – the year of promoting equality in the Labour Market', <https://lygybe.lt/naujienos/2018-ieji-ir-lygybes-darbo-rinkoje-skatinimo-metai>.

²⁴⁶ See: www.lygybesplanai.lt.

²⁴⁷ Law on the Fundamentals of Protection of the Rights of Persons with Disabilities of the Republic of Lithuania (*Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymas*), new version No. XIV-1722, 20 December 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/asr>.

²⁴⁸ See: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/afa106c27a8c11eeaedfbb6d38423c2d?jfwid=-d1cdf722e>.

recommendation to apply quotas also to private sector entities. These amendments will enter into force on 1 July 2026. However, the amendments do not introduce any incentives or enforcement mechanisms to encourage private sector entities to comply with the recommended quota.

According to the State Social Insurance Fund Board, at the end of October 2024, 45 % of organisations subject to this obligation had not reached the quota.²⁴⁹ At the beginning of 2025, this figure was 44 %.²⁵⁰

²⁴⁹ See: <https://www.lrt.lt/naujienos/verslas/4/2429434/stringa-zmoniu-su-negalia-idarbinimo-procesas-bene-puse-organizaciju-nepasieke-kvotos>.

²⁵⁰ See: <https://sodra.lt/naujienos/daugiau-nei-puse-viesojo-sektoriaus-organizaciju-sekmingai-idarbina-zmones-su-negalia>.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Lithuania, the following procedures exist for enforcing the principle of equal treatment before the civil and administrative courts. Criminal procedure is also possible in cases of discrimination, but this is rarely or never applied. There is also the quasi-judicial procedure of filing a complaint with the Equal Opportunities Ombudsperson, which is considered to be an administrative procedure.²⁵¹

The Constitution guarantees the right of every person to appeal to a court for the protection of the constitutional rights that have been violated. The general principle of equality of persons is embodied in a number of laws, including the Civil Code and the Labour Code. According to Article 12(1) of the Law on Equal Treatment, each person whose equal opportunities have been violated has a right to file a complaint to the Ombudsperson. This does not preclude the person from having the right to defend their rights in court. Therefore, in cases of violation of the principle of equal treatment, any person can address the court (under administrative or civil jurisdiction, depending on the matter at hand). The court offers the only option for a person to receive some sort of compensation for discriminatory actions and suffered harm, because none of the other available procedures provides compensation to the victims.

In the event of a labour dispute, a person must use the compulsory pre-court procedure and apply to the labour dispute commission, which is free of charge. A labour dispute commission is a mandatory institution for hearing labour disputes and resolving individual and collective labour disputes on points of law. Labour dispute commissions function under the territorial divisions of the State Labour Inspectorate. They consist of three members: the chairman (a state official, appointed by the State Labour Inspectorate), a representative of an employer organisation, and a representative of a trade union. In cases of unfair dismissal, the commission can award the payment of salary for the duration of forced absenteeism (but for no more than one year) and pecuniary and non-pecuniary damages, as well as compensation worth a maximum of six times the average salary (Article 218). Labour dispute commissions can also function as a mediator.

According to the information provided by the State Labour Inspectorate on its website, the labour dispute commissions received 8 984 requests in 2025 (compared with 9 537 in 2024). Of the 8 899 requests that have been analysed (including those continued from last year), 46 concerned or partially concerned alleged discrimination (including gender equality) in employment (compared with 10 in 2024).²⁵² Of these, around 24 % resulted in an amicable settlement, around 59 % were rejected and around 7 % were upheld. In approximately 4 % of cases, the claimants withdrew their claims before or during the labour disputes commission hearing.

People who believe that their rights have been infringed by individual administrative actions or by the actions (or omissions) of civil servants or municipal employees in the sphere of public administration – including in relation to social protection, social

²⁵¹ There are further theoretical options that are not used in practice, such as filing a complaint to the Parliamentary Ombudsperson when human rights violations have been committed by state officials or institutions, or to the State Labour Inspectorate in cases of labour law violations. However, the Parliamentary Ombudsperson would not duplicate the function of the Equal Opportunities Ombudsperson.

²⁵² Lithuanian State Labour Inspectorate, 'Darbo ginčų komisijų veiklos apžvalga už 2025 metu' (An overview of the activity of labour dispute commissions in 2025), https://vdi.lrv.lt/public/canonical/1772602615/2935/Veiklos_apzvalga.pdf.

advantages, education and access to and the supply of goods and services available to the public – have the right to file a complaint with the Administrative Disputes Commission under the Law on Administrative Disputes Commissions, or with the administrative courts under the Law on Administrative Procedure. Actions (or omissions) by civil servants or municipal employees in the sphere of public administration can also be challenged at the Seimas (Parliamentary) Ombudsperson's Office. According to the Constitution:

'The Seimas Ombudsperson shall examine complaints of citizens concerning the abuse of powers by, and bureaucracy of, State and local government officers. The Ombudsperson shall have the right to submit proposals to the court to dismiss guilty officers from their posts.'

According to the Law on the Seimas Ombudsperson, the purpose of the activities of the Ombudsperson is to protect a person's right to good public administration securing human rights and freedoms and to supervise the fulfilment by state authorities of their duty to properly serve the people. In reality, therefore, most cases investigated by the Ombudsperson relate to bureaucracy and maladministration.

However, the most widely used option in practice is to file a complaint to the Equal Opportunities Ombudsperson. It was established by the Law on Equal Treatment, which expanded the mandate of the previous institution (the Office of the Equal Opportunities for Men and Women) by including additional grounds of discrimination and expanding the competence of the Ombudsperson. Since 2005, the Equal Opportunities Ombudsperson is considered to be the national equality body in terms of Article 13 of the Racial Equality Directive (Directive 2000/43/EC). Complaints should be made in writing: the complainant or their representative may send a complaint to the Ombudsperson by post or email, bring it to the office in person or fill in an electronic form online.²⁵³ If a complaint has been received orally or by telephone, or if the Equal Opportunities Ombudsperson has found indications of a violation of equal rights in the mass media or other sources of information, the Ombudsperson may also initiate an investigation. In addition, the Ombudsperson may decide to investigate anonymous complaints. The general rule is that complaints must be investigated within three months of being received, although an extra month can be added if the case is complicated and the Ombudsperson decides that this is necessary.

Decisions of the Equal Opportunities Ombudsperson to apply administrative sanctions are binding, although they can be overruled by a court. Within 30 days of receiving the decision of the Ombudsperson, the party is obliged to provide information about measures that have been taken with regard to the implementation of the Ombudsperson's decision. Applying to the Equal Opportunities Ombudsperson does not prevent a complainant from lodging a claim with a court on the same matter (although the Ombudsperson cannot investigate a complaint that is pending in court). It is also possible to submit a complaint to the Administrative Disputes Commission regarding the decisions of the Ombudsperson. In its *Annual report for 2021*, the Ombudsperson recommended that the legal acts should be amended to include a provision that non-binding opinions by the Ombudsperson should not be questioned in court.²⁵⁴

The Ombudsperson often acts as a mediator in practice as, according to the Office, peaceful resolution of discrimination is one of its main objectives.²⁵⁵ On the other hand, such activities by the Ombudsperson have never provided compensation to the victim. In the absolute majority of cases, the Ombudsperson chooses to issue opinions, which are not binding. In practice, according to the Ombudsperson, most opinions are followed. The

²⁵³ The complaint form can be found at: <https://lygybe.lt/pateikti-skunda/>.

²⁵⁴ Equal Opportunities Ombudsperson (2022), *Annual report for 2021*.

²⁵⁵ See the annual reports of the Equal Opportunities Ombudsperson from 2008 to 2023, available in Lithuanian at: <https://lygybe.lt/veiklos-sritys/metines-ataskaitos/>.

Ombudsperson's Office publicly provides information about the follow-up of opinions. Since May 2017, a table of recommendations and the status of their implementation (a monitoring report) have been available on the website of the Ombudsperson.²⁵⁶ However, the document reflects only a few cases from 2025.

Although the Ombudsperson has a right to impose administrative sanctions (fines), such sanctions are very rarely imposed. According to the annual reports of the institution, the Ombudsperson has issued a fine on only a few²⁵⁷ occasions since its creation as, in the opinion of the Ombudsperson, the imposition of an administrative fine is not the most effective sanction by which to prevent discrimination, and it does not resolve the conflict completely. There might have been more cases in which fines were given, judging from information from media articles, but they are not mentioned in the annual reports. One of the cases in which an administrative fine of an unspecified amount was imposed in 2008 concerned discrimination in the field of employment – a person did not receive a job because of discrimination based on their age.²⁵⁸

In 2023, a draft amendment to the Law on Equal Opportunities was registered, which would abolish the Equal Opportunities Ombudsperson's power to impose sanctions for inappropriate advertising. Given that a decision to impose sanctions is possible only in a very specific field, i.e. the advertising of goods, products or services, and applies to a very narrow range of subjects, i.e. distributors of advertising, it is therefore rarely applied in practice. As at the beginning of 2026, the amendment has not yet been adopted. According to the Equal Opportunities Ombudsperson's Office, the current provision of the Law in that respect is redundant, as it does not correspond to the real purpose and goal of the decisions taken by the Ombudsperson. This decision is very rarely applied in practice by the Office and usually does not lead to better results than decisions of a recommendatory nature.²⁵⁹

b) Barriers and other deterrents faced by litigants seeking redress

First, it must be emphasised that the only way for victims of discrimination to get some sort of compensation for the harm that they have suffered is to pursue the case in court or before a labour dispute commission. In practice, a person who wishes to initiate court proceedings will have to consult a lawyer. Legal services are relatively expensive, thus the issue of unequal access to justice by different social groups does exist. Although there is a system of state-supported legal aid, only a limited number of persons can receive it, and there are few independent legal aid clinics (where legal aid is provided by volunteering law students), so the legal aid mechanism needs to be strengthened in order to provide more opportunities for vulnerable groups to defend their rights in court. Furthermore, when filing complaints to courts, applicants need to pay a court fee, although applicants may get this fee back should their trial be successful.

In addition to this, the Code of Civil Procedure and other procedural laws do not include special judicial, administrative or conciliation procedures specifically for cases of discrimination. Thus, in civil or administrative cases, victims of discrimination must rely on general procedures of civil procedure, and therefore a qualified and experienced legal consultant is necessary. As yet, only a couple of cases concerning some forms of discrimination are brought to court each year, and national jurisprudence in this respect is rather limited.

²⁵⁶ See the website of the Equal Opportunities Ombudsperson at: <https://www.lygybe.lt>. Clicking on 'Monitoring the implementation of decisions' (*Sprendimų vykdymo stebėseną*) leads to the Google document: https://docs.google.com/spreadsheets/d/1NP38IHq2nzKzs-bbM2bnZBVfTL5_FVxhDqiR5oRXHo0/edit#gid=0.

²⁵⁷ The administrative penalties imposed are mentioned in the annual reports of the Equal Opportunities Ombudsperson for 2005, 2006, 2008 and 2012.

²⁵⁸ Equal Opportunities Ombudsperson (2009), *Annual report for 2008*, <https://lygybe.lt/wp-content/uploads/2023/05/lgkt-ataskaita-2008.pdf>.

²⁵⁹ Based on information received by the author from the Equal Opportunities Ombudsperson's Office, 13 March 2024.

No special conciliation procedures for cases of discrimination exist at national level. Although it could be a useful tool, mediation in discrimination disputes is not covered in national law either, thus limiting the ways of resolving a dispute. In practice, however, the Equal Opportunities Ombudsperson sometimes acts as a mediator, but this procedure is not formalised, and therefore the outcome of the mediation is neither binding nor compensatory. Labour dispute commissions can also function as mediators. The Law on Mediation entered into force on 1 January 2019.

In Lithuania, only persons whose rights have been directly infringed by particular decisions have the right to appeal to the Ombudsperson.²⁶⁰ In practice, associations often initiate administrative proceedings with the Ombudsperson, although case law on the issue has denied such a possibility. It must be recognised that the Office of the Ombudsperson has not been consistent in this approach in the past. However, recent practice is that, when the complaint is received from an NGO and the rights of the organisation have not been directly infringed, the Ombudsperson may start an investigation 'on its own initiative'. In 2025, the Equal Opportunities Ombudsperson started 12 investigations on its own initiative.

In addition, the procedure at the Equal Opportunities Ombudsperson, which is the one most commonly used, has a time limit for filing complaints of three months after the commission of the acts in question. Complaints lodged after the expiry of this time limit are not investigated unless the Equal Opportunities Ombudsperson decides otherwise.

It is also worth mentioning that not all groups feel safe to report discrimination, especially LGBTIQ+ persons and those in the Roma community. According to the Ombudsperson, when evaluating public surveys and other data, it is necessary to emphasise that 'the very low number of complaints about unfavourable behaviour based on sexual orientation (especially homosexuality) does not in any way confirm the fact that people do not actually face discrimination on the grounds of sexual orientation'.²⁶¹ The Ombudsperson notes that the low number of complaints can be explained by the fact that sexual orientation is a specific feature of identity that is not clearly visible. To lodge a complaint about a possible violation of equal opportunities, one would have to come out, but not all LGBTIQ+ people in Lithuania feel safe to do so. Although anonymous complaints are not accepted, there is an option not to make the decision public. However, this does not guarantee privacy, for example in a complaint made against an employer. There is also a noticeable lack of referrals from members of the Roma community, despite the great social distance and discrimination indicated by various studies.

c) Number of discrimination cases brought to justice

In Lithuania, there are no available statistics on the number of court cases related to discrimination that are brought to justice.

Exact statistics on the number of cases relating to discrimination are not available. For certain categories of cases, case classifiers have been established that allow statistical data to be generated on criminal cases examined in courts of first instance. In 2025, two cases concerning discrimination under the Criminal Code (Article 169) were examined.²⁶² According to data provided by the National Courts Administration, no cases related to the protection of employees from discrimination or to gender equality and non-discrimination

²⁶⁰ Supreme Administrative Court of Lithuania, Case No. A⁶⁶²-665/2010, decision of 19 April 2010; Supreme Administrative Court of Lithuania, *Europos žmogaus teisių fondas v. Lygių galimybių kontrolieriaus tarnyba*, administrative case No. A⁴⁹²-2078/2013, decision of 7 November 2013.

²⁶¹ Equal Opportunities Ombudsperson (2023), *Annual report for 2022*.

²⁶² Šiauliai Regional Court, criminal case No. 1A-153-875/2025, judgment of 1 October 2025; Vilnius City District Court, criminal case No. 1-197-992/2025, judgment of 15 April 2025.

on other grounds were examined in 2025.²⁶³ It should be noted that the case categories defined in the classifiers do not distinguish cases according to the specific ground of discrimination or hate crime. In order to obtain more detailed data (for example, by discrimination ground or field), it would be necessary to conduct a manual analysis of cases by reviewing the case files.

According to the Office of the Equal Opportunities Ombudsperson, in 2025 the Office was involved in 22 legal proceedings. Of these, three were proceedings in which the Office was involved as a third party delivering an expert opinion. However, it is impossible to have a clear view of all discrimination-related cases through a search engine, as some of the decisions cannot be found on the database, although the author has received information about them through civil society organisations, the media and the Ombudsperson's Office.²⁶⁴

The Labour Inspectorate provides an overview of information regarding labour disputes in labour disputes commissions, noting that 46 cases of gender equality and discrimination in employment were heard in 2025.²⁶⁵ However, it is not known how many cases have reached court.

d) Registration of national court decisions on discrimination cases

As noted above, certain categories of cases are recorded using case classifiers that allow statistical data to be generated on cases examined by courts of first instance. However, these classifiers are not publicly accessible and do not distinguish cases according to the specific ground of discrimination or hate crime. As a result, the available statistical data are limited. In many instances, identifying discrimination-related cases requires reviewing individual case files manually rather than relying on a dedicated public registry or classification system. Therefore, it is difficult to find all the cases of discrimination that have been heard.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Lithuania, associations, organisations and trade unions are entitled in principle to act on behalf of victims of discrimination. However, the practical exercise of this right is limited by procedural legislation and restrictive judicial interpretation. Article 12(2) of the Law on Equal Treatment allows associations whose statutory activities include the representation of victims of discrimination to engage on behalf of or in support of the complainant, with the complainant's approval, in judicial and administrative procedures. In practice, however, procedural rules appear to restrict this possibility, in particular by linking representation to the association's members or to situations where the association's own rights are affected.

In practice, the Lithuanian human rights NGO scene is rather weak, in that most of the organisations that deal with non-discrimination issues or vulnerable groups are engaged in preventive work, education and awareness raising, and very few of them engage on behalf of victims. There is not a single NGO specialising in litigation, and only a few organisations have occasionally been involved in court cases during the last decade, with one organisation systematically trying to get involved in strategic litigation.

There have been very few cases when equality and non-discrimination NGOs have started judicial proceedings on behalf of a particular victim and, in general, national

²⁶³ Based on information received by the author from the National Courts Administration, 24 February 2026.

²⁶⁴ See the website of the Equal Opportunities Ombudsperson at: <http://www.lygybe.lt>.

²⁶⁵ See information provided by the Labour Inspectorate for 2025 (in Lithuanian): https://vdi.lrv.lt/public/canonical/1772602615/2935/Veiklos_apzvalga.pdf.

equality organisations lack sufficient resources and legal skills. If the rights of a particular person have been violated, NGOs would usually provide assistance, such as help to find a lawyer, and would participate in support of the victim (applicant).

Article 12(2) of the Law on Equal Treatment states that associations whose field of activity, as stated in their founding documents, encompasses the representation of victims of discrimination on a particular ground of discrimination in court have the right to engage on behalf or in support of the complainant, with their approval, in judicial and administrative procedures, in a manner prescribed by law. However, procedural legislation is not consistent with this wording.

The latest amendments to the Law on the Proceedings of Administrative Cases do not mention associations among the list of possible representatives of persons in an administrative procedure, unless they are representing the association itself or its members.²⁶⁶

When it comes to civil proceedings, a similar provision in the Code of Civil Procedure has a narrower wording. Article 56(1)(6) states that such associations may engage in judicial proceedings on behalf of their members only and that they must be represented by a person holding a law degree or by a member of the Bar. Although this particular provision has not been tested in the courts in any civil cases yet, an unofficial interpretation provided by the Ministry of Justice²⁶⁷ suggested a narrow interpretation of this provision as well, in that a victim can be represented by an association only if they are formally a member of that organisation. Hence it seems that there is an inconsistency between the wording of the Law on Equal Treatment and that of the Code of Civil Procedure.

According to Article 56(1)(5)) of the Code of Civil Procedure, trade unions can engage in a civil procedure only on behalf of their members and in labour disputes only. According to the Law on Trade Unions,²⁶⁸ a trade union is established if it has no less than 20 founders, or if the founders in the enterprise, establishment or organisation would comprise not less than one tenth of all the employees (and one tenth of all the employees would account for not less than three employees), the articles of association are approved and the governing bodies have been elected at a meeting of the trade union. In addition to this, it must have elected governing bodies and must have adopted a decision on its registered office.

In the past, it was fairly common for associations to initiate administrative proceedings with the Office of the Equal Opportunities Ombudsperson in cases where their rights were not directly affected by particular actions or omissions, and the Ombudsperson would start an investigation of their complaint. However, the Supreme Administrative Court issued a landmark decision in 2010, ruling that only persons whose rights were directly affected by particular decisions had the right to appeal to the Ombudsperson.²⁶⁹ According to the Court's interpretation, associations can thus lodge a complaint with the Ombudsperson only when their rights have been directly violated. In practice, however, such situations are handled in a less formal way. One complaint on the ground of disability in 2021 and 2023, and three complaints in 2024 were submitted by organisations representing persons with disabilities. In some situations, associations are involved in legal court actions as third parties, even when they try to initiate a legal action in support of victims of discrimination.

²⁶⁶ Law on the Proceedings of Administrative Cases (*Lietuvos Respublikos Administracinių bylų teisenos įstatymas*), 1999, No. 13-308, <https://www.e-tar.lt/portal/lt/legalAct/TAR.67B5099C5848/IThvemJyiH>.

²⁶⁷ Official Letter from the Ministry of Justice, 10 November 2011, No. (1.11) 7R-9117, replying to an enquiry dated 18 October 2011.

²⁶⁸ Law on Trade Unions (*Lietuvos Respublikos Profesinių sąjungų įstatymas*), No. 34-933, 21 November 1991, <https://www.e-tar.lt/portal/lt/legalAct/TAR.ABF3AEE57087/asr>.

²⁶⁹ Supreme Administrative Court of Lithuania, decision in case No. A⁶⁶²-665/2010, 19 April 2010.

- b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Lithuania, associations, organisations and trade unions are entitled to act in support of victims of discrimination.

The wording of Article 12(2) of the Law on Equal Treatment states that associations whose field of activity, as stated in their founding documents, encompasses the representation of victims of discrimination on a particular ground of discrimination in court have the right to engage on behalf or in support of the complainant, with their approval, in judicial and administrative procedures, in a manner prescribed by law.

However, how this right might be implemented in practice is not clear. The Code of Civil Procedure allows an association, as a third party, to get involved in both civil and administrative proceedings in support of a victim (Article 47 of the Code of Civil Procedure), and to provide certain evidence and expert opinion (Article 61 of the Code of Civil Procedure). Under the Code of Civil Procedure (which is also applied in labour disputes), an association could be involved in a discrimination case in support of the victim if the case concerned the rights and responsibilities of the association. In all cases, it is up to the court to decide whether the organisation has a legitimate interest in participating as a third party in support of the complainant.

According to the interpretation by the Supreme Administrative Court, associations can take part in an administrative procedure only when their rights have been directly violated.²⁷⁰

- c) Submitting observations, e.g. *amicus curiae* briefs/letters

In Lithuania, associations, organisations and trade unions are not entitled to submit observations to courts or other adjudicating bodies, such as *amicus curiae* briefs, in discrimination cases.

However, organisations may in certain situations contribute information to proceedings indirectly. Under Article 61 of the Code of Civil Procedure, expert opinions or written evidence may be submitted and courts may rely on specialised knowledge provided by institutions or experts. In addition, organisations may present arguments or information when participating in proceedings as third parties, if the court recognises their legitimate interest in the case.

- d) *Actio popularis*

In Lithuania, national procedural legislation does not clearly allow associations, organisations or trade unions to act in the public interest on their own behalf without a specific victim to support or represent (*actio popularis*). However, further judicial interpretation on this is required, as no other provisions have been adopted allowing associations to submit complaints to courts in representing a public interest.

Article 49(2) of the Code of Civil Procedure mentions that, in cases prescribed by law, a prosecutor, state institutions or 'other persons' do have a right to pursue *actio popularis*. The same can be said of the administrative procedure. Article 55(1) of the Law on the Proceedings of Administrative Cases mentions that, in cases prescribed by law, a prosecutor, state institution or natural person has a right to pursue *actio popularis*. However, no additional law that would allow associations to act in the public interest

²⁷⁰ Supreme Administrative Court of Lithuania, *Europos žmogaus teisių fondas v. Lygių galimybių kontrolieriaus tarnyba*, administrative Case No. A⁴⁹²-2078/2013, decision of 7 November 2013.

exists at national level, therefore these provisions remain theoretical and need judicial clarification.

A landmark decision from 2013 gives a fairly good example of the possible challenges. The European Foundation of Human Rights (EFHR), a Vilnius-based organisation, filed a complaint to the Equal Opportunities Ombudsperson in September 2012 regarding a discriminatory job advertisement in an online job search portal. The Equal Opportunities Ombudsperson started an investigation but then stopped it due to the 'lack of objective data about a violation of anti-discrimination legislation', as the company in question did not respond to queries. The EFHR appealed to the Vilnius Regional Administrative Court, which ruled that the decision of the Ombudsperson was not objectively justified. However, the Supreme Administrative Court stated that an administrative act that does not affect the rights of any person may not be the subject of administrative procedure. The court emphasised that the Law on the Proceedings of Administrative Cases does allow specific subjects to act in the public interest; however, this right may only be exercised by specific subjects, as defined by law, and only in cases outlined in specific legislation. Neither the Law on the Proceedings of Administrative Cases nor anti-discrimination legislation explicitly allows associations to act in defence of the public interest, therefore the complainant did not have legal standing in the case.²⁷¹

e) Class action

According to the Code of Civil Procedure (Article 441⁴(2)),²⁷² associations and trade unions may bring a class action in the interests of more than one individual victim where the claims arise from the same event and are directly related to the aims and scope of activities of the association or trade union, provided that at least 10 members of the class action are members of that association or trade union.

The Code allows class action through the representation of a lawyer.²⁷³ A group of claimants must consist of no less than 20 natural or legal persons and they must be represented in court by a lawyer. An organisation (association or a trade union) may act on behalf of a group of claimants if (1) the matter of the class action is consistent with the goals and interest of the organisation, (2) no less than 10 members of the group pursuing the class action are members of the organisation, and (3) it hires a lawyer who will represent the group in court. However, while the provisions on class action entered into force in 2015 (and were amended in 2020), there have still only been a few cases (on the protection of consumer rights), and none concerning discrimination.

Lithuania has chosen an opt-in model of class action, meaning a person has to express a will to join the group.

The Law on the Proceedings of Administrative Cases (Article 126⁸) allows associations and trade unions to act in the interests of a class action together with a lawyer acting for the group concerned.²⁷⁴

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Lithuania, national law requires a shift of the burden of proof from the complainant to the respondent.

²⁷¹ Supreme Administrative Court of Lithuania, *Europos žmogaus teisių fondas v. Lygių galimybių kontrolieriaus tarnyba*, administrative Case No. A⁴⁹²-2078/2013, 7 November 2013.

²⁷² Code of Civil Procedure (*Lietuvos Respublikos civilinio proceso kodeksas*), 2002, amendments related to class action made mainly in 2014, <https://www.e-tar.lt/portal/lt/legalAct/TAR.2E7C18F61454/AISJIVkyji>.

²⁷³ The amendments came into effect on 1 January 2015.

²⁷⁴ Law on the Proceedings of Administrative Cases, 1999.

The Law on Equal Opportunities provides a burden-shifting rule for all types of discrimination, including harassment and instructions to discriminate.

The current wording of Article 4 of the Law on Equal Treatment repeats the provision of the directives and does not go into details. A similar provision (although restricted to cases in the field of employment) with regard to the shift in the burden of proof is repeated in Article 26(5) of the Labour Code.

The Code of Civil Procedure sets out the general rule that the burden of proof falls on the applicant. However, Article 182(4) of the Code contains a provision that states that parties are not obliged to prove circumstances that are presumed by law. Since there is a provision on the shift of the burden of proof in the Law on Equal Treatment, these provisions are used together to convince the court to shift the burden of proof. There were attempts to include a shift in burden of proof in the Code of Civil Procedure in the past, but they were dismissed by the Parliament.²⁷⁵ Nevertheless, court cases reaffirm that the courts generally do accept the shift in the burden of proof in discrimination cases.²⁷⁶ The Law on the Proceedings of Administrative Cases does not explicitly mention burden of proof in discrimination cases, but it contains a clause referring to presumptions regulated by other provisions in Article 57(3).

The Supreme Administrative Court of Lithuania elaborated on the burden of proof in a landmark decision in 2021 concerning a decision by the Equal Opportunities Ombudsperson that found discrimination on the grounds of disability.²⁷⁷ The Supreme Administrative Court referred to the burden of proof in discrimination cases in general and held that ‘the rules on the burden of proof must be adjusted in the event of a *prima facie* case of discrimination, and in order to effectively implement the principle of equal treatment, the burden of proof must be returned to the respondent when evidence of such discrimination is presented’.

In 2022, Vilnius Regional Administrative Court followed this position, noting that, in discrimination cases, there is a burden of proof rule, according to which the applicant must identify the factual circumstances leading to the presumption of direct or indirect discrimination. Once the applicant (employee) has met this burden, the respondent (employer) bears the burden of proving that the principle of equal treatment has not been infringed.²⁷⁸

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Lithuania, there are legal measures of protection against victimisation.

Article 7(7) of the Law on Equal Treatment repeats the wording of the directives, saying that an employer is obliged to take necessary measures to ensure that employees are protected against dismissal or other adverse treatment that could occur as a reaction to a complaint or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment. In 2022, the national legislation was expanded to include protection from victimisation in other fields such as education (Article 6(4)) and the provision of goods and services (Article 8(3)).

The Labour Code requires an employer to take measures to ensure that employees are not subjected to harassment, hostile behaviour or negative consequences when they submit a complaint regarding discrimination or participate in a case regarding

²⁷⁵ Transcript of the plenary session of the Parliament of the Republic of Lithuania of 27 June 2007, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/TAIS.304466>.

²⁷⁶ Vilnius Regional Administrative Court (*Vilniaus apygardos administracinis teismas*), ‘*Eglės sanatorija*’ v. *Lygių galimybių kontrolieriaus tarnyba*, Case No. I-2531-643/2018, 9 July 2018.

²⁷⁷ Supreme Administrative Court of Lithuania, No. eA-2796-492/2021, 15 December 2021.

²⁷⁸ Vilnius Regional Administrative Court, Case No. e2A-2013-936/2022, 25 August 2022.

discrimination (Article 26(2)(5))). Article 59(2) protects a person from dismissal when they start proceedings against an employer regarding discrimination.

The shift in the burden of proof would also apply in cases of victimisation, since the national provision of the shift in the burden of proof is broad enough to interpret it in a way that can be applied in all disputes with regard to the breach of equal opportunities, as outlined in the Law on Equal Treatment.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

In Lithuania, there are two procedures for imposing sanctions for discriminatory behaviour: judicial proceedings in administrative or civil courts (mostly for claiming compensation, as the national law does not accept the concept of punitive damages) as well as in criminal courts, or an administrative procedure at the Equal Opportunities Ombudsperson, who can issue warnings (admonish the perpetrator) or impose a fine under the Administrative Violations Code, although they cannot compensate the victim in any way.²⁷⁹

Under Article 6.250(2) of the Civil Code, non-pecuniary damages can be claimed in a civil case only in cases prescribed by law; Article 6.263(3) establishes that, 'In cases established by laws, a person shall also be liable to compensation for damage caused by the actions of another person or by the action of things in his custody'. A person has the right to bring a civil action against an employer and to claim compensation in the case of discrimination in a workplace or can claim pecuniary or non-pecuniary damages by submitting a complaint to a labour dispute commission. Therefore, the claimant is able to seek compensation in two ways – either by claiming violation of the Labour Code (in the field of employment) or by claiming violation of the Law on Equal Treatment (in employment and other fields). Article 13 of the Law on Equal Treatment explicitly states that persons have the right to claim pecuniary and non-pecuniary damages if they have suffered from discrimination.

Although only the courts can compensate for damages, the procedure at the Equal Opportunities Ombudsperson remains much more widely used in practice. According to Article 29(2) of the Law on Equal Treatment, having completed an investigation, the Ombudsperson may decide the following:

- to refer relevant material to the public prosecution authorities if indications of an offence have been established;
- to address a recommendation to an appropriate person or institution to discontinue the actions that are violating equal opportunities;
- to recommend that a person or an institution change or repeal an administrative act (or part of it) related to such violations;
- to begin proceedings on administrative violations;
- to declare the complaint unfounded if the alleged violations referred to in the complaint have not been established;
- to admonish those who have committed a violation (in such cases, the Ombudsperson issues a warning or recommendation to halt the discriminatory practices, although these are not essentially binding);
- to issue binding decisions to stop discriminatory advertising campaigns, establishing the applicable terms and conditions;

²⁷⁹ Articles 81 and 96 of the Code of Administrative Offences, No. XII-1869, 25 June 2015. <https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b/asr>.

- to address an application to the administrative court, asking it to establish whether a normative administrative act (or a part of it) or a rule adopted by a religious community, a political party, a political organisation or an association complies with the Law on Equal Treatment or the Law on Equal Opportunities for Women and Men;
- to propose that the Chief Official Ethics Commission conduct an investigation into whether a person working in the public service has violated the Law on the Adjustment of Public and Private Interests.

When the Ombudsperson examines cases of administrative offences, they can impose a fine for violations of the Law on Equal Treatment and the Law on Equal Opportunities for Women and Men in accordance with Article 81 of the Administrative Violations Code. Decisions of the Equal Opportunities Ombudsperson are binding, so they can therefore be challenged in court or at the Administrative Disputes Commission.

Although the Equal Opportunities Ombudsperson has been given the authority to investigate complaints of discrimination, the decisions of the Ombudsperson do not include granting any form of compensation (including reinstatement) to the victim of discrimination for the damage caused. In practice, the Ombudsperson usually issues a recommendation (which is essentially non-binding) to stop discriminatory actions or occasionally warns those who have committed violations. According to the annual reports of the institution, during the past 10 years of its operation, the Ombudsperson issued only a few fines;²⁸⁰ other instances can be found, however, via media articles.

In the past, the former Ombudsperson stated numerous times in the Office's annual reports that they did not consider a fine to be an effective solution to discriminatory situations. The author notes, however, that, if the Ombudsperson issued fines, they could be challenged in court, which would result in litigation, thus placing an extra burden on the Ombudsperson's staff. However, other decisions and opinions of the Ombudsperson are currently being challenged in court. There are proposals to abolish the possibility of appealing against the opinions of the Equal Opportunities Ombudsperson, as they are mostly of a recommendatory nature, and the opinions of other ombuds institutions are not subject to appeal to the courts either. However, there is no registered legislative proposal on this issue yet.

Finally, Lithuanian criminal law provides protection from severe discriminatory acts amounting to crimes, and also provides sanctions. Article 169 of the Criminal Code provides sanctions for severe discriminatory behaviour comprising (a) community service; (b) a fine; (c) detention; or (d) imprisonment for up to three years. However, it is not clear from the vague wording of the Criminal Code exactly which discriminatory actions amount to crimes and, to the knowledge of the author, only a few investigations on the basis of this Article have been initiated since 2003.

Nevertheless, on 5 July 2024, Kaunas District Court ruled that a café's staff had discriminated against visitors on the basis of their ethnic origin (Roma) and had prevented them from enjoying the food service on an equal basis with others. The court sentenced the defendants to a restriction of liberty and awarded the victims EUR 600 each in non-pecuniary damages.²⁸¹ The victims lodged an appeal, which was upheld by a higher court in early 2025²⁸² and the compensation amount was increased.²⁸³ This judgment is one of the most important not only in Roma discrimination cases, but in the context of the application of Article 169 in general.

²⁸⁰ The staff of the institution claim that fines have in fact been issued at least on a few occasions.

²⁸¹ Kaunas District Court, Case No. 1-468-814/2024, 5 July 2024.

²⁸² The higher court decision was issued after the cut-off date for this report. Kaunas Regional Court, Case No. 1A-26-1049/2025, 8 January 2025.

²⁸³ For more details, please see Section 7.11 (Roma and Travellers).

In 2025, Article 169 of the Criminal Code was also applied in a case concerning a homophobic attack against a male couple.²⁸⁴ It should be noted that the Lithuanian law enforcement authorities initiated the investigation only after the European Court of Human Rights agreed to examine the applicants' petition. Following the issuing of a national decision, the case was struck off the list of cases before the ECtHR.

- i) National legislation provides for preventive and socio-preventive sanctions, such as injunctions or structural injunctions

This occurs primarily through administrative and civil court proceedings. The Law on Administrative Procedure (Article 70) allows courts to apply injunctive relief measures such as prohibiting certain activities, temporarily suspending the validity of an individual administrative act, or suspending the enforcement of a discriminatory decision. Similarly, the Code of Civil Procedure (Article 145) provides for injunctive relief in civil cases. The Equal Opportunities Ombudsperson can also issue recommendations and binding decisions to stop discriminatory practices, such as ordering the removal of discriminatory advertisements. However, these recommendations are generally not enforceable, and in practice, the Ombudsperson rarely imposes fines. Courts, particularly in employment discrimination cases, have stronger legal tools to issue injunctions and provide remedies that ensure compliance with equal treatment laws.

- ii) In national law, there are no specific sanctions for cases of collective redress (*actio popularis* or class actions)

While the Law on Equal Treatment allows certain NGOs to represent victims of discrimination in court, Lithuanian law does not have a fully developed mechanism for class actions in discrimination cases. Claims for discrimination are typically pursued on an individual basis, and there is no established framework for large-scale or representative legal actions that would allow for collective remedies or penalties.

- iii) In national law, there are no sanctions in place to deal with cases of mass discrimination, in particular as a result of the use of AI or automated systems

The existing legal framework addresses individual instances of discrimination but lacks provisions for systemic discrimination caused by algorithmic decision-making. While general anti-discrimination laws could theoretically be applied to AI-related cases, there are no targeted legal measures, oversight mechanisms or penalties specifically designed to address the risks associated with automated systems.

- b) Pecuniary sanctions – maximum and average amounts

Article 81 of the Code of Administrative Offences provides for fines for violation of equal opportunities: from EUR 40 to EUR 560, and for repeated offences from EUR 560 to EUR 1 200. Article 96(4) of the same Code provides for liability for violation of Article 30 of the Labour Code (Protection of the honour and dignity of workers, prohibition of violence and harassment) if the necessary measures to prevent violence and harassment have not been implemented. In this case, employers or other responsible persons may be fined between EUR 500 and EUR 1 400, and repeated offences are punishable by a fine of between EUR 1 400 and EUR 3 000.

As there have been only a handful of successful discrimination cases (most of them on the basis of gender discrimination and only a few on other grounds), it is still too early to provide a comprehensive overview of general trends regarding the compensations. The Labour Code sets limits for compensation in cases of unlawful dismissal, and these limits are different in cases when a person can be reinstated and in those when a person

²⁸⁴ Vilnius District Court, Case No. 1-197-992/2025, 15 April 2025.

cannot be reinstated. When unlawful dismissal has been recognised, the competent body shall make an order to reinstate an employee and to pay them an average wage for the period of involuntary damage starting from the date of dismissal (but for no longer than one year), as well as pecuniary and non-pecuniary damages (Article 218(2)). When a person cannot be reinstated in their employment for reasons established in the Labour Code, the competent body shall order the payment of an average wage for the period of involuntary damage starting from the date of dismissal (but for no longer than one year), as well as pecuniary and non-pecuniary damages. There is also compensation equal to the average salary for every two years of employment, but for no more than the average salary of six employees (Article 218(4)). Therefore, the compensation can vary, from the average salary for 12 months to that of 18 months, together with the other pecuniary and non-pecuniary damages.

According to civil law, there is no limit on compensation for non-pecuniary damages suffered because of discriminatory behaviour, and therefore decisions depend on individual cases. According to the practice of the Supreme Administrative Court, the set of criteria must be assessed altogether, including the significance of the protected values (discrimination in upholding the right to full participation in an election); the vulnerability of the applicants (persons with reduced mobility); and the negative experiences that were engendered (emotional depression, a feeling of inferiority, frustration and despair, and the degrading treatment), as well as the duration of the violation.²⁸⁵ Besides this, in determining the amount of compensation for non-pecuniary damages and losses, the case law takes into account the material living standards in society, which is reflected by the minimum monthly salary.

Judicial compensation for victims of discrimination currently ranges from EUR 579 (for discriminatory dismissal on the basis of disability – although the court of first instance had awarded EUR 2 027²⁸⁶) to EUR 3 000 (also for discriminatory dismissal on the basis of disability). In 2023, higher amounts were awarded. For example, EUR 10 000 each was awarded to a mother and her child, who was taken away from her parents because of their disability, and EUR 5 000 was awarded to a woman with a disability who suffered non-pecuniary damage as a result of being denied the opportunity to study at a vocational school. The variation in compensation amounts and the lack of consistent guidelines for assessing damages highlight the need for clearer and more consistent standards.

The author of this report is aware of legal cases concerning discrimination that have ended in amicable settlements. The compensation in such cases can be twice as high as compensation awarded by the courts, or even higher.

c) Assessment of the sanctions

In the opinion of the author of this report, the system of sanctions for discriminatory acts in Lithuania cannot be considered effective, proportionate or dissuasive. First, they are very rarely issued. However, even if the Ombudsperson did issue fines, such administrative sanctions can hardly be considered effective, proportionate and dissuasive, even though they have been increased. They do not depend on the revenue of the offender, for instance, and they are also rather limited in their nature. In addition, the decisions of the Ombudsperson do not seek to compensate the victim.

In 2014, this issue was raised by the UN Committee on the Elimination of Discrimination against Women, which stated that the limited application of administrative sanctions by the Ombudsperson in cases of sex-based and gender-based discrimination was causing

²⁸⁵ Supreme Administrative Court of Lithuania, case No. eA-113-492/2020, 18 February 2020.

²⁸⁶ Vilnius Regional Court decision, Case No. 2A-557-640/2014, 27 February 2014.

great concern.²⁸⁷ In 2014, the temporary substitute Ombudsperson identified the issue of sanctions in its annual report. The Ombudsperson also recommended that the Parliament should expand the current list of sanctions and allow multiple sanctions, to ensure the discontinuation of discriminatory acts and also to serve as dissuasive sanctions.²⁸⁸ This was also highlighted by an in-depth report published in 2017 on the status of the national equality body, which was based on interviews with key stakeholders (such as decision makers and representatives of civil society, academia and state and municipal institutions).²⁸⁹

d) Enforcement and monitoring of the implementation of sanctions

i) Courts and adjudicating bodies' mechanisms to monitor or enforce their decisions.

The final court rulings and decisions in cases of administrative offences are binding on all state and municipal authorities and responsible persons, legal and natural persons, and must be enforced throughout the territory of the Republic of Lithuania without objection and without hindrance. The order imposing a fine shall be enforceable upon expiry of the time limit specified for its execution.

The State Tax Inspectorate is responsible for controlling the execution of decisions imposing administrative fines. The enforcement of court decisions, including fines under criminal proceedings, is carried out by bailiffs, who execute judgments, including the payment of fines or compensation.

ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

In Lithuania, the legal framework does not explicitly address the concept of courts retaining jurisdiction after imposing sanctions. Once a court issues a judgment, its enforcement is typically carried out by designated authorities, such as bailiffs, rather than the court itself maintaining ongoing oversight. The Law on Courts²⁹⁰ outlines the structure and competencies of the judiciary but does not specify provisions for courts to retain jurisdiction post-judgment.

iii) Further steps/measures courts or adjudicating bodies can take in case of non-compliance with the sanction

In cases in which there is non-compliance with a court's decision, additional legal measures can be pursued to ensure enforcement. For example, if the person evades payment of the fine voluntarily and there is no possibility of enforcement, the court may replace the fine with a restriction of liberty. However, these do not involve the original court retaining jurisdiction over the matter.

Similarly, the Equal Opportunities Ombudsperson in Lithuania is responsible for enforcing laws on equal treatment and can issue binding decisions, including fines. However, in most cases, the Ombudsperson makes non-binding recommendations that cannot be enforced.

²⁸⁷ UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the fifth periodic report of Lithuania* (CEDAW/C/LTU/CO/5), 24 July 2014.

²⁸⁸ Equal Opportunities Ombudsperson (2010), *Annual report for 2009*.

²⁸⁹ Andriukaitis, G., Sabatauskaite, B. and Lietuvos žmogaus teisių centras (2017), *Lygių galimybių kontrolieriaus tarnyba, kaip nacionalinė lygybės institucija: teisinis reglamentavimas ir veikla* (The Office of the Equal Opportunities Ombudsperson as a national equality body: Legal regulation and activities), Vilnius, Lietuvos žmogaus teisių centras, http://www.lygybe.lt/data/public/uploads/2017/04/lygiu_galimyb_u_kontrolieriaus_tarnyba_kaip_nacionaline_lygybes_institucija_teisinis_reglamentavimas_ir_veikla.pdf. Subsequent mentions: Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

²⁹⁰ Law on Courts, No. I-480, 31 May 1994, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5825/asr>.

According to Article 30 of the Law on Equal Opportunities, decisions of the Equal Opportunities Ombudsperson must be examined by the persons to whom the decision is addressed and the Equal Opportunities Ombudsperson must be informed about the results of this examination and the implementation of each decision.

Persons who fail to comply with the requirements of the Equal Opportunities Ombudsperson are liable under Article 505 of the Code of Administrative Offences and may be fined from EUR 80 to EUR 780 (for natural persons) or from EUR 390 to EUR 1 950 (for legal persons). Repeated commission of an administrative offence is punishable by a fine of between EUR 720 and EUR 1 170 for individuals and of between EUR 1 100 and EUR 6 000 for managers or other responsible persons of organisations (legal persons).

iv) The burden of enforcing sanctions

The burden of enforcing sanctions generally falls on court bailiffs when it comes to judicial decisions, while for administrative sanctions, enforcement is carried out by public institutions such as the State Tax Inspectorate, which collects unpaid fines. The Equal Opportunities Ombudsperson enforces fines but has limited means to ensure compliance with non-binding recommendations. In criminal cases, law enforcement agencies, including the police and prosecution authorities, are responsible for ensuring compliance with judicial sanctions.

Since May 2017, a table of opinions and decisions, also showing implementation status (i.e. a monitoring report) has been available on the Ombudsperson's website²⁹¹. However, not all of the decisions or opinions are presented in the table.

²⁹¹ Table for Monitoring the Implementation of the Decisions of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus sprendimų vykdymo stebėseną*):
https://docs.google.com/spreadsheets/d/1NP38IHq2nzKzs-bbM2bnZBVfTL5_FVxhDqiR5oRXHo0/edit#gid=0.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)²⁹²

As of the cut-off date for this report, Lithuanian law is only partially in line with Directive (EU) 2024/1499, which must be transposed by 19 June 2026. Lithuania already has a designated equality body with a broad mandate covering the grounds and fields relevant to Directives 2000/43/EC and 2000/78/EC and the Office of the Equal Opportunities Ombudsperson carries out complaint-handling, advisory, promotional, research and recommendation functions. However, several aspects of the national framework do not yet fully reflect the standards introduced by Directive (EU) 2024/1499, in particular as regards sufficient resources, independent assistance to victims, legal standing and the possibility for the equality body to initiate or participate in judicial proceedings on behalf of victims or in the public interest.

No legislative amendments specifically transposing Directive (EU) 2024/1499 had entered into force by the cut-off date for this report. However, in 2025, a draft amendment to the Law on Equal Treatment was prepared in view of the transposition of the Equality Bodies Directives and submitted for coordination with relevant institutions and the Government. According to the available information, the draft would, among other things, expand the Ombudsperson's powers, introduce the concepts of intersectional, multiple and associative discrimination, provide for the possibility to defend the public interest in the field of equal opportunities, and improve the accessibility of the complaints procedure.

7.1 National equality body

a) General 'architecture' of equality bodies

The only body exercising the competences as listed in Article 13 RED is the Office of the Equal Opportunities Ombudsperson, see below.

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The Office of the Equal Opportunities Ombudsperson is the main national institution dealing with equality and non-discrimination and is the national anti-discrimination body established in order to fulfil the requirements of the Racial Equality Directive. When the Law on Equal Treatment came into force in 2005, it expanded the mandate of the previous Ombudsperson for Equal Opportunities of Men and Women, which was functioning on the basis of the Law on Equal Opportunities for Women and Men. Thus, a new institution – the Equal Opportunities Ombudsperson – covering all grounds of discrimination contained in Directives 2000/43/EC and 2000/78/EC as well as the ground of gender, started operating on 1 January 2005.

Services of the Equal Opportunities Ombudsperson are accessible on an equal basis for all, without costs. Anyone who thinks they have been discriminated against can make a complaint or seek advice. Contact can be made through convenient channels: phone, email, social media. The premises are accessible to users with disabilities and the services are also available in sign language. In the summer of 2023, the Office updated its website www.lygybe.lt to the highest accessibility standards. The accessibility of the content was checked in cooperation with an expert from the Lithuanian Association of the Blind and Visually Impaired, other relevant groups were consulted, and the website was updated with information in Lithuanian sign language. In 2024, the content of the

²⁹² Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026 after the cut-off date for this report, reflect the author's opinion.

website was translated into Polish and Russian, and key information about the Office is made available in an easy-to-understand language format²⁹³.

Although the Office does not have regional branches, it covers the whole of the country and offers remote access to consultations. Social campaigns are broadcast on national radio and television, reaching a wide range of people.

The Ombudsperson's activities are governed by the Law on Equal Treatment and the Law on Equal Opportunities for Women and Men.

7.2 Political, economic and social context of the designated body

The institution of the Equal Opportunities Ombudsperson was initially established based on international commitments to the UN regarding gender equality, and was further expanded in 2005 based on the requirements of the Racial Equality Directive and, most recently, in 2019 in relation to the UN Convention on the Rights of Persons with Disabilities.

Therefore, the existence of the institution is widely seen by politicians as a commitment to international human rights standards and obligations, rather than resulting from a genuine need for development in equality from within the country. Open hostility to the existence of the institution has been avoided for a considerable time. However, in 2018, the Ombudsperson received a written request and was invited to the Parliament to provide answers regarding the 'Support' campaign, which had been implemented by the institution with the aims of inspiring the public to support women who open up about the experience of abuse and violence, and of avoiding victim-blaming attitudes. Various different people (a friend, a mother, a judge, a police officer, a children's rights protection service and a priest) were depicted in a campaign video as blaming the victim, using words that victims, in research findings, had said that they had heard.²⁹⁴ The Ombudsperson was invited to a plenary session in the Parliament and had to answer questions on whether, through its campaign, the Ombudsperson was undermining state institutions, discrediting society's trust in state institutions and the state itself or violating the rights of religious persons.²⁹⁵ During the campaign, the Ombudsperson was widely criticised by church-affiliated groups and NGOs for violating 'traditional values'. However, following the criticism, the Ombudsperson has received support from around 50 specialist centres, women's organisations and human rights organisations,²⁹⁶ and a number of politicians, including both Opposition and Government-supporting members of the Parliament, have expressed their support.

The Equal Opportunities Ombudsperson has been concerned for years about the increasing volume of work and functions, but the budget remains insufficient.²⁹⁷ For example, according to the annual reports for 2019 and 2020, after introducing a new role of the Ombudsperson's Office from July 2019 to monitor the UN Convention on the Rights of Persons with Disabilities, no sufficient funding was granted for the implementation of this new function.

Public support for the national equality body remains rather limited. It is certain that most of the human rights NGOs support the existence of the institution as such, but the

²⁹³ See: <https://lygybe.lt/informacija-lengvai-suprantama-kalba/>.

²⁹⁴ 'Support' campaign, video by the Office of the Equal Opportunities Ombudsperson, https://www.youtube.com/watch?time_continue=15&v=2KrHsqiwnQY.

²⁹⁵ Transcript of the plenary session of the Parliament of the Republic of Lithuania of 13 November 2018, <https://e-seimas.lrs.lt/portal/legAct/lt/TAK/91184541e7f911e894a78279b4c56611>.

²⁹⁶ Letter from NGOs to the Parliament of the Republic of Lithuania, 13 November 2018, <http://manoteises.lt/wp-content/uploads/2018/11/D%C4%97L-LR-Lygi%C5%B3-galimybi%C5%B3-kontrolieriaus-tarnybos-vykdytos-kampanijos-%E2%80%9EPalaikyk%E2%80%9C.pdf>.

²⁹⁷ See the annual reports of the Equal Opportunities Ombudsperson 2016 to 2022, available in Lithuanian at: <https://lygybe.lt/veiklos-sritys/metines-ataskaitos/>.

general public still lack knowledge and understanding of its role, as reported in previous reports. In 2023, a quarter of the population in Lithuania (25 %) said that, if they were discriminated against or harassed, they would exercise their rights and would report the discrimination to the police, whereas less than a fifth (14 %) said that they would report it to the national Equal Opportunities Office.²⁹⁸

The figures are different according to surveys commissioned by the Equal Opportunities Ombudsperson in recent years, and still contradictory. Its *Annual report for 2025* presented the results of a public opinion poll showing that 78 % of respondents had heard of the Equal Opportunities Ombudsperson and 38 % (compared with 28 % in 2018 and 40 % in 2024) responded that they would contact the Ombudsperson in the event of experiencing discrimination. Only 30 % said they had trust in the Ombudsperson (compared with 45 % in 2020 and 34 % in 2024).²⁹⁹

However, the efficiency of the institution has improved and in 2025 the Office received the highest number of complaints in its history (420). Its work has become much more open to the public, its role has become much more visible in the media and, during the past few years, it has instigated a few widely discussed awareness-raising campaigns and has spoken out against discriminatory attitudes expressed by high-level politicians.

7.3 Institutional architecture

In Lithuania, the designated body forms part of a body with multiple function, resulting with a broad mandate.

Equality and non-discrimination on all grounds listed in the directives and on the ground of gender are the main areas of work of the Office of the Equal Opportunities Ombudsperson.

In 2010, the Government issued a decision to assign an additional function to the Office of the Equal Opportunities Ombudsperson,³⁰⁰ obliging it to 'monitor the implementation of the provisions of the UN CRPD related to safeguarding equal opportunities'.

Organisations representing the interests of persons with disabilities criticised the decision and described the mechanism for monitoring the implementation of the CRPD in Lithuania as inefficient, given that no sufficient human and financial resources had been allocated for monitoring adherence to the Convention. Recommendations 67 and 68 of the UN Committee on the Rights of Persons with Disabilities³⁰¹ stated that the Office of the Equal Opportunities Ombudsperson and the Council for the Affairs of Persons with Disabilities, which had been appointed to function as Lithuania's independent monitoring mechanisms, were 'not in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights'.

Amendments to the Law on Equal Treatment were made in 2018, adding the monitoring of the CRPD to the mandate of the Ombudsperson, as well as establishing a Monitoring Commission on the Rights of Persons with Disabilities. The Commission is composed of five members, four of whom are representatives of associations of persons with disabilities and one of whom is a representative of the Office of the Equal Opportunities Ombudsperson.

²⁹⁸ European Commission, Eurobarometer survey, 'Discrimination in the EU in 2023'.

²⁹⁹ Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

³⁰⁰ Government of the Republic of Lithuania, Decision No. 1739 on the Implementation of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, 8 December 2010, available online at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.388475?ifwid=-wwknhce4u>.

³⁰¹ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Lithuania (CRPD/C/LTU/CO/1), 11 May 2016.

In its concluding observations, the UN Committee on the Elimination of Discrimination against Women noted that there was a low number of complaints by women and girls with disabilities.³⁰²

7.4 Status of the designated body – general independence and resources

a) Status of the body

- Separate or other legal status or personality:

Lithuania took the decision to establish the Office of the Equal Opportunities Ombudsperson under a separate law, thus providing it with the status of a separate entity and a full legal person, with independence from the executive branch. As an ombudsman-type institution, it is accountable to the Parliament only and is run by the chief officer of the institution – the Ombudsperson.

- Selection of governing body:

The Ombudsperson is appointed by Parliament for a term of five years. The previous head of the institution advocated placing a limit of two consecutive terms, and amendments made in 2017 introduced the provision that the same person cannot be appointed for more than two terms in a row. The current appointment procedure does not involve civil society. Since there is no duty to follow the principle of pluralism or to consult any board or body when appointing the Ombudsperson, the Speaker of the Parliament suggests a candidate for Parliament to vote on, without consulting civil society. According to the jurisprudence, the Parliament is entirely autonomous when deciding upon the candidate, and the decision of the Parliament cannot be overruled by a court.³⁰³

The requirements for the candidate, as set out in the Law on Equal Treatment, are that they have an impeccable reputation, a university degree in law and a minimum of 10 years' experience in law. The requirement of 'impeccable reputation' is not explained in detail in the Law on Equal Treatment. However, it is elaborated on in detail in Article 4 of the Law on Public Service, which states that a person would not be considered as having an 'impeccable reputation' if he or she had a current conviction record for a serious crime, a crime of corruption or crimes against the state service; had previously been dismissed from a state office or work or had lost the ability to carry out independent activities due to particular violations and a period of three years from that dismissal has not passed; if he or she had been dismissed or removed from an appointed office having breached an oath or pledge, was a member of an organisation forbidden by law, etc.³⁰⁴ Therefore, the requirement is not entirely subjective.

Before the Ombudsperson takes up office, she or he is obliged to take an oath to honour the Lithuanian state, impartiality and the rule of law. In addition, the candidate must end their membership of any political party before taking the oath. The independence of the Ombudsperson is also ensured by the provision that prohibits the Ombudsperson from having any other job or involvement in any profit-making activities, with the exception of creative or educational work. The term of the Ombudsperson can be terminated by Parliament only if the Ombudsperson is ill for a certain period of time, as specified by law, if the Ombudsperson breaches the Constitution or if the Ombudsperson is convicted of a criminal offence. Previously, the Parliament could dismiss the Ombudsperson if he or

³⁰² UN Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Lithuania ([CRPD/C/LTU/CO/6](#)), 12 November 2019.

³⁰³ Vilnius Regional Administrative Court (*Vilniaus apygardos administracinis teismas*), Case No. eI-9300-811/2015, *D.G.-K. v. Lithuanian Parliament, Lithuanian State*.

³⁰⁴ Law on Public Service, 30 July 1999.

she failed to pass a confidence vote, but this provision was removed from 1 January 2017, thus strengthening the Ombudsperson's independence.

The work of the institution, as well as its political independence, largely depends on the position of the head of the institution – the Ombudsperson themselves. 2016 marked an important turning point in moving towards increased efficiency and strengthening the Office's institutional structure. The institution was restructured with three internal divisions (a legal division, an equal opportunities mainstreaming division and an operational management division), with a communication division formed in 2017, in addition to a financial adviser and the Ombudsperson herself. Therefore, until the end of 2025, it consisted of four internal divisions.

- Sources of funding:

The Office of the Equal Opportunities Ombudsperson is financed from its pre-approved budget; thus, its financial independence is also ensured by law. In addition, every year, Parliament votes on the budget proposed by the Government and may therefore decrease or increase the budget for the Office.

Part of the budget is raised through EU-funded project activities.

- Powers to recruit and manage staff:

The Ombudsperson has a right to use its general funding according to its needs and priorities, and neither the Government nor the Parliament has any control over this. The Ombudsperson is fully in charge of the institution and has a right to use the allocated funding according to the needs of the institution as well as to manage staff, to hire or fire personnel, etc.³⁰⁵ As of 1 January 2024, amendments to the Civil Service Law entered into force, replacing the previous procedure. The maximum number of civil servants and staff in an institution, set by the Parliamentary Board, is no longer in place and the Ombudsperson decides how many staff to recruit within the available budget.

- Accountability:

As previously mentioned, the institution is accountable to Parliament and must deliver an annual report by the middle of March each year. In the past, the Seimas used to approve activity reports, but in order to ensure the independence of the Equal Opportunities Ombudsperson, it has been decided to hold hearings in committee instead of approval. Therefore, the annual activity reports are being heard by the Human Rights Committee of the Seimas of the Republic of Lithuania, which, in accordance with its competence, can recommend to various state institutions the implementation of the recommendations of the Ombudsperson. However, it is being considered whether the annual activity report should not be presented on the floor of the Seimas, so that all Members of the Seimas, and not just the members of the Human Rights Committee, can have an opportunity to familiarise themselves with it.

b) Independence of the body

From the legal perspective, the independence of the Equal Opportunities Ombudsperson is stipulated by the Law on Equal Treatment as well as being ensured by its separate legal personality and institutional structure. However, the process of appointment, which does not involve any consultation with experts or civil society, is considered to be lacking in transparency and could potentially be an obstacle to the Office's independence.

³⁰⁵ Decision of the Seimas (Parliament) of the Republic of Lithuania on the approval of the Equal Opportunities Ombudsperson's Internal Procedure Act (*Lietuvos Respublikos Seimo nutarimas Dėl Moterų ir vyrų lygių galimybių kontrolieriaus tarnybos pavadinimo pakeitimo ir Lygių galimybių kontrolieriaus tarnybos nuostatų patvirtinimo*), *Valstybės žinios*, 26 November 2003, No. 111-4930.

Despite its formal independence, the Office of the Equal Opportunities Ombudsperson has not been able to avoid an institutional crisis: there was a failure to appoint an Ombudsperson at the end of the regular term of office in 2020, and two failed attempts to appoint respected experts in the field to the post gave rise to doubts concerning the independence and impartiality of the institution from 2013 to 2015. Both attempts gave rise to doubts concerning the transparency of the appointment procedure as well as the candidate selection criteria. When experienced and highly principled candidates were rejected without any explanation, people got the message that the institution was politicised and that principled individuals who did not accommodate a specific political ideology would not be appointed despite their professional qualifications. The appointment procedure cast a shadow over the status of the Office as an independent equality body and potentially dissuaded several competent experts from even considering the position of Equal Opportunities Ombudsperson. The current statutory procedure and its practical implementation make the impartiality of the appointment of any new Ombudsperson open to question (even where doubt about the impartiality of the Ombudsperson is unfounded).

In 2021, the Parliament (Seimas) appointed the new Ombudsperson, who has many years of experience in the field of human rights and non-discrimination law. However, some opponents were suspicious of her activities promoting LGBTIQ+ rights, insisting that she would 'prioritise this group over others'. Negative attitudes and resistance stemmed from discrimination on the grounds of sexual orientation: the candidate did not hide her belonging to the LGBTIQ+ community. Nevertheless, the candidate received strong public support and support from NGOs, and was appointed.

A similar situation arose in 2014 when appointing a new Ombudsperson. During the hearing at the Parliament, the candidate was deliberately asked questions about her views on same-sex marriage and partnerships, her relationship with LGBTIQ+ organisations, her attitude towards 'genderism ideology', and her views on 'homosexual propaganda' and abortion. The candidate demonstrated a firm commitment to the institution's mandate (including the protection against discrimination on the ground of sexual orientation) as well as expressing her understanding of Lithuania's international commitments with regard to fundamental rights. Although no doubts regarding her professional qualifications were raised at the hearing, unlike in 2021, the candidacy was not approved.

The question of impartiality was highlighted by an in-depth report published in 2017 on the status of the national equality body, which was based on interviews with key stakeholders (such as decision makers and representatives of civil society, academia and state and municipal institutions).³⁰⁶ Respondents were asked to evaluate the independence of the Office of the Equal Opportunities Ombudsperson on a scale of 1 to 10. The average score given by the 29 respondents was 5.91.

It should be noted that the de facto independence of the Ombudsperson may also depend on the person appointed to the Office. At the same time, amendments to the Law that entered into force in 2017 introduced safeguards aimed at strengthening the institution's independence, including a rule that the same person cannot be appointed for more than two consecutive terms.

However, the Equal Opportunities Ombudsperson is challenged by the fact that, while some of its functions are attributed to the Ombudsperson by separate programmes approved by the Government or individual ministries, these are not necessarily allocated additional funding, or are allocated very limited funding. Many proactive promotional and other strategic activities are funded because of the constant application for EU funding, either by the Office itself or by NGOs. Sometimes financial challenges occur, which

³⁰⁶ Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

means that co-funding is required from the state budget. Therefore, the financial independence of the Office of the Equal Opportunities Ombudsperson is limited, and the institution has limited ability to plan its promotional functions several years ahead. It should be noted that in planning and drawing up its budget, the Office expresses the need for funding for these activities each year but has never received targeted funding for public opinion polls or awareness-raising campaigns.

c) Resources

- The annual budget of the body:

In 2025, the Office's budget totalled EUR 957 000 (compared with EUR 847 000 in 2024). According to the *Annual report for 2025*, staff salaries account for almost 75 % of these funds. EUR 19 600 was allocated for the activities of the Monitoring Commission on the Rights of Persons with Disabilities.

- The share of the annual budget dedicated to the equality body mandate:

The Office's main costs are the salaries of the staff, most of whom are responsible for implementing equal opportunities, and 100 % of the total budget is dedicated to equal opportunities.

- The total number of staff of the body:

In 2025, the institution employed 10 civil servants and 12 employees, a reduction from 16 civil servants in 2019.

- The number of staff dedicated to the equality body mandate:

22 members of staff are dedicated to the equality body mandate.

In its *Annual report for 2021*, the Ombudsperson expressed concern that, due to a lack of funding and limited human resources, the employees of the Office had been working at 'more than maximum capacity' for some time. For several years in a row, the competencies of the Office have been constantly expanding, but insufficient funding has been allocated for the expansion of human resources, and educational and anti-discrimination activities have not been funded.

According to the Equal Opportunities Ombudsperson's Office, the internal audit report and the psychosocial risk factors survey for 2023 showed that the Office team is working under an increased workload in the implementation of its statutory functions and is at a very high risk of losing its existing staff members, without being able to ensure that they are adequately paid. According to the internal audit report, 'the Ombudsperson's independence is not ensured by not providing sufficient resources for the performance of the assigned functions'. Maintaining a high level of expertise is a prerequisite for keeping the equality institution strong and visible as a leader in setting standards in the field of equal opportunities in Lithuania.³⁰⁷

This raises concerns in light of Directive (EU) 2024/1499, which requires equality bodies to have sufficient human, technical and financial resources to perform their functions effectively and independently.

³⁰⁷ Based on information received by the author from the Office of the Equal Opportunities Ombudsperson, 13 March 2024.

7.5 Grounds and fields covered by the designated body

The Ombudsperson exercises its functions with respect to all grounds covered by the Law on Equal Treatment: gender, race, 'nationality',³⁰⁸ citizenship, language, origin, social status, including family status, belief, convictions or views, age, sexual orientation, disability, ethnic origin and religion.³⁰⁹ The Equal Opportunities Ombudsperson carries out her functions in the areas of employment, education, goods and services, the activities of associations or organisations, and the activities of state and municipal authorities.

On the basis of the number of enquiries and complaints received, the Ombudsperson recommended expanding the definition of social status so as to include family status³¹⁰ and also to include the ground of gender identity as a protected ground.³¹¹ Family status was added to the LET in 2022, whereas gender identity has not yet been included.

A balance between the Ombudsperson's work in relation to gender and in relation to other grounds listed in Article 13 of the directive (or all grounds in general) is not discussed in public or reflected in the Ombudsperson's own strategic plans³¹² or annual reports.³¹³ The grounds of gender and disability are mentioned in the strategy, however other measures cover all grounds. The legal staff of the institution specialise in particular grounds, although when it comes to other areas (such as awareness raising, research, etc.) it appears that the expertise does not relate to the specifics of different grounds and debates, meaning that it is not possible to ascertain whether sufficient attention is given to each ground – with the exception of the Commission for Monitoring the Rights of Persons with Disabilities, the majority of whose members (four) are appointed by organisations of persons with disabilities, with one member from the Ombudsperson's Office.³¹⁴

The Ombudsperson continues to function in a rather reactive way when investigating complaints, addressing issues that arise from complaints, but also tries to address different issues, carrying out opinion polls, research and overviews. The number of investigations into complaints on different grounds cannot be considered a sufficient measure to assess whether all grounds receive equivalent attention.

7.6 Competences of the designated body – and their independent exercise

In accordance with Article 17 of the Law on Equal Treatment, the competence of the Equal Opportunities Ombudsperson encompasses:

- 1) investigating complaints regarding direct and indirect discrimination, harassment and sexual harassment and providing objective and impartial advice with regard to this function;

³⁰⁸ The term used in the LET is *tautybė*, which refers to belonging to a national minority and is not used with the meaning of 'citizenship'.

³⁰⁹ 'Citizenship' was added to the list in 2017 as a result of the transposition of Directive 2014/54/EU and only applies to citizens of the EU and EEA countries and their family members (partners, however, are not explicitly included).

³¹⁰ Equal Opportunities Ombudsperson (2019), *Annual report for 2018*.

³¹¹ Equal Opportunities Ombudsperson (2020), *Annual report for 2019*.

³¹² The strategic action plans of the Office of the Equal Opportunities Ombudsperson for 2022–2024 are available in Lithuanian at: <https://lygybe.lt/wp-content/uploads/2023/05/patvirtintas-2022-2024-m.-strateginis-planas.pdf>.

³¹³ The Equal Opportunities Ombudsperson's annual reports are available in Lithuanian at: <https://lygybe.lt/veiklos-sritys/metines-ataskaitos/>.

³¹⁴ Order of the Ombudsperson for Equal Opportunities on the Approval of Regulations on the Commission for Monitoring the Rights of Persons with Disabilities under the Office of the Ombudsperson for Equal Opportunities (*Lygių galimybių kontrolieriaus įsakymas dėl žmonių su negalia stebėsenos komisijos prie Lygių galimybių kontrolieriaus tarnybos nuostatų patvirtinimo*), 31 May 2019, No. V-18, <https://www.lygybe.lt/wp-content/uploads/2023/05/zmoniu-su-negalia-teisiu-stebesenos-komisijos-nuostatai-.pdf>.

- 2) reporting on the implementation of this Law to Parliament and submitting recommendations to governmental and municipal institutions and organisations on the revision of legal acts and priorities in the policy of implementation of equal rights;
- 3) conducting independent research related to complaints of discrimination and drafting independent reports and overviews of the situation regarding discrimination;
- 4) conducting awareness raising, educational and preventive work;
- 5) exchanging information with analogous institutions in other Member States, other institutions of foreign countries and international organisations;
- 6) monitoring the UN Convention on the Rights of Persons with Disabilities (since 1 July 2019).

This aspect of national law is not yet fully aligned with Directive (EU) 2024/1499, as the Ombudsperson's mandate does not expressly include all forms of independent assistance to victims and does not yet provide a sufficiently clear legal basis for initiating proceedings on behalf of victims or in the public interest.

a) Independent assistance to victims

In Lithuania, the designated body does not formally have the authority to provide independent assistance to victims in pursuing their complaints of discrimination in the courts or using another administrative procedure. The Ombudsperson itself is a quasi-judicial institution, so taking the side of the victim is rather problematic. Therefore, assistance to victims should be viewed from the perspective of a tribunal-type body and its functions.

According to the Law on Equal Treatment, the Equal Opportunities Ombudsperson 'provides independent consultations' with regard to various enquiries. The procedure, possible outcomes, length or scope of these consultations is not detailed in the Law or any other act. Therefore, in the opinion of the author, individual victims do not know what exactly to expect from these consultations. It entirely depends on the attitude and position of a particular consultant. It is apparent from the Office's annual reports that consultations are provided by the legal department. Although this is the only provision that could be interpreted as 'independent assistance' to victims of discrimination, it is rather vague. Since most discrimination complaints reach the Ombudsperson first, in practice, the Ombudsperson carries out consultancy work and potentially advises the applicants on which procedural approach to use to pursue justice.

On a few occasions, the Office of the Equal Opportunities Ombudsperson has been involved in judicial proceedings as an expert witness on the side of the complainant, providing its expertise on the matter or as an independent institution providing expert conclusions (the Office submitted conclusions or participated as a third party in three civil cases in 2025).

In practice, according to the representatives of the Office, the staff devote much of their time to providing consultations and information to ensure that victims of discrimination receive free consultations on possible actions in each situation. Indeed, both the law and the staff of the Office perceive these consultation activities as fulfilling the function of 'assisting victims', as required by the Racial Equality Directive. According to the respondents to the stakeholder survey in 2016, the ability of victims of discrimination to take advantage of the services of the Office to remedy their rights could give them a sense of security and provide at least a theoretical possibility of assistance and hope (in the opinion of nine respondents). Quite a few of the respondents said that the Office was open and ready to provide information, but some did not know what specific assistance the Office of the Equal Opportunities Ombudsperson provided to victims of discrimination (nine respondents). When asked to evaluate the efficiency of the assistance provided to

victims of discrimination, harassment and sexual harassment on a scale of 1 to 10, one third of respondents said that they could not give an evaluation, and the rest rated the efficiency of the assistance provided at 5.92.³¹⁵

It is hard to evaluate the effectiveness of the consultations provided, as no monitoring mechanism has been created for this.

The strategic document mentions one of the objectives: to increase the number of persons addressing the Ombudsperson regarding the alleged violation of equal opportunities. However, the resources being formally allocated for implementation of this function are not mentioned.³¹⁶

Despite various studies showing that the Roma community is severely marginalised and discriminated against, there are hardly any complaints to the Equal Opportunities Ombudsperson. While the Office could organise specialised awareness campaigns to reach the Roma community, insufficient funding is the main obstacle.

b) Independent surveys and reports

The Equal Opportunities Ombudsperson has competence to conduct independent surveys on the situation of discrimination, and to publish independent reports, in accordance with Article 17(2) of the Law on Equal Treatment.

The publications,³¹⁷ surveys and other analyses³¹⁸ that have been carried out can be found on the Ombudsperson's website.

In 2025, two studies were conducted: 'Experiences of transgender persons in employment relations: Challenges and perspectives'³¹⁹ and 'The rental housing market: An analysis of the situation of foreigners living in Lithuania'.³²⁰

Most surveys and analyses are outsourced to external experts, institutes or agencies, or are carried out by non-governmental organisations. The Ombudsperson does not have sufficient funding to hire experts to carry out analysis or surveys.

Annual reports are submitted to the Parliament by 15 March each year. The Ombudsperson puts additional effort into presenting the results from previous years to the public, inviting stakeholders to their presentations. In addition, all the annual reports are available on the website of the Ombudsperson.

The Office has been adopting strategic plans since 2016.³²¹ The Strategic Activity Plan for 2025–2027 should be understood as an internal planning document identifying the main areas of activity to which the Office intends to give particular attention during the planning period. The plan is implemented through one management programme on

³¹⁵ Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

³¹⁶ Equal Opportunities Ombudsperson (2022), *Strategic Action Plan for 2022-2024*, adopted on 14 January 2022, <https://lygybe.lt/wp-content/uploads/2023/05/patvirtintas-2022-2024-m.-strateginis-planas.pdf>.

³¹⁷ Publications by the Equal Opportunities Ombudsperson, see <https://lygybe.lt/lt/tarnybos-leidiniai>.

³¹⁸ Surveys and analysis either commissioned or carried out by the Equal Opportunities Ombudsperson, see <https://lygybe.lt/tyrimai>.

³¹⁹ Equal Opportunities Ombudsperson (2025), *Translyčių asmenų patirtys darbo santykiuose: iššūkiai ir perspektyvos* (Experiences of transgender persons in employment relations: Challenges and perspectives), <https://lygybe.lt/wp-content/uploads/2025/04/translyciu-asmenu-patirtys-darbo-santykiuose-issukiai-ir-perspektyvos-2025.pdf>.

³²⁰ Equal Opportunities Ombudsperson (2025), *Būsto nuomos rinka: Lietuvoje gyvenančių užsieniečių situacijos analizė* (The rental housing market: An analysis of the situation of foreigners living in Lithuania), <https://lygybe.lt/wp-content/uploads/2025/12/busto-nuomos-rinka-lietuvoje-gyvenanciu-uzsienieciu-situacijos-analize-2025.pdf>.

³²¹ See the website of the Equal Opportunities Ombudsperson at: <https://lygybe.lt/administracine-informacija/planavimo-dokumentai/>.

ensuring equal opportunities, which is further divided into continuing objectives, measures and monitoring indicators.

For 2025–2027, the main areas of activity include monitoring public policies and legal regulation affecting gender equality and equal opportunities; strengthening access to remedies; collecting equality data and preparing tools related to the implementation of Directive (EU) 2022/2381 on gender balance among directors of listed companies; awareness-raising and educational activities; protection of the rights of transgender persons; ensuring equal opportunities in the regulation of artificial intelligence; and strengthening the accessibility and organisational capacity of the Office. These areas are operationalised through measures such as conducting studies and surveys; preparing independent reviews, organising awareness-raising campaigns and training; providing consultations, submitting proposals on legislation and policy measures; and monitoring the implementation of the Ombudsperson's decisions. Some evidence of progress is reported in the Office's annual reports.

c) Recommendations

In its annual report for 2025, the Office of the Equal Opportunities Ombudsperson issued a broader set of recommendations to political decision-makers. The recommendations most relevant to the implementation of non-discrimination law included improving the legal framework on the accessibility of buildings and premises for persons with disabilities; amending the Labour Code so that employers with at least 20 employees would be required to adopt and publicly disclose equal opportunities policies and policies on the prevention of violence and harassment, including sexual harassment; establishing responsibility for job and housing advertisement platforms in relation to discriminatory advertisements; and amending the Law on Equal Treatment to give the Ombudsperson the power to initiate court proceedings on behalf of one or more victims, in line with Article 10 of the Equality Bodies Directives.³²²

The Ombudsperson also recommended legislative and policy measures in several areas of particular relevance to this report, including the adoption of a partnership law covering both different-sex and same-sex couples; a law on legal gender recognition based on a quick, transparent and accessible administrative procedure; targeted measures for the equality of transgender persons; and measures to ensure that the use of artificial intelligence and automated decision-making systems is accompanied by an inter-institutional cooperation mechanism and adequate human rights safeguards. In the field of housing, the Ombudsperson recommended establishing an independent and impartial alternative dispute resolution mechanism for housing-related disputes; considering mechanisms to regulate certain aspects of rental pricing; and introducing safeguards against unjustified rent increases.

However, as in previous years, many recommendations concerning amendments to legislation or broader policy changes are not linked to individual complaint investigations and do not have specific implementation deadlines. Therefore, their implementation cannot be monitored in the same manner as recommendations issued in individual cases.

Back in 2017, almost half of respondents believed that the Ombudsperson was not active enough, and most respondents commented that the Office of the Equal Opportunities Ombudsperson should be more active in making suggestions on possible improvements of legal acts, but also pointed out that more human resources would be necessary to fulfil this function.³²³ However, this has not been evaluated in previous years.

³²² Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

³²³ Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

d) Prevention, promotion and awareness-raising

Awareness raising and the promotion of equal opportunities was formally added to the competence of the Ombudsperson only on 1 January 2017, even though awareness raising and preventive work have been an integral part of the everyday work of the institution since its foundation. In the current office, three members of staff work for the communications department, and four deal with various awareness-raising and education projects. It should be noted that this particular element of the mandate is being implemented quite effectively. With the support of EU funds, the Ombudsperson carried out a number of effective awareness-raising campaigns, which increased the visibility of the Ombudsperson. In cooperation with NGOs, the Equal Opportunities Ombudsperson introduced a number of initiatives: it ran training courses for state and municipal institutions and companies and introduced the Equal Opportunities Ruler – an instrument allowing for the self-evaluation of the equal opportunities situation at a particular workplace, etc.

The Ombudsperson was involved by the Government in implementing and/or monitoring a number of action plans and strategies implemented now and previously. The most recent are the Action Plan for the Implementation of Equal Opportunities 2024-2026³²⁴ and the Action Plan for Roma Inclusion 2030.³²⁵ Therefore, the Government considered the Ombudsperson as the de facto key institution for awareness raising and the promotion of equal opportunities, despite the fact that funding is not provided for its preventive function. In 2025, the Office of the Equal Opportunities Ombudsperson also provided observations on the Government Programme as well as on the Government's Action Plan to Combat Antisemitism, Xenophobia and Any Other Form of Incitement to Hatred, and to Promote Jewish Life.

It should be noted that awareness raising and the promotion of equal treatment are considered by stakeholders as very important tasks of the Office of the Equal Opportunities Ombudsperson. When asked if awareness-raising and discrimination prevention activities should be included as part of the mandate of the Office, as many as 77 % of respondents to the stakeholder survey replied that it should, and only 13 % of respondents believed that it should not. Respondents said that educational activities carried out by the Office had the strongest impact on safeguarding equal treatment, followed by complaint investigation activities (13 of 30 respondents).³²⁶

A worrying trend is that, for a number of years now, many promotional activities must be carried out without funding from the state budget. They are mostly implemented thanks to the additional funding received by the Office of the Equal Opportunities Ombudsperson, in cooperation with civil society organisations and other institutions. Since 2013, 19 different projects have been implemented, continuing with the integration of equal opportunities and awareness-raising activities. The UN Committee on the Elimination of Racial Discrimination recommended in its most recent concluding observations 'that the State party allocate sufficient funding to the Office of the Equal Opportunities Ombudsperson so that it can take up its preventive and education competences.'³²⁷

³²⁴ Order of the Minister of Social Security and Labour on the adoption of the Action Plan for the Promotion of Equal Opportunities 2024-2026, 28 July 2023, available at: <https://www.e-tar.lt/portal/lt/legalAct/ecaf9b702d7111ee9de9e7e0fd363afc/asr>.

³²⁵ Order of the Director of the Department of National Minorities under the Government of the Republic of Lithuania, 29 December 2023, <https://tmde.lrv.lt/media/viesa/saugykla/2024/2/EwBBKB9fONY.pdf>.

³²⁶ Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

³²⁷ UN Committee on the Elimination of All Forms of Racial Discrimination (2019), *Concluding observations on the combined ninth and tenth periodic reports of Lithuania* (CERD/C/LTU/9-10), 9 May 2019, available at: <https://digitallibrary.un.org/record/3862833?v=pdf>.

e) Other competences

In accordance with the amendments of 11 December 2018, the Equal Opportunities Ombudsperson has been monitoring compliance with the UN Convention on the Rights of Persons with Disabilities since 1 July 2019. A Monitoring Commission on the Rights of Persons with Disabilities was established to carry out this function, working alongside the Ombudsperson's Office, yet no additional funding was assigned to the Office for carrying out this role in 2019-2021. In 2025, EUR 19 600 was allocated for the activities of the Monitoring Commission on the Rights of Persons with Disabilities.

7.7 Legal standing of the designated body

In Lithuania, the designated body does not have legal standing:

- to bring discrimination complaints (on behalf of identified victim(s) to court;
- to bring discrimination complaints (on behalf of non-identified victims) to court;
- to intervene in legal cases concerning discrimination, for example as an *amicus curiae*.

In Lithuania, the designated body does have legal standing to bring discrimination complaints *ex officio* to court. This can be done only when applying to the administrative court asking it to establish whether a normative administrative act (or a part of it), or a rule adopted by a religious community, a political party, a political organisation or an association complies with the Law on Equal Treatment or the Law on Equal Opportunities for Women and Men (Article 29(2(8)) of the LET).

The Ombudsperson can be involved in court proceedings as a third party or, in some situations, as an expert witness on the side of the complainant, providing expertise on the matter and assisting the victim or institution in reaching a conclusion in court. The Ombudsperson, as any other person, can request to join the legal proceedings in court in cases where the conclusion of a particular case might have an impact on their rights and duties.

It has to be noted that the Ombudsperson itself does not have the authority to go to the court for compensation of damages or represent victims in the courts. The lack of legal standing for the Ombudsperson to initiate court proceedings on behalf of one or more victims or in the public interest remains one of the main gaps in light of Directive (EU) 2024/1499. The 2025 draft amendment to the Law on Equal Treatment appears intended to address this issue, but it had not been adopted by the cut-off date for this report.

7.8 Dispute resolution

a) Quasi-judicial functions

In Lithuania, the designated body is a quasi-judicial institution. Its functions are mostly regulated by Articles 24 to 30 of the Law on Equal Treatment. It also has other functions, as described in this report; therefore, it is a mixed-type institution. The body can issue binding enforceable decisions (administrative sanctions) as well as non-binding opinions.

The decisions of the Equal Opportunities Ombudsperson do not include compensation for damages to the victim of discrimination. In practice, the Ombudsperson usually issues an opinion (which is essentially non-binding) to stop discriminatory actions and occasionally admonishes those who commit violations.

According to the law, the Ombudsperson may decide the following:

- to refer relevant material to the public prosecution authorities if indications of an offence have been established;
- to address an opinion to an appropriate person or institution to discontinue the actions that are violating equal opportunities;
- to recommend that a person or an institution change or repeal an administrative act (or part of it) related to such violations;
- to begin proceedings on administrative violations;
- to declare the complaint unfounded if the alleged violations referred to in the complaint have not been established;
- to admonish those who have committed a violation (in such cases, the Ombudsperson issues a warning or recommendation to halt the discriminatory practices, although these are not essentially binding);
- to issue binding decisions to stop discriminatory advertising campaigns, establishing the applicable terms and conditions;
- to address an application to the administrative court, asking it to establish whether a normative administrative act (or a part of it), or a rule adopted by a religious community, a political party, a political organisation or an association complies with the Law on Equal Treatment or the Law on Equal Opportunities for Women and Men.

In the opinion of the author, it ought to be possible to issue a binding decision in any cases of discriminatory practice (not just discriminatory advertising). However, in the opinion of the staff of the Office of the Ombudsperson, the issuing of non-binding opinions to discontinue discriminatory practices is a sufficient tool. In addition, in 2023, a draft law was registered that would abolish the Ombudsperson's function of issuing fines. The Office of the Equal Opportunities Ombudsperson supports these amendments³²⁸.

There are also several institutions in Lithuania that deal specifically with discrimination in the field of employment. In addition to the Office of the Equal Opportunities Ombudsperson, the State Labour Inspectorate and the labour disputes commissions also deal with such cases.

The State Labour Inspectorate prevents breaches of labour legislation, provides advice to individuals and workplaces, and deals with reports and complaints. After identifying an infringement in the employment relationship, it may impose enforceable decisions on the employer or employee, such as an obligation to remedy the infringement, or to bring the offender to administrative liability. Decisions of the State Labour Inspectorate might be appealed to the court.

Labour disputes commissions are a mandatory pre-trial labour dispute resolution mechanism to resolve individual and collective labour disputes concerning violations of labour law. In settling a labour dispute, a commission may order compensation for material and non-material damages. If people disagree with the decision of a labour disputes commission, they can appeal against it in court. A conciliation agreement may be concluded by mutual agreement between the parties to the dispute. A commission may impose enforceable decisions which might be appealed in the court.

i) Power to impose sanctions

Despite the fact that the Ombudsperson has been involved in many promotional-type activities, from a legal point of view, the main function of the Office of the Ombudsperson has always been quasi-judicial. Not only can the Ombudsperson investigate complaints; it can also issue administrative sanctions in accordance with the Administrative Violations

³²⁸ Based on information received by the author from the Office of the Equal Opportunities Ombudsperson, 13 March 2024.

Code. This is also the situation for the State Labour Inspectorate. Contrary to that, Labour disputes commissions deal with labour disputes, not with sanctions.

ii) Nature and level of sanctions that can be imposed

The Equal Opportunities Ombudsperson has a right to impose binding administrative sanctions – fines and obligations. It also issues warnings, although these are not binding.

Obligations can be imposed only in cases of discriminatory advertising, for example by ruling that discriminatory advertisements must be withdrawn or changed. Fines can be imposed in all types of cases. However, according to its annual reports, the Ombudsperson has issued a fine on only a few occasions during its past 18 years of operation.³²⁹ Fines can range from EUR 40 to EUR 560 (or EUR 560 to EUR 1 200 for repeated offences) and are provided for in the Administrative Violations Code (Article 81). However, the Administrative Violations Code provides that the initial fine issued should be for half the minimum amount (which would be EUR 20 for a violation of the Law on Equal Treatment), and only if the offender does not voluntarily pay this fine can a further (bigger) fine be imposed. The former Ombudsperson stated numerous times in the Office's previous annual reports that it did not consider a fine to be an effective solution to discriminatory situations.

In 2014, this issue was raised by the UN Committee on the Elimination of Discrimination against Women.³³⁰ In the past, the Ombudsperson recommended that the Parliament should expand the list of sanctions and allow multiple sanctions in order to ensure the discontinuation of discriminatory acts and also to serve as dissuasive sanctions.³³¹ No major legal changes were made in expanding the list of sanctions or in allowing multiple sanctions up to 2023. In 2014, the Ombudsperson herself (a temporary substitute) identified the issue of sanctions in the annual report.

In the opinion of the author, the sanctions imposed by the Equal Opportunities Ombudsperson are not effective, proportionate or dissuasive. The need to review the mechanism for enforcing sanctions and decisions by the Equal Opportunities Ombudsperson is supported by the 2016 stakeholder survey results.³³² As many as half of the respondents believed that the Equal Opportunities Ombudsperson lacked the powers to ensure the enforcement of his/her decisions, and as many as 23 respondents out of 30 pointed out that the sanctions and penalties set out in legislation were not sufficiently effective, proportionate and dissuasive.

The Administrative Violations Codes allows inspectors of the State Labour Inspectorate to issue warnings or impose financial sanctions for various breaches of labour law, such as breaches of working time records or working conditions, which can be seen as effective, proportionate and dissuasive.

iii) Possibility to appeal

The decisions of the Ombudsperson can be appealed to the Administrative Disputes Commission or the courts, and they have been appealed in court 13 times during 2025. All the decisions of the Ombudsperson were upheld by the courts.

Decisions of both the labour disputes commissions and the State Labour Inspectorate can be appealed in court.

³²⁹ The administrative penalties imposed are mentioned in the annual reports of the Equal Opportunities Ombudsperson for 2005, 2006, 2008 and 2012.

³³⁰ CEDAW/C/LTU/5.

³³¹ Equal Opportunities Ombudsperson (2010), *Annual report for 2009*.

³³² Andriukaitis, Sabatauskaite and Lietuvos žmogaus teisių centras (2017).

iv) Enforcement of binding decisions

According to Article 30 of the Law on Equal Opportunities, decisions of the Equal Opportunities Ombudsperson must be examined by the persons to whom the decision is addressed and the Equal Opportunities Ombudsperson must be informed about the results of this examination and the implementation of each decision.

Persons who fail to comply with the requirements of the Equal Opportunities Ombudsperson are liable under Article 505 of the Code of Administrative Offences and may be fined from EUR 80 to EUR 780 (for natural persons) or from EUR 390 to EUR 1 950 (for legal persons). Repeated commission of an administrative offence is punishable by a fine of between EUR 720 and EUR 1 170 for individuals and of between EUR 1 100 and EUR 6 000 for managers or other responsible persons of organisations (legal persons).

Since May 2017, a table of opinions and decisions, also showing implementation status (i.e. a monitoring report) has been available on the Ombudsperson's website.³³³ However, not all of the decisions or opinions are presented in the table.

The financial sanction imposed by the State Labour Inspectorate shall be handed over to the State Tax Inspectorate for administration. The implementation of other decisions is not monitored publicly. Once in force, the decisions of the labour disputes commissions can be referred to a bailiff for enforcement.

v) Implementation of non-binding opinions

According to the Ombudsperson, its opinions seeking to stop discriminatory behaviour or to change certain practices are usually adhered to without dispute, although this is difficult to assess, as the monitoring table does not provide a full picture of the opinions adopted. A lack of respect for the Ombudsperson's authority can be illustrated by a case in 2017, in which the mayor of the capital city, Vilnius, publicly stated that he would not follow the Ombudsperson's opinion and would put it in the bottom drawer of his desk, calling it 'absurd' and 'an example of bureaucratic stupidity'.³³⁴ The case reached the courts, which upheld the opinion of the Ombudsperson. Similar situations were observed in 2022: in one investigation, a company refused to provide any information and ignored enquiries, and another company ignored the Ombudsperson's opinion and did not provide information on its implementation.

The State Labour Inspectorate and labour disputes commissions do not issue non-binding opinions.

b) Amicable settlements

Article 29(3)(3) states that the Equal Opportunities Ombudsperson may terminate an investigation when the applicant and the offender have reconciled. In practice, the Ombudsperson often acts as a mediator as, according to the Office of the Ombudsperson, peaceful resolution of discrimination is one of its main objectives. However, the Ombudsperson's role as a mediator is not defined in the law and is not formalised in any way, therefore the outcome of the mediation is neither binding nor compensatory. No special conciliation procedures for cases of discrimination exist at national level. Although

³³³ Table for Monitoring the Implementation of the Decisions of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus sprendimų vykdymo stebėseną*): https://docs.google.com/spreadsheets/d/1NP38IHq2nzKzs-bbM2bnZBVFTL5_FVxhDqiR5oRXHo0/edit#gid=0.

³³⁴ 'Reikalavimas regioninio parko vadovui važinėti dviračiu diskriminavo neįgaliuosius', *15min*, 9 March 2017, <https://www.15min.lt/naujiena/aktualu/lietuva/reikalavimas-regioninio-parko-vadovui-vazineti-dviraciui-diskriminavo-neigaliuosius-56-766068>.

it could be a useful tool, mediation in discrimination disputes is not covered in national law either, thus limiting the ways of resolving a dispute.

In the Labour Disputes Commission, as opposed to the State Labour Inspectorate process, amicable settlement is possible. In 2025, around 24 % of claims were settled by amicable agreement.³³⁵

7.9 Procedural safeguards

In Lithuania, the Law on Equal Opportunities does not provide for procedural safeguards when the Ombudsperson performs several interrelated functions.

Formally, the work of the Office of the Equal Opportunities Ombudsperson is mostly focused on investigating complaints from victims of discrimination. This is the main function of the Office under the current legislation. Although the Law provides that the investigation may be terminated if the parties reconcile, the mediation procedure and the function of the mediator are not formalised. The Ombudsperson is therefore not restricted from conducting an investigation, participating in a conciliation procedure and subsequently issuing a binding decision to one of the parties if they have failed to reconcile. As the author of this report was informed by the Office, there is no internal procedure regulating consultants and complaint handlers, but lawyers provide advice in such a way as to avoid any conflict of interest. During the consultations, information is gathered as to whether the matter falls within the competence of the Office and whether there are signs of discrimination. If so, a complaint is suggested for investigation. If the matter is not within the competence of the Office, its staff try to refer the person who has made the complaint to another body.

Moreover, the designated body does not formally have the authority to provide independent assistance to victims in pursuing their complaints of discrimination in the courts or by using another administrative procedure. Therefore, assistance to victims should be viewed from the perspective of a tribunal-type body and its functions.

7.10 Data collection by the designated body

a) Registration by the body of complaints and decisions

In Lithuania, the equality body registers the number of complaints of discrimination made and the number of opinions and decisions (by ground, field, type of discrimination, etc.). These data are available to the public.

The data on the number of complaints and other enquiries is usually provided in the annual reports of the Ombudsperson. Decisions and opinions are uploaded on the website of the Ombudsperson, grouped by grounds of discrimination.³³⁶ In the past, this data was not systematically provided to the public (the Ombudsperson would, however, include excerpts from its decisions in its annual reports). However, from the beginning of 2015, the situation started to improve, and the Ombudsperson began publishing some of its decisions and opinions online. The trend continued in 2016, and almost all decisions and opinions are now being regularly uploaded to the official website of the institution, except those that are not public.

The Ombudsperson received 420 complaints in 2025, compared with 261 in 2024, and 1 597 enquiries, of which 797 were made by email, 707 by telephone, 80 via Facebook

³³⁵ Lithuanian State Labour Inspectorate, 'Darbo ginčų komisijų veiklos apžvalga už 2025 metus' (An overview of activity of labour dispute commissions in 2025), https://vdi.lrv.lt/public/canonical/1772602615/2935/Veiklos_apzvalga.pdf.

³³⁶ Decisions of the Equal Opportunities Ombudsperson available online in Lithuanian at: <https://lygybe.lt/veiklos-sritys/kontrolieriaus-priimti-sprendimai/>.

and 13 during consultations at the Office. It is common practice for the Ombudsperson to start an investigation 'on its own initiative' after receiving particular information, either from an NGO or from an individual. In 2025, there were 12 such investigations.

The biggest number of complaints were submitted based on the grounds of (1) disability (125); (2) social status (56); and (3) age (55). Sixty-two investigations concerned multiple grounds, judging from an analysis of decisions provided on the website of the Office of the Equal Opportunities Ombudsperson.³³⁷ The highest number of complaints concerned alleged discrimination in the field of consumer protection (164 complaints), while the lowest number related to the activities of organisations and associations (three complaints).

The highest number of violations were established in cases of discrimination on the grounds of disability (34 cases). In addition, discrimination was established nine times on the ground of sex, seven times on the ground of age, three times on the ground of social status, and once on the ground of beliefs or views. The vast majority of violations (41 cases) were identified in the field of consumer protection.³³⁸

According to the information provided by the State Labour Inspectorate on its website, the labour dispute commissions received 10 requests in 2025 that concerned or partially concerned alleged discrimination (including gender equality) in employment.³³⁹ No other disaggregated data is made available to the public.

b) Equality data collection

In Lithuania, the equality body collects general equality data by conducting various surveys and pieces of research. The website of the Office of the Equal Opportunities Ombudsperson provides information on the representation of women and men in decision-making at national and local government level.³⁴⁰ It also compiles indexes of the equal opportunities situation in Lithuania as measured by various international organisations and NGOs such as the European Institute for Gender Equality (EIGE), ILGA Europe and Transgender Europe (TGEU).

The Equal Opportunities Ombudsperson has access to data collected by other institutions, such as the Department of Statistics (various statistical information on population, employment, education, etc.) and the Department of Informatics and Communications (on pre-trial investigations).

7.11 Roma and Travellers

As has been noted in previous years, there has been a lack of complaints from Roma people throughout the years. No complaints were made by Roma people from 2012 to 2014, and only a few complaints were made from 2015 to 2017. No complaints were made from 2018 to 2021.

In 2022, the Ombudsperson received a complaint of discrimination and harassment in a healthcare facility. A Roma woman and her ill mother were singled out because of their ethnic origin, called 'gypsies' and otherwise harassed.

³³⁷ Decisions of the Equal Opportunities Ombudsperson available online in Lithuanian at: <https://lygybe.lt/veiklos-sritys/kontrolieriaus-priimti-sprendimai/>.

³³⁸ Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

³³⁹ Lithuanian State Labour Inspectorate, 'Darbo ginčų komisijų veiklos apžvalga už 2025 metus' (An overview of the activity of labour dispute commissions in 2025), https://vdi.lrv.lt/public/canonical/1772602615/2935/Veiklos_apzvalga.pdf.

³⁴⁰ Official website of the Equal Opportunities Ombudsperson, equality data, available in Lithuanian at: <https://lygybe.lt/lygybes-statistika/>.

A commission was set up to investigate the incident at the medical establishment, which found that the employee had provoked a conflict situation in which she had humiliated and insulted the applicant's mother by verbally emphasising her ethnicity. In view of the fact that the actions of the employee had been investigated by the medical facility and were found to be in breach of its internal rules of procedure, and that a decision was made to give her a warning, the Equal Opportunities Ombudsperson terminated the investigation into possible discrimination on the grounds of ethnicity, as the acts in breach of equal opportunities had been stopped.³⁴¹

A similar situation occurred in 2024, when an applicant complained that the doctor on duty at the hospital was very disrespectful to the applicant's mother, mocking and humiliating her, for example by shouting: 'go, go to your tabor.' However, in this case, the Ombudsperson decided to close the investigation in the absence of objective evidence of an infringement.

Another incident led to a pre-trial investigation and a conviction for discrimination under Article 169 of the Criminal Code. Two Roma women and a little girl were going to have a meal at a café in Jonava, but the staff informed them that 'Roma are only given takeaways'. The women disagreed and demanded an explanation, but the owner of the café threw them out into the street, causing one of the women to suffer a health problem, as a result of which she needed to go to hospital for a check-up.

The victims lodged a complaint with the police about the incident, but the officials were reluctant to accept it immediately. A few weeks later, the Lithuanian Centre for Human Rights helped to prepare a complaint to the Office of the Equal Opportunities Ombudsperson, which forwarded it to the Prosecutor's Office after finding indications that a criminal offence had been committed. On 5 July 2024, the Kaunas Regional Court convicted the café's employees of discriminating against Roma women. The court awarded the victims EUR 600 each in non-pecuniary damages. The victims lodged an appeal, which was upheld by a higher court in early 2025 and the compensation amounts were increased.³⁴²

The author has information about alleged police violence against minor Roma youths in 2025. The officers reportedly claimed that they were acting within the scope of their duties and powers. With the assistance of a lawyer, a pre-trial investigation was initiated; however, after the investigation was discontinued, the victims chose not to appeal the decision of the pre-trial institution to discontinue the investigation.

Roma issues were not explicitly mentioned in the strategic plan of the Office of the Equal Opportunities Ombudsperson for 2025-2027.³⁴³

³⁴¹ Decision of the Equal Opportunities Ombudsperson No. (21)SN-95)SP-62, 3 October 2022 (*Lietuvos Respublikos lygių galimybių kontrolieriaus sprendimas dėl galimos diskriminacijos tautybės, etninės priklausomybės, kilmės pagrindu VŠĮ Respublikinėje Panevėžio ligoninėje tyrimo*), <https://lygybe.lt/wp-content/uploads/2023/05/sprendimas-22-sn-95.pdf>.

³⁴² Kaunas Regional Court, Case No. 1A-26-1049/2025, 8 January 2025.

³⁴³ Equal Opportunities Ombudsperson, Strategic Action Plan for 2025-2027, adopted by Order of the Ombudsperson No. V-1, 15 January 2025, <https://lygybe.lt/wp-content/uploads/2025/01/2025-2027-strateginis-veiklos-planas.docx>.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

A number of awareness-raising initiatives have been implemented, mostly by the Office of the Equal Opportunities Ombudsperson and/or non-governmental organisations, to disseminate information about legal protection from discrimination.

The Ombudsperson's website and Facebook page are updated on a regular basis; a number of awareness-raising campaigns have been organised; and almost all the decisions of the Ombudsperson are being uploaded online. The Facebook page is used not only for communication, but for holding consultations on discrimination. The implementation of recommendations made by the Ombudsperson after investigations of complaints can be observed by the public.

In 2025, the Office focused its advocacy and information activities on several key areas related to the promotion of equal opportunities. These included the protection of the rights of persons with disabilities, particularly regarding accessibility and the use of assistance dogs in public spaces; the protection of the rights of transgender persons, including engagement with relevant ministries on policy recommendations concerning the situation of transgender people; and broader LGBTIQ+ rights, including issues related to access to psychological support and emotional safety in schools. The Office also addressed accessibility barriers in public venues for persons with disabilities and continued its work on reducing the digital exclusion of older persons in access to services, including monitoring the implementation of previously issued recommendations.

A worrying trend is that many promotional activities now have to be carried out without funding from the state budget. It should be noted that in planning and drawing up its budget, the Office expresses the need for funding for these activities each year, but has never received targeted funding for public opinion polls or awareness-raising campaigns.³⁴⁴

The author of this report is aware that these activities are mostly covered through drawing up and implementing projects financed by the EU. This means that many educational and prevention activities are thematically determined by project applications and by the EU's overall strategic objectives in the field of non-discrimination, rather than by specific national priorities and needs. In 2019, the UN Committee on the Elimination of Racial Discrimination therefore recommended in its concluding observations 'that the State party allocate sufficient funding to the Office of the Equal Opportunities Ombudsperson so that it can take up its preventive and education competences'.

Initiatives are often also implemented by civil society organisations, mostly without funding from the state budget.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

In practice, the Ombudsperson is involved in various projects that have been organised in cooperation with NGOs to implement national non-discrimination measures. For instance, in 2025 the Ombudsperson started implementing a project aimed at violence prevention in the education system. The Ombudsperson is also involved in other NGO

³⁴⁴ Equal Opportunities Ombudsperson (2022), *Annual report for 2021*.

initiatives to promote equal opportunities and non-discrimination, such as the prevention of hate speech, the improvement of protection from sexual violence and the adoption of the law on same-sex civil unions.

Awareness raising, educational activities and research are conducted by the Ombudsperson or in partnership and cooperation with other institutions and non-governmental organisations. One must take into account that NGOs operate on very limited human and financial resources, and there are no NGOs that specialise only in anti-discrimination work. There are only a few NGOs that deal with human rights (and non-discrimination is only one field of their activities), and there are organisations that work on particular grounds (women's rights, rights of persons with disabilities, LGBTIQ+ rights, etc.), but there are almost no ethnic-minority NGOs working on lobbying or policy making in the sphere of equal opportunities.

There is a lack of strategic planning in promoting the principle of equal treatment. NGOs are not involved in monitoring the Action Plan for the Promotion of Non-discrimination. No monitoring sessions have been organised, and, as noted, most of the provisions of the action plan are related to work implemented by various state institutions without the plan being adopted. Thus, it can be said that the Government has not implemented the directives properly in this respect.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

Codes of practice to give effect to the principle of equal treatment in workplace practice and workforce monitoring are not commonly implemented in the country. The Ombudsperson's Office finalised its Equal Opportunities Ruler for measuring equal opportunities in the workplace in 2020. The Equal Opportunities Ombudsperson has launched a website for employers on equality plans (<http://www.lygybesplanai.lt/>), and has promoted equal opportunities in the labour market. When advising organisations on mainstreaming equal opportunities in the workplace, the Office provides a five-step methodology for effective change: an in-depth analysis of the situation is an important step in the development of targeted equal opportunities measures, tailored to the context of a particular workplace.³⁴⁵ These initiatives have been continued to encourage other companies and employers to implement similar practices.

A number of companies signed up to diversity charters in 2018 and, in 2019, the first Annual Conference for Diversity Charters was organised by the Diversity Development Group, an NGO. In 2020, the initiative of the Lithuanian Diversity Charter became an association, uniting private, public and non-governmental sector organisations to create an open and inclusive work environment and to strengthen their sense of social responsibility. As of the end of 2025, the Diversity Charter had 39 members from the public, private and NGO sectors.

- d) Addressing the situation of Roma and Travellers

There is no single body or entity appointed on the national level to address Roma issues. Even though the Department of National Minorities is coordinating the implementation of the Action Plan for Roma Inclusion 2030³⁴⁶, it does not have any role to oblige certain institutions to take actions. The situation of Roma is addressed by many institutions from different angles – the municipalities (mainly social, housing and employment issues), the

³⁴⁵ Office of the Equal Opportunities Ombudsperson (2023), 'Lygių galimybių politikos diegimo žingsniai' (Steps to implementing an equal opportunities policy), <https://www.lygybesplanai.lt/istekliai-darbdaviams/lygiu-galimybiu-politika/lygiu-galimybiu-politikos-diegimo-zingsniai/>.

³⁴⁶ Order of the Director of the Department of National Minorities under the Government of the Republic of Lithuania, 29 December 2023, <https://tmde.lrv.lt/media/viesa/saugykla/2024/2/EwBBKB9fONY.pdf>.

Department of National Minorities (various functions – from funding the non-formal education of children to carrying out research and/or funding cultural activities), the Equal Opportunities Ombudsperson and others. The action plan sets out various measures, but a significant part of these must be implemented as part of the regular functions of particular institutions (employment exchange, municipalities, etc.). In addition, as mentioned earlier, it had been intended that most of the activities would be financed by a project funded by the European Commission, but the bid was not successful, leaving only activities and measures of a more general nature.

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

All draft laws in Lithuania have to go through a certain procedure, partly in order to evaluate their compliance with EU law. In one way or another, the main laws regulating the various fields of life have already been adapted in compliance with the equality provisions contained in Directives 2000/78 and 2000/43. Some provisions of laws, regulations and rules that are still in force are contrary to the principles of equality but, since no legal audit has been undertaken and there is no review mechanism for all this legislation, these inconsistencies emerge on a case-by-case basis.

There is no special mechanism ensuring that all laws do not violate the principle of equality. However, there are general principles on conflict between laws, such as *lex superior derogat legi inferiori* (a law higher in the hierarchy repeals the lower one). The Labour Code is considered a higher law than the Law on Equal Treatment, for example. Another valid principle in cases of conflict between laws is *lex posterior derogat legi priori* (more recent rules prevail over less recent rules). The principle of *lex specialis derogat legi generali* can be applied, but only when two laws or sets of rules with contradictory provisions are at the same level in the hierarchy.

Moreover, the principle of non-discrimination is enshrined in the Constitution. According to the Constitution, the Constitutional Court ensures constitutional legality by deciding whether laws and other legal acts adopted by the Parliament are in compliance with the Constitution and whether the acts adopted by the President or the Government comply with the Constitution and legislation. Of course, any lower-level acts must be in compliance with the Constitution, international treaties and laws. Therefore, all lower legal acts must be in compliance with the principle of equality.

The Constitutional Court issued a landmark decision in 2019, following the CJEU's decision on *Coman and Others* (C-673/16). The Constitutional Court considered the grounds for a same-sex family reunification, having in mind that same-sex marriages and partnerships are not recognised in Lithuania. The Constitutional Court noted that, by law, a residence permit may be issued to a foreign national who is not a citizen of a Member State of the EU or the European Free Trade Association, and that this is not exclusively in cases where an opposite-sex family member of such a foreign national resides in the Republic of Lithuania, i.e. a person with whom a marriage or registered partnership has lawfully been concluded in another state and who is a citizen of the Republic of Lithuania or a foreign national holding a residence permit, but also in cases where a same-sex family member of such a foreign national resides in the Republic of Lithuania.³⁴⁷

In 2025, the Constitutional Court issued another important ruling, declaring that provisions of the Civil Code that allow partnership only between a man and a woman are contrary to the Constitution. The Court also held that making the entry into force of the

³⁴⁷ Conclusion of the Constitutional Court of the Republic of Lithuania elaborating on the grounds of sexual orientation and gender identity, 11 January 2019, No. KT3-N1/2019, available in English at: <http://lrkt.lt/en/court-acts/search/170/ta1915/content>.

Civil Code chapter on partnership conditional on the adoption of additional legislation by the legislature violates the constitutional principle of responsible governance. The ruling is notable for linking the legislature's prolonged failure to adopt implementing legislation not only to legal uncertainty, but also to the constitutional principle of responsible governance in a case concerning the legal recognition and protection of family relationships, equality and non-discrimination.

In the absence of implementing legislation, couples may currently seek recognition and registration of their partnership through the courts. However, this judicial route is not equivalent to a simple administrative registration procedure and may create additional barriers for couples who are unable or unwilling to litigate. If implementing legislation were adopted, it should provide a clear and accessible registration procedure and clarify the legal consequences of partnership.³⁴⁸

Article 5 of the Law on Equal Treatment enshrines in law that 'state and local government institutions and agencies must within the scope of their competence ensure that in all the legal acts drafted and passed by them, equal rights and treatment are laid down without regard to gender, race, 'nationality', citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.' Each year, the Ombudsperson assesses different orders or even laws and their compliance with the provisions of the Law on Equal Treatment and makes recommendations to amend them, to the Government, to ministries, or to the Parliament. In 2025, 76 opinions were issued on legislation in the process of being drafted or already in.³⁴⁹

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

There is no special mechanism to ensure that contracts, collective agreements, internal rules or undertakings are in line with anti-discrimination law.

Article 26 of the Labour Code sets a number of obligations for employers: to ensure the implementation of gender equality and non-discrimination principles; to apply the same selection criteria, ensuring that working conditions and the opportunities to improve one's qualifications are equal; to take the necessary measures to ensure that employees do not experience harassment or sexual harassment and that instructions to discriminate are not given; and to protect employees from other hostile behaviour. There is also an obligation for employers that employ more than 50 employees to adopt measures aimed at promoting and implementing equality policies in the workplace. Even though some of these obligations on employers are set out by the Law on Equal Treatment and the Labour Code, no formal mechanisms have been created to monitor their implementation and therefore to check whether the policies adopted are sufficient and effective and are being implemented in practice.

³⁴⁸ Conclusion of the Constitutional Court of the Republic of Lithuania No. KT21-N5/2025, <https://lrkt.lt/en/about-the-court/news/1342/the-legal-regulation-related-to-the-institution-of-partnership-is-in-conflict-with-the-constitution:756>.

³⁴⁹ Equal Opportunities Ombudsperson (2025), *Annual report for 2024*.

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

There is no single institution in Lithuania responsible for ensuring and coordinating non-discrimination policy. In practice, the Ministry of Social Security and Labour prepares and coordinates the general action plan for the promotion of equal opportunities, but different ministries and institutions are entrusted with the task of implementing or coordinating the plans in accordance with their competences. To the author's knowledge, the Ministry of Social Security and Labour does not consider itself as a coordinating body on the basis of race or nationality. Therefore, for example, plans for the inclusion of Roma are coordinated by the Department for National Minorities under the Government.

9.2 National Strategies and action plans

Lithuania regularly adopts general plans to promote equal opportunities, as well as group-specific programmes such as the Roma Inclusion Programme and the Social Integration of Persons with Disabilities. However, there is no action plan for anti-racism, antisemitism or LGBTIQ+ strategies in Lithuania. Some relevant activities are nevertheless carried out under broader equal opportunities measures and by the Office of the Equal Opportunities Ombudsperson, including awareness-raising, research, recommendations and equality mainstreaming tools. In the author's view, however, these activities do not replace the need for comprehensive and targeted strategies in these areas and do not fully meet international commitments. Moreover, existing plans rarely adopt an intersectional approach.

The Action Plan for the Participation of Persons With Disabilities 2024-2026³⁵⁰ entered into force in January 2024. The aim of the Plan is to ensure and implement the rights of persons with disabilities by creating a favourable environment and conditions for persons with disabilities to live independently in Lithuania with dignity and on an equal footing with the rest of the society, by promoting opportunities for participation in all spheres of life, and by encouraging state and municipal institutions to cooperate with each other and with non-governmental organisations representing persons with disabilities.

The implementation of the Action Plan is coordinated by the Ministry of Social Security and Labour and monitored by the Agency for the Protection of the Rights of Persons with Disabilities. The Action Plan shall be implemented from the general allocations approved in the state budget for the relevant institutions and bodies responsible for the implementation of the measures in the Action Plan; from the EU Structural Funds; from other structural funds; from international programmes; and from other legally obtained funds.

In 2023, the Action Plan for Equal Opportunities 2024-2026 was adopted³⁵¹. Its purpose is to foster respect for human beings; to ensure the implementation of the provisions of the legislation establishing the principles of non-discrimination and equal opportunities; to increase the legal awareness and understanding of the society on the grounds of gender, race, nationality, citizenship, language, origin, social status, faith, religion, beliefs or convictions, opinions, age, sexual orientation, disability, health condition, ethnicity and other grounds of discrimination; to inform the public about the measures taken to promote equal opportunities and non-discrimination; to strengthen inter-

³⁵⁰ Order of the Minister of Social Security and Labour of the Republic of Lithuania on the Approval of the Action Plan for the Participation of Persons with Disabilities 2024-2026, No. A1-622, 25 September 2023, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/304069f15bda11ee8e3cc6ee348ebf6d?jfwid=bkaxmu9s>.

³⁵¹ Order of the Minister of Social Security and Labour on the adoption of the Action Plan for Equal Opportunities 2024-2026 No. A1-507, 28 July 2023, <https://www.e-tar.lt/portal/lt/legalAct/ecaf9b702d7111ee9de9e7e0fd363afc/asr>.

institutional cooperation in the field of equal opportunities; and to ensure international cooperation in the field of equal opportunities and the prevention of hate crimes.

The Ministry of Social Security and Labour of the Republic of Lithuania is responsible for coordinating the implementation of the Action Plan. The measures in the Action Plan shall be implemented by the state institutions and bodies indicated in the Action Plan, as well as by non-governmental organisations and other social partners.

The Action Plan is to be implemented from the general appropriations approved in the state budget of the Republic of Lithuania for the relevant institutions and bodies responsible for the implementation of the measures of the Action Plan and from the EU Structural Funds. In 2025, EUR 1 186 500 was allocated for the implementation of the Action Plan objectives, EUR 650 000 of which was allocated to implement a communication campaign aimed at improving public attitudes towards people of different cultures, religions and nationalities.

As with previous action plans, this plan also uses formal measures and sets relatively low values for the evaluation criteria; for example, focusing not on the outcome but on the number of participants. The plan has been developed and coordinated in parallel with other programmes and plans overseen by different ministries, resulting in a lack of coherence and continuity.

The current version of the Action Plan for Equal Opportunities 2024-2026 sets out as key areas of activity improvements to legislation; awareness raising and education; research and the strengthening of inter-institutional cooperation. However, not all the measures envisaged are funded. Criticism of the Action Plan's underfunding persists every year.

Annual reports on the implementation of the current action plan and its predecessor have been produced since 2019.³⁵² According to the most recent report, most of the measures implemented in 2024 remain educational or training-related. The report for 2025 is not publicly available.

No monitoring measures involving civil society organisations were envisaged in the plan. Therefore, an independent assessment and evaluation of its implementation, along with suggestions, would be useful.

As with the Action Plan for the Promotion of Equal Opportunities, the biggest challenge for the Roma Inclusion Programme is financial. At the end of 2023, the Department of National Minorities approved a new Action Plan for Roma Inclusion 2030³⁵³, but most of the activities were to be funded by an EU-funded project that was not successful. As a result, the plan was left with only generic measures and, despite NGOs' concerns, the plan was approved. NGOs were not involved in the preparation of the plan, but had the opportunity to comment on the draft, most of which were not taken into account.

In October 2024, the Ministry of Social Security and Labour announced the establishment of a working group on the statistical study of equal opportunities to analyse the challenges involved in establishing and developing a system for collecting, improving and publishing equality data, and to develop a national strategy in that respect, covering a range of indicators including gender, age, nationality and other relevant equality-related

³⁵² All reports are available on the official website of the Ministry of Social Affairs and Labour: <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/lygios-galimybes/nediskriminavimo-skatinimo-veiksmu-planas>.

³⁵³ Action Plan for Roma Inclusion 2030, Approved by Order No. IV- 58 of the Director of the Department of National Minorities under the Government of the Republic of Lithuania, 29 December 2023, <https://tmde.lrv.lt/media/viesa/saugykla/2024/2/ZVFe3VlCYig.pdf>.

characteristics, drawing on good practice from other countries.³⁵⁴ In 2025, no legislative act establishing such a system was registered.

Finally, when the new Parliament was elected in October 2024, a party whose leader had been found to have broken his oath³⁵⁵ as a Member of Parliament because of anti-Semitic remarks was invited to join the coalition. Following a public outcry and several organised protests, the Government included as an objective in its programme³⁵⁶ the adoption of an Action Plan to Combat Antisemitism, Xenophobia and Any Other Form of Incitement to Hatred, and to Promote Jewish Life.³⁵⁷

³⁵⁴ Official letter from the Ministry of Social Security and Labour, 4 October 2024, No. SD-4247 (25.2 Mr-23).

³⁵⁵ Ruling of the Constitutional Court of the Republic of Lithuania, No. KT37-I2/2024, 25 April 2024, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2996/content>.

³⁵⁶ Resolution of the Seimas of the Republic of Lithuania on the Nineteenth Programme of the Government of the Republic of Lithuania, No. XV-54, 12 December 2024, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d4b57910b89711efbb3fe9794b4a33e2?jfwid=d9oeve23>.

³⁵⁷ After the cut-off date for this report, on 21 January 2026, the Action Plan to Combat Antisemitism, Xenophobia, and Any Other Form of Incitement to Hatred, and to Promote Jewish Life was adopted by the Government, <https://www.e-tar.lt/portal/lt/legalAct/4a1ac670fac711f0ac2aa76febda78c1>.

10 CURRENT BEST PRACTICES

The following measures could be identified as good practices in 2025:

- In March 2020, a new tool was introduced to promote equal opportunities in the workplace, called the Equal Opportunity Ruler, a free assessment tool based on surveys among employees and employers. The Office of the Equal Opportunities Ombudsperson not only assesses the situation in an organisation or a company, but also provides a detailed report and recommendations on how to ensure equal opportunities in practice. In addition, the Ombudsperson continued to support a website on equality plans for employers (<http://www.lygybesplanai.lt/>) and carried out a number of activities to promote equal opportunities in the labour market.
- The National Human Rights Forum, which has already become established as a tradition, was held on 10 December 2025, organised by Vytautas Magnus University, a number of civil society organisations (including the Coalition of Human Rights Organisations and the Lithuanian Disability Forum) and state institutions (the Ministry of Foreign Affairs, the Equal Opportunities Ombudsperson and the Seimas Ombudsperson's Office), and many different stakeholders were invited.
- In the autumn of 2018, the country's businesses signed a 'Diversity Charter', with a public commitment to a culture of equality. In 2020, the Lithuanian Diversity Charter initiative became an association, uniting private, public and non-governmental sector organisations to create an open and inclusive work environment and strengthen their social responsibility. As of the end of 2025, the Diversity Charter had 39 members from the public, private and NGO sectors.
- Although no specific cases of discrimination or major challenges related to the use of artificial intelligence have been identified so far, the Office of the Equal Opportunities Ombudsperson is currently implementing a project aimed at expanding and strengthening the knowledge of public authorities and their partners regarding discrimination risks in automated decision-making systems in the public sector.³⁵⁸

³⁵⁸ For more detail, see: <https://lygybe.lt/en/projects/equitech/>.

11 SENSITIVE OR CONTROVERSIAL ISSUES³⁵⁹

11.1 Potential breaches of the directives at the national level

National anti-discrimination legislation in most cases repeats the wording of the directives, without going into details of particular provisions. In the opinion of the author, the transposition into national law is still insufficient with regard to the following aspects:

- The Law on Equal Treatment does not clearly prohibit discrimination in the field of self-employment and occupation, as required under Article 3(1)(a)) of Directive 2000/78/EC and 3(1)(a)) of Directive 2000/43/EC (see Section 3.2.1).
- The existing Law on Equal Treatment does not explicitly state that social protection, social security and healthcare fall under its scope, as in Article 3(1)(e)) of Directive 2000/43/EC. For more information, please see Section 3.2.5-3.2.6.
- The Law on Equal Treatment has provided an exception concerning recruitment and employment by employers with an ethos based on religion or belief since June 2008, in accordance with Article 4(2) of Directive 2000/78/EC. However, Article 3 of the LET sets out other spheres where the Law on Equal Treatment shall not be applied in relation to religion and ethos, including in the provision of goods and services, access to education, the content of education programmes and education. This may be in breach of Article 3(1)(g) and (h) of Directive 2000/43/EC.³⁶⁰ The first version of the LET did not contain this exception and there is still no case law or interpretation on the matter. There is also no information available about whether such practices existed before the adoption of the directive in the country, which organisations used them and to what extent. Besides, the exception in the Law is much broader than that of Directive 2000/78/EC, in which a 'person's religion or belief constitute a genuine, legitimate and justified occupational requirement'. There is no mention of the provision that 'difference of treatment ... should not justify discrimination on another ground.' It therefore seems that, if these provisions are to be applied according to the letter of the law, the whole Law on Equal Treatment becomes inapplicable in the areas mentioned, including in relation to the prohibition of discrimination on the grounds of race or ethnic origin. Such a broad exception might be incompatible with the provisions of the directive (see Section 4.2).
- Providing independent assistance to victims of discrimination in pursuing their complaints of discrimination does not explicitly fall within the competence of the national equality body – the Equal Opportunities Ombudsperson – according to the law. The current wording speaks about 'providing impartial and objective consultations with regards to investigation of complaints' only, which might not fully transpose Article 13(2) of Directive 2000/43. For more information, please see Section 7(6)(a) of this report.
- Sanctions must be significantly strengthened to make them effective, proportionate and dissuasive, in the opinion of the author of this report. The quasi-judicial

³⁵⁹ The assessments and views expressed in both Sections 11.1 and 11.2 reflect the author's opinion.

³⁶⁰ The relevant provisions of the LET read as follows (official translation): 'The provisions of this Law shall not apply to: 3) cases where religious communities and associations, as well as organisations established by them or their members, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, supply products, goods and services for religious or belief purposes; 4) the admission of persons to study at schools of religious communities and associations, schools established by them or their members, as well as establishments, enterprises and organisations whose main activity is other than academic education, which have been established with the purpose of education in an environment fostering the values of a religious community or association where refusal to admit a person is necessary in order to maintain the ethos of the said organisations; 5) the content of education programmes, textbooks and teaching aids where religious instruction of traditional religious communities and associations is provided; 8) education and training where the application of the provisions of this Law is inconsistent with the striving of communities of state or private pre-school education establishments, general education schools or other educational establishments, the founding documents or equivalent documents of which specify that their ethos is based on religion or belief, to educate children in an environment fostering the values of a religious community or association.'

function of the Ombudsperson does not benefit victims of discrimination, and sanctions imposed by the Ombudsperson are not effective, proportionate and dissuasive which might be in breach of Article 15 of Directive 2000/43. Compensations are awarded in few cases reaching the courts, administrative fines are rarely applied by the Ombudsperson in practice and recommendations are provided in most of the situations, without the possibility to ensure their implementation, if refused by the party responsible. For more information, please see sections 6.5 and 7(8)(a).

- In 2023, a draft amendment to the Law on Equal Opportunities was registered, which would abolish the Equal Opportunities Ombudsperson's power to impose sanctions for inappropriate advertising. Given that the application of the sanctions imposing decision is only possible in a very specific field, i.e. the advertising of goods, products or services, and to a very narrow range of subjects, i.e. distributors of advertising, it is therefore rarely applied in practice. For more information, please see section 6(a).
- Judicial interpretation is required regarding general discriminatory oral statements by representatives of the state and municipality institutions as Article 5 of the Law on Equal Opportunities, which sets out the duties of state and municipal authorities in the field of equal opportunities, only covers legislative areas, not the implementation of equal opportunities, which could potentially include a liability for the discriminatory public statements. For more information, please see section 2.4.

11.2 Other issues of concern

The Equal Opportunities Ombudsperson, when applying administrative sanctions, issues them to the executive body of a legal person (e.g., the director) but not to its employees. According to the Ombudsperson, the current wording of the Law on Equal Treatment does not suggest that it could be enforced against a broad spectrum of parties. Tenants, customers and employees cannot be held liable. For more information, please see sections 2.6(b) and 2.7(b) of this report.

The right for associations to engage in legal proceedings was included in the Law on Equal Treatment, repeating the wording of the directives. However, exercising this right is limited in practice. The Code of Civil Procedure states that only actual members of a particular organisation can be represented in court by that association. In theory, associations can act on behalf of the victim in administrative proceedings only, but not in civil cases. For more information, please see section 6.2.

The author has been informed of a number of instances when refugees, migrants and Roma persons were discriminated against by local property owners when they tried to rent housing. The persistence of discrimination in the housing rental market is also supported by the study carried out by the Office of the Equal Opportunities Ombudsperson on discrimination in the rental housing market. The findings indicate that people who have moved to Lithuania may face difficulties when attempting to rent housing due to discriminatory attitudes among some property owners.³⁶¹ At the same time, no formal complaints concerning such cases have been submitted to the Ombudsperson.

Article 2(2) of the Law on National Minorities, adopted in 2024, states that national (ethnic) identity is a person's freely chosen identification with the 'nationality' of one of their parents or grandparents, based on the totality of its characteristic features – culture, language, traditions, customs – or at least one of these features. Such a definition does not, however, fully align with the international standards. The

³⁶¹ Equal Opportunities Ombudsperson (2025), *Būsto nuomos rinka: Lietuvoje gyvenančių užsieniečių situacijos analizė* (The rental housing market: An analysis of the situation of foreigners living in Lithuania), <https://lygybe.lt/wp-content/uploads/2025/12/busto-nuomos-rinka-lietuvoje-gyvenanciu-uzsienieciu-situacijos-analize-2025.pdf>.

requirement that minority groups consist only of citizens of the Republic of Lithuania excludes long-term residents and stateless persons. Additionally, the criteria requiring 'long-term, strong and permanent ties' lack clear legal definition and may lead to inconsistent application or arbitrary exclusion.

Article 4(2)(16) of the Law on the Protection of Minors against the Detrimental Effect of Public Information ceased to be in force after the Constitutional Court declared it unconstitutional.³⁶² Article 4(2)(16) stated that any information that 'encourages a concept of marriage and family other than the one stipulated in the Constitution of the Republic of Lithuania or in the Civil Code of the Republic of Lithuania' is detrimental to minors. This provision has been subjected to constant criticism by major international human rights and LGBTIQ+ organisations. In 2014, a fairy-tale book containing a story about same-sex love was censored. The book was published by the Lithuanian University of Educational Sciences, which was later ordered to remove it from bookstores. The Inspector of Journalist Ethics concluded that two fairy tales promoting tolerance for same-sex couples were harmful to minors and should be marked by the index 'N-14', indicating that the stories were suitable only for readers aged 14 or over. In early 2023, the European Court of Human Rights ruled that Lithuania had discriminated against the author because of her sexual orientation.³⁶³ However, even after the ECtHR's ruling, a bill to abolish the provision did not make it past the submission stage in Parliament. Nevertheless, following the Constitutional Court's ruling, the provision is no longer valid. As a result, publicly available information about LGBTIQ+ people cannot be restricted or censored on the grounds that it poses a threat to minors. At the beginning of the year, a new edition of the book was announced.

In 2025, the Constitutional Court issued another important ruling, declaring that provisions of the Civil Code that allow partnership only between a man and a woman are contrary to the Constitution.³⁶⁴ The Court also held that making the entry into force of the Civil Code chapter on partnership conditional on the adoption of additional legislation by the legislature violates the constitutional principle of responsible governance. As a result, couples may now apply to the courts to seek registration of their partnership. However, the necessary implementing legislation has not yet been adopted.

The previous Parliament introduced the principle of the complementarity of man and woman within the family into the Law on Strengthening the Family and the Civil Code. These amendments were presented as measures aimed at protecting so-called 'traditional values'. Attempts to narrow the legal understanding of family have continued, including initiatives concerning the exclusion of provisions on sex reassignment, proposals to define two partners of the same sex as a non-family relationship or as a form of joint activity, and similar measures.

However, the 2025 Constitutional Court ruling significantly changed the legal context for such initiatives. The Court held that the constitutional concept of family is gender-neutral and that excluding same-sex couples from the possibility of registering a partnership violates the constitutional principles of equality, human dignity and the protection of private and family life. In light of this ruling, legislative initiatives seeking to exclude same-sex couples from the legal concept of family or to treat their relationships merely as non-family arrangements would lack a sound constitutional basis under the current

³⁶² Ruling of the Constitutional Court of the Republic of Lithuania No. KT101-N15/2024 On the Compliance of Article 4(2)(16) of the Law on the Protection of Minors from the Detrimental Effects of Public Information with the Constitution of the Republic of Lithuania, 18 December 2024, <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3089/content>.

³⁶³ *Macate v. Lithuania* [GC], No. 61435/19, 23 January 2023, <https://hudoc.echr.coe.int/eng?i=001-222072>.

³⁶⁴ Ruling of the Constitutional Court of the Republic of Lithuania No. KT21-N5/2025, <https://lrkt.lt/en/about-the-court/news/1342/the-legal-regulation-related-to-the-institution-of-partnership-is-in-conflict-with-the-constitution:756>.

constitutional doctrine. No legislative changes giving effect to such initiatives were adopted in 2025.³⁶⁵

On 15 May 2021, the Big Family Defence March (*Didysis šeimos gynimo maršas*) took place in Vilnius, which gathered about 10 000 people from across Lithuania. The main purpose was to resist 'aggressive genderist propaganda' and plans to ratify the Istanbul Convention, as well as to stand against 'extremist minorities intent on imposing an unacceptable lifestyle on society, defiling national traditions and values'.³⁶⁶ Some Lithuanian Catholic priests expressed support for the event. However, the Lithuanian Bishops' Conference issued a statement, saying that church leaders had been invited to the Family March but would not attend. During the event, Lithuanian President Gitanas Nausėda said that 'a family is between a man and a woman, as stated in the Lithuanian Constitution'.³⁶⁷

Despite this, Pride events are held regularly in Lithuania, and the number of organisers and local initiatives continues to grow. Baltic Pride – a rotating event hosted every three years in Lithuania, Latvia and Estonia – and Lithuanian Pride are both organised by the Lithuanian Gay League. In addition, Kaunas Pride was first held in 2021. Organised by the local community, it placed a stronger emphasis on political demands and advocacy, marking the expansion of Pride events beyond the capital.

It would be useful to unify the grounds of non-discrimination in the Labour Code and the Law on Equal Treatment – adding health status to the prohibited grounds, even if these are not mentioned by the directives. Health status is mentioned in the Labour Code.

To the author's knowledge, the Office of the Equal Opportunities Ombudsperson has been involved in issues relating to artificial intelligence. The Innovation Agency is running regulatory sandbox pilots from June 2024 to develop automated decision-making systems for the public sector. The Office has expressed its concerns about impartiality, non-discrimination and equal opportunities in the development of AI products for the public sector.

In 2025, the Office also prepared a package of tools aimed at helping public sector institutions and AI developers take equal opportunities into account in the design, development and use of automated decision-making and AI systems. The package includes training materials for public sector representatives, training materials for AI system and product developers, data science and data protection specialists, as well as guidelines and a methodology for identifying and reducing the risk of bias throughout the life cycle of an automated decision-making or AI system. The Office also developed an e-learning course on algorithmic bias for public sector employees.³⁶⁸

In addition, the State Labour Inspectorate has observed that automated decision-making tools are increasingly used in the Lithuanian labour market, for example artificial intelligence systems used for the initial filtering of CVs or for employee performance evaluation. According to the Inspectorate, such systems may pose risks to equal opportunities, particularly due to algorithmic bias, where historical data embedded in automated systems may indirectly disadvantage certain groups (for example, on the

³⁶⁵ After the cut-off date for this report, in April 2026, Parliament began considering a draft resolution to hold an advisory referendum on the constitutional concept of family. The proposed referendum would ask whether the Constitution should expressly provide that family legal relations arise only from marriage between a man and a woman, motherhood and fatherhood. The initiative can be seen as a direct political challenge to the 2025 Constitutional Court ruling. The Legal Department of the Seimas raised serious doubts as to the compatibility of the proposal with the constitutional principles of the rule of law, constitutional supremacy, responsible governance, equality and non-discrimination, as well as Lithuania's international obligations.

³⁶⁶ See <https://www.lrt.lt/en/news-in-english/19/1407354/planned-rally-against-genderist-propaganda-electrifies-lithuania>.

³⁶⁷ See <https://www.lrt.lt/en/news-in-english/19/1410566/lithuanian-president-addresses-rally-against-genderist-propaganda-backs-traditional-families>.

³⁶⁸ Equal Opportunities Ombudsperson (2026), *Annual report for 2025*.

basis of age, sex or place of residence).³⁶⁹ The Inspectorate did not refer to any specific supervisory or enforcement measures already taken in this area. However, it indicated that these risks are expected to be addressed through the implementation of Regulation (EU) 2024/1689, the Artificial Intelligence Act. Disability organisations have also voiced perceived risks regarding the use of AI in the labour market and discrimination on the basis of disability.³⁷⁰

³⁶⁹ Based on information received by the author from the State Labour Inspectorate of the Republic of Lithuania, 4 March 2026.

³⁷⁰ Based on information received by the author from the Lithuanian Disability Forum, 5 February 2024.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

- Amendments to the Law on Equal Treatment (adopted in 2025, entering into force on 1 January 2026) introduced clearer obligations to ensure reasonable accommodation for persons with disabilities across multiple areas of life. The amendments define reasonable accommodation and establish that failure to provide such accommodation constitutes discrimination on the grounds of disability. The law also strengthens accessibility obligations for public authorities, education providers, organisations and associations, as well as providers of goods and services, requiring them to ensure equal access to services and participation in social life for persons with disabilities.³⁷¹ For more detail, see Section 2(8)(e).
- Amendments to the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities, adopted on 18 December 2025, expanded measures aimed at promoting the employment of persons with disabilities by recommending the application of employment quotas also in the private sector.³⁷² The amendments will enter into force on 1 July 2026. See more in detail in Section 5(b).
- Amendments to the Law on the Fundamentals of Protection of the Rights of Persons with Disabilities and the Law on Targeted Compensation, adopted on 27 November 2025, introduced provisions to ensure better access to assistance dogs for persons with disabilities. The amendments establish the right to compensation for the costs of acquiring and training an assistance dog and explicitly guarantee the right of persons with disabilities to access public spaces, buildings, public transport and taxi services together with their assistance dogs.³⁷³ The amendments will enter into force on 1 May 2026.

12.2 Case law

The publicly available or otherwise sufficiently verifiable decisions with some significance for the interpretation of the principle of equal treatment are mentioned below. In addition to court case law, one decision of the Equal Opportunities Ombudsperson in 2025 is relevant to mention because it includes practical interpretation of equal treatment law.

Relevant discrimination ground(s): Disability

Institution: Equal Opportunities Ombudsperson of the Republic of Lithuania

Date of decision: 13 October 2025

Name of the parties: Applicant / pupil with special educational needs v National Education Agency

Reference number: (25)SN-185)SP-71

ECLI reference: N/A

Link: <https://lygybe.lt/wp-content/uploads/2025/10/del-galimos-diskriminacijos-negalios-pagrindu-pagrindinio-ugdymo-pasiekimu-patikrinimo-vykdyimo-metu-2025-10-13.pdf>

³⁷¹ Law amending Articles 2, 5, 6, 7, 8, 9 and 15-1 of the Law on Equal Treatment of the Republic of Lithuania No. IX-1826 (*Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 2, 5, 6, 7, 8, 9 ir 15-1 straipsnių pakeitimo įstatymas*), 26 June 2025, No. XV-355.

³⁷² Law amending Articles 10 and 17 of the Law on the Fundamentals of the Protection of the Rights of Persons with Disabilities of the Republic of Lithuania No. I-2044 (*Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymo Nr. I-2044 10 ir 17 straipsnių pakeitimo įstatymas*), 18 December 2025, No. XV-695, <https://www.e-tar.lt/portal/lt/legalAct/dcf62974e55b11f08918e1adc7c5b1ec>.

³⁷³ Law amending Articles 1, 2, 15, 24, 26, 30 and 32 of the Law on the Fundamentals of the Protection of the Rights of Persons with Disabilities of the Republic of Lithuania No. I-2044 (*Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymo Nr. I-2044 1, 2, 15, 24, 26, 30 ir 32 straipsnių pakeitimo įstatymas*), 27 November 2025, No. XV-587, <https://www.e-tar.lt/portal/lt/legalAct/88bcfd52d0f411f08918e1adc7c5b1ec>.

Brief summary: The case concerned the failure to provide individual accommodations during the lower secondary education achievement assessment in Lithuanian language and literature. The applicant was a pupil with a disability related to an autism spectrum disorder. Before the assessment, the relevant pedagogical-psychological assessment and the school director's order had specified the accommodations required for the pupil, including shortened reading-comprehension texts, adapted questions, input, a plan or guiding questions for the writing task, and a reduced written text length.

During the assessment, these accommodations were not provided. The National Education Agency acknowledged that, although the school director could decide on the adaptation of the task form, the practical implementation of adaptations in the electronic testing system depended on the Agency's actions, and that in 2025 the system did not have the functionality to provide adapted tasks to a specific pupil.

The Equal Opportunities Ombudsperson found that the National Education Agency had failed to ensure that the necessary accommodations were provided during the assessment and issued a warning for a violation of Article 6(1)(4) of the Law on Equal Treatment, which requires educational institutions and other education providers to ensure equal conditions when assessing learning achievements. The Ombudsperson also recommended that the Agency take the necessary measures to ensure that, in future assessments, required accommodations are implemented for all pupils who need them, including through inter-institutional cooperation, review or improvement of the applicable rules, and continued cooperation with experts and organisations of persons with disabilities.

The decision is significant because it concerns the practical implementation of reasonable accommodation in educational assessment. It shows that formal recognition of a pupil's needs is insufficient where the assessment system, including its electronic infrastructure and institutional coordination, does not ensure that individual accommodations are actually implemented.

Relevant discrimination ground(s): Ethnic origin / Roma

Name of the court: Kaunas Regional Court (*Kauno apygardos teismas*)

Date of decision: 8 January 2025

Name of the parties: *Complainants L. A., L. A., D. A., M. A. v Defendants L. K., I. B., A. Ž.*

Reference number: 1A-26-1049/2025

ECLI reference: N/A

Link: N/A

Brief summary: The case concerned discrimination against Roma women in access to goods and services. Two Roma women and a child attempted to have a meal at a café in Jonava, but the staff informed them that 'Roma are only given takeaways'. After the women objected and asked for an explanation, they were expelled from the café. The incident led to a pre-trial investigation and criminal proceedings under Article 169 of the Criminal Code.

In the first instance judgment of 5 July 2024, Kaunas District Court found that the café staff had discriminated against the complainants on the basis of their ethnic origin and had prevented them from accessing services on an equal basis with others. The court imposed criminal sanctions and awarded EUR 600 in non-pecuniary damages to each complainant.

On appeal, Kaunas Regional Court upheld the finding of discrimination and increased the amounts of non-pecuniary damages awarded to the complainants. Instead of EUR 600 awarded to each complainant at first instance, the appellate court awarded EUR 1 800,

EUR 2 700, EUR 2 100 and EUR 2 400 respectively. The case is significant because successful criminal cases under Article 169 of the Criminal Code remain very rare and the judgment is one of the few publicly known cases concerning discrimination against Roma persons in access to services.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Vilnius District Court (*Vilniaus miesto apylinkės teismas*)

Date of decision: 15 April 2025

Name of the parties: *Complainants L. S., R. L. v Defendant L. R.*

Reference number: 1-197-992/2025

ECLI reference: N/A

Link: N/A

Brief summary: The case concerned a homophobic incident involving two men who were subjected to discriminatory and threatening behaviour by another individual near their place of residence. The complainants reported that the perpetrator followed them, filmed them and used offensive language directed at them because they were perceived to be a same-sex couple. He also questioned them about walking in public while holding hands and threatened them with physical violence if they continued to do so.

The court established that the perpetrator's actions were motivated by prejudice against the complainants' sexual orientation and were aimed at restricting their ability to participate in social life on an equal basis with others. The conduct included following the complainants, insulting and humiliating them, filming them without consent and making threats of violence. The court considered these actions sufficiently serious to constitute criminal discrimination.

Although the conduct had initially been investigated under a different provision of the Criminal Code, the court reclassified the offence and concluded that the acts fulfilled the elements of discrimination under Article 169 of the Criminal Code, which protects individuals and groups from discrimination on grounds such as sexual orientation.

It is also relevant that the domestic criminal proceedings were initiated only after the European Court of Human Rights had communicated the applicants' petition to the Lithuanian Government. Following the opening of the domestic investigation and the subsequent conviction of the perpetrator, the European Court of Human Rights struck the application off its list of cases.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Constitutional Court of the Republic of Lithuania (*Lietuvos Respublikos Konstitucinis Teismas*)

Date of decision: 17 April 2025

Name of the parties: Government of the Republic of Lithuania

Reference number: KT21-N5/2025

ECLI reference: N/A

Link: <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3121/content>

Brief summary: The case concerned constitutional review proceedings initiated by the Government of Lithuania. Acting within its constitutional powers, the Government asked the Constitutional Court to review provisions adopted by the Seimas in the Civil Code and in the law on its approval, entry into force and implementation. The request concerned two issues: first, whether the legislature could make the entry into force of the Civil Code provisions on partnership dependent on the adoption of a separate law regulating the registration procedure; and second, whether registered partnership could be limited to different-sex couples.

The Government argued that although the Civil Code introduced the institution of partnership in 2000 as an alternative form of family life, the relevant provisions never

entered into force because the legislature failed to adopt the law regulating partnership registration. As a result, individuals living together without being married have been unable to obtain legal recognition and protection of their family relationships for more than 20 years. The Government maintained that such legislative inaction violated constitutional principles, including the protection of family life, equality before the law, and the rule of law.

The Government also challenged the Civil Code provision limiting registered partnerships to opposite-sex couples. It argued that the Constitution protects family life irrespective of gender and that excluding same-sex couples from the possibility of registering a partnership constitutes discrimination on the basis of sexual orientation and violates the constitutional guarantees of dignity, equality and private and family life.

In its ruling of 17 April 2025, the Constitutional Court held that the legal regulation making the entry into force of the Civil Code provisions on partnership conditional on the adoption of additional legislation was incompatible with the Constitution. The Court found that the legislature's prolonged failure to adopt the necessary implementing law effectively prevented individuals from exercising their constitutional right to have their family relationships legally recognised and protected. The Court also emphasised that such prolonged legislative inaction was incompatible with the constitutional principle of responsible governance, as the legislature had created a legal framework for partnership but failed, for more than two decades, to ensure that it could operate in practice.

The Court also ruled that the Civil Code provision allowing the registration of partnership only between a man and a woman was unconstitutional. It concluded that the constitutional concept of family is gender-neutral and that excluding same-sex couples from the possibility of registering a partnership violates the constitutional principles of equality, human dignity and the protection of private and family life.

Relevant discrimination ground(s): Social status (family status)

Name of the court: Constitutional Court of the Republic of Lithuania (*Lietuvos Respublikos Konstitucinis Teismas*)

Date of decision: 10 April 2025

Name of the parties: Seimas of the Republic of Lithuania

Reference number: KT19-N4/2025

ECLI reference: N/A

Link: <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta3118/content>

Brief summary: The case concerned a constitutional review initiated by a group of members of the Seimas regarding provisions of the Law on Assisted Reproduction. The applicants challenged the legal regulation that allowed assisted reproduction services only for persons who were married or had concluded a registered partnership agreement. They argued that this restriction excluded unmarried couples and single women from access to infertility treatment and therefore violated several constitutional principles, including equality, the protection of private and family life and the right to healthcare.

The applicants maintained that infertility is a medical condition that may affect individuals regardless of their family status. They argued that limiting access to assisted reproduction based on marital or partnership status was not justified and created unequal access to medical services for persons seeking treatment for infertility. According to the applicants, such regulation discriminated against individuals who had chosen not to formalise their family relationships or who wished to have children as single parents.

In its ruling of 10 April 2025, the Constitutional Court held that access to assisted reproduction procedures must primarily be based on medical considerations rather than the formal status of family relationships. The Court found that the legal regulation restricting access to assisted reproduction services only to married persons or persons

who had concluded a registered partnership agreement was incompatible with the constitutional principle of equality.

The Court concluded that excluding unmarried couples and single women from assisted reproduction services unjustifiably restricted their rights and treated individuals differently solely on the basis of their family status. Consequently, the contested legal provisions were declared contrary to the Constitution.

The Constitutional Court also noted that a certain amount of time is necessary for the legislature to establish a legal regulation in compliance with the Constitution, according to which assisted reproduction services would be provided to all persons in the event of an identified objective medical need, including objective circumstances related to a person's health. Therefore, the Constitutional Court decided that this ruling must officially be published in the Register of Legal Acts and enter into force one year later, on 10 April 2026.³⁷⁴ Even though the case was not framed primarily as a sexual orientation discrimination case, the restriction was also relevant in practice for same-sex couples, since they could not marry and the legal framework for registering partnerships was not effectively available.

Relevant discrimination ground(s): Sexual orientation; convictions or views

Name of the court: Šiauliai Regional Court (*Šiaulių apygardos teismas*)

Date of decision: 1 October 2025

Name of the parties: *Complainant M. N. v Defendant A. P.*

Reference number: 1A-153-875/2025

ECLI reference: N/A

Link: <https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=906b21cf-3240-4e6d-9d2e-d72b42079433>

Brief summary:

The case concerned discriminatory and threatening messages sent to an LGBTIQ+ person who had publicly spoken about the recognition of same-sex families in Lithuania. The defendant sent the complainant messages containing degrading and violent language directed at LGBTIQ+ persons and demanded that the complainant stop appearing on television and leave Lithuania.

At first instance, Telšiai District Court, Mažeikiai Chamber, acquitted the defendant under both Article 145(1) of the Criminal Code, concerning threats, and Article 169 of the Criminal Code, concerning discrimination. On appeal, Šiauliai Regional Court upheld the acquittal under Article 145(1), but overturned the acquittal under Article 169. The appellate court found that the messages were discriminatory on the grounds of sexual orientation and convictions or views, and that they were aimed at restricting the complainant's freedom of expression, right to participate in public and social life, and ability to appear publicly.

The court held that Article 169 of the Criminal Code does not require actual consequences to occur: the offence is completed once the unlawful discriminatory acts are carried out. The defendant was convicted under Article 169 and sentenced to one year and six months restriction of liberty. This sentence was combined with an earlier sentence, resulting in a final sentence of one year and nine months restriction of liberty. The court also awarded the complainant EUR 1 000 in non-pecuniary damages,

³⁷⁴ After the cut-off date for this report, a draft amendment to the Law on Assisted Reproduction was prepared and submitted to Parliament, proposing to expand the group of persons eligible for assisted reproduction services. The Human Rights Committee of the Seimas considered the draft on 29 April 2026 and proposed further broadening access, including by allowing all women to access assisted reproduction regardless of family status and medical reasons. However, at time of writing, the amendments had not yet been finally adopted.

EUR 1 500 for legal representation costs at first instance and EUR 1 210 for legal representation costs on appeal.

ANNEX 1: TABLE OF INTERNATIONAL INSTRUMENTS

Country: Lithuania
Date: 1 January 2026

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non- discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
European Convention on Human Rights (ECHR)	14.05.1993	27.04.1995	No derogations / reservations	Accepted	Yes
Protocol 12, ECHR	No	No	NA	NA	NA
Revised European Social Charter	08.09.1997	15.05.2001	No derogations / reservations	Ratified collective complaints protocol	Yes
International Covenant on Civil and Political Rights	12.03.1991	20.11.1991	No derogations / reservations	Accepted	Yes
Framework Convention for the Protection of National Minorities	17.02.2002	17.02.2002	No derogations / reservations	Yes	Yes
International Covenant on Economic, Social and Cultural Rights	12.03.1991	20.11.1991	No derogations / reservations	Accepted	Yes
Convention on the Elimination of All Forms of Racial Discrimination	10.11.1998	10.11.1998	No derogations / reservations	Accepted	Yes
ILO Convention No. 111 on Discrimination	27.13.1996	27.13.1996	No derogations / reservations	Accepted	Yes
Convention on the Rights of the	08.01.1992	03.07.1995	No derogations /	Accepted	Yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
Child			reservations		
Convention on the Rights of Persons with Disabilities	30.03.2007	27.05.2010	No derogations / reservations	Accepted	Yes

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