

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on minority issues

REFERENCE: AL
LTU 1/2015:

9 September 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on minority issues pursuant to Human Rights Council resolutions 25/18 and 25/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the alleged denial of entry of human rights and minority rights defender, Mr Aleksandrs Kuzmins, as well as two other conference participants, Mr. Aleksandrs Rzavinst and Mr. Joseph Koren, to enter Lithuania to attend an international roundtable on minority rights.**

According to the information received:

On August 24 2015 Mr Aleksandrs Kuzmins, a citizen of Latvia, and the secretary of the Latvian Human Rights Committee's travelled from Latvia to Klaipeda, Lithuania. He intended to represent his NGO at the international roundtable "Ethnic nationalism as a threat to peace and stability" on August 24-25 in Klaipeda, Lithuania. The conference was co-organised by his NGO, the Latvian Human Rights Committee.

At around 5 p.m., at the Klaipeda bus station, Mr Kuzmins was stopped by the Lithuanian Border Guard officers and informed that the Lithuanian Migration Department refused him entry to Lithuania until 20 August 2020. The section of the law referred to "threats to national security ". Mr Kuzmins has never been convicted of any offence. Mr. Kuzmins was ordered to leave Lithuania by midnight or to be arrested. Two other participants of the conference, Mr. Aleksandrs Rzavinst and Mr. Joseph Koren, also coming from Latvia, were also refused entry to Lithuania.

Grave concern is expressed that the denial of entry of Mr Kuzmins and the other conference participants to Lithuania appears to be related to their human rights activities including their advocacy on minority rights. The Latvian Human Rights Committee's

priority is minority rights, and the organisation has been critical of the policies in Lithuania regarding issues of minority language rights and alleged de facto toleration of hate speech.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Are the above facts accurate? Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the legal basis of the denial of entry of Mr Kuzmins, Mr. Aleksandrs Rzavinst and Mr. Joseph Koren, to Lithuania, and how such a measure is compatible with international human rights norms?
3. Please indicate what measures have been taken to ensure that the views of minorities, and those working on minority rights, are being protected in Lithuania.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Rita Izsák
Special Rapporteur on minority issues

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, , we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to these issues brought forth by the situation described above.

In this connection we draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities requires under Article 1.1 that States "shall protect the existence and the national or ethnic, cultural or religious identity of minorities within its respective territories and shall encourage conditions for the promotion of that identity". Article 2.1 states that "persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination". Article 2.3 highlights that "Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation". Article 4.1 establishes that "States will take measures where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law".

We also recall the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 6.

Furthermore, we make reference to European Union directive 2004/38/EC which requires individualized and weighty reasons to refuse entry to a EU citizen to another EU member state (art. 27).