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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF LITHUANIA
FOR THE 40TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the status of human rights in the Republic of Lithuania (Lithuania) for the 40th Session of the Universal Periodic Review (UPR).

Background

2. Lithuania is an Eastern European country with an estimated population of 2.7 million people¹. Of the population, 77.2% identify as Roman Catholic, 4.1% as Russian Orthodox, 6.1% as not having a religion, and 10.1% as unspecified².

3. Lithuania's previous review was held on 2 November 2016³. As a result of the review Lithuania received 171 recommendations, 170 of which Lithuania supported⁴. One recommendation that was supported by Lithuania, was that the government "[t]ake actions to improve sexual and reproductive health and rights according to previous recommendations and formulate a national strategy on sexual and reproductive health and rights, and integrate sexual and reproductive health into the next national health programme for 2026-2036"⁵. There were no recommendations made regarding freedom of religion.

4. While improving sexual and reproductive health sounds as though it would be purely beneficial to the Lithuanian people, it is important to note that the term "sexual and reproductive health" is used as a term synonymous with access to abortion, which is the deliberate killing of another human being. Thus, that particular recommendation is a push for Lithuania to expand abortion. Instead of supporting that recommendation, or any future recommendations of a similar nature, we encourage Lithuania instead to stand against the expansion of abortion and to make every effort possible to further protect and preserve the innocent lives of unborn children in accordance with its Constitution.

Legal Framework

5. Under Article 19 of the Constitution of Lithuania, "[t]he right to life of a human being shall be protected by law"⁶. Furthermore, under Article 38 of the Constitution, "[t]he family shall be the basis of society and the State. Family, motherhood, fatherhood and childhood shall be under the protection and care of the State"⁷.

6. According to Order No. 50 of 28 January 1994 of the Ministry of Health of the Republic of Lithuania, Vilnius, on Procedures for Performing a Surgical Termination of Pregnancy:

Pregnancy may be terminated upon a woman's request up to 12 weeks, provided there are no contraindications to this surgery. Termination of a pregnancy beyond 12 weeks is permitted in cases when the pregnancy threatens the life and health of the woman (Item 2)⁸.

7. This law also provides for abortion in the case of fetal abnormalities, under Section 2.4: Upon diagnosis of fetal abnormalities incompatible with life, the pregnancy may be terminated only after the possible effects on the mother's health of a premature termination of pregnancy are explained to the woman (and preferably to her spouse as well)⁹.

8. Under Article 6 of the Convention on the Rights of the Child (CRC), to which Lithuania is a party:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child¹⁰.

9. Furthermore, Lithuania has also signed and ratified the International Covenant on Civil and Political Rights (ICCPR) which states in Article 6 that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life¹¹.

Legality of Abortion World-Wide

10. According to the Center for Reproductive Rights, abortion is accessible to women in sixty-seven countries, with some gestational limitations, the most common of which is a limit on abortions after twelve weeks of pregnancy¹². Fourteen countries allow abortion on “broad social or economic grounds”¹³; fifty-six countries “permit abortion to preserve” the mother's life or health, including mental health; thirty-nine countries permit abortion only where the mother's life is at risk¹⁴. Finally, twenty-six countries prohibit abortion altogether. Thus, out of the 202 countries discussed, a large majority – 121 countries – have strict limitations on abortion, with the remaining eighty-one countries that allow some limitations on abortion are in the minority¹⁵.

11. Abortion is a controversial topic, and it is not viewed favorably in a majority of countries. Abortion laws and regulations in specific countries are not clear cut or consistent across nations in the way that most laws or agreements on human rights are, but rather these laws are complicated and complex. In many countries where abortion is allowed more freely, there are still legal restrictions on government funding of abortion, as well as limits on the reasons for which a woman may have an abortion.

12. What most countries do agree on is that the State has an interest, not only in protecting women and girls, but also in protecting the lives of all their citizens – including the unborn¹⁶. This interest is enshrined in national and international documents alike, as well as through the legislation of individual countries.

13. For instance, the Universal Declaration of Human Rights (UDHR) recognizes that “the inherent dignity and . . . equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,” and that *[e]veryone* has the right to life . . .”¹⁷. Again, Article 6 of the ICCPR likewise states that “*[e]very* human being has the inherent right to life. [And that this] right shall be protected by law”¹⁸. It is important to note that while virtually all international treaties contain provisions for the protection and promotion of the right to life, not one contains a “right to abortion.”

Abortion in Lithuania

14. Currently, Lithuania’s abortion laws follow the international norm by prohibiting abortion after the 12th week of pregnancy absent of any fetal abnormality that is “incompatible with human life” or if the pregnancy poses a health risk to the mother. Every year it is estimated that between 4,000 and 5,000 abortions are carried out in Lithuania; 6% of them are on girls under the age of 19¹⁹.

15. In 2018, a law was proposed that would further protect life in the womb and restrict abortion by no longer making abortion automatically on demand until 12 weeks into the pregnancy. Under the proposed law, abortion would be prohibited in all cases except:

- [I]f the pregnancy would endanger the life or health of the pregnant woman, or
- [T]here were reasonable grounds for suspecting that the woman had become pregnant as a result of rape²⁰.

However, this proposed legislation was ultimately rejected by the Lithuanian Parliament²¹.

16. While Lithuanian law currently does not support this, we have seen a growing trend across Europe of regulations allowing abortion in the cases of “fetal abnormalities.” This has led to the sky rocketing abortion rates of unborn babies that could have Down syndrome according to prenatal screenings. For example, Iceland has “eradicated” Down syndrome simply by carrying out abortions on any unborn child that shows the possibility for having Down syndrome²².

17. A study released in 2020 further shows the prevalence of abortion on unborn babies who could have Down syndrome²³. The study found that between 2011 and 2015 the abortion rate of unborn babies suspected to have Down syndrome was 71% in southern Europe, 51% in Northern Europe, and 38% in Eastern Europe²⁴. This has resulted in a 54% reduction on average across Europe in the births of babies with Down syndrome²⁵.

18. Abortion is a grave injustice because it involves the deliberate killing of another human being. Furthermore, abortion also poses serious long term health risks for the mother. Abortion is not healthcare, and countries should stop referring to it as such. Lithuania has an obligation to protect the lives of both the unborn child and the mother.

Abortion is Dangerous for Women

19. Published research strongly indicates that abortion is much more dangerous than childbirth, contrary to claims from pro-abortion activists who say that abortion is safe, and even safer than childbirth.

20. In Finland, for example, researchers drew upon national health care data to examine the pregnancy history of all women of childbearing age who died, for any reason, within one year of childbirth, abortion, or miscarriage, between the years of 1987 and 1994 (a total of nearly 10,000 women). The study found that, adjusting for age, women who had abortions were 3.5 times more likely to die within a year than women who carried to term²⁶.

21. Another study of nearly a half million Danish women, found that the risk of death after abortion was significantly higher than the risk of death after childbirth²⁷. The study specifically examined both early (before 12 weeks' gestation) and late (after 12 weeks' gestation) abortions, and found significantly higher death rates for both groups as compared to mortality after childbirth²⁸.

22. A more recent meta-analysis of nearly 1000 studies concluded that when compared to women who gave birth, women who received an abortion were twice as likely to die within a year of receiving an abortion²⁹. Furthermore, it showed that women who had an abortion continued to be at a higher risk for premature death for at least ten years after the abortion³⁰.

23. Of course, abortion can also cause physical harm, beyond the harm (i.e., death) to the unborn child. This can result directly from the procedure itself (e.g., perforation of the uterus, laceration of the cervix), from the deprivation of the health benefits of continuing pregnancy (e.g., eliminating the protective effect of a full-term pregnancy against breast cancer)³¹, or by masking other dangerous symptoms (e.g., a woman with an infection or an ectopic pregnancy may believe her symptoms are merely normal after-effects of abortion, leading her to delay seeking medical help)³².

24. The Finland and California studies mentioned above both showed, *inter alia*, a heightened risk of suicide after abortion³³. (The Danish study did not examine this aspect.) A British study found the same thing³⁴. All these studies are consistent with the many studies documenting adverse emotional consequences after abortion³⁵.

25. Furthermore, another U.S. study revealed that 58.3% of the women reported aborting to make others happy, 73.8% disagreed that their decision to abort was entirely free from even subtle pressure from others to abort, 28.4% aborted out of fear of losing their partner if they did not abort³⁶. Additionally, 49.2% of the women reported believing the fetus was a human being at the time of the abortion, 66% said they knew in their hearts that they were making a mistake when they underwent the abortion, 67.5% revealed that the abortion decision was one of the hardest decisions of their lives, and 33.2% felt emotionally connected to the fetus before the abortion³⁷.

26. In that same study, the women were asked what positives stemmed from their decision to abort. Twenty-two percent of the women chose not to answer this question, while 31.6% responded by choosing the survey answer as “none”³⁸.

27. When asked about the most significant negatives that had impacted them from the decision to abort, women listed the following:

- Took a life/loss of a life or lives
- Depression
- Guilt/Remorse
- Self-hatred/anger at self/self-loathing/feelings of worthlessness/unworthy of love
- Shame
- Addiction, alcohol or drug abuse
- Regret
- Self-destructive behaviors including promiscuity, self-punishment, and poor choices
- Low self-esteem
- Anxiety/fear
- Suicidal/suicidal thoughts/wanting to die/self-harm/dangerous risks/suicidal attempts³⁹

28. All of these factors contribute to the repugnant nature of abortion and to the reasons why countries should have protections in place for the lives of the unborn. Lithuania not only has the right to, but it should, consider all of these factors when implementing laws concerning abortion.

29. It is indisputable scientific fact that the human child in the womb is a living, distinct biological organism and belongs to the species *homo sapiens*. Thus, any justification of abortion fundamentally rests on the proposition that some members of the human race do not have even the most basic of human rights, the right to life. That proposition is incompatible with international law and the very notion of human rights found in documents such as the ICCPR. The ICCPR states: “of the inherent dignity and of the equal and inalienable rights of **all members of the human family** is the foundation of freedom, justice and peace in the world, [that] these rights derive from the **inherent dignity of the human person**, . . . [and that] [e]very human being has the **inherent right to life**. This right shall be protected by law”⁴⁰.

Conclusion

30. Lithuania does have restrictions in place to protect innocent human life by generally prohibiting abortion after twelve weeks of pregnancy. We, however, encourage Lithuania to take further steps to protect human life through passing laws such as the one proposed in 2018. The government must recognize the inherent dignity of the human person, from conception to death. Therefore we request that Lithuania reform its laws in order to further protect the life of both the mother and the unborn.

¹ Lithuania, WORLD FACTBOOK (22 Mar. 2021), <https://www.cia.gov/the-world-factbook/countries/lithuania/>.

² *Id.*

³ Report of the Working Group on the Universal Periodic Review Lithuania, A/HRC/34/9, 1001.141, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/34/9&Lang=E>.

⁴ *Id.*

⁵ *Id.* at A/HRC/34/9, 1001.141.

⁶ Constitution of Lithuania, art 19, https://www.constituteproject.org/constitution/Lithuania_2006.pdf?lang=en.

⁷ *Id.* at art 38.

⁸ Order No. 50 of 28 January 1994 of the Ministry of Health of the Republic of Lithuania, Vilnius, On Procedures for Performing a Surgical Termination of Pregnancy, sec. 1.1, <https://maps.reproductiverights.org/world-abortion-laws/lithuanias-abortion-provisions#english> (*unofficial translation*).

⁹ *Id.* at sec. 2.4.

¹⁰ Convention on the Rights of the Child, 20 Nov. 1989, G.A. Res. 44/25, art. 6, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

¹¹ International Covenant on Civil and Political Rights, 16 Dec. 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 6.

¹² *The World's Abortion Laws*, CENTER FOR REPRODUCTIVE RIGHTS, <https://reproductiverights.org/worldabortionlaws> (last visited 29 Aug. 2020).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Universal Declaration of Human Rights preamble, Art. 3 (emphasis added).

¹⁸ ICCPR, *supra* note 11 (emphasis added).

¹⁹ Ineta Nedveckė, *Flawed Family Planning Policy Leads to High Teen Pregnancy and Abortion Rates in Lithuania*, LRT (8 Jun. 2019), <https://www.lrt.lt/en/news-in-english/19/1066933/flawed-family-planning-policy-leads-to-high-teen-pregnancy-and-abortion-rates-in-lithuania>.

²⁰ *Abortion Law in Lithuania – Liberal Law is Constantly at Stake*, BNT, <https://www.bnt.eu/et/uudised/aktualised-oiusteemad/2900-abortion-law-in-lithuania-liberal-law-is-constantly-at-stake> (last visited 8 Jul. 2021).

²¹ *Id.*

²² “*What Kind of Society do you Want to Live in?*” *Inside the Country Where Down Syndrome is Disappearing*”, CBS NEWS (14 Aug. 2017), <https://www.cbsnews.com/news/down-syndrome-iceland/>.

²³ *Prenatal Testing Has Halved the Number of Babies Born with Down Syndrome in Europe, Study Finds*, MASSACHUSETTS GENERAL HOSPITAL (18 Dec. 2020),

<https://www.sciencedaily.com/releases/2020/12/201218131911.htm>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Mika Gissler, *Pregnancy-associated deaths in Finland 1987-1994-definition problems and benefits of record linkage*, 76 ACTA OBSTETRICA ET GYNECOLOGICA SCANDINAVICA 651 (1997).

²⁷ David C. Reardon & Priscilla K. Coleman, *Short and Long Term Mortality Rates Associated with First Pregnancy Outcome: Population Register Based Study for Denmark 1980-2004*, 18 MED. SCI. MONITOR 71 (2012).

²⁸ *Id.*

²⁹ David C. Reardon & John M. Thorp, *Pregnancy Associated Death in Record Linkage Studies Relative to Delivery, Termination of Pregnancy, and Natural Losses: A Systematic Review with a Narrative Synthesis and Metaanalysis*, 5 SAGE OPEN MEDICINE 1 (2017).

³⁰ *Id.*

³¹ See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89 & nn.119 & 121 (2005).

³² See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, THE UNCHOICE, www.theunchoice.com/physical.htm (listing sequelae and referencing sources) (last visited 29 Aug. 2020).

³³ See Mika Gissler, et al., *Suicides after Pregnancy in Finland: 1987-94: Register Linkage Study*, 313 BRITISH MED. J. 1431 (1996) (finding suicide rate after induced abortion was six times higher than suicide rate after childbirth).

³⁴ Christopher L. Morgan, et al., *Mental Health May Deteriorate as a Direct Effect of Induced Abortion*, 314 BRITISH MED. J. 902 (22 Mar. 1997) (letters section) (finding suicide attempts more than four times as frequent after abortion than after childbirth).

³⁵ See David C. Reardon, *Abortion Decisions and the Duty to Screen: Clinical, Ethical and Legal Implications of Predictive Risk Factors of Post-Abortion Maladjustment*, 20 J. CONTEMP. HEALTH L. & POL'Y 33, 39 n.14 (2003) (citing nearly three dozen sources).

³⁶ Priscilla K. Coleman, *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22(4) J. OF AM. PHYSICIANS & SURGEONS, 113, 115 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 116-17.

⁴⁰ ICCPR, *supra* note 11 (emphasis added).