

Assessment of the National Action Plan (NAP) on Business and Human Rights of LITHUANIA



November 2015



INTERNATIONAL CORPORATE
ACCOUNTABILITY ROUNDTABLE



In February 2015, the Lithuanian government launched a National Action Plan (NAP) on business and human rights. In response, the International Corporate Accountability Roundtable (ICAR) and the European Coalition for Corporate Justice (ECCJ) conducted a structured assessment of the Lithuanian NAP, using the NAPs Checklist developed and published by ICAR and the Danish Institute for Human Rights (DIHR).¹ The NAPs Checklist lays out a set of twenty-five criteria that address both the content of NAPs and the process for developing them.

This assessment is part of a larger effort by ICAR to assess all existing NAPs on business and human rights. In November 2014, ICAR and ECCJ published its first version of a joint report *Assessments of Existing National Action Plans (NAPs) on Business and Human Rights*,² which systematically assessed the published NAPs from the United Kingdom, the Netherlands, Denmark, and Finland. In November 2015, ICAR and ECCJ published an update of this report including the assessments of the Lithuanian and Swedish NAPs. This report was updated a further time in August 2017, in conjunction with both ECCJ and Dejusticia, to include assessments of the Colombian, Norwegian, United States, United Kingdom (second iteration), Italian, and Swiss NAPs.

SUMMARY ASSESSMENT LITHUANIAN NATIONAL ACTION PLAN

Introduction

Lithuania released its NAP on business and human rights in February 2015. The NAP is organized under the three Pillars of the UNGPs, which the NAP refers to as Objectives 1, 2, and 3. At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

Overall, the NAP does not clearly articulate which listed actions are past actions, ongoing actions, or future actions. Moreover, in terms of content, the NAP leaves much to be desired. On the positive side, the NAP does touch on international and regional organizations, identifies the government entity responsible for many of the measures foreseen, touches on vulnerable groups, and provides a number of commitments under Pillar III. However, there are some measures foreseen that are either irrelevant or not explicitly tied to business and human rights, all of the measures foreseen are voluntary in nature, the NAP does not explicitly discuss abuses that occur abroad, and many of the measures foreseen are overly vague. It is hoped that other States that are considering beginning the process of creating a NAP will use this assessment to inform their own processes.

This summary provides key trends in terms of process and content, as identified through the attached assessment of the Lithuanian NAP.

Process

At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process, and makes the Lithuanian NAP an outlier among the other published NAPs to date. Furthermore, the NAP does not specify any follow-up procedures for implementation of the commitments made within the NAP, and it does not provide any timeline for rewriting or updating the NAP.

Content

It is positive that the NAP discusses international organizations, specifically the OECD. It is also positive that, for the majority of the measures foreseen, the NAP identifies the ministry within the Lithuanian government responsible for implementation. The NAP also discusses some

vulnerable groups, such as women and persons with disabilities, both in the general document and within the measures foreseen. Finally, Pillar III receives quite a bit of attention in the NAP, with a lot of discussion about reforms to the judicial system.

One weakness of the NAP is that, despite discussing Pillar III, some of the measures planned and related to access to remedy are not explicitly tied in the NAP to business and human rights but rather are overall reforms to the judicial system. Although these reforms could benefit victims of adverse human rights impacts, the NAP does not clearly make the connection to corporate-related human rights harms. This is also true of measures foreseen in other sections of the NAP. For example, the commitment to conduct seminars and informal education about discrimination against persons with disabilities states that these seminars will be for civil servants, trade union leaders, and “other target groups,” but does not explicitly say that business is a target group.³ Other measures foreseen are entirely irrelevant as stated. For example, one measure foreseen is the commitment to conduct a “discrimination study.”⁴ The NAP states that the study will look at the reasons for changes in societal attitudes and causes of discrimination,⁵ without articulating any connection to discrimination by business specifically.

Another weakness of the Lithuanian NAP is that none of the measures foreseen involve regulatory actions, but instead are all voluntary in nature and focus on trainings, studies, funding for NGOs, and conferences, among others. There is also no reference to a company’s responsibility for abuses that occur abroad as opposed to within Lithuania. Moreover, many of the action points are overly vague, and, although some of the measures foreseen include a general timeline (usually as part of another action plan that is slotted to last for a range of years), more specific timelines would be more in line with recommended practice.

**ASSESSMENT OF THE LITHUANIAN
NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

1. GOVERNANCE AND RESOURCES	COMMENTS
Leadership and Ownership of NAP Process	
1.1. Commitment to the NAP process.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process and undermines Lithuania’s commitment to the NAP process.
1.2. Ensure responsibility for the NAP process is clearly established and communicated.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
1.3. Ensure an inclusive approach across all areas of government.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
1.4. Devise and publish terms of reference and a timeline for the NAP process.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
Adequate Resourcing	
1.5. Determine an appropriate budget for the NAP process.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

2. STAKEHOLDER PARTICIPATION	COMMENTS
Effective Participation by All Relevant Stakeholders	
2.1. Conduct and publish a stakeholder mapping.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
2.2. Develop and publish a clear plan and timeline for stakeholder participation.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
2.3. Provide adequate information and capacity-building where needed.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
2.4. Facilitate participation by disempowered or at-risk stakeholders.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
2.5. Consider establishing a stakeholder steering group or advisory committee.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

3. NATIONAL BASELINE ASSESSMENT (NBA)	COMMENTS
The NBA as the Foundation for the NAP	
3.1. Undertake a NBA as the first step in the NAP process.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

3. NATIONAL BASELINE ASSESSMENT (NBA)	COMMENTS
3.2. Allocate the task of developing the NBA to an appropriate body.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
3.3. Fully involve stakeholders in the development of the NBA.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.
3.4. Publish and disseminate the NBA.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
Scope of NAPs	
4.1. A NAP should address the full scope of the UNGPs.	It should be noted that, although the NAP refers to Corporate Social Responsibility (CSR) frequently, the NAP defines the “CSR category” as companies that go beyond what they are required to do by law to address social and environmental issues in their operations. ⁶ The NAP explicitly states that “[r]espect for human rights in business is one of the CSR areas.” ⁷ The fact that Lithuania includes respect for human rights as part of its definition of CSR is positive. However, the Lithuanian definition of CSR as voluntary is outdated, as the EU definition of CSR no longer sees CSR as a voluntary approach. ⁸ In general, the NAP focuses on already existing CSR actions and does not reflect the shift created by the 2011-2014 EU strategy on CSR which modified the definition of CSR and highlighted the need for a “smart mix” of measures (described below). ⁹ Furthermore, there is no discussion in the NAP of the recent relevant EU

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>Directives on public procurement or non-financial reporting.¹⁰</p> <p>Lithuania’s NAP is organized by the three Pillars of the UNGPs, which the NAP refers to as Objectives 1, 2, and 3. However, the NAP does not go through the UNGPs principle-by-principle. Instead, each objective is broken down further into topics, such as “legislative measures,” “anticorruption measures,” and “measures related to international organizations,” to name a few.¹¹</p> <p>Overall, the NAP does not differentiate between which actions are past actions, ongoing actions, or future actions that the NAP commits to undertaking. For example, under Objective 1, A. Legislative measures, the sentence starts with the present tense: “the aim is to review legal acts regulating law-making,” but then goes on to describe a past action.¹² Specifically, the Law on Legislative Framework, which increase the transparency of lawmaking in Lithuania and allows for civil society and other stakeholders to submit proposals for legal regulation “at all the stages of law-making,” which was passed in 2012, came into force in 2014.¹³ This same issue occurs in multiple places in the NAP.¹⁴</p> <p>The second issue that causes a lack of clarity around whether an action is ongoing or a future commitment involves citations that link an action to a previous government programme or action plan that has already terminated. In a section labeled “measures foreseen” under Objective 1C, the NAP lists the following two actions: (1) a study “into the reasons for changes in societal attitudes and causes of discrimination,” and (2) organizing seminars and informal education about discrimination for civil servants, trade union</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>representatives, and “other target groups.”¹⁵ However, the citation for each of these actions shows that they are measures 2.2 and 4 of the Inter-institutional Action Plan for the Promotion of Non-discrimination for 2012-2014.¹⁶ Because this Action Plan on non-discrimination was meant to terminate in 2014, it is unclear whether these two actions listed as “measures foreseen” are on-going (not new commitments) or if the government was unable to accomplish them before 2014 and is thus re-committing to taking these actions.</p> <p>The same issue arises in relation to a number of actions listed under Objective 1D, which are under the heading “ongoing measures.”¹⁷ These actions all relate to non-discrimination based on sex and include, inter alia, “organizing seminars to encourage employers to systematically promote equal treatment of women and men in the workplace” and organizing a competition among employers around equal treatment of men and women.¹⁸ However, the citation for each of these actions shows that they were already included as specific measures in the past Action Plan of the National Programme on Equal Opportunities for Women and Men, which lasted from 2010 to 2014.¹⁹ Once again, because these actions were part of a previous government Programme that has since terminated, with no indication that it has been or will be renewed, it is unclear if these are measures that were not fully completed during the time period of the Programme on Equal Opportunities for Women and Men, and thus the NAP is committing to continuing to work on them or if they are actually completed measures.</p> <p>Despite this confusion, in order to facilitate this assessment, this assessment</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>will assume that the “ongoing measures” under Objective 1D are indeed ongoing measures and not new commitments and will assume the “measures foreseen” under Objective 1C are new commitments to complete previous commitments that were not acted upon. Given these assumptions, the total number of new commitments in the Lithuanian NAP is about 16. It should be noted that the lack of clarity described above may make it more difficult for civil society to hold the government accountable for the commitments outlined in the NAP.</p> <p>Although the NAP does address all three Pillars, there are weaknesses in the commitments under each Pillar. Under Pillar I, there are 7 measures foreseen listed. The NAP includes a section on Pillar II, and lists 5 measures foreseen. Each of these could also be included under Pillar I as they involve encouraging business to respect human rights, as NAPs are not directed specifically to business action but are meant to focus on government initiatives.</p> <p>Under Pillar III, the NAP lists 5 measures that have already been implemented and 5 planned measures.²⁰ One of these planned measures is to create class action proceedings in Lithuanian administrative procedure.²¹ This measure states that a draft amendment to the Republic of Lithuania Law on Administrative Proceedings to accomplish this goal is being prepared. However, it goes on to say that the draft amendment will be submitted in the fourth quarter of 2014.²² This is problematic because Lithuania’s NAP was released in 2015, thus a commitment to submit the draft in 2014 without stating any follow-up measures the government is prepared to take is not actually a</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>planned measure but rather an implemented one.²³</p> <p>Additionally, the link between some of the planned measures and business and human rights is not made explicit in the NAP.²⁴ For example, under Pillar III, the NAP commits to evaluating “the legal regulation of the institute of pre-trial administrative dispute resolution.”²⁵ Additionally, the NAP commits to developing “the concept” of including juries in the Lithuanian court system.²⁶ The NAP notes that in 2012 the government “in principle” agreed to create “on the constitutional level,” a jury system.²⁷ The concept that the NAP commits to creating would include basic principles of jury members’ legal status, jury guarantees, responsibilities, procedural rights, and duties.²⁸ The concept would then be presented for public assessment.²⁹ While both of these commitments could lead to positive changes in Lithuania, they relate to the judicial system in general without explaining how the commitments could lead to an increase in access to remedy for victims of human rights abuses. This is also true of some of the listed past actions, such as the Law on State Guaranteed Legal Aid, which came into force in 2014 and “[g]rants broader possibilities to choose a lawyer to provide” representation in court.³⁰</p> <p>This is also true for Pillar I, where some of measures foreseen are only loosely related to business and human rights, and the NAP does not explicitly explain the connection. For example, one of the measures foreseen is to do a study on the causes of discrimination and reasons for changes in societal attitudes.³¹ There is also a commitment to move forward on the new Inter-Institutional Action Plan for the Promotion of Non-discrimination for 2015-2017. However,</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>there is no commitment to include anything related to business in that plan. There is no mention of how business would be involved in either of these commitments, or how they will achieve the goals of Pillar I.</p> <p>In terms of substantive content, the following four sub-criteria provide insight into the Lithuanian NAP's coverage of the full scope of the UNGPs without conducting an extensive analysis of the NAPs fulfillment of each UNGP, which is a task to be completed during the national baseline assessment (NBA). These four sub-criteria are: (1) positive or negative incentives for business to conduct due diligence; (2) disclosure of due diligence activities; (3) measures which require due diligence as the basis for compliance with a legal rule; (4) the regulatory mix (i.e. a combination of voluntary and mandatory measures that the State uses to encourage business to respect human rights).³² These sub-criteria are not an exhaustive list, but have been supported by other researchers and advocacy groups as indicative of a NAP's adequacy in terms of substantive content. The Lithuanian NAP is unsatisfactory on each of the four sub-criteria.</p> <p><u>(1) Positive and Negative Incentives for Due Diligence</u></p> <p>One commitment in the NAP could create an incentive to conduct due diligence. This commitment is to revive the National Responsible Business Award Ceremony, which took place annually from 2007 until 2012.³³ The NAP commits to reviving the National Responsible Business Award for 2015-2017.³⁴ This ceremony provides recognition to businesses that have gone the extra mile in implementing corporate social responsibility, and could thus act as an (albeit</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>weak) incentive to conduct due diligence in an attempt to gain the reputational benefit of receiving such an award.</p> <p><u>2) Disclosure of Due Diligence Activities</u> None of the future actions discuss disclosure of due diligence activities, nor do any of the ongoing or implemented actions.</p> <p><u>(3) Measures Requiring Due Diligence as the Basis for Compliance with a Legal Rule</u> There is no reference to a new or existing requirement of human rights due diligence as a component of compliance with a legal rule.</p> <p><u>(4) Regulatory Mix</u> The regulatory mix is unsatisfactory as none of the foreseen measures explicitly commit to regulation of companies, but instead involve measures such as holding conferences, trainings, and funding NGOs.³⁵ For example, Lithuania commits to conducting trainings of employers on employment of persons with disabilities,³⁶ to hold an international conference to disseminate CSR experience,³⁷ and to seek public feedback on the possibility of adding a jury system to the court system.³⁸</p> <p>Only one planned action discusses a potential regulation of business by criminalizing bribery. The NAP does not explicitly commit to doing this, but commits to “create conditions for the ratification of” the OECD Convention on combating bribery of foreign public officials in international business</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>transactions.³⁹The NAP then notes that one condition to accede to the Convention is criminal liability within the State’s laws for bribery of foreign officials for both natural and legal persons.⁴⁰ The fact that this is a condition of ratification, and that Lithuania commits to “create conditions” for ratification vaguely suggests that Lithuania is committing to create such a law. It would have been a much stronger commitment if Lithuania simply committed to enacting a law creating such criminal liability for companies.</p>
<p>4.2. A NAP should address the full scope of the State’s jurisdiction.</p>	<p>Lithuania’s NAP does not adequately address the full scope of the State’s jurisdiction. Lithuania’s NAP provides no discussion on human rights abuses perpetrated by business internationally.</p>
<p>4.3. A NAP should address international and regional organizations and standards.</p>	<p>Lithuania’s NAP does not extensively discuss international and regional organizations and standards. Only two measures foreseen out of sixteen discuss international conventions/organizations. First, Lithuania commits to “intensify and expand” Lithuania’s activities with the OECD and to seek membership with the OECD by actively lobbying the organization for membership.⁴¹ Second, Lithuania commits to acceding to the OECD Convention on Combating bribery of foreign public officials in international business transactions, if and when it gains membership with the OECD.⁴² Other than these two, no other measures foreseen reference international or regional organizations or standards. There is, however, mention of the ILO in one of the past actions.⁴³ Specifically, the NAP notes that Lithuania amended its Labor Code in 2014 pursuant to recommendations provided by the ILO’s Committee on Freedom of Association.⁴⁴ However, the NAP does not discuss what changes the amendments made to the Code.⁴⁵</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
<p>4.4. A NAP should address thematic and sector-specific human rights issues.</p>	<p>The NAP does not clearly address sector-specific human rights issues. It does, however, address the right to non-discrimination fairly extensively in the NAP, with four of the sixteen measures planned specifically addressing different forms of discrimination. First, Lithuania commits to providing training to employers about employing persons with disabilities and encouraging employers to hire persons with disabilities.⁴⁶ Second, the NAP commits to creating a new Inter-institutional Action Plan for the Promotion of Non-discrimination for 2015-2017, and points out that a working group has already been created to draft the Action Plan.⁴⁷ Third, the NAP commits to conducting seminars and informal education for civil servants, trade union representatives, and “other target groups.”⁴⁸ Finally, the NAP commits to conducting a study on the causes of discrimination and how to change societal attitudes.⁴⁹ However, as discussed in more detail below, these last two are not explicitly linked to business. For the seminar/training commitment, the NAP does not say whether business is part of the other target groups category, and the NAP does not explain how the study into general societal discrimination will be made relevant to business.</p> <p>The NAP points out that State owned enterprises “operating under the principles of good governance may act as examples of socially responsible business.”⁵⁰ The NAP also notes past and ongoing actions related to State owned enterprises (e.g. creation of a model CSR application plan in 2012 coupled with implementing guidelines).⁵¹ However, no new measures foreseen address the topic or explain how the past or continuing actions will be built upon.</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
Content of NAPs	
4.5. The NAP should include a statement of commitment to the UNGPs.	Lithuania’s NAP states that it “specifies actions, planned or implemented measures and legislative provisions intended to consolidate Lithuania’s duty to protect, defend and respect human rights and encourage businesses to ensure respect and responsibility in the field of human rights, as well as to ensure effective remedies.” ⁵²
4.6. A NAP should comprise action points that are specific, measurable, achievable, relevant, and time-specific.	<p>Eleven of the sixteen clear measures foreseen do contain a general timeline. However, this is usually because the measures foreseen are included in an existing government document/action plan that contains a range of years within which it will occur. For example, the commitment to develop an extrajudicial consumer dispute system is part of “Priority Measures for the Implementation of the Programme of the Government of Lithuania for 2012-2016.”⁵³ There is no measure foreseen that contains a more specific timeline for implementation than a general range of years. One action that is listed under “planned actions” does contain a more specific timeline, however, the date of the proposed action occurred prior to the launch of the NAP, and is therefore not truly a “measure foreseen.”⁵⁴ Specifically, the NAP states that integrating class actions into administrative procedures is ongoing and that a draft amendment will be given to the government in the fourth quarter of 2014.⁵⁵ Lithuania’s NAP was issued in 2015, after the 4th quarter of 2014.⁵⁶</p> <p>Some of the measures planned are more specific, relative to the rest of the measures planned. For example, the NAP commits to organizing seminars and informal education on discrimination for civil servants, trade union representatives, and “other target groups.”⁵⁷ However, this measure foreseen</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>could have been improved by describing the content of these trainings and seminars, what incentives would be provided to ensure participation in these seminars, and information about how many seminars would be taking place and when. Another example of a relatively specific measure foreseen is trainings of employers about issues related to persons with disabilities.⁵⁸ The goal of these trainings is to encourage businesses to employ persons with disabilities.⁵⁹ This measure foreseen does have a general timeline, as it is part of the National Programme on Social Integration of Persons with disabilities for 2013-2019.⁶⁰ Once again, this could have been made even more specific by providing a more concrete timeline, explaining the content of the trainings, and explaining how the government would get businesses to participate. A third example is the commitment to re-launch the National Responsible Business Award from 2015 to 2017.⁶¹ This award is meant to honor companies that are leading the way and taking steps to include CSR in their operations.⁶² Although it includes a timeline and the very general goal of the award, it could have been made better by providing information about the past Responsible Business Award, criteria used to evaluate companies, and a more detailed timeline for the process.</p> <p>Most of the measures planned are overly vague, making it difficult for civil society to hold the government accountable for its commitments. For example, one of the commitments is to promote business self-regulation.⁶³ The commitment goes on to say that it will include encouraging the creation of codes of conduct, and will include cooperation with those in charge of existing codes of conduct.⁶⁴ These statements are very vague and it is unclear what the NAP commits to cooperating on specifically, and what types of codes of conduct</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>the government will encourage or how it will encourage their creation.⁶⁵ Another example is the commitment to develop an extrajudicial consumer dispute resolution system.⁶⁶ The commitment goes on to say that it will establish more effective procedures for extrajudicial resolution of disputes, but does not explain how that will be accomplished or even propose alternate options for such a system that will be considered.⁶⁷ The commitment also states that it will increase participation of social partners in the system of ADR, and will encourage self-regulation institutions to become members of the consumer protection system.⁶⁸ The NAP does not state how it will increase “social partners,” who those social partners are, or what exactly is meant by the consumer protection system.</p> <p>Finally, the NAP states that an annual international conference for the dissemination of CSR experiences will be planned for 2015-2017.⁶⁹ There is no additional information provided, and this measure foreseen could be improved by including a general timeline, who will be invited to the conferences (e.g. just business, or business and other stakeholders), and how business and human rights issues will be addressed within the broader CSR category. A final example is the measure foreseen related to NGO funding.⁷⁰ This measure simply states that “[n]on-governmental human rights organizations are annually invited to participate in a competition for partial funding of their activities.”⁷¹ The NAP does not state when they are invited to try to compete for funding, how much funding is made available, how many NGOs will be chosen for funding, or what criteria the government does and will continue to use in selecting NGOs.</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>As noted above, in addition to being overly vague, some of the measures foreseen are entirely irrelevant to business and human rights, or are not explicitly tied to business and human rights in the NAP. One irrelevant measure foreseen is the commitment to conduct a “discrimination study.”⁷² The NAP states that the study will look at the reasons for changes in societal attitudes causes of discrimination.⁷³ This type of study does not relate to business and human rights because it is just broadly looking at societal attitudes and not at discrimination by business specifically.</p> <p>Others may be relevant to business and human rights, but the link is not made explicit in the NAP. For example, the commitment to conduct seminars and informal education about discrimination against persons with disabilities described above states that these seminars will be for civil servants, trade union leaders, and “other target groups,” but does not explicitly say business is a target group.⁷⁴ Another measure foreseen that does not explicitly relate to business and human rights is the commitment to create a new Inter-Institutional Action Plan for the Promotion of Non-discrimination for 2015-2017.⁷⁵ Although it does state that a working group has already been set up to create this Action Plan, it does not explain whether any actions included in the plan will relate to non-discrimination in business operations.⁷⁶ The measure foreseen that commits to prepare and present the idea of instituting the jury system in courts to the public is not explicitly linked to business and human rights in the NAP.⁷⁷ Although instituting a jury system in the courts is likely positive, there is no explanation of how this will increase access to remedy for victims of adverse human rights impacts caused by business.</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
Priorities for NAPS	
4.7. A NAP should prioritize for action the most serious business-related human rights abuses.	The NAP does not appear to expressly prioritize any human rights abuses above others. However, it could be argued that the NAP prioritizes non-discrimination because one quarter of the measures foreseen (and quite a few of the ongoing actions) relate to non-discrimination. ⁷⁸
4.8. In line with the HRBA, the NAP should focus on the most vulnerable and excluded groups.	<p>Four of the sixteen measures foreseen deal with vulnerable groups. One is to provide trainings of employers on non-discrimination in relation to persons with disabilities, with the overall aim of encouraging employment of persons with disabilities.⁷⁹ The second is to create a new Inter-institutional Action Plan for the Promotion of non-discrimination.⁸⁰ The third is to provide seminars and informal education on discrimination, and the fourth is to conduct a study on discrimination in society.⁸¹</p> <p>Additionally, the NAP discusses ongoing and past actions that focus on discrimination based on sex and discrimination against persons with disabilities.⁸²</p>
5. TRANSPARENCY	COMMENTS
Full Transparency With All Stakeholders	
5.1. The NBA and any other significant analyses and submissions informing the NAP should be published.	At this time, there is no publicly available information (in English) about the process used to create the NAP in Lithuania. This lack in transparency is itself an indication of an inadequate process.

6. ACCOUNTABILITY AND FOLLOW-UP	COMMENTS
Holding Duty-Bearers Accountable for Implementation	
<p>6.1. NAPs should identify who is responsible for implementation of individual action points and overall follow-up.</p>	<p>For many of the planned actions the NAP does identify the responsible governmental agency in footnotes. Overall, 9 out of the 16 measures foreseen identify the responsible body within the government. There is also reference to responsible government bodies in footnotes associated with many of the ongoing measures.</p> <p>While many of the planned actions identify the responsible office, it is not consistent throughout, and some do not state who within government is responsible. For example, it is not clear which government body will be in charge of organizing the National Responsible Business Award ceremony from 2015 to 2017.⁸³</p> <p>There is no assignment of responsibility for overall follow-up on the NAP commitments.</p>
<p>6.2. NAPs should lay out a framework for monitoring of and reporting on implementation.</p>	<p>The NAP does not lay out any framework for monitoring of and reporting on implementation of any measures.</p>

ENDNOTES

¹ DANISH INSTITUTE FOR HUMAN RIGHTS & INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE, NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS: A TOOLKIT FOR THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF STATE COMMITMENTS ON BUSINESS AND HUMAN RIGHTS (2014) [*hereinafter* NAPs TOOLKIT].

² INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE & EUROPEAN COALITION FOR CORPORATE JUSTICE, ASSESSMENTS OF EXISTING NATIONAL ACTION PLANS (NAPS) ON BUSINESS AND HUMAN RIGHTS, NOVEMBER 2015 UPDATE (2015).

³ LITHUANIAN NAP, *supra* note 10, at 3.

⁴ *Id.*

⁵ *Id.*

⁶ LITHUANIAN NAP, *supra* note 10, at 5.

⁷ *Id.*

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Renewed EU Strategy 2011-14 for Corporate Social Responsibility, COM (2011) 681 final (Oct. 25, 2011), *available at* <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:EN:PDF>.

⁹ *Id.*

¹⁰ *See, e.g.*, European Union Directive 2013/34/EU, *available at* <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0034&from=EN>

¹¹ LITHUANIAN NAP, *supra* note 10, at 1, 2, and 4.

¹² *Id.* at 1-2.

¹³ *Id.* at 2.

¹⁴ For example, LITHUANIAN NAP, *supra* note 10, at 2, Objective 1A(2), Objective 1B(1).

¹⁵ *Id.* 10, at 3.

¹⁶ *Id.* at 3, FN 4, 5, and 6.

¹⁷ *Id.* at 3-4.

¹⁸ *Id.*

¹⁹ *Id.* at 4 FN 9 through 14.

²⁰ *Id.* 8-11.

²¹ *Id.* at 10.

²² *Id.*

²³ United Nations Office of the High Commissioner for Human Rights, *supra* note 344.

²⁴ *See, e.g.*, *supra* note 10, at 10-11.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 9.

³¹ *Id.* at 4.

³² Jesnes, *supra* note 24.

³³ *See, e.g.*, *supra* note 10, at 7.

³⁴ *Id.*

³⁵ *Id.* at 4-5, 3, 7.

³⁶ *Id.* at 3.

³⁷ *Id.* at 7.

-
- ³⁸ *Id.* at 11.
- ³⁹ *Id.* at 4.
- ⁴⁰ *Id.*
- ⁴¹ *Id.* at 4, paragraphs 2-3, part E. Measures related to international obligations.
- ⁴² *Id.* at 4.
- ⁴³ *Id.* at 10.
- ⁴⁴ *Id.*
- ⁴⁵ *Id.*
- ⁴⁶ *Id.* at 3.
- ⁴⁷ *Id.*
- ⁴⁸ *Id.*
- ⁴⁹ *Id.*
- ⁵⁰ *Id.* at 6-7.
- ⁵¹ *Id.*
- ⁵² *Id.* at 1.
- ⁵³ *Id.* at 10.
- ⁵⁴ United Nations Office of the High Commissioner for Human Rights, *State National Action Plans*, <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx> (last visited Nov. 6, 2015).
- ⁵⁵ *See, e.g., supra* note 10, at 10.
- ⁵⁶ United Nations Office of the High Commissioner for Human Rights, *supra* note 344.
- ⁵⁷ LITHUANIAN NAP, *supra* note 10, at 3.
- ⁵⁸ *Id.*
- ⁵⁹ *Id.*
- ⁶⁰ *Id.*
- ⁶¹ *Id.* at 7.
- ⁶² *Id.*
- ⁶³ *Id.* at 10.
- ⁶⁴ *Id.*
- ⁶⁵ *Id.*
- ⁶⁶ *Id.*
- ⁶⁷ *Id.*
- ⁶⁸ *Id.*
- ⁶⁹ *Id.* at 7.
- ⁷⁰ *Id.* at 4-5.
- ⁷¹ *Id.* at 4.
- ⁷² *Id.* at 3.
- ⁷³ *Id.*
- ⁷⁴ *Id.*
- ⁷⁵ *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ *Id.* at 11.
- ⁷⁸ *Id.* at 3-4.
- ⁷⁹ *Id.* at 3.
- ⁸⁰ *Id.*
- ⁸¹ *Id.*

⁸² See e.g., *id.* at 3-4.

⁸³ *Id.* at 7.