



Strasbourg, 23 April 2012

ACFC/SR/III(2011)005 rev

**THIRD REPORT SUBMITTED BY LITHUANIA
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

Received on 21 September 2011

THE THIRD REPORT
ON THE IMPLEMENTATION OF THE COUNCIL OF
EUROPE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN THE REPUBLIC OF LITHUANIA

SUBJECT TO ARTICLE 25 OF THE CONVENTION

Table of Contents:

| | |
|---|-----|
| I. Introduction..... | 3 |
| II. Report by Individual Article | 6 |
| Article 1-2 | 6 |
| Article 3..... | 9 |
| Article 4..... | 16 |
| Article 5..... | 33 |
| Article 6..... | 41 |
| Article 7..... | 50 |
| Article 8..... | 51 |
| Article 9..... | 55 |
| Article 10..... | 61 |
| Article 11..... | 63 |
| Article 12..... | 68 |
| Article 13..... | 73 |
| Article 14..... | 75 |
| Article 15..... | 79 |
| Article 16..... | 90 |
| Article 17..... | 91 |
| | |
| Annexes. National Legislation..... | 94 |
| Annex 1. Constitution of the Republic of Lithuania..... | 94 |
| Annex 2. The Republic of Lithuania Law on Education..... | 97 |
| Annex 3. Law of the Republic of Lithuania Amending the Law on Equal Treatment.. | 103 |

PART I. INTRODUCTION.

On 1 February 1995, the Republic of Lithuania joined the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter: the Framework Convention) and on 23 March 2000, ratified it without reservations.

On 3 November 2006, the Council of Europe Secretariat of the Framework Convention for the Protection of National Minorities received the Second Report of the Government of the Republic of Lithuania on the Implementation of the Framework Convention in the Republic of Lithuania (hereinafter: the Second Report). In view of the recommendations of the Council of Europe Advisory Committee (hereinafter: the Advisory Committee) to inform the public about the implementation of the Framework Convention, the Second Report was released in Lithuanian, English, and Russian and was given publicity at local, national and international level through different seminars and conferences and disseminated to the public authorities in charge of securing the freedoms and rights of national minorities in the country and to the non-governmental organisations (hereinafter: NGOs) of national minorities. The Second Report was posted on the websites of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania (hereinafter: the Department of National Minorities and Lithuanians Living Abroad) and the Ministry of Foreign Affairs of the Republic of Lithuania (hereinafter: the Ministry of Foreign Affairs).

On 19-22 November 2007, representatives of the Advisory Committee conducted a contact visit to Lithuania with the aim to analyze the situation of national minorities residing in Lithuania and to meet with representatives of governmental authorities and NGOs. Based on the information on implementing the provisions of the Framework Convention in the Republic of Lithuania collected during the meetings, on 28 February 2008, the Advisory Committee adopted its Second Opinion on Lithuania, to which detailed responses of Lithuanian competent authorities were provided.

Prior to 1 January 2010, the Department of National Minorities and Lithuanians Living Abroad used to shape and implement state policy on the sustainability of national relations in Lithuania. After the department was reorganised, on 1 January 2010 the Ministry of Culture of the Republic of Lithuania (hereinafter: the Ministry of Culture) took over coordination of issues concerning the protection of rights of persons belonging to national minorities as well as fostering their culture. The Ministry of Education and Science of the Republic of Lithuania (hereinafter: the Ministry of Education and Science) co-ordinates the educational issues of national minorities.

In accordance with the provisions of Article 25(2) of the Framework Convention, the Third Periodic Report on legal and other actions taken to implement the provisions of this Framework

Convention (hereinafter referred to as Third Report) is hereby being provided.

The Third Report has been drafted referring to the Outline for the State Reports to be submitted under the third monitoring cycle, pursuant to the decision of the Committee of Ministers ACFC/III (2008) 001. It is significant to note that at the time of drafting the Third Report, the Resolution of the Committee of Ministers (Deputies) of the Council of Europe on the Second Report transmitted by the Government of the Republic of Lithuania was not approved.

Therefore, Part II of the Third Report will provide only information on legal and other actions taken by Lithuania to implement the provisions of the Framework Convention in the country following transmission of the Second Report. Information is provided according to the articles of the Framework Convention and covers the period from 2006 to Q2 2011.

The Third Report has been prepared by the Ministry of Culture on the basis of the analysis and summary of information obtained from the Ministry of the Republic of Lithuania of Social Security and Labour, the Ministry of Education and Science, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of the Interior, the Prosecution Service of the Republic of Lithuania, the State Commission of the Lithuanian Language, the Office of Equal Opportunities Ombudsman, the Office of the Journalist Ethics Inspector, the Lithuanian Statistics Department (*Statistics Lithuania*), the Lithuanian Labour Exchange under the Ministry of Social Security and Labour (hereinafter: the Lithuanian Labour Exchange), the Lithuanian Criminal Police Bureau, the National Courts Administration, municipalities of Vilnius, Kaunas and Klaipėda cities and municipalities of Vilnius, Panevėžys, Trakai and Šalčininkai Districts and the Lithuanian Art Museum.

In order to submit the most objective and detailed information, the draft Third Report was discussed with members of the Council of National Communities (a consulting body reporting to the Ministry of Culture). The draft Third Report was sent to NGOs dealing with human rights (the Centre for Human Rights, the Human Rights Monitoring Institute). Comments were received from the Centre for Human Rights and from the Council of National Communities and were taken into account as far as possible.

The Government of the Republic of Lithuania highly appreciates the dialogue with the Advisory Committee and takes into consideration its Second Opinion on Lithuania adopted on 28 February 2008. In view of the specific recommendations for Lithuania provided therein, improvements were made to national legislation governing protection of the rights of Lithuanian citizens (including national minorities) in the reporting period: the Law of the Republic of Lithuania on Citizenship, the Law of the Republic of Lithuania on Equal Opportunities, the newly revised Law of the Republic of Lithuania on Election of Municipal Councils, and the newly developed the Draft Legal Regulation Concept of the Law on National Minorities of the Republic of Lithuania

(hereinafter: draft Concept of the Law on National Minorities), which will serve as basis for drafting the new Law on National Minorities, etc. The Republic of Lithuania has continued to improve both criminal and administrative legal prerequisites to protect persons who may be threatened or subjected to discrimination or hostility based on their national, cultural or religious distinction. *(Part II of the Third Report)*.

PART II. REPORT BY INDIVIDUAL ARTICLE

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

International commitments

The rights of national minorities are understood as a component of the international framework of protecting human rights. The Lithuanian State seeks to provide adequate conditions for persons belonging to national minorities so that they are granted the right to take part in the country's public, cultural and political life successfully and on equal grounds with other residents of Lithuania. Close bilateral relationships with neighbouring states, cooperation with European Union (hereinafter: EU) Member States and other world countries as well as with the United Nations (hereinafter: UN), the Council of Europe (hereinafter: CE) and the Organisation of Security and Cooperation in Europe (hereinafter: OSCE) is one of the crucial priorities of Lithuanian foreign policy.

The Republic of Lithuania has continued accession to international legal acts on the protection of human rights. From 2006 to 2010, the Seimas of the Republic of Lithuania signed and ratified the following international conventions:

On 8 June 2006: *Additional Protocol to the Convention on Cybercrime*, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which took effect on 1 February 2007.

On 30 March 2007: *the 2006 UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities* (which took effect on 17 September 2010).

The Republic of Lithuania signed the following international treaties (their ratification and coming into effect are pending):

On 6 February 2007: *International Convention for the Protection of All Persons from Enforced Disappearances*;

On 25 October 2007: *CE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*;

On 12 February 2008: *CE Convention on Action Against Trafficking in Human Beings*;

On 12 February 2008: *CE Convention on the Participation of Foreigners in Public Life at Local Level*.

International Cooperation

The Republic of Lithuania highly appreciates the dialogue with international organisations that ensure democracy, peace and protection of human rights and maintains intense cooperation with them.

UN Committee on the Elimination of Racial Discrimination

According to Resolution No. 709 of 25 June 2008, the Government of the Republic of Lithuania transmitted a joint fourth and fifth periodic report pursuant to Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter: the Report) to the UN Committee on the Elimination of Racial Discrimination. The Report provides an overview of the progress of the Republic of Lithuania in implementing the provisions of the International Convention on All Forms of Racial Discrimination over the period 2004-2007. The official consideration of the Report, which took place at the UN Committee on the Elimination of Racial Discrimination on 2-3 March 2011 in Geneva was attended by a Lithuanian governmental delegation consisting of representatives of the Ministry of Culture, the Ministry of Social Security and Labour, the Ministry of Justice, the Ministry of Foreign Affairs and the Interior, the Prosecution Service, the Offices of the Prime Minister and the Equal Opportunities Ombudsman.

On 11 March 2011, the UN Committee on the Elimination of Racial Discrimination approved the final conclusions regarding the Lithuanian fourth and fifth report. The final conclusions of the Committee acknowledge Lithuania's achievements in implementing the provisions of the Convention, point out areas for improvement, and provide relevant recommendations (CERD/C/LTU/CO/4-5).¹

In October 2011, the Universal Periodic Review Working Group of the UN Human Rights Council will review the human rights situation in Lithuania for the first time.

European Commission against Racism and Intolerance (ECRI)

Set up by the CE, the European Commission against Racism and Intolerance (hereinafter: ECRI) periodically reviews the situation regarding racial discrimination and intolerance in our

¹ More information is available at: http://www2.ohchr.org/english/bodies/cerd/docs/co/Lithuania_AUV.pdf.

country. ECRI has already performed four situation reviews in Lithuania. The first report on Lithuania was released in 1997, the second in 2002, and the third in 2005.

During its visit to Lithuania on 22-26 November 2010, the delegation of ECRI met with representatives of government authorities and NGOs. Drafted in March 2011, ECRI Fourth Report on Lithuania analyses and summarises the findings obtained during the meetings and assesses the progress of our country in fulfilling the recommendations provided in the previous ECRI reports.

The Office of the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE)

Lithuania continued cooperation with the Office of the OSCE High Commissioner on National Minorities, whose key task is responding to ethnical tensions arising in the OSCE region and preventing them through the use of preventive diplomatic measures.

Cooperation with this international organisation was particularly intense from 2009 to 2010, when Lithuania was preparing to take over the OSCE presidency from the Republic of Kazakhstan. In addition, Lithuania supports the activities and mandate of the Representative on Freedom of the Media of the Office for Democratic Institutions and Human Rights (henceforth: ODIHR).

On 29-30 June 2009, Vilnius hosted the summer session of the OSCE Parliamentary Assembly with participation of the OSCE High Commissioner on National Minorities Knut Vollebaek. In 2010, ambassadors, diplomats and officials of the Republic of Lithuania attended different events held by the OSCE High Commissioner on National Minorities to discuss implementation of the Bolzano Recommendations. The Bolzano Recommendations are the first document on national minorities in inter-state relations and therefore affect international security.

On 19 October 2010, the OSCE High Commissioner on National Minorities Vollebaek visited Vilnius and met officials of the Ministry of Foreign Affairs to discuss Lithuania's preparedness for the OSCE presidency.

Lithuania is the first Baltic state to preside over the OSCE in 2011². Lithuania's OSCE presidency will be highly focused on human rights, fundamental freedoms, promoting and securing democracy and the rule of law, education measures, freedom of the press, security of journalists as well as civil, inter-religious, inter-ethnic and intercultural initiatives. Fostering tolerance through education is one of the priorities of Lithuania's OSCE presidency in the human rights domain, therefore much attention will be devoted to the Holocaust issues (*see Article 6, Part II of the Third Report*). The Seimas of the Republic of Lithuania announced the year 2011 as the Year of Remembrance of the Victims of the Holocaust in Lithuania.

² Information on Lithuania's presidency on OSCE is available at: <http://esbo.urm.lt/index.php?-17751779>.

On 23-25 February 2011, advisors to the OSCE High Commissioner on National Minorities Vollebeak visited Lithuania to meet representatives of different governmental and non-governmental institutions. At the meetings issues relating to the situation of national minorities in Lithuania were discussed. In mid-April 2011, a report on this visit was provided to outline issues discussed and the results and recommendations for Lithuania on addressing the relevant problems of national minorities.

Article 3

- 1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**
- 2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

Paragraphs 1 and 2

Before 31 December 2009, the Government of the Republic of Lithuania shaped and implemented the sustainability policy of national relations through the Department of National Minorities and Lithuanians Living Abroad. Based on Resolution No. 634 of 10 June 2009 of the Government of the Republic of Lithuania „On reorganisation of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania and of the Information Centre for Homecoming Lithuanians”, as of 1 January 2010, the Ministry of Culture took over co-ordination of issues relating to the implementation of national minority policy as well as co-ordination of measures under *the Programme for the Integration of Roma into Lithuanian Society for 2008-2010* (hereinafter: the Roma Integration Programme 2008-2010). The Ministry of Education and Science co-ordinates issues pertaining to the education of national minorities.

The regulations of the Ministry of Culture provide that one of the crucial goals of this institution is to co-ordinate implementation of state policy on national minorities. In pursuit of this goal, the Ministry of Culture, within its competences, drafts laws, governmental resolutions and other legislation and co-ordinates development and implementation of long-term programmes to address the challenges of preserving the culture and identity of persons belonging to national minorities.

Documents on the integration of national minorities

With a view to ensuring effective integration of different national minorities into Lithuanian

society, with its Resolution No. 703 of 8 June 2004 the Government of the Republic of Lithuania approved the Programme of Integration of National Minorities into Lithuanian Society 2005-2010. This programme, however, excluded some of the areas important for the integration of national minorities, which became relevant following Lithuania's accession to the EU and NATO (e.g. the migration problem and increasing national diversity).

Resolution No. 1132 of 17 October 2007 of the Government of the Republic of Lithuania approved the long-term document on the planning of national minority policy – the National Minority Policy Development Strategy Until 2015. The strategy was aimed at ensuring integration of national minorities and sustainability of national relations as well as fostering preservation of the identity of national minorities.

In 2011, a detailed report on the implementation of measures under the *Strategy of Developing the National Minority Policy until 2015* was submitted to the Government of the Republic of Lithuania.

In 2011, the Ministry of Culture drafted *the National Minority Policy Development Programme for 2013-2021* (hereinafter: the *Development Programme*). The Development Programme will replace currently valid document - the National Minority Policy Development Strategy Until 2015, and will ensure continuity of the existing measures. Based on the provisions of Chapter II, Section 4 “Culture” of the Long-term Development Strategy of the State approved with Resolution No. IX-1187 of 12 November 2002 of the Seimas of the Republic of Lithuania and on the needs of national minorities, the strategic goals of the Development Programme are as follows:

1. to seek integration of national minorities into Lithuanian society (support learning of the state language, reduce social exclusion, foster participation of national minorities in public life);
2. to ensure preservation of national identity (support the efforts of national minorities to preserve their language, customs, traditions and their created tangible cultural heritage, support information education of national minorities);
3. to promote national tolerance (foster trust and mutual understanding between persons belonging to different national groups, improve the policy of combating racism and national discrimination; inform the public about the positive practice of fostering tolerance in Lithuania, promote dissemination of information on Lithuanian national minorities).

On the basis of the Development Programme, the Ministry of Culture intends to develop inter-institutional action plans (for national minorities and Roma) to define specific action measures for three years.

Roma integration programmes

During the reporting period, attempts were made to reduce the social exclusion of persons belonging to the Roma national minority and to integrate them into Lithuanian public, social, economic and cultural life. The following state programmes and a separate programme of Vilnius City Municipality devoted to the Roma national minority were implemented:

The Programme for the Integration of Roma into Lithuanian Society for 2008-2010

With its Resolution No. 309 of 26 March 2008 the Government of the Republic of Lithuania approved *the Roma Integration Programme 2008-2010*. The programme had three basic goals: 1) to ensure full integration of persons belonging to the Roma national minority into Lithuanian society and to reduce their social exclusion; 2) to preserve the national distinction of Roma in view of their specific living conditions; 3) to promote public tolerance and trust in the Roma national minority.

The Roma Integration Programme 2008-2010 was drawn up in consideration of ECRI Third Report on Lithuania, the recommendations of the UN Committee on the Elimination of Racial Discrimination according to the Joint Second and Third Periodic Report of 2006, the feasibility study on the social integration of the Roma community conducted in 2007 by the Centre for Ethnic Studies of the Lithuanian Social Research Institute, and other studies.

A report on the implementation of actions under the *Roma Integration Programme 2008-2010* was submitted to the Government of the Republic of Lithuania. (*A detailed analysis on completed actions is provided in Article 15, Part II of the Third Report*). However, it has to be acknowledged that the economic downturn prevented implementation of some actions foreseen within the framework of *the Roma Integration Programme 2008-2010* and *the Strategy of Developing the National Minority Policy until 2015*.

In April 2011, the European Commission (hereinafter: EC) issued Communication COM (2011) 173 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *An EU Framework for National Roma Integration Strategies up to 2020*.³ Lithuania supports this EU Framework and the four areas of Roma integration outlined therein: access to education, employment, healthcare and housing.

Based on the resolution of the Government of the Republic of Lithuania⁴ and in view of the priorities laid down in the EC Communication, the Ministry of Culture, in consultation with other

³ Communication of the European Commission COM (2011) 173 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *An EU Framework for National Roma Integration Strategies up to 2020*.

⁴ Resolution No. 629 of 2 June 2010 of the Government of the Republic of Lithuania „On Annulment of Resolution No. 309 of 26 March 2008 of the Government of the Republic of Lithuania “On the Approval of the Programme for the Integration of Roma into Lithuanian Society 2008-2010”

institutions as well as representatives of the Roma national minority, is drafting an *Inter-institutional Action Plan for the Integration of Roma into Lithuanian Society for 2013–2015*, which envisages to lay down measures in the field of education of Roma, their integration into the labour market, housing, healthcare, identity preservation, tolerance and anti-discrimination of Roma. These measures are expected to facilitate the acquisition of adequate education for the Roma and intensify their engagement in the labour market, provide them with better conditions to integrate into Lithuania's cultural and public life. Moreover, this will contribute that further studies will be conducted on the situation and housing of Roma, providing them with the opportunity to foster native language, culture and traditions as well as to increase public awareness and tolerance towards the Roma national minority.

The Roma Integration Programme run by Vilnius City Municipality

In the reporting period, Vilnius City Municipality approved with Resolution No. 1-838 of 22 June 2005 and implemented a separate *Programme of Surveillance and Security of Vilnius Roma Community and Territories Nearby Tabor and Reduction of Roma Segregation for 2005-2010* on the grounds that the Kirtimai settlement mostly populated by persons of Roma nationality falls under its jurisdiction.⁵

Under this programme the Municipality implemented a set of socio-economic measures to address the problems of Roma. These included: offering mobile and other types of health services, preparing and disseminating information about the availability of social housing to the staff of the Roma Community Centre, as well as financial support to this centre, leasing out social housing, awarding single allowances, gift vouchers for families to buy schooling supplies, support in clothes, footwear and household articles (this support was provided by budgetary institution Social Support Centre of Vilnius City Municipality). The asphalt-concrete covering on streets adjacent to the area of the Roma tabor in Kirtimai (Vilnius) was repaired and the streets, the playground, the area adjacent to the Roma tabor in Kirtimai (Vilnius) and the water hydrants are maintained.

While addressing issues of security and drug prevention of the Roma tabor in Kirtimai (Vilnius) and its adjacent areas, Vilnius City Municipality worked in close co-operation with the Chief Police Commissariat of the City of Vilnius. Officials of the Commissariat carried out inspections at the Roma tabor in Kirtimai (Vilnius) and in adjacent areas on a regular basis.

From the appropriations approved for *the Special environmental support programme* of Vilnius City Municipality funds are allocated to the Roma Community Centre for socialisation of Roma children during the school year. Vilnius City Municipality also supports NGO initiatives,

⁵ Based on the findings of the General Population and Housing Census in 2001, 2,500 persons of Roma nationality live in Lithuania. The highest number (around 500 Roma) live in Kirtimai settlement in Vilnius.

projects and different prevention measures to address harmful habits and drug abuse.

In 2011, Vilnius City Municipality has been preparing a new Roma Integration Programme that will encompass the following key areas: 1) area surveillance and security (prevention of crimes, drugs and psychotropic substances; area management and surveillance); 2) reduction of Roma segregation (healthcare, social assistance and support; introduction of Roma culture to the public).

Draft Law on National Minorities

The Law on National Minorities of the Republic of Lithuania (hereinafter: the Law on National Minorities) was adopted in 1989. Based on Article 1(10) of *the Law on Provisional Extension of Laws Effective on the Territory of Lithuania* adopted before 11 March 1990, it became null and void on 1 January 2010. After the restoration of independence, due to altered political circumstances, demographic developments, international commitments and the requirements of legislative provisions bind to our country, there was a real need to amend the Law on National Minorities. This Law did not define the notion of a national minority; nevertheless, it endorsed the option of using the language of the national minority alongside the state language at administrative territorial units, inhabited by substantial numbers of persons belonging to a national minority. Such a possibility was envisaged in local institutions and organisations as well as on informational signs; yet, it did not stipulate in what way those provisions must be enforced.

On 17 February 2000, the Seimas of the Republic of Lithuania ratified the Framework Convention; however, the *Law on National Minorities* still did not detail in what way these provisions of the Framework Convention must be enforced.

To comply with clause 1180 of the implementation measures of the Programme of the Government of the Republic of Lithuania for 2008-2012, which were approved with Resolution No. 189 of 25 February 2009 of the Government of the Republic of Lithuania, the inter-institutional working group co-ordinated by the Ministry of Culture, including representatives of national minorities among others, drafted and submitted to the Government of the Republic of Lithuania the *draft Concept of the Law on National Minorities*.

The draft Concept of the Law on National Minorities will serve as basis to draft *the Law on National Minorities of the Republic of Lithuania*. The provisions of this law will, in principle, comply with those of the Framework Convention and will not narrow the existing rights enjoyed by national minorities. The future law plans to enshrine some provisions that are not stipulated in effective legislation.

The *new Law on National Minorities* is foreseen to define the notions of “national minority” and “national minority organisation”.

National minority means a group of citizens of the Republic of Lithuania who have a

culture, religion or language different from those of the national majority and who are united by the ambition to preserve their national identity.

National minority organisation means an organisation that unites persons belonging to a national minority, which operates pursuant to the *Law on Associations of the Republic of Lithuania*, the *Law on Public Institutions of the Republic of Lithuania* and the *Law on Charity and Sponsorship of the Republic of Lithuania*.

The *new revision of the Law on National Minorities* will stipulate a person's right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice. It will also prohibit forcing someone to prove their belonging to a national minority or to publicly disclose their religion, origin, minority language or belonging to a national minority.

Furthermore, it is intended to give an opportunity, in residential areas inhabited by substantial numbers of persons belonging to national minorities, to apply to public and municipal administration entities in the language of the national minority. It is also intended to allow the traditional names of locations, streets and other topographic objects in the languages of national minorities to be alongside those in the State language (subject to certain conditions) (*see Articles 10 and 11, Part II of the Third Report*).

In addition, there are plans to establish the right for national minorities to allocate a specific portion of broadcasting time to programmes in the languages of the national minorities and about national minorities through the public broadcaster based on the principles of proportionality and regularity, as well as to stipulate a prohibition on forced assimilation.

Involvement of national minorities in the decision-making process

In 1991, the Council of National Communities was set up under the Department of National Minorities and Lithuanians Living Abroad as an advisory body with the view to engaging national communities in the processes of shaping and implementing the national minority policy. The key objectives of this Council include taking care of the preservation of the national identity of persons belonging to national minorities, monitoring, within its competences, enforcement of laws governing the rights of national minorities, analysing draft laws and other legislation on addressing the problems of national minorities, promoting and supporting initiatives and ideas of national minority, fostering national tolerance, etc. Members of the Council of National Communities are elected for three years at meetings of representatives of national minority NGOs. The Council of National Communities elected for year 2009–2012 consists of twenty-nine members, representing twenty-two nationalities of different Lithuanian national communities, and uniting about 300 national minority NGOs.

Since 2010, the Council of National Communities has operated under the Ministry of

Culture and plays the role of expert and advisor in providing consultations on issues concerning national minorities. Representatives elected by the Council of National Communities were involved in the activities of the inter-institutional working group of the Ministry of Culture while drafting the *Concept of the Law on National Minorities*. This document envisages laying down the regulations of the Council of National Communities.

In the reporting period members of the Council of National Communities were highly involved in the country's public and cultural life as well as held regular meetings with Lithuanian and foreign politicians and experts working in the area of national minorities and human rights. At different conferences and seminars representatives of the Council of National Communities offered opinions and proposals on the development of national minority policy and took an active part in the country's political life. This involved proactive co-operation with different public authorities (the Department of National Minorities and Lithuanians Living Abroad and, following its reorganisation, with the Ministry of Culture, the Seimas Committee for Human Rights, the European Information Bureau, the OSCE Presidency Department set up at the Ministry of Foreign Affairs, etc.). Other cooperation partners included the national media not only in Lithuanian, Russian and Polish, but also in other languages of national minorities in support of the dialogue between the cultures of different nations, tolerance and integration processes in the country.

The twentieth anniversary of the Council of National Communities was marked on 31 January 2011. The Council of National Communities received acknowledgements from top-ranking Lithuanian officials for substantial contribution to the restoration of independence of the Lithuanian state and their impact in promoting the country's multinational and multicultural society.

With its Resolution No. 1030 of 2 September 2009 the Government of the Republic of Lithuania set up a Co-ordination Commission on National Minorities under the Prime Minister, which includes the Chairperson of the Council of National Communities and its six members as well as seven ministers: finance, culture, social security and labour, education and science, justice, foreign affairs and the interior. Sittings of the Co-ordination Commission on National Minorities are held at the Government Office of the Republic of Lithuania and address issues relating to national minorities.

The legislative initiative of citizens and their involvement in legislation processes

In accordance with the law, citizens of the Republic of Lithuania can participate in legislation by means of initiating 1) legislation in the Seimas 2) a referendum. A legislative initiative in the Seimas may be brought forward with the votes of 50,000 citizens whereas to adopt a law through a referendum at least 300,000 signatures of citizens who support such an initiative need to be collected.

In 2009, member of the Seimas Narkevičius, who belongs to the Electoral Action of Lithuanian Poles, exercised this civil right and introduced a draft law on national minorities of the Republic of Lithuania to the Seimas for consideration.

Residents of Lithuania, including persons belonging to national minorities, may bring forward their proposals and comments regarding draft legislation, as prescribed by law. This is guaranteed by the „*Legislation Rules of the Government of the Republic of Lithuania*” approved by the Government of the Republic of Lithuania in 2009 and „*Amendments to the Methodologies of the Impact Assessment of Draft Decisions*” approved in 2010. The Lithuanian Polish Union used this opportunity to provide comments regarding the *draft Concept of the Law on National Minorities*.

Article 4

- 1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**
- 2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**
- 3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

Paragraphs 1 and 2

Ensuring equal opportunities in Lithuania

The Republic of Lithuania Law on Equal Treatment

Legal provisions of the Republic of Lithuania prohibit national, racial, religious and social hatred, coercion, and instigation of discrimination or existence thereof on grounds of a person's race, nationality, origin, language, faith or convictions. Such provisions are defined in the law of the Republic of Lithuania and in signed and ratified international instruments (*see Article 4, Part I of the Second Report*). The *Constitution of the Republic of Lithuania* and other national legal acts are, in principle, in line with the provisions of EU legislation and international treaties of the Republic of Lithuania on anti-discrimination. Lithuania ensures legal conditions for equality and protection against inequality and discrimination. The provisions of all EU directives on equal opportunities have been transposed to national legislation.

To stipulate greater protection of persons' rights and to improve the legislative framework on equal opportunities, on 17 June 2008, the Seimas adopted *the Law of the Republic of Lithuania*

Amending the Law on Equal Treatment (hereinafter: the Law on Equal Treatment). The purpose of this law is to ensure compliance with the provisions of Article 29 of the Constitution of the Republic of Lithuania. Mainly, the amended law stipulates equality of persons and prohibition to restrict the rights of the human being or to grant them any privileges on grounds of gender, race, nationality, language, origin, social status, belief, convictions, or views. It also provides for implementation of the provisions of EU legislation listed in the annex to this law and of other international legislation⁶.

The newly revised *Law on Equal Treatment* transposes the provisions of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. It is noteworthy, that the *Law on Equal Treatment* and the *Law on Equal Treatment for Women and Men of the Republic of Lithuania* (hereinafter: the Law on Equal Treatment for Women and Men) provide for a broader application of anti-discrimination provisions in public life than required by the aforementioned EU directives. For instance, the provisions of EU directives do not apply to the content of advertising, education and science as well discriminatory advertisements. All these are covered by the aforementioned Lithuanian anti-discrimination laws. Revisions of the *Law on Equal Treatment* also expanded the list of grounds for discrimination to include language, origin, social status, nationality and belief. (EU directives do not require stipulating those grounds in national legislation.)

The *Law on Equal Treatment* establishes the duty to implement equal opportunities for the following entities: state and municipal authorities, educational establishments, other education providers and institutions belonging to the science and study system, employers, producers of goods, sellers, service providers.

Discrimination on grounds of membership in associations and trade unions is already prohibited by effective national legislation (the *Labour Code of the Republic of Lithuania* and the *Law on Associations of the Republic of Lithuania*) However, in pursuit of clarity and accuracy of legal regulation and effective protection of rights, the *Law on Equal Treatment* was supplemented with Article 9, which introduces a specific prohibition to discriminate against any person in respect of membership or participation in the activities of trade unions and associations, who are persons of respective age, sexual orientation, disability, race or ethnic group, religion, convictions or belief.

The *Law on Equal Treatment* also lays down specific *requirements for job, public service or study advertisements*, which are not allowed to include requirements that give priority on grounds

⁶ The Law on Equal Opportunities of the Republic of Lithuania in English is available on http://www3.lrs.lt/pls/inter3/dokpaieska.susije_1?p_id=324132&p_rys_id=14.

of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

The *Law on Equal Treatment* was supplemented with the provision regarding the *transfer of the burden of proof*. Article 4 of this law provides that when investigating the complaints, applications, requests, statements or actions of natural persons and legal entities regarding discrimination on grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion in courts or other competent authorities, where the applicant indicates the circumstances which give rise to a presumption regarding the existence of direct or indirect discrimination, it shall be presumed that the fact of direct or indirect discrimination, harassment or instruction to discriminate did occur. *The person appealed against must prove that the principle of equal opportunities was not violated.*

In order to ensure protection for persons who might suffer from hostile behaviour or negative consequences arising as a result of filing a complaint regarding discrimination and in other legal proceedings to ensure equal opportunities, Article 7(8) of this law stipulates that not only the employee and civil servant, but also their representatives and persons testifying or providing statements on discrimination must be protected from persecution.

In order to ensure allocation of a compensation for violation of equal opportunities which is effective, proportionate and deterrent, the *Law on Equal Treatment* was supplemented with the provision stipulating that a person who experiences discrimination on grounds of gender, nationality, language, origin, social status, belief, age, sexual orientation, disability, race or ethnic origin, religion, convictions or views shall have the right to claim from the guilty parties an indemnity for property or non-property damage as prescribed by the laws of the Republic of Lithuania. It should be noted that both this provision and the provision on the duty of proof is applicable within the whole scope of the law.

Taking account of the provisions of Article 29 of the *Constitution of the Republic of Lithuania*, the *Law on Equal Treatment* lays down the prohibition to discriminate against persons on grounds of social status, language, origin, nationality, views and belief. A person who deems their equal opportunities to have been violated shall have the right to apply to the Equal Opportunities Ombudsman. Application to the Equal Opportunities Ombudsman does not restrict the opportunity to protect one's rights in court.

The Office of the Equal Opportunities Ombudsman

Enforcement of the *Law on Equal Treatment* is carried out by the Equal Opportunities Ombudsman pursuant to the *Law on Equal Treatment for Women and Men (Article 12)*. The Equal Opportunities Ombudsman accepts complaints concerning violation of the *Law on Equal Treatment*.

Complaints concerning violation of equal rights are investigated and decisions are made pursuant to *the Law on Equal Treatment for Women and Men (Article 12(2))*.

Article 24 of the *Law on Equal Treatment for Women and Men* lists the types of decisions concerning violation of *the Law on Equal Treatment* that may be adopted by the Equal Opportunities Ombudsman (*see Article 4(4), Part II of the Second Report*).

In 2008, Paragraphs 2 and 3 of Article 12 of the *Law on Equal Treatment for Women and Men* were supplemented. They now provide that the Equal Opportunities Ombudsman carries out independent investigations in connection with cases of discrimination and independent status reviews on discrimination, and publishes independent reports. The Ombudsman also submits opinions and recommendations on any discrimination-related matters with the view to implementing the said law, as well as proposals to state and municipal authorities and institutions on the improvement of legislation and on priorities of the equal rights implementation policy. The Equal Opportunities Ombudsman exchanges available information with EU peer institutions. The Office of the Equal Opportunities Ombudsman is an active member of the European Network of Equality Bodies, EQUINET.

Year 2007 – the European Year of Equal Opportunities for All

In accordance with the Decision No. 771/2006/EC of 17 May, 2006 of the European Parliament and of the Council, the year 2007 was marked as *European Year of Equal Opportunities for All* in Lithuania. The Office of the Equal Opportunities Ombudsman was appointed as the coordinating authority for the special events held during the year. This decision strengthened national policy on equal opportunities and anti-discrimination in Lithuania.

In order to define specific priority areas and possible actions of the year, the Office of the Equal Opportunities Ombudsman invited different organisations to bring forward proposals regarding the activities of *the European Year of Equal Opportunities for All*. The proposals provided resulted in the identification of key problems and challenges and formulation of basic national priorities.

The Lithuanian national priorities for *the European Year of Equal Opportunities for All* were aimed at collecting and disseminating information about existing levels of discrimination and its manifestation and visibility. It also involved conducting different integrated studies, ensuring equitable participation for institutions representing different social groups in the consulting process, proactive development of the social dialogue on equal opportunities and raising general public awareness of equal opportunities.

During *the European Year of Equal Opportunities for All*, Lithuanian public authorities, in cooperation with NGOs, implemented projects seeking to foster public tolerance, combat

manifestations of discrimination and inform people about their rights and opportunities to seek help should they face discrimination.

In 2007, the Lithuanian national television showed a series of documentaries called „Personal number” as an effective tool to inform the general public about the equal opportunities and anti-discrimination policy pursued by EU and Lithuania. The documentaries also informed viewers about the harm of social exclusion and discrimination based on gender, racial and ethnic origin, religion or belief, disability, age and sexual orientation to general well-being and to the economic and social progress of the state, as well as to increasing people's sensitivity to inequality and discrimination.

During the European Year of Equal Opportunities for All, the national radio broadcast radio programmes with participation of different experts, civil servants and representatives of NGOs representing vulnerable social groups. In 2007, the publicity for the Year of Equal Opportunities for All took two forms: posters on advertising stands and broadcasting of radio messages on television channels – the unconventional, but attractive to youth and informative format of radio programmes. Posters of external advertising and television clips were united by the common concept and catchphrase „Are we really that different?” Each clip or poster featured three identical human hearts and only the captions underneath indicated to whom the heart belonged. Seven radio messages were created, each conveying a specific form of discrimination.

European youth campaign „All Different – All Equal”

From June 2006 through September 2007, Lithuanian public authorities were involved intensively in the European youth campaign „All Different – All Equal”. The campaign was arranged by the CE together with the EC and the European Youth Forum. The aim was to encourage young people to contribute to the creation of peaceful communities based on diversity with prevailing respect, tolerance and mutual understanding. A webpage was created for the campaign (www.visiskirtingivisilygus.lt), and *M-1* and *Lietus* radio stations played advertisements of free film shows devoted to the month of human rights in the different locations of Lithuania. The project „Youth Street” was implemented across Lithuania featuring ten youth events in the different counties. To promote a positive approach to diversity in sport, the graffiti artists’ contest „All Different – All Equal in Sport” was organised (*see Article 6, Part II of the Third Report*).

National anti-discrimination programmes

In the reporting period Lithuania was running two national anti-discrimination programmes: *the National Anti-discrimination Programme for 2006-2008* approved with Resolution No. 907 of 19 September 2006 of the Government of the Republic of Lithuania and *the National Anti-*

discrimination Programme for 2009-2011 approved with Resolution No. 317 of 15 April 2009 of the Government of the Republic of Lithuania. These programmes aim to promote respect for the human being, ensure enforcement of legislation that defines the principle of non-discrimination and equal treatment, improve legal awareness, mutual understanding and tolerance based on gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin and religion. The programmes also aim to inform the public about manifestations of discrimination in Lithuania, its negative impact on the opportunities of target groups of society to be involved in social activities on equal terms and about measures to protect equal rights.

The National Anti-discrimination Programme for 2006-2008

Public authorities implemented the measures of the National Anti-discrimination Programme for 2006-2008 within their competences and some of the measures were implemented in co-operation with NGOs. The programme budget is LTL 1.05 million (around EUR 290,000). This programme was drafted in view of the recommendations provided in the final conclusions of the *UN Committee on the Elimination of Racial Discrimination*. The programme included a situation analysis of women and men belonging to national minorities, collection of statistical data on the ethnic composition of the Lithuanian population, preparation and dissemination of information on discrimination and on ways to protect violated human rights. Employers, police officials and the relevant public authorities were trained to apply international, EU and national legislation on anti-discrimination. Training sessions on the application of international, EU and national legislation on anti-discrimination were arranged for judges and attorneys to expand the scope of the provisions of the *International Convention on the Elimination of All Forms of Racial Discrimination* in judicial practice (*see Article 6, Part II of the Third Report*).

Within the framework of the programme measures, a publication for training and educating on anti-discrimination and equal opportunities on the labour market was prepared and released. The book examines the key manifestations of discrimination: gender, sexual orientation, age, ethnic origin and health (disability) distinctions.

A research study „Analysis of effective Lithuanian labour laws from the non-discrimination perspective” was conducted with the aim to analyse laws governing the Lithuanian labour sphere and to find out whether existing provisions were sufficient to protect the population against discrimination on the labour market.

Within the framework of the programme, the Ministry of Social Security and Labour partnered by the Office of the Equal Opportunities Ombudsman and the Training Service of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour delivered training to

the institutions of the labour market, NGOs and trade unions on forms of discrimination and equal opportunities for occupation and employment. In addition they prepared presentations and articles for the media and contributed to the implementation of measures of the Year of Equal Opportunities for All.

The National Anti-discrimination Programme for 2009-2011

The National Anti-discrimination Programme for 2009-2011 aims to ensure enforcement of the provisions of Article 29 of *the Constitution of the Republic of Lithuania* that enshrine equality of persons and the prohibition to restrict the rights of a human being and to grant them privileges on grounds of gender, race, nationality, language, origin, social status, belief, convictions or views. The programme also conducts an integrated analysis of manifestations and causes of discrimination in all spheres of public life, fosters respect for the human being, legal awareness of the society, mutual understanding, tolerance on grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion and facilitates the activities of non-governmental organisations that protect human rights.

In 2009, the ministries of Social Security and Labour, Education and Science, Justice, Culture, and the Interior, the Office of the Equal Opportunities Ombudsman and the Prosecution Service were involved in the implementation of the *National Anti-discrimination Programme for 2009-2011*.

Within the framework of the aforementioned Programme, in 2009 training sessions were delivered to employees of different institutions, civil servants, police officials and judges on equal opportunities and non-discrimination, discussions were held with NGOs dealing with the protection of human rights, there was a promotion campaign on multiple discrimination, and a non-formal education programme was developed for target groups on tolerance and respect for the human being. Official publications regularly announce statistics on criminal acts committed with the aim to express hatred based on race, nationality, religion, language and sexual orientation. The current situation of control over illegal information on the Internet was analysed and the conclusions and proposals were submitted to the Government of the Republic of Lithuania. Events fostering tolerance and exploration of other cultures were arranged (*see Article 9, Part II of the Third Report*).

In 2009, the Prosecution Service developed methodological guidelines for prosecutors and pre-trial investigation officials on criminal acts committed on racial, nationalistic, xenophobic, homophobic and other discriminative grounds and on peculiarities of arranging, leading and performing a pre-trial investigation. This important methodological tool designed to shape the correct and unified practice of the pre-trial investigation of criminal acts falling under the said category at pre-trial investigation institutions and for prosecutors leading such pre-trial

investigations and pre-trial investigation officials has been used successfully by them in the pre-trial investigation of criminal acts falling within this category (*see Article 6, Part II of the Third Report*).

It should be mentioned, however, that some of the measures planned under this programme were not implemented due to the economic downturn and to the resulting lower appropriations for the different institutions.

Projects of the measure of the Single Programming Document (SPD) of Lithuania 2004-2006

Prevention of Social Exclusion and Social Integration:

Being a fully-fledged member of the EU and seeking to meet the priorities of EU policy – reducing social exclusion, ensuring cohesion and social integration of all citizens – Lithuania used the opportunity to receive support from the EU Structural Funds to implement these goals.

In the 2004-2006 SPD period, the Roma Community Centre implemented the project „Creating a mechanism for preparing Roma for the labour market” with an allocation of LTL 402,000. The project ran from 2005 to 2008. It aimed to introduce a new mechanism for supporting preparation of Roma for the labour market according to a developed training programme, to train the staff of educational establishments to work with Roma and to train employees to get their driver’s licence. The project involved 135 participants of the target group and three driving instructors.

From 2006 through 2007, the Ignalina Labour Exchange implemented the project „Integration of national minorities into the labour market to prevent social exclusion” valued at LTL 264,000. The project involved 110 representatives of national minorities registered with the labour exchange and 17 employees of the local labour exchange dealing directly with this target group. Thirty-three representatives of national minorities gained a professional qualification, 47 participants improved their command of Lithuanian, and documentation governing the activities of the labour exchange was translated into Russian.

Over the period 2006-2008, Šalčininkai Labour Exchange carried out the project „Integration of national minorities into the labour market to prevent social exclusion”. Close to LTL 102,000 was earmarked for the project activities. Altogether 19 representatives gained a professional qualification under eight training programmes; 23 persons completed a Lithuanian language course and received certificates of completion and 68 per cent of all project participants found employment.

Public institution Ignalina Nuclear Power Plant Regional Development Agency implemented the project „Capacity building of representatives of Visaginas national minorities and

their integration into the labour market” valued at LTL 606,000. The project activities took place from 2006 to 2008. They involved 137 representatives of the target group, who attended a social training course and participated in three occupational training sessions. One result was the compilation of 3 professional language dictionaries. At the end of the project 21 individuals found employment.

Vilnius Labour Exchange implemented the project „Building the employment capacity of national minorities” partnered by The House of National Communities. Altogether LTL 296,000 was spent on achieving the goals and implementing the activities of this project. The key target group of the project included representatives of national minorities (unemployed persons) who could not speak the state language. Under this project, 72 individuals – representatives of national minorities who were unemployed and registered with the labour exchange – gained a professional qualification, 84 participants completed a Lithuanian language course and 80 representatives of the target group attended a job motivation course.

From 2006 through 2008, the labour exchange of Klaipėda (City, District) implemented the project „Promoting integration of Russian-speaking persons in the labour market”. The value of the project stood at over LTL 1.6 million. During the project 550 Russian-speaking individuals registered with the labour exchange gained the basics of the state language and 350 members of the target group completed professional training programmes. By the end of the project 74 project participants had found employment.

From 2006 through 2008, Panevėžys Association of National Minorities ran the project „Expediting of integration process of working age persons belonging to national minorities from Panevėžys city and region by increasing their competitiveness in their labour market”. The value of the project was LTL 884,000. The activities of this project involved 410 representatives of the target group and 37 specialists working with them. Representatives of national minorities were taught Lithuanian, business basics and computer literacy.

Kaunas Information Centre for the Employment of Women implemented the project „New experiences – new opportunities. Social integration of immigrant national minority groups in Kaunas County” valued at LTL 143,000. Within the framework of the project, 21 individuals gained a professional qualification, 60 attended a psychological course while 49 representatives of the target group attended a Lithuanian language and computer literacy course.

From 2006 through 2008, the Lithuanian Jewish Community ran the project „Social integration of persons of the Jewish national minority”, totalling LTL 317,000. Under this project, persons of Jewish nationality attended bookkeeping, office administration, computer literacy, English, Lithuanian and management courses. Project participants totalled 300, of whom 11.7 per cent found employment.

Charity and Sponsorship Foundation the House of Polish Culture in Vilnius, implemented the project „Social integration of persons of the Polish national minority”. The value of this project stood at LTL 557,000 while implementation lasted from 2006 to 2008. The project involved a total of 249 participants, 67 of whom attended a Lithuanian language course, 75 were learning English, 74 were trained in computer literacy and 6 in record keeping. Of the target group 16 members qualified as waiters and 19 as secretary/ administrators.

Over the period 2007-2008, the Tolerant Youth Association implemented the project „Development of successful integration of national minorities through implementing innovative techniques of active socialisation”. The value of the project was LTL 100,000. The project activities were focused on the training of specialists working with national minorities. These activities involved 455 persons. The project covered distance and classroom-based training.

For information about the project relating to the social integration of national minorities under the measure „Integration of persons at social risk and social exclusion into the labour market” of the Human Resource Development Action Programme for 2007–2013 see Article 15, Part II of the Third Report.

Unemployment

The economic and social developments in Lithuania during the period 2006-2010 conditioned the general trends of reported unemployment.

The improving economic situation and measures of the employment policy resulted in a permanent reduction in the number of unemployed persons until 2008, but by the second half of 2008, with the effects of the financial difficulties becoming more distinct, unemployment began to grow. The economic downturn had a negative effect on the entire labour market and downsizing processes affected all sectors. Both non-qualified employees without education and qualified workers and professionals with higher education suffered from the crisis (see Table 1).

Table 1. Registered unemployed persons in 2006 to 2010

| | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------|-------|-------|-------|-------|
| Unemployed, thousand | 73,2 | 67,3 | 73,4 | 203,1 | 312,1 |
| Employment, thousand | 99,7 | 107,2 | 122,6 | 121,8 | 191,2 |
| Ratio between registered unemployed persons and able-bodied population, % | 3,4 | 3,2 | 3,4 | 9,4 | 14,5 |

Source: Lithuanian Labour Exchange.

The second half of 2010 uncovered positive trends on the labour market: August saw a reduction in reported unemployment, which lasted until December. With increasing demand for employment and a high focus of the labour exchange on recruitment and prompt filling of

vacancies, in 2010 a record-beating number of individuals, 191,200, received employment assistance.

2010 saw great developments in the structure of the supply of workforce. The decreasing numbers of dismissals brought down registration of the recently unemployed. When the situation with the compulsory health insurance became clear, the proportion of the long-term unemployed or unemployed persons who had never had employment relations grew. In 2010, individuals without an employment record comprised 23.4 per cent (12.8 per cent in 2009) and those with a two-year or longer break, 22 per cent (14.3 per cent in 2009).

In 2010, the number of men among the recently unemployed decreased slightly, but still represented the greater portion (57.7 per cent) of registered unemployed persons. The share of the unemployed among youth and the rural population increased. Unemployed individuals under 25 years of age comprised 24.4 per cent (21.6 per cent in 2009) whereas unemployed rural population, 32.9 per cent (30.8 per cent in 2009).

Employment support measures

The *Law on Support for Employment of the Republic of Lithuania*, which came into force on 1 August 2006, lays down legal grounds, aim and objectives to support employment of job-seekers and organise and finance implementation of employment support measures as well as to provide services for the labour market. Provisions of the Law apply to citizens of the Republic of Lithuania and to foreigners legally residing in Lithuania.

With the view to ensuring employment for the population, reducing its social exclusion and strengthening social cohesion, the Lithuanian Labour Exchange implements employment support measures based on the principles of equal opportunities for women and men and of non-discrimination. Assistance to job seekers to improve their employment opportunities and to balance the demand for and supply of jobs includes proactive measures of the labour market policy (vocational training of unemployed persons and employees with dismissal warnings, assisted employment and support for creating jobs) and labour market services (informing, consulting, employment mediation, individual career planning).

From 2006 through 2010, 315,000 job seekers were involved in the measures under the proactive labour market policy with a budget of LTL 796 million. Within the framework of vocational training of unemployed persons and persons with dismissal warnings, in the last few years increasing focus has been on individuals without qualifications, i.e. on gaining their first qualification.

Rights and opportunities to work in civil service

The *Law on Civil Service of the Republic of Lithuania* provides no restrictions for applicants to a civil service position as far as national origin, religious convictions or gender are concerned. An applicant for a civil service position is not obliged to indicate their national origin; therefore we are unable to provide data on the nationalities of current civil servants.

Article 9 of the *Law on Civil Service of the Republic of Lithuania* provides that a person admitted to a civil servant position must have a command of the Lithuanian language. Resolution No. 1688 of 24 December 2003 of the Government of the Republic of Lithuania „On the approval and implementation of categories of the command of the State language” stipulates that civil servants must have gained the second or third level of command of the state language. The aforementioned resolution was revised in 2009 to provide that persons who have completed their studies in level II groups at establishments of basic vocational education in a language of instruction other than Lithuanian are considered to have gained the second level of command of the state language. According to the revised resolution the following persons are considered to have gained the third level of command of the state language: 1) persons who have gained basic, secondary, college or university education in the Lithuanian language; 2) persons who have gained secondary education in a language of instruction other than Lithuanian in the Republic of Lithuania in 1991 and later; 3) persons who have finished Lithuanian gymnasiums or secondary schools abroad; 4) persons who have passed a school-level / state school-leaving examination of the native tongue or state language, Lithuanian.

Thus the above-listed persons belonging to national minorities who apply for a position in the civil service are not supposed to take examinations in the command of the state language and are not confronted with unreasonable obstacles on being admitted to the civil service based on the command of a language.

Paragraph 3

International projects

Upon accession to the EU, Lithuania was offered the opportunity to participate in the EQUAL Community Initiative, which tests and promotes new ways to combat all forms of discrimination and inequality that both employed persons and job seekers face on the labour market.

Over the period 2004-2008, the EQUAL project “Establishment and testing of the support mechanism for the integration of national minorities into the labour market” was implemented. A “Study on the opportunities for representatives of national minorities to integrate into the labour market” was conducted to identify barriers that prevent representatives of national minorities from successful integration into the labour market. Conclusions and recommendations from the study

will help to address issues of reducing social exclusion and increasing employment of representatives of national minorities both at municipal and NGO level. The prepared *Analysis of legislation with the view to affecting practices and policies* and the conducted “*Study on the barriers caused by legislation that prevent representatives of national minorities from integrating into the labour market*” will facilitate successful implementation of NGO activities to affect practices and policies. Within the framework of the project and based on the developed and expert-reviewed Leader Training Programme (10 modules) and the Mentor Training Programme (3 modules), 44 Leaders and 45 Mentors representing more than 300 NGOs of the country’s national minorities developed their skills and competences. Altogether 94 unemployed representatives of national minorities attended a course in the state language, Lithuanian, 22 passed the state language examination to gain a qualification category, and 60 studied under supplementary training programmes for the unemployed developed as part of the project. All this helped representatives of national minorities to improve their competitiveness on the labour market: 25 unemployed representatives of national minorities began working. The Leader Training Programme developed as part of the project can be used both for follow-up work with representatives of national minorities and for working with other social groups (immigrants, refugees). Two Networking Agreements were signed to address issues of social exclusion of national minorities and other problems.

From 2004 through 2007, the EQUAL project „Establishment and testing of the support mechanism for the integration of Roma into the labour market” was implemented. It aimed to prepare Roma for the labour market and to shape a more favourable public attitude to Roma and that of Roma to society. The project covered two major lines of activity: the first one was training Roma to become assistants to social workers and the second one developing the professional qualification and improving the employment opportunities of individual members of the Roma community. The project is innovative in the sense that the mechanism of creating the integration of Roma into the labour market is based on social partnership between the professional social worker and their Roma assistant. While integrating Roma, the greatest focus was namely on the proactive activities of this newly created social partnership, which primarily aims to help individual Roma to gain the desired qualification and professional skills and to seek a job.

For international projects run by the Roma Community Centre see Article 15, Part II of the Third Report.

Sociological studies on the situation of national minorities in Lithuania

Over the period 2007-2008, different sociological studies on the situation of national minorities living in Lithuania were conducted.

1. In 2008, the Department of National Minorities and Lithuanians Living Abroad

commissioned the Labour and Social Research Institute to conduct the study „Situation of women and men belonging to national minorities on the labour market”. Respondents included 622 representatives of national minorities in Vilnius City and District and Klaipėda City and District. Findings of the survey show that 69.8 per cent of representatives of national minorities were employed.

The readiness of females belonging to national minorities for the labour market is higher than that of men, but they, more often than men, are economically inactive and unemployed (owing to being housewives, studies, etc.). Higher education was attained by 43.2 per cent of females and only 29.7 per cent of males. Discrimination is most frequently faced when seeking employment and a work career.

According to the findings of the sociological survey, respondents provided a rather average evaluation of their command of Lithuanian: only around half of the representatives of national minorities can understand Lithuanian freely, one third can speak fluently and only one fifth can write fluent Lithuanian. In view of the requirement to be proficient in the state language at work, these survey results show that more than half of the representatives of national minorities are insufficiently prepared for the labour market. Approximately 42 per cent of representatives of national minorities would like to improve their command of Lithuanian.⁷

2. In 2008, the Department of National Minorities and Lithuanians Living Abroad initiated a sociological study „Analysis of the situation of Roma: Roma at the intersection of education and labour market”.⁸ The study was conducted by the Ethnic Research Centre of the Social Research Institute. It involved 250 Roma living in all parts of the country. The survey covered the following domains: housing, education, discrimination, work, integration/socialisation, and usage of the ethnonym of Roma/Gypsies. The survey showed that Lithuanian Roma led a sedentary life. In the recent decade, more Roma schoolchildren have finished primary schools and the number of schoolchildren going to basic schools increased, but only a few gain a secondary education. Respondent teachers working with Roma claimed there was a direct correlation between attendance of Roma and their learning achievement: if Roma children attend school, their achievement is close to average. The basic reasons for learning difficulties of most Roma include shortage of social skills, the language barrier and non-attendance.

Of the adult Roma respondents, 56.7 per cent were not engaged in any job. Social benefits are the source of income for more than one third of the surveyed Roma. The survey showed that Roma were more inclined to addressing problems on their own, partially limiting their connections inside the community.

⁷ <http://www.lmaleidykla.lt/publ/0235-7186/2007/4/23-36.pdf>.

⁸ <http://test.ces.lt/?p=172>.

3. In 2007, the Ethnic Research Centre of the Social Research Institute conducted a study „Social integration opportunities for the Roma community”. The survey aimed to analyse the context of social policy and to examine the situation of Roma, the actual degree of engagement of Roma in the formal and informal labour market and the structural barriers that limit or discourage such engagement. Key focus of the survey was on issues of promoting the work experience, social support and employment of Roma.

This survey was conducted to find out more about the relevant experience of Roma and whether it reflects the impact of the support policy. Findings from the survey denied the stereotype about the unemployment and the unwillingness to work of Roma. They also showed that existing mechanisms of integration into the labour market (first of all, the labour exchange) are ineffective not only in the view of Roma, but also in that of employers. Based on the findings of the Roma survey, only a few persons received efficient job-seeking assistance from social workers. This indicator showed that the potential of social work was not used to the full. The whole country lacks direct work with the Roma community on site.

4. From 2007 through 2008, the study „Russians in the society of the Republic of Lithuania during the period 1918-1940: constructing the historic retrospective” was conducted. The aim was to examine the features of the situation of Russians in society in the Republic of Lithuania from 1918 until 1940 from the historic and sociologic point of view with special emphasis on issues relating to the social, educational, cultural and religious life of Russians.

5. In 2007, the Information and Research Centre for New Religions conducted the study „Discrimination based on religion and convictions in Lithuania”. Its goal was to seek equal opportunities in the Republic of Lithuania for people professing different religions and for their groups, combat discrimination on religious grounds and implement the principles of freedom of conscience (for more details about the study see Article 8, Part II of the Third Report).

6. From November 2006 to January 2007, the study „Accessibility of learning to the population of Vilnius District” was run in Vilnius District at the initiative of the Ministry of Education and Science of the Republic of Lithuania. It sought to reveal the availability of learning in the native tongue (Lithuanian, Polish, Russian) and in the state language and the level of ensuring the quality of education in schools with different languages of instruction. The study also provides assessments of the prospects of equalising the state language examination and of introducing the mandatory status of the native tongue.

The study showed an increasing need to study the Lithuanian language in Vilnius District. It concludes that in Vilnius District the need for schools with Lithuanian as the language of instruction will grow along with the ambition to integrate national minorities into Lithuanian society.

State language courses

Providing adequate conditions for persons belonging to national minorities to learn the state language, Lithuanian, is one of the key priorities of the Government of the Republic of Lithuania. This is necessary to implement sustainable integration of these minorities and to ensure their equal opportunities to be educated, find a job and seek full integration into the country's public, cultural, political and economic life on equal grounds with other citizens of the Republic of Lithuania (*see Part II of the Second Report and Article 16, Part II of the Third Report*). Much focus was given to the education of persons belonging to national minorities, particularly to the teaching of the state language as the key success factor for social integration. Lithuania provides the opportunity for persons on social assistance belonging to national minorities to learn the state language. Over the period 2007-2009, around 600 people in Visaginas and Šalčininkai completed the free state language course annually. From 2005 to date, over 500 representatives of national minorities on social assistance have completed the free Lithuanian language course at the Training Centre of the State Language, which is part of the House of National Minorities (Vilnius) Public Institution. Persons belonging to national minorities who live in other cities had the opportunity to learn Lithuanian using the distance learning tool on the website <http://www.oneness.vu.lt/ru>.

The Programme for Standardisation, Usage, Teaching and Dissemination of the State Language for 2006-2015 approved with Resolution No. 1777 of 15 September 2004 of the Government of the Republic of Lithuania envisages organisation and support of free-of-charge courses of the state language for representatives of national minorities.

Under this programme, the State Commission of the Lithuanian Language has funded: State language course for members of the Roma community (LTL 3,700 in 2006, LTL 2,500 in 2009); State language course for non-Lithuanian speakers living in Vilnius, Vilnius District, Visaginas City and Šalčininkai District (around LTL 75,000 was allocated over the period 2006-2010); publication of Lithuanian pages in the Russian newspaper *V každyj dom* in Visaginas City (LTL 28,000 was allocated from 2006 to 2008); Lithuanian overview of news broadcast in Russian on the public television of Visaginas City (around LTL 40,000 was allocated over the period 2009-2010); development of a teaching tool for non-Lithuanian speakers (around LTL 10,000 in 2008 through 2009).

With the view to developing respect for state language and culture and promoting civil attitudes, in 2007, a seminar for pre-school and primary school teachers was organised to discuss the electronic language consultation bank for pre-school and primary school teachers as well as the linguistic culture of the child and the educator in the contemporary socio-cultural context as well as introducing the educational CD „On the way to school” designed as an additional training tool and

intended for teaching pre-schoolers Lithuanian.

The Lithuanian State also ensures the opportunity to learn the mother tongue and to preserve national identity (*see Articles 12 to 14, Part II of the Third Report*).

Measures to address the problems of the Ignalina Region

In an attempt to mitigate the social and economic consequences of the decommissioning of the Ignalina Nuclear Power Plant (hereinafter: NPP), the Government of the Republic of Lithuania undertook to implement appropriate measures of the labour market policy. Consistent activity was carried out to enhance the institutional capacity of the Ignalina Labour Exchange (after structural reorganisation as of 1 October 2010, Visaginas office of Utena Territorial Labour Exchange) with the view to alleviating the social consequences of the decommissioning of Ignalina NPP. Since 2006, a mini labour exchange has been operating on the premises of Ignalina NPP providing information on vacancies, the situation on the labour market, retraining opportunities and employment opportunities abroad to all interested. Special attention is devoted to providing advice related to the decommissioning of Ignalina NPP.

With the objective of enhancing the capacity of the local labour exchange to address labour market problems in cases of mass lay-offs, the project of the Swedish National Labour Exchange and the Lithuanian Labour Exchange „Active labour market policy in the Ignalina NPP region” was completed in 2006. Based on the Swedish experience, a Management Co-ordination Committee and a Working Group were set up and operate to co-ordinate actions and disseminate information to the authorities concerned: the administration of Ignalina NPP, the trade unions, the local labour exchange, municipalities and the development agency. Representatives of those institutions are involved in the decision-making management structures in addressing development and unemployment issues of the region. Based on the Swedish experience, the capacity of the labour exchange was strengthened and informational materials for Ignalina NPP employees undergoing a dismissal procedure and those dismissed were released.

From 2006 through 2010, the guarantees set forth in the *Law on Additional Employment and Social Guarantees for the Employees of State Enterprise Ignalina Nuclear Power Plant* were put into practice. Based on this law and the implementing regulations drafted by the Ministry of Social Security and Labour, the Lithuanian Labour Exchange provides additional employment and social guarantees for the dismissed employees of the Ignalina NPP.

Over the period 2006–2010, the labour exchange granted additional guarantees to 1,909 former employees of Ignalina NPP (1,384 persons received severance pay, 466 were awarded and paid a monthly pre-retirement unemployment benefit whereas 61 had their relocation costs covered).

Pursuant to the *Law on the Decommissioning of the First Block of State Enterprise Ignalina Nuclear Power Plant of the Republic of Lithuania* and to enforce Resolution No. 117 of 2 February 2005 of the Government of the Republic of Lithuania „*On the approval of the programme of the decommissioning of the first and second blocks of State Enterprise Ignalina Nuclear Power Plant*“, with its resolution of 29 September 2010 the Government of the Republic of Lithuania approved the Programme for the Decommissioning of SE Ignalina Nuclear Power Plant for 2010-2014, which provides for further (until 2013) application of additional social and employment guarantees to the employees of Ignalina NPP undergoing a dismissal procedure or those dismissed and to their family members with financial resources allocated from the Ignalina NPP Decommissioning Fund.

Article 5

- 1 **The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**
- 2 **Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

Paragraph 1

Following the provisions of the Constitution and of national and international legislation, Lithuania ensures equal political, economic, social and cultural rights and freedoms for persons belonging to national minorities, recognises national identity and cultural continuity and fosters national awareness and its self-expression. Lithuania provides favourable conditions for developing the self-awareness and culture of national minorities. National minorities in Lithuania are ensured the right and freedom to set up cultural NGOs and to develop cultural relations with their compatriots living outside Lithuania. All this ensures cultural integration of national minorities and meets the principal philosophy of the EU, “unity in diversity”.

Seeking to ensure that the cultural needs of national minorities are met, until 31 December 2009, the Department of National Minorities and Lithuanians Living Abroad was implementing the *Programme for the Integration of National Minorities into Lithuanian Society for 2005-2010* approved with Resolution No. 703 of 8 June 2004 of the Government of the Republic of Lithuania (*see Article 5, Part II of the Second Report*). Following the reorganisation of the Department of National Minorities and Lithuanians Living Abroad and the resulting transferral of the functions associated with fostering the culture of national minorities to the Ministry of Culture, implementation of measures described in this strategy was being continued (*see Article 3, Part II of*

the Third Report).

The heritage of national minorities is a constituent of Lithuanian cultural heritage based on the provisions of the Constitution of the Republic of Lithuania. Objects of immovable cultural heritage (including those of national minorities) are protected pursuant to the provisions of the *Law on the Protection of Immovable Cultural Heritage of the Republic of Lithuania*, the *Law on Protected Areas of the Republic of Lithuania*, and the *Law on Territorial Planning of the Republic of Lithuania* whereas movable cultural values pursuant to the *Law on Protection of Movable Cultural Properties of the Republic of Lithuania*.

The Ministry of Culture provides funding for the activities of the Vilna Gaon Jewish State Museum, which consists of four departments: the Holocaust Exhibit, the Tolerance Centre, Memorial Museum of Paneriai, Jacques Lipchitz Memorial Museum in Druskininkai and History Exhibits displaying permanent and mobile exhibitions devoted to commemorating the Holocaust in Lithuania (*see Article 5, Part II of the Second Report and on Holocaust education Articles 1, 2 and 6, Part II of the Third Report*).

During the reporting period Lithuania has been continuing inter-cultural cooperation with other states. To date, it has signed bilateral cultural cooperation agreements and inter-departmental agreements on culture and art with close to 40 countries (*see Article 17, Part II of the Third Report*).

Over several decades, Lithuania and Poland have been co-operating intensively in the sphere of culture in line with all the provisions of international legislation. This is reflected in joint exhibitions of exclusive significance, scientific conferences, cultural meetings, concerts and other projects arranged by Polish and Lithuanian culture, science and art institutions. The Lithuanian Art Museum has on going close cooperation with the Wawel Royal Castle in Cracow, District Museum of Torun, Adam Mickiewicz Museum of Literature in Warsaw, the Gallery of Art in Legnica, Lazienki Kroliewski Museum (Warsaw), the Archaeology Museum of the City Museum of Wroclaw, National Museum in Szczecin, and the Art Institute of the Polish Science Academy, etc.

In 2006, The Lithuanian Art Museum and Wawel Royal Castle signed a cooperation agreement, which covers exhibition and exhibit exchange programmes, and they are implementing research programmes developed by museum specialists. At the end of 2009, the Lithuanian Art Museum and the National Museum in Warsaw signed a cooperation agreement on running common exhibition-related, scientific and other projects, and in 2010 a cooperation agreement was signed with the History Museum of the City of Gdansk. There is close cooperation of Lithuanian cultural institutions with the Polish Institute in Vilnius, which contributes to cherishing and disseminating the culture of both nations and to securing sustainability of national relations.

Decisions of the Lithuanian Seimas and the Polish Senate to announce year 2011 as the year of Czeslaw Milosz, writer and winner of the Nobel Price in Literature, are one example of a

beautiful cultural dialogue between Lithuanian and Polish workers of culture, science and art. Different events and educational programmes for youth devoted to commemoration of the 100th birthday of the renowned poet are planned to take place in 2011 both in Lithuania (his native Šeteniai (Kėdainiai District) and other places related to Czeslaw Milosz).⁹

With the view to introducing citizens of the Lithuanian state to the traditions and customs of different nations, nurturing the tolerance of society towards persons of different nationalities and religious views and fostering mutual respect and trust of citizens, a series of radio programmes „National minorities in Europe” was developed. In 2008, the Department of National Minorities and Lithuanians Living Abroad prepared information materials about national minorities and the history of how they emerged in Lithuania. Information was released in Lithuanian, Russian and English. In 2008, radio programmes were created and articles were published on the traditions and culture of Roma.

The organisational and administrative capacity of leaders of national minority NGOs were further enhanced, including special workshops and conferences. From 2006 through 2008, the Department of National Minorities and Lithuanians Living Abroad held seminars „Support funds for Lithuanian non-governmental organisations” and „Management of culture projects: from idea to report” for leaders of national minority NGOs. The seminars included theory and practical courses for community representatives on qualified preparation of applications for funding culture, art and education activities and introduced the different programmes for obtaining financing.

In 2008, the seminar „Legal regulation of non-governmental organisations” was arranged with the view to introducing representatives of national minorities to Lithuanian legislation that governs protection of the rights of national minorities.

The international conference „Participation of national minorities in civil society” was held in 2007 to encourage national minorities to play a more active role in civil society. The conference was arranged by the Department of National Minorities and Lithuanians Living Abroad in cooperation with the NGO Human Rights Centre and Mykolas Romeris University. The conference analysed the experience of other states and the existing drawbacks of the legal framework that prevent national minorities from proactive involvement in civil society. On 17 September 2010, Vilnius hosted the conference „Let’s create Lithuania together: national minorities over the twenty years since the restoration of Lithuanian Independence”; the conference looked at the contribution of national minorities to the creation of Lithuanian civil society and discussed issues relevant to national minorities.

⁹ For more details about events devoted to the commemoration of the 100-th anniversary of Czeslaw Milosz please visit http://www.lrkm.lt/go.php/lit/Del_C._Miloso_100_uju_gimimo_metiniu_min/340/0/342.

Culture centres of national minorities

To meet the cultural and educational needs of Lithuanian national minorities, social activity centres of national minorities were set up in the major cities of Lithuania.

The House of National Communities in Vilnius has been in active operation for twenty years. Its individual premises supplied with contemporary communication aids and office equipment are used free of charge by the Community of Lithuanian Azerbaijanis, the Union of the Public organisations of Lithuanian Byelorussians, the Belarusian club *Siabryna*, the Estonian Society of Lithuania, the Association of the Public Organisations of the Lithuanian Greeks, the Greek community in Lithuania *Pontos*, the Co-ordination Council of the Public Organisations of Lithuanian Latvians, the Society of Vilnius Latvians, the Cultural Society of the Lithuanian Romanians *Dačija*, the Society of Vilnius Ukrainians, the Society of Vilnius Germans and the Educational Society of the Lithuanian Orthodox Believers *Živoj Kolos*.

The Parlour, the Event Hall, the meeting room and the training classroom of the House of National Communities are also accessible without charge to representatives of the country's other national minority NGOs. In addition, they have free access to the services of the Information Centre (computers, Internet access, copying machine, etc.) and can apply for all kinds of advice and obtain methodological / practical support as far as the activities of the organisation are concerned.

The House of National Communities hosts over 100 events annually to mark the national holidays of the historic homelands of different national groups living in Lithuania, different concerts, exhibitions, publication presentations, meetings of national minority NGOs, sittings of the Council of National Communities and meetings of national minorities with culture workers and policy-makers. In the reporting period, the House of National Communities arranged courses on the Lithuanian state language for representatives of national minorities on social assistance. Around 70 representatives of national minorities per year had the opportunity to improve their command of the state language.

Over the period 2006-2008, over LTL 4 million (more than EUR 1 million) from the state budget was invested in refurbishment of the premises of the House of National Communities.

The Roma Community Centre set up in 2001; Kaunas Cultural Centre of Various Nations in 2004, the Ethnography and Folklore Centre of the Lithuanian National Minorities in 2005 and Visaginas National Cultures Centre in 2006 (reorganised in 2009) have continued their activities successfully in Lithuania. These institutions contribute to the full integration of national minorities into the society, help to preserve their cultural and ethnical distinctions and foster the national tolerance of the population. The activities of these centres are funded from the state budget.

The Ethnography and Folklore Centre of the Lithuanian National Minorities takes care of

disseminating the culture of Lithuanian national minorities in Lithuania and abroad. The festival *Pokrovskije kolokola* is held annually and an international summer course of ethnic music and folk crafts is arranged. The Ethnography and Folklore Centre of the Lithuanian National Minorities regularly sets out for traditional folklore expeditions in the areas of Lithuania populated by national minorities. Materials recorded during these expeditions are systematised and introduced to the public in the form of compact discs. At the end of 2007, the CD “Traditional music of Lithuanian national minorities” was released featuring the folklore and traditional music of Poles, Latvians, Russian Old-believers, Karaites, Ukrainians, Tartars, Byelorussians, Jews and Roma. During the ethnographic expeditions in the summer of 2008, the staff of the Centre collected the music heritage of Old-believers and Byelorussians to compile and release a CD “Traditional music of Lithuanian national minorities”.

Proactive national minority communities, NGOs and art companies in Kaunas had access to the premises of PI Kaunas Cultural Centre of Various Nations (concert and exhibition halls, the computer classroom) at their convenient time. Since 2006, PI Kaunas Cultural Centre of Various Nations has hosted the Lithuanian nations’ festival in Kaunas “Bridges of Culture” – one of the largest culture events of national minorities in Lithuania with participation of dozens of the best art companies and craftsmen of national minorities.

For the activities of the Roma Community Centre *see Article 15, Part II of the Third Report*.

Funding for national minorities

In line with one of the priorities of the Government of the Republic of Lithuania, i.e. to enable persons belonging to national minorities to cherish their identity, the NGOs of national minorities living in Lithuania are provided with annual financial assistance. In support of the culture of national minorities, the Lithuanian state seeks to consolidate the cultural rights of Lithuanian citizens of other nations, to enable them to integrate into the country’s life and to foster their culture traditions and heritage (*see Article 7, Part II of the Third Report*).

1. State level

From 2006 through 2009, state support was allocated to over 800 culture and education projects of national minority NGOs which promote fostering of identity, the intercultural dialogue of nations and civil awareness; the activities of national minority culture centres were also supported (*see Table 2*).

Table 2. Support for culture, art and education projects and for national minority culture centres

| Support for culture, art and education projects and national minority culture centres | | | | | |
|--|--------------|--------------|--------------|--------------|---------------|
| | <i>2006*</i> | <i>2007*</i> | <i>2008*</i> | <i>2009*</i> | <i>2010**</i> |
| | | | | | |

| | | | | | |
|--|---------|---------|---------|---------------|---------------|
| Projects of national minority NGOs | 330,000 | 577,150 | 610,700 | 550,000 | 201,000 |
| PI the House of National Communities | 265,000 | 295,000 | 340,405 | 362,200 | 278,000 |
| PI Kaunas Cultural Centre of Various Nations | 120,000 | 138,000 | 190,000 | 190,000 | 98,000 |
| PI Roma Community Centre | 218,000 | 235,000 | 304,775 | 305,000 | 180,000 |
| PI Ethnography and Folklore Centre of the Lithuanian National Minorities | 20,000 | 85,000 | 118,140 | 130,000 | 70,000 |
| PI Visaginas Centre for National Cultures | 31,000 | 32,000 | 15,000 | (reorganised) | (reorganised) |

Sources: * Figures of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania.

**Figures of the Ministry of Culture of the Republic of Lithuania.

2. Municipal level

City municipalities of Lithuania ensured appropriate conditions and provided support for fostering and disseminating the identity of national minority NGOs and for culture events that promote dialogue between the different cultures, nurture respect, understanding and tolerance and reduce social exclusion; they also provide support for different kinds of events that foster dialogue between the different cultures, nurture respect, understanding and tolerance.

Table 3. Municipal support for national minority projects

| Municipality | Amount allocated | | | |
|----------------------|------------------|------------|-----------|-----------|
| | 2007 | 2008 | 2009 | 2010 |
| Vilnius | 19,000.00 | 31,500.00 | 48,000.00 | 18,000.00 |
| Kaunas | 15,000.00 | 15,000.00 | 14,000.00 | - |
| Klaipėda | 36,500.00 | 40,000.00 | 23,850.00 | 22,900.00 |
| Panevėžys | 2,300.00 | 4,500.00 | 600.00 | - |
| Šalčininkai District | - | 9,852.00 | 6,500.00 | 3,000.00 |
| Trakai District | 8,000.00 | 4,500.00 | 1,000.00 | 3,000.00 |
| Total: | 77,300.00 | 105,352.00 | 93,950.00 | 46,900.00 |

Sources: figures of Vilnius, Kaunas, Klaipėda, Panevėžys, Šalčininkai and Trakai District municipalities.

Information was provided annually to national minority organisations on opportunities to develop project activities and there were meetings of representatives of municipal administrations and communities on the relevant issues and problems of national minorities. National minority communities were proactive participants in day festivals of Vilnius, Kaunas, Klaipėda, Panevėžys and other cities; art companies gave concerts on stages in public spaces and the gastronomic heritage of national minorities was introduced. Key events include the National Minority Festival, the international folklore festival *Pokrovskije kolokola*, Polish Culture Days, festival *Mūza*, the International Festival of Russian Sacral Music and other traditional Byelorussian song festivals,

Russian Culture Days, the traditional festival of German songs and music, Polish culture festivals *Kwiaty polskie*, *Skambėk*, *lenkų daina*, *Piesn Znad Willi*, etc. Every year national minorities celebrate their traditional national holidays and mark the independence day of their ethnic homelands.

In 2010, a monument dedicated to Vytautas the Great and to the 600th anniversary of the victory in the Battle of Grunwald was erected in Raižiai (Alytus District) at the initiative of the Lithuanian Union of Tartar Communities. In August 2009, Lithuania hosted the third congress of world Jews who call themselves Litvaks. For measures to foster the national identity of Roma see Article 15, Part II of the Third Report.

2008 European Year of Intercultural Dialogue

Lithuania marked 2008 as the European Year of Intercultural Dialogue. In the context of this international initiative, three priorities for implementing the European Year of Intercultural Dialogue in Lithuania were identified:

1. Fostering respect and interest in cultural, national, religious and social diversity.
2. Civil integration of national communities.
3. Promoting public discussions on continental and regional cooperation, migration processes and intercultural dialogue.

To mark the 2008 European Year of Intercultural Dialogue Lithuania hosted conferences, seminars and different events involving representatives of national minorities. The activities aimed to promote the nurturing of tolerance by society and respect for other nations living in Lithuania and for their cultures through involving civil society. In their role as ambassadors of the Year, famous people of Lithuania called on everyone to realise the importance and benefits of intercultural dialogue by their own example.

To achieve broad awareness of the general and national priorities of the 2008 European Year of Intercultural Dialogue set by the EC and to have an impact on the largest possible audience, publicity actions were carried out. Relevant information was posted on the website of the Ministry of Culture at *www.lrkmlt* and on the website of the PI Centre for European Culture Programmes at *www.duryys.org*, which created a special section for news of the 2008 European Year of Intercultural Dialogue.

Table 4. Key projects of the 2008 European Year of Intercultural Dialogue implemented in Lithuania

| KEY PROJECTS (2008) | | |
|-------------------------------|----------------------|--------------------------------------|
| TIME OF IMPLEMENTATION | PROJECT TITLE | INFORMATION ABOUT THE PROJECT |
| | | |

| | | |
|----------------------------|--|---|
| July-August | „Yiddish Culture Days 2008” | The project was part of the Vilnius Yiddish summer course devoted to introducing the culture of world Jews. |
| September | „Lithuania – the country where cultures meet” | Running in the virtual environment, the project aimed to draw the attention of youth to the cultural heritage of national, ethnic and confessional minorities existing in Lithuania. |
| March-July | „Let’s change together!” | An international youth forum and regional training sessions for heads of non-governmental youth organisations on cultural dialogue. Locations: Klaipėda, Visaginas, Vilnius, Panevėžys, Šiauliai, Akmenė, Marijampolė, Kaunas. |
| April–November | „European film: intercultural dialogues” | A social intercultural film education project for schoolchildren in the different counties of Lithuania. Locations: Vilnius, Zarasai, Panevėžys, Pabradė, Palanga. |
| April- December | „Nordic film at my school. Getting to know others” | An educational film programme for teachers, seminars and dissemination of methodological materials in schools. |
| April-December | „The migration of art: crossing the line of periphery” | An art exchange project in France, Italy, Poland, Portugal and Lithuania. |
| July | The European Year of Intercultural Dialogue (2008) contest for young journalists who introduce the year's themes and priorities in the media | Four young journalists were selected to publish articles analysing the different aspects of intercultural dialogue in the Lithuanian media. |
| July-November | Film programme „Film Dialogue” | A film lab, film festival and film forum for the youth of Aukštaitija District. |
| 12-13 December | The shift of cities in Eastern and Central Europe: socio-cultural, urban and ethnic aspects | This was a series of round-table discussions from March to July, which ended with an international scientific conference. |
| December | Round-table discussion: results of the European Intercultural Dialogue (2008). | Organiser: Centre for International Culture Programmes. |
| March 2008 – February 2009 | „Change your ego” | The project aims to contribute to intercultural dialogue and understanding other cultures and to support proactive civil awareness of European youth through common art projects that help them to look beyond their usual social circle. |

Source: Ministry of Culture of the Republic of Lithuania.

National minority NGOs also took an active part in the events of Vilnius – European Capital of Culture in 2008.

On 18-27 September 2009, European Heritage Days in Lithuania took place in different cities of Lithuania to introduce the cultural heritage of different nations and religions (Russians, Jews, Ukrainians, Karaites, Germans, etc.) (to explore their history, folklore and gastronomic heritage).

Paragraph 2

The *draft Concept of the Law on National Minorities* intends to stipulate a prohibition on forced assimilation (*see Article 3, Part II of the Third Report*).

Article 6

- 1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**
- 2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

Paragraph 1

Public education and intercultural dialogue

Tolerance, intercultural dialogue and mutual trust are the foundation of peaceful concord between different national and ethnic groups. A particular focus on education in promoting tolerance, is a priority development area of the Republic of Lithuania supported by the state. The new wording of the *Republic of Lithuania Law on Education (hereinafter: Law on Education)* defines public education as the means of shaping the future of a person, society and the state. It is based on acknowledgement of the indisputable value of the individual, freedom of choice and moral responsibility, as well as on democratic relationships and the cultural traditions of the country.

With a view to fostering intercultural tolerance and dialogue, the general basic and secondary education programmes of Lithuanian schools of general education include education on the Holocaust and development of tolerance.

Education on the Holocaust

In schools of general education the Holocaust education is included in the subjects of history, basics of civil awareness and ethics, history and geography courses.

Topics on the Holocaust are included in the school-leaving examinations (war crimes, the Holocaust, the Nuremberg process).

Approximately 30 per cent of schools play an active role in different projects relating to themes of the Holocaust: write essays, collect materials on the Holocaust, visit and look after Jewish cemeteries and memorials and take part in events of the Holocaust Commemoration Day.

Tolerance education

A Tolerance Education Programme has been run since 2002 with the aim of nurturing a mature and responsible civil society and to foster tolerance and respect for universal human values.

Based on the figures of 2011, Lithuania has 75 Tolerance Education Centres, which implement the Programme for Education on the Crimes of Totalitarian Regimes, Prevention of Crimes Against Humanity and Tolerance Education. The target group of this programme includes not only history teachers, but also teachers of other subjects (ethics and religion, languages, music, art).

In schools of general education tolerance education is included in the general curricula of basics of civil awareness, ethics, religion, geography, law, philosophy and religious research.

Tolerance education in the Civil Awareness Education curriculum

The Civil Awareness Education curriculum underlines that in the light of globalisation processes and with emphasis on the responsibility of a Lithuanian citizen in addressing global problems, it is important to foster national and civil awareness in a multicultural society, i.e. the ability of the individual and society to acknowledge current global developments, cultural diversity, tolerance for differences, the rights of national minorities and the ambition to preserve national identity in the context of cultural diversity.

Tolerance education in the Ethics curriculum

The Ethics curriculum addresses issues of tolerance, respect for other nations, equal opportunities and justice in a democratic community; it provides an introduction to the diversity of cultures, worldviews, religions and nature and to the values of heritage.

Tolerance education in the Catholic Religion curriculum

The Catholic Religion curriculum aims to nurture the willingness of schoolchildren to communicate with , “those who are different” in a tolerant way, reflect on their belief and respect people of other religions, to develop their capacity to discuss the role of traditions in their lives, to compare the great religions of the world, to highlight the value of Christianity and to provide a brief characteristic of the great religions of the world. Tolerance education is also included in the curricula of Orthodox, Evangelical Lutheran, Evangelical Reformat, Karaite and Jewish religions.

Tolerance education in the Geography curriculum

The Geography curriculum conveys the mosaic-type integrity of the world, nature and society, the dimensional interfaces of civilisations and cultures, the interdependence of nature and society along with aspects of their development and survival, and examines the national and religious composition of the population of the world (Christianity, Islam, Buddhism, Hinduism). In addition, it develops the skills of using statistics and diagrams and comparing the traditions of own and other nations.

Tolerance education in the general curriculum of secondary education in Law

Pupils are encouraged to come up with suggestions on how to foster the tolerance of the population of EU states (including Lithuania) for representatives of different nationalities, religions and races.

Tolerance education in the general curriculum of secondary education in Philosophy

The Philosophy curriculum aims to foster learners' willingness to develop their tolerance and respect for a believer or infidel following the path of rational considerations.

Tolerance education in the general curriculum of secondary education in Religious Research

The Religious Research curriculum seeks to foster responsible tolerance for all religions (religious phenomena, beliefs and worldviews) and for their believers as the fundamental value of civil identity and intercultural dialogue.

The Department of National Minorities and Lithuanians Living Abroad, which operated until 2010, was highly focused on the education of tolerance and anti-discrimination.

Measures intended for public education on anti-discrimination arranged by the Department of National Minorities and Lithuanians Living Abroad from 2006 through 2008:

The Roma Community Centre held a seminar aimed at introducing the Year of Equal Opportunities in Lithuania; in 2006, seminars „Protection of the rights of national minorities and relevance of anti-discrimination measures” were arranged for civil servants at municipal administrations. A short film about the history and culture of Lithuanian Jews was created; a series of radio programmes „Topicalities of national minorities” on ZNAD WILLI radio station was supported; a publication „Rights of national minorities” was released in English; in cooperation with the Human Rights Centre, a seminar for representatives of the regional media was arranged – „Improving media pluralism, civil society and the image of national minorities in Lithuania”; the first legal graffiti contest „All different – all equal in sport” was held at S. Dariaus ir S. Girėno Stadium; an international conference „National tolerance: the present and challenges of the future” was arranged together with the American Centre in Klaipėda. The conference participants included representatives of Klaipėda County municipalities, police officials, academic youth of Klaipėda University and representatives of the media.

In 2008, one-day anti-discrimination workshops for police officers were arranged in conjunction with the Police Department under the Ministry of the Interior. The aim of these workshops was to introduce participants to the sources and genesis of racial discrimination, the existing legislative framework, the skinhead subculture, the Roma national minority including their culture and customs; a „Week against Racial Discrimination 2008” (series of events) marked with the symbols of the „Week against Racial Discrimination” and virtual photography exhibitions on the portal alpha.lt – „Our address – Dariaus ir Girėno 185, Vinius” (photography exhibition of Lithuanian Roma) and „Other culture: searches and discoveries” were arranged; a booklet on national minorities and their emergence history was prepared and released (in Lithuanian, Russian

and English).

In 2010, the Ministry of Culture, in cooperation with public institutions and NGOs, hosted and supported anti-discrimination events.

Training of officers on the protection of human rights

Within the framework of the National Anti-discrimination Programme for 2009-2011, training sessions were delivered in Lithuania to employees of different institutions, civil servants, police officials and judges on equal opportunities and non-discrimination; discussions were held with non-governmental organisations dealing with protection of human rights; there was a promotion campaign on multiple discrimination; and an non-formal education programme was developed for target groups on tolerance and respect for the human being.

Table 5. Information on training arranged for police officers over the period 2006-2010 on securing and protecting the rights of national minorities and persons of other nationalities

| No. | Training title | Training themes | Number of participants | Organiser |
|-------------|--|---|------------------------|--------------------------|
| 2006 | | | | |
| 1. | Training for a universal patrol | Protection of human rights and freedoms | 27 | Lithuanian Police School |
| 2007 | | | | |
| 2. | Discrimination. Implementing the principles of equal opportunities | Discrimination. Causes and effects of its occurrence. Anti-discrimination legislation of the European Union and the Republic of Lithuania and their application. Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). Topicalities of complaints received by the Office of the Equal Opportunities Ombudsman and peculiarities of their examination. | 19 | Lithuanian Police School |
| 2008 | | | | |
| 3. | Discrimination. Implementing the principle of equal opportunities | Discrimination. Causes and effects of its occurrence. Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). | 43 | Lithuanian Police School |
| 4. | Integration of Roma into society | Problems of Roma integration into Lithuanian society (insufficient education, participation in the labour market, poor living conditions, the drug abuse problem, discrimination of Roma). Test „Are you tolerant?”. Anti-discrimination legislation of the EU and the Republic of Lithuania and their application. Goals, objectives and implementation of the Programme for the Integration of Roma into Lithuanian Society for 2008–2010. | 20 | Lithuanian Police School |
| 5. | Communicating with victims | Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). | 140 | Lithuanian Police School |

| | | | | |
|-------------|---|---|-----|---|
| 6. | National and racial discrimination | The Roma national minority: culture and traditions. Subcultures in Lithuania: skinheads, etc. | 82 | Department of National Minorities and Lithuanians Living Abroad |
| 2009 | | | | |
| 7. | Discrimination. Implementing the principle of equal opportunities | Discrimination. Causes and effects of its occurrence. Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). | 24 | Lithuanian Police School |
| 8. | Communicating with victims | Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). | 161 | Lithuanian Police School |
| 2010 | | | | |
| 9. | Communicating with victims | Possible manifestations of discrimination in Lithuania (discrimination based on age, disability, sexual orientation, racial and ethnic origin, religion and convictions). | 223 | Lithuanian Police School |

Source: figures of the Police Department under the Ministry of the Interior.

Within the framework of the National Anti-discrimination Programme for 2009-2011, the Training Centre of the Ministry of Justice developed a separate professional development programme on discrimination for judges. Key training themes include EU legislation governing the prohibition on discrimination; EU directives and their transposition to national law; application of laws in practice and arising problems; the principle of equality; constitutional doctrine; case law of the European Court of Human Rights; the framework and enforcement principles of international legislation governing the prohibition of discrimination.

Issues of discrimination (including racial) are also addressed during other trainings for judges. With the view to providing judges with general education knowledge on discrimination, apart from lawyers specialising in the field of human rights protection, sociologists and representatives of the Equal Opportunities Ombudsman's authority are invited as lecturers to take part in this type of training.

Owing to reduced appropriations of the Prosecution Service in 2010 and to scarce financial resources, there are plans to arrange training on peculiarities of qualification and investigation of criminal acts relating to the instigation of racial hatred (Article 170 of the Criminal Code), discrimination (Article 169 of the Criminal Code), and criminal acts committed on racist, xenophobic and anti-Semitic grounds in 2011 (*see Article 4, Part II of the Third Report*).

The media

The *Law on the Provision of Information to the Public of the Republic of Lithuania* stipulates the key principles of informing the public, one of which proclaims that producers and disseminators of public information as well as journalists and publishers in their activities shall be

governed by the Constitution of the Republic of Lithuania, national laws and treaties. They are also governed by the principles of humanism, equality, tolerance and respect for every human being; they shall respect freedom of speech, creativity, religion and conscience, and the diversity of opinion (*see Article 9, Part II of the Third Report*).

Articles 54 and 55 of *the Code of Ethics of Lithuanian Journalists and Publishers* stipulate provisions which forbid public information organisers and journalists to provoke, whether directly or indirectly, discord or incite hatred of any group of individuals or its members on the grounds of their surname, race, nationality, ethnicity, religious convictions, age, sex, sexual orientation, disability or physical deficiencies even if such individual has committed a crime. In addition, the journalist and public information organiser shall neither stress nor associate the nationality, ethnic origin or social group and sexual orientation of the suspect, accused or offender with a crime committed by him/her. A violation of this ethical provision of journalist activities would mean that a journalist fails to meet their commitment to society, which they have undertaken.

Lithuania draws attention to the problem of national intolerance in the media and to the need to show a greater level of tolerance and understanding for people and their groups regardless of their origin, ethnicity, religious views or convictions. By adopting these rules of activity and conduct, Lithuanian journalists acknowledge that indication of nationality, race or origin when providing public information on criminal acts and on different violations of rights is not absolutely necessary and even vicious as this is how hatred for that nation, disunity and exclusion are given a green light in society.

In 2006, the Department of National Minorities and Lithuanians Living Abroad drafted regulations for the annual nomination “For National Tolerance”. The nomination aims to give awards to persons for promoting national tolerance in the media. Over the period 2007–2009, three media representatives were nominated. In 2011, this tradition was renewed by the Ministry of Culture (*see Articles 3 and 9, Part II of the Third Report*).

Paragraph 2

Measures against discrimination, intolerance, hostility and violence – penal and administrative liability for violations of the principle of personal equality

The legal regulation of the new *Law on Equal Treatment* is analysed in detail in Article 4, Part II of the Third Report.

After the coming into force of the *Law on Equal Treatment* of 1 January 2005, complaints regarding discrimination on grounds of race, ethnic origin, nationality and language comprised 14 per cent on average per year. Such complaints have been increasing in number since 2005 and decreased in 2009. This can be explained by the complicated economic situation of the state. In

times of economic downturn a person who complains about discrimination often becomes a primary target for dismissal, therefore the number of complaints on discrimination has been generally decreasing for fear of losing a job, and the same applies to complaints concerning ethnic origin. In addition, in the last few years, employers have tended to consult the Office of the Equal Opportunities Ombudsman before taking specific action.

According to figures of the Office of the Equal Opportunities Ombudsman, complaints of Roma comprised 17 per cent of the total claims against discrimination on grounds of race, ethnic origin, nationality and language in 2007, 11 per cent in 2008, 10 per cent in 2009 and 25 per cent in 2010. In most cases the complaints of Roma related to the handling of personal documentation whereas employment relations were dominated by complaints indicating that regardless of the labour exchange recommendations for employment potential employers refused to employ female Roma based on their nationality.

Both criminal and administrative legal prerequisites to protect persons who are threatened or potentially subjected to discrimination or hostility based on their national, cultural or religious distinction exist in Lithuania.

After 2006, substantial revisions and amendments were made to *the Criminal Code of the Republic of Lithuania* (hereinafter: Criminal Code). On 16 June 2009, the Seimas of the Republic of Lithuania adopted new amendments to *the Criminal Code*, i.e. a new point 12 was added to Article 60(1) of this code (aggravating circumstances), stipulating that an aggravating circumstance shall exist where “the act was committed seeking to express hatred for a group of people or for a person belonging thereto based on age, gender, sexual orientation, disability, race, nationality, language, origin, social status, belief, convictions or views”. In the same law the said motivation was provided as a feature that qualifies as criminal action by revising and amending the dispositions of norms laid down in Article 129 (intentional homicide), Article 135 (severe personal injury) and Article 138 (minor personal injury) of the Criminal Code.

Law No. XI-349 of 15 July 2009 annulled Articles 214¹² and 214¹³ of the Code of Administrative Offences of the Republic of Lithuania, which stipulated administrative liability for production, storage, distribution and public demonstration of informational production that propagates national, racial or religious discord and for creation of this type of organisation intended to discriminate people and to instigate national, religious, ethnic and other discord between different groups of people. These acts were now criminalised, i.e. transposed to *the Criminal Code* by *Law No. XI-330 of 9 July 2009, which took effect on 23 July 2009*. Article 170(1) of this code (Instigation against any national, racial, ethnic, religious or other group of people) additionally set forth criminal liability for a person who, for the purposes of distribution, produces, acquires, sends, transports or stores items ridiculing, expressing contempt for, urging hatred of, or inciting

discrimination against a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or inciting violence, the physical violent treatment of such a group of persons or person belonging thereto or distributes them. For such criminal act the criminal law provides a fine or restriction of liberty or arrest or imprisonment for a term of up to one year.

Paragraphs 2 and 3 of the said article of the *Criminal Code*, from the coming into force of the *Criminal Code* on 1 May 2003, continue to stipulate criminal liability for a person who publicly ridicules, expresses contempt for, urges hatred of or incites discrimination against a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views. The law lays down sanctions such as fine or restriction of liberty or arrest or imprisonment for a term of up to two years, as well as criminal liability for a person who publicly incites violence or a physical violent treatment of a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or who finances or otherwise supports such activities. For such criminal acts a person may be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years. It should be noted that a legal entity is also held liable for the acts provided for in Article 170 of the *Criminal Code*.

From the point of view of the technique of legislation, such adjustments to the legal norms referred to above and criminalisation of individual offences is justified by the fact that according to Article 25(4) of the *Constitution of the Republic of Lithuania*, freedom to express convictions and to impart information shall be incompatible with criminal actions — incitement of national, racial, religious, or social hatred, violence and discrimination, with slander and disinformation.

In addition, Article 312(2) of the *Criminal Code* (desecration of a grave or other place of public respect) provides criminal liability for a person who commits acts of vandalism in a cemetery or any other place of public respect or desecrates a grave or any other place of public respect for racist, nationalist or religious reasons. For such criminal acts a person may be punished by community service or by a fine or by imprisonment for a term of up to three years.

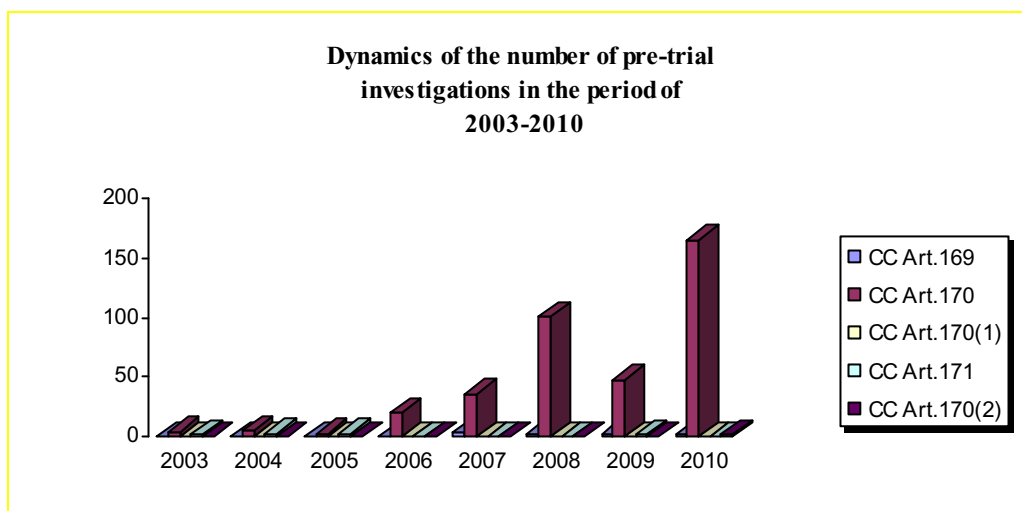
The Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania, following the regulations of the Departmental Registry of Criminal Acts approved with Order No. 1V-36 of 26 January 2006 of the Minister of the Interior of the Republic of Lithuania, manages the Departmental Registry of Criminal Acts, which stores data on registered criminal acts, results of their investigation, persons suspected (accused) of committing criminal acts and persons who suffered criminal acts in the Republic of Lithuania. Data for the Registry are provided by police and other pre-trial investigation institutions, prosecution services

and courts.

Based on the figures of the Prosecution Service, 168 pre-trial investigations of criminal acts against personal equality and the freedom of conscience (Articles 169-171 of the *Criminal Code*) were started in Lithuania in 2010. Eight such ongoing investigations were regarding incitement of hatred for the Roma ethnic group, six pre-trial investigations on incitement of hatred for the Jewish national group, three pre-trial investigations on instigation against the Polish national group, two on instigation against people of Russian nationality, and one pre-trial investigation on incitement of religious hatred (for Catholics).

Figure 1 illustrates numbers of pre-trial investigations of criminal acts against personal equality and freedom of conscience, their changes and dynamics trends in the long term (8 years).

Figure 1. Number of pre-trial investigations of criminal acts against personal equality and freedom of conscience



Source: Figures of the Prosecution Service of the Republic of Lithuania

In 2010, district courts heard at least 14 criminal cases on incitement of hatred and discrimination, and 14 persons were found guilty and convicted (1 person according to Article 169 of the Criminal Code and 13 according to Article 170(2) and 170(3) of *the Criminal Code*), there were no acquittals. In all cases the courts imposed alternative punishments provided as sanctions in the articles on the aforementioned criminal acts in the form of monetary fines on those convicted. The level of fines ranged from 2 MLS (LTL 260) to 25 MLS (LTL 3,250).

The majority of crimes registered according to Article 170 of the *Criminal Code* „Instigation against any national, racial, ethnic, religious or other group of people” were related to public comments on the Internet. A rise in the numbers of these crimes over the period of 2007-2010 was not so much a result of a greater number of actual acts committed, but of more proactive efforts of law enforcement institutions, particularly the Prosecution Service, to devote more attention to this field and to ensure a timely and proper response to facts of committing such acts.

With the view to enhancing police capacity to investigate criminal acts committed in the

electronic domain, in 2008, a Board for the Investigation of Crimes in the Electronic Domain was set up to replace the relevant department of the Lithuanian Criminal Police Bureau. Some of the investigations on illegal information on the Internet is of international character as the identified Internet Protocol (IP) addresses belong to computers located elsewhere than in the territory of the Republic of Lithuania, therefore investigations are sometimes time-consuming and not always effective (owing to differences in how different states define illegal information).

The Police Department under the Ministry of the Interior, within its competences, analyses information about threats in connection with incitement of discord and takes preventive action on a needs basis.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

In 2010, 248 NGOs of national minorities were actively operating in Lithuania* (*see Table 6*).

Table 6. Number of national minority NGOs by nationality

| | Nationality | Number of organisations |
|-----|--|--------------------------------|
| 1. | Armenians | 6 |
| 2. | Azerbaijani | 4 |
| 3. | Byelorussians | 18 |
| 4. | Bulgarians | 1 |
| 5. | Chechens | 1 |
| 6. | Estonians | 1 |
| 7. | Greeks | 9 |
| 8. | Georgians | 2 |
| 9. | Karaites | 1 |
| 10. | Korean | 1 |
| 11. | Latvians | 9 |
| 12. | Poles | 44 |
| 13. | Lebanese | 1 |
| 14. | French | 1 |
| 15. | Roma / Gypsies | 10 |
| 16. | Romanians | 1 |
| 17. | Russians | 65 |
| 18. | Tartars | 16 |
| 19. | Ukrainians | 16 |
| 20. | Uzbeks | 5 |
| 21. | Hungarians | 1 |
| 22. | Germans | 17 |
| 23. | Jews | 14 |
| 24. | Culture centres of national minorities | 4 |
| | Total: | 248* |

Source: Figures of the Ministry of Culture of the Republic of Lithuania.

*Based on the figures of the Centre of Registers, more than 300 NGOs of national minorities are registered in Lithuania.

Culture centres of national minorities such as the House of National Communities, Kaunas Cultural Centre of Various Nations, the Roma Community Centre, and the Ethnography and

Folklore Centre of the Lithuanian National Minorities have continued developing their activities with success (see Article 5, Part II of the Third Report). In 2009, Visaginas Centre for National Cultures was reorganised to become part of Visaginas Culture Centre. This centre continues to run class (after-class) activities of the „Native School” (for Byelorussians, Poles, Russians, Germans and Ukrainians) (*see Article 5, Part II of the Third Report*).

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

According to the findings of the population and housing census of the Republic of Lithuania conducted in 2001, the majority of the Lithuanian population is Roman Catholic (*see Table 7*).

Table 7. Population in terms of religion

| Confession | Proportion to total population, % | Total congregation |
|-----------------------|--------------------------------------|--------------------|
| Roman Catholics | 79 | 2,752,447 |
| Evangelical Lutherans | 0.6 | 19,637 |
| Evangelical Reformed | 0.20 | 7,082 |
| Greek Catholics | 0.01 | 364 |
| Jews | 0.03 | 1,272 |
| Muslim Sunni | 0.08 | 2,860 |
| Old Believers | 0.8 | 27,073 |
| Orthodox | 4.1 | 141,821 |
| Other religions | 0.38 | 13,882 |
| No religion | 9.5 | 331,087 |
| Not specified | 5.3 | 186,447 |

Source: Statistics Lithuania.

There is no state religion in Lithuania. State and municipal education institutions are secular. Comparatively small groups of citizens may register a religious community. A registered community gains the status of a legal entity.

The Republic of Lithuania allows categorising religious associations into traditional and other ones. The status of traditional religious associations is irrevocable and their list approved at the will of legislators is final.

Only citizens of the Republic of Lithuania may form registered religious communities, yet registration of a religious community is not obligatory. This is consistent with the key provisions of the CE on this matter.

The Ministry of Justice drafted and on 5 November 2010 transmitted to the institutions concerned and to the public for consideration a draft *Law on the Amendment of the Law on Religious Communities and Associations*. The draft Law aims to align the provisions of *the Law on*

Religious Communities and Associations of the Republic of Lithuania with those of the *Civil Code of the Republic of Lithuania* (hereinafter: *the Civil Code*). This will define more clearly the criteria of including traditional religious communities and associations into the Register of Legal Entities, to stipulate the right for traditional religious associations to change the legal form of religious communities which belong or used to belong to them into that of a non-traditional religious community or association and to create legal regulation on signing agreements between the State and religious communities or associations.

The draft law suggests withdrawing the restriction for non-traditional religious communities to officiate at state and municipal educational establishments where such officiating is agreed with the management of the school and where it is not in contradiction with the concept of a secular school.

In response to the requests of some traditional religious associations, the draft law sets forth the option to conclude agreements between religious communities or associations and the state on the status of religious communities or associations, outlining the aims and conclusion procedure of such agreements.

The draft law defines two legal forms of legal entities that pursue religious goals: “traditional religious community or association” and “non-traditional religious community or association”. In view of the great variety of religious organisations, the draft law withdraws the notion of a religious centre and introduces a regulation where legal entities founded by religious communities or associations according to their canons, statutes and other norms (i.e. legal entities which are not membership-based religious communities or associations, but pursue religious goals), regardless of their precise type of activity, are included into the Register of Legal Entities as legal entities of one of the above-mentioned legal forms.

In response to the requests of some traditional religious associations, the draft law provides the opportunity for traditional religious associations to apply to the Ministry of Justice asking to change the legal form of religious communities that have lost continuity of traditions from a “traditional religious community or association” into a “non-traditional religious community or association”, defining cases when such application is possible.

A simplified procedure for filing documents with the Register of Legal Entities has applied since the beginning of 2010. As of 1 January 2010, the Register of Legal Entities is no longer furnished with samples of signatures of members of management bodies who have the right to conclude transactions as amendments to Article 2.66(1)(7) of the *Civil Code* took effect. Therefore, the *Civil Code* no longer stipulates the obligation of the Register of Legal Entities to collect and provide samples of signatures of members of management bodies of legal entities. This means that heads of religious communities no longer have to visit a notary’s office when submitting

documentation of the community.

Since its coming into effect on 1 May 2003, the current *Criminal Code* stipulates penal liability for disrupting religious ceremonies or religious celebrations for a person who through the use of taboo words, carrying out of defiant actions, threatening, taunting or other indecent actions, disrupts the services or other ceremonies or celebrations held by a religious community or society recognised by the state (Article 171 of the *Criminal Code*). For such criminal acts a person may be punished by community service or by a fine or by restriction of liberty or by arrest.

In 2007, a study „Discrimination based on religion and convictions in Lithuania” was conducted. The aim of the study was to seek equal opportunities in the Republic of Lithuania for people professing different religions and their groups, eliminate discrimination on grounds of religion and implement the principles of freedom of conscience. The study consisted of a number of phases: a representative sociological quantitative survey, a qualitative survey on discrimination based on religion and convictions and an analysis of the legal framework of the Republic of Lithuania in connection with freedom of belief and convictions. The study revealed that the population of Lithuania still had negative attitudes towards groups of different religions and worldview.

From March through May 2011, Lithuania carried out its general population and housing census where residents could provide information about their belonging or not belonging to a religious community (answering this question was optional) (*see Article 16, Part II of the Third Report*).

The Law on Compensation for the Immovable Property of Jewish Communities

On 21 June 2011, to recognise the considerable contribution of the Lithuanian Jewish community to the culture and progress of Lithuanian society until World War II, which marked the start of the occupation of Lithuania and of the Holocaust as mass elimination of Jews, as well as to restore historic justice, to compensate, in good will, for the immovable property of religious communities of Lithuanian Jews that was illegally expropriated over the period of totalitarian regime occupations, the Seimas of the Republic of Lithuania passed the *Law on Good-will Compensation for the Immovable Property of Jewish Religious Communities*. In June 2010, the Government of the Republic of Lithuania submitted the draft law to the Seimas of the Republic of Lithuania.

According to the adopted law, which stipulates the level, payment time-limits, procedure and purpose of use of the compensation for the immovable property of religious communities of Lithuanian Jews, it was decided to compensate Lithuanian Jews for the immovable property of religious communities of Lithuanian Jews illegally expropriated over the period of the totalitarian

regime occupations. The level of the compensation payable will amount to LTL 128 million and it will be paid from the state budget to the fund designated by the Government for the disposition of compensations. The level of compensation was determined in view of the financial possibilities of our state, information contained in the state archives search list of documentation confirming the surviving immovable property of Jewish communities compiled by the Lithuanian Archives Department and assessment data for this property provided by the State Enterprise Centre of Registers.

Payment of the compensation will start on 1 January 2013 and end on 1 March 2023. It was decided to disburse it in portions in view of the financial possibilities of the state. The payable portion of the compensation will be determined during approval of each annual state budget by the Seimas. Having regard to the honourable age of persons of Jewish nationality who lived in Lithuania in the years of World War II and suffered from occupational totalitarian regimes during that period, it was decided to pay out a part of the compensation (i.e. 3 million litas) in 2012.

In addition, this Law stipulates the option to compensate for the immovable property of religious communities of Lithuanian Jews by transferring state-owned immovable property, buildings or parts thereof to the ownership of the fund designated by the Government. Where state-owned immovable property is transferred to the ownership of the fund designated by a Governmental resolution, the level of the monetary compensation will be reduced by the value of the transferred immovable property, which will be calculated based on the mass assessment data possessed by State Enterprise Centre of Registers.

In order to ensure that the monetary compensation paid out under the aforementioned Law is used in a targeted way and contributes to the strengthening of the activities of the Jewish religious community in Lithuania, it was decided to include legal safeguards. The *Law on Good-will Compensation for the Immovable Property of Jewish Religious Communities* rules that the compensation can be used exclusively to seek religious, cultural, healthcare, sport, education and research goals of Lithuanian Jews in Lithuania and to support persons of Jewish nationality who lived in Lithuania during the years of World War II and suffered from occupational totalitarian regimes in this period. Transferred immovable property shall also be used only for religious, cultural, educational and scientific goals of Lithuanian Jews.

Funding of religious communities over the period of 2006-2010

By passing a separate resolution^{*} the Government of the Republic of Lithuania allocated targeted appropriations to restore houses of prayer of Lithuania's traditional religious communities,

^{*}See resolutions of the Government of the Republic of Lithuania: No. 362 of 13 April 2006, No. 379 of 18 April 2007, No. 454 of 16 May 2008, No. 515 of 3 June 2009, No. 573 of 19 May 2010.

associations and centres and to cover other costs (see Table 8).

Table 8. Funding of religious communities over the period 2006-2010 (LTL thousand)

| | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|---------|---------|---------|---------|-------|
| Lithuanian Bishops' Conference | 2,982.6 | 2,982.6 | 3,002.2 | 3,002.2 | 1,604 |
| Orthodox Archdiocese of Lithuania | 163.2 | 163.2 | 164.2 | 164.2 | 92.1 |
| The Supreme Council of the Old Believers' Church of Lithuania | 39.2 | 39.2 | 38.2 | 36.5 | 23.5 |
| The Consistory of the Evangelical Lutheran Church in Lithuania | 31.2 | 31.2 | 31.3 | 31.3 | 21.4 |
| The Synod College of the Reformed Evangelical Church of Lithuania | 12.3 | 11.1 | 9.5 | 8.7 | 7 |
| The Synod of the Reformed Evangelical Church of Lithuania – <i>Unitas Lithuaniae</i> | 5.3 | 6.5 | 8.2 | 9 | 7.1 |
| Spiritual Centre of the Lithuanian Muslim Sunni – Muftiate | 13.1 | 13.1 | 13.1 | 13.1 | 11.7 |
| Monastery of the Bazillion Order of St. Joseph in Vilnius | 10.4 | 10.4 | 10.4 | 10.4 | 10.2 |
| Religious Community of Lithuanian Karaites | 10.3 | 10.3 | 10.3 | 10.3 | 10.1 |
| Religious Community of Lithuanian Jews | 9.4 | 8.4 | 8.1 | 7.9 | 7.7 |
| Religious Community of Kaunas Jews | 1 | 2 | 2.3 | 2.5 | 2 |
| Religious Community of Vilnius Jews <i>Chassidie Chabad Lubavitch</i> | 1 | 1 | 1 | 1 | 1 |
| East Old Believers' Church without a spiritual hierarchy, the Religious Community of Old Believers of Vilnius | - | - | 1.2 | 2.9 | 2.2 |
| Total | 3,279 | 3,279 | 3,300 | 3,300 | 1,800 |

Article 9

- 1 **The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**
- 2 **Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**
- 3 **The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**
- 4 **In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

Paragraph 1

The Republic of Lithuania adheres to the international obligations set forth in Article 9(1) of

the Framework Convention and guarantees freedom of expression for all persons irrespective of their origin, race, religion or convictions.

Article 25 of the *Constitution of the Republic of Lithuania* guarantees the right to have one's own convictions and freely express them. It also proclaims „a human being must not be hindered from seeking, receiving and imparting information and ideas. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honour and dignity, private life, and morals of a human being or to defend the constitutional order”. Furthermore, Article 44 of *the Constitution of the Republic of Lithuania* stipulates that the state, political parties, political and public organisations, and other institutions or persons may not monopolise the mass media. Censorship of mass information shall be prohibited.

Article 4 of the *Law on the Provision of Information to the Public of the Republic of Lithuania*, which establishes the procedure for receiving, producing, announcing and distributing public information and the rights and responsibilities of producers and distributors of public information and of their owners and journalists, ensures the right for each person to express their thoughts and convictions freely. This right also includes the freedom to state one's opinion as well as, under the terms and conditions laid down by law, to collect, obtain and disseminate information and ideas.

According to Article 4(2) of the *Law on the Provision of Information to the Public of the Republic of Lithuania*, „Unrestricted reception and re-broadcasting of television programmes from the EU Member States and other European states which have ratified the *European Convention on Transfrontier Television*, broadcast in accordance with the requirements laid down in treaties of the Republic of Lithuania, shall be guaranteed in the Republic of Lithuania”. This provides access to different programmes of foreign television stations.

The freedom of providing information to the public is guaranteed – a person has the right to search for, obtain and disseminate information and ideas without restriction, but this right cannot constrain the rights and freedoms of other people. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honour and dignity, private life, and morals of a human being, or to defend constitutional order. Public officials are responsible for intervening with news imparted on the mass media and for unlawful refusal to provide information to producers of public information and to journalists under the laws of the Republic of Lithuania. The freedom of providing information to the public may not be restricted otherwise than by laws which establish a state secret and its protection, an occupational secret and its protection, a commercial secret and its protection, a personal health (medical) secret and its protection and the protection of the rights of the person and of their private life.

According to Article 34 of the *Law on the Provision of Information to the Public*, radio

and/or television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or presented with Lithuanian subtitles, except for educational, occasional, special, music and re-broadcast foreign radio and television programmes or broadcasts as well as broadcasts produced by the broadcaster intended for the ethnic minorities of Lithuania.

The Lithuanian legal framework contains no legal norms that could provide preconditions for discriminating the right of persons belonging to a national minority to apply to the mass media. Practical enforcement of such a right is more dependent on the views of the mass media, producers of public information and journalists towards individual national minorities or their members rather than on the position of the legislative power or on the content of laws.

Moreover, Lithuania allows free distribution of foreign press in foreign languages.

Paragraphs 2, 3 and 4

The laws of the Republic of Lithuania governing the domain of providing information to the public do not set any barriers for the publishing of printings, while broadcasting and re-broadcasting activities are licence-based.

Persons belonging to national minorities have equal chances with all other persons to engage in the activity of providing information to the public in the Republic of Lithuania.

The laws of the Republic of Lithuania set forth the opportunity to provide financial support for culture and education projects. Pursuant to the *Law on the Provision of Information to the Public of the Republic of Lithuania*, the Public Institution Press, Radio and Television Support Fund invites tenders for co-assistance of the state with the aim to promote creation of projects that are significant for the national culture and have a lasting value in the country and in the regions, to ensure their continuity, and to guarantee minimum support for public expression, implementation of prevention programmes and moral education of children and youth.

The aforementioned projects contribute to the development of the identity of Lithuanian national minorities and to the fostering of integration of Lithuanian and European society and a multilingual dialogue. In 2010, the Fund earmarked LTL 97,000 for projects in the languages of national minorities residing in Lithuania.

Press and websites:

In Lithuania national minorities communities enjoy adequate conditions to create and use the mass media in their native tongue. Periodicals and magazines in Russian, Polish and Yiddish are released in the country. Lithuanian Tartars issue the newspaper *Lietuvos totoriai* (Eng. Lithuanian Tartars) in Lithuanian, Russian and Polish, whereas Lithuanian Jews, *Lietuvos Jeruzalė* (Eng. Jerusalem of Lithuania).

Since 2008, relevant information in Russian and Polish has been posted on the following Internet dailies: <http://ru.delfi.lt/> (the largest and the most popular Internet daily in Russian in the Baltic countries), <http://www.kurier.lt/>, <http://www.runet.lt/> (in Russian), <http://kurierwilenski.lt/> (in Polish). Visaginas issues weeklies in Russian *Sugardas*, *V každyj dom* and has an information website for Russian speakers.

Table 9. List of periodicals for representatives of national minorities*

| Newspaper title | Language of publication | Frequency | Location |
|---|---------------------------------------|-----------------------|-----------|
| Ekspress nedelia (<i>Экспресс неделя</i>) | Russian | weekly | Vilnius |
| Fan (<i>Fakty i Novosti</i>)* | Russian | weekly | Visaginas |
| Klaipėda | Lithuanian, Russian | weekly | Klaipėda |
| Kurier Wileński | Polish | daily, 5 times a week | Vilnius |
| Lietuvos Jeruzalė | Lithuanian, Russian, English, Yiddish | 4 times a year | Vilnius |
| Lietuvos totoriai | Lithuanian, Russian, Polish | monthly | Kaunas |
| Litovskij kurjer (<i>Литовский курьер</i>) | Lithuanian, Russian | weekly | Vilnius |
| Magazyn Wileński | Polish | monthly | Vilnius |
| Spotkania | Polish | monthly | Vilnius |
| Nasz Czas** | Polish | weekly | Vilnius |
| Obzor (<i>Обзор</i>) | Russian | weekly | Vilnius |
| Respublika (<i>Республика</i>) | Lithuanian, Russian | daily | Vilnius |
| Sugardas | Russian, Lithuanian | weekly | Visaginas |
| Vilniaus krašto savaitraštis (<i>Tygodnik Wilenszczyzny</i>) | Lithuanian, Polish | weekly | Vilnius |
| Vokiečių žinios Lietuvoje (<i>Deutsche Nachrichten fuer Litauen</i>)*** | Lithuanian, German | monthly | Klaipėda |
| V každyj dom | Russian | weekly | Visaginas |
| Baltische Runschau | German | monthly | Vilnius |
| Russkij mir Kaunasa | Russian | monthly | Kaunas |

Sources: Ministry of Culture of the Republic of Lithuania.

* Weekly *Fan (Fakty i Novosti)* was published until 2004.

** Weekly *Nasz Czas* was published until 2007.

*** Monthly *Vokiečių žinios Lietuvoje (Deutsche Nachrichten fuer Litauen)* was published until 2005.

Table 10. Publications by language*

| Magazines and other periodicals by language | | | | |
|---|------------|------------|------------|------------|
| | 2006 | 2007 | 2008 | 2009 |
| Total | 556 | 581 | 587 | 589 |
| Per-issue circulation, copies ('000) | 4083 | 4303,0 | 5474.0 | 4656.0 |
| Annual circulation, copies, (million) | 68 778,0 | 72 703,0 | 77 015.0 | 65 804.0 |
| Lithuanian | | | | |
| Number of publications | 490 | 500 | 513 | 515 |
| Per-issue circulation, copies, ('000) | 3838 | 4056 | 5245 | 4456 |
| Annual circulation, copies, ('000) | 67 676 | 71 509 | 75 715 | 64 813 |
| Russian | | | | |
| Number of publications | 9 | 11 | 8 | 9 |
| Per-issue circulation, copies, ('000) | 22 | 21 | 11 | 16 |
| Annual circulation, copies, ('000) | 43 | 42 | 24 | 75 |
| English | | | | |
| Number of publications | 51 | 55 | 50 | 49 |

| | | | | |
|---------------------------------------|-----|-----|-----|-----|
| Per-issue circulation, copies, ('000) | 698 | 679 | 707 | 301 |
| Annual circulation, copies ('000) | 156 | 170 | 154 | 118 |
| Polish | | | | |
| Number of publications | 6 | 5 | 4 | 5 |
| Per-issue circulation, copies ('000) | 123 | 64 | 59 | 62 |
| Annual circulation,) copies ('000) | 29 | 8 | 8 | 9 |
| German | | | | |
| Number of publications | 1 | 1 | 3 | 3 |
| Per-issue circulation, copies ('000) | 5 | 1 | 26 | 35 |
| Annual circulation, copies ('000) | 5 | 3 | 54 | 128 |
| Other languages | | | | |
| Number of publications | 10 | 10 | 12 | 11 |
| Per-issue circulation, copies ('000) | 238 | 409 | 510 | 553 |
| Annual circulation, copies ('000) | 38 | 48 | 56 | 57 |

* The figures of the Centre for Bibliography and Book Research of the Lithuanian National Martynas Mažvydas Library are provided in the Database of Indicators of Statistics Lithuania.

Multicultural education is promoted through the website <http://www.daugiakalbemokykla.smm.lt>, which provides materials for language (Lithuanian, other native tongues, foreign languages) teachers and national minorities.

Radio and television

Public broadcaster Lithuanian Radio and Television, according to the requirements set forth in the *Law on Lithuanian National Radio and Television of the Republic of Lithuania*, must ensure that programmes are designed for people of different nationalities and convictions.

Lithuanian National Radio and Television broadcasts information programmes of various duration for the national minorities (in Russian, Belarusian, Polish, Yiddish and Ukrainian) (*see Table 11*).

Table 11. Programmes of Lithuanian National Television broadcast for representatives of national minorities*

| Targeted national minority | Language of the programme | Name of the programme | Frequency | Duration in minutes | Broadcasting time | Comments |
|----------------------------|---------------------------|---|----------------------|---------------------|-------------------|------------------|
| Belarusian | Belarusian | Vilniaus sąsiuvinis (<i>Vilenskij sšytak</i>) | each Friday | 15 | 12.00–12.15 | repeated on LTV2 |
| Poles | Polish | Vilniaus albumas (<i>Album Wilenski</i>) | each Tuesday | 15 | 12.00–12.15 | repeated on LTV2 |
| Russians | Russian | Rusų gatvė (<i>Russkaja ulica</i>) | each Wednesday | 15 | 12.00–12.15 | repeated on LTV2 |
| Ukrainians | Ukrainian | Trembita | each Monday | 15 | 12.00–12.15 | repeated on LTV2 |
| Jews | Lithuanian | Menora | each Thursday | 15 | 12.00–12.15 | repeated on LTV2 |
| Different | Russian | Krikščionio žodis (<i>Christjanskoje slovo</i>) | every other Saturday | 15 | 08.15–08.30 | repeated on LTV2 |
| Different | Russian | Vakaro žinios (<i>Večernij vestnik</i>) | working days | 5 | 23.15–23.20 | repeated on LTV2 |

* Source: figures of the Lithuanian National Radio and Television.

Lithuanian radio:

The only half-hour news programme in Russian in Lithuania is broadcast daily at 16:30 on Lithuanian Radio.

The programme of national communities, *Santara* is prepared by journalists of six different nationalities. The programme is broadcast in Lithuanian, Polish, Russian, Belarusian and Ukrainian. The programme *Klasika* comes on air daily at 15:00. Programmes for Lithuanian Jews are broadcast at 15:00 on the first and third Thursday of the month and for Ukrainians on the second and fourth Friday of the month. Programmes for Lithuanian Belarusians can be listened to on Tuesdays and on the last Saturday of the month.

The programme in the Polish language is the oldest programme for national minorities on Lithuanian Radio. The programme in Polish is broadcast daily from 15:30 to 16:00.

Programmes in Polish are broadcast by a private radio station, *Znad Wilii* (<http://www.znadwilii.lt/>) in Lithuania, In 2007 and 2008 this radio station produced a series of programmes „National minorities in Europe”, programmes in Russian are broadcast by a private radio station, *Русское Радио Балтия* (<http://www.rusradio.lt/>) in Lithuania. In the cities of Visaginas and Klaipėda there are local radio stations broadcasting radio programmes in the Russian language.

Table 12. Broadcasts of Lithuanian National Radio and Television in hours by language

| | Broadcast | | | |
|-------------------------|--|-------------|-------------|-------------|
| | 2006 | 2007 | 2008 | 2009 |
| Radio programmes | 15 587 | 22 212 | 22 422 | 22 185 |
| in Lithuanian | 14 871 | 21 496 | 21 748 | 21 534 |
| in Russian | 285 | 290 | 236 | 263 |
| in Polish | 183 | 182 | 183 | 182 |
| in English | 182 | 182 | 178 | 144 |
| other languages | 66 | 62 | 77 | 62 |
| TV programmes | 5217 | 5350 | 6602 | 5526 |
| in Lithuanian | 5109 | 5271 | 6541 | 5486 |
| in Russian | 65 | 50 | 24,5 | 9,7 |
| in Polish | 13 | 9 | 12,2 | 7,6 |
| other languages | 30 | 20 | 24,5 | 22,4 |
| | Average duration of broadcasting per 24 hours | | | |
| | 2006 | 2007 | 2008 | 2009 |
| Radio programmes | 42,7 | 60,9 | 61,4 | 60,8 |
| in Lithuanian | 40,7 | 58,9 | 59,6 | 59,0 |
| in Russian | 0,7 | 0,8 | 0,6 | 0,7 |
| in Polish | 0,5 | 0,5 | 0,5 | 0,5 |
| in English | 0,5 | 0,5 | 0,5 | 0,4 |
| other languages | 0,2 | 0,2 | 0,2 | 0,2 |
| TV programmes | 14,3 | 14,6 | 18,1 | 15,1 |
| in Lithuanian | 14 | 14,4 | 17,9 | 15,0 |
| in Russian | 0,2 | 0,1 | 0,05 | 0,03 |

| | | | | |
|-----------------|------|------|------|------|
| in Polish | 0,03 | 0,02 | 0,03 | 0,02 |
| other languages | 0,1 | 0,1 | 0,05 | 0,06 |

Source: figures of Statistics Lithuania.

Article 10

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**
- 3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

Paragraph 1

Language is one of the principal features of the identity of national minorities. The opportunity to use the native tongue in writing and orally in a free and unrestricted way is of special relevance in the areas of the state inhabited by substantial numbers of persons belonging to national minorities.

The provisions of Article 14 of the Constitution of the Republic of Lithuania enshrine the Lithuanian language as the state language (using Lithuanian in public life is an absolute requirement whereas in private life persons belonging to a national minority may use, whether orally or in writing, any language that they find acceptable). In addition, Article 37 of the Constitution of the Republic of Lithuania sets forth the provision that „citizens belonging to ethnic communities shall have the right to foster their language”.

Following submission of the Second Report, the *Law of the Republic of Lithuania on the State Language*, which does not regulate unofficial communication of the population of Lithuania or the language of events of religious communities and of persons belonging to national communities, has been in effect to date (*see Article 10(1) of the Second Report*).

Article 1(2) of the *draft Law of the Republic of Lithuania on the State Language* stipulates: „The Law shall not regulate the right of persons belonging to national minorities or ethnic groups or of their communities established by other laws to foster their native tongue, neither the language of national communities.”

Paragraph 2

Pursuant to Article 6 of the *Law of the Republic of Lithuania on the State Language*, heads, employees and officers of state and municipal institutions, establishments, services, as well as heads, employees and officers of other services and establishments must know the state language according to the language knowledge categories established by the Government of the Republic of Lithuania. Article 7 of this Law provides that „Heads of state and municipal institutions, establishments and organisations, as well as heads of communications, transportation, health and social security, police and law-enforcement services, trade and other establishments providing services to the population must ensure that the population be provided with services in the State language”. These requirements laid down in both articles apply to all enlisted persons without exceptions, including persons belonging to national minorities. It should be noted that all citizens of Lithuania, regardless of their command of the state language, have all the facilities to exercise their cultural and political rights and opportunities. This is consistent with the principle of equality of human beings enshrined in Article 29 of the *Constitution of the Republic of Lithuania*, which stipulates that the rights of the human being may not be restricted, nor may he / she be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.

The *Law on Public Administration of the Republic of Lithuania* establishes the right for natural persons to apply to administrative authorities (both municipal and on the state level) in their native tongue. Article 32(2) of this Law lays down the provision that when a person in whose respect the administrative procedure has been initiated or other interested persons do not speak or understand Lithuanian, an interpreter must be present at the administrative procedure. Enforcement of the *Law on Public Administration* is governed by the Regulations for Examination of Requests of Persons and for their Servicing at Public Administration Authorities, Institutions and Other Entities of Public Administration approved with a 2007 resolution of the Government of the Republic of Lithuania; Clauses 18 and 19.1 of these regulations provide for the right for a person who cannot speak the state language to apply to a public administration authority in their own language.

The Law on National Minorities adopted back in 1989 provided for the opportunity at local institutions and organizations of administrative territorial units inhabited with substantial numbers of persons belonging to a specific national minority as well as on information signs to use the language of that national minority along with the state language. The Law, however, did not regulate in what way these provisions must be enforced. Based on Article 1(10) of the *Law on Provisional Extension of Laws Effective on the Territory of Lithuania* adopted before 11 March 1990, it became null and void on 1 January 2010.

A Working Group co-ordinated by the Ministry of Culture drafted and submitted to the Government of the Republic of Lithuania the *draft Concept of the Law on National Minorities* (see *Article 3, Part II of the Third Report*). It lays down the provisions which envisage legal establishment of the option in residential areas inhabited by substantial numbers of persons belonging to national minorities to apply to territorial entities of public and municipal administration in the language of the national minority if the person belonging to a national minority requests so. The list of residential areas to which the provisions of this clause will apply will be approved by the Government of the Republic of Lithuania or by its authorised institution. This option would provide legal grounds for the practice already existing in those residential areas when servants and officials at public administration authorities communicate with applicants not only in the state language, but also in the mutually acceptable language (Russian, Polish) (see *Article 10(2), Part II of the Second Report*).

Paragraph 3

After the Second Report there have been no changes to the legal regulation of Lithuania, which guarantees that persons who have no command of the state language have the right and the opportunity to use interpreting services in legal proceedings and in administrative proceedings, regulatory offence proceedings as well as criminal and civil proceedings. Each arrested or detained person shall receive immediate explanation of the reason for detention or arrest in the language he or she understands (see *Article 10(3) of the Second Report*).

According to the figures of the Lithuanian Criminal Police Bureau, translation services are provided by seven employees, including three in English, two in German, one in Russian and one in Russian and Polish, who translate documentation falling within the purview of the Lithuanian Criminal Police Bureau from and to foreign languages and do oral interpretation.

According to the figures of the National Courts Administration, in 2010 the courts of the Republic of Lithuania employed 75 translators under employment contracts: 1 at the Supreme Administrative Court of Lithuania; 13 at five county courts; 3 at five county courts; 58 at fifty-four district courts. The majority of translators worked for Vilnius City 1st, 2nd and 3rd, Vilnius District, Trakai District and Klaipėda City district courts.

Article 11

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2 The Parties undertake to recognise that every person belonging to a national minority**

has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

- 3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

Paragraph 1

In issued identity and citizenship documents the forenames and surnames of persons belonging to national minorities are written in Lithuanian characters.

Article 4(5) of the *Law on Passport of the Republic of Lithuania* and Article 4(5) of the *Law on Identity Card of the Republic of Lithuania* stipulate that data in the aforementioned identity documents shall be entered in Lithuanian characters whereas the forename/-s and surname of the citizen – as prescribed by the legislation of the Republic of Lithuania which governs writing of forenames and surnames in identity documents.

In its resolution of 21 October 1999 the Constitutional Court of the Republic of Lithuania found that forenames and surnames of citizens of the Republic of Lithuania in passports must be written in Lithuanian characters. The Constitutional Court of the Republic of Lithuania acted along the same lines with its decision of 6 November 2009 regarding elucidation of the provisions of the said resolution, where it was found that if the person's forename and surname are entered in the passport of the citizen of the Republic of Lithuania in the state language, in the other entries section of the same passport the person's forename and surname may be entered in characters other than Lithuanian and in an ungrammatical form where the person so requests; such an entry of the person's forename and surname in the other entries section of the passport in non-Lithuanian characters should not be equated to the entry on the person's identity in the state language.

In April 2010, the Seimas rejected the *draft Law on Spelling of Names and Surnames in Documents* submitted by Prime Minister Andrius Kubilius, which had contained the suggestion to provide the opportunity to write forenames and surnames in documents not only in Lithuanian, but also in characters based on Latin alphabet.

Following submission, the Seimas accepted the consideration of the alternative draft *Law on Spelling of Names and Surnames*. This draft Law seeks to implement the elucidation of the Constitutional Court of the Republic of Lithuania regarding the possibility to write forenames and surnames in documents issued by competent authorities of the Republic of Lithuania additionally in the graphic form of other languages where the person so requests or where there is a need to retain the form of the forename and surname previously used in other states. The submitted draft Law

stipulates that the forename and surname of citizens gaining the citizenship of the Republic of Lithuania, spouses who have taken the surname of a foreigner, the surname of citizens of the Republic of Lithuania and the forename and surname of children and grandchildren who obtained the surname of the latter and who are citizens of the Republic of Lithuania must be rewritten in the Lithuanian form based on the source of the document and officially used according to the rules approved by the Lithuanian Language Commission. It stipulates, however, that at the request of a citizen of the Republic of Lithuania, his or her forename and surname could be entered additionally in the other entries section of the passport of the Republic of Lithuania in the graphic form of his or her other chosen (other than Lithuanian) language, if based on the Latin alphabet. Should a citizen be willing to provide a non-Latin alphabet based form of his or her surname and forename in the other entries section of the passport to be issued to him or her, next to it a form rewritten in Latin characters should also be provided. The non-Lithuanian form of the forename and / or surname could not be officially used instead of the Lithuanian form and could not be equated in any way to the official usage of the official form, but in documents it could be provided as additional information.

The European Court of Justice was hearing the case *Runevič-Vardyn*, C-391/09 according to the reference for a preliminary ruling lodged by the judgement of 8 September 2009 of Vilnius City 1st District Court in the case according to the application of claimants Malgožata Runevič-Vardyn and Łukasz Paweł Wardyn regarding the order to change the entries of the documents indicating civil status. The questions submitted by Vilnius City 1st District Court to the European Court of Justice sought to find out in principle whether the fact that the forenames and surnames of persons written in the documents indicating civil status of the Republic of Lithuania only in the characters of the state language is not in conflict with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Article 12 (discrimination on grounds of nationality apart from other grounds) and Article 18 (the right of EU citizen to move and reside freely within the territory of the Member States) of the Treaty Establishing the European Community (currently Articles 18 and 21 of *the Treaty on the Functioning of the European Union* (TFEU)).

The Government of the Republic of Lithuania suggested that the Seimas of the Republic of Lithuania (with Resolution No. 793 of 16 June 2010) considers the issue on improving the regulation of forenames and surnames after the European Court of Justice has decided the *Runevič-Vardyn* case.

On 12 May 2011, the European Court of Justice announced its decision in the case *Runevič-Vardyn*, C-391/09. The European Court of Justice pointed out three situations: 1) in the main case of the female claimant, the issue of writing the forename and the maiden name in birth

and marriage certificates, 2) in the main case of the male claimant, the issue of writing the surname attached to the female claimant's maiden name and 3) the issue of writing the forenames of the claimant.

On the first of these issues the European Court of Justice found that the female claimant in the main case who exercised her right of free movement in the Union and whose forename and the surname that she had prior to marriage cannot be changed in the entries of the documents indicating civil status of the Republic of Lithuania and may be written only in Lithuanian characters, cannot be deemed to be in a less favourable position than before exercising this right, therefore, in this case her rights of free movement were not constrained as far as EU law is concerned. Thus, the EU law does not prohibit the public authorities of the Republic of Lithuania to refuse changing the transcription of the forename and the surname that existed prior to the marriage of one of its citizens when they were registered at birth pursuant to national legislation.

This decision also ruled that a national court has to identify whether a refusal by competent authorities, according to national legislation, to change the marriage certificate of a couple between citizens of the EU and to write the common surname of both spouses, firstly, identically, and secondly, so that it is consistent with the spelling rules of the Member State of origin of the spouse whose surname is the subject matter, may cause substantial administrative, professional and personal inconveniences to the parties concerned. If yes, then it is a restraint of the freedoms acknowledged for each EU citizen in Article 21 of the Treaty on the Functioning of the European Union, which can be justified only where based on objective reasons and proportionate to the legally pursued goal of national law. If it is proven that such refusal caused them severe administrative, professional and personal inconveniences, the national court will have to rule whether such refusal ensures the balance of interests – respect for the right to private and family life of the claimants in the main case and, on the other hand, lawful protection of the State language of the respective Member State and of its traditions.

On the third issue the European Court of Justice remarked that in view of the fact that diacritic marks are omitted in many situations of everyday life for technical reasons and that a person who cannot speak a foreign language normally does not understand the meaning of those characters, it is hardly likely that solely the non-usage of diacritic marks could cause actual and substantial inconveniences that could be considered a constraint on the right of free movement. Therefore a refusal of the competent authorities of the Republic of Lithuania, based on applicable legislation of the Republic of Lithuania, to change the marriage certificate of an EU citizen who has the citizenship of another Member State in such a way that his or her names are written with diacritic marks that are used in certificates of civil status issued by his or her state of origin and that the spelling rules of the State language of that state are followed, does not restrain the freedoms

acknowledged for every EU citizen in Article 21 of the TFEU. This judgement of the European Court of Justice in the case *Runevič-Vardyn*, C-391/09 can be found on the website of the Court of Justice at http://curia.europa.eu/jcms/jcms/j_6/.

Paragraphs 2 and 3

Legal regulation that ensures the opportunity to use information signs publicly has not changed since the Second Report (*see Article 10(2), Part II of the Second Report*).

The Supreme Administrative Court of Lithuania (hereinafter: the SACL) formed the following case-law (in the SACL case of 30 January 2009):

Only the official form of place names can be used in street name indications in residential areas as this is related to the usage of the state language in public life. In previous cases the SACL had acknowledged that the right to use the state language, Lithuanian, has the characteristic aspect of public interest, which, from the point of view of application of the law, should not be associated with specific individuals and with the way individuals perceive their national authenticity. The Constitutional Court of the Republic of Lithuania also underlines the constitutional status of the state language, which means that the use of the Lithuanian language is compulsory only in the public life of Lithuania. These elucidations do not fall within the scope of regulation of Article 18(1) of the *Law on the State Language*, which lays down the opportunity to display names of organisations of national minorities and their information signs in other languages beside the state language.

Regarding the Convention for the Protection of National Minorities, the SACL expressed the following opinion: “Article 11(3) of the Council of Europe Framework Convention for the Protection of National Minorities, which was ratified by the Republic of Lithuania on 17 February 2000, refers to the agreement between the Parties, in the framework of their legal system, including, where appropriate, agreements with other states, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

The judicial assembly considers that by its nature and content the Framework Convention is of political/programming rather than regulatory nature. The judicial assembly draws its conclusion from the principles addressed and terms used in the Framework Convention. The terms employed in the respective provision of the Framework Convention such as „endeavour”, „in the framework of their legal system”, „taking into account their specific conditions” show that the legislator of each of the Parties that signed (ratified) the Framework Convention has the right of discretion to decide upon the need to display local names, street names and other topographical indications also in the language of a national minority. Thus, the specific procedure and scope of using minority languages

must be stipulated in the national legislation of each state. The demand for and the procedure and mechanism for implementing this right are not detailed by the effective legislation of the Republic of Lithuania. Both the aforementioned Framework Convention and the international agreement between Lithuania and Poland emphasise not only the principle of efficient protection of national minorities, but also that of respect for the territorial integrity and national sovereignty of the states, for the national *Constitution of the Republic of Lithuania* and for its national legislation, as well as the principle of the rights and freedoms of other individuals, particularly the majority or those belonging to other national minorities. It should be noted that persons living in Lithuania associate themselves with more than one hundred nationalities. In their languages they use different characters, which are often totally or partially inconsistent with the characters of the Lithuanian language.

On 17 October 1995, the Constitutional Court also noted that “the principle *pacta sunt servanda* (“agreements must be kept”) does not mean that different states cannot choose different ways and forms of implementing the provisions of international law in their domestic legal systems. This is the sovereign right of each state. Therefore in their legal systems states use different ways and forms to enforce the provisions of international law in their domestic legislation. In addition, it has been acknowledged that in general the validity of international law and namely of international agreements in a state’s legal framework always depends on domestic law”.

In its case law (the SACL ruling of 14 September 2009 in case No. A-261-997/2009) the SACL also found that in order to implement the Framework Convention the Government must establish a procedure for enforcing Article 11(3) of the Convention (which provides for the right to display traditional local and street names), i.e. to evaluate the significant circumstances and create the required legislation.

The *draft Concept of the Law on National Minorities* prepared by the Working Group coordinated by the Ministry of Culture suggests stipulating the opportunity in residential areas inhabited by substantial numbers of persons belonging to a national minority, to display traditional names in the languages of national minorities beside the official local names, street names and other topographical indications. The names in the languages of national minorities will not be considered official names and ways and procedure of displaying them will be established by the Government of the Republic of Lithuania or its designated authority (*see Article 3, Part II of the Third Report*).

Article 12

- 1 **The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

- 2 In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

Paragraph 1

In these areas of education and research an important role is played by the Ministry of Education, the Ministry of Culture, the Department of Cultural Heritage under the Ministry of Culture of the Republic of Lithuania, the Institute of Culture, Philosophy and Art, Vilnius University (hereinafter referred to as VU), VU Institute of International Relations and Political Science, VU Centre of Oriental Studies, VU Religious Studies and Research Centre, Vilnius Yiddish Institute, Vytautas Magnus University, Institute for Ethnic Studies and Institute for Labour and Social Studies of the Lithuanian Social Research Centre, as well as NGO – Lithuanian Centre for Human Rights. The aforementioned institutions conduct or organise sociological and scientific research, participate in national and international projects, organise conferences, seminars and other events, as well as develop and implement educational programmes in this field. In addition, these institutions analyse legislation regulating the rights and freedoms of national minorities, collect information materials on their culture, history and religion, provide methodological and consultancy assistance and bring together the potential of scientists, specialists and representatives of the public in this field.

Paragraph 2

Higher education establishments in Lithuania, which implement university and non-university (college) study programmes train educators of all pre-school institutions and schools of general education under First Level programmes (basic studies) that provide the bachelor's degree in pedagogy and in the specific teaching subject as well as the professional qualification of an educator or a teacher.

Lithuanian higher education establishments deliver instruction in the Lithuanian language because all future teachers must be duly prepared for educational activity in any school which follows preschool, pre-primary, primary, basic and secondary education programmes in the state language - Lithuanian. Vilnius Pedagogical University provides the qualification degree of Bachelor in Belarusian, Polish, Russian and German philology and the professional qualification of a teacher. This ensures the opportunity to work as mother tongue teachers at schools which instruct in the languages of national minorities.

Professional development and certification of educators working in the language of a

national minority at preschool establishments and schools of general education is arranged according to the general professional development and certification procedure for educators that operates in the Lithuanian education system. Based on international agreements, teachers have the opportunity to develop their qualification at foreign higher education establishments.

Publishing and supply of textbooks for schools of national minorities in Lithuania are arranged according to the general principles laid down in the Description of the Procedure for Supplying Schools with Textbooks of General Subjects and with Teaching Aids. Original textbooks in the Polish and Russian native languages for grades 1-12 are released in Lithuania, their authors being representatives of Polish and Russian national communities, teachers and researchers working at Lithuanian universities and general education schools. At present, new-generation textbooks of the Polish native language are under way (the second series of original textbooks), and the second-generation original textbooks of the Russian native language for primary grades for the study year 2010-2011 were released. The list of valid textbooks includes 28 textbooks for teaching Polish as a native language, 23 textbooks for teaching Russian as a native language, 39 textbooks for teaching other subjects in Polish and 42 textbooks in Russian. Original textbooks in 19 titles are designed to teach the state language, Lithuanian, at national minority schools.

Textbooks of other teaching subjects designed to implement the primary and basic education curriculum are being translated from Lithuanian. As of 2001, schools order textbooks themselves whereas publishing houses release them on commission of school communities. Schools procure textbooks using the financial resources allocated from the education voucher.

Paragraph 3

The *Law on Education* proclaims that the Lithuanian education system includes formal education (primary, basic and secondary education, formal vocational training and higher education studies), non-formal education (preschool, pre-primary, other informal education for children (including education which supplements formal education) and adult education), self-education and education assistance (vocational guidance, educational informational, psychological, social educational and special educational and special assistance, healthcare at school, consultancy assistance, professional development assistance for teachers and other types of assistance).

Article 41 of *the Constitution of the Republic of Lithuania* stipulates that education shall be compulsory for persons under the age of 16. Teaching at state and municipal schools of general education and at schools providing vocational training is free of charge. Higher education is available to all according to the abilities of each individual. School-leavers with good grades may apply for state-funded studies at state higher education establishments (which follow university and non-university (college) study programmes).

Upon completion of the secondary education programme, *Matura* examinations are held. Started in 1999, the reform of *Matura* examinations in Lithuania established only one mandatory examination, which is conducted in the Lithuanian language, other examinations being optional. In 2011, as in 2010, to obtain a *Matura* certificate the graduates must pass two examinations, and the maximum number of optional examinations is five. The *Matura* examination in the Polish, Russian and Belarusian language is included into the list of optional examinations and school boards may decide whether it is mandatory for the graduates of that school or not. Upon request, the graduate may choose an optional school-level *Matura* examination in the mother tongue of a national minority in Lithuania. Respecting the request of the Polish Community, the Procedure for Organising and Holding *Matura* Examinations enshrines that the school principal takes the decision aligned with the school board regarding the language of learning (Belarusian, Polish, Russian, German) before 10 January of the current year.

The completion of basic school (i.e. grade 10) is followed by testing the achievements of basic education (optional). Pupils whose language of instruction at school is Polish, Russian or Belarusian may have their knowledge of mathematics, state language Lithuanian and native tongue tested. Testing of the achievements of basic education involves over 80 per cent of all tenth-graders in Lithuania.

Article 38 of the new wording of the *Law on Education* adopted in 2011 stipulates that evaluation of learning achievements according to general education programmes (*Matura* examinations, other examinations, credits and other ways of testing learning achievements) will be carried out in compliance with programmes for evaluation of learning achievements approved by the Minister of Education and Science and descriptions of the procedure for organising and implementing the testing of learning achievements as well as studies of learners' achievements. Such evaluation of learning achievements shall be organised equally for learners of all schools regardless of the language of instruction and without violating the principle of equal opportunities defined in Article 5 of this Law. All schools of general education shall ensure the command of the Lithuanian language according to the general programme approved by the Minister of Education and Science (basic educational achievements testing and *Matura* examinations).

Currently, in Lithuania the learners take *Matura* examinations in the Lithuanian native and the Lithuanian state language according to different programmes, which may be viewed as providing unequal opportunities to gain education. The Ministry of Education and Science took action to introduce the *Matura* examination in the Lithuanian language according to a single programme. Below is a list of documents which established that the Lithuanian language examination must be taken according to a single programme:

1. *The Regulations for the Education of National Minorities* (2002) provide that „to ensure

equal opportunities for all schoolchildren to study at Lithuanian higher educational establishments, to organise the *Matura* examination in the Lithuanian language literacy for school-leavers of schools of general education according to a single programme, to draft a procedure for implementing this provision and to ensure adequate facilities in the education process”.

2. *Measures for the implementation of the Programme of the Government of the Republic of Lithuania for 2004-2008*: „to introduce a *Matura* examination in the Lithuanian language of equal content for all children completing secondary education programmes”. The specified time limit is until Q2 2007.

3. *The Strategy for Developing the Education of the Lithuanian Poles National Minority (2005)*: „to ensure equal opportunities for pupils to enter higher education establishments, it is planned to arrange the Lithuanian language tests of *Matura* examination according to a single programme for all graduates of Lithuania regardless of the language of instruction of the school. This will be accomplished after aligning the Lithuanian language teaching programmes (for Lithuanian as native and as state language) and implementing them. There will be a transition period until 2008 to achieve this goal.”

4. *The action plan for testing the achievements of basic education and improving the Matura examinations in 2008–2012* introduced the provision from 2012 to arrange the Lithuanian language examination according to a single examination programme (instead of the former *Matura* examinations of Lithuanian (as native) and Lithuanian (as state) language).

5. In line with *the Programme of the Government of the Republic of Lithuania for 2008-2012*, a single secondary education programme for the Lithuanian language was prepared for all schools of general education. In view of the plans to introduce the *Matura* examination in the Lithuanian language according to a single examination programme (the examination will take place in 2013 and will be taken by graduates of the school year 2012–2013) a single general programme of secondary education of the Lithuanian language is being introduced from 1 September 2011. It will include the required implementation measures (additional classes, textbooks, other teaching materials) at schools which use the language of a national minority.

Measures relating to the extension of teaching the state language to schools that instruct in the language of a national minority will ensure equal opportunities to access education at all levels for persons belonging to national minorities (Article 12(3) of the *Framework Convention*) and will promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority (Article 4(2) of the *Framework Convention*). These measures are also in line with the general integration policy of Lithuania (*The National Minority Policy Development Strategy until 2015*), which mainly aims to seek integration of persons belonging to national minorities living in Lithuania into Lithuanian

society, i.e. provide them with adequate conditions to live, work and study in Lithuania and preserve their identity as well as to ensure sustainability of national relations.

Article 13

- 1 **Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
- 2 **The exercise of this right shall not entail any financial obligation for the Parties.**

Paragraph 1

Vilnius has two private schools of national minorities offering state-standard education: the Marina Mizhiguruskaja Secondary School and the Jewish Secondary School Menachem's House. In Klaipėda, there is the Klaipėda non-state special basic school *Svetlyachok* (operating since 1991) with Russian and Lithuanian as languages of instruction.

Lithuania also has non-state schools of general education with the language of instruction other than Lithuanian. Some national minorities such as Poles, Belarusians, Ukrainians, Germans, Jews, Latvians, Armenians, Karaites, Tartars and Greeks have their Saturday / Sunday schools. In the 2006–2010 school years there were over 40 such schools (*see Table 13*). These schools provide the opportunity to learn the native tongue and history and introduce learners to their national culture and traditions as well as cultural heritage.

Table 13. Saturday / Sunday schools

| <i>Serial No.</i> | <i>Name of school</i> |
|--------------------------------------|--|
| ARMENIAN SUNDAY SCHOOLS – 4 | |
| 1. | Sunday School of Kaunas Armenian Community |
| 2. | Sunday School of the Lithuanian Armenian Community |
| 3. | The Armenian class of Visaginas Centre of Ethnic Communities <i>Native School</i> |
| 4. | Sunday school of the Armenian Community VAN |
| BELARUSIAN SUNDAY SCHOOLS – 3 | |
| 1. | Belarusian Sunday school <i>Krynichka</i> |
| 2. | The Belarusian class of Visaginas Centre of Ethnic Communities <i>Native School</i> operating at <i>Krok</i> centre |
| 3. | Belarusian School in Šalčininkai |
| THE GREEK SUNDAY SCHOOL – 1 | |
| 1. | Sunday school of <i>Patrida</i> Greek Community in Lithuania |
| KARAITE SUNDAY SCHOOLS – 1 | |
| 1. | Sunday school of the Lithuanian Karaite Cultural Community |
| LATVIAN SUNDAY SCHOOLS – 2 | |
| 1. | Sunday school of Latvian Society in Akmenė <i>Sakta</i> |
| 2. | Sunday school of Latvian Society in Joniškis <i>Avots</i> |
| POLISH SUNDAY SCHOOLS – 14 | |
| 1. | Saturday school of the Kaunas branch of the Lithuanian Polish Union |
| 2. | Sunday school of the Klaipėda branch of the Lithuanian Polish Union <i>Plomzcyek</i> |
| 3. | The Polish language school at the Polish Society in Kėdainiai |

| | |
|-------------------------------------|---|
| 4. | Sunday school of the Šilutė branch of the Lithuanian Polish Union |
| 5. | Sunday school of Zarasai District branch of the Lithuanian Polish Union <i>Usmiech</i> in Turmantas |
| 6. | Sunday school / optional course of Veršvos Secondary School in Kaunas |
| 7. | Polish Sunday school at Šviesos Secondary School in Vievis |
| 8. | Polish Sunday school / optional course in Meikštai |
| 9. | Polish Sunday school in Švenčionys |
| 10. | Polish Sunday school at Complementary Education Centre in Švenčionys School of Ethnic Culture of National Minorities |
| 11. | The Polish class of Visaginas Centre of Ethnic Communities <i>Native School</i> |
| 12. | Polish Saturday school at Vilnius Boarding School No. 3 (Naujoji Vilnia) |
| 13. | Polish Sunday school in Naujoji Vilnia |
| 14. | Sunday aesthetic education studio for Polish children <i>Kogucik</i> at Vladislovas Sirokomlė Secondary School |
| ROMANIAN SUNDAY SCHOOLS – 1 | |
| 1. | Sunday school of the Romanian Cultural Community <i>Dačija</i> |
| RUSSIAN SUNDAY SCHOOLS – 4 | |
| 1. | Public Institution Russian Sunday School of Alytus Youth Centre |
| 2. | Russian Sunday school in Kėdainiai |
| 3. | Public institution Russian Sunday school |
| 4. | Sunday school of the Christian Education Society <i>Slovo</i> |
| TARTAR SUNDAY SCHOOLS – 4 | |
| 1. | Sunday school of the Lithuanian Tartar Community of Vilnius region |
| 2. | Sunday school / class of the <i>40 totorių</i> (40 Tartars) Village <i>Očkol</i> |
| 3. | The Tartar class of Visaginas Centre of Ethnic Communities <i>Native School</i> |
| 4. | Tartar Sunday school in Alytus |
| UKRAINIAN SUNDAY SCHOOLS – 3 | |
| 1. | Ukrainian Saturday / Sunday school at Santarvės Secondary School in Jonava |
| 2. | Ukrainian Sunday school |
| 3. | The Ukrainian class of Visaginas Centre of Ethnic Communities <i>Native School</i> |
| UZBEK SUNDAY SCHOOLS – 1 | |
| 1. | Sunday School of the Lithuanian Uzbek Community <i>Pachtakor</i> |
| GERMAN SUNDAY SCHOOLS – 4 | |
| 1. | Sunday music school at the German Cultural Society of Lithuania |
| 2. | Sunday School of the Šiauliai German Society <i>Heimatgruss</i> |
| 3. | The German class of Visaginas Centre of Ethnic Communities <i>Native School</i> |
| 4. | Sunday school for children of the German Cultural Society in Kaunas |
| JEWISH SUNDAY SCHOOLS – 3 | |
| 1. | Sunday School of the Kaunas Jewish Community |
| 2. | Sunday School of Klaipėda Jewish Community |
| 3. | Jewish Sunday school in Šiauliai |
| Total: | 43 |

Source: figures of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania;

Paragraph 2

The Department of National Minorities and Lithuanians Living Abroad has fostered the

setting up of new Saturday and Sunday Schools and has attempted to enable representatives of all nations living in Lithuania to learn their mother tongue and to learn in their mother tongue. The Department of National Minorities and Lithuanians Living Abroad has considered organisational and financial support for these schools one of its priorities. Over the period 2006-2009, the Saturday /Sunday schools operating in Lithuania received LTL 200,000 in allocations. Support for Saturday / Sunday schools of national minorities also came from the Ministry of Education and Science with the allocation of LTL 24,000 in 2006 to 2009.

In 2007 and 2008, the Ministry of Education and Science initiated tendering procedures for supporting projects on ethno-cultural expression of Saturday and Sunday schools of national minorities by allocating over LTL 150,000 from 2007 through 2008. The Department of National Minorities and Lithuanians Living Abroad supported Saturday / Sunday school festivals of national minorities.

With the view to ensuring the right to learn one's native language, the Department of National Minorities and Lithuanians Living Abroad extended assistance to Olympiads of Russian, Polish and State language for pupils of schools with the language of instruction other than Lithuanian.

Representatives of Saturday/Sunday schools of national minorities and of governmental authorities had the opportunity to learn about the national minority policies in other EU Member States and to visit Saturday schools. A study visit to Poland was arranged in 2006, to the Czech Republic in 2007 and to Estonia and Latvia in 2008.

Article 14

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

Paragraphs 1 and 2

Article 30 of the *Law on Education* provides that in areas traditionally inhabited by substantial numbers of persons belonging to a national minority, at the request of the community, the municipality shall guarantee learning in the language of a national minority or learning the

language of a national minority.

Schools that instruct in the languages of national minorities are located in areas densely populated by substantial numbers of representatives of national minorities. Schools with Polish as the language of instruction are located in the City of Vilnius and Vilnius, Šalčininkai, Trakai and Švenčionys districts, and with Russian as the language of instruction in Vilnius, Klaipėda and Visaginas, one school in Kaunas, one in Šiauliai, and several schools in Vilnius, Šalčininkai, Trakai and Švenčionys districts accordingly. Schools of national minorities, which provide state-standard education, are registered with the State Register of Educational Establishments and Research and Study Institutions.

Numbers of schools and their pupils change regularly and in the period of twenty years after the restoration of Lithuania's independence the number of schools was increasing. However, now it is decreasing and the number of pupils has been developing unevenly. For example, this number has steadily decreased at schools that instruct in Russian, increased at schools with Polish as the language of instruction until 2000 and has been dropping since 2000. Admittedly, the same trend is characteristic of pupils at schools which instruct in Lithuanian.

The *Law on Education* provides that state schools and municipal preschool and general education establishments provide conditions for pupils belonging to national minorities to learn their mother tongue additionally where there is a realistic need, and if a specialist of that subject is available and the education process therein takes place in a different language of instruction.

Table 14. Number of pupils

| School year | 1990/ 1991 | 1993/ 1994 | 1996/ 1997 | 2000/ 2001 | 2004/ 2005 | 2008/ 2009 | 2009/ 2010 | 2010/ 2011 |
|-------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Lithuanian | 409,295 | 422,216 | 459,799 | 522,569 | 536,120 | 430,028 | 440,378 | 383,672 |
| Russian | 76,038 | 58,743 | 52,315 | 41,162 | 27,026 | 19,671 | 17,634 | 16,294 |
| Polish | 11,407 | 15,312 | 19,212 | 22,303 | 19,507 | 15,064 | 14,170 | 13,391 |
| Belarusian | - | - | 179 | 169 | 139 | 143 | 165 | 173 |

Source: Figures of the Ministry of Education and Science.

Table 15. Number of schools

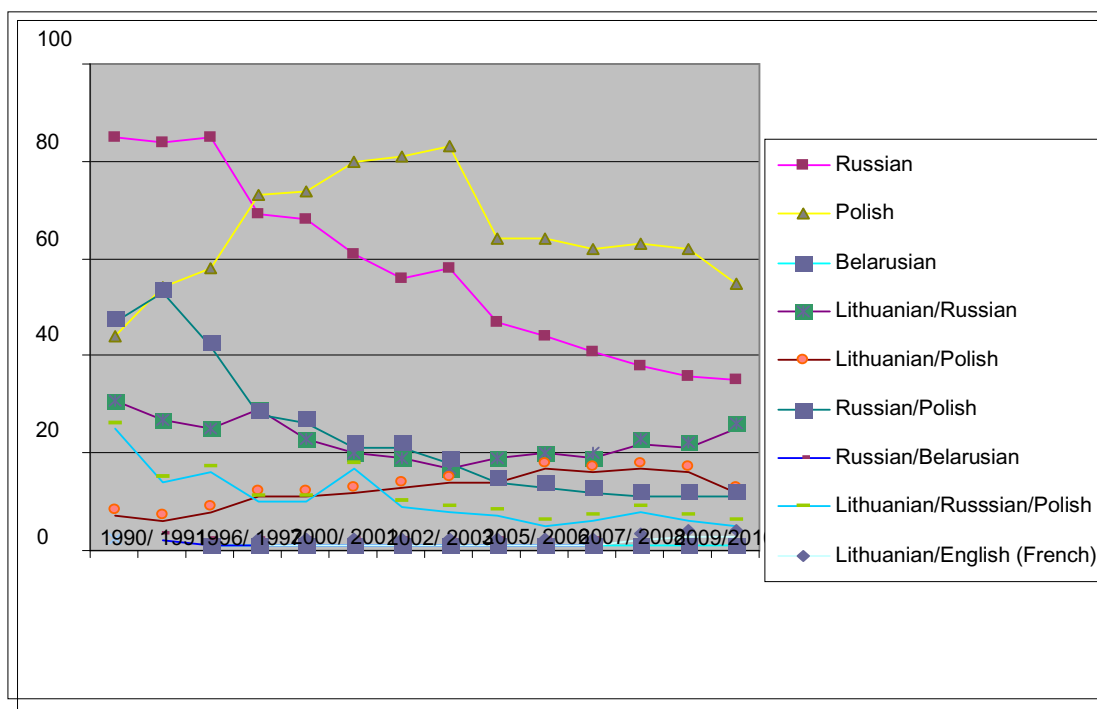
| School year | 1990 / 1991 | 2000 / 2001 | 2008 / 2009 | 2009 / 2010 | 2010 / 2011 |
|---------------------|-------------|-------------|-------------|-------------|-------------|
| Lithuanian | 1,801 | 2,031 | 1,254 | 1,195 | 1,163 |
| Russian | 85 | 68 | 38 | 36 | 36 |
| Polish | 44 | 74 | 63 | 62 | 55 |
| Belarusian | – | 1 | 1 | 1 | 1 |
| Lithuanian-Russian | 31 | 23 | 22 | 21 | 17 |
| Lithuanian-Polish | 7 | 11 | 17 | 16 | 12 |
| Russian-Polish | 47 | 26 | 11 | 11 | 10 |
| Russian-Belarusian | – | 1 | – | – | – |
| Lithuanian-Russian- | 25 | 10 | 8 | 6 | 4 |

| | | | | | |
|--------|--|--|--|--|--|
| Polish | | | | | |
|--------|--|--|--|--|--|

Source: Figures of the Ministry of Education and Science.

With the view to improving the quality of teaching, over the last decade Lithuania has also seen optimisation of the school network, which reduced the number of schools. Small schools are being closed down or connected to the bigger ones (they become departments of large schools and provide instruction to pupils; however, such schools no longer have the status of a legal entity – all activities of such departments are planned and implemented from the central school). Over one decade (from 2000-2010) the number of schools with Lithuanian as language of instruction almost decreased twice and similar processes affected schools that instruct in Russian. The number of schools which instruct in Polish was decreasing at a slower pace, just like the number of mixed schools (that have classes with different languages of instruction) (see Figure 2).

Figure 2. Development of the number of national minority schools



Source: Figures of the Ministry of Education and Science.

Article 30 of the new wording of the *Law on Education* stipulates that schools of general education and non-formal education shall create opportunities for learners belonging to national minorities to foster their national, ethnic and linguistic identity, and to learn their native language, history and culture. At schools of general education and informal education whose regulations (statutes), in consideration of requests from parents (guardians, carers) and learners, provide for teaching a national minority language or instruction in a national minority language, the teaching process may be conducted or some subjects may be taught in the language of the national minority. At those schools the subject of the Lithuanian language shall be part of the curriculum with at least

the same amount of time allotted for its teaching as for teaching the native tongue.

Schools of general education which instruct in the language of a national minority organise the education process according to the general educational curricula of primary, basic and secondary education programmes, which provide for instruction of the same teaching subjects for all schools of Lithuania. However, schools which instruct in the language of a national minority additionally teach the native tongue (as a mandatory subject). General Belarusian, Polish, Russian and German programmes are developed and approved and serve as a basis for teachers to develop their individual programmes adapted to the needs of pupils.

Financing of general education schools that instruct in the language of a national minority

Funds allocated from the state budget to schools of general education established by municipalities are calculated on the basis of the methodology for the calculation of the number of reference pupils. The methodology for the calculation of the number of reference pupils determines the amount of funds required for educating one child according to the type of school, the education programme (grades 1-4, grades 5-8, grades 9-10, grades 11-12), location, i.e. whether the school is situated in an urban or a rural area, pupils with special needs, pupils of national minority schools and other indicators. This methodology provides for a 10 per cent higher factor for a pupil at schools of general education of national minorities to cover the costs of the curriculum relating to meeting the education needs of national minorities. For a long time education vouchers for schools instructing in the language of a national minority contained a 10 per cent addition; in 2007 the additional funds of the education voucher for mixed schools (schools with classes instructed in Lithuanian and classes instructed in the languages of national minorities) were increased to 20 per cent and as of 2008, a 20 per cent addition to the funds of the education voucher was established for all schools which instruct in the language of a national minority. From 1 September 2009, the level of the education voucher for a pupil attending schools with the language of a national minority as the language of instruction has been applied a 15 per cent increase factor. As of 1 January 2011, the allocation for a pupil at a national minority school with the applied 15 per cent factor has stood at LTL 3,806 (whereas the education voucher of a reference pupil is LTL 3,310). The funds of the education voucher are spent on salaries for educators, professional development of teachers, and purchasing textbooks and visual and technical aids. From 2006, the funds of the voucher began to be earmarked for explorative activities of pupils, from 2007 for vocational guidance, from 2009 for administering, holding and assessing *Matura* examinations and for financing the modules of the professional-trend art education programme, and from 2010 for installing and using information and computer technologies and for organising external audit.

Over recent years, adequate conditions have been provided for representatives of national minorities to learn their mother tongue everywhere where the language of instruction of the school is different from the native language of the pupil. This means that persons belonging to groups of national minorities can learn their mother tongue not only at schools which traditionally instruct in Polish, Russian or Belarusian, but also at any other Lithuanian school. General primary, basic and secondary education curricula provide that teaching of a mother tongue may be arranged where five children express willingness to learn their native language and there is a teacher of this subject available at the school. This is of special importance for small groups of national minorities, which earlier had the only option of learning their mother tongue at non-formal education institutions with Saturday/Sunday schools being the most prevalent form of teaching (*see Article 13, Part II of the Third Report*).

Paragraph 3

(see information in Article 12(3), Part II of the Third Report).

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The Constitution of the Republic of Lithuania and other legislation guarantee participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (*see Article 15, Part II of the Second Report*).

Law on Citizenship of the Republic of Lithuania

In 2008, the *Law on the Amendment of the Law on Citizenship of the Republic of Lithuania* was adopted, which took into consideration the ruling of the Constitutional Court of the Republic of Lithuania of 13 November 2006 „On the compliance of the provisions of legislation governing citizenship relations of the Republic of Lithuania with the Constitution of the Republic of Lithuania”.¹⁰

¹⁰ In this ruling the Constitutional Court noted that according to the Constitution of the Republic of Lithuania such legal regulation where a large number of citizens of the Republic of Lithuania can at the same time be citizens of other states is unjustifiable. With this ruling the Constitutional Court found that Article 1(1) (on dual citizenship and repatriation) Article 17(3) (on dual citizenship and repatriation), Article 18(1) (on dual citizenship), Article 20(2) (on dual citizenship) and Article 16(1) of the then applicable *Law on Citizenship of the Republic of Lithuania* and Article 2(2) (on repatriation) of the *Law on the Implementation of the Law on Citizenship of the Republic of Lithuania* were in conflict with the *Constitution of the Republic of Lithuania*.

On 2 December 2010, a new *Law on Citizenship of the Republic of Lithuania* was adopted and took effect on 1 April 2011. This law provides no restrictions relating to race, nationality, origin or other grounds when obtaining, granting, restoring, returning or losing one's citizenship.

Participation in political life

The national communities living in Lithuania take an active part in the country's political life. Political representation of national minorities is ensured in two ways, i.e. through the parties of national minorities and through other parties of Lithuania.

Currently, there are three registered political parties of national minorities: *Electoral Action of Lithuanian Poles* (hereinafter referred to as LLRA), *the Lithuanian Russians' Union* (hereinafter referred to as LRS) and *the Political Party Russians' Alliance*.

The Lithuanian Polish People's Party, which operated until mid-2010, gave up its image of an ethnic and regional party and now declares preservation of traditional Christian values in the family and in society, close integration of Lithuania into Euro-Atlantic structures (particularly NATO) and harmonisation of inter-ethnic relations in Lithuania.

Participation in elections

The laws of the Republic of Lithuania ensure the right to democratic (general, direct and secret) elections: all citizens of Lithuania, regardless of nationality, race or convictions, have the right to elect and be elected to the Office of President of the Republic of Lithuania, member of the Seimas, member of the European Parliament and a municipal councillor.

The legal regulations establishing participation of national minorities in the election of the President of the Republic of Lithuania and members of the Seimas have not changed after the Second Report (*Article 15, Part II of the Second Report*). Citizens of the Republic of Lithuania (including persons belonging to a national minority) have the right to elect members of the Seimas and the President of the Republic regardless of their place of residence (i.e. their place of residence may even be outside Lithuania).

Two political parties of national minorities took part in the 2008 election to the Seimas of the Republic of Lithuania: LRS and LLRA, and three members of the latter party were elected as members of the Seimas.

On 7 June 2009, Lithuania held its first election to the European Parliament. The nominated candidates included the Polish political party of national minorities, LLRA, whose chairperson was elected to the European Parliament. Prior to this election, in May 2009, the LLRA chairperson ran in the Presidential election of the Republic of Lithuania, where he received quite substantial support from electors in Šalčininkai and Vilnius districts.

The new revision of the *Law on Elections to Municipal Councils of the Republic of Lithuania*, which took effect on 20 July 2010 further expanded the opportunities for permanent residents of an administrative unit (municipalities) to take part in local affairs because not only parties can nominate candidates to municipal councils. Article 34 of the *Law on Elections to Municipal Councils of the Republic of Lithuania stipulates* that „every person who is a permanent resident of that municipality and who has attained 20 years of age on the date of election may nominate himself as a candidate, provided that his self-nomination is supported by signatures of not less than ten per cent of voters of that municipality when calculating for one mandate of municipal councillor, and at least 100 voters of that municipality”.

According to the provision in Article 83(2) of this Law, a list of candidates may receive mandates of municipal councillor (participate in the distribution of mandates) only if at least four per cent of the voters who participate in the election vote in favour of it, and the joint list of candidates of parties or the joint list of self-nominated candidates may receive mandates of municipal councillor (participate in the distribution of mandates) if at least six per cent of the voters who participate in the election vote in favour of them.

Article 3 of the *Law on Elections to Municipal Councils of the Republic of Lithuania* stipulates an equal right of election providing that „all candidates for municipal councillor, whether nominated or self-nominated, shall be equal”. Thus, it should be stated that representatives of all nationalities may exercise the right provided in the aforementioned law to nominate themselves for municipal councillors and be elected to the municipal council.

In the municipal election in February 2011, LLRA won the absolute majority of mandates to municipal councils: 22 (of 25) in Šalčininkai District, 11 mandates (of 51) in Vilnius City, 19 mandates (of 27) in Vilnius District, 2 mandates (of 31) in Klaipėda, 4 mandates (of 25) in Švenčionys District, 5 mandates (of 25) in Trakai District, 2 mandates (of 25) in Visaginas Municipality. In Klaipėda the Political Party Russians’ Alliance received 3 mandates (of 31). The Lithuanian Russians’ won 1 mandate (of 25) in Visaginas and 2 mandates (of 31) in Klaipėda.

Table 16. Participation in elections to municipal councils

| | 2002 election to municipal councils (number of mandates) | 2007 election to municipal councils (number of mandates) | 2011 election to municipal councils (number of mandates) |
|--|--|--|---|
| Political parties of national minorities which participated in municipal elections | Electoral Action of Lithuanian Poles (50), Lithuanian Russians’ Union (11), Political Party Russians’ Alliance (3), Lithuanian Polish People’s Party (1). | Electoral Action of Lithuanian Poles (53), Lithuanian Russians’ Union (5), Political Party Russians’ Alliance (3). | The coalition of the Electoral Action of Lithuanian Poles and the Russians’ Alliance „Valdemaras Tomaševskis’ block” (61), Electoral Action of Lithuanian Poles (4), Political Party Russians’ Alliance (3), Lithuanian Russians’ Union (3). |

| | | | |
|-------------------|----|----|----|
| Mandates obtained | 65 | 61 | 71 |
|-------------------|----|----|----|

It should be noted that since 30 December 2003, the right to participate in elections to municipal councils has no longer been associated with the citizenship qualification. Any national of an EU country who declared their residence and have a permanent permit to live in Lithuania has the right to elect and to be elected a municipal councillor. This is fully consistent with the provisions of the EU Treaty (the Maastricht Treaty). Foreigners living in Lithuania exercise those rights.

On 1 October 2008, a new revision of *the Law on Local Self-government of the Republic of Lithuania* took effect. Article 33(1) of this law stipulates „Elderships shall be formed from the localities of the territory serviced by the ward or from the parts of such localities”. Article 33(2) provides that residents of elderships shall elect representatives of the locality, elders. Candidates to elders may be nominated by residents, non-governmental organisations, and associations, staff groups of establishments and organisations that operate in the eldership. An elder is elected by open ballot, but for elderships with over 500 residents elders are normally elected by population poll. Thus every individual, regardless of their nationality, is guaranteed the opportunity to become an elder and to take an active part in dealing with public affairs.

Laws ensuring the right to democratic elections (i.e. both the right to elect and the right to be elected) have been enforced adequately in Lithuania. This is also confirmed by observers of international organisations: for instance, in 2010 the NGO Freedom House provided a report where Lithuania received the highest assessment and is called a free country that ensure political and civil rights.¹¹

Integration of Roma into Lithuanian public, social and economic life

With its Resolution No. 309 the Government of the Republic of Lithuania approved *the Roma Integration Programme 2008-2010*, which aimed to ensure full integration of persons of Roma nationality into Lithuanian society and to reduce social exclusion, to develop and preserve the national distinction of Roma and to foster the tolerance and trust of society.

Education of Roma

Education of Roma was the priority objective of *the Roma Integration Programme 2008-2010*. The programme included different measures to promote engagement of Roma into the public education system: arranging complementary preschool, pre-primary and other informal education for Roma children, developing learning materials and methodological recommendations to educate

¹¹ <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7864>.

Roma children of preschool, pre-primary and school age, financing, via a tendering procedure, NGO projects that promote engagement of Roma children and youth into non-formal education, etc. The Ministry of Education and Science and the Department of National Minorities and Lithuanians Living Abroad were in charge of implementing those measures.

Within the framework of the *Programme of Surveillance and Security of Vilnius Roma Community and Territories Nearby Tabor and Reduction of Roma Segregation for 2005-2010* run by Vilnius City Municipality, measures for reducing Roma segregation in terms of education and training were approved with the allocated funding of LTL 96,022.00.

The Roma Community Centre had two preschool groups in the 2008–2009 school year and one in the 2009-2010 school year. Distance training of adult Roma has been provided since 2007.

Within the framework of the measures of the Programme for the Integration of Roma into Lithuanian Society for 2008-2010, positions of social educators were established to work with Roma schoolchildren at schools of general education attended by children of Roma nationality. Full-time positions of social educators were set up at Saulėtekio, Senamiesčio and Naujininkų secondary schools in the City of Vilnius. Social educators co-operated with the specialists of the Roma Community Centre.

In addition, targeted after-class activities are offered to Roma children and adolescents. It is noteworthy, that the occupancy of Roma children and adolescents (educational events and the activities of the Day Centre operating in the Roma Community Centre) promote their engagement in non-formal education, which aims to change the attitude of the Roma community towards education.

Based on Resolution No. 634 of 10 June 2009 of the Government of the Republic of Lithuania, as of 1 January 2010, the Ministry of Culture of the Republic of Lithuania took over matters relating to the protection of the rights of national minorities as well as co-ordination and implementation of the Programme for the Integration of Roma into Lithuanian Society for 2008-2010. In 2010, the Ministry of Culture purchased, via a public procurement process, services in the value of LTL 180,000.00 from the Roma Community Centre with the primary aim to arrange education for persons belonging to the Roma national minority, foster their culture and promote integration.

Integration of Roma into the labour market

Another objective defined in *the Roma Integration Programme 2008-2010* was participation of Roma in the labour market. Vilnius Labour Exchange annually registers on average from 70 to 90 unemployed persons of the Roma nationality. Proactive actions of the labour market policy cover around 30 per cent of such registered individuals, mostly through consultation groups and public

works programmes. Compared with the period of 2003–2006, the number of employed Roma grew from 1.9 per cent to 6.9 per cent. The labour market, however, has limited possibilities to include Roma in the programmes of the labour market policy because of their passive attitude, insufficient education and lack of motivation. Furthermore, there is quite a considerable number of Roma who do not speak the state language, possess a low level of literacy and do not have even basic education. All this reduces their chances to gain a speciality and to find a job. For the same reasons the staff of the labour exchange is not always able to provide them with the right motivation for proactive job search.

To promote integration of members of the Roma community into the labour market the Roma Community Centre held labour market days. This Centre houses an information stand of Vilnius Territorial Labour Exchange. A special booklet „The Roma Integration Programme 2008-2010 – a new opportunity for Roma to become participants of the labour market” was produced and released with the aim to inform members of the Roma community about this programme and to introduce them to employment support measures. Successful cooperation between the Roma Community Centre, Vilnius Labour Exchange and the Ministry of Social Security and Labour over the period of 2008-2010 brought positive results. This provided the opportunity for Roma to better adapt their skills to the labour market, and encouraged them to improve their qualification and gain a speciality. What is more, *the Roma Integration Programme 2008-2010* encompassed measures promoting change of the negative attitudes of the society towards Roma.

Integration of Roma into social life: Social support for Roma

In accordance with the *Law on the Principles of State Social Security System of the Republic of Lithuania*, citizens of the Republic of Lithuania, foreign nationals and individuals without citizenship who permanently reside in Lithuania have equal rights to social security unless the laws and international treaties provide otherwise. Persons belonging to the Roma national minority fall into the group of persons in need of a full range of social assistance.

Social services are provided to Roma by the Roma Community Centre. For several years in a row, the Centre has been involved in the *Food Bank* social campaign, which supplies Roma of Kirtimai settlement with essential food products free of charge a few times per year. Social workers at the Roma Community Centre helped Roma to arrange documentation to obtain social assistance and social housing.

Assistance to Roma provided by Vilnius City Municipality:

a) Assistance in solid fuel

For the heating season of 2006-2007 Vilnius City Municipality allocated LTL 10,000 to

supply residents of the Roma tabor in Kirtimai (Vilnius) with solid fuel. After the Social Assistance Centre of the City of Vilnius (hereinafter referred to as the Centre) signed a contract with the Roma Community Centre, the latter used the transferred funds to buy, allocate and distribute 13 tons of sawdust briquettes to 92 Roma families. Having new lists of Roma who need assistance in solid fuel drawn up in 2009, it turned out that assistance was required for 103 Roma families. The municipality did not accept the proposal to allocate assistance in sawdust briquettes and a further proposal was to allow using timber from the managed areas of the City of Vilnius.

b) Social benefits

In 2006 through 2010 (based on the figures of IS Parama), the Social Benefits Division of the Centre allocated and paid out social benefits to nearly 1,000 individuals (nearly 300 households) who declared residence at the addresses Dariaus ir Girėno g. 185-1 and Rodūnios kelias 21-5, for an amount close to LTL 1.7 million (see Table 17).

Table 17. Social benefits allocated to Roma

| Year | Household | Amount allocated (LTL) |
|-------------|-----------------------------|-------------------------------|
| 2006 | 138 persons (40 households) | 104,058.92 |
| 2007 | 166 persons (45 households) | 145,977.53 |
| 2008 | 220 persons (64 households) | 306,814.35 |
| 2009 | 210 persons (58 households) | 468,400.90 |
| 2010 | 265 persons (85 households) | 648,129.49 |

Source: IS Parama

c) Social assistance to schoolchildren and single benefits for Roma families

Over the period of 2006–2010, more than 200 Roma families were awarded social assistance to purchase schooling items (for some Roma the cost of free food was covered). From 2006 through 2010, over 120 Roma families received single benefits from the budget of Vilnius City Municipality.

Healthcare for Roma

The Roma Integration Programme 2008-2010 included measures to prepare and implement projects on healthy lifestyle, to organize events fostering a healthy lifestyle in locations of dense population of Roma and on learning sites as well as health examination for Roma (within the competences of a family practitioner) and to submit the generalized results thereof. Special measures were foreseen for Roma women and girls. They were offered a separate series of lectures on sanitation and hygiene. The Public Health Education Centre of Vilnius County, the Department of National Minorities and Lithuanians Living Abroad and the Ministry of Health of the Republic of

Lithuania were in charge of implementing those measures.

In 2010, the Roma Community Centre started constructive cooperation with the staff of the Lithuanian Red Cross representative office. The plan of measures and events will facilitate informing Roma about a healthy lifestyle.

Poor living conditions and easily accessible narcotic and psychotropic substances affect the health and life expectancy of Roma. Prevention and treatment of drug abuse is one of the priority objectives of all programmes aimed at the integration of Roma into the society of Lithuania.

The Drug Control Department under the Government of the Republic of Lithuania implemented the measure „To arrange contests on preventing the use of psychoactive substances for Roma” of *the Roma Integration Programme 2008-2010*. The „Yellow Bus”, the „Blue Bus” etc. projects offering mobile services of harm reduction were implemented, and the charity and sponsorship fund „The Beacon of Hope” was set up.

The Police Department implemented the measure „To implement measures intended for Roma to reduce the supply of and demand for narcotic and psychotropic substances” of *the Roma Integration Programme 2008-2010*. This measure was run only in the Roma tabor in Kirtimai (Vilnius) and on its outskirts as trade in and consumption of narcotic and psychotropic substances by Roma communities in other regions of the country did not present any problems.

Social services

At the Centre the social work specialist for working with Roma and the senior organiser of social work who serves residents of Naujininkai Ward provide information, consulting, intermediation and representation services, accept documents for social assistance to pupils. In addition, they provide information and documentation-related assistance to obtain social benefits and other payments as well as other assistance relevant to the problems of Roma.

From 2006 through 2007, 74 persons were awarded the food service through issued food vouchers.

Seven Roma families living in the Roma tabor in Kirtimai (Vilnius) are included in the register of social risk families raising children, and they are raising twenty children. On the list of families lacking social skills, there are 8 Roma families with 21 children between them. These families receive services of developing and supporting social skills from the social worker who is appointed to work with social risk families. Families are periodically visited at home and offered consultations on different social, proper childcare and education, household management, job seeking and other issues either at the work place of the social worker and / or by phone.

The staff members of the Social Work Division of the Centre were involved in the implementation of the plan of the Second Police Commissariat of the City of Vilnius on the

prevention measure „Tabor – the under-aged 2010”, which included the following activities: identification of the summer occupancy of children living in the Roma tabor in Kirtimai (Vilnius), identification of the financial situation of Roma families with school-aged children and provision of the required (legal, social) assistance.

Together with the United Nations Development Programme (UNDP) in Lithuania, PI SOPA and the Roma Community Centre the Centre is involved in the project financed from the EU Structural Funds „Turn to Roma: Innovative measures for participation of Roma in the labour market”. The allocation for this project totals LTL 1.9 million. Activities are planned to take place from March 2009 to March 2012. The aim of the project is to create a set of measures for involving Roma in the labour market and in public life, which could help them not only to become employed, but also to retain their job. To achieve this goal, a model of providing individual services to Roma is being created to serve as a basis for training specialists and practical testing of the provision of tailored services. With the view to improving employment of Roma, services of mediation in employment and business start-ups are offered along with structured individual assistance involving on-the-job training, development of social skills and other social assistance to Roma families to ensure successful employment. The project aims to shape a positive opinion of employers and of society as a whole on the participation of Roma in public life. The added value of the project lies in the integrity of services and individual approach to problems. The created model of individual mediation in employment, although already used in the past in working with other social exclusion groups, had not still been applied to unemployed persons of the Roma nationality in Lithuania.

According to the plan, the project will involve 80 persons facing social exclusion who belong to the Roma target group. For more on international projects run by the Roma Community Centre *see Article 4, Part II of the Third Report*).

Social housing

Social housing is leased out based on the procedure laid down in the *Law on State Support to Purchase or Rent Housing and to Renovate / Upgrade Residential Buildings*, whereby social housing shall be leased to individuals included on lists and in sequence. With assistance from social workers of the Centre, some members of the Roma community arranged personal documents and lodged applications to Vilnius Municipality regarding lease of social housing. At present, social housing is leased to 24 Roma families whereas approved lists for social housing include 40 Roma families.

Intolerance and discrimination in respect of Roma

In order to introduce Roma traditions and customs to Lithuanian society while developing

public tolerance and trust, two radio programmes were prepared, an article was published in the *Lietuvos žinios* daily and the information bulletin about Roma *Romano čačipen* was published (in 2008 four and in 2009 six issues of the information bulletin were released). In addition, information in Lithuanian, English and Russian was posted on the newly-created website www.roma.lt.

In 2008, the Department of National Minorities and Lithuanians Living Abroad, with the view to fostering tolerance and improving the image of Roma, held 5 one-day seminars for 118 police officers (*see Article 4, Part II of the Third Report*).

In 2008, the Lithuanian Police School, in conjunction with the Department of National Minorities and Lithuanians Living Abroad, delivered a professional development seminar „Integration of Roma into Lithuanian Society” to 20 police officials of the Chief Police Commissariat of the City of Vilnius. In addition, in partnership with the Office of the Equal Opportunities Ombudsman three seminars „Discrimination. Implementation of the principles of equal opportunities” were held in 2008 and one in 2009 (*see Article 6, Part II of the Third Report*).

In order to train police officials to recognise and adequately assess cases of racial, national, religious or other discrimination and to efficiently apply the laws of the Republic of Lithuania and EU legislation that prohibit such phenomena, in 2010, 15 seminars „Communicating with victims” and fourteen seminars „Violence against women” were arranged. Issues referred to above were included in the thematic plans of seminars.

Lithuanian Radio and Television was responsible for the implementation of measure 8.4 of *the Roma Integration Programme 2008-2010* („To produce radio programmes on combating xenophobia, discrimination and fostering of tolerance”). From 2008 through 2009, Lithuanian Radio and Television prepared programmes, discussions and rubrics aimed at combating xenophobia, discrimination and fostering tolerance.

Three *Forum*s programmes on LTV were devoted to the integration of Roma and to the rights of national minorities in Lithuania. The creative team of programmes for national minorities *Santara* and *Laida rusų kalba* produced nine reports on the integration, education and employment of Roma. The programmes *Muzikinis pastišas* and *Muzikinis vidudienis* on the integration of Roma into the cultural and musical life of Lithuania were created. Programmes of Lithuanian Radio *Ryto garsai* and *Lietuvos diena* offered their listeners reports on the Roma tabor in Kirtimai (Vilnius) and produced a report „Roma in new Europe”.

In 2009, a film „Vilnius ghetto 2009” was created about the community living in the county which associates itself with Lithuania as its homeland. The film premiered at the celebration of the International Roma Day arranged by the Lithuanian Gypsy Association *Čigonų laužas* (Gypsy Fire) and the Roma Community Centre and afterwards at the third film festival on human rights at Kaunas Cultural Centre of Various Nations „Ad Hoc: Inconvenient Film” and was shown on

Lithuanian national television.

Officials of the Office of Equal Opportunities Ombudsman gave lectures on anti-discrimination and discussed complaints received by the Office from persons of Roma nationality with judges and prosecutors at the Training Centre for Judges, police officials, officials of the Ministry of Transport and Communications and the Ministry of the Interior, journalists of regional press and representatives of national minorities and were proactively involved in events devoted to the promotion of equal opportunities.

Fostering the national identity of Roma

In the light of Objective 7 of *the Roma Integration Programme 2008-2010* („To provide opportunities for Roma to preserve their language, customs, traditions and to create material heritage”), the Department of National Minorities and Lithuanians Living Abroad allocated annual financial support to cultural and cognitive projects of NGOs. Funding was allocated for releasing the compact disc *Žalios akys* (Eng. *Green Eyes*) of the Roma art company *Sare roma*, to the annual event „International Roma Day”, which attracted great public attention, to collecting information about the Roma holocaust in 1941-1945, etc. At the initiative of the Department of National Minorities and Lithuanians Living Abroad, in 2007 the release of the compact disc *Bango Collective* featuring Roma contemporary music was supported and the activities of Roma amateur art companies in Vilnius and Šalčininkai were secured.

In addition, funding was provided for Stanislovas Rapalionis Gymnasium in Eišiškės and Saulėtekio Secondary School in Vilnius, attended by Roma children. These schools of general education are running projects devoted to fostering the identity of Roma children and to introducing the school communities to the culture of Roma.

In 2008, the website www.roma.lt was created as a source of information about the activities of the Roma Community Centre and Roma NGOs. The International Roma Day is marked on the 8th of April each year. On the day of commemorating the victims of the genocide of Lithuanian Jews on the 23rd of September, the victims of Roma genocide in the years of World War II are also remembered.

From 2007 through 2009, in order to foster tolerance and improve the image of Roma, the Department of National Minorities and Lithuanians Living Abroad held a contest of drawings and photographs on Roma for Lithuanian schoolchildren attending schools of general education. In 2007, an essay contest „My friend Roma / Gypsy” for schoolchildren was arranged.

In 2011, the Roma language textbook (*Romų kalba. Romany čhib*) was published. The book contains four parts: grammar of the Roma language, readings, and Roma-Lithuanian and Lithuanian-Roma glossaries. The grammar is based on the example of the grammar of the

Lithuanian language. The book was edited by Rada Šantariova, a doctoral student of the Roma nationality at Vilnius Pedagogical University. Lithuanian Roma will be able to use this textbook of their mother tongue to learn the Roma and the Lithuanian languages.

International projects implemented by the Roma Community Centre

In order to improve the integration of Roma into Lithuanian public and cultural life, the Roma Community Centre implemented various international projects (*see Table 18*).

Table 18. International projects implemented by the Roma Community Centre

| PROJECT | YEARS OF IMPLEMENTATION |
|--|--------------------------------|
| Project under ESF Measure 2.3. „Turn to Roma: Innovative measures for participation of Roma in the labour market"; applicant – UNDP in Lithuania, project NO. VP1-1.3-SADM-02-K-01-045 | 2009–2012 |
| Project under ESF Measure 2.3. BPD2004-ESF-2.2.0-01-04/0004 „Creating a mechanism for preparing Roma for the Labour Market ” | 2005–2008 |
| Project of the EQUAL initiative „Establishment and testing of the support mechanism for the integration of Roma into the labour market” No. EQ/2004/1130-01/477 (applicant – Lithuanian Children’s Fund) | 2005–2008 |
| LIFELONG LEARNING PROGRAMME | |
| Project of the Leonardo da Vinči programme „Models of education and training for Roma in Slovenia and Lithuania” Agreement SI/05/A/EX/17613 | 2005 |
| „PhD ² : Personal and Human Development, Psychodrama to Help Disadvantaged” Agreement No. 2008-3457/001-001 Project No. 142167-LLP-1-2008-1-IT-GRUNDTVIG-GMP | 2008–2010 |
| Project of the Grundtvig programme „Cultural heritage and lifelong learning” Grant Agreement No. LLP-GRU-MP-2008-LT-00018 | 2008–2010 |
| Project of the Grundtvig programme „Employment support for the Roma“ – associated partner | 2007–2009 |

Source: PI Roma Community Centre.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

The territorial reorganisations of the administrative units of the territory of the Republic of Lithuania made between 2006 and 2010 did not alter the ratio of population in areas inhabited by persons belonging to national minorities, nor did they constrain their rights or freedoms. These reorganisations should be associated only with improving the efficiency of managing the administrative units of the territory and provision of public services to the population (*see Article 16, Part II of the Second Report*).

From March through May 2011, *Statistics Lithuania* conducted the general population and

housing census of the Republic of Lithuania, which produced findings on how many people and of what nationalities live in Lithuania, information on the command of languages, education, housing, etc. Information on nationality (which a person was able to declare freely during the census) is important for implementing the policy of integrating national minorities. The questionnaire of the 2011 general population and housing census were translated into Russian, Polish and English. It should be noted that for the first time in Lithuania each resident was provided with the opportunity to complete the census both electronically and individually and to transmit data over the Internet. This increased coverage of the population, particularly young people, considerably and improved the quality of the census. Altogether 1,390,000 residents completed or were included by others in the census electronically, whereas 2,500,000 residents were recorded through interviewing the population during visits of interviewers to their homes. According to preliminary data on e-census and interviewing, at the reference point of the census (1 March 2011) Lithuania had 3,538,000 permanent residents (1,407,900 men and 1,645,900 women). This comprises around 94 per cent of the population of Lithuania assessed according to the data of the Population Register and the methodology of *Statistics Lithuania*, which was 3,234,900 on 1 March. Processing of data collected in the census started in June 2011. *Statistics Lithuania* will announce comprehensive data of the population and housing census before June 2013.

Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

Paragraph 1

The established right to build and maintain contacts with persons lawfully living in other states is one of the fundamental rights of a person, which is defined in more detail in Article 32 of the Constitution of the Republic of Lithuania (see Article 32(1) of the Constitution of the Republic of Lithuania).

Representatives of the Polish and Latvian national minorities and of other states belonging to the Schengen Area have no obstacles to communicate freely with persons residing in the Republics of Poland and Latvia.

Since Lithuania was accepted in the Schengen Area, the conditions for representatives of the Russian national minority to communicate with persons living in the Kaliningrad District of the

Russian Federation have not changed.

After Lithuania joined the Schengen Area, the conditions for representatives of the Belarusian national minority travelling to Belarus changed. In order to ensure the interests of national minorities more efficiently, following submission of the Second Report Lithuania entered into the following international agreements with the Republic of Belarus:

Protocol on the Amendment of the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Cooperation in the Field of Railway Transport, signed on 1 June 2006 and came into effect on 12 July 2007.

Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on the supplementation of the Provisional Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Travelling of Citizens of Both States signed on 26 November 2002 in Minsk (concluded by exchange of notes) adopted on 1 June 2007.

Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on the amendment and supplementation of the Provisional Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Travelling of Citizens of Both States (concluded by exchange of notes), which came into effect on 21 December 2007.

In 2010, the Republic of Lithuania signed an agreement (pending ratification)¹² with the Republic of Belarus, whereby residents of border territories of Lithuania and Belarus living within 50km distance from the border and meeting the established requirements will be able to use the simplified procedure for crossing the state border.

The Republic of Lithuania continued inter-cultural cooperation with other states. To date, Lithuania has signed bilateral cultural cooperation agreements and inter-departmental agreements in the fields of culture and art with almost 40 countries.

In 2009, the Ministry of Culture of the Republic of Lithuania and the Ministry of Culture of the Russian Federation signed a cooperation agreement, which aims to promote dissemination of the culture of the national minorities living in the territories of both States.

Every year Lithuania develops annual programmes under the Agreement between the Republic of Lithuania and the Ministry of Culture of the Republic of Belarus on cooperation in the field of culture, where Article 10 provides that the Parties shall provide favourable conditions for preserving and developing the national distinction and culture of Lithuanians living in the territory of the Republic of Belarus and of Belarusians living on the territory of the Republic of Lithuania

¹²Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on the procedure for the mutual travels of border area residents of the Republic of Lithuania and the Republic of Belarus.

(see Article 17(1) of Part II of the Second Report).

Paragraph 2

The *Constitution of the Republic of Lithuania* (Article 35) and the *Law on Associations of the Republic of Lithuania* ensure the right of national minorities to take part without limitation in the activities of national and international NGOs. The Chairman of the Community of Lithuanian Azerbaijanis (who is chairman of the Council of National Communities for 2009-2012) in 2006 was elected vice-president of the Baltic Azeri Congress and vice-president of the European Azeri Congress (2007–2009), since 2009 he has been a member of the Executive Committee (Berlin) and was a member of the World Azerbaijani Co-ordination Council (2001, 2006) and member of the World Co-ordination Council of Heads of Turkish and Azerbaijani Emigrant Organisations (2007, 2008). The Stefan Batory Hungarian Culture Society of Lithuania is member of the Association of Hungarian Societies of Western European Countries (*Nyugat-európai Országos Magyar Szervezetek Szövetsége* (NYEOMSZSZ)). The chairman of the Armenian Association of Lithuania is elected chairman of the Baltic Armenian Congress. The NGO of Lithuanian Latvians has its representative in the Organisational Committee for World Latvian Associations whereas Lithuanian Greeks belong to the World Black Sea Greek Confederation (Greece). The chairwoman of the Estonian Society of Lithuania is a member of the Estonian World Council. The Association of Businesswomen of Lithuanian Ethnic Groups is a member of the European Women’s Lobby and a member of the European Network of Migrant Women.

ANNEXES. NATIONAL LEGISLATION

Annex 1 and 2 hereby provide excerpts from the national legislation mentioned or related with the information presented in the Third Report.

Annex 1.

CONSTITUTION OF THE REPUBLIC OF LITHUANIA (Excerpts) (Adopted by citizens of the Republic of Lithuania in the Referendum of 25 October 1992)

CHAPTER I THE STATE OF LITHUANIA

Article 12

Citizenship of the Republic of Lithuania shall be acquired by birth and other grounds established by law.

With the exception of individual cases provided for by law, no one may be a citizen of both the Republic of Lithuania and another state at the same time.

The procedure for the acquisition and loss of citizenship shall be established by law.

Article 14

Lithuanian shall be the State language.

CHAPTER II THE HUMAN BEING AND THE STATE

Article 25

The human being shall have the right to have his own convictions and freely express them.

The human being must not be hindered from seeking, receiving and imparting information and ideas.

Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honour and dignity, private life, and morals of a human being, or to defend the constitutional order.

Freedom to express convictions and to impart information shall be incompatible with criminal actions—incitement of national, racial, religious, or social hatred, violence and discrimination, with slander and disinformation.

The citizen shall have the right to receive, according to the procedure established by law, any information concerning him that is held by State institutions.

Article 26

Freedom of thought, conscience and religion shall not be restricted.

Each human being shall have the right to freely choose any religion or belief and, either alone or with others, in private or in public, to profess his religion, to perform religious practices, to practice and teach his belief.

No one may compel another person or be compelled to choose or profess any religion or belief.

Freedom of a human being to profess and spread his religion or belief may not be limited otherwise than by law and only when this is necessary to guarantee the security of society, the public order, the health and morals of the people as well as other basic rights and freedoms of the person.

Parents and guardians shall, without restrictions, take care of the religious and moral education of their children and wards according to their own convictions.

Article 27

A human being's convictions, practiced religion or belief may not serve as justification for a crime or for failure to execute laws.

Article 28

While implementing his rights and freedoms, the human being must observe the Constitution and the laws of the Republic of Lithuania and must not restrict the rights and freedoms of other people.

Article 29

All persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.

Article 30

The person whose constitutional rights or freedoms are violated shall have the right to apply to court.

Compensation for material and moral damage inflicted upon a person shall be established by law.

Article 31

A person shall be presumed innocent until proved guilty according to the procedure established by law and declared guilty by an effective court judgement.

A person charged with the commission of a crime shall have the right to a public and fair hearing of his case by an independent and impartial court.

It shall be prohibited to compel one to give evidence against himself, his family members or close relatives.

Punishment may be imposed or applied only on the grounds established by law.

No one may be punished for the same crime a second time.

A person suspected of the commission of a crime and the accused shall be guaranteed, from the moment of their detention or first interrogation, the right to defence as well as the right to an advocate.

Article 32

A citizen may move and choose his place of residence in Lithuania freely and may leave Lithuania freely.

These rights may not be restricted otherwise than by law and if it is necessary for the protection of the security of the State, the health of the people as well as for administration of justice.

A citizen may not be prohibited from returning to Lithuania.

Everyone who is Lithuanian may settle in Lithuania.

Article 33

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 in the State service of the Republic of Lithuania.

Article 34

Citizens who, on the day of election, have reached 18 years of age, shall have the electoral right.

The right to be elected shall be established by the Constitution of the Republic of Lithuania and by the election laws.

Citizens who are recognised incapable by court shall not participate in elections.

Article 35

Citizens shall be guaranteed the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the Constitution and laws.

No one may be compelled to belong to any society, political party, or association.

The founding and activities of political parties and other political and public organisations shall be

regulated by law.

Article 37

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

CHAPTER III SOCIETY AND THE STATE

Article 41

Education shall be compulsory for persons under the age of 16.

Education at State and municipal schools of general education, vocational schools and schools of further education shall be free of charge.

Higher education shall be accessible to everyone according to his individual abilities. Citizens who are good at their studies shall be guaranteed education at State schools of higher education free of charge.

Article 42

Culture, science and research, and teaching shall be free.

The State shall support culture and science, and shall take care of the protection of Lithuanian historical, artistic and cultural monuments and other culturally valuable objects.

The law shall protect and defend the spiritual and material interests of an author which are related to scientific, technical, cultural, and artistic work.

Article 43

The State shall recognise the churches and religious organisations that are traditional in Lithuania, whereas other churches and religious organisations shall be recognised provided that they have support in society and their teaching and practices are not in conflict with the law and public morals.

The churches and religious organisations recognised by the State shall have the rights of a legal person.

Churches and religious organisations shall be free to proclaim their teaching, perform their practices, and have houses of prayer, charity establishments, and schools for the training of the clergy.

Churches and religious organisations shall conduct their affairs freely according to their canons and statutes.

The status of churches and other religious organisations in the State shall be established by agreement or by law.

The teaching proclaimed by churches and religious organisations, other religious activities and houses of prayer may not be used for purposes which are in conflict with the Constitution and laws.

There shall not be a State religion in Lithuania.

Article 44

Censorship of mass information shall be prohibited.

The State, political parties, political and public organisations, and other institutions or persons may not monopolise the mass media.

Article 45

Ethnic communities of citizens shall independently manage the affairs of their ethnic culture, education, charity, and mutual assistance.

Ethnic communities shall be provided support by the State.

Annex 2.

**LAW OF THE REPUBLIC OF
LITHUANIA ON EDUCATION (Actual wording)
(Excerpts)**

Article 6. Education system

The education system of Lithuania shall comprise the following:

- 1) formal education (primary, basic, secondary education, formal vocational education and training and higher education studies);
- 2) non-formal education (pre-school, pre-primary, other non-formal education of children (as well as the teaching supplementing the formal education) and of adults);
- 3) informal education;
- 4) educational assistance (vocational guidance, informational, psychological, socio-pedagogical, special pedagogical and special assistance of education, healthcare at school, consultation, in-service training of teachers and other assistance).

Article 15. Other non-formal education of children

1. The purpose of non-formal education of children shall be to satisfy learners' cognition, development and self-expression needs, and to help them become active members of society; the purpose of teaching supplementing the formal education – to systematically increase knowledge in a certain field according to long-term programmes, to strengthen abilities and skills and to provide a person with additional subject-related competences.

2. Children's non-formal education programmes shall be implemented by schools of non-formal education of children and other educational institutions, freelance teachers and other education providers. Non-formal education of children shall also include the teaching supplementing the formal education, which is carried out by schools of music, art, other arts, and sports. The Minister of Education and Science shall lay down general criteria for non-formal education programmes financed from state or municipal budgets.

3. Schools implementing children's non-formal education and formal education programmes shall be attributed to formal education schools of an appropriate group and/or type. Individuals who seek to attain a higher education level in the area of music, art, arts, sports must, in addition to secondary education, complete a relevant non-formal education programme confirmed by the Minister of Education and Science, if such a requirement is established in the description of the admission to a higher education school.

4. During school vacations children's non-formal education programmes shall be carried out in accordance with the procedure laid down by the institution (the meeting of the participants) implementing the rights and duties of the owner of a state and a municipal school – a budgetary and public establishment, or by the owner (the meeting of the participants) of other schools or by the education provider.

5. A children's non-formal education programme may be recognized as part of a formal education programme (except study programmes) in accordance with the procedure laid down by the Minister of Education and Science or as part of a study programme - in accordance with the procedure laid down by a higher education institution.

Article 16. Non-formal adult education

1. The purpose of non-formal adult education shall be to provide an individual with conditions for life-long learning, meeting the needs of cognition, upgrading an acquired qualification and acquiring additional qualifications.

2. Non-formal education of adults shall be provided to each individual who has chosen this kind of education and is at least 18 years of age.

3. Non-formal education of adults may be provided by all education providers in accordance with the procedure laid down by legal acts. The Minister of Education and Science shall lay down general criteria for non-formal education programmes financed from state or municipal budgets.

4. A competence acquired through non-formal education may be recognized as a completed part of the formal education programme (except study programmes) in accordance with the procedure laid down by the Minister of Education and Science or as part of a study programme - in accordance with the procedure laid down by a higher education institution.

5. Non-formal adult education shall be defined by the Law of the Republic of Lithuania on Non-formal adult education (hereinafter referred to as the "Law on Non-formal Adult Education").

CHAPTER THREE

ACCESSIBILITY AND QUALITY OF EDUCATION

Article 24. The Right and Duty of Lithuanian Residents to Study

1. Each citizen of the Republic of Lithuania, each alien who has the right of permanent or temporary residence in the Republic of Lithuania, shall have the right to study, attain an education level and a qualification.

2. The State shall take measures so that each child in Lithuania studies according to primary, basic, secondary education curricula.

3. The State shall guarantee each citizen of the Republic of Lithuania, each alien who has the right of permanent or temporary residence in the Republic of Lithuania:

- 1) primary, basic and secondary education;
- 2) access to higher education study programmes or vocational training programmes that result in the acquisition of the first qualification.

4. A learner who has suspended his learning or studies may resume them at the same or at a different school in accordance with the procedure laid down by legal acts or agreements.

5. A person who has attained a basic or secondary education level and wishes to supplement his preparation for further studies shall be provided an opportunity to study general education subjects of his choice and to test his educational achievements in accordance with the procedure laid down by the Minister of Education and Science.

6. Residents of Lithuania shall have the right to study in other foreign countries. This right shall be exercised through one's own initiative and the guarantees thereof shall be set out by the laws or international agreements of the Republic of Lithuania.

Article 27. Choice of education programmes

1. When a person chooses an education programme, he shall observe the sequence of programmes in Articles 7 through 13 of this Law.

2. A learner shall enjoy the possibility of choosing education programs, different versions thereof, modules of education programmes and subject courses according to his abilities and dispositions. A learner shall also choose a school implementing an education programme, any other education provider, a form of learning. The Minister of Education and Science shall approve descriptions of forms of learning pursuant to formal education programmes (with the exception of higher education study programmes) and the procedure for organizing teaching according to forms of learning.

3. Apart from compulsory subjects and different programs (courses) thereof, a learner may study elective subjects offered by the school.

4. An individual shall be free to pursue non-formal education programs and informal education.

Article 28. The network of education providers

1. The purpose of the network of education providers shall be to ensure accessibility of compulsory and universally available education, its variety, and the possibility of life-long learning to all citizens of the Republic of Lithuania and aliens having the right of permanent or temporary residence in the Republic of Lithuania.

6. The municipality must have an optimal network of providers of primary, basic, secondary and non-formal education programmes designated for children and adults, ensuring individuals' learning and securing their right to receive instruction in the state language, as well as a network of institutions that provide assistance to learners, teachers and schools. In areas where the municipality does not ensure the individuals' right to receive instruction in the state language according preschool, pre-primary and general education curricula, state schools may be established in which curricula are carried out in the state language.

7. If the community requests so, in areas where a national minority traditionally constitutes a substantial part of the population, the municipality shall guarantee the teaching in the national minority language or the learning of the national minority language.

Article 29. Admission to a school, changing schools and transfer to another school

1. A person shall have the right to choose a state, municipal or non-state school and to change schools.

2. The procedure of admission to a state and a municipal general education school shall be laid down by the institution exercising the rights and duties of the owner (the meeting of the participants) on the basis of the general admissions criteria approved by the Minister of Education and Science.

9. A child under 16 years of age may not terminate study in compulsory education programmes.

Article 30. The right to receive instruction in the state language and in the native language

1. Every citizen of the Republic of Lithuania and foreigners having the right of permanent or temporary residence in the Republic of Lithuania shall be guaranteed to receive instruction in the state language and to learn the state language.

Version of paragraphs 2 and 3 of Article 30 valid until 31 August 2011:

2. At those general education and non-formal education schools the regulations (statutes) of which (respecting the requests of the parents (guardians, curators) and learners) provide for teaching in a national minority language and fostering of the national minority's culture, the teaching process shall be conducted or certain subjects shall be taught in the national minority language. At such schools the subject of the Lithuanian language shall be a constituent part of the curriculum and the time allotted for teaching it shall not be less than the time allotted for teaching the native language. At such schools:

1) the primary and basic curricula shall be carried out in the national minority language, while selected curriculum subjects may be taught in the state language upon the request of the parents (guardians, curators);

2) the secondary curriculum shall be carried out in the national minority language. The curriculum subjects selected by the learners may be taught in the state language.

3. A state, municipal pre-school education and general education school shall provide opportunities for learners belonging to national minorities to have supplementary study of the native language, provided that there is a real need, a specialist of that language is available and the education process is organised in another teaching language.

Version of paragraphs 2 and 3 of Article 30 valid from 1 September 2011:

2. General education and non-formal education schools shall create opportunities for learners belonging to national minorities to foster the national, ethnic and linguistic identity, to learn the native language, history and culture. At a general education and a non-formal education school the regulations (statutes) of which (respecting the requests of parents (guardians, curators) and learners) provide for teaching a national minority language or teaching in a national minority language, the teaching process may be conducted or certain subjects may be taught in the national minority language. At such schools the subject of the Lithuanian language shall be a constituent part of the curriculum and the time allotted for teaching it shall not be less than the time allotted for teaching the native language. At such schools:

1) the pre-primary education curriculum shall provide for not less than four hours per week for educating in the Lithuanian language. A part of the pre-school education curriculum may be carried out in the Lithuanian language at the request of the parents (guardians, curators)

2) the primary, basic, secondary education curricula shall be carried in the mode of bilingual education: in the national minority language and in the Lithuanian language. The Lithuanian language shall be taught in the primary education curriculum in the integrated manner, and in the basic and secondary education curricula – during the lessons where the curriculum themes of the Lithuanian history and geography, understanding of the world, basics of citizenship are taught;

3) other subjects of the primary, basic, secondary education curricula shall be taught in the Lithuanian language at the request of the parents (guardians, curators).

3. The Minister of Education and Science shall lay down the procedure for providing education in the Lithuanian language at a general education and a non-formal education school.

4. A person who belongs to a national minority may study his native language at a school that implements non-formal education programmes or with another education provider.

5. The children of a person having the right of permanent or temporary residence in the Republic of Lithuania shall be provided with the opportunity of learning the state language, of receiving instruction in the state language and, where possible, of learning their native language.

6. A deaf person in a pre-school education and general education schools designated for learners with special educational needs shall be provided with the opportunity of learning the native (sign) language.

7. All schools that provide general education must ensure command of the state language in compliance with the general programmes approved by the Minister of Education and Science.

8. In centres of districts and areas traditionally densely inhabited by national minorities where one or several schools teaching in the state and national minority languages, which have a set of eleventh grades of each different language of instruction, the institution exercising the rights and duties of such schools, the meeting of the participants (owner) must ensure that the general education curriculum at least in one school (at least in one grade) would be carried out in the state language (except the native language).

Article 31. Right to study religion

1. Religion shall be an optional part of moral education. Moral education shall be a part of primary, basic and secondary education. Upon parents' (guardians', curators') request, the subject of religion may be included in the pre-school education of their children. Non-formal religious education and informal education in religion may be carried out.

2. A learner in a school that implements primary, basic and secondary curricula shall have the right at the age of 14 to choose one of the following subjects of compulsory moral education: religion of a traditional religious community or association or ethics.

3. Parents (guardians, curators) shall choose between the subject of religion of a traditional religious community or association and the subject of ethics on behalf of learners who are under 14 years of age; in case of a learner who is under the guardianship of the State the institution which executes the guardianship of the learner shall decide between the subject of religion of a traditional religious community or association, professed by the learner's family or relatives and the subject of ethics.

4. At a formal education school (except higher education institutions) the curriculum of religious instruction shall be prepared by the respective traditional religious community or association; the hierarchy of the religious community or association and the Minister of Education and Science shall assess and approve the said curriculum, each in line with their competency.

5. A person who has attained a post-secondary or higher education level and a pedagogue's qualification or has the necessary special preparation may teach religion in compliance with formal education programmes (except higher education study programmes). Such a person must have permission (referral) to teach religion, issued as prescribed by the hierarchy of the corresponding traditional religious community or association.

6. A school that is unable to provide instruction of the religion of a traditional religious community or association, requested by the learners or their parents (guardians, curators), shall grant credit for the learner's religious instruction provided at a Sunday school or another religious instruction group, pursuant to the requirements set out in paragraphs 4 and 5 of this Article.

7. Conditions for religious instruction and for teaching modules supplementing the programme of religious instruction and satisfying the learners' need for self-expression shall be equivalent to those for the teaching of other elective subjects and for teaching modules supplementing their respective programs and satisfying the learners' needs of self-expression.

Article 33. Accessibility of Education to Socially Excluded Persons

1. The accessibility of education to socially excluded children from poor families, children of refugees, children not attending school, unemployed persons, persons who have returned from imprisonment, persons undergoing treatment for alcohol and drug addiction as well as persons failing to adapt to society shall be ensured by providing them with social services and educational assistance.

2. The Government and municipalities shall implement target social and education programmes directly or through schools. Such programs may be developed and implemented by non-governmental organisations as well as other legal and natural persons.

3. State and municipal institutions and agencies, on the basis of the data of the registers recording residents as well as of other state and departmental registers, shall determine the number of children not attending school and their educational needs and shall, together with schools, implement target programmes for the inclusion of these children in education activity.

Article 38. Evaluation of Learning Achievements

1. The purpose of evaluation of learning achievements shall be to help learners check their learning progress, determine their achievements and, upon comparison with achievement levels set out in general programmes or/and vocational or vocational training standards – make decisions concerning further study or occupation.

2. Learning achievements shall be evaluated by a learner himself, a teacher, an education provider, the institution exercising the rights and duties of the owner of the school (a state school – a budgetary institution), the municipal executive institution or a person authorised by it (a municipal school – a budgetary institution), the institution exercising the rights and duties of the owner (the meeting of the participants) (a state and a municipal school – a public establishment), the owner (the meeting of the participants) (other schools), the Ministry of Education and Science and an institution authorised by it.

3. Evaluation of learning achievements of learners participating in general education programmes and the use of evaluation results shall be regulated in accordance with the procedure laid down by the Minister of Education and Science. Evaluation of learning achievements of learners with special educational needs shall be appropriately adapted.

4. Institutions authorised by the Minister of Education and Science and municipal executive institutions shall organize testing of learning according to general education curricula (Matura examinations, other examinations, credits and other ways of testing learning achievements) in compliance with learning achievements testing programmes approved by the Minister of Education

and Science and descriptions of the procedure for organizing and implementing the testing of learning achievements, studies of learners' achievements. Such testing of learning achievements shall be organised equal for learners of schools of all studying languages, without violating the principle of equal opportunities defined in Article 5 of this Law. All general education schools shall ensure the command of the Lithuanian language according to the general programme approved by the Minister of Education and Science (basic educational achievements testing and Matura examinations).

5. Learning achievements of learners participating in vocational training programmes shall be evaluated in accordance with the procedure laid down by the Law on Vocational Education.

6. Learning achievements of students of higher education institutions shall be evaluated in accordance with the procedure laid down by the Law on Higher Education and Research.

Article 40. Material Provision of Education and Learning Workload

2. The material environment of schools implementing pre-school, pre-primary, general education curricula shall be equipped according to the education supply standards approved by the Minister of Education and Science.

3. The Minister of Education and Science shall approve the description of the procedure for evaluating the conformity of textbooks of general education subjects and teaching aids with legal acts and supplying with such textbooks and teaching aids; the Minister of Education and Science shall, according to the established procedure, collaborate in drafting school hygiene norms confirmed by the Minister of Health.

Annex 3.**LAW OF THE REPUBLIC OF LITHUANIA AMENDING
THE LAW ON EQUAL TREATMENT**

(As last amended on 17 June 2008 – No X-1602)

SECTION ONE**GENERAL PROVISIONS****Article 1. Purpose of the Law**

The purpose of this Law shall be to ensure the implementation of the provisions of Article 29 of the Constitution of the Republic of Lithuania enshrining the equality of persons and prohibition against restrictions on human rights or extensions of privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, as well as the implementation of the provisions of legal acts of the European Union referred to in the Annex to this Law and of other international legal acts.

Article 2. Definitions

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

2. **Ethos** means the sum total of beliefs, values, moral attitudes and traditions determining the behaviour or standards of behaviour of a person or a group of persons.

3. **Equal treatment** means the implementation of human rights enshrined in international instruments on human and civil rights as well as laws of the Republic of Lithuania irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

4. **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, 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.

5. **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, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

6. **Social status** means education or qualification acquired by a natural person or his studies at research and education establishments, his property, income, need for state support provided for in legal acts and/or other factors related to the financial/economic situation of the person.

7. **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, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the following cases:

- 1) restrictions on the grounds of age as established by laws 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 laws;
- 3) prohibition of participation in political activities in the cases specified by laws;
- 4) different rights applied on the basis of citizenship as established by laws;
- 5) special measures in the field of health care, safety at work, employment, labour market as established by laws with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment;
- 6) special temporary measures, as established by laws, which are taken to ensure equality and prevent violation of equal treatment on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;
- 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 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 certain conditions relating to the social status of a person is justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;
- 9) organisation of separate sports competitions for the disabled.

8. An instruction to discriminate against a person on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall be deemed to be discrimination within the meaning of paragraphs 4 and 7 of this Article.

Article 3. Exemptions from the Provisions of this Law

The provisions of this Law shall not apply to:

- 1) family and private life;
- 2) employees or staff of religious communities, associations and centres, as well as of legal persons established by them for serving the purposes of the same religion (hereinafter referred to as “religious communities and associations”), and of 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, as well as requirements for religion teachers of traditional religious communities and associations where, by reason of the nature of their activities or of the context in which they are carried out, requirements regarding a person’s religion, belief or convictions constitute a genuine, legitimate and justified requirement, having regard to the ethos of the said organisations;
- 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;
- 6) requirements that persons carrying out occupational activities within 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, and persons studying 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 or taking part in organisations established with the purpose of education in an environment fostering the values of a religious community or association should act in good faith and with loyalty to the ethos of the said organisations;

7) cases where organisations uniting individuals on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion decide on membership of, or employment in, these organisations, provided it is genuine, legitimate and justified in relation to the common ground of an organisation;

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.

Article 4. Burden of Proof

Where in the course of the hearing of complaints, petitions, applications, notifications or claims of natural or legal persons about discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion before a court or other competent authority, the complainant establishes facts from which it may be presumed that there has been direct or indirect discrimination, it shall be presumed that direct or indirect discrimination, harassment or instruction to discriminate has occurred. The respondent shall have to prove that there has been no breach of the principle of equal treatment.

SECTION TWO

IMPLEMENTATION OF EQUAL TREATMENT

Article 5. Duty of State and Municipal Institutions and Agencies to Implement Equal Treatment

State and municipal institutions and agencies must, within their competence:

1) ensure that equal rights and opportunities are enshrined in all legal acts irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

2) develop, approve and implement programmes and measures designed to ensure equal treatment irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

3) in the manner prescribed by laws, support programmes of religious communities, associations and centres, public establishments, associations, as well as charitable and sponsorship foundations which assist in implementing equal treatment of persons on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

Article 6. Duty of Educational Establishments, Other Education Providers as well as Research and Education Establishments to Implement Equal Treatment

1. Educational establishments, other education providers as well as research and education establishments must ensure equal conditions for persons irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion when:

1) admitting to educational establishments, other education providers as well as research and education establishments, teaching and educating according to programmes of formal and non-formal education implemented therein;

- 2) granting scholarships or providing loans;
- 3) developing and approving education programmes;
- 4) evaluating learning achievements.

2. 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 the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

3. Educational establishments, other education providers as well as research and education establishments must preclude any harassment or instruction to harass on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion in the cases specified in paragraph 1 of this Article.

Article 7. Duty of the Employer to Implement Equal Treatment at the Workplace, in the Civil Service

When implementing equal treatment the employer, without regard to gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must:

- 1) apply uniform selection criteria and conditions when employing, or recruiting to the civil service, except for the cases specified in paragraph 7 of Article 2 of this Law;
- 2) 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;
- 3) apply uniform criteria for assessing the work of employees and the performance of civil servants;
- 4) apply uniform criteria for dismissal from work and from the civil service;
- 5) pay equal pay for the same work or for work of equal value;
- 6) take measures to prevent harassment or instructions to discriminate against any employee or civil servant at the workplace;
- 7) take measures to prevent sexual harassment against any employee or civil servant;
- 8) take measures to ensure that an employee or civil servant who has filed a complaint relating to discrimination or is participating in discrimination proceedings, his representative or any person who is testifying or making statements are not subjected to persecution and are protected from any adverse treatment or adverse consequence;
- 9) take appropriate measures to enable disabled persons to have access to, participate in, or advance in employment, or to undergo training, including adaptation of premises, unless such measures would impose a disproportionate burden on the employer.

Article 8. Implementation of Equal Treatment in the Field of Consumer Protection

When implementing equal treatment, a seller or producer of goods or a service provider, without regard to gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must:

- 1) 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;

2) when providing consumers with information about products, goods and services or advertising them, ensure that such information does not convey humiliation, contempt or restriction of rights or extension of privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion and that it does not form public opinion that these qualities make a person superior or inferior to another.

Article 9. Prohibition of Discrimination in Relation to Membership of, and Involvement in, Organisations

Discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion in relation to membership of, and involvement in, an organisation of employees or employers, or any organisation (association) whose members carry on a particular profession, including the benefits provided for by such organisations (associations) shall be prohibited.

SECTION THREE

VIOLATION OF EQUAL TREATMENT

Article 10. Violation of Equal Treatment

Any non-compliance or improper compliance with the duties or non-compliance with the prohibitions set by this Law shall constitute a violation of equal treatment.

Article 11. Discriminatory Advertisements

In advertisements offering job, civil service or education opportunities, it shall be prohibited to specify requirements giving preference on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, except for the cases specified in paragraph 7 of Article 2 of this Law.

Article 12. Defence of Rights of a Person Discriminated Against

1. A person who considers himself wronged by failure to apply equal treatment to him shall have the right to appeal to the Equal Opportunities Ombudsman. An appeal to the Equal Opportunities Ombudsman shall not preclude the possibility of defending his rights in court.

2. Associations or other legal persons which have, in accordance with the legal act regulating their activities, the defence and representation in court of persons discriminated against on a particular ground as one of their activities may, on behalf of the person discriminated against, represent him in judicial or administrative procedures in the manner prescribed by laws.

Article 13. Compensation for Damage

A person who has suffered discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall have the right to claim compensation for economic and non-economic damages from the persons guilty thereof in the manner prescribed by laws.

SECTION FOUR

SUPERVISION OF THE IMPLEMENTATION OF THE LAW

Article 14. Supervision of the Implementation of the Law

The implementation of this Law shall be supervised by the Equal Opportunities Ombudsman in accordance with the procedure laid down by the Law of the Republic of Lithuania on Equal Opportunities for Women and Men.

SECTION FIVE

COMPLAINTS PROCEDURE

Article 15. Acceptance and Investigation of Complaints. Decisions

1. Complaints relating to violations of equal treatment shall be filed with the Equal Opportunities Ombudsman.

2. Complaints relating to violations of equal treatment shall be investigated and decided in

accordance with the procedure laid down by the Law of the Republic of Lithuania on Equal Opportunities for Women and Men.

Annex to the Law of the Republic
of Lithuania on Equal Treatment

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ 2004 special edition, Chapter 20, Volume 1, p. 23).

2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2004 special edition, Chapter 5, Volume 4, p. 79).
