

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Lithuania.

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Lithuania, is dated 28 June 2002, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, prior to its final adoption, ECRI's draft text on Lithuania was transmitted to the Lithuanian authorities. The latter expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

Observations provided by the Authorities of Lithuania concerning ECRI'S report on Lithuania

“Comments on Part 10

According to the data provided by the Department of Information and Statistics at the Ministry of the Interior, among residents of Lithuania who have chosen to acknowledge themselves as Roma, there are 1431 persons holding Lithuanian citizenship. 36 persons of Roma nationality have other than Lithuanian citizenship. Lithuanian governmental institutions do not have information confirming the fact that "several hundred Roma" are stateless persons. The laws of the Republic of Lithuania do not provide for any exceptions in granting Lithuanian citizenship to representatives of national minorities. Taking into account the specific situation of the Roma people, Lithuania shows maximum favour in resolving the issue of their legal residence in the territory of Lithuania. Persons of Roma nationality who want to acquire Lithuanian citizenship but who do not have any documents proving the fact that they, their parents or ancestors had held Lithuanian citizenship until June 15, 1940, are issued permits for permanent residence in Lithuania. 161 persons of Roma nationality have been granted such permits. The Migration Department provides help to Roma people in searching the archives for the documents confirming their right to the Republic of Lithuania citizenship. All the expenses related to this are covered out of the Department budget.

Comments on Part 31

In 2002 the Ministry of Education and Science developed the Regulations on the Education of National Minorities, which provide considerable opportunities for persons belonging to those minorities to be taught the minority language and receive instruction in this language. The Regulations provide for an opportunity in pre-school and all levels of general education institutions to receive instruction in all subjects except the Lithuanian language and literature in the minority (Polish, Russian) language, to choose the bilingual model (whereby part of the subjects are taught in the state language and others in the mother tongue), to learn a minority language as a curriculum subject; also, to learn the mother tongue and ethnic culture during extracurricular education hours. A minority language can be taken as a curriculum subject in vocational schools providing general education. Opportunities are created for national minorities to learn their language, history and culture in Sunday schools.

At present, a new Law on Education to be adopted this year is under consideration in the Seimas of the Republic of Lithuania. It stipulates that in pre-school, supplementary

education and general education institutions whose regulations, approved by the founder, provide for instruction in a national minority language and for fostering knowledge of the minority culture, education or instruction in some subjects can be offered in a national minority language. State or municipal pre-school or general education institutions create conditions for pupils of national minorities to learn their mother tongue outside the curriculum if there is a real need for it, and a specialist is available to teach it and if education is provided in another language of instruction.

We would like to emphasize that the task force for the development of the Regulations on the Education of National Minorities included representatives of the Association of Polish teachers in Lithuania and that in preparing the draft of the new Law on Education consultations were held with representatives of Polish and Russian minorities.

Comments on Part 34

According to the returns of the universal census, which was carried out in the spring of 2001, there are 4007 persons of Jewish nationality in Lithuania.

Comments on Part 35

The Law on the Procedure for the Restoration of the Rights of Religious Communities to the Existing Real Property provides a possibility to religious communities to restore their rights to the existing real property which was nationalized after Second World War. Differently from the communities of other confessions in Lithuania, the Jewish religious communities operated independently before Second World War and did not have their chief religious authority. Therefore, recognition of the status of Jewish religious communities established after Lithuania regained its independence as rightful successors of the pre-war communities is complicated. Taking this into account, the Ministry of Justice of the Republic of Lithuania has initiated preparation of the Amendments to the Law on the Procedure for the Restoration of the Rights of Religious Communities to the Existing Real Property. The Amendments are being worked out in close consultation with and participation of the community of Lithuanian Jews.

Comments on Part 36

Republic of Lithuania Law on Legal Protection of Personal Data includes, among the data to be protected, personal data about the individual's racial, national and ethnic origin and religious beliefs. The data, however, can be collected for the purpose of statistics provided their protection is guaranteed. In 2001 the population census was carried out in Lithuania and the returns are being processed at present. The data obtained will allow, without breaching the principles of confidentiality and voluntariness, to give a more comprehensive assessment of the situation of various groups of residents, national minority groups among them.

Comments on Part 41

The Law on Public Institutions allows public institutions to engage in publishing activities and have their publications. The majority of more populous national minorities (Russians, Poles, Byelorussians, Jews, Germans, Tatars, Greeks) have publications in their mother tongue, which are funded by the national minorities themselves. They are also supported by the State through the Media Support Foundation, which receives its funding from the state budget. Since the beginning of its activities, the Foundation has been supporting Tatar, Russian, Polish and Byelorussian publications. National minority publications can apply for financial support to their publishing projects to other institutions - the Department of National Minorities and Lithuanians Living Abroad, the Ministry of Culture and

Municipalities. The only national minority which does not have its publication is the Ukrainian community comprising, according to the 2001 census, 22,488 persons. If a publication were established, the publishers could apply for support to the Media Support Foundation and other institutions. Other national communities are not populous enough (up to 500 persons) to have their own periodical.

Comments on Part 55

According to the Population Census of 2001, there are 2,571 persons of Roma nationality residing in Lithuania.

Comments on Part 58

In the Republic of Lithuania, education is a priority supported by the State. Article 41 of the Constitution of the Republic of Lithuania stipulates that education is compulsory for persons under the age of 16. Instruction at State and local government secondary, vocational and higher schools is free of charge. Education is accessible to everyone irrespective of their nationality or ethnicity, Roma children including, and does not constitute any grounds for their discrimination.

The majority of Roma children attend general education schools and are well integrated into the school community. However, the ECRI report is based on the situation of Roma who live in the Kirtimai district of Vilnius, which differs from the situation in other towns and settlements of the country. The Vilnius Roma speak Romani or Russian; therefore, their children have limited opportunities to be integrated in schools with Lithuanian as the language of instruction. Taking this into account, pre-school education of Roma children has been organized at the Kirtimai Roma Community Centre where the children are taught Lithuanian so that they could later on attend general education schools providing instruction in Lithuanian. The State is taking every effort to ensure regular and successful education of Roma children, which is considered to be a key precondition in protecting their families from poverty and unemployment. Seeking to ensure preservation of the language and culture of Roma people, the Government of Lithuania is providing support to the development of a Romani language textbook. The representatives of the Roma community also participate in the development of the textbook. Its manuscript has already been prepared. The Government is going to continue the policy aimed at education of Roma people.

Alternative proposition for the third sentence of paragraph 60

"All employed inhabitants of Lithuania are covered by compulsory health insurance, in case of unemployment persons who are registered with the employment service they are insured with public funds (so as persons entitled to any type of pension, expectant mothers, mother until their children become 8 years of age, mothers with two or more children until the latter become of age, persons under the age of 18 years, full-time students of schools of general education, professional education, higher schools and higher educational institutions usf.). In case if persons are not registered with the employment service, they will receive emergency medical aid (first medical aid), free of charge".

After forth sentence of paragraph 60 add these sentences:

"By the solution of the Council of Vilnius Municipality was approved the Order regarding the reimbursement of the health care services for the treatment of persons who are not covered by compulsory health insurance in nursing and long-term treatment in-patient institutions and consultations in out-patient institutions. This Order covers the members of the Roma/Gypsies communities too".