

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/OP/IV(2018)004

Fourth Opinion on Lithuania - adopted on 30 May 2018

Summary

Lithuanian society is largely characterised by tolerance and respect with regard to persons belonging to national minorities. The authorities continue to maintain an inclusive approach towards the scope of application of the Framework Convention. A Department for National Minorities has been re-established, which has rendered national minority issues more visible in national politics and improved co-ordination of various policy areas affecting national minorities. The absence of a comprehensive legislative framework, however, continues to impede the implementation of a number of important language rights contained within the Framework Convention. These concern in particular the spelling of names in official documents and the use of minority languages on topographic indications. Public debates on these issues continue to be highly politicised, which appears disproportionate and not conducive to finding pragmatic solutions.

Some progress has been made in the socio-economic inclusion of Roma. The government's "Action plan for Roma integration into Lithuanian society 2015-2020" and Vilnius municipality's "Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement" have started to yield results. The implementation of these plans will require careful monitoring, effective participation, the inclusion of Roma women and further investment in order to be sustainable. Societal attitudes against Roma are very negative and are at the root of discrimination against Roma in the labour and housing markets, as well as in the education system.

The introduction of a unified Lithuanian language curriculum and state exam in 2012 caused significant problems for students from minority language schools, despite the measures taken during the eight-year transition period. In particular, students from Polish minority language schools with little exposure to Lithuanian in their family environment and extra-curricular activities have difficulties with the Lithuanian language exam. A careful monitoring of the situation, effective participation of minority language teachers, and an evidence-based rather than deadline-driven approach in the further roll-out of the education reform are crucial to avoid the risk of excluding some parts of the country's youth.

Recommendations for immediate action:

- **Adopt, in close consultation with minority representatives, a comprehensive legal framework protecting the rights of persons belonging to national minorities, while maintaining an open and inclusive approach to the personal scope of application of the Framework Convention.**
- **Take resolute awareness raising measures to address negative stereotypes against Roma in the population at large and implement specific training involving teachers, police officials, and employees of local public administrations. Continue efforts to ensure effective equality of Roma in accessing rights to education, employment, housing, health and effective participation while paying particular attention to Roma women.**
- **Bring the legislative framework on the use of minority languages in dealings with administrative authorities, in private signs and topographical indications, and pertaining to the spelling of surnames and first names in official documents in line with Articles 10 and 11 of the Framework Convention.**
- **Ensure that education reform does not result in discrimination against students from minority language schools through pursuing an evidence-based rather than deadline-driven policy as regards transition measures, and through involving minority language teachers in a strong advisory role. Develop and implement a conceptual approach towards bi- and multilingual teaching in schools and pre-schools and support the exposure of children from national minorities to a Lithuanian-language environment and vice versa. Consider the possibility of reflecting exam results in minority languages in the final grade relevant for entrance into university.**

Table of contents

I. KEY FINDINGS	4
MONITORING PROCESS	4
GENERAL OVERVIEW OF THE CURRENT SITUATION	4
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT THE RECOMMENDATIONS FOR IMMEDIATE ACTION	6
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT THE FURTHER RECOMMENDATIONS	8
II. ARTICLE-BY-ARTICLE FINDINGS	10
ARTICLE 3 OF THE FRAMEWORK CONVENTION	10
ARTICLE 4 OF THE FRAMEWORK CONVENTION	11
ARTICLE 5 OF THE FRAMEWORK CONVENTION	15
ARTICLE 6 OF THE FRAMEWORK CONVENTION	17
ARTICLE 8 OF THE FRAMEWORK CONVENTION	20
ARTICLE 9 OF THE FRAMEWORK CONVENTION	21
ARTICLE 10 OF THE FRAMEWORK CONVENTION	23
ARTICLE 11 OF THE FRAMEWORK CONVENTION	24
ARTICLE 12 OF THE FRAMEWORK CONVENTION	26
ARTICLE 14 OF THE FRAMEWORK CONVENTION	29
ARTICLE 15 OF THE FRAMEWORK CONVENTION	33
ARTICLE 18 OF THE FRAMEWORK CONVENTION	35
III. CONCLUSIONS	37
RECOMMENDATIONS FOR IMMEDIATE ACTION	37
FURTHER RECOMMENDATIONS.....	38

I. Key findings

Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Lithuania was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the fourth state report, submitted by the authorities on 23 February 2017, other written sources, and on information obtained by the Advisory Committee from governmental and non-governmental representatives during its visit to Vilnius, Kaunas, Šalčininkai and Trakai from 5 to 9 March 2018.

2. The Advisory Committee welcomes the authorities' very constructive and co-operative approach towards the monitoring process and wishes to express its appreciation for the excellent assistance provided before and during the country visit and in submitting written information after the visit. The third cycle opinion was published promptly, but not translated into Lithuanian and minority languages. Regrettably, no follow-up seminar was organised. The Advisory Committee welcomes that non-governmental organisations of national minorities and other non-governmental organisations were involved in the preparation of the fourth state report.

3. The Advisory Committee looks forward to continuing its dialogue with the authorities as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present opinion public upon its receipt. It also invites the authorities to consider translating this opinion and the forthcoming Committee of Ministers' Resolution into minority languages, and to disseminate it widely among all relevant actors. The Advisory Committee welcomes the expressed wish of the authorities to hold a follow-up event after the publication of this fourth cycle opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial.

General overview of the current situation

4. Lithuania continues to attach importance to the protection and promotion of human rights in general and the rights of persons belonging to minorities in particular. A Department for National Minorities reporting directly to the government (hereafter: the Department) was re-established in 2015. The Department, staffed with experienced personnel, enjoys trust among persons belonging to national minorities and aims at devising evidence-based policies based on consultation with minority representatives. However, the issue of minority rights has long been characterised by a high degree of politicisation, which continues and notably contrasts with the relatively small number of minorities and their small numerical size. Since the annulment in 2010 of the 1989 Law on National Minorities, all efforts to agree on new comprehensive legislation regarding minority protection have failed (see Article 4). The re-establishment of the Department can be assessed as a first step to de-politicise the overall discourse and search for pragmatic solutions, but the efforts have been insufficient to resolve

the issues concerning the use of minority languages in dealings with administrative authorities (see Article 10), the display of minority languages on topographical signs and the spelling of names in minority languages in official documents (see Article 11). The introduction of a unified Lithuanian curriculum and state exam in 2012 created significant difficulties for minority children and the fact that the end of the eight-year transition period is approaching creates anxiety in national minority schools (see Article 14). Overall, the Advisory Committee considers that soon 30 years after Lithuania's renewed independence, national minority policy is at a crossroads. Success in granting the above-mentioned language rights and in conducting education reform at a pace adapted to the needs of persons belonging to national minorities would constitute a decisive step towards a genuinely integrated society. A failure to do so bears certain risks which may be exacerbated by a number of geopolitical, economic and demographic factors.

5. As far as the geopolitical situation is concerned, the annexation of Crimea in 2014 and the conflict between the Russian Federation and Ukraine have left their mark on Lithuania's domestic discourse on national minorities (see Article 6). Representatives of the Russian minority told the Advisory Committee they sometimes felt unduly made responsible for the actions of the Russian authorities. Some representatives of the Polish community mentioned that the discourse amounted to portraying national minorities, including the Polish minority, as a "fifth column" and questioning their loyalty to Lithuania. This discussion appears to have calmed down recently, but the Advisory Committee regrets to note that some representatives of national minorities felt insufficiently involved in the celebrations marking the occasion of the centenary of Lithuania's restored independence in 2018, which would indeed represent a missed opportunity. The Advisory Committee learned that, similarly, some minority representatives in Kaunas felt insufficiently involved in the preparations of the city's celebrations as European Capital of Culture in 2022. The Advisory Committee considers that it would make sense to actively grasp any opportunity to demonstrate that national minorities are valued in their diversity and at the same time considered a constituent element of Lithuanian society as a whole.

6. In economic terms, the Advisory Committee notes the persistent regional disparities affecting the situation of persons belonging to minorities (see Article 4). This concerns in particular the rural areas in the south-east of the country with a sizeable Polish minority and the municipality of Visaginas with its relatively large Russian-speaking population from former Soviet Union republics. The Advisory Committee notes that the authorities, supported by the EU structural funds, invest considerably in the development of both regions.¹ Supplementary funding from the state budget is also provided for schools situated in these regions, including minority languages schools, as well as for the development of minority cultures. The Advisory Committee considers it crucial to maintain a focus on these regions in order to ensure that persons belonging to minorities can enjoy equal access to their rights throughout the country.

7. The demographic situation of Lithuania continues to be characterised by an annual loss in population of about 1.5%.² Emigration, mainly for economic reasons, continues to be a widespread choice not only for persons belonging to the majority population, but also for many

¹ State report, pp. 14-16.

² The population decreased from 3.48 million in the 2001 census to 3.04 million in the 2011 census and stands at 2.81 million at the end of 2017. See Official Statistics Portal, available at <https://osp.stat.gov.lt>.

younger people belonging to minorities such as the Polish community and the Roma. At the same time, the Advisory Committee was informed that the events in Ukraine in 2014 were followed by substantial immigration of persons from Ukraine. The Belarusian community also reported some immigration from Belarus, including for political reasons. In the 2015 refugee crisis, Lithuania accepted its share of refugees under the Dublin Regulation,³ which was accompanied by an intense domestic debate containing substantial xenophobic elements (see Article 6).

8. The continuing population decrease notwithstanding, the Advisory Committee was impressed by the young people it met with during its visit, who generally were multilingual, well-educated and positive about their situation as citizens of Lithuania. Karaim young people, for example, often speak not only the Karaim and Lithuanian languages, but also Polish and/or Russian as well as English as a foreign language. Both young people affiliating with the Russian and with the Polish minorities gave the impression of being at ease with their multiple identities as Lithuanian citizens, members of a minority and Europeans. This impression contrasts with the political discourse around the performance of Polish minority students in the state language exam, portraying them as victims rather than empowering them to perform equally well in both Lithuanian and their minority language. The Advisory Committee considers it important to regard minority youth as an asset and to do everything possible to help them learn both the state language and their minority language well. The active involvement of minority youth in intra-Lithuanian as well as European and international exchange programmes is clearly beneficial to this effect.

Assessment of measures taken to implement the recommendations for immediate action

9. Despite a wide national debate and a total of five draft laws on national minorities registered and two of them considered by the Parliament (Seimas) since 2012, no comprehensive legislation governing the protection of persons belonging to minorities has been adopted so far (see Article 4). Moreover, only minimal progress has been made to bring the situation regarding the use of language rights in line with Articles 10 and 11 of the Framework Convention. As a consequence, everyday administrative decisions on the use of languages in dealings with administrative authorities, the spelling of names in minority languages in identity documents and the use of minority languages in topographical signs are situated in a legal grey zone. This lack of legal certainty leads to a situation where decisions by local authorities such as on the placing of decorative street signs by Vilnius municipality,⁴ or individual administrative decisions about spelling of a name in a passport,⁵ can become the subject of heated political debates. These debates continually feed the perceived cleavages in society and thus create ever-new obstacles for finally agreeing on comprehensive legislation.

³ According to UNCHR, 195 asylum seekers were granted protection in 2016 and 285 in 2017. The main countries of origin were Syria, the Russian Federation, Tajikistan, Belarus and Ukraine. See UNHCR (24 April 2018), Overview Northern Europe, available at https://data2.unhcr.org/en/documents/download/63000#_ga=2.267914633.6228251.1524771366-1758086067.1524771366.

⁴ Lithuanian National Radio and Television LRT (31 January 2017), Court opens case of bilingual street plaques in Vilnius, available at <https://www.lrt.lt/en/news-in-english/29/161966/court-opens-case-of-bilingual-street-plaques-in-vilnius>.

⁵ For an overview of individual cases, see the website the European Foundation of Human Rights, available at <http://en.efhr.eu/spelling-of-names-and-surnames>.

The Advisory Committee finds that almost ten years after the suspension of the old Law on National Minorities, a concerted effort by both the authorities and minority communities is long overdue to end this vicious circle.

10. With respect to the education reform and its implementation in minority language schools, the Advisory Committee notes that efforts by the authorities to mitigate the negative effects on minority language students of the introduction of a unified Lithuanian language curriculum and Lithuanian language state exam as of 2012 were insufficient in yielding the expected results (see Article 14). National minority language schools and in particular those with Polish as language of instruction report that they are, despite the increased student basket of an additional 20% per student and the eight-year transition period, not in a position to prepare their students adequately for the unified state exam. They reportedly lack support for extra-curricular activities in the Lithuanian language and struggle with adapting the unified Lithuanian language curriculum to the needs of children for whom Lithuanian is a second language. Graduates from minority language schools who sat the first unified Lithuanian language state exam in 2013 had received 818 fewer hours of Lithuanian language lessons during their 12 years of schooling than their peers from Lithuanian language schools.⁶ Consequently, the results of students from minority language schools in the final exam were lower than average. According to representatives of the Polish minority, this put them at a disadvantage when competing for the state-funded places at universities. Although the difference in hours of Lithuanian language teaching is constantly decreasing due to an increase in Lithuanian lessons in minority language schools, the Advisory Committee deems it important that the upcoming decision about the extension of the transition period be taken based on a thorough assessment of the evidence and in close consultation with minority language teachers.

11. The numerically small population of Roma⁷ in Lithuania continues to have very limited access to the rights enshrined in the Framework Convention (see Articles 4, 12 and 15). However, the Advisory Committee is pleased to note that progress has been made on a policy level, which has started to yield the first results in practice. At national level, the Department for National Minorities oversees the implementation of the Action plan for Roma integration into Lithuanian society 2015-2020 and co-ordinates a number of projects funded by the government and, to a greater extent, the European Union (EU). The Advisory Committee appreciates in particular the efforts made by the Department for National Minorities, with the support of research institutions, in collecting, analysing and publishing data on the situation of Roma. At the level of Vilnius municipality, the “Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement” was adopted in 2015. After decades of struggling with the appalling situation in the Kirtimai settlement,⁸ concrete results have now been achieved. Social housing was secured for families with many children, and school attendance of children still living in the settlement is ensured through a wake-up service and bus shuttle. To secure the sustainability of the measures taken, the effective participation of the various Roma communities concerned is required, as well as close monitoring of the

⁶ Information submitted by the Lithuanian authorities.

⁷ According to the 2011 census, the number of Roma is 2 115. Several interlocutors of the Advisory Committee estimate that the number has since decreased, mainly due to emigration.

⁸ See Third Advisory Committee Opinion on Lithuania, adopted on 28 November 2013, paras 32 and 107. See also 5th ECRI report on Lithuania, adopted on 18 March 2016, CRI(2016)20, para 71.

situation of families and children, increased co-operation by and with the Ministry of Education, and a specific focus on Roma women. While commending the measures taken by the Department for National Minorities and Vilnius municipality, the Advisory Committee is deeply concerned about the widespread anti-Roma sentiments in Lithuanian society (see Article 6). Without a fundamental shift in societal attitudes and decisive action to combat anti-Roma sentiments, the Roma's limited access to housing, employment and quality education is destined to continue despite all the above-mentioned efforts.

Assessment of measures taken to implement the further recommendations

12. The Advisory Committee regrets that Lithuania did not, as recommended in the third opinion, develop a comprehensive strategy for the promotion of full and effective equality of persons belonging to national minorities and there is no mechanism to regularly collect disaggregated data on access to rights of persons belonging to minorities. However, the authorities commissioned some 15 scientific studies on these issues during the reporting period. These include several studies on Roma such as on "the situation of the Roma national minority and evaluation of its integration" (2014), as well as on the situation of other national minorities such as a study on the "situation of Lithuanian residents belonging to national minorities" (2015) (see Article 4).⁹

13. Support for the preservation and development of minority cultures has remained rather stable, but with notable regional differences. In their conversations with the Advisory Committee, minority representatives painted a mixed picture as regards their involvement in the development, implementation and evaluation of projects and the allocation of funding. At both national and local levels, national minority organisations suffer from the almost exclusively project-based funding for minority cultures. This also applies to the House of National Communities in Vilnius and the Cultural Centre of Various Nations in Kaunas, which impedes long term planning and the sustainability of these important institutions. Funding for minority media increased, but only slightly. The Advisory Committee regrets that the Press, Radio and Television Support Fund does not have a separate funding line for minority media.

14. Efforts have been made by the Ministry of the Interior, the Prosecutor General's Office and the Office of the Inspector of Journalist Ethics in training law enforcement and prosecution bodies in the identification and sanctioning of cases of alleged discrimination and ethnically-motivated hostility, including hate crime.¹⁰ There is a working group on improving the recording of hate speech and hate crime, which includes representatives of the General Prosecutor's Office, the Police and civil society. The Advisory Committee regrets, however, that the specialised unit on hate speech and hate crime within the Prosecutor's Office has not been re-established. Furthermore, non-governmental organisations report that a number of incidents, which they would categorise as hate crime or hate speech, are not registered and prosecuted as such.

15. Activities promoting intercultural understanding between school students from minority backgrounds exist, but there is still significant demand, in particular from Polish

⁹ State report, pp. 20-27.

¹⁰ State report, p. 48. Trainings were supported by the Office for Democratic Institutions and Human Rights (ODIHR), the International Organisation for Migration (IOM), and the Council of Europe.

minority representatives and teachers in the south-eastern region of Lithuania. A coherent conceptual approach towards bi- and multilingual education from kindergarten up to tertiary education is still lacking, which is regrettable.

16. As regards access of Roma children to education, moderate results have been achieved between 2011 and 2015. A network of teachers working at schools attended by Roma children has been set up by the Ministry of Education. The number of teaching assistants, social assistants or mediators specifically employed to support Roma children in schools, however, has not increased despite the need clearly expressed by representatives of the Roma community and other non-governmental organisations. The problematic housing situation in the Kirtimai settlement in Vilnius has started to improve at last following the adoption of the 2016-2019 “Programme for Social Integration of the Community of the Vilnius (Kirtimai)” by Vilnius municipality. Projects to improve Roma persons’ access to employment, health and social services exist, but their impact is limited by widespread anti-Roma sentiments.

17. In the field of participation, the Council of National Communities continues to be the key advisory body to the government. Its membership has slightly increased to 28 representatives from 20 national minorities. These include representatives of minorities with a shorter history in Lithuania such as Azerbaijani, Chechen or Lebanese communities, which the Advisory Committee welcomes. The Council has only advisory functions and a limited mandate, but interlocutors reported that they feel their voice is better heard since the Department of National Minorities has been re-established in 2015. While noting that the domestic debate on minority rights continues to be dominated by issues around the Polish minority, during this cycle the Advisory Committee did not encounter criticism from smaller minority communities - such as the Karaim - about lacking opportunities for their effective participation.

II. Article-by-article findings

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

18. The Advisory Committee notes the continuation of the overall flexible and inclusive approach taken by the authorities towards the scope of application of the Framework Convention. The state report refers to the 2011 census, according to which residents of Lithuania affiliate with 154 different ethnic groups.¹¹ At present, organisations of 20 ethnic groups are represented in the Council of National Minorities.¹²

19. Lithuania has still not adopted a comprehensive legislative framework pertaining to national minorities (see Article 4). The Advisory Committee notes that the scope of application is one of the contentious issues in the discussions on a possible new law on national minorities. In this context, the Advisory Committee wishes to remind the authorities that it has consistently encouraged authorities to take an open and inclusive approach and consider on an article-by-article basis which rights should be made available to whom.¹³ It therefore draws the attention of the authorities to the fact that establishing a closed list of national minorities falling under the protection of the Framework Convention is not in line with the right to individual free self-identification. The Advisory Committee considers that such an approach best promotes a societal climate of dialogue and understanding.

Recommendation

20. The Advisory Committee calls on the authorities to maintain an open and inclusive approach to the personal scope of application of the Framework Convention and ensure that it is maintained also in any future legislative framework pertaining to national minorities. Any criteria figuring in such legislation should be applied in a flexible and non-discriminatory manner.

Census

21. The next population census in Lithuania is scheduled for 2021. The census data will be compiled from administrative registers in combination with other sources, such as sample surveys.¹⁴ The variables for this census published by Lithuania's Official Statistics Portal include ethnicity.¹⁵ Language, however, is not included among them. The Advisory Committee considers comprehensive data on ethnic affiliation, including of numerically small minorities, as

¹¹ See the census results on the website of the Department for National Minorities, available at <http://tmde.lrv.lt/en/national-minorities>.

¹² The 28 members of the Council represent the Armenian, Azerbaijani, Belarusian (2 representatives), Chechen, Estonian, German, Georgian, Greek, Hungarian, Jewish, Karaim, Kazakh, Latvian, Lebanese, Polish (3 representatives), Roma, Romanian, Russian (3 representatives), Ukrainian (2 representatives), Uzbek, and Tatar (2 representatives) communities.

¹³ Thematic Commentary No. 4 "The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities" (May 2016), para 7.

¹⁴ See website of the UN Statistics Division (UNSTAT), available at <https://unstats.un.org/unsd/demographic/sources/census/censusdates.htm>.

¹⁵ See website of the Official Statistics Portal, available at <https://osp.stat.gov.lt/gyventoju-ir-bustu-surasymai1>.

well as information on first and further languages spoken by the population, a fundamental element for devising evidence-based and effective policies to implement the rights enshrined in the Framework Convention. As regards data on ethnic affiliations, it recalls the principle of free and voluntary self-identification as elaborated in Article 3 of the Framework Convention and that the methodology chosen should provide for multiple affiliations in line with the United Nations Economic Commission for Europe Recommendations for the 2020 Censuses of Population and Housing.¹⁶

Recommendation

22. The Advisory Committee calls on the authorities to ensure that the 2021 population census is prepared in consultation with national minority representatives, safeguards the right to free and voluntary self-identification, and provides for the possibility to declare more than one ethnic affiliation. To ensure a sound basis for evidence-based policy making, including of language policies, the authorities should complement the register-based census with information gathered through independent research on the use of minority languages among the population.

Article 4 of the Framework Convention

Legal and institutional framework for the protection of national minorities

23. No comprehensive legislative framework pertaining to national minorities has been adopted since the 1989 Law on National Minorities was declared null and void with effect of January 2010, along with other laws from the pre-independence period. The drafting of a law on national minorities was part of the Government Programme of the Republic of Lithuania for 2012 – 2016. In total, five draft laws on national minorities have been registered and two of them considered by the Parliament since 2012.¹⁷ Draft Law No. XIP-1648 passed the first reading, but no second reading was held by the time of the elections to the Seimas (Parliament) in October 2016. Members of the Seimas for the 2016–2020 legislative period have registered draft Law No XIIIIP-1696 on Ethnic Minorities.¹⁸ At the time of adoption of this opinion, none of the registered draft laws has been submitted to the Seimas. The Advisory Committee deeply regrets the failure to agree on a law on national minorities. It wishes to underline that a comprehensive legislative framework for the protection of national minorities is important, whether that be through the adoption of one single law or through a cohesive set of amendments to the existing sectorial legislation in the relevant areas.

24. The Advisory Committee welcomes the re-establishment of the Department for National Minorities, which had been discontinued at the end of 2009. From 2010 to 2015, responsibility for national minority issues was with a division of the Ministry of Culture. The Advisory Committee welcomes that some staff members have remained throughout these

¹⁶ See ACFC Thematic Commentary No. 4 “The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities” (May 2016), paras. 13 and 16 and United Nations Economic Commission for Europe (2015), Conference of European Statisticians Recommendations for the 2020 Censuses of Population and Housing, para. 708.

¹⁷ Draft Laws No XIP-1648, No XIIP-1201, No XIIP-1204, No XIIP-2242, and No XIIIIP-1696.

¹⁸ The text of the draft law is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/4c2a4650125111e88a05839ea3846d8e?positionInSearchResults=3&searchModelUUID=fc54a81b-44f8-4d69-9f5d-215803a93a9e> (in Lithuanian).

changes, which ensures continuity of expertise. The previous Department, which was also in charge of national minorities and of Lithuanians living abroad, had 35 staff. The current Department works only on national minorities and has 14 full-time equivalents. The Department operates under direct supervision of the government and co-ordinates minority policies with relevant ministries and other actors, including civil society. The annual budget of the Department has been growing since it was established in 2015 and amounted to 974 000 EUR in 2018. During the country visit, the Advisory Committee received the impression that representatives of national minorities were predominantly satisfied with the Department and have trust in its leadership and staff.

Recommendations

25. The Advisory Committee reiterates its call on the authorities to take the appropriate legislative measures to address without delay the absence of a comprehensive legal framework related to minority rights protection.

26. The Advisory Committee calls on the authorities to maintain the financial and human resources of the Department for National Minorities and to consolidate its long-term operation.

Protection against discrimination

27. The Law on Equal Treatment establishes 14 grounds of unlawful discrimination, which include race, nationality (*tautybė*)¹⁹, ethnic affiliation (*kilmė*), and language. Citizenship was added as a prohibited ground of discrimination through an amendment passed in July 2017. An earlier amendment on Article 5 obliges State and municipal institutions to provide for measures in strategic planning documents to ensure equal treatment.²⁰ Lithuania has three ombudsperson institutions dealing with national minority rights: the Equal Opportunities Ombudsperson, the Seimas Ombudsmen's Office and the Ombudsperson for Children's Rights. All three bodies have the right to investigate cases ex officio and issue recommendations. The Equal Opportunities Ombudsperson has, furthermore, the right to impose legally binding decisions and sanctions.

28. The Equal Opportunities Ombudsperson accepts complaints on discrimination by both public and private institutions based on the above-mentioned grounds. Complaints are accepted in minority languages as well. Amendments to the Law on Equal Treatment that entered into force in January 2017 further strengthened the independence of the ombudsperson and increased the requirements for experience in legal work.²¹ The Advisory Committee welcomes in particular that the new legislation also formally adds awareness raising, preventive and educational work to the competence of the ombudsperson.

¹⁹ The term *tautybė* refers to belonging to a national minority and is not used in the meaning of 'citizenship'.

²⁰ For a detailed assessment of the criminal, civil and administrative law provisions as regards discrimination, see 5th ECRI report on Lithuania, adopted on 18 March 2016, CRI(2016)20, paras. 3-16.

²¹ European network of legal experts in gender equality and non-discrimination, news report, Lithuania, available at www.equalitylaw.eu/downloads/3969-lithuania-amendments-to-the-national-anti-discrimination-legislation-adopted-by-the-parliament-pdf-143-kb.

Approximately 15 complaints per year are based on nationality, language or a combination of the two.²²

29. Complaints about acts of discrimination by public officials can be brought to the Seimas Ombudsmen's Office, which consists of two state officials appointed by the Seimas. Since 1 January 2018, the Seimas Ombudsmen's Office has the status of a National Human Rights Institution. Furthermore, it was granted "A" status by the General Assembly of the Global Alliance of National Human Rights Institutions (GANHRI) on 20-23 February 2018. The Ombudsperson for Children's Rights investigates complaints and initiates investigations in the field covered by the UN Convention on the Rights of the Child. In 2013, following the Advisory Committee's third cycle opinion, the Ombudsperson for Children's Rights investigated the access of Roma children to education and potential placing in special schools (see Article 12).²³ In 2017, the ombudsperson received a number of complaints regarding children who did not get a place in the Russian minority language school of their preference.

30. Overall, representatives of all three institutions stressed in their conversations with the Advisory Committee that only few of the rights violations they received concerned persons belonging to national minorities. Out of 260 complaints and inquiries received by the Equal Opportunities Ombudsperson in 2016, for example, 22 were about discrimination based on nationality, 16 on language, 9 on ethnic affiliation, and 5 on race.²⁴ At the same time, interlocutors implied considerable underreporting, despite their awareness-raising efforts. In particular, cases regarding the discrimination of Roma are reportedly rarely brought to the attention of one of the bodies. A 2016 survey by the Human Rights Monitoring Institute revealed that while one in five Lithuanians reported they had his or her rights violated, only 7% of those took steps to remedy the issue.²⁵ As was the case in previous years, the main reason for the reluctance amongst people to defend their rights is the lack of trust in the institutions which are meant to remedy breaches. As many as three quarters of those who claimed a rights violation but failed to do anything about it said that they did not believe that going to an institution would help. The survey revealed that when people did go to an institution because their rights were violated, they most often went to the police or the prosecutor's office (36%), followed by NGOs and the courts.

Recommendation

31. The Advisory Committee calls on the authorities to ensure that responsibilities of the Equal Opportunities Ombudsperson, the Seimas Ombudsmen's Office, and the Ombudsperson for Children's Rights are underpinned by appropriate resources, including allocations to help raise the profile and awareness of these institutions among persons belonging to national minorities.

Measures to promote full and effective equality

²² The latest data available in English dates from 2015. See Summary of the Annual Report, available at http://lygybe.lt/data/public/uploads/2017/02/annual-report-2015_general-statistics.pdf.

²³ State report, p. 24.

²⁴ English summary of the 2016 Annual Report submitted to the Advisory Committee.

²⁵ Human Rights Monitoring Institute (2016), Public Opinion Poll 2016, available at <https://hrmi.lt/en/public-opinion-poll-2016>.

32. Lithuania has to date no comprehensive system for the collection of disaggregated data on the access to rights of persons belonging to national minorities in different spheres of life as recommended in the Advisory Committee's third opinion. However, some 15 studies were conducted during the reporting period providing information on these matters.²⁶ These include surveys on discrimination (2013, 2014), five studies on different issues related to the Roma population,²⁷ and a research project on the minorities living in the south-eastern region of Lithuania (2014). The Advisory Committee notes with interest the findings of a 2015 study on the identity, language use, media habits and civil society engagement of 600 persons belonging to 17 different national minorities quoted in the state report, which concludes with a call to develop "a modern policy on national minorities with a view to new global challenges (migration, new geopolitical tensions etc.)" and finds that the concept of a nation as a community developed on civil rather than ethnic grounds should be consolidated.²⁸

33. According to the data available on the situation of the Roma community²⁹ and the information the Advisory Committee could gather during the visit, access to rights is still very limited in many areas, in particular education (see Article 12), housing and employment (see Article 15). Action plans for Roma inclusion into Lithuanian society have been adopted for the periods 2012-2014 and 2015-2020.³⁰ The current action plan has six objectives in the areas of education, health, employment, Roma women, housing and intercultural dialogue. The Advisory Committee welcomes that the second plan includes the objective of empowering Roma women, which did not figure in the first action plan. It notes that a research project on early marriages was conducted by the Lithuanian Centre for Human Rights, but no activities have been conducted so far to follow-up on the findings. In 2017, the Department for National Minorities allocated 76 000 EUR for the implementation of the plan, the Ministry of Education 10 000 EUR. The bulk of activities implemented under the action plan, however, are funded through EU projects.³¹ While welcoming the active use of available external funding, the Advisory Committee shares the concerns of its interlocutors about the sustainability of these projects, which usually run for two to three years.

34. In 2015, the city of Vilnius adopted its own "Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement" (see Articles 12 and 15). The programme is being implemented during 2016–2019 and funded with 722 000 EUR. Its objectives are to "curb the spread of drug addictions; to promote Roma integration into the education system; to provide Roma people with better access to health care services; to increase the openness of the unique Roma culture; to seek reduction of social exclusion" and to improve living standards

²⁶ State report, pp. 20-27.

²⁷ See for example Diversity Development Group (April 2015), Final report of the sociological survey "The situation of Roma in Lithuania", available at www.lygybe.lt/data/public/uploads/2016/01/galutine-tyrimo-ataskaita-en.docx.

²⁸ State report, pp. 26-27.

²⁹ 2 115 persons identified as Roma in the 2011 census (state report, p. 16), but interlocutors of the Advisory Committee estimate that this number has decreased since, mainly due to emigration. For a detailed description of the history, language and culture of Roma in Lithuania, see Kristina Šukevičiūtė and Peter Bakker (2013), Roma and Romani in Lithuania in the 21st century, available at <http://romani.humanities.manchester.ac.uk/virtuallibrary/librarydb/web/files/pdfs/375/Paper20.pdf>.

³⁰ For English versions of the action plans and other data on Roma in Lithuania, see also the website of the European Commission, available at https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/roma-and-eu/roma-integration-eu-country/roma-integration-lithuania_en.

³¹ For a list of the projects funded under the plan, see pp. 18-20 of the state report.

for Roma people.³² The Advisory Committee welcomes that Vilnius municipality has started to actively address the problems in the Kirtimai settlement, which have been criticised by the Advisory Committee and other international observers for many years.³³ A number of important measures have been undertaken under the programme, in particular to improve school attendance and performance (see Article 12) and housing (see Article 15). On a conceptual level, though, the Advisory Committee considers that the general approach could benefit from an understanding that integration is an all-encompassing process requiring involvement of all segments of society, minorities and majorities alike.³⁴

Recommendations

35. The Advisory Committee calls on the authorities to continue investing in quantitative and qualitative research on the effective equality of persons belonging to national minorities in order to be able to base policy decisions on the needs of the population concerned.

36. The Advisory Committee calls on the authorities to decisively continue the implementation of the “Action plan for Roma integration into Lithuanian society 2015-2020”, in consultation with Roma representatives, and support Vilnius municipality in the implementation of the Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement where required. Specific attention should be paid to improving the situation of Roma women.

Article 5 of the Framework Convention

Support for the preservation and development of national minority cultures

37. Overall, financial support for cultural activities of national minority organisations at national level has increased from 127 000 EUR at the beginning of the reporting period in 2013 to 191 000 EUR in 2017. A decrease to 175 000 is forecast for 2018.³⁵ In addition, 70 000 EUR per year are available for national minority cultures and cultural co-operation in the south-eastern region of Lithuania. Sources of that funding are the Department for National Minorities, the Ministry of Culture, the Culture Support Foundation and the Lithuanian Council for Culture. The Advisory Committee welcomes that the latter has a specific budget line for projects on national minority cultures and that one out of the eleven members of the Council for Culture is nominated by the Council of National Minorities.

38. Funding for projects on national minority culture is also available at local level. While Vilnius has a separate budget line with funding earmarked for projects on national minority cultures, the Advisory Committee notes that minority organisations in Kaunas compete for funding with all other cultural projects. The local authorities explain that projects submitted by national minority organisations are treated with priority, but representatives of these organisations say the system in place does not give them enough certainty to plan for the year

³² UN Human Rights Council (17 August 2016), National report of, Lithuania, A/HRC/WG.6/26/LTU/1, para. 9.

³³ Third Advisory Committee Opinion on Lithuania, adopted on 28 November 2013, paras 32 and 107. See also 5th ECRI report on Lithuania, adopted on 18 March 2016, CRI(2016)20, para 71.

³⁴ OSCE High Commissioner on National Minorities (2012), The Ljubljana Guidelines on Integration of Diverse Societies, p. 22-23.

³⁵ For amounts until 2016, see state report, p. 39. Figures for 2017 and 2018 are based on written information provided by the authorities.

ahead or even for a longer period. Kaunas municipality usually funds three to four projects on minority cultures. The overall amount allocated since 2014 varied between 1 700 and 4 100 EUR.³⁶ In Vilnius, funding for minority cultures over the past three years varied between approx. 36 500 and 42 800 EUR.³⁷ The Advisory Committee regrets that minority representatives are not involved in decision-making about the allocation of funding in either of the municipalities.

39. The Advisory Committee notes with satisfaction an increased interest in and a number of activities on the Roma Holocaust. The Ministry of Culture published a leaflet and a children's book on this topic. In 2015, the Genocide and Resistance Research Centre organised an exhibition commemorating Roma victims of the Nazi occupation.³⁸

40. At both national and local levels, national minority organisations suffer from the fact that funding for minority culture is almost exclusively project-based. Funding is often granted for one-off activities and for a maximum of one year. It appears that this annual procedure does not ensure regular funding and thus limits the possibilities for national minority organisations to develop more sustainable long-term projects.

41. The Advisory Committee welcomes the work of the House of National Communities in Vilnius and the Cultural Centre of Various Nations in Kaunas. Both centres host and organise activities on both traditional and contemporary expressions of minority culture. Furthermore, they provide practical assistance for minority organisations such as courses in accounting and financial reporting. The Advisory Committee notes with interest that the centres also reach out beyond established minority organisations and successfully raise EU funds for projects.³⁹ The centre in Kaunas, for example, works with youth from diverse cultural backgrounds through an Erasmus+ programme, is accredited for the European Voluntary Service (EVS) and is the only Lithuanian member of Roots & Routes, an international network promoting social and cultural diversity in arts and media.⁴⁰ The centre in Vilnius collects and digitalises documents about the participation of persons belonging to national minorities in the restoration of Lithuania's independence.

42. Against this background, the Advisory Committee regrets to note that the funding for those centres, including for staff, is almost exclusively project-based. It is of the opinion that this approach adversely affects the sustainability of the important work done by those centres and the many minority organisations whose activities are based there. For 2018, for instance, the centre in Kaunas applied for funding amounting to 32 410 EUR and eventually received 4 800 EUR. Furthermore, the Advisory Committee is concerned about indications that the continued support for these centres may not be secured for the years to come. Minority representatives in both centres, but particularly in the centre in Kaunas, where the municipality and the Department for National Minorities seem to disagree about the respective responsibilities towards the centre, expressed uncertainty about the possibility of continuing

³⁶ Information submitted by Kaunas municipality.

³⁷ Information submitted by Vilnius municipality.

³⁸ State report, p. 44.

³⁹ For a detailed list of activities and funding up to 2016, see state report, pp. 28-35. The state report also describes the wide range of activities carried out by the Centre of Folklore and Ethnography of Ethnic Minorities in Lithuania.

⁴⁰ Website of the Roots & Routes International Network, available at www.rootsnroutes.eu.

their work. The small Armenian community in Kaunas, for example, relies on the opportunity to hold their Sunday schools in the centre for free and would not be in a position to pay rent, which apparently is one of the options discussed.

Recommendations

43. The Advisory Committee calls on the authorities to revisit the support scheme for minority cultures in a way that minority organisations can apply for multi-year projects and, where necessary, have access to long-term baseline funding. Local authorities should be encouraged to do the same.

44. The Advisory Committee strongly calls on the authorities to secure the legal and budgetary situation of the House of National Communities in Vilnius and the Cultural Centre of Various Nations in Kaunas and ensure continuous baseline funding for staff and utilities.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

45. The Advisory Committee welcomes the prevailing climate of tolerance and respect in Lithuanian society. The national authorities and in particular the Department for National Minorities promote intercultural understanding through a variety of programmes, events and campaigns. Awareness raising activities and training on equal opportunities, non-discrimination and tolerance are conducted by the Equal Opportunities Ombudsperson and the Seimas Ombudsmen's Office.⁴¹ Furthermore, the Advisory Committee was under the impression that Vilnius municipality places particular emphasis on intercultural understanding and positively embraces its traditional diversity.⁴²

46. The Institute for Ethnic Studies conducts regular monitoring of "social distance" between ethnic groups. According to the 2017 results of this survey, 6% of respondents would not like to live in the same neighbourhood as Poles. For Russians, the percentage is 7%. 15% of respondents would not like to live in the same neighbourhood as Jews. For Muslims, the figure is at 45% and for Roma 64%. Approximately 2 000 persons belonging to Lithuania's Roma community are indeed confronted with widespread negative stereotypes in society. More than 40% of respondents in a 2014 survey quoted in the state report⁴³ said they would not like to work with a Roma person. These attitudes systematically inhibit the access of Roma to their rights to effective equality (see Article 4), education (see Article 12) and participation in socio-economic life (see Article 15) and has become visible in a number of cases of discrimination, hate speech and police misconduct (see below).

47. Societal attitudes towards the even smaller group of refugees are also ambivalent.⁴⁴ The Advisory Committee regrets that underlying fears and stereotypes in parts of society

⁴¹ State report, p. 46.

⁴² Persons belonging to 128 nationalities other than Lithuanian account to 34% of all residents of Vilnius. See website of Vilnius municipality, available at www.vilnius.lt/kalbos/?p=6111&lang=en.

⁴³ State report, p. 51.

⁴⁴ Gediminas Kirkilas (25 September 2015), Lithuania's approach to refugees: History, compassion and solidarity Lithuania, available at www.euractiv.com/section/justice-home-affairs/opinion/lithuania-s-approach-to-refugees-history-compassion-and-solidarity.

against refugees and other migrants from outside Europe, in particular Muslims, are being reinforced and exploited by some politicians to populist ends.⁴⁵ This risks damaging the overall climate of tolerance and respect and can have spill-over effects for national minorities. Some of the Advisory Committee's interlocutors belonging to the traditionally present Tatar community, for example, felt affected by anti-Muslim discourse despite their community's centuries-old history in Lithuania.

48. The Advisory Committee notes that the current geopolitical situation and events such as the annexation of Crimea and the conflict in Ukraine have repercussions on public discourse around minority issues in Lithuania.⁴⁶ This was notable in particular in conversations with representatives of the Russian, but also the Polish, Ukrainian and Belarusian national minorities. Representatives of the Russian minority reported, for instance, that the events in 2014 led to tensions within the community and even within families. Some reported a certain anti-Russian atmosphere and that the Lithuanian media do not always clearly differentiate "between Russia as a country and us as a minority". Public perception of Russian speakers appears to vary depending on the region. While some interlocutors in Kaunas said they would avoid speaking Russian on the street or in public transport, this does not seem to be the case in Vilnius. Representatives of several minorities mentioned the influence of Russian state TV not only on persons belonging to the Russian, but also to the Polish community. Young people belonging to Russian-speaking minorities said they were confused about the contradicting information spread on Russian and Lithuanian TV. During its visit in March 2018, the Advisory Committee felt that, in the meantime, both the authorities and most representatives of national minorities were making efforts to disconnect domestic minority policy issues from bilateral relations.⁴⁷ Representatives in particular of the Russian minority stressed the fact that they perceive themselves as Lithuanian citizens in the first place and were mainly interested in promotion of culture and language.

49. The Advisory Committee regrets the existence of anti-Semitic discourse in the media, specifically in online media, as mentioned by several interlocutors. It notes in particular the case of an anti-Semitic statement made by the "Ombudsman for Academic Ethics and Procedures".⁴⁸ The statement was publicly condemned immediately by the Speaker of the Seimas and the Prime Minister. The Parliament, in a decision welcomed by the Advisory Committee, voted in March 2018 by qualified majority to dismiss the person from office. The Advisory Committee notes, furthermore, that the representatives of the Jewish community in Vilnius expressed concerns about the security of its buildings and would like more public support for the purposes of their security.

⁴⁵ The Economist (14 September 2015), The mosques of Lithuania. A Baltic state worried about the arrival of Muslims overlooks those who have lived there for centuries, available at www.economist.com/news/europe/21664279-baltic-state-worried-about-arrival-muslims-overlooks-those-who-have-lived-there.

⁴⁶ See for example Delfi (16 August 2016), Loyalties and opinions of Lithuania's ethnic minorities, available at <https://en.delfi.lt/corporate/loyalties-and-opinions-of-lithuanias-ethnic-minorities.d?id=72056456>.

⁴⁷ On the visit of Polish President Andrzej Duda to Lithuania in February 2018, see The Baltic Times (19 February 2018), Grybauskaitė to propose reviving Lithuania-Poland education commission, available at www.baltictimes.com/grybauskaitė-to-propose-reviving-lithuania-poland-education-commission.

⁴⁸ The Baltic Times (9 February 2018, Lithuania's parl speaker urges academic ethics guard to resign amid anti-Semitism claims, available at www.baltictimes.com/lithuania_s_parl_speaker_urges_academic_ethics_guard_to_resign_amid_anti-semitism_claims.

Recommendations

50. The Advisory Committee calls on the authorities to take measures to combat stereotypes and prejudice against persons belonging to national minorities in political discourse and to promote respect and intercultural dialogue throughout society as a whole.

51. The Advisory Committee urges the authorities to undertake resolute awareness raising measures to address stereotypes against Roma in the population in general and to implement specific training involving teachers, police officials, and employees of local public administrations.

Protection against discrimination, hostility or violence on ethnic grounds

52. As described in the state report, a number of training sessions for law enforcement staff on non-discrimination, intercultural competence, hate crimes and hate speech were conducted in co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2015), the International Organization for Migration (IOM) (2013-2014), the Inspector of Journalist Ethics (2014), and for prosecutors with the Council of Europe Human Rights Education for Legal Professionals (HELP) Programme (2013-2014).⁴⁹ Lithuania regularly reports the numbers of recorded hate crimes to OSCE/ODIHR.⁵⁰ According to these data, three instances of hate crime were recorded by the police in 2013, none in 2014, 24 in 2015 and 20 in 2016. Details of these cases are not published. Out of the nine cases reported to OSCE/ODIHR by civil society for 2016, five were placed in the category of “racism and xenophobia”, including two attacks against property with an alleged anti-Polish bias.⁵¹ According to OSCE/ODHIR, there is no special instruction or policy document that governs the hate crime data collection process. Only official statistics on crimes recorded as "Incitement against any National, Racial, Ethnic, Religious or Other Group of Persons", which are mostly cases of hate speech, are published on the Ministry of the Interior's website. The state report gives an overview on the cases of incitement of discord (hatred, discrimination, bullying) in public information, which are investigated by the Inspector of Journalist Ethics.⁵² Non-governmental organisations told the Advisory Committee that they assessed the actual number of hate crimes to be higher, but that it was impossible for them to fully monitor all cases; furthermore, even when incidents of alleged hate speech or hate crimes are recorded as such by the police, they are often not interpreted as such by the courts.

53. The above-mentioned negative attitudes towards Roma are reflected in a number of incidents during previous years. The Advisory Committee learned, for instance, that after the murder of a girl in early 2017, the fact that the suspected perpetrators belonged to the Roma community was widely reported in the media, which triggered an anti-Roma public debate. The Advisory Committee notes with concern that media often mention the ethnic affiliation of alleged perpetrators of crimes, which according to interlocutors is practised when they are of non-Lithuanian affiliation and often triggers public debates which reinforce negative stereotypes against the group in question. It considers that the police should not reveal

⁴⁹ State report, p. 48.

⁵⁰ OSCE Office for Democratic Institutions and Human Rights (ODIHR), Information on Lithuania, available at <http://hatecrime.osce.org/lithuania>.

⁵¹ See „Incidents reported by civil society, international organizations and the Holy See”, available at <http://hatecrime.osce.org/lithuania>.

⁵² State report, p. 52.

information on ethnic affiliation to the media or to the public unless such disclosure is strictly necessary.⁵³ Another example is the case of a guided tour through the Kirtimai settlement offered by the entertainment agency “*Vaiduokliai*” (Lithuanian for “ghosts”) under the title “Extreme walk in Roma settlement”.⁵⁴ The announcement of the tour contained recommendations for clients not to carry jewellery or money with them because they could be stolen. The Equal Opportunities Ombudsperson investigated the case, established an infringement of Article 8.2 of the Law on Equal Treatment⁵⁵ and instructed the agency to change the information about the tour so that it will not reinforce negative stereotypes about the Roma community. The Advisory Committee is seriously concerned that this kind of tour was offered and perceives this as a worrying sign of persistent anti-Roma stereotypes in society. In 2017, a store displayed an anti-Roma advertisement, which could be understood in a way that Roma people would not be served in the store and again required an intervention by the Equal Opportunities Ombudsperson to be removed.⁵⁶ In 2017, the Department for National Minorities even filed a complaint with the Prosecutor’s Office on hate speech over the comments they received on a news item about a Roma project on their own website. The Prosecutor’s Office found, however, that the statements were covered by freedom of speech. Finally, interlocutors of the Advisory Committee reported a case of alleged police misconduct in late 2016, where a police search of houses in the Kirtimai settlement was accompanied by destruction, use of violence against persons under the age of 18 and the spraying of “no to drugs” on the wall of one of the houses.

Recommendations

54. The Advisory Committee calls on the authorities to improve the identification and sanctioning of cases of alleged discrimination and ethnically-motivated hostility, including hate crime. Particular attention should be paid to prevent discrimination, hostility or violence against persons belonging to the Roma community and that alleged offences are promptly and effectively investigated, prosecuted and sanctioned.

55. The Advisory Committee calls on the authorities to undertake measures to ensure that information on the ethnic affiliation of alleged perpetrators of offences are not revealed to the media unless disclosure is strictly necessary.

Article 8 of the Framework Convention

Restitution of property

56. The Advisory Committee notes that under a law on property restitution adopted in 2011, the Lithuanian government will transfer a total of 37 million EUR in compensation to the

⁵³ See ECRI (2007) General Policy Recommendation No. 11: Combating racism and racial discrimination in policing, para. 20 of the Recommendation and para. 89 of the Explanatory Memorandum.

⁵⁴ Politico (24 October 2016), Lithuania’s ‘extreme tourism’ rankles the Roma, available at www.politico.eu/article/lithuanias-extreme-tourism-rankles-the-roma-tours.

⁵⁵ Article 8.2. of the Law on Equal Treatment obliges service providers that advertisement “(...) 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 (...)”.

⁵⁶ Information provided to the Advisory Committee by the Office of the Equal Opportunities Ombudsperson.

Goodwill Foundation by 2023. The money is to be used for financing Lithuanian Jewish religious, cultural, health-care, athletics, educational and scholarly projects in Lithuania. From 2013 to 2016 the Government has paid 14.4 million EUR in total to the Goodwill Foundation. According to information provided by the Jewish community, 14 synagogues have been returned to the Lithuanian Jewish Community. Several dozen more synagogues listed on the registry of cultural treasures currently belong to the municipalities and private owners. Some of these, such as the one in Pakruojis, have already been renovated, others such as the one in Kalvarija, are still in need of funding.⁵⁷

57. Lithuania has four mosques, which are used by both persons belonging to the Lithuanian Tatar national minority and immigrants from Muslim countries. The biggest mosque is situated in Kaunas. Other, traditional wooden, mosques are located in the Vilnius region (Nemėžis village and Keturiasdešimt totorių kaimas, the so-called Forty Tatars village) and in the Alytus region in Raižiai village. As the mosque in Vilnius was demolished in 1968, the Lithuanian Muslim community has for several years been asking that a plot of land be allocated for the construction of a new mosque at a central location in Vilnius. According to the interlocutors of the Advisory Committee, Vilnius municipality offered a number of locations, but a solution is yet to be found.

Recommendation

58. The Advisory Committee encourages the authorities to continue a constructive dialogue with religious communities on restitution of property and support the renovation of religious buildings. In particular, support should be provided to the Muslim community in its efforts to build a mosque at a central location in Vilnius.

Article 9 of the Framework Convention

Media in minority languages

59. The legal framework governing freedom of expression and of the media, the use of the state language in media and broadcasting in minority languages has remained unchanged during the reporting period and is described in the state report.⁵⁸ Radio and television programmes broadcasting in a language other than Lithuanian must be translated into Lithuanian or shown with Lithuanian subtitles, but educational, music, foreign and national minority programmes are exempt from this provision and there is no quota for broadcasting in the state language.

60. Public Lithuanian Radio and Television (LRT) broadcasts regular TV and radio programmes in Russian, Polish, Belarusian and Ukrainian languages as well as a variety of programmes for and about smaller minorities in the Lithuanian language. The amount of broadcasting hours per language has largely remained the same during the reporting period. It should be noted, however, that the third opinion criticised cuts between 2009 and 2013, in

⁵⁷ Website of the Lithuanian Jewish Community, available at www.lzb.lt/en/2017/09/27/inter-institutional-cooperation-for-the-preservation-of-lithuanian-jewish-heritage, www.lzb.lt/en/2018/03/07/pakruojis-wooden-synagogue-featured-on-lithuanian-public-tv-culture-channel, and www.lzb.lt/en/2018/04/06/kalvarija-municipality-to-renovate-synagogue-complex.

⁵⁸ State report, pp. 58-60.

particular in Russian language programmes.⁵⁹ On TV, LRT broadcasts a weekly 30-minute programme in Russian and 15 minutes each in Polish, Belarusian and Ukrainian, with one rerun each. On radio, LRT broadcasts daily 30-minute news programmes as well as some cultural productions in Russian. Another 30-minute news programme is broadcast in Polish. The Belarusian community has 30 minutes per week and the Ukrainian and Jewish minorities 30 minutes every two weeks. Representatives of the Polish minority complained that despite the high number of persons belonging to the Polish minority, the daily news programme on LRT radio has only a 15-minute slot, while a 30-minute news programme is broadcast in Russian. The Polish language programme was furthermore moved from Channel 1 to the less popular Channel 2 and one of the widely watched reruns was moved from Saturday at 8.30 am to the much less frequented slot on Sunday at 7.30 am. The Advisory Committee considers it important that decisions about frequencies and time slots for broadcasts in national minority languages are taken in consultation with national minority representatives.

61. The Advisory Committee notes with interest the existence of two private radio stations in Polish, one of which (Radio Wilno) was launched only in 2016. The other private radio station in Polish language, Znad Wili, has operated since 1992 and reportedly successfully uses online radio and other digital means to reach younger audiences. Programmes in Russian are broadcast on TV by the Baltic Media Alliance (BMA) from Riga and on radio by the private radio stations Russkoje radio Baltija and a local station in Klaipeda. According to the state report, some online news portals and internet dailies were launched with information provided in both Lithuanian and in minority languages, in particular Polish and Russian.⁶⁰

62. The number of printed periodicals in minority languages has largely remained stable during the reporting period. The annual circulation of periodicals in the Polish language has remained remarkably stable as well (approx. one million copies), while the circulation of periodicals in Russian, as well as of those in Lithuanian, has decreased by one third. According to information received from interlocutors, there is one newspaper published by the Tatar community, and the Karaim community regularly has one page allotted in the Trakai local newspaper.

63. Financial support for media in minority languages is provided by the Lithuanian Press, Radio and Television Support Fund. According to the state report, the amount provided for media produced by national minorities increased from approx. 16 500 EUR in 2012 to 45 000 EUR in 2016. The Advisory Committee welcomes this trend, but regrets that this is exclusively for projects of a maximum duration of one year, which means that there is no possibility for minority media to access long-term baseline funding. Furthermore, it regrets that the Press, Radio and Television Support Fund does not have a separate funding line reserved for minority media.

64. The Advisory Committee welcomes that LRT broadcasts a weekly radio programme about the life of national minorities in Lithuania called “Concord”. It welcomes, furthermore, that the editorial team producing this and the national minority programmes consist of 11 journalists belonging to six different minorities. It notes, however, that minority

⁵⁹ All information on minority media is quoted from state reported pp. 58-63, unless stated otherwise.

⁶⁰ See for example www.l24.lt and www.novayagazeta.lt.

representatives have mixed feelings on how their respective minorities are portrayed in mainstream media (see Article 6).

Recommendations

65. The Advisory Committee calls on the authorities to maintain and consider increasing the present level of public TV and radio broadcasting in national minority languages and about national minorities and with due consultation with representatives of the national minorities concerned.

66. The Advisory Committee calls on the authorities to continue supporting minority media through the Lithuanian Press, Radio and Television Support Fund and stabilise the situation of minority media through establishing a separate funding line earmarked for this purpose.

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

67. The use of minority languages in relations with administrative authorities is based on the one hand on the 1995 Law on the State Language, which demands the use of the state language in all communication within and between public institutions and private enterprises. On the other hand, the Law on Public Administration (1999) establishes the right for natural persons to apply to administrative authorities and institutions at both municipal and state levels in their native language.⁶¹ The Advisory Committee welcomes that an amendment to the regulations governing the implementation of the latter law in August 2015 clarified the situation by explicitly allowing public authorities to accept oral and written requests in languages other than Lithuanian.⁶²

68. The Advisory Committee is pleased to note that some municipalities and public authorities make use of the possibility of accepting oral and written requests in national minority languages. Šalčininkai municipality accepts requests in Polish and Russian, and Vilnius municipality in English, Polish and Russian.⁶³ In Visaginas municipality, requests can be made in Russian or any language other than the state language which “the civil servant providing services understands”.⁶⁴ The Seimas Ombudsmen’s Office, the Equal Opportunities Ombudsperson and the Ombudsperson for Children’s Rights all accept oral and written requests in minority languages and told the Advisory Committee that the most frequently used minority language was Russian. While noting this progress, the Advisory Committee wishes to remind the authorities of the need to introduce clear conditions and legal criteria as to when to introduce the right of persons belonging to national minorities to use their languages in contacts with administrative authorities in line with Article 10(2) of the Framework Convention. In this context, the Advisory Committee draws the attention of the authorities to its thematic commentary on language rights where it noted that “States should carefully study the demand and assess existing needs in the geographical areas where there is substantial or traditional settlement of persons belonging to minorities, taking also into account the specific local

⁶¹ State report, p. 64.

⁶² Regulations for the examination of requests of persons and for their servicing at public administration authorities, institutions and other entities of public administration of 22 August 2007. See state report, p. 65.

⁶³ See website of Vilnius municipality, available at www.vilnius.lt/kalbos/?p=6796&lang=en.

⁶⁴ State report, p. 65.

situation. ‘Need’ in this context does not imply the inability of persons belonging to national minorities to speak the official language and their consequent dependence on services in their minority language. A threat to the functionality of the minority language as a communication tool in a given region is sufficient to constitute a ‘need’ in terms of Article 10.2 of the Framework Convention.”⁶⁵

Recommendation

69. The Advisory Committee urges the authorities to review the legislative and policy framework related to the use of languages in dealings with administrative authorities to ensure an adequate balance between the promotion of the state language and access to the language rights of persons belonging to national minorities.

Article 11 of the Framework Convention

Personal names in minority languages

70. The Advisory Committee regrets to note the lack of progress in resolving the long-standing issue regarding the spelling of surnames and first names of persons belonging to minorities in official documents.⁶⁶ A decision of the Constitutional Court of 27 February 2014 provided a wider interpretation of the possibility to spell names and surnames in identity documents in non-Lithuanian characters, saying that “‘in Lithuanian characters’ can be interpreted as allowing in certain cases to spell non-Lithuanian names and surnames (...) using not only the letters of the Lithuanian alphabet but also other letters of Latin origin to the extent they comply with the tradition of the Lithuanian language and violate neither the system nor the uniqueness of the Lithuanian language.”⁶⁷ However, despite a number of draft laws to regulate the issue,⁶⁸ the matter has not been resolved.

71. The Advisory Committee notes that at the moment the discussion focuses on the spelling of surnames and first names of persons who acquired citizenship through marriage to a Lithuanian, as well as the children from these ‘mixed marriages’. In 2016, the Supreme Administrative Court of Lithuania handed down a judgement based on which the surname and first name of a child issuing from a Polish-Lithuanian marriage can be written in both Polish and Lithuanian versions.⁶⁹ Furthermore, the Advisory Committee notes a number of cases which the European Foundation for Human Rights litigated for persons of that category, with partial success.⁷⁰ The Advisory Committee regrets that all draft laws currently in Parliament would only apply to citizens with origins in another country, not to other persons belonging to minorities. In this context, the Advisory Committee recalls that “the right to use one’s personal name in a minority language and have it officially recognised is a core linguistic right, linked

⁶⁵ See Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), paras. 56-58.

⁶⁶ See the Advisory Committee’s fourth opinion on Lithuania, paras. 71-72 for a description of the issue.

⁶⁷ Clause 7 of the statement of reasons of the decision of the constitutional court of Lithuania, quoted in state report, p. 66-67.

⁶⁸ See state report, p. 66-67.

⁶⁹ See European Foundation of Human Rights (2018), Alternative report on Department of National Minorities’ fourth report on the implementation of the Framework Convention for the Protection of National Minorities, pp. 23.

⁷⁰ See European Foundation of Human Rights, available at <http://en.efhr.eu/spelling-of-names-and-surnames>.

closely to personal identity and dignity.”⁷¹ In its thematic commentary on language rights, the Advisory Committee states that “authorities may, in line with Article 11, require that personal identity documents contain a phonetic transcription of the personal name into the official alphabet, if it contains foreign characters. However, the transcription should be as accurate as possible and should not be disconnected from the essential elements of the minority language, such as its alphabet and grammar.”⁷² In this light, the Advisory Committee maintains its view that this situation is not in line with Article 11(1) and the overall principle of inclusive interpretation of the Framework Convention. It nonetheless underlines that in the meantime, nothing prevents States Parties from applying the provisions of the Framework Convention directly.

Recommendation

72. The Advisory Committee strongly urges the authorities to implement without delay the right of persons belonging to national minorities to have their personal names recognised in the minority language as stated by the Supreme Administrative Court, including in official documents, and in particular to take urgent steps to amend the legislation governing the use of names in minority languages in a way that brings it fully in line with the provision of Article 11(1) of the Framework Convention.

Use of minority languages in topographical indications and private signs

73. The Advisory Committee regrets that there has also been no substantive progress regarding the use of minority languages in topographical indications and private signs. According to articles 17 and 18 of the Law on the State Language, all public indications must be displayed in Lithuanian, with an exception made only for the names of organisations of national minority communities.⁷³ The legislation governing both topographical indications and private signs has not changed during the reporting period.⁷⁴

74. A number of events in recent years, however, demonstrate that there remains a strong demand among minority communities to display topographical indications and private signs in their languages and that some municipalities decide to satisfy these demands even at the expense of entering a legal grey zone. In the case of Šalčininkai district, which was described in the third opinion,⁷⁵ the director of the administration received a fine of 43 000 litas⁷⁶ for allowing street signs in Polish.⁷⁷ A similar situation arose in Vilnius after the municipality had started installing decorative street signs in foreign languages such as English and Icelandic⁷⁸ as

⁷¹ See Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 61.

⁷² See Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 63.

⁷³ See also the Advisory Committee’s third opinion on Lithuania, paras. 75-76.

⁷⁴ State report, p. 67.

⁷⁵ Third Advisory Committee Opinion on Lithuania, adopted on 28 November 2013, para. 75.

⁷⁶ Approximately 9 844 EUR at the time of the judgement.

⁷⁷ European Foundation of Human Rights (10 April 2014), Lithuanian courts are still assigning financial penalties for bilingual street names, available at <http://en.efhr.eu/2014/04/10/lithuanian-courts-are-still-assigning-financial-penalties-for-bilingual-street-names>.

⁷⁸ Iceland, for example, was symbolically honoured with an Icelandic language street sign as it was the first country to have recognised Lithuania’s restored independence.

well as in national minority languages such as Polish and Ukrainian.⁷⁹ The Advisory Committee reiterates that denying the possibility of having local topographical indications in areas inhabited traditionally or in substantial numbers by persons belonging to minorities in a minority language alongside Lithuanian violates the obligation of the State Party under Article 11(3). Furthermore, it creates legal uncertainty for municipalities and unnecessary grievance for persons belonging to national minorities. The Advisory Committee is convinced that bilingual topographical indications and private signs constitute an affirmation that the presence of national minorities is appreciated and thus carry an important symbolic value for integration of society. The Advisory Committee underlines in this context the importance of promoting bilingual signs, as this conveys the message that a given territory is shared in harmony by various population groups.⁸⁰

Recommendation

75. The Advisory Committee urges the authorities to bring without delay their legislative framework regarding the use of minority languages in private signs and topographical indications in line with Articles 11(2) and 11(3) of the Framework Convention.

Article 12 of the Framework Convention

Cultural diversity in education and teaching and learning materials

76. The Advisory Committee notes with interest a number of programmes and activities implemented to foster intercultural understanding and contacts between children belonging to minorities and those belonging to the majority. In the framework of the 2016 government priority on economic and social development of regions with substantial numbers of persons belonging to minorities, for example, education projects in 50 schools comprising 1 000 students were implemented with a view to “integrating schools with national minority languages as languages of instruction in the life of the country through non-formal education (cultural, explorative, etc.) activities.⁸¹ While recalling that the integration of society is a two-way process in which both minorities and majorities should be involved,⁸² the Advisory Committee learned from minority representatives that extracurricular activities exposing children in minority language schools to a Lithuanian language environment are indeed very welcome. Some interlocutors, in particular from a Polish school the Advisory Committee visited in Šalčininkai district, said that they would need more resources to organise such activities given that many children come from predominantly Polish-speaking environment and hence learn Lithuanian almost as a foreign language.

77. The Advisory Committee notes with interest that the Education Development Centre under the Ministry of Education has developed teaching modules on national minorities and intercultural understanding, but regrets that these topics, according to interlocutors, are not

⁷⁹ LRT (31 January 2017), Court opens case of bilingual street plaques in Vilnius, available at www.lrt.lt/en/news-in-english/29/161966/court-opens-case-of-bilingual-street-plaques-in-vilnius.

⁸⁰ See Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 67.

⁸¹ State report, p. 15.

⁸² ACFC Thematic Commentary No. 4 “The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities” (May 2016), para. 54.

included in the general curriculum for teacher education. Education activities on the Holocaust, including the Holocaust against the Roma, such as regular seminars for teachers, are conducted by the “International commission for the evaluation of the crimes of the Nazi and Soviet occupation regimes in Lithuania”.⁸³ Furthermore, the Advisory Committee welcomes that the Ministry of Education is reviewing teaching and learning materials as regards the portrayal of persons belonging to national minorities. It was informed that one of the findings so far is that they do not contain enough information on Roma and that the Ministry of Education plans to remedy this situation. Given the widespread prejudice about the Roma community in society (see Article 6), the Advisory Committee recalls that measures to amend teaching and learning materials are very important.

Recommendations

78. The Advisory Committee calls on the authorities to increase their investment in programmes to foster intercultural understanding and contacts between children belonging to minorities and those belonging to the majority.

79. The Advisory Committee reiterates its call on the authorities to ensure that the education system strengthens the knowledge of persons belonging to the majority on the cultures, histories, languages and religions of national minorities. Particular urgent action should be undertaken, in consultation with Roma representatives, to ensure that teaching and learning materials as well as teacher training reflect objective information about Roma.

Access of Roma children to education

80. The Advisory Committee notes that according to a report published by the Department for National Minorities in 2016,⁸⁴ the share of persons belonging to the Roma community who have not finished primary school and hence are counted as illiterate has decreased from 11% in 2011 to 8% in 2015. The share of Roma having finished primary school has slightly increased from 62% to 63%, of those with basic education from 26% to 27% and of those with secondary education from 1% to 2%. These moderate results were the basis for the education pillar of the 2015-2020 Action plan for Roma integration into Lithuanian society. Under this plan as well as the 2016-2019 “Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement” (see Article 4), a number of measures are being implemented to improve the situation.

81. At the national level, the Education Development Centre under the Ministry of Education created a network of teachers working at schools attended by Roma children. At the level of Vilnius municipality, a daily wake-up service in the Kirtimai settlement and bus transfer to schools is reported to have a positive effect on school attendance of Roma children. As many families have moved out of the Kirtimai settlement into social housing or subsidised flats elsewhere in Vilnius, school attendance and performance of these children will have to be carefully monitored.

82. A few teaching assistants and mediators are employed at schools with higher numbers of Roma children, but according to information received by the Advisory Committee, their number has not increased during the reporting period. Sauletekio school, a Russian language

⁸³ State report, p. 44.

⁸⁴ Department for National Minorities (2016), Roma in Lithuania. Facts, figures, activities, p. 4.

school in Vilnius has around 60 Roma children and one social assistant. Naujininkai school, a Lithuanian language school in Vilnius has some 23 Roma students and one social assistant as well. Interlocutors from NGOs reported that Roma children at both schools would benefit from at least one more teaching assistant or mediator working exclusively with Roma children and their parents.⁸⁵ Reportedly, many teachers lack intercultural competences required to work with Roma children. The Advisory Committee considers that well-trained teaching assistants or mediators with the necessary intercultural and linguistic skills can contribute to bridging this gap.

83. In 2013, following the third cycle opinion, the Ombudsperson for Children's Rights investigated the access of Roma children to education and their potential placing in special schools.⁸⁶ The study revealed that 8.7% of Roma children attended special schools. This is above the national average, but according to the study only one case of attendance at a special school by a Roma child was unjustified. The study also concluded, however, that more children could attend mainstream schools if the system were better adapted to their specific needs.

84. The Advisory Committee notes that, while the network of teachers and the social assistants mentioned above are welcome steps, more investment in particular by the Ministry of Education is needed to grant Roma children the support they require to succeed in school. Reportedly, many Roma children speak only Romani at home and hence require special support to learn the Lithuanian language. In this context, the Advisory Committee notes with interest the work of day care centres such as the centre *Padėk pritapti* ("Help me to adapt") in Vilnius. The centre hosts 40 children, most of them Roma, but has only two educators and no top-up funding in addition to the resources provided for general day care centres. For this and similar projects, as well as for the social assistants and mediators mentioned above, funding of staff depends largely on projects, which are often short-term and hence unsustainable. Overall, the Advisory Committee welcomes the measures taken both at national and local levels, in particular by Vilnius municipality, but observes that their effects need to be very closely monitored and adapted if necessary. In the eventuality that there are no Roma families living any more in the Kirtimai settlement, the Advisory Committee would find it important that the work of the Roma Community Centre is continued and adapted to the new situation to reach out to the children and families in their new homes. It considers it particularly relevant to closely monitor and ensure continuity for young children attending day care centres.

Recommendations

85. The Advisory Committee calls on the authorities to continuously collect and analyse data on education of Roma children in order to be able to adjust strategies based on needs.

86. The Advisory Committee calls on the authorities to ensure sufficient and sustainable funding of structures and staff required to support Roma children's equal access to education such as teaching assistants and mediators with the necessary intercultural and linguistic skills, starting from pre-school level.

⁸⁵ See also CAHROM (19 October 2017), Thematic visit on Roma mediation (with a focus on school mediators/assistants), following the thematic visit to Vilnius and Panažėvis, Lithuania, 25-27 April 2017, forthcoming at www.coe.int/en/web/portal/cahrom.

⁸⁶ State report, p. 24.

Article 14 of the Framework Convention

Teaching in and of minority languages

87. The Advisory Committee notes with satisfaction the continued efforts of the authorities to provide persons belonging to national minorities with opportunities for minority language instruction. According to the 2011 Law on Education (Article 28), “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.” The law further states (Article 30) that “the time allotted for teaching the state language shall not be less than the time allotted for teaching the native language”.⁸⁷

88. The number of children receiving education in Lithuania has been dropping in recent years following a general negative demographic trend. Furthermore, there is a slight decrease in the share of persons affiliating as Polish or Russian in the general population.⁸⁸ However, according to data provided in the state report,⁸⁹ the relative share of national minority students and schools remained largely the same during the reporting period. For example, the percentage of students studying in schools with Lithuanian as language of instruction slightly decreased from 92.7% in 2010 to 92% in 2015. In the same period, the share of students in schools with Russian as language of instruction increased from 4% to 4.3% and in those with Polish as language of instruction from 3.2% to 3.4%. The number of schools with Lithuanian as language of instruction decreased from 1 274 to 1 193, while the number of schools with Russian as language of instruction decreased from 36 to 33 and of schools with Polish as language of instruction from 56 to 51. The Advisory Committee notes, however, that the number of schools offering instruction in the state language as well as in Russian, Polish or both decreased from 45 to 36, which appears to be a significant drop. While the Advisory Committee is pleased to note that the respective shares of students in schools with state language and minority languages remains stable, it notes that every closure of a school with minority language of instruction risks that children from national minority background have to travel longer distances to get instruction in their first language, which in the long run may become a disincentive for attending such schools. While sufficient national minority language teachers are available at present, the Advisory Committee notes concerns by Polish minority representatives that the training of minority language teachers at university level may suffer in the context of the planned merger of Vytautas Magnus University and the Lithuanian University of Educational Sciences in Vilnius.

89. The Advisory Committee observes that mergers of two schools into one or the housing of two schools within one building are frequent measures taken in order to adapt to the shrinking student population. While the Advisory Committee understands the argument for such measures given the demographic situation, it would welcome a more conceptual approach to bi- and multilingual schools, which would perceive such mergers as an opportunity rather than an economic necessity. In Vilnius, for example, the Advisory Committee was told

⁸⁷ State report, p. 69.

⁸⁸ According to a written submission by the government, the proportion of the population affiliating with the Russian minority decreased from 5.8% in 2011 to 4.6% in 2017. The share of persons affiliating with the Polish minority decreased from 6.6% in 2011 to 5.6% in 2017.

⁸⁹ State report, pp. 76-77.

that the merger of the Russian-language Senamiesčio/Starogorod school and the Polish language Liepkalnio school in 2016 resulted in a situation where most parents of Russian-speaking children from Senamiesčio/Starogorod school decided to move their children to another Russian-language school. The Advisory Committee observes that mergers of minority language schools are sensitive and that the quality of such processes as well as of their outcomes needs to be closely monitored. In this context, it furthermore reminds the authorities of the need to consult with minority representatives before any such measures are taken.

90. The Advisory Committee welcomes that the “student basket” for students in the 100 schools with national minority languages as language of instruction is 20% higher than for ordinary schools. Since 2017, the additional amount increased to 22% for primary schools. The Advisory Committee further notes that also 48 schools with Lithuanian as language of instruction receive this increased amount because they are located in a “multilingual environment”.⁹⁰

91. The Advisory Committee is pleased to note the availability of kindergarten and pre-school education in minority languages. Polish-language kindergartens and kindergarten groups exist for instance in Vilnius, Vilnius region and Šalčininkai. Russian language kindergartens and groups exist, *inter alia*, in Vilnius, Kaunas and Visaginas. Furthermore, minority language kindergarten groups have a better child-educator ratio than Lithuanian language kindergartens. The Advisory Committee underlines the importance of the pre-school period as an opportunity to lay the foundations of future bi- and multilingualism. For children growing up in a predominantly minority-language environment, this period is essential for acquiring sufficient knowledge of the state language in order to succeed under the unified Lithuanian language curriculum in school. In return, children from the majority could benefit from learning minority languages in a playful way through interaction with peers for whom minority languages are the first language. The Advisory Committee considers that this potential is yet to be exploited and requires more research and conceptual work on early bi- and multilingualism. In kindergarten, pre-school as well as in primary and secondary education, dual medium approaches may be adopted in which minority and majority languages are present in equal proportions. The Advisory Committee considers that bi- or multilingual education open to students from all linguistic groups, including minorities and the majority, can, apart from having significant cognitive benefits for the individuals, contribute to intercultural comprehension and co-operation.⁹¹

Recommendations

92. The Advisory Committee invites the authorities to carefully monitor the situation of minority language education so that appropriate measures can be taken to avoid restricting children’s rights to access education in minority languages. In decision-making about the closing and merging of minority language schools, the rights enshrined in the Framework

⁹⁰ Submission to the Advisory Committee by the Ministry of Education. For a list of the schools, see the website of the Ministry of Education, available at www.e-tar.lt/portal/lt/legalAct/4f9d837075b611e7827cd63159af616c (in Lithuanian).

⁹¹ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 81.

Convention should be of primary concern and close consultation with teachers, parents and children from those schools ensured.

93. The Advisory Committee encourages the authorities to undertake research on language development of children in early education in a minority language, Lithuanian language, and in multilingual groups and to fully seize the potential of bi- and multilingual early education for both children from minority and majority backgrounds.

Uniform state language curriculum and centralised exams

94. The 2011 Law on Education introduced a single Lithuanian language curriculum for all schools and uniform state language exam at grades 10 or 12. As noted in the Advisory Committee's third opinion,⁹² a transition period of eight years was introduced in 2012, during which different evaluation criteria are applied for students from schools with minority languages as language of instruction. The first such exam took place in 2013; since then the evaluation criteria for minority language schools have gradually been adapted, but there still are lower demands on grammar, style and lexicon. In 2018, for the first time, identical criteria will be applied in the tenth grade exam. According to the Ministry of Education, the results of this exam will be the basis for the decision on whether the transition period is to be prolonged beyond the school year 2019/2020.

95. The Advisory Committee considers the organisation of a uniform exam in the state language a legitimate aim of education reform, as long as it takes into account the specific situation of children belonging to minorities and guarantees that they are not disadvantaged in their further educational career.⁹³ It regrets, however, that the introduction of the exam in 2013 has led to significant disadvantages for students at minority language schools. According to information from the authorities, students from minority language schools who sat this exam in 2013 had received 818 hours fewer of Lithuanian language lessons than their peers from Lithuanian language schools. Consequently, outcomes for students from minority language backgrounds in both the Lithuanian language exam and the overall final grade dropped in 2013 despite the different evaluation criteria. In the meantime, the difference in results of students from minority language and from Lithuanian schools is narrowing,⁹⁴ but the Advisory Committee deeply regrets that, according to interlocutors, several cohorts of school leavers from minority language schools were clearly in a disadvantaged position when compared to their peers from Lithuanian schools, when competing for the limited number of state-funded places at universities. The Advisory Committee notes that the situation is particularly difficult for students from minority language schools which live in regions with substantial numbers of persons belonging to minorities such as Šalčininkai, Trakai and Vilnius region (Polish), Švenčionys (Polish and Russian), and Klaipeda and Visaginas (Russian). Among these, the greatest problems seem to exist in rural areas such as Šalčininkai. Students of Russian minority language background in Kaunas, a city with predominantly Lithuanian-speaking population, reported no difficulties with the unified state exam. The Advisory Committee notes that in particular teachers and other representatives from the Polish minority are convinced that the transition period will have to be extended beyond the school year

⁹² See paras. 85-88.

⁹³ See also Third Advisory Committee Opinion on Lithuania, adopted on 28 November 2013, para. 87.

⁹⁴ According to information submitted by the authorities, the difference was 500 hours in 2017/2018 and will be 435 in 2018/2019 and 365 in 2019/2020.

2019/2020 to compensate for the disadvantaged position of children from a minority language background.

96. Furthermore, the Advisory Committee notes that the number of hours of Lithuanian language teaching and in particular the teaching and learning methodologies and materials are not sufficiently adapted to the needs of children from families where minority languages are spoken who come to school with a very low level of Lithuanian. Teachers in Šalčininkai reported that many children entering primary school start learning Lithuanian almost as a foreign language and are overstrained by the requirements of the unified Lithuanian language curriculum. The same applies for students of higher grades, who reportedly speak and write Lithuanian correctly, but have difficulties reading literature in the Lithuanian language. Furthermore, teachers reported a lack of support for out-of school activities in the Lithuanian language and stressed the need for children to be exposed to a Lithuanian language environment in a playful and non-formal setting such as through drama groups, summer camps or sports.

97. Representatives of the Polish minority also complained that in the current system the knowledge of a minority language is not reflected at all in the final grade which decides about entrance into university. The Advisory Committee regrets that only the results in Lithuanian language, mathematics and one foreign language (usually English) count towards that final grade, while Polish or Russian language can only be taken as an optional exam. The Advisory Committee considers that the competencies of students in a minority language are to be valued.

Recommendations

98. The Advisory Committee calls on the authorities to closely consult with teachers and other experts from minority language schools on all measures of education reform affecting students in those schools. To institutionalise this dialogue, the authorities are invited to consider setting up a national board of experts on national minority language teaching, which could advise on issues such as teaching methodologies, evaluation and development of new teaching and learning materials, adaptation of curricula, and testing methods.

99. The Advisory Committee urges the authorities to carefully monitor the performance of students belonging to national minorities in the state language exam and pursue an evidence-based rather than deadline-driven policy in deciding on the extension of the transition period. As disaggregated data on university access does not seem to be available, research should be undertaken into whether national minority affiliation and schooling is an inhibiting factor in accessing higher education.

100. The Advisory Committee urges the authorities to strengthen support for out-of school activities in the Lithuanian language, to adapt teaching and learning methodologies and materials in particular in primary school to the needs of children for whom Lithuanian is a second or a third language, and consider ensuring that the exam results in minority languages are also reflected in the final grade which determines entrance into university.

Article 15 of the Framework Convention

Political participation and consultative mechanisms

101. Lithuania has three ethnically-based political parties representing the Polish and Russian minorities, the Electoral Action of Poles – Christian Families Alliance, the Lithuanian Russian Union and the Russian Alliance.⁹⁵ In the October 2016 election to the Seimas, the Electoral Action of Lithuanian Poles (LLRA) received 5.7% of the votes and eight seats. The Electoral Action of Poles was part of the government coalition from 2012 to 2014 and holds one seat in the European Parliament. The Advisory Committee notes that representatives of the Polish minority advocate a lowering of the 5% threshold at elections to the Seimas for parties representing persons belonging to national minorities. The Advisory Committee has noted that threshold requirements in electoral laws can potentially have a negative impact on the participation of national minorities in the electoral process, which needs to be duly taken into account. Exemptions from threshold requirements have proven useful to enhance national minority participation in elected bodies.⁹⁶

102. Lithuania has a Council of National Minorities with advisory functions, composed of 28 members from 20 national minority communities, and which meets four times per year. The Advisory Committee welcomes the inclusive approach of the Council, noting that not only those minorities who traditionally settle in Lithuania are represented, but also associations of persons belonging to the Chechen, Lebanese and Uzbek communities in the country.⁹⁷ The Chair of the Council, elected in 2015, represents the Latvian minority, and the vice-chair the Polish minority.

103. The Advisory Committee regrets that few consultative mechanisms seem to exist at local level. The Advisory Committee finds that such a mechanism would be beneficial not only in municipalities with substantial numbers of persons belonging to minorities such as Vilnius region, and Trakai, but also in municipalities where persons belonging to national minorities are in the majority, such as Šalčininkai and Visaginas, and in those with numerically small numbers of inhabitants belonging to national minorities, such as Kaunas. The Advisory Committee considers that in addition to national councils, local consultative mechanisms have, in some circumstances, proven to be a useful additional channel for the participation of persons belonging to national minorities in decision-making, especially in areas where competencies rest with the municipal level of government.⁹⁸ Such mechanisms do not necessarily have to be burdensome and costly structures, but could also be used on an ad hoc or thematic basis.

⁹⁵ For a detailed description of the membership and voting results of these parties in municipal and national elections until 2015, see state report pp. 78-80.

⁹⁶ Thematic Commentary No. 2 “The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (February 2008), para. 81.

⁹⁷ See news on the 2015 elections of the leadership of the Council, available at <http://media.efhr.eu/2015/12/23/a-polish-man-elected-vice-chairman-of-the-national-communities-council-of-lithuania>.

⁹⁸ Thematic Commentary No. 2 “The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (February 2008), para. 115.

Recommendation

104. The Advisory Committee calls on the authorities to encourage municipalities to develop suitable consultative mechanisms enabling the effective participation of persons belonging to minorities, including numerically small communities, in decision-making and, if applicable, support them in doing so.

Participation in social and economic life

105. The situation of the Roma minority remains a matter of concern and the Roma remain the most vulnerable group. Persons belonging to this minority continue to face difficulties and discrimination, in particular as regards access to employment, housing, health services, and mainstream and higher education (see Article 12). In recent years, the situation appears to have improved, albeit still on a low level. The Advisory Committee appreciates the transparent and evidence-based approach of the authorities with regard to these issues and welcomes the important contribution of research institutions such as the Institute for Ethnic Studies to informed policy making.

106. The percentage of Roma with official employment contracts was 9% in 2001 and 15% in 2015. In this context, the Advisory Committee welcomes that the largest, EU-funded project currently being implemented targeting the Roma community is about access to employment. Since 2004, three other projects were implemented in that sector. By the end of the current project in 2020, some 2.5 million EUR, mostly EU funds, will have been invested in that area. According to interlocutors, the main obstacles for employment are stereotypes among employers and the population in general (see Article 6). Also, as many Roma have not even finished basic education, they do not have access to vocational training.

107. The situation as regards housing is similarly improving, though at a slow pace. In the case of the Kirtimai settlement, the Advisory Committee notes that the administration of Vilnius municipality has the political will and invests resources to gradually provide social and other alternative housing to all families. If families do not qualify for the national criteria for compensation of rent, the municipality pays compensation from a specific budget line. Since the adoption of the “Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement” in 2015, all families with five or more children have been provided with social housing and the process continues. The number of inhabitants of the settlement has thus declined from some 500 in 2013 to approx. 240 in 2017. This process goes alongside a continuous demolishing of the houses in the settlement which are in bad conditions and have no access to running water and sewage. From approx. 90 houses in the settlement in 2013, only 40 are left today. The Advisory Committee regrets to have learned from interlocutors that the parallel processes of providing alternative housing and demolishing houses are not always well co-ordinated between the municipal social services and the body responsible for the demolition of houses, the Division for spatial planning and state supervision of construction. Furthermore, the Advisory Committee learned about a case in which the house of one family was demolished, following a court decision, while the woman who used to live there was in prison and the children she took care of lived in a care home. The Advisory Committee notes that the main obstacles for Roma to enter into the private housing market are linked to

stereotypes against them,⁹⁹ but also to the reluctance of some landlords to formalise rent agreements, which is a precondition for tenants to receive compensation.

108. Regarding access to health care, the share of persons belonging to the Roma community who are not insured under the compulsory health insurance decreased from 24% in 2011 to 9% in 2015.¹⁰⁰ However, according to a survey of 521 Roma conducted in 2015, a higher percentage than the national average described their health status as “poor or very poor”. Nearly a quarter reported that, over the past 12 months, they did not receive health services when they were needed (national average: 5%). Asked for the reasons, 26% indicated that they could not afford to pay for the services, but many indicated a fear of doctors, treatment, hospitals and medical tests.¹⁰¹ Children are practically 100% covered by health insurance and the difference in health outcomes between Roma children and the average population is less pronounced than between Roma adults and the average adult population. Overall and in spite of notable improvements, the Advisory Committee remains concerned about the health situation of the Roma population and in particular of Roma women, which reportedly is even worse than that of Roma men.¹⁰²

Recommendations

109. The Advisory Committee encourages the authorities to further strengthen the systematic collection and analysis of data on the access of Roma to participation in social and economic life and thoroughly evaluate the impact of measures taken in order to base strategies and policies on identified needs.

110. The Advisory Committee urges the authorities to particularly focus on access of Roma women to the labour market, health care and suitable housing, including by ensuring effective participation of Roma women in the design and implementation of policies and everyday decisions concerning their lives.

Article 18 of the Framework Convention

Bilateral co-operation

111. Lithuania has about 50 bilateral agreements on cultural co-operation. Two of them, with Israel (2012) and Ukraine (2016), were signed in the reporting period and contain provisions on the cultural and religious inclusion of persons belonging to national minorities. Further agreements on co-operation in the fields of education, science and culture but no specific mention of national minorities were signed during the reporting period with Kazakhstan, Armenia, Estonia, Latvia and Belarus.¹⁰³

⁹⁹ Surveys conducted in 2009-2013 show that about two-thirds of the population would not want to rent housing to Roma. See Department for National Minorities (2016), Roma in Lithuania. Facts, figures, activities, p. 7.

¹⁰⁰ Department for National Minorities (2016), Roma in Lithuania. Facts, figures, activities, p. 5.

¹⁰¹ Diversity Development Group (April 2015), Final report of the sociological survey “The situation of Roma in Lithuania”, pp. 10-11, available at www.lygybe.lt/data/public/uploads/2016/01/galutine-tyrimo-ataskaita-en.docx.

¹⁰² Ibid., p. 11.

¹⁰³ State report, p. 8.

Recommendation

112. The Advisory Committee encourages the authorities to implement the existing bilateral agreements and to continue to promote bilateral co-operation on issues pertaining to minority protection in the spirit of good neighbourliness, friendly relations and co-operation between States, whilst respecting the role of multilateral standards and procedures.

III. Conclusions

113. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Lithuania.

114. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.¹⁰⁴ In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action¹⁰⁵

- **Adopt, in close consultation with minority representatives, a comprehensive legal framework protecting the rights of persons belonging to national minorities, while maintaining an open and inclusive approach to the personal scope of application of the Framework Convention.**
- **Take resolute awareness raising measures to address negative stereotypes against Roma in the population at large and implement specific training involving teachers, police officials, and employees of local public administrations. Continue efforts to ensure effective equality of Roma in accessing rights to education, employment, housing, health and effective participation while paying particular attention to Roma women.**
- **Bring the legislative framework on the use of minority languages in dealings with administrative authorities, in private signs and topographical indications, and pertaining to the spelling of surnames and first names in official documents in line with Articles 10 and 11 of the Framework Convention.**
- **Ensure that education reform does not result in discrimination against students from minority language schools through pursuing an evidence-based rather than deadline-driven policy as regards transition measures, and through involving minority language teachers in a strong advisory role. Develop and implement a conceptual approach towards bi- and multilingual teaching in schools and pre-schools and support the exposure of children from national minorities to a Lithuanian-language environment and vice versa. Consider the possibility of reflecting exam results in minority languages in the final grade relevant for entrance into university.**

¹⁰⁴ A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

¹⁰⁵ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations¹⁰⁶

- Ensure that the 2021 population census provides a sound basis for policy-making on minority rights through guaranteeing the right to free and voluntary self-identification, the possibility of declaring more than one ethnic affiliation and the collection of data on first and other languages.
- Ensure that the responsibilities of the Equal Opportunities Ombudsperson, the Seimas Ombudsmen's Office, and the Ombudsperson for Children's Rights are underpinned by appropriate resources, including allocations to help raise the profile and awareness about these institutions among persons belonging to national minorities.
- Revisit the support scheme for minority cultures in a way that minority organisations can apply for multi-year projects and, where necessary, have access to long-term baseline funding. Secure the legal and budgetary situation of the House of National Communities in Vilnius and the Cultural Centre of Various Nations in Kaunas and ensure continuous baseline funding for staff and utilities.
- Combat stereotypes against persons belonging to national minorities in political discourse and society at large and improve the identification and sanctioning of cases of alleged discrimination and ethnically-based hostility, including hate crime. Ensure that information on the ethnic affiliation of alleged perpetrators of offences are not revealed to the media unless disclosure is strictly necessary.
- Stabilise support for minority media through the Lithuanian Press, Radio and Television Support Fund through establishing, *inter alia*, a separate funding line within the Fund earmarked for national minority media.
- Ensure that the education system strengthens the knowledge of persons belonging to the majority on the cultures, histories, languages and religions of national minorities. Undertake urgent action to ensure that teaching and learning materials as well as teacher training reflect objective information about Roma. Ensure sufficient and sustainable funding of structures and staff required to support Roma children's equal access to education such as social assistants and mediators, starting from pre-school level.
- Encourage municipalities to develop suitable consultative mechanisms enabling effective participation in decision-making of persons belonging to minorities, including numerically small communities.

¹⁰⁶ The recommendations below are listed in the order of the corresponding articles of the Framework Convention