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Comments of the Government of Lithuania on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania

received on 17 January 2025

The comments have been submitted under the sole responsibility of Lithuania and made public by the Council of Europe Secretariat in accordance with Rule 29 of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities.



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Comments of the Republic of Lithuania on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Lithuania

On behalf of the ministries and state institutions of the Republic of Lithuania, we thank the Advisory Committee for its thorough and informative Fifth Opinion on Lithuania's implementation of the Framework Convention for the Protection of National Minorities.

In accordance with Rule 28 of Resolution CM/Res(2019)49, Lithuanian authorities respond to the comments and recommendations made in the Fifth Opinion.

2. We would like to point out that the mentioned lack of legislative framework pertaining to national minorities (p. 4) may no longer be relevant, as the Law on National Minorities of the Republic of Lithuania No. XIV-3079 was adopted on 7 November 2024. It will come into force on 1 January 2025. Accordingly, for the same reason, some of the information contained in paragraphs 2 and 3 on page 4; paragraph 21 on page 6; paragraphs 48 to 58 on pages 11 and 12, and other paragraphs referring to the lack of a legislative framework pertaining to national minorities may no longer be relevant.

Legal framework for national minority protection

We would like to provide the following clarification to paragraph 3 of the Opinion:

~~„3. Despite long-standing preparation and consultations, no Law on National Minorities has been adopted yet. Lithuania continues to lack a comprehensive legal framework especially for the implementation of linguistic rights enshrined in the Framework Convention (notably the use of minority languages in relations with administrative authorities, topographic indications and public signage of a private nature). On 7 November 2024, the Seimas of the Republic of Lithuania adopted the Law on National Minorities¹. It will enter into force on 1 January 2025.~~

The Law establishes an inclusive definition of a national minority, which also enables to distinguish the policy of national minorities from the policy of migration. The Law also establishes the criteria of the national minority, defines the main principles of the policy of national minorities, and regulates the conditions and obligations for the implementation of the rights of persons belonging to the national minority, the provisions on the formation and implementation of the state policy in the

¹ <https://www.e-tar.lt/portal/lt/legalAct/372796c2a26611efa605b9842742bf37>

field of national minorities. The representation of national minorities is also regulated, the status of the institution representing the interests of national minorities – the Council of National Minorities – is established at the level of the law.

Scope of application and population census

Lithuania will continue to maintain its flexible approach to the scope of application of the Framework Convention. When collecting and compiling statistical data on national minorities, the State Data Agency will consider and take into account, to the extent possible, the comments and suggestions made by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities.“

Regarding national communities represented in the National Communities Board: the Board currently consists of 21 members representing seventeen actively functioning national/ethnic communities.

Use of minority languages in the fields of media, administrative authorities, personal identity and other documents, private signage and education

12. Also, at present, the public may have an ambiguous reaction to statements in the 5th Opinion such as *Minority languages are hardly visible in public*, because they do not correspond to the real situation, especially in big cities, for example, in Vilnius public life: in shopping, cultural events, catering establishments, and public transport; Russian is used verbally no less than Lithuanian, and there is also an increase in inscriptions in other languages.

13. We would like to disagree with and we cannot support the statement that the use of minority languages in education is limited by the 2021 amendment to the Law on Education (providing at least five hours of education per week in Lithuanian in pre-school and pre-primary education) and by the fact that each school can determine the share of the minority language at the subsequent stages of education. The aspiration is a common global practice that national minorities should know the language of the state in which they reside. This language allows the national minority and its individual representatives to integrate and successfully participate in public life, and to satisfy essential personal needs, such as healthcare, education and civic engagement. When advocating for five hours of education per week in the state language (Lithuanian) in pre-school and pre-primary education, it is important to note that the representatives of the national minorities did not object to these additional hours of education. The provisions of Article 30(2)(2) of Republic of Lithuania Law on Education No I-1489 of 25 June 1991 (hereinafter referred to as the Law) state that primary, basic and secondary education curricula are to be carried out in the mode of bilingual education: in the national minority language and in the Lithuanian language. For this reason, pupils must be adequately prepared in pre-school and pre-primary education for bilingual education in the later stages of general education.

We also cannot agree with the fact that each school can determine how pupils will be taught minority languages has a negative impact on the pupils' proficiency in their native language. It should be noted that the term “school” is used to refer to the school community, i.e. the pupils as well as their parents and teachers. The school community decides by consensus how pupils belonging to national minorities will be taught the minority language. This is established in Article 30(2) of the Law, according to which the teaching process may be conducted, or certain subjects may be taught, in a minority language in general education and non-formal education schools where teaching a minority language or teaching in a minority language is legitimised in the regulations (by-laws) based on the wishes of the parents (or guardians/caregivers) and the pupils. Having regard to Article 30(2)

of the Law, the provision does not provide grounds to claim that parents or children, by choosing a form of teaching a minority language, are consciously seeking to harm the language of their children or their national minority.

Intercultural education

14. We cannot agree with the statement that in general education, Jewish history is only presented in the general programme of history at several grades. It should be noted that the educational guidelines presented in Annex 31 of the General Education History Curriculum (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/45f3b02523e311edb36fa1cf41a91fd9/asr?positionInSearchResults=1&searchModelUUID=0c5684f6-6fc1-4a47-b60d-9ff1a2daee9a>) are related not only to Jewish history, but also to the culture and history of other national minorities living in Lithuania, such as Roma, Tatars, Poles and Karaims. According to the General Education History Curriculum, pupils must understand and appreciate the traditions and cultural heritage of the peoples, confessions and communities of Lithuania and foster the tradition and heritage of Lithuanian statehood; they must perceive other peoples and cultures as a unique outcome of the historical development of humanity; and they must focus on the knowledge and understanding of the cultural “other” while also accepting and comprehending cultural diversity as a value.

In addition, pupils in grade 5 are invited to visit and discuss cultural heritage sites in the immediate vicinity, such as houses of worship, manor houses, hill forts and cemeteries. The ethnic affiliation of the site is not detailed, which means that pupils have the right to choose national minority cultural heritage sites that have survived in the specific area. The Social Studies Curriculum for grades 1–4 reveals the path of the Lithuanian state in its teaching content. Discussing why the Grand Duchy of Lithuania was considered an example of coexistence and tolerance is encouraged. The History Curriculum for grade 5 includes pupils learning the history of the Holocaust in Lithuania. The recollections and testimonies of children who survived the ghettos in Vilnius and Kaunas are analysed. Pupils learn about and visit the Holocaust memorial sites in the immediate vicinity. The concepts of the ghetto, Holocaust, occupation and exile are defined. In the same class, while studying the topic of Lithuania and Lithuanian identity in the world, the global spread of Litvak culture in the 19th century and early 20th century is explored. As part of examining the diversity of faith in Lithuania, pupils in grade 6 learn about the specific features of the various faiths that are or have been practiced in Lithuania – the different ethnic and confessional communities in Lithuania. The history of Judaism in Lithuania and the Jewish cultural heritage in the immediate vicinity are explored: houses of worship, places of culture and trade, educational institutions. The Islam of the Lithuanian Tatars and the Karaism of the Lithuanian Karaims are discussed – the harmony of religion, culture and local customs. Pupils learn about the Roma in Lithuania – the history of the community and different religious choices. The role of the Vilna Gaon for Lithuania and Lithuanian Jews is discussed, as are the specifics of ritual sites (premises): the meaning of the concepts of Islam, Judaism, Karaism, kenasas, *kirches*, mosques, Roma, synagogues, Eastern Orthodox churches, Catholicism, confession, Protestantism, Old Believers and Eastern Orthodoxy. There is a separate topic in grade 7 devoted to Jews and their way of life, customs and faith, revealing the similarities between Judaism and Christianity. Grade 8 examines, among other concepts, the influence of the Byzantine Empire and Islam on Europe, including Lithuania. In grade 9 (first year of high school), the problems of the legacy of the Polish-Lithuanian Commonwealth and *Gente lituanus, nazione polonus* (“Lithuanian ethnicity, Polish nation”) are discussed. The topic of interwar Europe is examined in grade 10 (second year of high school), during which the concept of anti-Semitism is discussed. People of other nationalities who contributed to the creation of the interwar Lithuanian state are studied alongside figures of Lithuanian origin, with discussions on how Vincas Čepinskis, Lev Karsavin, Kārlis Reisons and Michał Römer helped modernise the culture of the first Republic of Lithuania. In grade 11 (third year of high school), pupils study writings in the Ruthenian language on the academy, Baroque, Europeanisation, incunabula, Jesuits, Neoclassicism, the collegium, Latin writings of the Grand

Duchy of Lithuania, the parish school and Polonisation. Lithuania's multidimensionality in the 19th century and early 20th century is explained – cultures that complemented and/or competed with each other. Ethnic variations and the universality of the language of culture and art are examined. The role of a Lithuanian-speaking culture in the process of creating a modern nation is discussed. The role of Jacques Lipchitz and Alaiza Pashkevich-Ciotka in the multidimensional culture of Lithuania in the 19th century and early 20th century is also discussed. The meaning of the concepts of ethnic culture, ethnocentrism, the Filaret Association, the Philomaths, Yiddish, the national revival, romanticism, Russification, Zionism, shtetl and the national intelligentsia is explained in the context of the topic under discussion. In grade 12 (fourth year of high school), the influence of the religious systems of the major monotheistic religions of the Middle East – Judaism and Islam – on the life of the individual is explored. The Holy Scriptures as sources of faith are discussed, including their emergence and the role of prophets. The significance of the Torah and the Quran in the life of a believer is assessed, including ethical imperatives and their influence. The significance of Muhammad and Moses in the context of the history of monotheistic religions is evaluated and the meaning of the concepts of the Quran, mosque, menorah, monotheism, mullah, patriarch, prophet, rabbi, Old Testament, synagogue, sunnah, Sabbath, sharia and Torah is explained in the context of the topic under discussion. An event significant to the establishment of the religion of Islam in the 7th century is examined – Hijrah, Muhammad's migration from Mecca to Medina (622 CE). Confessional pluralism and coexistence/non-coexistence in the Grand Duchy of Lithuania in the 16th–18th centuries is explored in the context of Lithuanian history. The official and/or state attitude towards religious groups – Eastern Orthodox and ethno-confessional minorities of the Grand Duchy of Lithuania – is examined. The problems of the schism of Christianity and the convergence of the Christian denominations of Protestantism and the Ukrainian Greek Catholic Church are analysed. Differences in lifestyles and daily life between various denominations are compared. The importance of the Vilna Gaon, Abraomas Kulvietis, Josaphat Kuntsevych and Isaac of Troki is emphasised in examining the confessional pluralism of the Grand Duchy of Lithuania in the 16th–18th centuries. The meaning of the concepts of Islam, Judaism, Karaism, kenesas, mosques, Protestantism, Old Believers, synagogues, Eastern Orthodoxy, and the Ukrainian Greek Catholic Church is explained in the context of the topic under discussion. Significant events representing the confessional pluralism of the Grand Duchy of Lithuania, such as the Warsaw Confederation (16th century) and the Union of Brest (1596), are also covered. The significance of religion to identity in Lithuania in the 19th century and first half of the 20th century is examined. The situation of Lithuanian Jews is explained – between religiosity and secularism. The meaning of the concepts of emancipation, yeshiva, clericalism, freethought, the policy of restoring Russian origins and Zionism is explained in the context of the topic under discussion. Important events of the topic being analysed are discussed, such as the repressions against monasteries (1832), the Kražiai massacre (1893) and the establishment of the YIVO Institute for Jewish Research in Vilnius.

Access of Roma to education, housing, healthcare and employment

16. The number of Roma enrolled in the education system is lower compared to the general population. According to the Education Management Information System, there were 450 children in pre-school and pre-primary education in 2023/2024. The same number is also targeted for subsequent levels of general education levels.

No special measures were planned at the ministerial level to increase Roma inclusion. All measures to improve pupil inclusion and achievement also apply to Roma pupils. Educational work with Roma families with children of pre-school age is being improved. Meetings with families raising children of pre-school age are purposefully organised in schools, options for accompanying children to educational institutions on a daily basis are discussed, and home-school transport is arranged where possible (e.g., by school bus). Families are informed and introduced to the favourable conditions for

comprehensive personal development: a safe environment, creative, responsible teachers, educational assistance specialists, meals, development of abilities (musical, athletic, artistic, etc.). One of the most successful educational measures in educational institutions had been promoting the right to pre-school and pre-primary education through individual interviews with Roma families with children of pre-school age. School representatives point out in meetings with parents that children are most receptive during their first six years, which is when their basic social skills are formed; it is therefore very important to pay special attention to children during this period in developing their physical, emotional and other needs and shaping appropriate behavioural skills. Educational work is also being done – the dissemination of information (leaflets) about the institutions closest to the place of residence is being improved, and social workers and case managers from social services visit Roma families and attend case management meetings.

Roma families are encouraged to exercise their right to pre-school and pre-primary education, and educational institutions are establishing relationships with Roma community leaders and keeping in regular contact with them. Promotion of the right to pre-school and pre-primary education takes place during case management meetings and visits from social workers and educational institution specialists. The institution's employees communicate individually with families raising young children, providing examples of Roma children being educated at the institution and their individual progress and achievements in school maturity. According to some municipal officials, it is in the interest of Roma parents for their children to attend educational institutions or to be educated according to the primary education curriculum. Their attendance is good. Almost all Roma families need assistance in registering their children in the Electronic System for the Admission of Children to Educational Institutions. Specialists from the education departments of the respective municipal administration help them do this. In individual cases, heads of institutions, social educators and social workers from the eldership (e.g., Ukmergė District Municipality) communicate with Roma families and provide recommendations on enrolling children of pre-school age in pre-school/pre-primary education groups. In other cases, in order to ensure children's regular participation in classes, some municipalities link Roma children's attendance and unauthorised absences at educational institutions to the social benefits paid to parents.

The Ministry of Education, Science and Sport is participating in the Action Plan for Roma Inclusion by 2030 drawn up by the Department of National Minorities under the Government of the Republic of Lithuania in 2023, and Dalia Survutaitė's publication entitled "The Experience of Educating Roma Children in Lithuanian General Education Schools" (<https://www.nsa.smm.lt/wp-content/uploads/2023/05/Romu-vaiku-ugdymo-patirtis.pdf>) was prepared at the initiative of the ministry in 2023.

Further recommendations1

31. According to Article 8 of Republic of Lithuania Law on Higher Education and Research No XI-242 of 30 April 2009, a higher education institution has autonomy that includes academic, administrative, economic and financial management activities and is based on the principle of self-governance and academic freedom. For this reason, the ministry does not have the right to influence higher education study programmes. However, the study programmes of the universities themselves do include topics related to national minorities. For example, in the 6th semester of the Vilnius University Cultural History and Anthropology bachelor's programme, students study the sociocultural history of ethnic minorities in the context of Central and Eastern Europe (Ethnic Minorities in Lithuania in the Context of Central and Eastern Europe – 1 credit; History and Culture of Lithuanian Jews in the Context of Central and Eastern Europe – 7 credits; History and Culture of the Tatar Community in the 14th–20th Centuries (Lithuania, Poland) – 1.5 credits; Russians of the Baltic States: History, Identity, Cultural Memory – 4 credits; Roma in Europe and Lithuania: Between

Segregation and Integration – 1.5 credits; <https://www.vu.lt/studijos/stojantiesiems/bakalauro-studiju-sarasas/kulturos-istorija-ir-antropologija#studiju-programos-planas>). In the 6th semester of the Vytautas Magnus University History and Geography Education bachelor's programme, students study the history of Lithuanian national minorities as well (<https://www.vdu.lt/lt/studiju-programa/mokomojo-dalyko-pedagogika-istorijos-ir-geografijos-pedagogika/>). The study programmes at Klaipėda University also include courses in the history of national minorities, such as Jewish History in the Baltic Region and Central Eastern Europe and History of Genocides in Europe (<https://briai.ku.lt/lt/darbuotojai/destytojai-1>). Each higher education institution may, at its discretion, integrate the history of national minorities into individual subject programmes as needed, to the extent that this corresponds to the logic and scope of the subject studies.

Regarding the Advisory Committee's call on the authorities to ensure that comprehensive information on national minority topics is provided in educational institutions attended by pupils belonging to national minorities and in general education schools in areas where these national minorities live, we would like to emphasise that in Lithuania, there is no segregated or differentiated curricula based on the nationality of pupils. The general education curricula approved by the Minister of Education, Science and Sport apply to all schools, including schools where pupils are taught in national minority languages. If, at schools where pupils are taught in national minority languages, teachers and/or other members of the school community need to delve deeper into or provide a broader overview of a topic related to national minorities, this can be done during classes on the respective subject at the primary and basic education levels. At these education levels, up to 30 per cent of the subject matter is permitted to be chosen by the teacher (item 30 of Order No V-1269 of 24 August 2022 of the Minister of Education, Science and Sport of the Republic of Lithuania "On Approval the Pre-primary, Primary, Basic and Secondary General Education Curricula" (hereinafter referred to as the general curricula)).

Scope of application (Article 3)

Considering the provisions of Article 2, paragraph 2 of the adopted Law on National Minorities, it is recommended to amend paragraph 38 of the Opinion:

38. (...) It should be noted that the Law on National Minorities provides an inclusive definition of the term "national minority". According to Article 2(2) of this Law, national minority is a group of persons consisting of citizens of the Republic of Lithuania living in the territory of the Republic of Lithuania, having long-term, strong and permanent ties with the Republic of Lithuania, and which in terms of population is smaller than the part of the population of the Republic of Lithuania that is characterized by Lithuanian national identity, and is united by the desire to preserve its national identity.

Legal and institutional framework for the protection of national minorities (Article 4)

We would like the Advisory Committee consider removing Paragraph 48 of the Opinion.

We would also recommend clarifying paragraph 49 of the Opinion by including information about the adopted Law on National Minorities:

~~49. As the Advisory Committee was informed during its visit, no final decision has been taken as to whether the Draft Law on National Minorities will be adopted. It appears that several principal matters are not resolved yet. This includes the question of whether some rights should depend on the numerical share of persons belonging to national minorities in a given area and if so, which percentage threshold should be applied for access to individual minority rights. On 7 November~~

2024, the Seimas of the Republic of Lithuania adopted the Law on National Minorities. It will enter into force on 1 January 2025. The Law establishes an inclusive definition of a national minority, which also enables to distinguish the policy of national minorities from the policy of migration. The Law also establishes the criteria of the national minority, defines the main principles of the policy of national minorities, and regulates the conditions and obligations for the implementation of the rights of persons belonging to the national minority, the provisions on the formation and implementation of the state policy in the field of national minorities. The representation of national minorities is also regulated, the status of the institution representing the interests of national minorities – the Council of National Minorities – is established at the level of the law. The Law also regulates the use of national minority languages, education of national minorities, dissemination of culture and information. Among other rights, the Law on National Minorities affirms the right of members of national minorities to use their language freely and without restriction, in private and in public, orally and in writing. The Law provides for the possibility to study the language of the national minority or in the language of the national minority in general education and non-formal education schools, as well as to establish and use mass media to disseminate information in the language of the national minority. Moreover, the Law enshrines the right to form public organizations, to establish political organizations and to participate in solving cultural, social, economic, educational and other issues. Representation of national minorities in the General Education Council is also guaranteed. The Law obliges state and municipal institutions and bodies to finance cultural projects to promote the integration of national minorities into Lithuanian society, to foster and develop culture, traditions, customs, language or intercultural cooperation.

At the same time, the authorities underline that provisions on the rights and freedoms of persons belonging to national minorities are already included in various laws, namely the Law on Education, the Law on Public Administration, laws regulating judicial proceedings, the Law on Equal Treatment and the Law on the National Radio and Television. Moreover, they refer to the fact that the principle of the equality of persons enshrined in Article 29 of the Constitution prohibits limitation of rights or discrimination ~~provides that privileges may not be granted~~ on grounds such as nationality or language.

Taking into consideration the adopted Law on National Minorities, we would like to offer to remove paragraphs 54 and 58 of the Opinion.

50. We would like to note that provision on *the exemption of radio and television programs aimed at national minorities from the requirement to broadcast in, or translate them into, Lithuanian* is also provided for in the current Law on the State Language (Article 13) and is not limited to the provision on the names of national communities.

Promotion of full and effective equality (Article 4)

59. We would like to propose emphasizing the principle of equal opportunities for persons belonging to national minorities: the Law on National Minorities of the Republic of Lithuania ensures the rights and freedoms of persons belonging to national minorities, following the principle of equal opportunities – persons belonging to national minorities, regardless of their gender, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic affiliation, religion, have the right to protection against discrimination.

Personal names in minority languages (Article 11)

133. We hold the opinion, that the procedure for changing first names and surnames is simple and accessible, and the set fees do not discourage requests for name changes (for example, the fee for

changing first names and surnames at the civil registry office is 12 euros). In addition, it should be noted that the same rules apply to all persons (not only representatives of national minorities) who, following an amendment to the legal regulation, have a right to write first names and surnames in Latin letters. Up till now, in other cases, when there was an opportunity to change personal names due to an amendment to the legal regulation, a fee was charged.

134. It would be useful to provide examples of good practice of other member states where such a high standard on the use of non-Latin scripts for first names and surnames in personal identity and other documents in conjunction with a phonetic transcription in their state language has been implemented.

Intercultural education and knowledge about national minorities (Article 12)

147. We would like to pay the Advisory Committee's attention to incorrect statement in the opinion that in general education, pupils learn two foreign languages, some of which are languages of national minorities. The general curricula predetermine that pupils can choose their first foreign language from the three languages of international cooperation – English, German and French; for their second language, they can choose from German, Polish, Russian and Ukrainian, which are minority languages. It is incorrectly stated that they can be chosen as a second “foreign” language in the sixth grade (taught until the twelfth grade or the fourth grade in high school for two lessons per week). Annex 18 of the general curricula (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/45f3b02523e311edb36fa1cf41a91fd9/asr>), which includes the first foreign languages, lists three: English, German and French. The achievements of pupils learning these languages are indicated in Annex 18 of the general curricula from grade 2 onwards. Achievements in a second foreign language are included in Annex 19 of the general curricula (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/45f3b02523e311edb36fa1cf41a91fd9/asr>). This includes achievements in the following languages: English, Spanish, Polish, French, Russian and German. At the same time, it should be noted that Annex 19 does not provide an exhaustive list of second foreign languages. The beginning of learning these languages depends on the choice of the educational institution community. By mutual agreement of the educational institution community, second foreign languages may be taught starting in grade 5 or even earlier.

155. The cultural diversity of national minorities is included quite profusely in the general curricula not only for history, but for other subjects as well. For example, the general curricula (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/45f3b02523e311edb36fa1cf41a91fd9/asr>) include the General Civics Curriculum (Annex 34), the General Ethics Curriculum (Annex 5), and the General Lithuanian Language and Literature Curriculum (Annex 13), where teachers have to rely on examples of a multinational and multicultural society when examining the corresponding subjects in the educational process.

In establishing competencies in the civics curriculum, the assessment and preservation of the heritage of various nationalities and confessions is included; the negative impact of discrimination, stereotypes and prejudices on society is analysed, and pupils develop empathy and respect for people of different nationalities, confessions and social groups; by applying the knowledge they have acquired about the nature of institutions and the mechanisms of the institutionalisation and legitimisation of social reality, pupils learn to act – to create, perceive, interpret and communicate with other people at the institutional and community level.

In the classes of ethics, pupils become familiar with national and religious diversity in grade 1, where they learn to name different social, religious and national communities and become acquainted with what makes them unique and the concept of tolerance for differences. In grade 2,

pupils learn to name different social, religious and national communities and become acquainted with what makes them unique and the concept of tolerance for differences. Right up until the fourth year of high school, pupils acquire competencies in ethics classes that are based on tolerance and respect when interacting with people who have a different culture or faith.

The Lithuanian Language and Literature Curriculum competency of civic responsibility establishes that pupils develop the ability to coexist in a community by creating and nurturing positive relationships in various communication situations; by bringing up problems in a culturally appropriate manner and making decisions responsibly; by consciously observing the language phenomena occurring in a multilingual and multicultural environment and comparing elements from different languages; and by describing events and phenomena and talking and reasoning about them. Pupils develop respect for human rights and freedoms by adhering to the norms of the common Lithuanian language and the ethics of public communication; by choosing the appropriate method of communication; by discussing problems relevant to their age; by appropriately sharing experience, opinions and information; by making informed decisions together; and by analysing relevant aspects of the works included in the Lithuanian Language and Literature Curriculum.

Access of Roma to education (Article 12)

158. Article 5 of the Law defines the principles of the education system, and the principle of equal opportunities is defined in paragraph 1. According to the principle of equal opportunities, “the educational system is socially fair, it ensures the implementation of personal rights, it guarantees every person access to education and the acquisition of general education and primary qualification, and it creates conditions to improve existing qualifications or acquire new ones.” Potential violations of the principle of equal opportunities such as the ones specified in item 158 should first be investigated, and only then commented on. In the absence of an objective, fact-based complaint to the competent Lithuanian authorities or a reference to a biased examination of a complaint, it is impossible to either confirm or deny cases of invisible segregation or of pupils being unlawfully sent to “special schools”. For this reason, it is proposed that such assessments related to invisible segregation or of pupils being unlawfully sent to “special schools” be abandoned.

Given the small number of Roma pupils and the availability of other vocational and higher education study levels, they are free to choose any other and successfully integrate into the labour market. One example is higher education college studies. The Ministry of Education, Science and Sports has not planned any special measures to encourage Roma (or persons of other nationalities) to obtain higher education.

Teaching in and of minority languages (Article 14)

168. Education in German and Belarusian is provided in the cities of Vilnius and Klaipėda and is sufficient; it also guarantees the needs of those national minorities without discriminating against them. The ministry does not support the artificial establishment of national minority schools without the national minority community expressing its will and approval for the establishment of new educational institutions in the territories of other municipalities. Article 28(7) of the Law provides that “in areas where a national minority traditionally constitutes a substantial part of the population, the municipality shall guarantee teaching in or of the minority language if the so community requests”. The ministry has not received any complaints or requests concerning the inaction or refusal of municipalities to establish educational institutions where pupils are taught in national minority languages.

Regarding minority languages when learning/teaching a profession, it should be noted that the goal of vocational education and training is to prepare qualified specialists who are able to work successfully in Lithuania. The Lithuanian language is an essential tool to achieve this. Vocational training in the state language is important for several reasons:

Labour market: In most professions in Lithuania, knowledge of Lithuanian is required, since communication in the work environment – especially in the public sector, administration, education, healthcare and many other areas – is in the state language. Knowledge of the language allows a person to work effectively and communicate with clients, colleagues and employers.

Integration into society: Knowledge of the Lithuanian language helps representatives of national minorities to integrate smoothly into and compete successfully in the labour market, and to pursue a career.

Documentation and legal acts: Most of the official documentation, legal acts and other important sources related to labour activities are in Lithuanian. In a professional environment, one needs to be able to understand and use these documents in order to comply with legal requirements and standards.

International competition: Although an international language like English is also important, Lithuanian is still the main language in Lithuania. Since many international companies operate in the local market, employees must be bilingual; however, knowledge of Lithuanian is a key required skill.

The comment above also addresses paragraph 176 of the Opinion.

169. We support the proposal that representatives of the Roma and Karaim minority should be taught their languages in general education if there is demand. Upon requesting to do so at a specific educational institution, the Roma or Karaim community uses funding allocated for non-formal education and can already organise the teaching of their native languages now, thus fostering their national identity.

Also, the General Karaim Religious Studies Curriculum is designed to provide pupils with the foundations of the Karaim faith and culture. As part of the knowledge of the Karaim faith, culture and script, the Karaim language could be taught within the framework of the General Karaim Religious Studies Curriculum (as provided for in the General Islamic Studies Curriculum). We would like to point out that in the part of the Karaim Religious Studies Curriculum for grade 2 that teaches religious content, pupils are introduced to the Karaim language: “The Karaim people are described, as well as their most characteristic features (native language, family customs). The geography of the Karaims of the world is discussed (Where else does this people live? What are the differences between the communities?).”

The comment above also addresses paragraph 176 of the Opinion.

171. Early teaching of the Lithuanian language in pre-school and pre-primary education cannot harm national self-awareness or hinder ensuring better integration of children from national minorities into the cultural, social and economic life of Lithuania. Before the aforementioned amendments to the Law, which provided for the strengthening of learning the state language, pupil achievements clearly demonstrated the negative consequences of weak knowledge of the state language. Regrettably, limited opportunities for early Lithuanian language education are linked to the particularly poor Lithuanian language and literature matriculation exam results among national minorities. At schools where the language of instruction is Lithuanian, 93 per cent of graduates pass

at least one state matriculation exam; this figure drops to 87 per cent at schools where the language of instruction is Polish, and to 83 per cent at schools where the language of instruction is Russian. Furthermore, 74.1 per cent of graduates pass three state matriculation exams (the minimum requirement for enrolling in an institution of higher education) at schools where the language of instruction is Lithuanian, while only 48.7 per cent of graduates do so at schools where the language of instruction is Russian. After the 2022/2023 school year, only 31 per cent of graduates who had Russian as their language of instruction continued their studies at universities. Meanwhile, almost half of that year's graduates who graduated from schools where Polish (47 per cent) or Lithuanian (49 per cent) was the language of instruction went on to study at university. There are also differences in the labour market. Almost 50 per cent more people who were taught in Lithuanian or Polish are employed in highly skilled jobs than those who were taught in Russian.

We would also like to refer to item 81 of Thematic Commentary No 3 on the Language Rights of Persons Belonging to National Minorities under the Framework Convention adopted by the same committee (Advisory Committee on the Framework Convention for the Protection of National Minorities) on 24 May 2012, which states that: *“The Advisory Committee encourages the development of bi- or multilingual teaching models as part of the mandatory school curriculum. Ideally, if the situation so allows, dual medium approaches may be adopted in which minority and majority languages are present in equal proportions. In specific situations, however, it can also be useful to promote one or another language in order to counterbalance differentials in language prestige, to guarantee the rights of speakers of numerically small minority languages, and to meet the legitimate needs of parents and children as protected under the Framework Convention. Dual-medium approaches can achieve their aim by alternating the languages, based on weekdays or subject, or by applying the one-teacher-one-language model. When languages are determined by subject, minority languages should not be limited to cultural or historical subjects. The Advisory Committee recommends that the authorities, in close consultation with persons belonging to national minorities, develop a comprehensive long-term strategy in order to promote multiple language development in education policies.”* (<https://rm.coe.int/16800c108d>).

173. National pupil achievement tests are already being conducted in general education across Lithuania, with native language and literature (reading) testing for national minorities in grades 4 and 8. The basic education achievement tests, which are conducted for pupils in grade 10, test, among other things, native language and literature competencies among national minorities. Upon completion of grade 12 (fourth year of high school), pupils in national minority schools have the right to take national minority native language and literature exams. Considering the number of tests carried out at the national level and their frequency, the Ministry of Education, Science and Sports has sufficient data on the quality of teaching/learning native languages to/by national minority pupils.

175. Pursuant to Article 6(8) of Republic of Lithuania Law on Local Self-Government No I-533 of 7 July 1994, municipalities, in performing their independent functions provided for in the Constitution of the Republic of Lithuania, must organise pre-school education within the territory of the municipality. This is what municipalities do by publishing information on their websites related to pre-school institutions that provide education in national minority languages. For example: Šalčininkai District Municipality: <https://www.salcininkai.lt/svietimas/svietimo-istaigos/ikimokyklinio-ugdymo-istaigos/1496>; Vilnius District Municipality: <https://vrsa.lt/svietimas/svietimo-istaigos/121>; Klaipėda City Municipality: <https://ikimokyklinis.klaipeda.lt/laisvosvietos.html>. Other Lithuanian municipalities also have pre-schools where education is organised in the languages of national minorities.

Bilateral and multilateral co-operation (Article 18)

205. Declaration “On Education of the Polish National Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland” was signed not between states, but between the ministers of education of Poland and Lithuania. For this reason, this document, according to the requirements of the Lithuanian legal system, did not acquire the status of an international treaty, but rather took the form of guidelines for activities between the two ministries. In this case, we would therefore suggest a correction, since this was not a declaration between “Lithuania and Poland”, but “a declaration between two ministers from Lithuania and Poland”.

Comment on footnote No. 43 on page 17 of the Opinion:

We would like to clarify that the data from the Departmental Register of Criminal Offences referenced in the Opinion encompasses a broader range of offenses, including hate speech, as defined under paragraphs 1 and 2 of Article 170 of the Criminal Code of the Republic of Lithuania. In contrast, the hate crime data reported to ODIHR is narrower in scope, aligning with ODIHR's definition of hate crimes. Specifically, it includes only those offenses registered under paragraph 3 of Article 170 of the Criminal Code of the Republic of Lithuania, which pertains to incitement to violence.