

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

GVT/COM/IV(2018)005

**Comments of the Government of Lithuania on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania received on 7 December 2018**

**COMMENTS OF THE GOVERNMENT OF LITHUANIA  
ON THE FOURTH OPINION OF THE ADVISORY COMMITTEE  
ON THE REPORT ON THE IMPLEMENTATION OF THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES IN  
LITHUANIA**

**COMMENTS OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA  
ON THE FOURTH OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION  
OF NATIONAL MINORITIES IN LITHUANIA**

The Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter “the Advisory Committee”) adopted its Fourth Opinion on the implementation of the Framework Convention for the Protection of National Minorities in Lithuania (hereinafter “the Opinion”) on 30 May 2018. This document was prepared on the basis of the analysis and evaluation of the Fourth Report on the implementation of the Framework Convention for the Protection of National Minorities in the Republic of Lithuania under Article 25 (hereinafter “the Fourth Report”), submitted to the Secretariat of the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) on 23 February 2017, as well as on the basis of the summary of other written sources and information collected by the Advisory Committee from public authorities, non-governmental and social organisations during and after the contact visit of the Advisory Committee delegation to Lithuania on 5–9 March 2018.

The Government of the Republic of Lithuania is very grateful to the Advisory Committee for its evaluation given to Lithuania’s implementation of the provisions of the Framework Convention. We were pleased that the Advisory Committee were able to meet and hold a constructive dialogue with a range of officials and stakeholders, among which there were non-governmental organisations and social organizations of national minorities, during their March 2018 visit to Lithuania, and that they took the opportunity to visit the cities of Vilnius and Kaunas, the towns of Trakai and Šalčininkai to see how policies to tackle discrimination and promote community cohesion as well as intercultural dialogue and minority languages are being implemented. We therefore welcome this opportunity to comment on the Advisory Committee’s Fourth Opinion on Lithuania under the Framework Convention for the Protection of National Minorities.

The Government of the Republic of Lithuania is firmly committed to the elimination of all forms of discrimination, intolerance and hate speech, and to the development of policies, which address the issues of equal opportunities and multicultural dialogue. We are committed to creating a fair and cohesive society in which all citizens, regardless of ethnic origin or background, are valued and can realise their potential through enjoyment of equal rights, opportunities and responsibilities.

Examples of recommendations for immediate action from the Advisory Committee against which Lithuania is making some progress:

1. The measures regarding the legislation on protecting the rights of persons belonging to national minorities are foreseen in the regulatory domain. Lithuania implements the coherent policy of national minorities through valid legislation. New versions of the draft laws on national minorities are submitted to the Seimas of the Republic of Lithuania.
2. Students from minority language schools have more learning hours of Lithuanian language at schools in comparison with the students in state language schools.
3. The Department of National Minorities to the Government of the Republic of Lithuania (hereinafter “the Department”) encourages intercultural cooperation and communication, organizes seminars and round table discussions for state language teachers working in national minorities’ schools. Both State language and minority language schools are encouraged to participate in extra-curricular activities through projects implementation and cooperation. The Department launched “National Minorities’ Culture Dissemination and Cultural Cooperation in the South East Lithuania” in 2017. The project specifically supports

the national minorities' schools in the South East of Lithuania for participating to learn, meet, cooperate and share information about diverse cultures, cultural heritage and history with Lithuanian and national minorities' schools from all over Lithuania. The Department allocates funding for cultural, state language and mother-tongue activities. The nature of the financial support is to encourage all Lithuanian schools' multicultural cooperation and recognise and value the cultural diversity in Lithuania.

4. Moreover, the Department requested the Ministry of Education to discuss a possibility to include the results of national language (Polish, Russian, and Belorussian) examination to the list of extra criteria in addition to examination results.

## **RESPONSE TO THE “KEY FINDINGS AND COMMENTS” OF THE ADVISORY COMMITTEE’S OPINION REPORT**

### **Paragraph 5 of the Opinion**

Regarding the impact of the annexation of Crimea in 2014 and the conflict between the Russian Federation and Ukraine on the domestic discourse on national minorities, Lithuania would like to stress that the Government of the Republic of Lithuania makes a clear distinction between the aggressive actions of the Russian Federation and the Russian speaking national minorities. Lithuania would like to recall that the Advisory Committee observed during its visit in Lithuania in March 2018 (paragraph 48), that both the authorities and most representatives of national minorities were making efforts to disconnect domestic minority policy issues from bilateral relations.

Lithuania adheres fully to the promotion and protection of the rights and freedoms of the national minorities, in line with the Framework Convention for the Protection of National Minorities and other international commitments, including United Nations conventions and the commitments to the OSCE. Lithuania strongly believes that the protection of national minorities is essential to stability, democratic security and peace in Europe.

In this regard, Lithuania would like to note that the Law on Equal Treatment of the Republic of Lithuania is the main legal act, which prohibits direct or indirect discrimination on the grounds of gender, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin and religion. The implementation of legislation establishing the principle of non-discrimination and equal treatment is ensured by the Non-discrimination Promotion Action Plan for 2017-2019 coordinated by the Ministry of Social Security and Labour of the Republic of Lithuania.

Furthermore, Articles 169, 170, 170(1) of the Criminal Code of the Republic of Lithuania (hereinafter referred to as the CC) criminalize discrimination on grounds of nationality, race, sex, origin, religion or belonging to other groups. In addition, the above-mentioned articles provide for liability for incitement against any national, racial, ethnic, religious or other group of persons as well as creation and activities of the groups or organizations aiming at discriminating a group of persons or inciting against it.

In addition, the Inspector of Journalist Ethics establishes whether public information which was published in the media causes discord on the grounds of gender, sexual orientation, race, nationality, language, origin, social status, religion, beliefs or views, i.e. investigates cases of incitement of discord (hate, discrimination, bullying) in the public information through

implementation of the provisions of the Law on Provision of Information to the Public and compliance of the conclusions of the experts.

The Government of the Republic of Lithuania is taking active measures to strengthen the fight against hate crime and hate speech. On 14 September 2018, the Ministry of Interior has launched the project "Strengthening response to hate crime and hate speech in Lithuania". The project is funded by the European Union's Rights, Equality and Citizenship Programme (2014–2020). The main activities of the project are focused on strengthening law enforcement and judicial authorities' capacities, building trust between national public authorities and vulnerable communities and building capacity on reporting online hate speech.

It is also worth mentioning that since 2014 the Office of Equal Opportunities Ombudsperson and the National Equality and Diversity Forum has been organizing annual National Equality and Diversity Awards aimed at awarding individuals, organizations, ideas or projects that are important in the field of equality and diversity promotion. In 2018, Nations Dialogue Award for the promotion of tolerance and intercultural dialogue and was handed to the Polish Discussion Club. Furthermore, on 10 December 2018 on the occasion of the 70-th anniversary of the Universal Declaration of Human Rights, the protection of national minorities' rights will be discussed in a panel discussion in the first National Human Rights Forum, organized by the Ministry of Foreign Affairs, the Seimas Human Rights Committee, Human Rights NGO Coalition, the Equal Opportunities Ombudspersons Office, Seimas Ombudspersons Office and Vytautas Magnus University.

Lithuania notes the Advisory Committee's opinion on insufficient involvement of some representatives of national minorities in participation and preparation in key events in Lithuania. Their concern is clearly understood. In this regard we confirm, that all national communities were invited to take part in opening event – World Lithuanians' and Lithuania's Minorities' Day "100 Faces of Lithuania – Let Us Unite Lithuania" on the 1st of July 2018.

We would kindly like to pay the attention that Kaunas municipality is drafting an instrument on establishment of a Board for National Communities to Kaunas municipality, which will represent national minorities and mediate in the preparations for Kaunas European Capital of Culture celebration events.

### **Paragraph 9 of the Opinion**

Regarding the use of language rights in line with Articles 10 and 11 of the Framework Convention Lithuania would like to make reference to both the Law on Public Administration and the Rules for Appeals and Complaints Proceedings and Service Provision by the Public Administration Entities (hereinafter the Rules). These legal acts grant the right to address administrative authorities in a national minority native language. According to paragraph 15 of the Rules, the head of the institution has a right to specify which language or languages other than the official state language applicants shall use when submitting their requests. The Law on Courts grants the right for persons with no official state language knowledge to participate in the proceedings through a translator-interpreter (article 8). All the institutions in Lithuania accept requests submitted in languages other than the official state language. Vilnius city and Vilnius region, Šalčininkai region, Švenčionys region and Visaginas municipalities provide service in both Lithuanian and national minorities native languages. Meanwhile, draft law on names and surnames spelling in minority languages are submitted to the Seimas of the Republic of Lithuania.

### **Paragraph 11 of the Opinion**

The Government of the Republic of Lithuania would like to clarify the information provided by the Advisory Committee that the “Program for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement” was adopted in 2016.

### **Paragraph 13 of the Opinion**

As regards national minorities’ involvement in the development, implementation and evaluation of projects and the allocation of funding for project-based activity we would like to remind, that the representatives of national minorities participate in commissions or boards dealing with evaluation and funding of cultural projects.

The Law on the Budget Structure of the Republic of Lithuania establishes the framework for allocation of funds for both state and municipal institutions, including non-governmental organizations, for a budget year i.e. a budget period of 12 months commencing on 1 January and closing on 31 December.

The Law on Sponsorship and Charity of the Republic of Lithuania also establishes the framework for providing and receiving charity and sponsorship, the purposes of providing and receiving charity and sponsorship as well as the providers and recipients of charity and sponsorship. All legal persons, including non-governmental and social organizations of small numbering national communities, the activities of which are regulated by special laws and which participate in not-for-profit activity are equally treated and have the access to project-based funding on equal terms. Majority of the national minorities organizations’ projects are related to preservation of heritage, language, and culture.

### **Paragraph 14 of the Opinion**

Bearing in mind the Advisory Committee’s regret, that the specialised unit on hate speech and hate crime within the Prosecutor’s Office has not been re-established we would like to inform, that the Ministry of Internal Affairs has initiated trainings for police forces to identify hate-based crimes.

Action Plan for the Promotion of Non-discrimination for 2017-2019 of the Ministry of social security and labour provides the following measures: 1) to educate civil society in order to increase its self-consciousness when dealing with the issues of equal rights and non-discrimination, 2) to organize training courses to the police on hate crimes towards LGBT minority, and 3) to organize training courses to enforcement officers on the investigation of hate crimes.

Order No 5-V-718 of the Police Commissioner General of 21 August 2017 approved the program of qualification increase “Officers’ Actions in Hate Cases”. The police learn how to identify hate crimes and target groups. They also learn to react to the hate crimes and properly perform investigation, to cooperate with nongovernmental organization protecting minority rights and run policing activity to prevent hate crimes. There were 12 police officers in the programme involved in 2017.

Order No 5-V-88 of the Police Commissioner General of 29 January 2018 “On Approval of 2018 Plan and the Training of Police Institutions Staff in the Police School of Lithuania, Lithuanian Police Forensic Science Centre, and Lithuanian Criminal Police Bureau, and Participation in Projects” foresees training of 200 officers according to qualification training program “Officers’ Actions in Hate Cases” in 2018. The training is financed from the police training budget.

### **Paragraph 15 of the Opinion**

The Department encourages national minorities' and state language schools' cultural cooperation and information exchange in the South East Lithuania through project-based activities. For instance, in 2017, students from 94 schools participated in the project. There were more than 3 000 students and children involved in the activity. Correspondingly, in 2018, 134 schools with more than 5 000 children and students were involved in project-based activity.

### **Paragraph 17 of the Opinion**

We would like to clarify the information provided by the Advisory Committee that the membership of the Council of National Communities has increased to 28 representatives from 22 national minorities.

## **Article 3 Personal Scope of Application of the Framework Convention**

### **Paragraph 18 of the Opinion**

We would like to clarify the information provided by the Advisory Committee that organizations of 22 ethnic groups are represented in the Council of National Minorities.

## **Article 4 Legal and Institutional Framework for the Protection of National Minorities Paragraph**

### **27 of the Opinion**

We kindly pay the attention that the Office of the Inspector of Journalist Ethics (the Inspector) also investigates complaints of persons whose rights are violated or who have a reasonable suspicion of hate speech in the media, or their legal representatives, as well as these persons' authorized representatives. In the case provided for in the Law on Provision of Information to the Public, Article 50, Section 1, Clause 4, the Inspector may start the investigation on his own initiative.

### **Paragraph 33 of the Opinion**

The Government of the Republic of Lithuania recognises that there is still more to be done for Roma pupils. While all mainstream schools admit Roma children, their early school-leaving depends upon the efforts of both schools and the families, their habits and traditions.

The Department ordered a research on early marriages and allotted funds for Panevėžys Children's Day Centre to organize a seminar for Roma young people on prevention of early marriages. About 20 Roma representatives took part in the seminar.

### **Paragraph 34 of the Opinion**

We would like to clarify that 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) in 2016.

## **Article 5**

### **Support for the Preservation and Development of National Minority Cultures**

#### **Paragraph 37 of the Opinion**

We would like to clarify the information provided by the Advisory Committee that each year the Department increases the budget for national minorities' cultural activities. In 2016, the budget amounted to 200 000 EUR total. In 2017, total budget amounted to 261 000 EUR. 191 000 EUR from the total budget was allocated for national minorities' cultural activity.

In 2018, the Department allocated 501 000 EUR total for the activities of national minorities, cultural centres and information dissemination in mass media: 175 000 EUR were allocated for national minorities' cultural activity (a decrease from 191 000 EUR to 175 000 EUR was made due to additional separate funding line for the dissemination of information about national minorities' culture in media), 25 000 EUR were allocated for dissemination of information about national minorities' culture, history, and historical heritage in mass media while 70 000 EUR were allocated for national minorities' culture and cultural co-operation in the south-eastern region of Lithuania, and 231 000 EUR for national minorities' culture and integration centres.

We would like to remind, that the representative of national minorities participate in commissions or boards dealing with evaluation and funding of cultural projects.

Moreover, the Lithuanian Council for Culture has no separate budget line for projects on national minority cultures. The Council for Culture initiates calls to all nongovernmental organizations regardless their national status. The Council ensures rational and reasonable use of allocated funds and implements monitoring of financed projects among which there are projects of national minorities.

#### **Paragraph 39 of the Opinion**

In addition to the information provided by the Advisory Committee, we would like to add, that the Department published leaflet about Roma National Minority (2016) and children's book "Esu Karolis" ("My Name Is Karolis") (2018) about Roma Holocaust. In 2018, the Department has organised the translation of handbook for education of young people on the Roma Genocide "Right to Remember". The Council of Europe prepared and published this handbook.

#### **Paragraph 42 of the Opinion**

The Government of the Republic of Lithuania notes the Advisory Committee's concerns about almost exclusively project-based funding of the House of National Communities in Vilnius and the Cultural Center of Various Nations in Kaunas (hereinafter "the Center in Kaunas") and confirms that although Kaunas municipality decreased its project-based funding for the Center in Kaunas (from 26 500 EUR in 2017 to 4 800 EUR in 2018), the Department increased its funding. For instance, in 2017 the Department allocated 31 700 EUR. In 2018, the Center in Kaunas applied the Department for funding for implementation of two projects. The Department allocated 35 000 EUR for the Center in Kaunas to continue its project-related activity.

## **Article 6**

### **Tolerance and intercultural dialogue**



### **Paragraph 48 of the Opinion**

Regarding the issue of the influence of the Russian state TV on persons belonging to Russian and Polish speaking communities, Lithuania would like to note that the issue of Russian disinformation and misinformation campaigns implemented via Russian state TV has been already acknowledged by the international community, including PACE<sup>1</sup> and the European Parliament reports and resolutions<sup>2</sup>.

In particular, Lithuania would like to draw the attention to the Resolution of the European Parliament on the EU strategic communication to counteract anti-EU propaganda by third parties, adopted on November 23, 2016, which provides relevant guidance on the issue. The resolution stressed that the EU, its' Member States and citizens are under growing, systematic pressure to tackle information, disinformation and misinformation campaigns and propaganda which has increased with Russia's annexation of Crimea and the Russian-led hybrid war in the Donbas. The resolution underlined that incitement of hatred, violence or war cannot "hide' behind freedom of expression and encouraged legal initiatives to be taken in this regard to provide more accountability when dealing with disinformation.

Lithuania would also like to note that it attaches great importance to the freedom of expression and opinion online and offline and would like to draw the attention to the fact that Lithuania ranks as the 36th out of 180 countries in the 2018 World Press Freedom Index.

## **Article 11 Personal names in minority languages**

### **Paragraph 70 of the Opinion**

The Government of the Republic of Lithuania would like to bring in further clarification on the information provided in paragraph 70 of the Opinion of the Advisory Committee. Spelling of names and surnames is unregulated by the current Law of the Republic of Lithuania on the State Language. It specifies, that statutory forms for names and surnames of Lithuanian citizens are used in the Republic of Lithuania, while the Law on the State Language does not cover spelling of names in documents for a reason. This issue is subject to the protection of human rights. Individual's surname is a surname of his family, his parents and his ancestors. Individual, who marries a foreigner and takes his surname, as well as their children, shall have a right to spell his/her (their) surname the way it is spelled originally (if it is in Latin characters based script).

### **Paragraph 74 of the Opinion**

It should be noted however that the Advisory Committee's information regarding Šalčininkai case is not fully accurate. The fines imposed on the director of the municipality administration was not intended, as stated in the Verdict "for permitting the use of the Polish language in the street name plates", but for the continued non-execution of a valid court judgment. The constitutional principle

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<sup>1</sup> PACE Committee on Legal Affairs and Human Rights report "Legal challenges related to hybrid war and human rights obligations", adopted 06 April 2018; PACE resolution 2217 (2018) "Legal challenges related to hybrid war and human rights obligations"; PACE Committee on Political Affairs and Democracy report "On the political consequences of the conflict in Ukraine, adopted 31 August 2016; PACE resolution 2132 (2016) "Political consequences of the conflict in Ukraine";

<sup>2</sup> European Parliament resolution "EU strategic communication to counteract anti-EU propaganda by third parties", adopted on November 23, 2016

of equality before the law implies that all persons, including state or municipal officials, must execute court decisions, and a sanction is imposed for their non-execution.

### **Paragraph 75 of the Opinion**

Having regard to the Advisory Committee's call to bring without delay a 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 the Government of the Republic of Lithuania notes that the names of residential areas and streets are in the Address Register, which is the object of public state register, so these titles cannot be considered as private information. In the view of the foregoing, we consider that the provision in Article 11 (2) of the Framework Convention for the Protection of National Minorities concerning private information in the language of a national minority does not apply to the naming of residential and street names, and therefore, in this aspect, we propose to amend paragraph 75 of the Assessment, by refusing to refer to the National Minorities Article 11 (2) of the Safeguards Framework.

## **Article 12**

### **Cultural diversity in education and teaching and learning materials**

### **Paragraph 77 of the Opinion**

The Government of the Republic of Lithuania welcomes the Advisory Committee's recognition of the teaching modules on national minorities and intercultural understanding developed by the Education Development Centre under the Ministry of Education, and notes the Advisory Committee's regrets that these topics are not included in the general curriculum for teacher education. We would therefore like to inform that the Education Development Centre under the Ministry of Education organizes training courses for schoolteachers on the topics of intercultural understanding and multilingual Lithuanian culture.

## **Article 14**

### **Teaching in and of minority languages**

### **Paragraph 90 of the Opinion**

We would like to inform that there are 120 schools with national minority languages as language of instruction.

### **Paragraph 91 of the Opinion**

Please be informed that Russian language kindergartens and groups exist, inter alia, in Vilnius, Kaunas, Visaginas, and Klaipėda.

### **Paragraph 94 of the Opinion**

The Department would like to pay the attention of the Advisory Committee to the term of centralised exams and would kindly ask to specify the term by putting it as follows: "compulsory

examination and testing of learning achievements”. Next to that, to the term of the tenth grade exam, which should be rephrased as follows – “in the tenth grade testing of learning achievements”.

### **Paragraph 95 of the Opinion**

The Government of the Republic of Lithuania accepts the Advisory Committee’s regret that the introduction of the exams in 2013 has led to significant disadvantages for students at minority language schools. We remain concerned that the level of state language knowledge in national minorities’ schools does not correspond to the expected results. However, we would like to clarify the information provided by the Advisory Committee that there are two types of uniform exams of the Lithuanian language and literature in Lithuania – school exam and state exam. Besides, Klaipėda city can be also included in to the list of regions with substantial numbers of persons belonging to minorities. We would also kindly refer to the term of unified state exam, which should be named as “unified Matura exam”.

### **Article 18**

#### **Bilateral co-operation**

Lithuania has about 50 bilateral agreements as well as programmes for a certain period of time on cultural co-operation. Three of the Programmes, with Israel (2012), Ukraine (2016), and Estonia and Latvia (joint programme; 2018), were signed in the reporting period and contain provisions on promotion of the exchanges of information, best practice, experience, documentation and experts in the field of cultural and religious integration of national minorities. Further agreements and programmes on co-operation in the fields of education, science, culture and arts with no specific mention of national minorities were signed during the reporting period with Armenia, Austria, Belarus, China, Flanders (Belgium), France, Georgia, India, and Walloon-Brussels (Belgium).