

ECRI REPORT ON LITHUANIA

(sixth monitoring cycle)



Adopted on 2 July 2024

Published on 23 October 2024

European Commission
against Racism and Intolerance

ECRI
Commission européenne
contre le racisme et l'intolérance

COUNCIL OF EUROPE



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 11 April 2024; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Lithuania on 18 March 2016, progress has been made and good practices have been developed in a number of fields.

In the field of inclusive education, the authorities informed ECRI that two teacher training centres have been accredited for improving the competencies related to inclusion and multiculturalism and that started their work in October 2023, with a first group of 700 teachers. Furthermore, a mandatory anti-bullying prevention programme exist in schools.

There are also more than 150 tolerance education centres where education programmes cover the tolerance education, crimes committed under totalitarian regimes in Europe (the Nazi and Soviet regimes) and the prevention of crimes against humanity.

As concerns LGBTI equality, procedures to regulate legal gender reassignment and recognition have been simplified. The authorities have also included LGBTI issues into hate crime training activities for law enforcement officials.

Overall, a number of training activities for police officers and prosecutors has been organised, in cooperation with the Organisation for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR).

A "virtual patrol" unit has been set up in the police to monitor the internet for cases of criminal hate speech.

Some noticeable progress has also been made in respect of Roma, in particular in the fields of education and the standard of housing, which has improved for a number of households in recent years in terms of infrastructure and access to sanitation.

The authorities have also made great efforts to welcome and integrate an extraordinarily high number of Ukrainians displaced as a result of Russia's war of aggression against their country.

ECRI welcomes these positive developments in Lithuania. However, despite the progress achieved, some issues give rise to concern.

The Equal Opportunities Ombudsperson, which is the national equality body, as well as the Seimas (Parliamentary) Ombudsperson and the Inspector of Journalist Ethics, have insufficient financial resources to carry out their mandate effectively.

There is no country-wide system to collect data on racist and anti-LGBTI bullying in schools. No study or research into problems for LGBTI equality has been conducted. There is also no dedicated national strategy or action plan on LGBTI issues. Particular problems in this area that persist are the non-implementation of the judgment of the European Court of Human Rights in the case of *Macatė v. Lithuania* on the Law on the protection of minors and the Court judgment in the case of *L. v. Lithuania* on the absence of clear regulations for the procedure and condition of gender reassignment and recognition.

ECRI's recommendation made in its previous report on Lithuania that the authorities provide a legal framework that affords same-sex couples possibility to have the relationship recognised and protected has also not been implemented yet. A civil partnership bill was rejected in 2021. A subsequent bill on civil unions, providing somewhat more limited rights to same-sex couples, was still pending in Parliament at the beginning of 2024.

The police "virtual patrol" unit is insufficiently staffed. Moreover, the various measures taken by the authorities to combat hate crime, including training activities, have not yet been evaluated.

Not all classes with Roma pupils have Roma teaching assistants due to lack of funding. In the area of Roma employment, vocational training courses and skills building activities are often not accessible due to the requirement of having completed primary education.

After the demolition of the Roma settlement in Kirtimai in 2020, some families were left without adequate housing.

As concerns the Russian ethnic minority in the country, there has been a rise of negative sentiments and hatred against ethnic Russians since Russia's aggression against Ukraine in February 2022.

Lithuanian language classes are still insufficient for refugees and beneficiaries of subsidiary protection, as well as Ukrainians with temporary protection status. Moreover, financial support for the implementation of action plans in the area of integration and inclusion for foreigners is not adequate.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

ECRI recommends that the authorities significantly increase the funding for the Offices of the Equal Opportunities Ombudsperson, the Parliamentary Ombudsperson, and the Inspector of Journalist Ethics for them to be able to effectively fulfil their mandates.*

A country-wide system should be set up to collect data on racist and anti-LGBTI bullying in schools.

ECRI recommends that the authorities establish a permanent working group on LGBTI equality bringing together relevant government services and institutions and civil society actors, carry out or commission a study on the situation of LGBTI persons in Lithuania and consider developing and adopting a separate LGBTI equality strategy and/or action plan.

ECRI recommends that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *Macatè v. Lithuania*.*

ECRI reiterates its recommendation that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *L. v. Lithuania* on regulating the procedure and condition of gender reassignment.

ECRI recommends that the authorities increase the number of staff in the police “virtual patrol” unit.

ECRI recommends that the authorities carry out an evaluation of the different measures taken to combat hate crime, including training activities.

ECRI recommends that the authorities ensure that the necessary funding for a comprehensive coverage with Roma teaching assistants is provided. Furthermore, the authorities should offer low-threshold vocational trainings and skills-building activities for which little or no formal education is required, taking into consideration also the specific needs of Roma women.

ECRI recommends that the authorities work with and support Vilnius municipality in ensuring that all former residents of Kirtimai who have not yet received adequate accommodation do so.

ECRI recommends that the authorities prevent and counter negative sentiments and hatred against ethnic Russians in the public sphere that would pose obstacles to the integration and inclusion of members of the ethnic Russian minority into Lithuanian society.

ECRI highlights the need to expand Lithuanian language courses for refugees and beneficiaries of subsidiary protection, as well as for Ukrainians with temporary protection status.

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. The Equal Opportunities Ombudsperson (EOO) is the national equality body.² It monitors the application of the Law on Equal Treatment and is appointed by Parliament for a term of five years.³ The institution is responsible for both, carrying out prevention activities and considering complaints of discrimination it receives. In general, most of the complaints concern grounds falling outside ECRI's mandate, such as age, disability and gender. For example, until November 2023, only nine complaints received during the year concerned racial discrimination and in the preceding five years the numbers ranged from 18 to 30, amounting to 10-15% of annual complaints.⁴ The institution receives few complaints related to sexual orientation (gender identity and sex characteristics are not included in the Law on Equal Treatment as enumerated grounds⁵ – see section I.D below). In 2022, four complaints of possible discrimination on grounds of sexual orientation were received and the Ombudsperson opened one investigation on her own initiative (three decisions were taken and no cases of discrimination were found). Since 2018, the number of complaints received for this ground ranged between two and eight (1%-3.6% of annual complaints).⁶
2. ECRI was informed that the EOO's recommendations are usually implemented by the authorities, and it is generally considered that the EOO's independence is respected. However, while the range of the EOO's responsibilities has grown steadily,⁷ there have been no commensurate increases in the EOO's financial resources.⁸ According to the institution, it takes on average five years for budget increases to be granted after they have been initially requested following the allocation of additional tasks.
3. ECRI has received information that resource shortcomings also pose problems for the work of the Seimas (Parliamentary) Ombudspersons' Office (SOO),⁹ which is in addition the state-mandated independent National Human Rights Institutions (NHRI) for Lithuania. Moreover, the Inspector of Journalist Ethics (IJE), which is the relevant institution mandated to examine complaints of breaches of legal provisions dealing with rights to private life and dignity in the media as well about hate speech, experiences similar budgetary constraints limiting its work.¹⁰ In the view of ECRI, alongside the EOO, the SOO and the IJE should also have adequate resources to deal with complaints about equal rights and dignity.

¹ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.

² Established by the Constitution of the Republic of Lithuania (Art. 73, para. 2) and regulated in detail by the Law on Equal Opportunities for Women and Men of 1 December 1998 and the Law on Equal Treatment of 18 November 2003.

³ See ECRI 2016: §§ 84-87.

⁴ Office of the Equal Opportunities Ombudsperson (EOO), 2022 Annual Report, (2023): 13 and 29.

⁵ See ECRI 2016: §§ 10 and 16.

⁶ EOO 2023: 13 and 39-40.

⁷ EOO 2023: 63.

⁸ See also: Recommendation No. 100.36 to Lithuania of the Universal Periodic Review of the United Nations Human Rights Council (2016); and EOO 2023: 70-71.

⁹ The institution was established by the Constitution of the Republic of Lithuania (Art. 73) and regulated in detail by the Law on the Seimas Ombudsmen of 3 December 1998. In exercising its function of investigating complaints, the Ombudsperson is limited to the right to good public administration. In relation to public administration, this right applies to all fundamental rights.

¹⁰ Established by the Law on the Provision of Information to the Public of 2 July 1996.

4. ECRI recommends, as a matter of priority, that the authorities significantly increase the funding for the Offices of the Equal Opportunities Ombudsperson, the Parliamentary Ombudsperson, and the Inspector of Journalist Ethics for them to be able to effectively fulfil their mandates.
5. ECRI also strongly encourages the authorities to ensure that both the EOO and the SOO, as well as the IJE where relevant, are systematically and sufficiently consulted when policy documents, such as national strategies or action plans for groups of concern to ECRI are prepared, and that their comments and concerns are taken into consideration in the process.

B. Inclusive education

6. This part of the report deals with policies aimed at combating exclusion and marginalisation through inclusive education and fostering a society that is respectful of diversity and tolerant (sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education). The specific measures for helping children belonging to minority groups are dealt with below in section III of this report.
7. ECRI was informed that in Lithuania's education system human rights are covered through subjects such as ethics, civic education and history. Human rights issues are also addressed through various informal social-civic projects and activities. Civic education covers a broad range of human rights-related subjects and is taught in the 9th and 10th grades.¹¹ It includes raising awareness about cultural diversity, a multicultural society, the importance of dialogue, tolerance, empathy and respect for different groups. In earlier grades (1st - 10th) life skills classes are taught, which are less academic, and it is not clear to what extent they also involve different issues concerning diversity in society. ECRI strongly encourages the authorities to use the potential of the life skills classes or other courses to teach children about this topic.
8. According to the authorities, the concept of respect for others is generally present throughout the content of the curriculum. Examples apparently include the Informatics Common Curriculum project, which contains education about ethical communication and collaboration, online bullying, and cybercrime. The topic of human dignity, respect and acceptance of another person is fundamental in the field of ethics education and tolerance is also included in the state-recognised religious education programmes, such as the ones offered by the Catholic, Orthodox, Lutheran, Evangelical reformed, Jewish and Karaite faiths. The general programme of religious studies in secondary education aims to develop pupils' attitudes to promote respect for all religions and their adherents as a fundamental value of civic identity and intercultural dialogue. Furthermore, in the history curriculum, specific attention is paid to the national-/ethnic and religious diversity of Lithuania.
9. There are also more than 150 Tolerance Education Centres in Lithuania, where education programmes cover the crimes committed under totalitarian regimes in Europe (the Nazi and Soviet regimes), prevention of crimes against humanity, and tolerance education. In the implementation of this programme, the aim is to involve teachers of history and of other subjects. These activities are also related to historical remembrance and commemoration events and are a project of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania. The mission of these centres is to provide knowledge to schools and pupils about these totalitarian regimes and to promote and develop a human rights culture and mutual tolerance.¹²

¹¹ 10th grade is the last year compulsory schooling in Lithuania. Pupils in this grade are normally around 16 years of age.

¹² For more information see: <https://www.komisija.lt/en/education/tolerance-education-centers/>

10. Various reports have indicated that teachers working in general education institutions often lack qualifications and preparation to work with children with different linguistic and cultural experiences.¹³ Furthermore, experts note that schools still lack methodological guidelines on integration of human rights aspects in the curricula.¹⁴ According to the Office of the Equal Opportunities Ombudsperson, there is a need to invest also in the awareness of teachers and other participants in the educational process. This should be done to ensure that every participant in the education system is able to critically assess the influence of stereotypes and roles introduced by society, to recognise the needs of different target groups, to understand where racial and other forms of hatred come from, and to be able to foster religious, cultural and other diversity in society.¹⁵
11. The authorities have informed ECRI that they have taken steps recently to improve the situation: in order to train teachers to work in a multicultural environment, study programme modules are constantly reviewed and updated to address the development and improvement of the competencies related to inclusion and multiculturalism, which are now included in the priorities for teaching qualifications. Two teacher training centres¹⁶ have been accredited for this and started their work in October 2023 with around 700 teachers. This work is scheduled to continue and expand. ECRI encourages the authorities to support and evaluate these activities.
12. The authorities informed ECRI that mandatory anti-bullying prevention programmes exist in schools. A school can prioritise specific topics for these prevention programmes depending on local circumstances. ECRI considers this to be positive. However, there is no system in place to collect data on racist and/or anti-LGBTI bullying. Dealing with these issues is very much on a case-by-case basis, and hence depends a lot on the individual teachers and headmasters/headmistresses. While ECRI is not implying that there is a widescale problem with this type of bullying, it considers it useful to have sufficient data in order to assess the situation in this respect. Moreover, how to deal with racist/anti-LGBTI bullying is not an explicit part of schools' evaluations, more precisely, it can only be considered under the general aspect of the teaching environment.
13. ECRI recommends setting up a country-wide system to collect data on racist and anti-LGBTI bullying in schools, taking inspiration from ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

C. Irregularly present migrants

14. ECRI has no detailed information about the number or situation of irregularly present migrants – understood as individuals (women, men and children) present in a member state that is not their country of origin, who do not, or no longer, fulfil the conditions under national law for entry or stay in that member State.¹⁷ The authorities confirmed that this group of people has, in any case, access to emergency healthcare, if and when needed. However, the content of this emergency health care is unclear and is dealt with on a case-by-case basis.
15. The authorities were not able to provide ECRI with information about other “firewalls” recommended by ECRI in its General Policy Recommendation (GPR) No.16 to separate the verification of residence status (or lack thereof) from the

¹³ National Education Agency, 2022, Lithuania - Education in the country and regions. Inclusive Education, (Nacionalinė švietimo agentūra. Lietuva. Švietimas šalyje ir regionuose. Įtraukusis ugdymas), available at: <https://www.nsa.smm.lt/wp-content/uploads/2022/08/Svietimas-Lietuvoje-2022-web.pdf>

¹⁴ Office of the Equal Opportunities Ombudsperson (7.7.2020), Human rights education is gradually being included in the work of schools, available at: <https://lygybe.lt/naujienos/zmogaus-teisiu-ugdymas-po-truputi-itraukiamas-i-mokyklu-darba/>

¹⁵ Ibid.

¹⁶ At two public universities: Vilnius University and Vytautas Magnus University.

¹⁷ See ECRI General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination: 3.

provision of certain public services, such as education, or the ability to report a crime to the police. It appears that such firewalls do not exist. ECRI is also concerned about information regarding the criminalisation of persons and organisations that provided humanitarian or legal assistance to irregularly present migrants (see also footnote 102). ECRI strongly encourages the Lithuanian authorities to review this situation and to draw inspiration from its GPR No. 16 on safeguarding irregularly present migrants from discrimination when planning policies for this group in the future.

D. LGBTI equality¹⁸

16. LGBTI persons are still one of the least favourably viewed groups in Lithuanian society.¹⁹ There is no dedicated LGBTI strategy or action plan. Nevertheless, the fact that day-to-day problems exist for members of LGBTI communities is acknowledged by the authorities and the national Action Plan for the Promotion of Non-Discrimination (2021-2023) also includes measures for this group.²⁰ Activities include training of healthcare staff on LGBTI issues and the commissioning of an NGO to advocate for LGBTI persons in the areas of education, health, culture, and legislation. However, there is no study or research foreseen on LGBTI problems, which would seem to be the necessary baseline for subsequent advocacy work. LGBTI groups met by ECRI expressed their dissatisfaction with the limited range of, and insufficient funding for, related activities in the Equal Opportunities Action Plan and criticised the fact that there is no separate LGBTI strategy and action plan. ECRI also notes that there is no permanent working group that brings together relevant government services and institutions and LGBTI organisations to discuss all issues of concern to these communities.²¹
17. ECRI recommends that the authorities: i) establish a permanent working group on LGBTI equality that bring together relevant government services and institutions and civil society actors; ii) carry out or commission a study on the situation of LGBTI persons in Lithuania, with a particular emphasis being placed on the problems they face with regard to effective equality; and iii) based on the results of the study and any proposals of the permanent working group, consider developing and adopting a clearly distinct strategy and/or action plan on LGBTI equality.

Restriction of public information and awareness-raising

18. In its previous report on Lithuania,²² ECRI criticised Article 4, Section 2 (16) of the 2002 Law on the Protection of Minors against the Detrimental Effect of Public Information (amended in 2011, henceforth: Law on the Protection of Minors) that bans “public defiance of family values”, which includes public information which “expresses contempt for family values, (or) encourages the concept of entry into a marriage and creation of a family other than that stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania”, which defines marriage as between a man and a woman.²³
19. One case in which the relevant provisions of the Law on the Protection of Minors was applied²⁴ was brought before the European Court of Human Rights in the case

¹⁸ For terminology, see [ECRI's Glossary](#).

¹⁹ See also: EOO 2023: 10-11.

²⁰ Ministry of Social Security and Labour of the Republic of Lithuania, Action Plan for the Promotion of Non-Discrimination (2021-2023). Available at: <https://socmin.lrv.lt/en/activities/social-integration/equal-opportunities/action-plan-for-the-promotion-of-non-discrimination/>

²¹ The Ministry of Justice has established a working group on transgender issues in 2023. However, it concerns only one part of the much broader LGBTI agenda. See also, in this connection, section II below on the setting-up of a working group on hate crimes established by the Ministry of Interior that also involves the issue of anti-LGBTI hate crimes.

²² ECRI 2016: § 91.

²³ See also: ECRI 2016: § 90.

²⁴ See also ECRI 2016: § 91.

of *Macatė v. Lithuania*²⁵ concerned a children's book with fairy tales that also contained stories about same-sex relationships.²⁶ The Court found that the labelling of the book as possibly harmful to children under the age of 14 constituted a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

20. ECRI notes that the authorities have proposed an amendment to this Law to bring it in compliance with the judgment of the European Court of Human Rights in the case of *Macatė v. Lithuania*, but, in November 2023, this amendment was rejected by the Lithuanian Parliament (Seimas).²⁷ Although this provision has so far been applied a few times only and, according to the authorities, not since 2014, ECRI was informed by LGBTI groups that, in their view, the continued validity of the relevant legislation has a harmful and chilling effect on the LGBTI communities in the country.
21. ECRI recommends, as a matter of priority, that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *Macatė v. Lithuania*.

Same-sex partnerships

22. In its 2016 report on Lithuania (§ 97), ECRI recommended that the Lithuanian authorities provide a legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical and legal problems related to the social reality in which they live.²⁸ In this context, the provisions of chapter XV of the Civil Code (which regulates the rights of unmarried couples, but only applies to heterosexual relationships²⁹) should also be extended to same-sex couples.³⁰
23. Following other earlier attempts, on 25 May 2021, a civil partnership bill was rejected at its first reading in Parliament. Subsequently, a bill on civil unions providing somewhat more limited rights³¹ to registered same-sex couples was introduced in Parliament in 2022 and passed its first and second readings in 2022 and 2023 respectively. At the beginning of 2024, the bill was still pending in the Seimas awaiting its third (and final) reading.

Legal gender recognition

24. The Lithuanian Civil Code permits unmarried persons to change their legal gender.³² The relevant article stipulates that the procedure should be specified and regulated in a separate law. However, no such law has been enacted yet, in spite

²⁵ ECtHR application no. 61435/19; judgment [GC] of 23.01.2023.

²⁶ See also ECRI 2016: § 91.

²⁷ In February 2024, the government requested the Constitutional Court to evaluate whether regulations that stipulate which public information has a detrimental effect on minors are in compliance with the Constitution. – See: Lithuanian National Radio and Television (LRT) (14 February 2024), Lithuanian government to turn to Constitutional Court to invalidate anti-LGBTQ law; available at: <https://www.lrt.lt/en/news-in-english/19/2195979/lithuanian-government-to-turn-to-constitutional-court-to-invalidate-anti-lgbtq-law>

²⁸ Same-sex marriages are not possible in Lithuania. The Constitution of the Republic of Lithuania provides in its Article 38 that: "Marriage shall be concluded upon the free mutual consent of man and woman." Similarly, the Civil Code defines marriage as a "voluntary agreement between a man and a woman".

²⁹ Civil Code of the Republic of Lithuania of 18 July 2000, Chapter XV – Living Together of Persons Not Legally Married (Cohabitation), Article 3.229: "The provisions of this Chapter shall regulate the relations in property of a man and a woman who, after registering their partnership in the procedure laid down by the law, have been cohabiting at least for a year with the aim of creating family relations without having registered their union as a marriage (cohabitantes)."

³⁰ The Lithuanian Civil Code explicitly prohibits same-sex marriage (Art. 3.12.).

³¹ Such as joint property ownership, and the possibility to make medical decisions for the partner, but, for example, not joint adoptions.

³² Civil Code of the Republic of Lithuania, Article 2.27: Right to the Change of the Designation of Sex. – Article 2.27 (1) provides that the applicant has to be an adult. ECRI was nevertheless informed by the authorities that in some cases requests from minors with parental consent were granted as well.

of a 2007 ECtHR ruling to this effect in the case of *L. v. Lithuania*.³³ Already in its previous report, ECRI recommended that the authorities comply without further delay with this judgment as well as simplify the issuing of new identity cards to persons who have undergone gender reassignment surgery. In September 2023, the Committee of Ministers of the Council of Europe expressed grave concern that the necessary legislative process still had not been completed more than 15 years after the judgment became final and exhorted the authorities to set a strict timeline for the completion of the legislative process.³⁴

25. The authorities informed ECRI that even in the absence of a law to regulate legal gender reassignment and recognition, some substantial progress has been made. Changing one's name is merely an administrative procedure, and through a simplified court procedure all other relevant elements, such as change of gender marker in the civil registry, issuance of a new birth certificate and obtaining a new personal identity card, can be processed.³⁵ Such a court procedure does not necessarily require legal assistance, although most applicants seem to prefer to hire a lawyer.³⁶ The applicable court fees are apparently rather minor and do not restrict access to court. Furthermore, the authorities explained that the court procedure takes approximately one month only (although some can take longer) and that since 2017 there have been on average 20 such cases per year, with all requests having been granted. No gender reassignment surgery is necessary anymore for this procedure.³⁷
26. However, a "certificate of transsexuality", based on the existing approved methodology, from a psychiatrist is still required.³⁸ LGBTI activists mentioned to the ECRI delegation during the visit that they know of several applicants who felt this to be an unwanted form of "pathologising" of their personal situation. They also pointed out that the required psychiatric diagnosis may make it impossible to be recruited for certain public sector jobs which require the handling of weapons (e.g. border guards, armed forces). At the same time, it has been mentioned to ECRI that the Civil Registry Office, which is bound to reject requests without a court decision, has developed the practice to help those persons, whose requests they had to deny, to challenge that decision in a civil court. Furthermore, the additional requirement of proof of so-called social identification with the new gender has, since 2017, no longer been verified through oral presentations to be made by the applicant before the court but is now purely based on a signed statement. ECRI also received information that waiting lists for the initial psychiatric appointments are relatively short and that medical services for transgender persons are covered by the public healthcare system.
27. ECRI acknowledges that some improvements have been made. However, it also notes that the current system, based on the wording of Article 2.27 of the Civil Code, still requires a transgender person who is married to get divorced in order to be able to access legal recognition of the new gender (due to the non-existence of same-sex marriage). This requirement can pose a severe hardship for the persons

³³ ECtHR (2007), *L. v. Lithuania*, (Application no. 27527/03) Judgment. See also ECRI 2016: § 98.

³⁴ See Council of Europe, Department for the Execution of Judgments of the European Court of Human Rights: <https://hudoc.exec.coe.int/eng?i=004-4320>.

³⁵ Name changes alone, without a change of the gender marker, can identify a person as transgender to someone looking at the person's identity document.

³⁶ However, the cost for legal representation in such procedures is approximately € 700, which can pose problems for some transgender persons.

³⁷ Cf. ECRI 2016: §§ 99 and 103.

³⁸ Reference is made in this regard to the relevant recommendation in ECRI's General Policy Recommendation (GPR) No. 17 on preventing and combating intolerance and discrimination against LGBTI persons: 31, § 25.

concerned and their spouses/families and be potentially an insurmountable obstacle.³⁹

28. ECRI reiterates its recommendation that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *L. v. Lithuania* on regulating the procedure and condition of gender reassignment as well as the relevant decisions of the Committee of Ministers of the Council of Europe within the framework of its supervision of the execution of that Court's judgment. In this regard, the authorities could take inspiration from ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons, and other relevant Council of Europe instruments. Furthermore, the authorities should find practical solutions to overcome the divorce requirement for married persons changing their gender and should review the need for psychiatric "certificates of transsexuality" as a precondition.

Intersex persons

29. There is no information available on the situation of intersex persons in Lithuania. ECRI did also not receive any information from the authorities about plans to fill this gap. Hence, ECRI refers to its above recommendation on the commissioning or conduct of a study on the situation of LGBTI persons and invites the authorities to draw inspiration from available international standards and guidance documents on this issue when designing policies for this group.⁴⁰
30. In its previous report,⁴¹ ECRI had recommended to include gender identity in the list of protected grounds in the Law on Equal Treatment (see also section I.A of this report). However, a proposal to this effect did not find the necessary support in Parliament. The authorities informed ECRI that the Lithuanian Constitutional Court confirmed in a ruling of 11 January 2019 that gender identity is protected under the constitutional provision of gender equality (Art. 29). Nevertheless, ECRI considers it important to include relevant grounds directly into the Law on Equal Treatment, both for practical purposes as well as for symbolic reasons, namely, to spell out protected grounds explicitly in order to convey a message to the general public. Furthermore, sex characteristics are also not included in the Law on Equal Treatment and there has been no information about a Constitutional Court ruling similar to the one on gender identity mentioned above. Therefore, ECRI invites the authorities to once again propose legislation to Parliament with a view to amending the Law on Equal Treatment by including gender identity and sex characteristics in the list of protected grounds.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech⁴²

31. There is no comprehensive overview of or statistics on hate speech in Lithuania. According to the information ECRI received from the authorities and civil society interlocutors met during the country visit, the main groups of concern to ECRI that are targets of hate speech are historical ethnic minorities (in particular Russians, Roma and Jews), refugees and migrants as well as LGBTI persons. It should be noted that certain cases of hate speech that pass the criminal threshold are included in the hate crime data submitted to the OSCE/ODIHR (see part II.B

³⁹ See ECRI GPR No. 17: 22, § 34 and 31, § 25.

⁴⁰ See *inter alia* ECRI's GPR No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. See also the Council of Europe Commissioner for Human Rights 2015, Human rights and intersex people; and the Council of Europe Parliamentary Assembly 2017, Resolution 2191.

⁴¹ ECRI 2016: § 16.

⁴² See definitions of hate speech and hate crime in [ECRI's Glossary](#).

below).⁴³ In 2022 for example, 11 out of the 34 hate incidents reported by the Lithuanian authorities concerned *incitement* to violence (to be distinguished from incidents that involved violence).⁴⁴ In 2021, 24 of 31 reported hate incidents involved incitement to violence. Similarly, of the 11 incidents reported by civil society in 2022, four concerned threats (as compared to the other seven cases, which involved attacks against property) and therefore fall into the category of (criminalised) hate speech. However, ECRI also notes that many of the measures the authorities have taken to prevent and combat hate crime cover both, criminalised forms of hate speech – or sometimes even hate speech in general, and hate-motivated violence.

32. Several civil society organisations mentioned to ECRI that since Russia's war of aggression against Ukraine in February 2022, mutual hate speech between ethnic Russians and Ukrainians has been observed. In her 2022 annual report, the EOO also points to a growing trend of negative sentiments towards ethnic Russians among the Lithuanian public, while at the same time attitudes towards refugees and migrants have improved.⁴⁵ Until 2022, the numbers of officially reported hate incidents in the category of "racist and xenophobic hate crime" were relatively low, and in some years just included one or two cases (there are additional separate categories for anti-Roma and antisemitic hate crimes). However, some cases of anti-refugee/migrant hate speech have been difficult to prosecute. For example, in 2016, two persons were accused of incitement to discrimination and violence (Article 170 of the Criminal Code) because they had publicly displayed posters with the statement "Burn Rukla deport Government immigrants welcome" (referring to the Rukla reception centre).⁴⁶ The court decided that it could not be confirmed that the accused understood (clearly and unambiguously, as required in Article 170) the content of the posters as incitement to discrimination and violence.⁴⁷ Both of the accused were therefore acquitted.
33. Concerning hate speech against Roma, as in its previous visit,⁴⁸ ECRI received information that it occurs mainly in day-to-day public interactions, involving anti-Roma slurs and insults and that victims of such incidents usually do not report them. In 2022, a Roma woman and her mother were harassed and insulted in a hospital in Panevėžys by a nurse using anti-Roma language. The EOO, to whom in this case the Roma woman turned for assistance, subsequently established that the management of the hospital had taken the situation very seriously and had already set up an internal committee to investigate the incident.⁴⁹ This committee found that the nurse had humiliated and insulted the two Roma women. The nurse received a warning with the possibility of dismissal in case of repetition within one year. As the hospital administration had taken steps to stop the harassment, the Ombudsperson closed her investigation.⁵⁰ In ECRI's view, the hospital's investigation and reprimand is to be commended and could be considered a **good practice**.

⁴³ ECRI was informed by the authorities that the data submitted to the OSCE/ODIHR includes only hate speech incidents that are crimes registered under part 3 of Article 170 of Criminal Code, which covers incitement to violence. Criminal liability for hate speech is also applied according to parts 1 and 2 of Article 170 of the Criminal Code, which cover mocking, insulting, and inciting hatred or discrimination, but the data on such crimes is not included in the hate crime data submitted to the OSCE-ODIHR.

⁴⁴ See OSCE/ODIHR hate crime reporting Lithuania: <https://hatecrime.osce.org/lithuania>

⁴⁵ EOO 2023: 10-11.

⁴⁶ "Sudegink Ruklą Deportuok Vyriausybę Imigrantai Welcome!" – See EU Fundamental Rights Agency (FRA) website: <https://fra.europa.eu/en/databases/anti-muslim-hatred/node/6789>

⁴⁷ Ibid. – See also: Supreme Court of Lithuania, ruling 2024-03-05 No. BB-1499-1-01-1-49037-2019-8 and ruling 2022-12-22 in the criminal case No. 2K-266-648/2022.

⁴⁸ See also ECRI 2016: § 21.

⁴⁹ EOO 2023: 30.

⁵⁰ Ibid.

34. ECRI was informed that antisemitic hate speech still occurs in Lithuania,⁵¹ including at times by politicians. For example, in May 2023, a Member of Parliament published posts on the social media platform Facebook, which reportedly likened members of the Jewish community to “animals” and used antisemitic rhymes. In an interview with the Lithuanian public broadcaster LRT, he is said to have called the Jewish nation a “nation of barbarians” and collectively accused the Jewish community of being responsible for the policies implemented by the State of Israel. In June 2023, he published more antisemitic posts on Facebook, allegedly calling the Jewish people a “sub-species” and demanding that “they be held collectively responsible for the deportations, repressions and genocide of the Lithuanian nation carried out by the Soviets”.⁵² The Human Rights Monitoring Institute (HRMI) submitted a conclusion to the Commission for Ethics and Procedures of the Parliament of the Republic of Lithuania, in which it assessed his public statements about the Jewish community and found them, also based on the jurisprudence of the European Court of Human Rights in this area, to have amounted to hate speech that violated the dignity and security of the Jewish community and incited hatred against them.⁵³ The Member of Parliament was stripped of his parliamentary immunity by the Seimas in February 2024 following a request made by the Prosecutor General in order to prosecute him for publicly ridiculing, expressing contempt for and inciting hatred against Jews.⁵⁴
35. However, it should be noted that such antisemitic hate speech is not a very common phenomenon in the country. There have also been no reports about a significant increase in public expressions of antisemitic hatred as a result of the renewed violence in the Middle East following the 7 October Hamas terrorist attacks and Israel’s subsequent war in Gaza.⁵⁵ Although ECRI has not received any information from the authorities regarding follow-up given to its recommendation in the previous report on Lithuania concerning the specific need for awareness-raising activities in the context of property restitution to Jews and Jewish communities in Lithuania in order to avoid antisemitic hate speech,⁵⁶ nothing has been brought to its attention to indicate that this issue is currently causing any particular problems. In this context, ECRI also notes that Lithuania, a member of the International Holocaust Remembrance Alliance (IHRA), adopted the IHRA Working Definition of Antisemitism in 2018.⁵⁷ This definition is used for educational and awareness-raising activities, including through the work of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania,⁵⁸ which conducts educational and commemorative activities on the Holocaust in the country. This can be considered as an example of **good practice**.
36. ECRI also notes positively the information it received from the authorities that the public marches of ultra-nationalists and sympathisers of wartime Nazi-

⁵¹ See also United Nations (UN), Committee on the Elimination of Racial Discrimination (CERD) (2019), Concluding observations on the combined ninth and tenth periodic reports on Lithuania, p. 2, § 11.

⁵² Human Rights Monitoring Institute (2.8.2023), Public statements of Lithuanian MP Žemaitaitis were Recognised as Hate Speech. Available at: [Public Statements of Lithuanian MP Žemaitaitis Were Recognised As Hate Speech | liberties.eu](https://liberties.eu/en/public-statements-of-lithuanian-mp-zemaitaitis-were-recognised-as-hate-speech)

⁵³ Ibid.

⁵⁴ LRT (14 February 2024), Lithuanian MP Žemaitaitis stripped of immunity over anti-Semitic posts; available at: <https://www.lrt.lt/en/news-in-english/19/2195646/lithuanian-mp-zemaitaitis-stripped-of-immunity-over-anti-semitic-posts>

⁵⁵ Cf. ECRI 2023: Statement of the rise of antisemitism in Europe as a result of the current conflict in the Middle East (adopted at its 93rd plenary meeting, 5-8 December 2023).

⁵⁶ ECRI 2016: § 44-45.

⁵⁷ On 24 January 2018 – for an overview of countries and organisations that adopted the Working Definition, see: IHRA, “What is Antisemitism?” at: <https://holocaustremembrance.com/resources/working-definition-antisemitism>; see also ECRI’s revised General Policy Recommendation No. 9 on Preventing and Combating Antisemitism (incl. Appendix I).

⁵⁸ For further information see the Commission’s website: <https://www.komisija.lt/en/>

collaborators, which have been mentioned in ECRI's previous report on Lithuania as a key source of hate speech, no longer take place.⁵⁹

37. Anti-LGBTI hate speech is increasingly common, in particular, but not only, in the context of public LGBTI community events and during discussions about legislative changes concerning LGBTI-related topics (see section I.D above). Such political debates are very polarised, often leading to the use of insulting language. In May 2022, a Member of Parliament (MP) told a group of LGBTI activists that they were “degenerates”, accused them of spreading sexually transmitted diseases and suggested that they should seek treatment. The incident took place in the Parliament building shortly after the civil union bill passed its first reading.⁶⁰ In November 2023, the Seimas voted in favour of accepting a request from the Prosecutor General to lift the MP's immunity to bring formal charges of publicly ridiculing and expressing contempt for a group of persons on grounds of their sexual orientation.⁶¹
38. Threats against LGBTI persons, including community activists, have also occurred repeatedly in recent years.⁶² Representatives of LGBTI groups met by ECRI during the visit to Lithuania indicated that still many victims of homo-/transphobic hate speech do not report cases, even when they may amount to criminal behaviour (e.g. threats), for fear of outing themselves in a generally not very LGBTI-friendly societal atmosphere⁶³ and given a lack of trust in the police and anxiety about being ridiculed.⁶⁴ Psycho-social assistance to victims is also lacking. However, ECRI also noticed that some progress has been made in this regard, for example by including LGBTI issues into hate crime training activities for law enforcement officials (see section II.B below).
39. ECRI was informed that prosecuting criminalised forms of hate speech has in the past been difficult as courts required proof of a “systemic” nature, usually excluding one-off statements. This practice has changed⁶⁵ and interlocutors met during the visit mentioned that following the 2020 ECtHR judgment in the case of *Beizaras and Levickas v. Lithuania*,⁶⁶ responsiveness to incidents of criminalised hate speech has improved. ECRI also notes that in 2022, amendments were made to the Criminal Code's Article 170, which prohibits incitement to hatred or discrimination based on various enumerated grounds, including race, nationality, language, descent, and religion,⁶⁷ and is the main legal provision covering hate

⁵⁹ Cf. ECRI 2016: §§ 18-20.

⁶⁰ LRT (16 November 2023), Lithuanian MP Gražulis stripped of immunity over homophobic statements; available at: <https://www.lrt.lt/en/news-in-english/19/2126335/lithuanian-mp-grazulis-stripped-of-immunity-over-homophobic-statements>

⁶¹ Ibid.

⁶² OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁶³ See also EOO 2023: 40.

⁶⁴ In this regard, the authorities point out that trust in the police is high among the general population: they informed ECRI that according to the data of a public opinion poll commissioned by the Ministry of Internal Affairs of the Republic of Lithuania in 2023, 82% of the country's population trust the police.

⁶⁵ Regarding the practice of pre-trial investigations from autumn 2020 on, see EOO / Office of the Inspector of Journalist Ethics, Institutional response towards hate speech in Lithuania: independent review (2021): 26; available at: <https://lygybe.lt/wp-content/uploads/2023/05/institucinis-atsakas-i-neapykantos-kalbos-reiskini-lietuvoje-nepriklausoma-apzvalga.pdf>

⁶⁶ ECtHR, *Beizaras and Levickas v. Lithuania* (Application no. 41288/15), judgment. – See also ECtHR, *Valaitis v. Lithuania*, (Application no. 39375/19), judgment, §§ 114-116; and the judgment of the Supreme Court of Lithuania in case no. 2K-58-489/2024, in particular § 24.

⁶⁷ See ECRI 2016: §§ 5-8.

crimes.⁶⁸ In a partial implementation of an ECRI recommendation made in 2016,⁶⁹ skin colour and ethnic origin were included among the protected characteristics.⁷⁰

40. The authorities have also taken other measures, for example by increasingly including criminal hate speech into the various training activities on hate crime mentioned in section II.B below, which ECRI encourages them to continue.
41. A measure that was taken in April 2021 to deal specifically with online hate speech is the so-called “virtual patrol” unit in the police that monitors social media for illegal hate speech. The unit gathers information about the alleged violation of the law and passes it on to the appropriate police department for investigation. Its establishment is also a response to the fact that such expressions of hate have moved in recent years from the comments section of media outlets’ websites, where they are now frequently blocked or deleted, to social media sites. The police “virtual patrol” unit has generally been recognised as a useful initiative, and its work has already led to several investigations. However, the problem is that, according to information ECRI received during its visit, this unit is composed of only two full-time police officers and could be therefore considered as understaffed for the activities it is supposed to carry out.
42. ECRI recommends that the authorities increase the number of staff in the police “virtual patrol” unit in order to enable it to carry out its tasks effectively.
43. Civil society interlocutors met during the ECRI visit to Lithuania also pointed out that there is no distinct culture of counter-speech by high-level politicians or other public figures in response to hate speech incidents.⁷¹ Notable exceptions to the absence of counter-speech include public statements made by the Prime Minister after the aggression of the Russian Federation against Ukraine in February 2022 emphasising that people of Russian or Belarusian descent living in Lithuania should not be blamed for the actions of Vladimir Putin or Alexander Lukashenko.⁷² Similar comments were also made by the Director of the Government’s Department for National Minorities.⁷³ ECRI considers this to be a **good practice** that should also be expanded to other areas of hate speech.
44. ECRI recommends that further action be taken to encourage public figures, such as high-level officials, politicians, and religious, economic and community leaders, to take a prompt, firm and public stance against any expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

⁶⁸ See also: Human Rights Monitoring Institute, Protection of Hate Crime Victims’ Rights: the case of Lithuania, 2013.

⁶⁹ Ibid.: § 8.

⁷⁰ During ECRI’s previous visit, the authorities had mentioned that they considered both aspects to be already included, namely as an integral part of the grounds of race and descent. ECRI notes positively that the two additional grounds have now been added expressly to the list.

⁷¹ See also ECRI’s General Policy Recommendation No. 15 on combating hate speech and Recommendation CM/Rec(2022)16 of the Council of Europe’s Committee of Ministers to member States on combating hate speech.

⁷² LRT (12 May 2022), Growing hostility towards Lithuania’s Russians ‘alarming and dangerous’ effect of Ukraine war; available at: <https://www.lrt.lt/en/news-in-english/19/1834662/growing-hostility-towards-lithuania-s-russians-alarming-and-dangerous-effect-of-ukraine-war>.

⁷³ Ibid.

B. Hate-motivated violence⁷⁴

45. Lithuania regularly reports hate crime data to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The data are collected by the Police Department under the Ministry of the Interior and the Prosecutor General's Office.⁷⁵ ECRI notes that, according to information received from the authorities, hate crime data is collected in two separate databases: one consolidating data from the police and prosecutors, and a separate one with data from the court system. However, no consolidated dataset for both seems to exist that could give an easily accessible overview of follow-up of hate crime cases and their judicial outcomes. ECRI invites the authorities to address this issue to facilitate an easier overview of how hate crime cases are dealt with.
46. According to the data reported to the OSCE/ODIHR, in 2022 there were seven acts of violence against persons with a bias motivation, and 13 acts of vandalism/desecration of graves. In 2021, the majority of reported hate crime incidents concerned acts against LGBTI persons (23 out of 31), and one incident of an attack against an LGBTI person was reported by civil society. Anti-LGBTI incidents made up also half of officially reported cases in 2020, to which in addition civil society reported two attacks against LGBTI persons and one attack against property.⁷⁶ Discrepancies between officially reported data and civil society inputs can also be, in spite of the improvements mentioned in section II.A of the present report, the result of insufficient action taken by the police. For example, ECRI learned about an incident in August 2022 during which two men holding hands were attacked with allegedly clear homophobic motivation, but the police allegedly refused to investigate the attack. ECRI strongly encourages the authorities to ensure that such incidents are always effectively investigated, and any potential bias motivation is taken into account.
47. Anti-Muslim violence in Lithuania, where the traditional Tatar community (which makes up the majority of the Muslims in the country) is generally respected, is rather rare. Nevertheless, incidents do occur in this area as well. One example is a reported case of anti-Muslim violence in which two Turkish taxi drivers (who were perceived to be Muslims) were attacked by a group of drunk persons whom they refused to transport.⁷⁷ In 2019, another example was a repeated vandal attack on a mosque.⁷⁸

Measures taken by the authorities

48. Lithuania began implementing ODIHR's Training Against Hate Crime for Law Enforcement (TAHCLE) programme in 2015 and continues to train police officers using ODIHR's training curriculum. In 2018, Lithuania co-organised a workshop on hate crime recording and data collection with ODIHR and the EU Fundamental Rights Agency, using ODIHR's Information Against Hate Crimes Toolkit (INFAHCT). It resulted in a set of recommendations for relevant state authorities.⁷⁹ Subsequently, in February 2020, the Ministry of Interior set up a working group to promote an effective response to hate crimes and hate speech (see also ECRI's previous recommendation on establishing such a working group⁸⁰). The working group consists of representatives of different authorities and civil society

⁷⁴ In the present report, hate crime should be understood as any criminal offence motivated by hate or prejudice on grounds such as "race", colour, language, religion, citizenship, national or ethnic origin, sexual orientation or gender identity, whether real or presumed. For further information about the notion of hate crime, see <http://hatecrime.osce.org/what-hate-crime>

⁷⁵ See OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁷⁶ Ibid.

⁷⁷ OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁷⁸ Ibid.

⁷⁹ OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁸⁰ ECRI 2016: § 47.

organisations. Its activities include proposing measures to strengthen action against hate crime, monitoring the implementation of international obligations, considering relevant legislation, and preparing annual reports on the hate crime situation in Lithuania.⁸¹

49. In 2020, the Office of the Prosecutor General (OPG) issued the methodological guidance on hate crime as a follow-up to the ECtHR judgment in the case *Beizaras and Levickas v. Lithuania*.⁸² As a result, more than 280 hate crime cases were reopened. In June 2021, the OPG and ODIHR co-organised an awareness-raising workshop for 36 prosecutors and representatives from the OPG, the Ministry of Interior and civil society. One result was a request from the OPG for ODIHR to review the OPG methodological guidance on hate crime,⁸³ which was subsequently updated in 2023.⁸⁴
50. In 2022, 140 police officers participated in five training sessions on “Strengthening of Intercultural Competences in the Fight Against Hate Crimes”, organised by the Lithuanian NGO Human Rights Monitoring Institute. During the training, attention was paid to learning about different communities (Roma, Jewish, Muslims, immigrants) linking this knowledge to the recognition and investigation of hate crimes. In the same year, 31 judges participated in a training on “Hate crimes: legal and psychological aspects”, which included inter alia recognising and distinguishing hate speech and hate crime, and the jurisprudence of the ECtHR and national courts.⁸⁵
51. ECRI commends the authorities for these activities, and in particular the involvement of civil society in hate crime related trainings. ECRI has nevertheless not received any information about whether an evaluation of the various measures taken, including training activities, has been carried out in order to assess, improve and upscale these measures.
52. ECRI recommends that the authorities carry out an evaluation of the different measures taken to combat hate crime, including training activities, with the aim of improving and possibly expanding these activities.

III. INTEGRATION AND INCLUSION

A. Roma

53. According to the 2021 census, there were 2 251 Roma persons (0.08% of the country’s total population).⁸⁶ According to various interlocutors met by the ECRI delegation during the country visit, many Roma⁸⁷ continue to experience discrimination and marginalisation. In a 2021 public attitudes survey, Roma remained the most unfavourably viewed ethnic group in the country, as 61% of respondents indicated that they would not want to live in a neighbourhood with Roma or rent them an apartment and 36% would not want to work in the same

⁸¹ OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁸² Prosecutor General of the Republic of Lithuania (2020); available at: https://www.prokuraturos.lt/data/public/uploads/2020/04/neapykantos_nusikaltimu_tyrimo_metodines_rekomendacijos.pdf

⁸³ OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁸⁴ Published by the Prosecutor General of the Republic of Lithuania on 26 July 2023; available at: https://www.prokuraturos.lt/data/public/uploads/2023/09/20230726_neapykantos_nusikaltimai_rekomendacijos.pdf

⁸⁵ OSCE/ODIHR: <https://hatecrime.osce.org/lithuania>

⁸⁶ Official Statistics Portal, 2021, Population and Housing Census 2021, available at: <https://osp.stat.gov.lt/gvyventoji-ir-bustu-surasymai1>

⁸⁷ Roma are a recognised national minority in Lithuania and ECRI therefore also refers here to the work of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities – see: <https://www.coe.int/en/web/minorities/lithuania>

workplace.⁸⁸ The same overall picture also emerged again in a 2022 survey.⁸⁹ In its Concluding Observations on Lithuania of 7 June 2019, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern that Roma continue to suffer from social exclusion and are disproportionately affected by poverty. It is also concerned about (a) the persistently low proportion of Roma children and young people completing basic education and attending tertiary education; (b) the high unemployment rate among Roma, particularly Roma women; (c) the high proportion of Roma living in inadequate housing conditions, despite the successful efforts to resettle some Roma families from the Kirtimai settlement; and (d) the lower than average rate of Roma covered by compulsory health insurance and their generally low access to health care. The CERD noted with concern that “infringements of the economic, social and cultural rights of Roma are exacerbated by stereotypes, prejudice and intolerance, leading to discrimination in the fields of employment, housing, health care and education”.⁹⁰

54. The implementation of the Action Plan for the Integration of Roma into Lithuanian Society 2015-2020 had several shortcomings.⁹¹ Recommendations made by the CERD point to the Action Plan having suffered from insufficient funding and human resources and that participation of the Roma community, in particular Roma women, was not sufficient in the plans’ implementation.⁹² However, the authorities informed ECRI of some of the achievements of the Action Plan (see below). On 1 July 2022, following delays due to the Covid-19 pandemic, the Lithuanian government’s Department for National Minorities adopted the new *Action Plan for Integration of Roma into Lithuanian Society for 2022-2023*. The Action Plan, besides preventing discrimination against Roma and promoting tolerance towards this group, focuses on combating Roma poverty through achieving equal opportunities in education and employment.⁹³ ECRI strongly encourages the authorities to evaluate the implementation in order to inform the design and planning of a subsequent Action Plan.

Education

55. The authorities informed ECRI about various improvements in the field of education of Roma children, comparing the situation in 2015 with data they collected in 2020. The number of Roma attending preschool increased from 33% in 2015 to 50% in 2020. In the 10-19-year age group, the share of Roma children who had not completed primary education or were still in primary school decreased from 36% in 2015 to 28% in 2020. According to the authorities, in 2015, 14% of Roma children aged 7-16 were not in the education system, but in 2020 this number had decreased to 6%. In the 20-29-year age group, the number of illiterate persons and those without primary education among Roma decreased from 11% to 4%, while the proportion of Roma in this age group having completed secondary education increased from 8% to 18%.
56. ECRI notes positively the information it received from the authorities as well as from the Roma Community Centre that there are no Roma-only classes (de facto segregation) in Lithuanian schools anymore. The Roma Community Centre, which

⁸⁸ Institute of Sociology at the Lithuanian Centre for Social Sciences (LSMC)/Diversity Development Group/Media4change, 2021, Results of Public Attitude Surveys in 2021, available at: <http://www.ces.lt/wp-content/uploads/2010/02/Visuomen%C4%97s-nuostat%C5%B3-apklausos-rezultatai-2021.pdf>

⁸⁹ See EOO 2023: 10.

⁹⁰ UN CERD, 2019, Concluding observations on the combined ninth and tenth periodic reports of Lithuania, p. 3, § 17.

⁹¹ See also ECRI 2016: §§ 61-71.

⁹² UN CERD 2019: 3-4, § 18.

⁹³ Director of the Department of National Minorities under the Government of the Republic of Lithuania, 2022, Action Plan for Integration of Roma into Lithuanian Society for 2022-2023, p. 1. – In 2020, the city of Vilnius approved a new Roma integration programme for 2020-23 at municipal level. The plan aims at strengthening the areas of health care, social care, and culture, but provides very limited measures in the field of housing, employment, and education.

is supported by the government's Department for National Minorities, also organises Lithuanian language classes for Roma children. In addition, ECRI heard about two projects involving schools that hire Roma graduates as Roma education mediators in order to reach out to local families on educational matters. However, this is not a systematic or national approach yet. ECRI was also informed that an entitlement to Roma teaching assistants in classes with Roma pupils exists, but that due to lack of funds, such assistants are not currently hired for every class that requires one.

57. ECRI recommends that the authorities i) continue and increase their efforts to bring Roma educational indicators to the same level as those of the majority population and ii) ensure that the necessary funding for a comprehensive coverage with Roma teaching assistants is provided.

Employment

58. According to the population census carried out in 2021, only 5% of Roma were in employment, compared to 45% of the majority population. The vast majority of Roma are self-employed, often in precarious and low-paid jobs. The authorities reported that some 350 Roma benefited from a European Social Fund project, which ran from 2016 until 2023. The participants took part in vocational training courses and had access to legal consultations and support in setting up businesses, some 40% of participants were subsequently employed.⁹⁴ However, a key problem with accessing vocational training continues to be the requirement of having completed primary education (with the relevant certificate to prove it). This still poses a problem for many members of the Roma community who would otherwise benefit from such training. The authorities informed ECRI after its visit that some adult training courses are now also available to persons without primary school education. However, while ECRI notes this as a positive development, it considers that the information it received in this regard is not fully sufficient.⁹⁵ Moreover, ECRI has not received any information that the specific needs of Roma women are taken into consideration in these skills-building activities.

59. ECRI recommends that the authorities offer low-threshold vocational trainings and skills-building activities for which little or no formal education is required, taking into consideration the educational attainment of many Roma, to be able to include them into such programmes in order to enhance their participation in the labour market. Such activities should also include a focus on the specific needs of Roma women.

Housing

60. In 2020, the municipal authorities demolished the Roma settlement in Kirtimai outside Vilnius.⁹⁶ Although, according to the information ECRI received, the municipality took various measures to provide adequate alternative accommodation, in particular to vulnerable families (households with small children or chronically ill persons), not all families received new housing immediately. Some 55% of the Roma families from Kirtimai were allocated social housing or rent reimbursements, some moved to other cities or bought property, but around 30% had to move in with relatives and some were left without housing. Civil society interlocutors mentioned to the ECRI delegation during the country visit that in their view, the demolition was too rushed and not sufficiently prepared in terms of the consequences of the loss of accommodation. The Vilnius municipality subsequently hired a Roma mediator for housing issues to assist those former

⁹⁴ The project title was "Let's work together with the Roma – new work opportunities and challenges".

⁹⁵ Cf. ECRI 2016: § 72. – The authorities informed ECRI after its visit that according to a new regulation, a part of the Level II Programmes of the Lithuanian Qualifications Framework is also available to persons without primary education, as are some informal adult training courses for providing professional competencies.

⁹⁶ See also ECRI 2016: § 71.

residents that had not yet received alternative adequate accommodation. However, this post was only temporary.

61. The authorities, referring to the 2021 census, pointed out to ECRI that the overall housing situation of Roma in Lithuania has improved compared with ten years ago, when only half of Roma households had baths, hot water and toilets. Now almost 87% of Roma households have these facilities (compared to 93% of the overall population). In 2021, 93% of Roma households had central heating (95% of the overall population) and 100% had electricity.
62. ECRI recommends that the authorities work with and support Vilnius municipality in ensuring that all former residents of Kirtimai who have not yet received adequate accommodation do so.

Healthcare

63. According to the 2021 census, 96% of Roma are covered by the general health insurance scheme (when compared with 91% in 2015 and only 76% in 2011). Some other positive developments have also been reported to ECRI by the authorities: based on research carried out in 2020, the subjective assessment of one's own health has slightly improved compared to 2015, especially among younger Roma. However, during the same period, there was an increase in the number of Roma of 45 years and older, who rated their health as "bad" or "very bad".⁹⁷ Overall, in comparison with the indicators for the entire Lithuanian population there is a higher proportion of people in the Roma community who rate their health poorly. This also corresponds to information ECRI received from civil society interlocutors during the country visit about a lower life expectancy among members of the Roma community. ECRI therefore invites the authorities to scale up their efforts for improving healthcare outcomes for Roma, including, where appropriate, by making use of Roma health mediators.

B. Ethnic Russians

64. Lithuanian citizens of Russian ethnicity make up the third largest ethnic group in the country and, according to the 2021 census, amount to 5% of the population.⁹⁸ The Russian minority in the country has long historical roots.⁹⁹ The EOO reports that one of the most significant changes in attitudes among the Lithuanian population in 2022 was a significantly worsened attitude towards ethnic Russians.¹⁰⁰ Community representatives indicated to ECRI that the overall situation was "not too bad yet", as they put it. In this context, they pointed to some events that have occurred since Russia's aggression against Ukraine in February 2022, which, in their view, have hindered better integration and inclusion into Lithuanian society.
65. An example of this perception concerns the renaming of cultural monuments dedicated to historical Russian artists, which however also needs to be seen in the context of overcoming Russian cultural hegemony imposed during the Soviet period. In March 2023, for example, the Vilnius City Council – in coordination with the Ministry of Culture and other public institutions – decided to rename the Alexander Pushkin Literary Museum, removing the reference to the Russian

⁹⁷ Vita Kontvainė / Diversity Development Group, Romų tautybės asmenų padėtis 2020 m. [Situation of persons of Roma nationality in 2020], 2020: 21-23.

⁹⁸ Official Statistics Portal, Results of the 2021 Population and Housing Census of the Republic of Lithuania. – This section does not deal with citizens of the Russian Federation currently residing in Lithuania.

⁹⁹ Minority Rights Group, Russians in Lithuania, available at: <https://minorityrights.org/communities/russians-5/> – See also the work of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities: <https://www.coe.int/en/web/minorities/lithuania>

¹⁰⁰ EOO 2023: 10-11; quoting data from the Diversity Development Group/Lithuanian Centre for Social Sciences, Visuomenės Nuostatos Etninių ir Religinių grupių Atžvilgiu: Grupių Atžvilgiu: 2022 M. [Societal Attitudes Regarding Ethnic and Religious Groups: By Groups: 2022].

poet.¹⁰¹ ECRI underlines that preventing and countering negative sentiments and hatred against ethnic Russians in the public sphere is important for the better integration and inclusion of members of the ethnic Russian minority into Lithuanian society.

66. ECRI recommends that the authorities prevent and counter any form of negative sentiment and hatred against ethnic Russians in the public sphere that would pose obstacles to the integration and inclusion of members of the ethnic Russian minority into Lithuanian society.

C. Refugees and beneficiaries of subsidiary protection¹⁰²

67. In 2017, the authorities adopted an Integration Action Plan based on the preparatory work of an inter-institutional working group. This Action Plan also introduced the concept of “integration as a two-way process”, which is a notion that ECRI has promoted for many years already. In the same year, the relevant legislation was changed to provide beneficiaries of subsidiary protection with access to various social services and allowances (e.g. full healthcare, disability benefits) on the same (i.e. higher) level as refugees, thereby implementing a previous ECRI recommendation made in 2016.¹⁰³ ECRI commends the authorities for this approach.
68. The 2017 Action Plan also foresaw the introduction of individual integration plans for all refugees and beneficiaries of subsidiary protection, which was introduced in 2020 with a change in the relevant legislation. The plan furthermore included enhanced professional development and vocational training activities. In this regard, it should be mentioned that employment subsidies for the duration of two years exist for refugees, beneficiaries of subsidiary protection as well as people benefiting from temporary protection (see section III.D).
69. In 2022, a new Strategy for Foreigner Integration and the accompanying Action Plan for the period until 2030 was drawn up. This also includes a provision to carry out a legal analysis in order to assess where relevant legislation needs to be further amended, and an emphasis on inter-institutional coordination between different agencies and levels of government.
70. ECRI recognises the progress that has been made by the authorities. Nevertheless, certain problems remain. In the area of language training, although classes have been increased, they still do not appear to be sufficient.¹⁰⁴ This has

¹⁰¹ Lithuanian National Radio and Television (LRT), Vilnius renames Alexander Pushkin museum (8 March 2023); available at: <https://www.lrt.lt/en/news-in-english/19/1930985/vilnius-renames-alexander-pushkin-museum> – It is noteworthy in this regard that in spring 2022, following the Russia’s aggression against Ukraine, the Alexander Pushkin Literary Museum in Vilnius, together with other representatives of the Russian community in Lithuania, called on people to join a protest action condemning Russia’s attack. See LRT (12 May 2022), Growing hostility towards Lithuania’s Russians ‘alarming and dangerous’ effect of Ukraine war; available at: <https://www.lrt.lt/en/news-in-english/19/1834662/growing-hostility-towards-lithuania-s-russians-alarming-and-dangerous-effect-of-ukraine-war>.

¹⁰² ECRI is aware of reports about practices amounting to “pushbacks” that may have resulted in a smaller number of asylum seekers successfully entering the Lithuanian territory in recent years, thereby affecting the number of refugees and subsidiary protection status holders staying in the country and the conduct of integration policies concerning them. In this context, ECRI notes that other Council of Europe institutions and bodies, including the European Court of Human Rights and the Commissioner for Human Rights, are better placed, based on their respective mandates, to consider and pronounce themselves on this matter, and they have done so. – According to information provided by the Lithuanian authorities in May 2024, there are 77 asylum seekers in the Foreigners Registration Centre and six persons who have received protection status in the Rukla Refugee Reception Centre. At the same time, 690 protection beneficiaries are receiving state support for integration in municipalities: 626 recognised refugees, four beneficiaries of subsidiary protection, 30 holders of a temporary residence permit as a result of family reunification, as well as 30 children who have at least one parent with a permanent residence permit.

¹⁰³ ECRI 2016: § 79.

¹⁰⁴ With regard to financing, ECRI was informed by the authorities that the Employment Service finances language courses for both jobseekers and people already in work. Lithuanian language training programmes are organised for EU and EFTA citizens and their family members living in Lithuania, as well as for third-country nationals with a residence permit in Lithuania. Unemployed persons can receive a scholarship. However, concerns were raised regarding the insufficient adaptation of language courses to beneficiaries with very low levels of education (e.g., illiterate persons), the elderly and other groups with specific needs. See for example: National

direct implications for the labour market participation of refugees and beneficiaries of subsidiary protection. Furthermore, there are no specific Lithuanian language classes for refugee children.¹⁰⁵ Instead, often the approach is to rely on their immersion in schools. However, the ECRI delegation was informed by various interlocutors met during the visit that this is not always successful and can cause negative consequences for the educational attainments of refugee children. ECRI therefore strongly encourages the authorities to expand the language training for refugees and beneficiaries of subsidiary protection and also to include classes for children.

71. Another area of concern is the topic of family reunification. Refugees and beneficiaries of subsidiary protection can request family reunification without any conditions attached within three months after having received their protection status. While this is a generous regime, the beneficiaries often face various practical problems related to bureaucratic obstacles in obtaining documents and arranging appointments for their family members in offices of the private contractor that the Lithuanian authorities have engaged to carry out document checks and issue visas in various states of the world.¹⁰⁶ If the necessary process cannot be completed within three months, the unconditionality ceases to be applicable. In this regard, more time and flexibility would be urgently needed.

72. ECRI recommends that the authorities extend the period during which refugees and beneficiaries of subsidiary protection can apply for family reunification without conditions from the current three months to at least nine months.

73. It appeared during the ECRI country visit that not all activities included in the 2017 Action Plan could be carried out as envisaged due to shortages of funding. Moreover, a large degree of responsibility for effective integration and inclusion naturally rests with local authorities, which is where actual integration and inclusion should happen, including accommodation which continues to be a substantial problem. It has been brought to ECRI's attention that the support, including financial resources, from central government to local authorities for integration and inclusion measures is not sufficient to meet the tasks these authorities have. A similar problem has been observed during a field visit to the Rukla Refugee Reception Centre. The ECRI delegation could witness the good infrastructural standards and dedication of the staff, but at the same time it heard from its interlocutors during the visit that the necessary government funding is not always sufficient and adjustments to the fluctuation in numbers of persons to be accommodated in the centre are not made fast enough when needed. More flexible responses and adequate support seem to be needed.

74. ECRI recommends that the authorities ensure adequate financial support for the implementation of action plans in the area of integration and inclusion for foreigners, and in particular for refugees and beneficiaries of subsidiary protection. Furthermore, the authorities should provide adequate financial resources to local authorities for the measures they take to assist these groups. Similarly, the authorities should support the Rukla reception centre financially in line with its fluctuating needs.

D. Ukrainians displaced as a result of Russia's war against Ukraine

75. According to the Lithuanian authorities, around 77 000 Ukrainians arrived in the country and received temporary protection status between February 2022 and November 2023, the vast majority of them being women and children. In addition,

Audit Office of Lithuania, Išankstiniai tyrimai – Pagalba pabėgėliams, jų socialinė integracija [Preliminary Studies – Assistance to refugees and their social integration] 2023: § 74.

¹⁰⁵ Specific Lithuanian language classes for refugee children can be established, but this depends on a decision by the individual school.

¹⁰⁶ ECRI was informed that for several countries of origin, notably in Africa, there are no offices of this company nearby and reaching them elsewhere in the region can be cumbersome. Personal interviews are always a requirement.

ECRI was informed by the authorities that some 3 300 Ukrainians who had arrived before the temporary protection regime was adopted had received humanitarian status. While temporary protection beneficiaries have full access to employment, education, healthcare and social protection, humanitarian status holders have access to employment, education and emergency healthcare,¹⁰⁷ but can benefit from full social protection only if they have worked for six months in Lithuania and paid social security contributions. Social protection payments include child allowances or rental subsidies for persons without sufficient income. Given the difficult situation in the housing market since the large-scale arrival of Ukrainians in the country (2.8 million inhabitants in 2021), finding accommodation is a growing problem, especially in urban areas. For Ukrainians with humanitarian status who are not able to work, the exclusion from full social protection entitlements is problematic. In this regard, ECRI strongly encourages the authorities to find constructive solutions for this category of persons.

76. Moreover, although the authorities, in particular local authorities, have taken many positive measures to support Ukrainians in Lithuania, several challenges remain. The ECRI delegation had the opportunity to visit the city of Jonava and its social integration centre, where it could observe the very professional and dedicated work of the centre's staff and the efforts of the municipal authorities to promote integration and inclusion at local level. The centre also takes the specific needs of women, who make up the majority of the beneficiaries, into consideration, for example when it comes to the structure and timing of services to fit in with the childcare responsibilities of many Ukrainian mothers who have come to Lithuania without their partners. This could be considered a **good practice**.
77. However, according to national policy, persons with temporary protection or humanitarian status (unlike persons with refugee status) do not benefit from individual integration plans. In particular, ECRI noticed with regard to Lithuanian language courses for adults¹⁰⁸ that the introductory classes alone are insufficient, and that the much-needed follow-up courses offered by the public Employment Service were often only available online,¹⁰⁹ which makes personal interactions and group-based motivated learning more difficult. It is generally reported that beginner-level Lithuanian classes are more easily accessible, but classroom courses for progressing to higher levels of proficiency are complicated to find, allegedly due to funding shortages for this more expensive (compared to online courses) form of teaching.¹¹⁰ In Jonava, the social integration centre offers additional in-person classes but needs to finance them from the municipal budget, which not all local authorities are able to do. More resources from the national level are therefore clearly needed.
78. Although many Ukrainians can often communicate with Lithuanians in Russian,¹¹¹ learning the national language ultimately facilitates their integration, including in employment. This is especially important in a situation when there is a growing public rejection of Russian culture and language. In a countrywide survey among 200 displaced Ukrainians, the accessibility of language courses was the most recurring issue mentioned as a challenge to integration. This is particularly so

¹⁰⁷ In this context, the authorities informed ECRI that, in accordance with Article 6 (Part 5) of the Law on Health Insurance of the Republic of Lithuania, necessary medical assistance and necessary services (necessary personal healthcare services, without which the patient's health condition could deteriorate to the point of requiring emergency medical services) are also financed from the state budget for persons holding a resident permit in Lithuania on humanitarian grounds.

¹⁰⁸ See also the section on refugees and beneficiaries of subsidiary protection in this report.

¹⁰⁹ In other cases, reimbursement for external courses can be requested within certain limits from the Employment Service, but only for registered jobseekers. Furthermore, for some the bureaucratic procedures for reimbursement appear too cumbersome. See: Eastern Europe Studies Centre (EESC), *Adaptation and integration of Ukrainian migrants in Lithuania*, 2023: 8.

¹¹⁰ Ibid.

¹¹¹ Ibid.: 3. – 35.9% of Ukrainian respondents mentioned that they chose Lithuania as their destination because they could communicate there in the Russian language.

because many also indicated their intention to stay in Lithuania for the foreseeable future: an overwhelming willingness to learn the language was met by a lack of opportunities.¹¹² Of the Ukrainians interviewed, 45.9% highlighted insufficient access to language courses as a main problem.¹¹³ Interestingly, a key motivation for them to learn the language was not only employability, but also respect for and gratitude to the country that offered them protection.¹¹⁴ Given such a high level of positive motivations, and the recognition of integration as a two-way principle, ECRI considers this an opportunity to integrate Ukrainians through the nationwide expansion and strengthening of Lithuanian language courses.

79. ECRI recommends that the Lithuanian authorities expand and strengthen Lithuanian language courses for Ukrainians in the country.

IV. TOPICS SPECIFIC TO LITHUANIA

The situation of Jehovah's Witnesses

80. Jehovah's Witnesses are registered as a religious community in Lithuania. They first received legal status in the country in 1934 and have currently around 3 000 members. Their status as a registered religious community is the lowest in a three-tier system for faith group registration in the country. Nine groups have the status of "traditional religious communities", the highest tier involving various privileges, for which communities must have been present in Lithuania for at least 300 years.¹¹⁵ According to a 2021 Constitutional Court ruling,¹¹⁶ the second-tier with more limited privileges,¹¹⁷ namely as a state-recognised "non-traditional religion", requires 25 years of legal existence in the country, teachings that do not conflict with the Lithuanian Constitution and good morals, and that a religious group has support in society.¹¹⁸ This state recognition of a "non-traditional religion" is granted by the Seimas on the basis of a professional expertise and the recommendation of the Ministry of Justice. On the basis of the expertise, the Ministry of Justice did not recommend to the Seimas the recognition of Jehovah's Witnesses in the above sense, due to their refusal of military service and their refusal of blood transfusions for medical treatment.¹¹⁹
81. During the visit, representatives of Jehovah's Witnesses told the ECRI delegation that the expertise had been developed without consulting them.¹²⁰ With regard to refusing blood transfusions, they argued that the authorities already have legal means at their disposal to overrule parents in cases involving the health of children and to protect the best interests of the child when necessary. As regards conscientious objection, Jehovah's Witnesses are willing to perform truly alternative civilian national service instead of military conscription, an option that does not currently exist in Lithuania. The European Court of Human Rights found in September 2022 in the case of *Teliatnikov v. Lithuania* that the existing alternative service in Lithuania is not sufficiently separate from the military and

¹¹² Ibid.: 6-8, 19.

¹¹³ Ibid.: 6.

¹¹⁴ Ibid.

¹¹⁵ These are: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Jewish, Sunni Muslim, and Karaite Jewish.

¹¹⁶ Constitutional Court of the Republic of Lithuania (7.9.2021), ruling No. KT140-N11/2021, case No. 15/2019 - On the time limit for religious communities to apply for recognition by the state.

¹¹⁷ For example, certain tax exemptions and the right for a group's clergy to conduct legally recognised wedding ceremonies.

¹¹⁸ The four recognised non-traditional religions are: The Evangelical Baptist Union of Lithuania, Seventh-day Adventist Church, Pentecostal Evangelical Belief Christian Union, and New Apostolic Church of Lithuania.

¹¹⁹ Ministry of Justice of Lithuania (21.11.2022). – See also: US State Department, 2022 International Report on Religious Freedom (Lithuania): 9.

¹²⁰ See also: European Association of Jehovah's Witnesses 2023, Lithuania: Jehovah's Witnesses Religious Freedom Report (OSCE Warsaw Human Dimension Conference 2 October-13 October 2023): 4-5.

does therefore not constitute a genuine alternative civilian service.¹²¹ ECRI was informed that the Lithuanian authorities have set up an inter-ministerial working group to address this issue and to find a solution in conformity with the Court ruling.

82. ECRI strongly encourages the authorities to ensure that the Ministry of Justice's negative recommendation to the Parliament (Seimas) with regard to Jehovah's Witnesses' request for the status of a state-recognised "non-traditional religion" is reviewed, in particular in the light of the judgment of the European Court of Human Rights in the case of *Teliatnikov v. Lithuania*.

¹²¹ ECtHR, *Teliatnikov v. Lithuania* (Application no. 51914/19). – This problem, as well as the related refusal to grant state recognition, also affects the Romuva community, an ancient Baltic religious group in Lithuania. In this regard, see the ECtHR judgment in the case *Ancient Baltic religious association "Romuva" v. Lithuania* (Application no. 48329/19).

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Lithuania are the following:

- (§ 4) ECRI recommends that the authorities significantly increase the funding for the offices of the Equal Opportunities Ombudsperson, the Parliamentary Ombudsperson, and the Inspector of Journalist Ethics for them to be able to effectively fulfil their mandates.
- (§ 21) ECRI recommends that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *Macaté v. Lithuania*.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§4) ECRI recommends, as a matter of priority, that the authorities significantly increase the funding for the Offices of the Equal Opportunities Ombudsperson, the Parliamentary Ombudsperson, and the Inspector of Journalist Ethics for them to be able to effectively fulfil their mandates.
2. (§13) ECRI recommends setting up a country-wide system to collect data on racist and anti-LGBTI bullying in schools, taking inspiration from ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
3. (§17) ECRI recommends that the authorities: i) establish a permanent working group on LGBTI equality that bring together relevant government services and institutions and civil society actors; ii) carry out or commission a study on the situation of LGBTI persons in Lithuania, with a particular emphasis being placed on the problems they face with regard to effective equality; and iii) based on the results of the study and any proposals of the permanent working group, consider developing and adopting a clearly distinct strategy and/or action plan on LGBTI equality.
4. (§21) ECRI recommends, as a matter of priority, that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *Macatė v. Lithuania*.
5. (§28) ECRI reiterates its recommendation that the authorities take measures to ensure that Lithuania is fully in line with the judgment of the European Court of Human Rights in the case of *L. v. Lithuania* on regulating the procedure and condition of gender reassignment as well as the relevant decisions of the Committee of Ministers of the Council of Europe within the framework of its supervision of the execution of that Court's judgment. In this regard, the authorities could take inspiration from ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons, and other relevant Council of Europe instruments. Furthermore, the authorities should find practical solutions to overcome the divorce requirement for married persons changing their gender and should review the need for psychiatric "certificates of transsexuality" as a precondition.
6. (§42) ECRI recommends that the authorities increase the number of staff in the police "virtual patrol" unit in order to enable it to carry out its tasks effectively.
7. (§44) ECRI recommends that further action be taken to encourage public figures, such as high-level officials, politicians, and religious, economic and community leaders, to take a prompt, firm and public stance against any expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
8. (§52) ECRI recommends that the authorities carry out an evaluation of the different measures taken to combat hate crime, including training activities, with the aim of improving and possibly expanding these activities.
9. (§57) ECRI recommends that the authorities i) continue and increase their efforts to bring Roma educational indicators to the same level as those of the majority

population and ii) ensure that the necessary funding for a comprehensive coverage with Roma teaching assistants is provided.

10. (§59) ECRI recommends that the authorities offer low-threshold vocational trainings and skills-building activities for which little or no formal education is required, taking into consideration the educational attainment of many Roma, to be able to include them into such programmes in order to enhance their participation in the labour market. Such activities should also include a focus on the specific needs of Roma women.
11. (§62) ECRI recommends that the authorities work with and support Vilnius municipality in ensuring that all former residents of Kirtimai who have not yet received adequate accommodation do so.
12. (§66) ECRI recommends that the authorities prevent and counter any form of negative sentiment and hatred against ethnic Russians in the public sphere that would pose obstacles to the integration and inclusion of members of the ethnic Russian minority into Lithuanian society.
13. (§72) ECRI recommends that the authorities extend the period during which refugees and beneficiaries of subsidiary protection can apply for family reunification without conditions from the current three months to at least nine months.
14. (§74) ECRI recommends that the authorities ensure adequate financial support for the implementation of action plans in the area of integration and inclusion for foreigners, and in particular for refugees and beneficiaries of subsidiary protection. Furthermore, the authorities should provide adequate financial resources to local authorities for the measures they take to assist these groups. Similarly, the authorities should support the Rukla reception centre financially in line with its fluctuating needs.
15. (§79) ECRI recommends that the Lithuanian authorities expand and strengthen Lithuanian language courses for Ukrainians in the country.

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APPENDIX: GOVERNMENT'S VIEWPOINT

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

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Lithuania on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 11 April 2024, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

The European Commission against Racism and Intolerance (hereinafter referred to as ECRI), in accordance with its country monitoring procedure, engaged in confidential dialogue with the authorities of the Republic of Lithuania on a draft of the report. A number of the authorities' comments were integrated into the report's final version. The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Lithuania welcome ECRI's report, covering the situation from the very beginning of 2019 up to 11 April 2024, and the opportunity to respond to the sixth-cycle report. We also welcome ECRI's acknowledgements of the progress we have made and good practices we have developed in a number of fields since ECRI's fifth-cycle report of 7 March 2016. We are pleased that ECRI's representatives were able to meet officials and non-Governmental organisations during their visit to Lithuania in November 2023.

The response to the sixth-cycle report on Lithuania by the European Commission against Racism and Intolerance

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

B. Inclusive education

(§ 7)

The paragraph mentions the Life Skills Program (*Lith. Gyvenimo įgūdžių programa*): “<...> life skills classes are taught, which are less academic, and it is not clear to what extent they also involve different issues concerning diversity in society.” The report mentions, that it is not clear what areas the program covers. We would like to clarify that the curriculum clearly indicates which areas and which parts this program covers. The basis of the Life Skills Program is social and emotional education, which includes such thematic areas as prevention of the use of psychoactive substances, prevention of bullying and violence, prevention of suicides, sexuality education, health education, first aid, and human safety. The Life Skills Program cyclically repeats these themes throughout the educational period, supplementing them by age-specific aspects.

(§ 12)

We would also like to clarify that legislation do not stipulate exclusively mandatory anti-bullying prevention programs in schools. According to the Law on Education, any form of violence, including psychological and physical violence, is prohibited in educational institutions (bullying is also included). In addition, the Law on Education regulates the activities of schools and their responsibilities. According to Article 43, Paragraph 19, Clause 5 of the Law on Education, schools must provide opportunities for students to participate in preventive programs that meet the quality criteria set by the Minister of Education, Science and Sports. The prevention programs run by schools already have assessment and self-evaluation methodologies. Therefore, the provisions of the Law on Education of the Republic of Lithuania form the legal prerequisites for the creation of a system for the fight against violence and the prevention of bullying in all schools of the country, which carry out pre-school, pre-primary, primary, basic, secondary and primary vocational education programs.

D. LGBTI equality

(§16)

In addition to the national Action Plan for the Promotion of Non-Discrimination (2021-2023), we would like to draw your attention to a more recent strategic document - the national Action Plan for the Implementation of Equal Opportunities (2024-2026) adopted on 28 July 2023 (<https://www.etar.lt/portal/lt/legalAct/ecaf9b702d7111ee9de9e7e0fd363afc>). Task 7 in this Action Plan is dedicated to the LGBT+ rights.

(§§18, 20 and 21)

As regards implementation of the judgment of the ECtHR in the case of Macatė v. Lithuania, no. 61435/19)

According to the Government, the following information demonstrates that the Lithuanian authorities are taking measures to implement the present judgment of the European Court of Human Rights (hereinafter – the ECtHR).

Recognizing the unconditional obligation to implement the judgments of the ECtHR, on 14 July 2023 the Ministry of Justice of the Republic of Lithuania prepared a Draft Law amending Article 4 of the Law on the Protection of Minors. In particular, the Draft Law recognized Article 4 § 2 (16) of the Law on the Protection of Minors as repealed¹. The Government approved and submitted the Draft Law to the Seimas (the Parliament) of the Republic of Lithuania. As soon as the Seimas rejected the Draft Law on 7 November 2023 and as there were grounds to examine the constitutionality of Article 4 § 2 (16) of the Law on the Protection of Minors, on 27 December 2023 the Ministry of Justice prepared the Draft Resolution of the Government of the Republic of Lithuania, to apply to the Constitutional Court of the Republic of Lithuania asking to consider and adopt a decision on whether Article 4 § 2 (16) of the Law on the Protection of Minors is in compliance with the Constitution². The authorities and non-governmental organizations (including the National LGBTI rights organisation (LGL) and Lithuanian Centre for Human Rights (LCHR)), expressed approval for such a legal evaluation of the concerned law provision by the Constitutional Court. On 14 February 2024 the Government of the Republic of Lithuania decided to file a petition with the Constitutional Court of the Republic of Lithuania for an investigation into the compliance of Article 4 § 2 (16) of the Law on the Protection of Minors with the Constitution. The Constitutional Court decided to accept the petition of the Government to consider and adopt a decision on whether Article 4 § 2 (16) of the Law on the Protection of Minors is in compliance with

Article 25 §§ 1 and 2 of the Constitution³, Article 29 of the Constitution⁴, Article 38 §§ 1 and 2 of the Constitution⁵, Article 138 § 3 of the Constitution⁶, and the constitutional principle of a State under the rule of law⁷. Currently, the constitutional justice proceedings are pending.

What is highly important is that besides the initiative to apply to the Constitutional Court, which proves the efforts of the Government to comply with the judgment of the ECtHR

¹ Draft Law amending Article 4 of the Minors Protection Law:

< <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/87fc5200221211eea0b6cad9848a9596?fwid=-wb5huwr1d> >.

² Accessible through: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/876275f0a4ca11ee8172b53a675305ab?positionInSearchResults=10&searchModelUUID=7ad70653-d74e-45c0-983f-5fc8c6ac9a9e> .

³ **Article 25**

“Everyone shall have the right to have his own convictions and freely express them.

No one must be hindered from seeking, receiving, or imparting information and ideas. <...>”.

⁴ **Article 29**

“All persons shall be equal before the law, courts, and other state institutions and officials.

Human rights may not be restricted; no one may be granted any privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions, or views.”

⁵ **Article 38**

“The family shall be the basis of society and the State.

Family, motherhood, fatherhood, and childhood shall be under the protection and care of the State. <...>”.

⁶ **Article 138**

<...>

International treaties ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania.”

⁷ Accessible through: <https://lrkt.lt/lt/teismo-aktai/paieska/135/ta2965/content>.

in *Macaté* case, the Government states that there is not a slightest theoretical or practical possibility of further application of the legal provision in issue (Article 4 § 2 (16) of the Law on the Protection of Minors) in a discriminatory manner on the grounds of sexual orientation. First, the Convention for the Protection of Human Rights and Fundamental Freedoms and the ECtHR's case-law (including the judgment in *Macaté* case) has direct effect in Lithuania and prevails over the domestic laws (except for the Constitution). Second, one should note the jurisprudence of the Constitutional Court which found that the constitutional concept of the family may not be derived solely from the institution of marriage and is neutral in terms of gender (the rulings of 28 September 2011⁸ and of 11 January 2019⁹). Third, the practice of the domestic authorities ensures the non-application of Article 4 § 2 (16) of the Minors Protection Law in a discriminatory manner. The authorities adhere to the relevant case-law of the ECtHR regarding the concept of family and the jurisprudence of the Constitutional Court of Lithuania regarding the constitutional concept of family, which is neutral in terms of gender.

The Government wishes to specify that according to Article 4 § (16) of the Law on the Protection of Minors, the public information is considered to be harmful to minors which expresses contempt for family values, [or] encourages a different concept of marriage and creation of family from the one enshrined in the Constitution and the Civil Code (compare *a contrario* para. 18 of the Draft ECRI report on Lithuania). Any single violation of Article 4 § 2 (16) of the Law on the Protection of Minors has not been found by the authorities since 2014 (compare *a contrario* para. 20 of the ECRI report on Lithuania).

If the above-mentioned provisions were declared to be unconstitutional by the Constitutional Court, they would be immediately eliminated from the legal system by default, without any additional measures.

(§§ 22 and 23)

As indicated in the report, the legal regulation of civil partnership in Lithuania is provided in the XV Chapter of the Civil Code. However, those provisions have not yet entered into force since the adoption of the Civil Code, as the adoption of necessary implementing legal act is still pending. In May 2024 the Ministry of Justice initiated a draft petition for the Constitutional Court, asking Constitutional Court to evaluate the constitutionality of the adopted but till this day not valid regulation concerning partnerships (i. e. the provisions of Article 3.229 of the Civil Code, that makes possible to form a partnership only between different sex partners) and the provisions regarding the abovementioned Chapter's entry into force.

(§ 25)

We would like to make it clear – most applicants hire a lawyer (because managing legal system and applying to court is neither easy nor intuitive for a person with no background in law), the procedure is costly and not easily accessible to everyone. The procedure usually takes about a month, however, that highly depends on the discretion of the judge assigned to the case. Next to that, since one needs a diagnosis to apply to court, the process in reality is actually much lengthier.

(§ 30)

Exact citation of the ruling is: "*It should be noted, that one of the forms of discrimination prohibited under Article 29 of the Constitution is the restriction of the rights of a person on the grounds of his/her gender identity and/or sexual orientation; such a restriction should also be regarded as degrading human dignity.*" <https://lrkt.lt/en/court-acts/search/170/ta1915/content>

⁸ The ruling of the Constitutional Court of Lithuania of 28 September 2011: <https://lrkt.lt/en/court-acts/search/170/ta1112/content>.

⁹ The ruling of the Constitutional Court of Lithuania of 11 January 2019, no KT3-N1/2019: <https://lrkt.lt/en/courtacts/search/170/ta1915/content>.

(§ 34)

The case of impeachment was initiated against this Member of Parliament and in the conclusion of 25 April 2024 of the Constitutional Court this parliamentarian for his statements was recognized guilty of the severe violation of the Constitution and the breach of the Parliamentarian oath. As the consequence he had to step out from the Parliament prior to the end of his mandate. <https://lrkt.lt/en/court-acts/search/170/ta3018/summary>

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE A. Hate speech

(§ 36)

Although such marches seem to have ended, they still happen to take place; at least one was on the 16th of February, 2024 during Lithuania's Independence Day celebrations. The march was less Nazi-oriented and might seem to be more peaceful but still they are very nationalistic and definitely anti-migration oriented. Slogans talk about migrants not speaking Lithuanian language and similar. <https://www.lrt.lt/naujienos/lietuvoje/2/2197469/iki-tukstancio-zmoniu-vilniuje-zygiavo-eitynesesu-deglais>

(§39)

The Government wishes to add that in its judgment of 17 January 2023 in *Valaitis v. Lithuania*, no. 39375/19, the ECtHR, *inter alia*, concluded that the current practice of the Lithuanian authorities, since delivery of the judgment in *Beizaras and Levickas*, no longer displays the discrepancy that the ECtHR identified in that judgment. The ECtHR found that the domestic authorities in the present case “drew the necessary conclusions” from the judgment in *Beizaras and Levickas* and, by applying the domestic law in the light of the principles as formulated by the Court in that judgment, “addressed the cause of the Convention violation”. The ECtHR held that the authorities’ discriminatory attitude – identified by the Court in *Beizaras and Levickas*, is no longer apparent. The Court noted that effective remedies regarding the prevention, detection and prosecution of hate crimes may also come about through domestic practice (see *Valaitis v. Lithuania*, cited above, §§ 114-116).¹⁰

III. INTEGRATION AND INCLUSION

A. Roma

(§ 56)

The paragraph says: “ECRI was also informed that an entitlement to Roma teaching assistants in classes with Roma pupils exists, but that due to lack of funds, such assistants are not currently hired for every class that requires one.” The Government would like to clarify this provision, since the purpose of providing special support (which includes an assistant for a pupil) is to increase the effectiveness of the education of a student with special educational needs. According to the Law on Education, special educational needs are defined as the need for assistance and services in the educational process, arising from a person’s exceptional abilities, congenital or acquired disorders, and environmental factors. The need for assistance for a child with special educational needs is assessed and assigned by the pedagogical psychological service (hereinafter referred to as the Service) taking into account the conclusions of the health care institution's specialists, after assessing the child's developmental disorders and determining the special educational needs. Therefore, all children who have special educational needs can get an assistant. If Roma children have special educational needs and have been assessed by the Service, they are also entitled to a pupil’s assistant. In other cases, the position of such assistant can be established only if the headteacher expresses a need.

¹⁰ Accessible through: <https://hudoc.echr.coe.int/eng?i=001-222318>

Each municipality applies individual measures and methods to increase the inclusion of Roma in the education system. There are no exceptional general education conditions provided for national minorities and they do not face discrimination. Pursuant to Article 45 of the Constitution of the Republic of Lithuania and Part II of Article 30 of the Law on Education, general education and nonformal education schools provide the opportunity for students belonging to national minorities to nurture their national, ethnic, and linguistic identity, learn their native language, history and culture.

IV. TOPICS SPECIFIC TO LITHUANIA

(§ 80)

It would be correct to have the following formulation: *“requires at least 25 years of legal existence in the country, which allow presupposing that a religious group has support in society, and teachings that do not conflict with the Lithuanian Constitution and good morals.”*

Pursuant to the Constitution and the law, two requirements are needed for asking the legal recognition: 1) to have a support in the society (this support might be proved by at least of 25 years registration, but it is only the presumption not a condition) and 2) their teaching and practices are not in conflict with the law and public morals (art 43 part 1 of the Constitution).

The Government also wishes to specify that on the basis of the expertise the Ministry of Justice did not recommend to the Seimas of the Republic of Lithuania the recognition of Jehovah's Witnesses in the above sense, due to their refusal of blood transfusions for medical treatment and refusal, in case of armed attack, to participate in national defense, military or alternative, which according to Article 139 of the Constitution of the Republic of Lithuania is the right and duty of each citizen of the Republic of Lithuania.

(§81)

The Government wishes to add that as a result of the work of the Working Group mentioned in the ECRI report on Lithuania, on 8 August 2023 *inter alia* the Draft Law amending the Law on Conscription No. I-1593 was registered at the Seimas. The Draft Law aims to ensure that the alternative national defense service is civilian in its nature and in compliance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and of the European Union Law.

Next to all that has been written above, the Government wishes to draw your attention to the title of Rukla Reception Centre, and recommend using the official title Rukla Refugee Reception Centre or using an abbreviation instead. The institution is mentioned in §§ 32 and 74, and p. 14 in the List of Recommendations.

The Government would like to clarify that the Equal Opportunities Ombudsperson (EOO) is the national equality body. It monitors the application of the Law on Equal Treatment and the Law of Equal Opportunities for Woman and Man.

Footnotes p. 2

Wishing to avoid a legal factual mistake, we would like to explain that National equality body EOO is not established by the Constitution, Art. 73 part. 2. This provision concerns only Parliamentary Ombudspersons. The EOO is established relying on art. 73 part 3 that enshrines the right of the Parliament (the discretion) to establish other ombudsperson bodies that are not provided in the Constitution.

Footnotes p. 9

We would like to add that, within the mandate of a National Human Rights Institution the protection and promotion of human rights have no limits.

Footnotes p. 121

The non-recognition of Romuva is based on a different argumentation and it is not related to the military service as analysed in Teliatnikov case. However, both religious communities are not recognised as non-traditional religious communities.

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