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*Official translation*

**GOVERNMENT OF THE REPUBLIC OF LITHUANIA**

**RESOLUTION No 538**

of 3 May 2004

**regarding the approval of the report under the International Convention on the Elimination of All  
Forms of Racial Discrimination**

Vilnius

Implementing Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (*Valstybės žinios* (Official Gazette) No 108-2954, 1998) and invoking the Law of the Republic of Lithuania on the Ratification of 1965 International Convention on the Elimination of all Forms of Racial Discrimination (*Valstybės žinios* (Official Gazette) No 108-2954, 1998), the Government of the Republic of Lithuania has resolved:

1. To approve the Second and the Third Periodic Report under the International Convention on the Elimination of all Forms of Racial Discrimination (appended).
2. To charge the Ministry of Foreign Affairs to organise translation into the English language of the Report referred to in subparagraph 1 and to submit, in a prescribed procedure, the translated report to the Secretary General of the United Nations.

Prime Minister

Algirdas Brazauskas

Minister of Foreign Affairs

Antanas Valionis

APPROVED

by Resolution No 538 of the Government of the Republic of Lithuania of 3 May 2004

**THE SECOND AND THIRD PERIODIC REPORT UNDER THE INTERNATIONAL CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

**INTRODUCTION**

1. The Government of the Republic of Lithuania hereby submits the joint second and third periodic Report in accordance with Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination. The Report has been drawn up according to the Guidelines and General Recommendations regarding the form and content of Reports approved by the United Nations Committee on the Elimination of Racial Discrimination. In it consideration is given to the Concluding Observations of the United Nations

Committee on the Elimination of Racial Discrimination on the initial report of Lithuania, approved on 21 March 2002 at the 60th meeting of the Committee (CERD/C/60/CO/8). The Report gives answers to the specific questions of the Committee that are formulated in the Concluding Observations regarding the Initial Report as well as reflects progress achieved by the Republic of Lithuania in 2000-2003 in implementing the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination:

2. The Report has been drawn up by the interdepartmental working group directed by the Ministry of Foreign Affairs. The group had among its members representatives of the Ministry of Justice, Ministry of the Interior, Ministry of Social Security and Labour, and the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania. Information for the Report has been presented by over 40 state institutions, municipalities, education and science institutions, non-governmental organisations. The draft Report was brought to the attention of Lithuania's NGOs, which could present their comments in writing.

## **GENERAL INFORMATION**

### **New Legal Acts of the Republic of Lithuania**

3. In the period after the presentation of the Initial Report the following basic laws were passed in 2000-2003 in connection with the implementation of Articles 2 to 7 of the International Convention on the Elimination of all Forms of Racial Discrimination:

3.1. the Civil Code of the Republic of Lithuania (No VIII-1864 of 18 July 2000 ), which came into force on 1 July 2001;

3.2. the Code of Civil Procedure of the Republic of Lithuania (No IX-743 of 28 February 2002 ), which came into force on 1 January 2003;

3.3. the Code of Criminal Procedure of the Republic of Lithuania (No IX-785 of 14 March 2002 ), which came into force on 1 May 2003;

3.4. the Criminal Code of the Republic of Lithuania (No VIII-1968 of 26 September 2000) , which came into force on 1 May 2003;

3.5. the Code of Enforcement of Sentences of the Republic of Lithuania (No IX-994 of 27 June 2002), which came into force on 1 May 2003;

3.6. the Labour Code of the Republic of Lithuania (No IX-926 of 4 June 2002), which came into force on 1 January 2003;

3.7. the Law of the Republic of Lithuania on the Amendment to Article 119 of the Constitution of the Republic of Lithuania (No IX-959 of 20 June 2002 ), whereby the right to elect and be elected in the elections to the municipal councils has been granted to all permanent residents of the respective territorial administrative unit (i.e. not only to the citizens of the Republic of Lithuania);

3.8. the Law of the Republic of Lithuania on Amending Articles 1, 2, 3, 6, 9, 12, 13, 17, 23, 24, 25, 26, 28, 29, 32, 34 35, 41, 55, 58, 62, 6., 64, 86, 88 of the Law on Municipal Elections (No IX-962 of 20 June

2002 ) whereby permanent residents of the municipality have been granted the right to elect and be elected municipal council members;

3.9. the Law of the Republic of Lithuania on Citizenship (No IX-1078 of 17 September 2002). According to the new Law of the Republic of Lithuania on Citizenship, acquisition of citizenship, refusal to grant citizenship, retention or deprivation of citizenship is not subject to any discriminatory restrictions on the grounds of race, origin, ethnicity or on other grounds;

3.10. the new version of the Law of the Republic of Lithuania on Courts (No IX-732 of 24 January 2002) guarantees equality before the law and the court irrespective of the person's sex, race, origin, ethnicity, language, opinions or other circumstances;

3.11. the Law of the Republic of Lithuania on the Amendments to the Law on Education (No IX-1630 of 17 June 2003). The new version of the Law of the Republic of Lithuania on Education establishes the accessibility of education on the basis of equal rights to all persons irrespective of their sex, race, ethnicity, language, origin, social position, religion, convictions or opinions; the Law also contains provisions regulating education in and teaching of the languages of national minorities and the native language studies of persons belonging to national minorities.

3.12. the Law of the Republic of Lithuania on Equal Treatment (No IX-1826 of 18 November 2003) which enters into force on 1 January 2005 prohibits any direct or indirect discrimination on the grounds of the person's age, sexual orientation, state of health, race, ethnic origin, religion or opinions and provides instruments for implementing the principle of equal treatment.

### **International legal acts**

4. Lithuania proceeded with accession to international legal acts in the human rights law. The Seimas of the Republic of Lithuania ratified the following international conventions:

4.1. on 14 December 1999, the United Nations Convention relating to the Status of Stateless Persons - entered into force on 7 May 2000;

4.2. on 17 February 2000, the Council of Europe Framework Convention for the Protection of National Minorities - entered into force on 1 July 2000;

4.3. on 2 August 2001, the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty - entered into force on 27 June 2002;

4.4. on 19 September 2002, the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine) and its additional protocol on the Prohibition of Cloning Human Beings - entered into force on 1 February 2003;

4.5. on 12 November 2002, Optional Protocol on the Involvement of Children in Armed Conflicts to the United Nations Convention on the Rights of the Child - entered into force on 1 April 2003;

4.6. on 21 January 21, European Agreement Relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights; entered into force on 1 April 2003;

4.7. on 25 March 2003, Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organised Crime - entry into force pending;

4.8. on 1 April 2003, Rome Statute of the International Criminal Court - entered into force on 1 April 2003;

4.9. on 22 April 2003, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime - entry into force pending;

4.10. 16 October 2003, Protocol No 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms - entry into force pending.

5. On 17 February 2000, the Seimas of the Republic of Lithuania ratified the Council of Europe Framework Convention for the Protection of National Minorities, which entered into force in Lithuania on 1 July 2000. In 2001 the Government of the Republic of Lithuania drew up a report on the implementation of the Convention provisions in Lithuania (according to Article 25(1) of the Convention). The Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities prepared for the Committee of Ministers of the Council of Europe an Opinion on Lithuania, which was approved in February 2003. The Opinion and Lithuania's reply to it are documents publicly accessible on the Internet in the Lithuanian and English languages. The Committee of Ministers (Ministers Deputies) of the Council of Europe on 10 December 2003 adopted Resolution ResCMN(223)11 on the implementation of the Framework Convention for the Protection of National Minorities in Lithuania.

6. The European Commission against Racism and Intolerance (ECRI) has performed two rounds of reports evaluating the situation in Lithuania. The first report on Lithuania was completed in 1996, the second was completed in 2002. ECRI's reports have been widely discussed in Lithuania. On 12 June 2003 the second report as well as other important issues (the programme of integration of the Roma community into Lithuanian society, the improvement of laws against racism and racial discrimination, the problems of refugees and asylum seekers) have been the subject of a round table discussion attended by about 70 representatives of competent institutions and non-governmental organisations.

### **Institutional framework**

7. The national minorities policy of the Government of the Republic of Lithuania is developed by the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania (hereinafter referred to as the Department of National Minorities and Lithuanians Living Abroad), established in 1989. The main task entrusted to the Department concerns the protection of rights of persons

belonging to national minorities, safeguarding of their interests, attendance to their needs and care for the preservation of national identity and heritage.

8. The Regulations of the Department of National Minorities and Lithuanians Living Abroad were amended by Resolution of the Government of the Republic of Lithuania No 228 of 14 February 2003 and set forth in a new version. In accordance with the above revised Regulations the Board of the Department of National minorities and Lithuanians Living Abroad was formed on 2 April 2003 by Order No 23 issued by the Director General of the Department, which included among its members the chairman of the Nationalities Council. On 29 April 2003 a Standing Group of Experts was formed under the Department of National Minorities and Lithuanians Living Abroad by Order No 28 of the Director General of the Department.

9. The Department of National Minorities and Lithuanians Living Abroad works in close co-operation with various institutions of the Republic of Lithuania: the Human Rights Committee of the Seimas of the Republic of Lithuania, the Office of the Seimas Ombudsmen, the Office of the Equal Opportunities Ombudsman, the Seimas Committees of Foreign Relations and of Education and Science, the Ministry of Culture, the Ministry of Education and Science, the Ministry of Justice, the State Commission of the Lithuanian Language, the Open Society - Lithuania Foundation, Civil Initiatives Centre, Lithuanian Human Rights Centre, Children's Fund of Lithuania, other Lithuanian and foreign non-governmental organisations. Close co-operation has also been established with international institutions: the Council of Europe Advisory Committee, the European Commission against Racism and Intolerance.

10. In order to ensure greater participation of national communities in decision-making on issues relating to the protection of their rights, in 1995 the Council of National Communities with representatives of twenty national communities among its members was established under the Department of National Minorities and Lithuanians Living Abroad. The Council submits recommendations and proposals on the improvement of national relations to the Department of National Minorities and Lithuanians Living Abroad, the Seimas and the Government of the Republic of Lithuania, other public institutions, helps foster national accord in Lithuania and co-ordinates the activities of national communities.

11. The Republic of Lithuania concluded and ratified inter-State political agreements on friendly relations and good neighbourly co-operation with the Republic of Poland, Republic of Byelorussia, the Ukraine, the Russian Federation and other states, whereby the States Parties undertake to guarantee for the national minorities residing in their respective territories equality before the law, the right to individually or together with other members of their respective group freely express, protect and develop their national, cultural and religious identity without being subjected to any discrimination.

12. Close co-operation has been developed between the Republic of Lithuania and the Republic of Poland. Lithuania has a compactly residing Polish national minority, whereas a Lithuanian national minority is compactly living in Poland. Meeting their needs is a matter of constant concern for both states. Common institutions have been established with a view to promoting co-operation between the two states - the

Consultative Committee of the Presidents of the Republic of Lithuania and the Republic of Poland, the Parliamentary Assembly of the Republic of Lithuania and the Republic of Poland, the Co-operation Council of the Governments of the Republic of Lithuania and the Republic of Poland. The National Minorities Commission has been set up at the Government Co-operation Council.

13. The National Communities Council was formed under the President of the Republic on 28 April 2003 by Decree No 61. Among the officials on the Council are the Director General of the Department of National Minorities and Lithuanians Living Abroad and the Chairman of National Communities Council. The principal tasks of the Council comprise analysis of legal acts regulating the legal status of national communities and national minorities and presentation of proposals on the issues relating to the strengthening of links of national communities and national minorities as well as Lithuanians living abroad with Lithuania and on the development of policy for the preservation of national identity in a unified Europe.

14. The public activities centre of national communities - the House of National Communities - has been set up under the Department of National Minorities and Lithuanians Living Abroad. Centres of national communities have been functioning in Alytus, Visaginas and Kaunas. Plans are also underway to set up such a centre in Klaipėda.

### **Statistical data**

15. Demographic data about Lithuania's population is collected by the Department of Statistics under the Government of the Republic of Lithuania (hereinafter referred to as Department of Statistics). The population number and its national composition given below is based on the data of 2001 population and housing census as well as on the data of the Population Register and statistical data of the natural movement and migration of the population.

16. At the beginning of 2003 Lithuania's population was 3 462 553.

Lithuania's population according to the data of 1 January 2003 (thousand)

	Total	%	Men	%	Women	%
Total	3462.5	100	1617.3	46.71	1845.2	53.29
Urban	2317.2	66.92	1063.3	45.89	1253.9	54.11
Rural	1145.3	33.08	554	48.37	591.3	51.63

17. During the general population and housing census of 2001 data was collected about the ethnic composition of the population. All in all data about 3,483,972 residents was collected. From the said number of people 32,921 persons or 0.9% of the population did not identify their ethnicity. According to the population census data, representatives of 115 ethnic groups reside in Lithuania, however, as many as 86 ethnic groups number less than 100 representatives each, while 49 ethnic groups from them have less than 10 representatives each.

The composition of Lithuania's population broken down by ethnicity is given in the table below:

**Ethnic composition of Lithuania's population**

(data of 2001 population and housing census)

Ethnic group	Population number	Population number by %
Total	3 483 972	100
Lithuanian	2 907 293	83.5
Polish	234 989	6.7
Russian	219 789	6.3
Byelorussian	42 866	1.2
Ukrainian	22 488	0.7
Jewish	4 007	0.1
German	3 243	0.1
Tartar	3 235	0.1
Latvian	2 955	0.1
Roma	2 571	0.1
Other	7 615	0.2
did not identify	32 921	0.9

*Data provided by the Department of Statistics*

18. The absolute majority of Lithuania's permanent residents of non-Lithuanian ethnic origin have obtained citizenship of the Republic of Lithuania. According to the data of the Department of Migration under the Ministry of the Interior, in the period from 1 January 2000 to 1 September 2003, aliens were issued 19 500 permits entitling them to temporary residence in the Republic of Lithuania. On 1 July 2003, 24 640 aliens, from them 7 900 stateless persons, possessing permits for permanent residence were residing in the Republic of Lithuania; among the permanent residents were 23 persons accorded the status of refugee.

**Total population by citizenship**

(data of 2001 population and housing census)

Citizenship	Number of residents
Total	3 483 972
Residents having only one citizenship	3 469 553
Lithuanian	3 448 878
European states:	194 450
Russian	13 376
Byelorussian	2 180

Ukrainian	1 556
Polish	737
Latvian	413
German	230
Armenian	229
Other	729
African states	18
Asian states:	772
Kazakhstan	211
Lebanese	119
Israeli	103
Other	339
North American states:	281
US	257
Canadian	24
South American states:	12
Caribbean	7
Australian	11
Did not indicate state	118
Citizens holding dual citizenship	659
Stateless persons	10 531
Did not indicate	3 229

*Data provided by the Department of Statistics*

### **Characteristics of national minorities**

19. *The Polish national minority.* This is the most numerous national minority in Lithuania. Poles reside in various localities of Lithuania, but the majority of them (90%) live in south-eastern Lithuania - city of Vilnius, Šalčininkai, Trakai, Švenčionys and Vilnius districts. The contribution made by the Polish population to the political, economic and cultural life of Lithuania is outstanding. Polish national minority was formed in Lithuania through the intensive long-lasting political, economic and cultural links maintained for a 400-year period by the common Lithuanian-Polish state. At the turn of the 19<sup>th</sup> century the majority of the population of south-eastern Lithuania decided to identify their national background as Polish. The developing national liberation movement and restoration of two independent national states was accompanied by territorial disputes which resulted in the deterioration of relations between Lithuanians and Poles. In 1920-1939 Poles in Lithuania (Vilnius region excluding) accounted for 3% of the population, whereas in the Vilnius



region occupied by Poland they constituted the majority of the population. After the restoration of the Vilnius region to Lithuania (in 1939), in the pre-war period Poles constituted 15.3% of Lithuania's population. After World War II large numbers of residents of Polish national background repatriated to Poland. In 1959 Poles constituted 8.5%, in 1989 - 7% and in 2001 - 6.7% of Lithuania's population. The restoration of Lithuania's independence gave an impetus for the Polish population to engage in national activities. They started to form public associations, to support the development of culture, education, preservation of native language and traditions. The problems raised by Poles living in Lithuania and Lithuanians living in Poland are constantly in the focus of attention of the bodies concerned with the development of interstate co-operation between the two states.

20. *The Russian national minority.* Russians live in the entire territory of Lithuania, however, their largest numbers are found in Vilnius, Klaipėda, Visaginas. Migration of Russians to Lithuania became more manifest at the end of the 17<sup>th</sup> century, when, in flight from persecution after the reform of the Church, the Old Believers sought refuge in Lithuania. After the Russian Empire annexed the bulk of Lithuanian territories at the end of the 18<sup>th</sup> century, Lithuania was subjected to vigorous Russification. In 1857 Russians constituted a mere 1.4% of Lithuania's population, whereas in 1897 their number had grown to constitute 4.8%. In 1918-1923 Lithuania had to deal with an influx of Russians escaping from the terror of the Bolshevik revolution. The percentage of Russian population in Lithuania markedly increased after World War II. In 1959 Russians constituted 8.5% and in 1989 9.4% of Lithuania's population. In 1990, after the restoration of Lithuania's independence, a certain part of Russians returned to their historic homeland. According to the population census conducted in 2001, Russians constitute 6.3% of Lithuania's population. The Russian national minority in Lithuania has been provided with all conditions necessary to develop education in the native language, foster authentic culture and maintain national identity. Centres of Russian culture operate in many towns and districts. Books and periodicals are published in the Russian language and television and radio programmed are broadcast in the Russian language on a regular basis.

21. *The Jewish national minority.* Jews have been living in Lithuania since the 14<sup>th</sup> century. In the 18<sup>th</sup> century Vilnius became a major centre of Jewish religious and spiritual culture. In 1918-1940 Jews constituted 7% of Lithuania's population. They enjoyed cultural autonomy, had a wide network of educational institutions, press and public organisations. During World War II Lithuania's Jewry fell victims of Nazi genocide, which resulted in the death of nearly 95% of Lithuania's Jewish population (out of the total of 220,000). Only 24,700 Jews (0.9% of the population) lived in Lithuania in 1959. The Soviet regime sought to erase the memory of the Jews, their historical and cultural heritage in Lithuania. Jews started to emigrate to Israel, the United States of America and other countries. There was a great increase in the emigration following the restoration of Lithuania's independence. In 1989 Lithuania's Jewish population amounted to 12 000 (0.3% of the entire population) whereas in 2001 their number had dropped to 4 000 (0.1% of Lithuania's population).

22. *The Byelorussian national minority.* Territories inhabited by Byelorussians had been in the composition of the Grand Duchy of Lithuania since the 14<sup>th</sup> century. In the 19<sup>th</sup> century those territories, like the whole of Lithuania, became a part of the Russian Empire. From olden days Vilnius has been a leading centre of Byelorussian written word, culture and education, here the first book was printed in the Byelorussian language in 1522. In the period between the two World Wars Byelorussians constituted 02% of the entire population of Lithuania. In the years of Soviet occupation the number of Byelorussians in Lithuania grew due to migration: in 1959 they constituted 1.1%, in 1989 1.7% and in 2001 1.2% of the population. The majority of Byelorussians live in Vilnius, Klaipėda and Visaginas as well as in the territories bordering with the Belarus Republic.

23. *The Karaite national minority.* The distinguishing feature of the Karaite historical diaspora is its singular history, culture and religion. Karaites have been living in Lithuania for over 600 years. In 1397-1398 the Grand Duke Vytautas, who was waging war against the Tartan Golden Horde, transferred some 380 families of Karaites from the Crimea to Lithuania (town of Trakai). According to 1959 population census data, the population of Karaites in Lithuania numbered 423, in 2001 - 273. During 600 years of their existence in Lithuania the Karaite national minority, although not numerous, preserved the language and customs, original literary heritage and religion which is a variety of Judaism. The native language of Karaites, still used in everyday life and during religious rites, constitutes the basis of Turkic national identity of the Karaites. In spring 1988 the Karaites set up the Society of Karaite Culture, they have a folklore group, a Sunday school. The ethnographic exposition of the Karaites in the Trakai museum has on display articles of everyday life and work as well as historical documents of the Karaites.

24. *The Tartar national minority.* The Tartars, an ethno-confessional community of remarkable origin, customs and way of life, have also been living in Lithuania for some 600 years. Like the Karaites, the Tartars came to Lithuania in the 14<sup>th</sup> century from the Crimea. Up to the present day the settlements of the Tartars, established along the border of the Grand Duchy of Lithuania, have remained remarkable centres of ethnic Tartar culture. At the present time the majority of the Tartars live in Vilnius, Kaunas and Alytus. Lithuania's Tartars have always been using languages spoken by the local people - Lithuanian, Byelorussian, Polish and Russian and for this reason in the 19<sup>th</sup> century they were identified on the basis of their Moslem faith. In 1959 Lithuania's Tartar population amounted to 3020, in 1989 – 5 200 and in 2001 – 3 235 people. Lithuania's Tartars have preserved strong community links, ethnic and religious identity, customs and traditions. In recent years there has been an upsurge of interest in the Tartar culture. The Centre of Oriental Studies was set up at Vilnius University in 1992. In 1997 the international scientific conference was held to mark the 600<sup>th</sup> anniversary of settlement of the Tartars and Karaites in Lithuania.

25. *The Roma national minority.* The Roma settled in Lithuania in the middle of the 15<sup>th</sup> century after wandered across Belarussia and Poland. For many years they continued to lead a nomadic life, usually travelling around a rather restricted territory in summer. The laws of the Soviet Union prohibited the Roma

from wandering, they were put under the obligation to take up a job and get registered, but, according to the Roma, they began leading a settled way of life in Lithuania only in the seventies. In the period from 1959 to 2000 the number of Roma population in Lithuania varied from 2 000 to 3 000. The majority of them reside in Lithuania's larger towns: Vilnius, Kaunas, Panevėžys and some other localities. Most Roma call themselves Lithuania's Čigonai (Gypsies). The name is historical and has been widely used in Lithuania up to the present day. Changes in the quality of life of the Roma became noticeable only after the restoration of Lithuania's independence. The attention paid by the Lithuanian state to national minorities, the emerging new legal and practical possibilities and circumstances of an entirely new quality have given the Roma an impetus to address the recurring problems, to form appropriate organisations and seek integration into the life of Lithuanian society.

26. *The German national minority.* German roots have been discovered in Lithuania's socio-cultural layer of several historical epochs. In the 13<sup>th</sup> century Lithuania came under the attack of the Order of Crusaders which resulted in the colonisation of Eastern Prussia and Klaipėda Region. It was here that the first German settlements were set up and the territory remained attributed to German lands until 1923, when the Klaipėda Region was reunited with Lithuania. Germans accounted for about 5% of the Region's population. Their number declined due to repatriation before and after World War II. In 1959 Germans accounted for as little as 0.4% and in 2001 - 0.1 % of Lithuania's population. In 1996 centres of German culture were renovated in Klaipėda and Šilutė. The centres pursue the goal of preserving national identity, fostering traditions of the German people, deepening mutual understanding between Lithuanians and Germans, disseminating information about Lithuania's culture, science, economy.

27. *The Ukrainian national minority.* The Ukrainian lands (Kiev, Tchernigov, Perejeslav), incorporated into the territory of the Grand Duchy of Lithuania in the middle of the 14<sup>th</sup> century, not only expanded the territory of the state but also laid the foundation of the relationship and co-operation between Lithuanians and Ukrainians which lasted for centuries. In 1596 the Brest Church Union established the Eastern Catholic Rite (Uniate) religious community, expanding spiritual relations between Ukrainians and Lithuanians. In the 19<sup>th</sup> century the condition of being incorporated into the Russian Empire gave a stimulus both to the development of cultural relations and to migration. According to demographic research data, in the period from 1857 to 1897 Ukrainians constituted 0.1% of the population in the territory of the present-day Lithuania. Ukrainians belong to those ethnic groups resident in Lithuania since of old whose total number and specific gravity in the demographic structure of the country's population has been on the rise after World War II. In 1959 Ukrainians constituted 0.7%, in 1989 1.2% and in 2001 0.7% of Lithuania's population.

28. *Other national minorities.* The national minorities of Lithuania have their own historical destiny that led them to our country. For centuries Lithuania has been the country of residence for Poles, Byelorussians, Russians, Karaites, Tartars, Jews, Roma. Representatives of Romanian, Georgian, Armenian, Estonian nations have lived in Lithuania for several decades only. Their migration to Lithuania started after

World War II and continued in later years. 1961-1970 were the years of intensive migration when specialists and workers came from the republics of the Soviet Union to Lithuania's new industrial enterprises and construction sites. It was then that Armenians, Azeris, Greeks, Ukrainians, Moldavians and representatives of other national background settled down in Lithuania. Over the period from 1979 to 1989 migration and natural increase of the population conditioned increase in the number of Russians, Poles, Byelorussians, Tartars, but the number of Jews and Latvians decreased. In 1980-1989 due to inter-republican migration Lithuania's population increased by 61 000. After the restoration of independence there was a change in the directions and scope of migration with the CIS countries. Major changes occurred in the period from 1990 to 1993, when as many as 63 000 residents left Lithuania. At the same time there was a marked decrease in immigration. During the above-mentioned period Lithuania's population decreased by 50 000 due to emigration to CIS countries. In the present decade migration has been conditioned by the processes of European integration and globalisation.

### **Sociological research**

29. In recent years a lot of sociological and anthropological research has been carried out for the purpose of analysing the history, culture, present-day condition and interethnic relations of national minorities living in Lithuania.

30. Sociological research "Profiles of tolerance in Lithuania: sociological research" was conducted on 6-9 November 2003. Implementing the National Human Rights Action Plan, the Market and Opinion Research Centre "Vilmorus" carried out the research.

The purpose of the research was to identify public opinion in Lithuania about the representatives of other races, religion and most vulnerable social groups and to evaluate Lithuanians' experience of tolerance. The research indicated that Lithuanians consider themselves as being more tolerant than their neighbours. Work of governmental and non-governmental institutions, which prevent xenophobia and homophobia, was evaluated as positive. The results of the research show that Lithuanians are least tolerant to the Roma people, representatives of other sexual orientation, drug addicts and refugees. The respondents would be least willing to live in the neighbourhood of drug addicts (80.4%), alcoholics (59.7%), persons affected by AIDS (44.3%), persons with previous convictions (34.5%), Roma (25.4%), gays (22.7%), Moslems (10.8%), immigrants (4.8%), persons of other ethnic groups (3.2%), Jews (3.1%), families with many children (3%), persons of another race (2.7%), unemployed persons (2.6%). To all evidence social and not racial motives of exclusion are predominant in the society. The respondents voiced their attitude to various groups of people: blacks (30% of respondents had a positive attitude, 68.7% - neutral, 8% - negative), Moslems (accordingly 18.4%, 49.2%, 24.4%), Jews (accordingly 20.9%, 54.8%, 20.4%), migrants (accordingly 9.8%, 45.2%, 35.7%), refugees (accordingly 9.1%, 42.4%, 38.3%), Roma (accordingly 14.1%, 38.5%, 42.7%). Lithuanians feel that they are being discriminated against for age, gender, physical and mental disabilities. 7.5 % of respondents indicated that during the previous two years they had come across cases of persons being discriminated against because

of race or ethnic background. The results of this research will be used when preparing the national programme against racism, xenophobia and intolerance.

31. The Department for Ethnosociology of the Institute for Social Research has been for several years conducting studies of ethnicity and modern nationalism, carrying out research of problems of adaptation of national minorities and new diasporas, ethnic tolerance and migration. The principal projects implemented by the Department for Ethnosociology are as follows:

31.1. In 1998-2003 the research “The Context and Progress of Adaptation of Lithuanian Ethnic Groups” was conducted. The subject of the research was peculiarities of post-Soviet adaptation of Lithuania’s major ethnic groups (Lithuanians, Russians, Poles) and the historical diasporas (Jewish, Tartar). The conducted empirical research compared the identity of different ethnic group members, their evaluation of their own past, the circle of social links, civic activity. By analysing more variants of adaptation, the authors of the project aimed at expanding the concept of minority integration. During the implementation of the project 3 monographs and teaching aids, 10 scientific articles were prepared, an international seminar was held (in 1998), reports were delivered at international and Lithuanian conferences;

31.2. The project “Recognition and Prevention of Ethnic Discrimination” was implemented in 2002-2003. The purpose of the project was discussing the instances of manifestation of ethnic discrimination and ethnic intolerance, methods of their evaluation, the significance of international documents for Lithuania. More attention was given to the Roma community, the problems they have to cope with – employment, housing, public services, etc.;

31.3. In 2003 the implementation of the project “Self-awareness of National Minorities and European Integration” was started. The project is aimed at determining the significance of the processes of European integration for Lithuania’s national minorities, establishing the factors which condition their attitude and judgements. By its character the research corresponds to monitoring – it is being watched whether or not and in what manner the population group takes part in the principal events in Lithuania. The basic directions of the research cover analysis of the attitude of national minorities towards Lithuania’s membership in the European Union, comprehension of membership in the European Union and of European Integration, analysis of opinion shaping factors. A study of Lithuania’s national minorities has been conducted. Provisions have been made for preparing a report of the study, holding an international conference and publishing a collection of articles (in 2004);

31.4. In 2002-2004 the international Project “On Ethnic Structure, Inequality and Governance of the Public Sector” is implemented. The project is being implemented by 26 countries, the coordinator is the UNRISD (Geneva). The data will be published in 2004. The Project consists of several stages. First of all the researchers present the general structure of ethnic group distribution and then proceed with analysing the inequality in the employment of the personnel of the principal governmental and other bureaucratic institutions – the Government, Parliament, political parties, etc. Although the public sector is in the focus of attention, emphasis is also placed on inequality connected with income, property education and labour market

segmentation. It is being analysed how much the broader civil context conditions the irregularities of the public sector, in what way ethnic inequalities and cleavages are reflected in the principal public institutions. The subject of attention embraces problems of ethnic polarisation, equal opportunities of national minorities or their inclusion in the employment of personnel of public authorities and other institutions, inequalities in appointment to positions, the relevant decisive factors. The second part of the Project deals with public policy issues and is aimed at discussing possible reforms that would aid in the management of political competitiveness and pluralism in the public sector.

32. The following research has been conducted on the initiative of the Department of National Minorities and Lithuanians Living Abroad: in 2001 – sociological research of Roma living in the Roma encampments in Vilnius (carried out by the Institute for Labour and Social Research); in 2000 – “Studies of Ethnicity: Theoretical Reflections and Empirical Surveys” (carried out by the Lithuanian Institute of Philosophy and Sociology); in 1997 – “Eastern Lithuania and State Language” (carried out by the National Research Centre).

33. The Centre for Stateless Cultures was founded at the Faculty of Philosophy of Vilnius University in 1999. This to all evidence is the only centre in the world whose activities are connected exclusively with cultures that have no state or sovereignty status – Roma, Karaite, Old believer, Tartar, Yiddish. The Centre is dedicated to establishing serious programs of academic study, research and training in the history and cultural heritage of the above-mentioned minorities. The Stateless Cultures studies foster tolerance and respect of national minorities and help reject and repel preconceived negative ideas and stereotyping. The Centre for Stateless Cultures has accumulated a library of over 1 000 books which is catalogued and accessible not only to students and teachers but also to the public at large. The research trends of the Centre: Yiddish culture, language and history; the social structure of Lithuania’s Roma community, customary law provisions, gender roles and other features of Roma ethnoculture; the cultural heritage of Lithuania’s Old believers; history and ethnography of Lithuania’s Tartars; culture of the Karaites of Lithuania. The Centre for Stateless Cultures organises events on a regular basis acquainting the academic community and the general public with the stateless cultures. Open workshops dedicated to a specific national minority are weekly held at the Faculty of Philosophy of Vilnius University. The events attract a lot of attention. On 7-9 December 2000 and 4-6 December 2002 the Centre for Stateless Cultures held two international scientific conferences dedicated to stateless cultures.

In 2001 the Vilnius Yiddish Institute was established at the Faculty of History of Vilnius University. The Institute supports the Yiddish studies programme of the Centre for Stateless Cultures. In 2002-2003 the Institute accumulated a 2978-strong library, carried out the book cataloguing work. The Institution data base has accumulated 4 500 addresses (institutions and personal), the Internet web site has been created: [www.yidishvilnius.com](http://www.yidishvilnius.com), the electronic guest book has become functional. The Vilnius Yiddish Institute is implementing educational, scholarly and cultural projects whose purpose is to enable participants to reconnect to authentic Yiddish culture, to the history of its development and its unique living civilisation. In 2002 and

2003 the Vilnius Yiddish Institute organised festivals of Yiddish art, incorporating Yiddish film festivals, concerts of Yiddish music (held in 2002), evenings of Yiddish poetry and music. Lithuania's publishers have published 2 books – by D. Katz “Lithuanian Jewish Culture” and by Š. Liekis “A State within a State? Jewish Autonomy in Lithuania.” The Institute is organising the Annual Vilnius Program in the Yiddish Language and Culture in Vilnius, Lithuania, undertakes linguistic expeditions to North West Ukraine and Belarus, holds weekly open academic workshops.

## ARTICLE 2

### Implementation of the Convention

34. In response to the concern voiced in the Concluding Observations (paragraph 10) of the Committee on the Elimination of Racial Discrimination, we present information regarding direct application of the Convention in Lithuania's legal system. Paragraph 1 of Article 138 of the Constitution of the Republic of Lithuania provides for the grounds based whereon the Seimas (Parliament of the Republic of Lithuania) shall ratify international treaties of the Republic of Lithuania. Paragraph 3 of Article 138 of the Constitution of the Republic of Lithuania provides that International agreements which are ratified by the Seimas of the Republic of Lithuania shall be the constituent part of the legal system of the Republic of Lithuania. Mandatoriness of international treaties is established in Article 11 of the Law of the Republic of Lithuania on Treaties: “1. Every treaty in force is binding upon the parties to it and must be performed by them in good faith. 2. If an effective ratified treaty of the Republic of Lithuania establishes norms other than those established by the laws, other legal acts of the Republic of Lithuania in force at the moment of signing of the treaty, the provisions of the treaty of the Republic of Lithuania shall apply.”

35. Moreover, the legal provision of the common international law, i.e. the principle *pacta sunt servanda* which means that every treaty in force is binding upon the parties and must be performed by them in good faith, has been set forth in 1969 Vienna Convention on the Law of Treaties.

36. The relation between the international and national law in Lithuania is based on the monistic principle, i.e. direct interaction between the international and national law is recognised. Thus, in Lithuania's legal system treaties have a direct effect, however, in view of the character of the treaty supporting legislation may be enacted in order to ensure the coming into effect and performance of treaties. There is no separate legislation regulating direct application by courts of the international convention. The issue is left to be decided through court practice. It is stated in the Conclusion of the Constitutional Court of the Republic of Lithuania of 24 January 1995 on the Compliance of Articles 4, 5, 9, 14 of Protocol No 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms with the Constitution of the Republic of Lithuania and the Ruling of the Constitutional Court of the Republic of Lithuania of 17 October 1995 on the Compliance of Part 4, Article 7 and Article 12 of the Law of the Republic of Lithuania “On International Treaties of the Republic of Lithuania” with the Constitution of the Republic of Lithuania that upon their ratification and enforcement the international agreements will become the constituent part of the

legal system of the Republic of Lithuania and shall be applied in the same way as laws of the Republic of Lithuania. Cases may be cited in the court practice of direct application by courts of international conventions, to wit, the European Convention on Human Rights. It should be noted that the International Convention on the Elimination of all Forms of Racial Discrimination which became effective in Lithuania on 9 January 1999 is a directly applicable treaty, however, no court practice has as yet been formed regarding the application of the Convention.

### **Provisions prohibiting discrimination**

37. In addition to the information on the implementation of the obligations provided for in paragraph 1 of Article 2 of the Convention presented in the Initial Report it should be noted that Lithuania's basic laws lay down the provisions prohibiting discrimination on the grounds of race.

38. Article 29(1) of the Constitution of the Republic of Lithuania lays down the principle of equality of persons before the law, court and other state institutions or officers: "All persons shall be equal before the law, the court and other State institutions and officers." Reference should also be made to Article 6 of the Law of the Republic of Lithuania on Courts stating that: "All persons shall be equal before the law and the courts. A person's rights may not be limited nor may he been given any privileges on account of his sex, race, ethnic background, language, origin, social position, religious belief, convictions, views or any other circumstances."

39. Article 2.76 of the Civil Code of the Republic of Lithuania regulates prohibition of discrimination: it is prohibited to establish in legal acts, for discrimination purposes, different rights, obligations or privileges for separate legal persons.

40. Article 5(1) of the Code of Civil Procedure of the Republic of Lithuania provides that every interested person shall be entitled to apply to the court in the manner prescribed by law seeking remedy in case of an infringed or contested right or protection of lawful interest, whereas the principle of equality of persons before the law and the court, governing administration of justice, is enshrined in Article 6: "Justice in civil cases shall be administered only by courts governed by the principle of equality of persons before the law and the court, irrespective of their sex, race, ethnic background, language, origin, social position, religion, views or convictions, type and character of activity and other circumstances."

41. Article 169 of the Criminal Code of the Republic of Lithuania provides for criminal liability for criminal acts connected with racial or any other type of discrimination: "**Discrimination on the Basis of Ethnicity, Race, Sex, Origin, Religion or Belonging to other groups.** Any person who commits acts aimed at a certain group of people or a member thereof on account of their sex, sexual orientation, race, ethnic background, language, origin, social position, religion, convictions or opinions with a view to interfere with their rights to participate as equals in political, economic, social, cultural, labour or any other activity or to restrict the human rights or freedoms of such a group of people or of its member, shall be punished with community service work or a fine, or detention, or imprisonment for a period of up to three years."



42. Racial discrimination is also prohibited by subparagraph 4 of Article 2(1) of the Labour Code of the Republic of Lithuania, which provides for equality of subjects of labour law irrespective of their gender, sexual orientation, race, ethnic background, language, origin, citizenship and social position, religion, marital and family status, age, convictions or opinions, political party or public organisation membership, factors unrelated to the employee's professional qualities.

43. Subparagraph 1 of Article 5 of the Republic of Lithuania on Education lays down the principle of the educational system based on equal opportunity: "the educational system is fair, it ensures equality for individuals irrespective of gender, race, ethnic background, language, origin, social position, religion, beliefs or convictions; it assures each individual access to education, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification."

44. It is worth while mentioning, that the Citizenship Law of the Republic of Lithuania of 2002 does not provide for a possibility to deny citizenship to persons who have contracted especially dangerous infectious diseases. Neither does the Law provide for any restrictions on the grounds of race, ethnic background, origin, or any other grounds when acquiring, granting, retaining or losing citizenship.

45. Moreover, following adoption of amendments to Articles 2, 3, 6, 9, 12, 13, 17, 23, 24, 25, 26, 28, 29, 32, 34, 35, 41, 55, 58, 62, 63, 64, 86, 88 of the Law of the Republic of Lithuania on Elections to Municipal Councils, permanent residents of municipalities have been granted the right to elect and be elected to municipal councils.

46. The Law of the Republic of Lithuania on Health System (No I-552 of 19 July 1994 ) lays down the principle of health system activities, providing for the equality of the individual's rights to have the best possible health regardless of his or her sex, race, ethnic background, citizenship, social status and profession.

47. The Law of the Republic of Lithuania on the Rights of Patients and Compensation for Damage to their Health (No I-1562 of 3 October 1996 ) lays down the principle of health activities in Article 3 which regulates the right of individuals to health care: "The rights of patients may not be restricted in health care institutions because of gender, age, race, ethnic background, language, origin, social status, religion, convictions or opinions."

48. Article 4 of the Law of the Republic of Lithuania on Police Activities (No VIII-2048 of 17 October 2000) establishes that the police shall impartially protect all persons who are in the territory of the Republic of Lithuania, regardless of their ethnic background, race, sex, language, origin, social status, religious beliefs, convictions or views.

49. The Law of the Republic of Lithuania on National minorities was passed on 23 November 1989. There was no definition of ethnic minority in the Law. The Law stipulates that any discrimination with regard to race, ethnicity or national background, language or anything else related to ethnicity shall be prohibited and punished according to the procedure provided by law. In Lithuania, contrary to certain other states, it is not specified which ethnic communities have national minority status. In fact every citizen of the Republic of

Lithuania who considers himself a person belonging to a national minority shall either himself or together with other persons be entitled to all guarantees provided by law for the preservation of national and cultural identity.

50. It should be noted that a new draft law amending the Law of the Republic of Lithuania on National minorities has been prepared. The draft law defines national (ethnic) minority as a group of people residing in the Republic of Lithuania who have chosen, of their free will, to belong to a nation or an ethnic group other than Lithuanian. A person belonging to a national minority is a person who has chosen, of his/her free will, to belong to a national minority or an ethnic group and who seeks to preserve the culture of his/her nation or ethnic group, i.e. language, traditions, customs, national or ethnic identity. The Department of National minorities and Lithuanians Living Abroad has developed the draft concept of ethnic policy of the Republic of Lithuania which is under consideration of competent authorities according to the procedure established by the Government of the Republic of Lithuania.

#### **Law of the Republic of Lithuania on Equal Treatment**

51. On 18 November 2003 the Seimas of the Republic of Lithuania passed the Law on Equal Treatment (No IX-1826) the purpose of which is to ensure the implementation of equal rights enshrined in the Constitution of the Republic of Lithuania, to prohibit any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnicity, religion or convictions, save for the following restrictions and requirements set by law:

- restrictions imposed in respect of age;

- requirement to have a command of the State language;

- prohibition to take part in political activities;

- different rights enjoyed due to citizenship;

- special health care, safety at work, employment, labour market conditions seeking to create and apply for the persons with disability conditions and possibilities ensuring and promoting their integration into labour environment;

- special provisional measures applied with a view to ensuring equality and preventing violations of equal treatment by reason of age, sexual orientation, disability, racial or ethnic origin, religion or convictions.

52. The Law establishes the obligation of State government and administration institutions, educational institutions and employers to implement equal rights and sets the requirement to ensure equal treatment in the area of consumer protection. According to Article 10 of the Law, job advertisements, notices of vacancies in public service may not specify any requirements giving priority to persons of certain age, certain sexual orientation, persons without disabilities, persons of a certain racial or ethnic origin. A person who believes that discriminatory actions specified in the Law have been applied to him or that he has been subjected to harassment shall have the right to apply to the Equal Opportunities Ombudsman. The Equal Opportunities Ombudsman is charged with the supervision of the implementation of the Law in accordance

with the procedure established in Chapter VI of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men. The passing of the Law on Equal Treatment has provided all persons subjected to any direct or indirect discrimination with a possibility to apply to the Equal Opportunities Ombudsman. The Law will come into force as of 1 January 2005.

53. By the passing of the Law of the Republic of Lithuania on Equal Treatment the following directives of the European Union have been implemented: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

### **Asylum and Refugee Policy**

54. The Law of the Republic of Lithuania on Refugee Status (No I-1004 of 4 July 1995) is the basic legal act regulating the procedure of granting asylum. The provisions of the Law have been harmonised with 1951 Convention Relating to the Status of Refugees, the *acquis* of the European Union on the issues of asylum, regulation of the procedure of asylum seekers' detention and application of alternatives to detention. On 6 February 2002 the amendments to the aforesaid Law relating to the regulation of legal status of asylum seekers who are minors not accompanied by parents or other legal representatives entered into force. The unaccompanied minors shall not be subjected to any special procedures (application of the principles of safe third country, safe country of origin, manifestly unfounded application for asylum) and the applications for asylum lodged by such children shall proceed by order of priority. Unaccompanied minors who are asylum seekers shall be provided with accommodation at the Refugee Reception Centre, where they are placed in temporary custody.

55. Applications for asylum shall also be processed in accordance with the Republic of Lithuania Law on the Legal Status of Aliens (No VIII-978 of 17 December 1998 ), other legal acts specifying the requirements of the laws referred to above – Order of the Minister of the Interior No 528 of 5 October 2001 “Regarding the Approval of the Procedure for Processing Applications for Granting Refugee Status and for Issuing Personal Documents” and Order No 294 of 10 June 2002 “Regarding the Approval of the Rules of Lodging, Processing, Decision making and Execution of Permits for Temporary Residence in the Republic of Lithuania.”

56. The granting of asylum means issue of a permit of temporary or permanent residence in the Republic of Lithuania and provision of social assistance to an alien who has been granted asylum. Aliens who have been granted the status of refugee or issued temporary residence permit for humanitarian reasons (based on the principle of non-refoulement, because of ill health, when the alien must undergo treatment in the Republic of Lithuania or for any other reasons).

57. Application for asylum may be lodged in writing or by word of mouth to the State Border Protection Service under the Ministry of the Interior, territorial police office, Foreigner Registration Centre,

other State or municipal institutions or agencies.

58. Applications for the issue of temporary residence permits for humanitarian reasons shall be submitted to the diplomatic missions or consular posts of the Republic of Lithuania abroad or to the territorial police offices in the Republic of Lithuania.

59. Where accelerated procedure of application processing is applied, an alien's application for refugee status shall be processed within one month from the day of receipt by the Migration Department of the conclusion regarding consideration of the application on the merits. If there are valid reasons precluding the processing of the application within the set time period, it shall be processed according to the general procedure and the Foreigners' Registration Centre shall be notified thereof in writing. If the general procedure of application processing is applied, the alien's application for the issue of the refugee status shall be processed within 6 months from the receipt by the Migration Department of the conclusion regarding consideration of the application on the merits. If for valid reasons the application may not be processed within the said period, the head of the Migration Department may set a longer period, however the total length of the time period of processing of the alien's application for the granting of refugee status shall not exceed 12 months. The application to issue a permit of temporary residence in Lithuania for humanitarian reasons shall be processed for the first time within 3 months, for the second and third time within one month.

60. The aliens who lodge applications for asylum are accommodated at the Foreigners' Registration Centre which is subordinate to the State Border Protection Service under the Ministry of the Interior pending the determination of the procedure for considering the application for asylum on the merits (the decision is taken within a month) and if a decision is taken to consider the application according to accelerated procedure

61. Aliens are placed at the Refugee Reception Centre (subordinate to the Ministry of Social Security and Labour) if a decision is taken process the application according to the regular procedure as well as in the cases when, after considering the application for asylum according to accelerated procedure, a favourable decision is taken and the alien is granted asylum.

62. If immediate expulsion of aliens who illegally enter or reside in Lithuania is not possible, on court order they are accommodated at the Foreigners' Registration Centre.

63. In 2000 351 aliens were accommodated at the Foreigners' Registration Centre, in 2001 – 456, in 2002 – 570 and during 9 months of 2003 – 239 aliens. In September 2003 72 aliens were residing in the Centre, of them 18 asylum seekers and 54 illegal migrants.

64. In February 2000 the Refugee Reception Centre accommodated 188 aliens from 17 states, the majority of them from Afghanistan and Somalia, in October 2001 – 150 aliens, the majority of them (127) Russian nationals, in October 2002 – 207 aliens, the majority of them (166) Russian nationals.

65. An application for asylum is considered according to accelerated procedure if it is manifestly unfounded or it is an abuse of asylum procedures. In 2002 only 10 % of the applications (in 2001 – 20%) were examined according to accelerated procedure.

66. When an alien's application is considered on its merits according to the general procedure, the Migration Department issues the alien's registration certificate granting the right to temporary territorial residence and the person is transferred to the Refugee Reception Centre (subordinate to the Ministry of Social Security and Labour). The Migration Department must process the application for granting refugee status within 6 months. If granting refugee status is refused by the decision of the Migration Department, the decision may be appealed to Vilnius district administrative court within 14 days from the receipt of the decision. Having considered the appeal the court may allow it and obligate the Migration Department to grant the status of refugee.

67. If an alien lodges an application for issuing a permit for temporary residence in Lithuania for humanitarian reasons, the Migration Department shall consider the application within 3 months from the receipt thereof. If the issue of the permit of temporary residence for humanitarian reasons is refused on the decision of the Migration Department, the alien may appeal the decision to Vilnius district administrative court within 7 days after having been introduced to it. Having considered the appeal the court may allow it and obligate the Migration Department to issue a permit of temporary residence in the Republic of Lithuania for humanitarian reasons.

68. All decisions taken during the asylum granting procedure may be appealed to appropriate courts of the Republic of Lithuania. Special procedures are not applied and the aliens of Afghan or Chechen ethnic groups are not distinguished when considering applications for granting refugee status in the Republic of Lithuania and for issuing a permit of temporary residence for humanitarian reasons. All asylum seekers are subject to the same procedures and the same criteria. The same holds true speaking of the implementation of social programmes.

#### **Statistical data on the granting of asylum (1999-2003)**

Year	Number of applications for asylum	Number of decisions taken on the granting of asylum	
		Granted refugee status	Asylum granted for humanitarian reasons
1997	242	6	-
1998	159	28	-
1999	143	11	-
2000	303	15	80
2001	425	3	266
2002	546	1	287
2003	644	3	485
Total	2462	67	1118

*Data of the Migration Department under the Ministry of the Interior*

69. The following rights of asylum seekers and guarantees offered to them are provided for in Article 17(1) of the Law of the Republic of Lithuania on Refugee Status:

69.1. to live in the Foreigners' Registration Centre or Refugee Reception Centre and the right to make use of the services provided by the centres;

69.2. to manage and notarise documents;

69.3. to make use of the right to state guaranteed legal assistance;

69.4. to receive compensation for the use of public transport;

69.5. to make use of interpretation services free of charge;

69.6. to make use of medical services in the Refugee Reception Centre or Foreigners' Registration Centre according to the established procedure;

69.7. to receive a monthly allowance for minor expenses as prescribed by the Minister of Social Security and Labour.

70. Children of the families living at the Foreigners' Registration Centre or Refugee Reception Centre are entitled to attend schools of general education.

71. At the Foreigners Registration Centre persons are guaranteed primary health care and first aid with a possibility to undergo inoculation. Persons who have been subjected to torture and violence, minors, single mothers and elderly persons are offered psychological assistance. Isolation and hospitalisation of persons suspected of having contracted dangerous infectious diseases is guaranteed. Conditions are provided for using the library of the Foreigners Registration Centre, to take part in sports competitions, cultural events, to perform religious rites.

72. At the Foreigners Registration Centre the daily allocation for food for an adult alien is LTL 4.7, for a child LTL 5.3. Aliens who have lodged an application for granting refugee status are monthly paid from the State Budget of the Republic of Lithuania an allowance in the amount of 0.2 of the minimum living standard (LTL 25).

73. The construction hygiene standard prescribes allocation at the Foreigners' Registration Centre of 5 sq. m. of residential space per alien. At the present time the living conditions at the Foreigners' Registration Centre correspond to the above requirements.

74. The Foreigners' Registration Centre can accommodate 500 aliens. A new building built with PHARE funds was commissioned at the Foreigners' Registration Centre on 31 January 2000 for aliens who lodge application for refugee status.

#### **Social integration of aliens who have been granted asylum**

75. If a decision is taken to consider the alien's application for asylum on the merits according to the general procedure, the alien is transferred from the Foreigners' Registration Centre to the Refugee Reception Centre and accommodated there pending the adoption of the final decision on his application for asylum or

the signing of an agreement with the municipality or a non-governmental organisation on the provision of assistance for social integration and until he leaves the Centre for the place locality in Lithuania where the assistance will be provided. Thus both the aliens who have been granted asylum and asylum seekers live at the Refugee Reception Centre.

76. The Refugee Reception Centre set up in 1996 in Rukla settlement, Jonava district, provides the asylum seekers accommodated in the Centre with the assistance and services prescribed by the state. The Ministry of Social Security and Labour is the founder of the Centre. According to the Regulations of the Refugee Reception Centre approved by Order No 45 of 29 March 2002 of the Minister of Social Security and Labour, organisation and implementation of social integration of aliens who have been granted asylum is also among the functions of the Centre.

77. In September 1998, 197 aliens were accommodated at the Centre. They came from 12 countries, the majority of them from Somalia and Afghanistan. In October 1999 208 aliens from 12 counties were living at the Centre, the majority of them from Somalia and Afghanistan, in February 2000 188 aliens from 17 countries, most of them from Somalia and Afghanistan, in October 2001 150 aliens, the majority of them (127) Russian nationals, in October 2002 207 aliens, most of them (166) Russian nationals.

**Number of Refugee Reception Centre residents broken down by gender and age**

Year	Men (in percentage)	Women (in percentage)	Children (in percentage)
1998	51.5	13.8	34.7
1999	50.8	14.7	34.5
2000	55.7	13.7	30.6
2001	39.3	18	42.7
2002	44.2	18.8	37

*Data of the Ministry of Social Security and Labour*

78. At the Refugee Reception Centre asylum seekers are offered free Lithuanian language courses for receiving I qualification category (course duration 96 hours). Aliens may use services of the Centre library and the media (television and radio), go in for sports, take part in cultural events, engage in community work. Where possible, the residents of the Centre are offered vocational training and requalification courses. Residents of the Refugee Reception Centre are entitled to perform religious rites not infringing thereby the rights of followers of other religions.

79. Daily subsistence allocation per person at the Refugee Reception Centre:

79.1. single persons – LTL 4.6;

79.2. spouses – LTL 4.2;

79.3.children under 18 years of age – LTL 4.2;

79.4. unaccompanied children under 18 years of age – LTL 4.6.

80. On 5 December 2002 a co-operation agreement regarding vocational training and employment of aliens who have been granted asylum was signed between the Labour Exchange of Jonava and the Refugee Reception Centre. Meetings of the Centre residents and representatives of the Refugee Reception Centre of Jonava are held on a regular basis seeking to familiarise the aliens with the situation on Lithuania's labour market, the professions that are in demand, requalification and employment possibilities as well as employment programmes offered by the labour exchange.

81. Currently all residents of the Refugee Reception Centre are offered courses introducing them to Lithuania's local realities. The aliens attend lectures on Lithuania's history, geography, culture, legislation.

82. The State assistance for social integration of aliens who have been granted asylum is provided according to the Social Integration Programme of Aliens who have been Granted Asylum the duration of which is 12 months. The Programme is implemented in compliance with Republic of Lithuania Government Resolution No 572 of 17 May 2001 "On the Approval of the Procedure for Social Integration of Aliens who have been Granted Asylum." Individual social integration programme of aliens who have been granted asylum, financed with the State Budget funds, may be extended for additional 12 months in case of failure to fully implement the Programme during the prescribed period through no fault of the alien who has been granted asylum.

83. The Programme for Social Integration of Aliens who have been Granted Asylum is developed along the following lines:

83.1. provision of temporary accommodation: provision of lodging for the period of the Programme implementation, making arrangements for the acquisition of the necessary pieces of furniture and utensils using the allocated single allowance funds (in the amount from LTL 1250 per single person up to LTL 3750 per family). During the period of integration the aliens who have been granted asylum may be accommodated in: the lodgings of the municipal housing stock; lodgings at residential premises belonging to enterprises, agencies or organisations and natural persons; institutions of guardianship (curatorship) or places of residence of guardians (curators); social integration centres;

83.2. organisation of education: the aliens who have been granted asylum are entitled to study in the manner prescribed by the Law of the Republic of Lithuania on Education and other laws; arrangements are made for the education of pre-school and school-age children, adults are offered 190-290-hour Lithuanian language courses;

83.3. organisation of employment: the aliens who have been granted asylum may freely choose a job or engage in any other legal activity on the basis of equal rights with the citizens of the Republic of Lithuania, unless the laws make possession of Lithuanian citizenship a mandatory condition for employment. If aliens who have been granted asylum need State assistance for getting an employment, the funds allocated for the Programme for Social Integration of Aliens who have been Granted Asylum shall be used for implementing



additional measures for organising their employment – assistance in getting employment, re-qualification, etc. (for greater detail see Article 5 of the Report)

83.4. guaranteeing social protection: if the aliens who have been granted asylum cannot support themselves from work or with any other income they receive, they are entitled during the period of social integration to a monthly allowance for basic needs – food, clothing, articles of personal hygiene, public transport, etc. The monthly allowance for basic needs in the amount of LTL 121.5 is paid from the funds earmarked for the Programme for Social Integration of Aliens who have been Granted Asylum.

83.5. ensuring health protection: during social integration period arrangements are made to ensure the aliens who have been granted asylum provision of personal health care services and public health care services in compliance with the Law of the Republic of Lithuania on Health System, the Law of the Republic of Lithuania on Health Insurance, and other legal acts;

83.6. raising public awareness about the aliens who have been granted asylum aiming at preventing their isolation and xenophobic attitudes and supporting tolerance in the society.

84. The Ministry of Social Security and Labour has charged the Social Institutions Supervision and Audit Department under the Ministry of Social Security and Labour to implement the Programme for Social Integration of Aliens who have been Granted Asylum. The Department decides on the inclusion of aliens who have been granted asylum into the State-supported Programme for Social Integration of Aliens who have been Granted Asylum, concludes co-operation agreements with municipalities and non-governmental organisations regarding their social integration, controls individual social integration implemented by the said institutions and the use of the funds allocated for this purpose. The Programme is implemented taking into account the demographic and social composition of every group, determining the aliens' level of social skills, level of education, need for vocational guidance.

85. In 2002 the Ministry of Social Security and Labour provided state aid to 185 persons for their integration into Lithuania's society (it was planned to provided aid to 69 persons for the entire 12-month period of the Programme duration). Aid was intended for the renting residential premises, Lithuanian language courses, education of pre-school children in nursery schools and for education at schools of general education, for health insurance , for a single settlement allowance.

86. The Social Institutions Supervision and Audit Department addresses the issues of social integration of aliens granted asylum in co-operation with the municipalities of the towns of Kaunas, Klaipėda, Vilnius, Marijampolė and Telšiai district, Lithuanian Red Cross Society, the "Caritas" of the Archdiocese of Vilnius, public agency "Eupro".

**Aliens granted asylum, who have been provided State aid for social integration (according to the country of origin)**

State	Aliens granted asylum, who have been provided State aid for social integration			
	2000	2001	2002	1 <sup>st</sup> half of 2003
Afghanistan	38	33	16	6
Russian Federation	9	67	150	222
Iran	6	6	–	–
Iraq	4	–	1	–
Somalia	–	13	10	2
Sri Lanka	–	4	3	3
Pakistan	–	4	4	–
Congo	–	–	1	1
Other	3	2	1	–
Total	60	129	185	234

*Data of the Ministry of Social Security and Labour*

87. The aliens who have been granted asylum are entitled to humanitarian and other assistance. Natural and legal persons of the Republic of Lithuania and foreign states may establish refugee funds whose activities may also be supported by other states, international organisations, natural and legal persons. In Lithuania the aliens who have been granted asylum exercise all rights established for aliens under the international treaties and laws of the Republic of Lithuania. The refugees who are permanently resident in Lithuania are entitled to use all social guarantees established by law for the country's permanent residents: social assistance benefits, compensation of heating expenses, cold and hot water expenses, funeral benefit, etc.

88. When organising the implementation of education, employment and vocational guidance programmes for asylum seekers, aliens granted asylum and refugees, regard should be had not only to the difference in their level of education and possessed social skills, but also to gender differences and the resulting different possibilities of women and men to participate in the labour market on equal rights basis.

This is conditioned by traditions, religious beliefs, attitude to women in the countries of origin. According to public opinion polls conducted at the Refugee Reception Centre, 80% of the aliens are religious believers. They belong to different religious confessions, but the majority of them are Moslems (63 %), 4.8% are Buddhists, 3.8% Russian Orthodox believers, 4% Catholics.

89. The majority of aliens do not satisfy the requirements of Lithuania's labour market because of their inadequate level of education. It could also be mentioned that in many instances asylum seekers and aliens granted asylum are not intending to stay in Lithuania, therefore their interest in learning the Lithuanian language and finding a job is limited.

### **Legal Status of Aliens**

90. The issue of legal status of aliens is regulated by the Constitution of the Republic of Lithuania, the Law of the Republic of Lithuania on Legal Status of Aliens, other laws and international treaties of the Republic of Lithuania.

91. On 12 June 2001 the Seimas of the Republic of Lithuania passed the Law on the amendments to the Law on the Legal Status of Aliens (No IX-372) which in most cases refer to the legal status of aliens coming to Lithuania in accordance with the Europe Agreement establishing an association between the European Communities and their Member States of the one part and the Republic of Lithuania of the other part, concluded on 12 June 1995 in Luxembourg. The aim of the Agreement is to ensure free movement of persons, goods, services and capital. Lithuania's preparedness for EU membership, harmonisation of Lithuania's legal acts with the EU *acquis* in the field of migration ushered in a new stage of immigration policy development. The Law and the supporting legislation laid down a possibility for the EU Member State nationals and their family members to receive permits of temporary residence in Lithuania in a shorter period, according to the accelerated procedure and for a longer period of stay. It should be noted that the procedure of employment of the EU Member State nationals and their family members has also been simplified. The EU Member State nationals and their family members who intend to work in Lithuania under employment contract are not required to obtain a work permit.

92. Basic goals of the State immigration policy are as follows:

92.1. to regulate migration flows by legal means – remove obstacles for free movement of persons, at the same time preventing illegal migration;

92.2. to develop administrative capacities of public servants whose work is connected with migration;

92.3. to monitor and analyse migration processes;

92.4. to analyse the efficiency of migration policy being implemented.

93. In the Republic of Lithuania aliens are equal before the law without distinction as to sex, race, colour, language, religion, origin, religion, political or other convictions, national or social origin, belonging to a national minority, property, place of birth or any other status.

94. Aliens are issued permits of temporary or permanent residence in the Republic of Lithuania. Aliens who intend to stay in the Republic of Lithuania for a period exceeding 3 months in a six months period counting from the date of entry into the Republic of Lithuania or to take up employment or engage in any other legal activity must obtain a permit for temporary residence in the Republic of Lithuania. A permit for temporary residence in the Republic of Lithuania is issued for one year. To an EU Member State national the permit may be issued for an up to 5 year period (except in cases of entry into the country for studies or family reunification). A permit for permanent residence in the Republic of Lithuania is issued for a period of 5 years.

#### **Programmes and Action Plans of the Government of the Republic of Lithuania**

95. Currently the Government of the Republic of Lithuania is implementing two support programmes for the national minorities - the Programme for the support for cultural activities of the communities of the national minorities and the Programme for the Integration of Roma into Lithuanian Society for 2000-2004.

96. The Programme for the Support for Cultural Activities of the Communities of the National Minorities provides for measures aimed at developing civic engagement of the residents belonging to national minorities, helping to preserve the identity and culture of national minorities, supporting the House of National Communities and its activities aimed at popularising the culture of national minorities, providing assistance to public activities of national minorities according to the projects prepared by them. The Programme was initiated in 1997. Every year LTL 525 000 are allocated from the State Budget for the implementation of the measures provided for in the Programme. The funds are used for supporting the House of National Communities in Vilnius, housing headquarters of public organisations of 11 national minorities. They have at their disposal the premises, utilities, communications free of charge. Every year the Programme funds are used for providing assistance to over 120 cultural and educational projects prepared by the national minority organisations. From 2002 the Programme funds have been used for supporting 10 Sunday schools of national minorities. Every year Lithuanian language courses are organised in the House of National Communities for socially vulnerable persons. Seminars, conferences, round table discussions of issues of national minority protection are held at the House of National Communities on a regular basis.

97. The Roma integration Programme for 2000-2004 approved by Resolution of the Government of the Republic of Lithuania No 759 of 1 July 2000 aims at providing the Roma national minority (especially the Roma community of Vilnius) with the conditions for integration into Lithuania's society. LTL 150 000 are annually allocated from the State and municipal budgets of the Republic of Lithuania for the implementation of the measures provided for in the Programme.

98. Implementing the Programme in 2001 the Roma public centre was built in the largest Kirtimai Roma settlement in Vilnius. The centre is engaged in educational, cultural and public activities. The Centre has 2 classes of pre-school education attended by 26 children. The centre also offers Lithuanian language, computer literacy and sewing courses for teenagers and adults, as well as choreography, music, art and dancing classes. The Centre has 12 employees, 6 of them Roma. The Centre has a teacher, psychologist, social

worker, choreographer, art teacher and coach on its employee list. People are offered legal consultations at the Centre. In 2003 a sanitary and hygiene centre with a sauna and washing machines was constructed in Kirtimai. The centre is managed by 2 Roma people.

99. The implementation of social and economic measures provided for in the Programme is discussed below, where information regarding Article 5 of the Convention is presented.

100. It is endeavoured to preserve the unique linguistic and cultural heritage of Rome. Lectures in the Romani language are given at Vilnius University Centre for Stateless Cultures by a Roma teacher. The Ministry of Education and Science together with the representatives of the Roma community have prepared a Romani language textbook which lays down in Lithuania the foundation of the written Romani language. Anthropologists from the University have collected a wealth of valuable material: stories of the Lithuanian Roma which will soon be published. A film dedicated to the Roma of Lithuania is being created. The above can be regarded as a proof of the possibility of a closer dialogue between the Roma community and the society, as it may strengthen their social links and increase mutual trust, help replacing prevailing stereotypes with a mutually positive image. .

101. The Department of National Minorities and Lithuanians Living Abroad started preparation of the second stage of the Programme which will embrace the Roma communities of the entire country.

102. In 2001 Lithuania acceded to the project “Human Rights Strengthening” (HURIST) initiated by the United Nations Development Programme and the UN High Commissioner for Human Rights. In the course of the project implementation the National Human Rights Action Plan was drawn up and approved by the Seimas of the Republic of Lithuania. The implementation of the Action Plan entailed preparation, adoption and commencement of the state programme and action plan for combating intolerance, racism, xenophobia, and homophobia. The first draft of the programme and action plan was discussed during the round table held on 10 December 2003 and attended by the representatives of state institutions and non-governmental organisations. The said programme aims at changing the discriminatory attitude towards racial, ethnic, sexual and religious minorities, intensifying fight against discrimination and intolerance, upholding the equal opportunities principle. Principal goals of the Programme comprise analysis of origins, causes and scope of intolerance and discrimination; revision of the laws and practical defence mechanism of the vulnerable sections of society; support for organisations and institutions combating discrimination; raising the public awareness of the social harm caused by intolerance and discrimination and the benefit of fostering diversity of different groups of the society.

103. There are other measures envisaged in the above-mentioned Human Rights Action Plan that are connected with the implementation of the provisions of the Convention against Racial Discrimination, from them:

103.1. participation in 2001-2006 Community Action Plan to Combat Discrimination;

103.2. joining into a single legal act the Law of the Republic of Lithuania on the Legal Status of Aliens and the Law of the Republic of Lithuania on the Status of the Refugee, ensuring that asylum be equally

regulated;

103.3. drafting and submitting to the Seimas of the Republic of Lithuania an amendment to Article 4 of the Law of the Republic of Lithuania on the Ombudsmen of the Seimas, stipulating that the Ombudsmen of the Seimas of the Republic of Lithuania shall examine complaints lodged not only by citizens, but also by aliens (asylum seekers including) and Non-governmental organisations;

103.4. drafting and submitting to the Seimas of the Republic of Lithuania amendments to the Republic of Lithuania Code of Civil Procedure and Law on Administrative Proceedings, connected to exemption of aliens from stamp duty and provision of services of an interpreter in order to guarantee their right to apply to the court;

103.5. drafting and submitting to the Seimas of the Republic of Lithuania amendments to the Law of the Republic of Lithuania on guaranteed legal assistance, entitling to legal assistance aliens who are not permanently resident in the Republic of Lithuania;

103.6. drafting and submitting to the Seimas of the Republic of Lithuania amendments to the legal acts regulating social security and health care. Providing for a possibility of applying social security and health care guarantees to aliens who are not permanent residents of the Republic of Lithuania;

103.7. initiating ratification of the following international conventions:  
1949 ILO Convention No 97 on Migration for Employment (Revised) and 1975 ILO Convention No 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers;

1977 European Convention of the Legal Status of Migrant Workers;

1953 European Convention on Social and Medical Assistance;

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

### ARTICLE 3

104. There is no racial segregation or apartheid in Lithuania. 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide and UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity came into force in the Republic of Lithuania on 1 May 1996. Racial segregation and apartheid are considered as crimes against humanity.

105. Article 99 of the Criminal Code of the Republic of Lithuania establishes criminal liability for the crimes of genocide: “A person who, in an attempt to destroy in whole or in part, a person or persons of a particular national, ethnic racial, religious social or political group organised, directed or participated in the massacre of a member of such a group or groups, the torture or injuring of members of such a group or groups, the impairment of any member’s mental development, their deportation, the inflicting on them of conditions of life calculated to bring about their physical destruction in whole or in part, the forcible transfer of their children over to other groups or the imposing on them of any measures intended to prevent births

within such groups, shall be punished by imprisonment for a period ranging from 5 to 20 years or by life imprisonment.” Liability is also envisaged for aiding and abetting in or for attempting at committing such acts.

106. In this regard reference should also be made to Article 100 of the Criminal Code of the Republic of Lithuania establishing criminal liability for treatment of people that is prohibited under international law. “A person who, deliberately, through carrying out or supporting the policy of the state or of an organisation, and who, by attacking civilians on a large scale or in a systematic way, commits murder or causes serious bodily harm; inflicts on people conditions of life calculated to bring about their physical destruction; engages in the trafficking in people; commits the deportation of people; tortures or rapes persons, engages them in sexual slavery, forces them to become engaged in prostitution, forcibly inseminates or sterilises them; persecutes any group or community for political, racial, national, ethnic, cultural, religious, sexual or other motives prohibited by international law, engages in the detention, arrest or any other form of deprivation of liberty of a person or persons without admitting to such a deprivation of liberty and without reporting the fate or whereabouts of those people; or carries out a policy of apartheid, shall be punished by imprisonment for a period ranging from 5 to 20 years or by life imprisonment.”

107. The new Criminal Code of the Republic of Lithuania came into force on 1 May 2003, therefore there is no judicial practice in hearing cases of the kind. According to the data presented by the Department of Informatics and Communications under the Ministry of the Interior, 9 criminal acts provided for under Article 99 of the Criminal Code of the Republic of Lithuania were recorded in the period from May to August 2003. Preliminary investigation pursuant to the above-mentioned Article was commenced with regard to criminal acts from the period 1940-1953, since this crime is not subject to a statute of limitations and criminal law has retroactive effect.

108. The clauses of the Criminal Code providing for penalties for discrimination on the basis of ethnic background are discussed further in this Report in reference to information presented in relation to Article 4 of the Convention.

## **ARTICLE 4**

### **Information submitted under Article 4(a)**

109. Submitting additional information on measures taken to give effect to the provisions of Article 4(2) of the Convention, it should be stated that paragraph 4 of Article 25 of the Constitution of the Republic of Lithuania stipulates that “Freedom to express convictions or impart information shall be incompatible with criminal actions - the instigation of national, racial, religious or social hatred, violence or discrimination, the dissemination of slander or misinformation”.

110. Article 170 of the Criminal Code of the Republic of Lithuania provides for criminal liability for ridiculing, expressing contempt, inciting hatred or encouraging discrimination against a group of persons or against any person belonging to the group on the grounds of their race, ethnic background, language, origin or

religious belief if this is done by public statements orally or in writing or through the public media: “A person who by making public statements orally, in writing or by using the public media ridiculed, expressed contempt of, urged hatred of or encouraged discrimination against a group of residents or against a specific person, on account of their belonging to a specific national, racial, ethnic, religious or other group, shall be punished with a fine or restriction of liberty or detention or imprisonment for up to 9 years. Legal persons shall also be held liable for committing the above act.”

111. Mention should also be made of Article 169 of the Criminal Code providing for criminal liability for committing acts aimed at a certain group of people or a member thereof on account of their ethnic background, race, sex, sexual orientation, origin or religion with a view to interfering with their right to participate as equals in political, economic, social, cultural or labour activity or to restrict the human rights or freedoms of such a group of people or of its member.

112. Article 312 of the Criminal Code provides for criminal liability for desecration of the graves for reason of race, ethnic background or religion: “A person who ruined a tombstone, damaged a monument or otherwise defiled a grave in some way, shall be punished with community service work, or restriction of liberty, or detention, or imprisonment up to 1 year. A person who vandalised a cemetery or desecrated a grave for reason of race, ethnic background or religion shall be punished with community service work, or a fine or imprisonment up to 2 years.”

113. In addition, pursuant to Article 214<sup>12</sup> of the Republic of Lithuania Code of Administrative Offences, information products propagating national, racial or religious discord as well as production, keeping, dissemination or public showing of such products is prohibited: “Production or keeping of printed matter, video, audio or other products propagating national, racial or religious discord with the aim of dissemination and well as its circulation or public showing shall incur a fine in the amount from LTL 1 000 to LTL 5 000 and confiscation of products of the type being manufactured, kept, showed or circulated as well as of the means used for manufacturing or showing of the said products or without confiscation of the said means. The same acts committed by a person already subjected to an administrative penalty for the offences provided for in part one of this Article shall incur a fine in the amount from LTL 5 000 to LTL 10 000 with confiscation of such products and means used for manufacturing or showing the products or without confiscation of the said means.”

114. It is worthwhile mentioning in this respect Article 3 of the Law of the Republic of Lithuania amending the Law on the Provision of Information to the Public (No VIII-1905 of 28 August 2000 ) in which the principles of informing the public are set forth: “Producers and disseminators of public information as well as journalists shall be governed in their activities by the Constitution and laws, international treaties of the Republic of Lithuania, also by the principles of humanism, equality, tolerance, and respect for an individual person; they shall respect freedoms of speech, creativity and conscience, variety of opinion, adhere to the norms of professional ethics of journalists, support the development of democracy and public openness, promote civil society and state progress, enhance state independence and develop national culture and



morality” Article 4 of the Law provides that every person has the right to freely express his ideas and convictions. Article 39 of the Law stipulates that “Advertising and teleshopping shall be fair and honest. Advertising and teleshopping shall not prejudice respect for human dignity, include any discrimination on grounds of race, sex or ethnic background, be offensive to religious or political beliefs, encourage behaviour prejudicial to health and the protection of the environment.”

115. Article 20 of the Law of the Republic of Lithuania on the Provision of Information to the Public prohibits publishing information which instigates war, national, racial or religious hatred. As set forth in Article 47 of the Law, the Ethics Commission of Journalists and Publishers supervises the compliance of disseminated public information with the provisions laid down in the laws, prohibiting the incitement of national, racial, religious, social or gender hatred, libel and misinformation. The Commission may be applied to by all interested persons. Moreover, the implementation of the above-mentioned law is monitored by the Inspector of Journalist Ethics who, within the scope of his competence, examines complaints of the interested persons about the violation of their honour and dignity in the media. The Inspector of Journalist Ethics may reprimand the producers and disseminators of public information about the noticed violations of legal acts governing the provision of information to the public and request that they be eliminated, request that a producer or disseminator of public information refute, in accordance with the established procedure, the published false information, degrading the honour and dignity of a person or damaging his legitimate interests or provide the person with a possibility to respond and deny the information by himself.

116. According to the data presented by the National Court Administration, in 2000-2003 no cases regarding the propaganda of racism or anti-Semitism or incitement of hatred were referred to or heard by the courts in Lithuania.

117. According to the information submitted by the Office of the Prosecutor General of the Republic of Lithuania, investigation of 2 cases of incitement against ethnic groups was initiated in 2000-20003.

On 3 November 2000, Deputy Prosecutor General instituted criminal proceedings based on the elements of crime provided for in Article 72<sup>1</sup> of the Criminal Code of the Republic of Lithuania, in force until 1 May 2003 (incitement against a national, racial, ethnic, religious, or any other group). The criminal proceedings were instituted in relation to the articles “Jews, Theory and Practice of Communism” (by Algirdas Statkevičius) and “Will Jews Rule Lithuania again?” (by Juozas Valionis, Viktorija Žygaitė and Paulius Samonis), published in the daily *Lietuvos aidas*. An expert examination was carried out during the preliminary investigation and the findings of the examination indicated that the above-mentioned articles contained no direct statements taunting a certain group of people (Jews) or referring to them with derision or inciting hatred of them or use of force in physical attacks against them on account of their ethnic background, origin, religion, convictions or opinions. A decision was made on 3 October 2001, based on the compiled criminal case material and the received findings of the expert examination, to discontinue the case in the absence of *corpus delicti*.

Preliminary investigation pursuant to Article 170 (incitement against a national, racial, ethnic, religious or any other group of people) of the Criminal Code of the Republic of Lithuania was commenced at the Vilnius City District Prosecutor's Office on 2 May 2003. Preliminary investigation was initiated with regard to the statement "Alach Akbar" of a non-existent organisation of the International Moslem Centre, published on 1 April 2003 in the daily *Lietuvos aidas*, which may be treated as incitement against a national, religious group of people. Preliminary investigation is still in progress.

118. From the moment of its entry into force in 1997, Article 214<sup>12</sup> of the Republic of Lithuania Code of Administrative Offences has been applied in 4 cases. In one of the cases in January 2001 (case against the respondent Danutė Balsytė-Lideikienė, publisher of *Lietuvio kalendorius*) the publishing machinery and the unsold copies of the publication *Lietuvio kalendorius* were confiscated. In 3 other cases – in 2001 against the owner of the daily *Lietuvos aidas* Algirdas Pilvelis for articles of anti-Semitic character, in September 2003 – against the publisher of *Žemaitijos parlamentas* Justinas Burba for anti-Semitic publications and against the director of the company "Elneta", supporter of Internet site "Kavkaz centr", for instigating national discord the court declined to impose administrative sanctions.

119. In Lithuania certain incidents of racist character – swastikas and corresponding inscriptions in public places, Nazi slogans chanted during football matches or at hard rock concerts, celebration of Hitler's birthday or desecration of monuments to the victims of Holocaust are linked to the youth group of skinheads, who are most active in Vilnius and Klaipėda. Their activities often attract the attention of the police and quite a few of them have had criminal or administrative action brought against them, however their offences are as a rule treated as a violation of public order.

120. The investigation of the above-mentioned cases is hindered by several factors. Firstly, according to the established court practice it is required to prove the specific intent of the suspects, i.e. it has to be proven that they intentionally sought to instigate animosity against persons of another ethnic group or race. Secondly, when hearing cases regarding the instigation of national discord, the court usually relies on the findings of the expert, however, the institution which is to submit the finding of the expert in the cases related to racist propaganda has not been specified, therefore, the task is usually fulfilled by experts whose qualification is inadequate. Thirdly, the investigation of cases is impeded by the pressure exerted by certain radically minded politicians and public figures.

121. Quite a lot of problems are caused due to the information distributed via the Internet. The negative character of its contents is conditioned by its anonymity and the fact that it is next to impossible to bring a criminal action for the distributed information. In the electronic media every person who so desires is given a chance to voice his opinion, but in most cases anonymity is the cause of unethical self-expression and behaviour. Attempts have been made to address this matter in Resolution of the Government of the Republic of Lithuania No 290 of 5 March 2003 "Regarding the Approval of the Procedure for the Control of the Information that should not be Disseminated through the Computer Network and for the Distribution of Restricted Public Information" which stipulates that responsibility for the contents of an Internet page is born

by its administrator. The issue of practical application of the above provision in determining the degree of responsibility and imposing sanctions has not yet been resolved.

122. Certain measures are taken by the producers and disseminators of public information via the electronic media in reaction to the comments instigating national hatred. On 24 September 2003 the “Delfi” private company (Internet news website) for the first time applied to the Office of the Prosecutor General, requesting investigation of the circumstances of the emergence of comments instigating national hatred. On September 22-23 2003, during the events held to mark the day of the genocide of Lithuania’s Jews, “Delfi” published several articles in relation to the subject (“The day of the genocide of the Jews is marked in Lithuania”, “The Litvaks urge to grant the right to dual citizenship”, “R. Rivlinas: The Jews will not forget the issue of the restoration of the property”, “At the place of the massacre of Jews the Chairman of the Knesset presented the Lithuanians with “a historical bill”). The publishers of the “Delfi” were of the opinion that part of the comments presented in connection with the articles were unethical and incited national hatred. The publishers regularly removed the comments from the news website, but then a decision was taken to apply to the law enforcement authorities. The news publisher officially declared that it will not tolerate comments which are contrary to the laws of the Republic of Lithuania and are detrimental to the reputation of the “Delfi” company. The “Delfi” publishers have dissociated themselves from unethical and insulting comments and promised to do everything to eliminate such comments from the “Delfi” pages.

#### **Information submitted under Article 4(b)**

123. Submitting additional information on measures taken to give effect to the undertakings provided for in Article 4(b) of the Convention, we hereby notify that formation of racist organisations is prohibited under various legal acts establishing the legal status of public or other organisations.

124. Article 3(2) of the Law of the Republic of Lithuania on Public Organisations (effective until 14 February 2004) prohibited establishment and functioning in the Republic of Lithuania of public organisations aiming to change the Constitutional order of the Republic of Lithuania by force or to violate the territorial integrity of the Republic of Lithuania, propagating war and violence, authoritarian or totalitarian regime, instigating racial religious, social discord, restricting human rights and freedoms and performing actions that are contrary to the laws of the Republic of Lithuania and the universally recognised legal provisions, acting in the interest of other states if this runs counter to the interests of the Lithuanian State.

125. According to Article 2(3) of the Law of the Republic of Lithuania on Political Parties and Political Organisations, the establishment or activity of political parties or political organisations whose programme documents propagate and whose activities practice racial, religious, social, class inequality and hatred, methods of authoritarian or totalitarian rule, methods of forcible (violent) seizure of power, propaganda of war and violence, violation of human rights and freedoms, or other ideas or actions which contradict the constitutional order of the Republic of Lithuania and are incompatible with universally recognised norms of international law, shall be prohibited.

126. The functioning of the organisations that violate the above-listed provisions may be suspended by court order, they may be prohibited from making use of the public information media, disposing of their funds and assets. Persons shall also be held liable under Article 214<sup>13</sup> of the Republic of Lithuania Code of Administrative Offences: “Establishment of an organisation propagating national, racial or religious discord or participation in the activities of such an organisation shall be punishable by a fine in the amount from LTL 3 000 to LTL 10 000. The above-mentioned actions performed by a person who had an administrative sanction imposed on him for the offences provided for in paragraph 1 of this Article shall be punishable by a fine in the amount from LTL 10 000 to LTL 20 000.” In practice this Article has not been applied from the moment of its entry into force in 1997.

127. A person is held criminally liable if his activities contain elements of criminal act provided for in the Criminal Code of the Republic of Lithuania. In such cases administrative sanctions shall not be applicable, except where the person’s acts contained the elements of administrative offence which are not covered by the elements of crime or criminal offence.

128. In 1998 the Ministry of Justice refused to register as a public organisation the union of Lithuanian national-social unity and in 2000 – the Lithuanian national-social party of the same founders. One of the reasons for refusing registration was the ideas of national inequality, discord and nationalism declared in the statutes of the parties, which are contrary to the provisions of Articles 25 and 29 of the Constitution of the Republic of Lithuania, Article 2 of the Republic of Lithuania Law on Political Parties and organisations, Article 3 of the Republic of Lithuania Law on Public organisations. The court ruled that the Ministry’s refusal of registration was well-grounded.

#### **Information submitted under Article 4(c)**

129. Submitting additional information on measures taken to give effect to the undertakings provided for in Article 4(c); we inform that the principle of equality of all people before the law, the court and other State institutions and offices is set forth in Article 29 of the Constitution of the Republic of Lithuania. Moreover, the principle prohibits discrimination defined as prohibition to restrict the persons’ rights in any way or grant them privileges on the basis of sex, race, ethnicity, language, origin, social status, religion, convictions or opinions. The Constitutional principles of equal treatment and non-discrimination are enshrined in a number of laws: the Republic of Lithuania Law on Public Administration (No VIII-1234 of 17 June 1999), Law Amending the Law on Local Self-government (No VIII-2018 of 12 October 2000), Law Amending the Law on Public Service (No IX-855 of 23 April 2002) and other.

130. In their activities the entities of public administration are governed by the principles of democratic state administration. The principle of objectivity, meaning that decision making and other official actions of the entity of public administration must be impartial and objective is set forth in the Republic of Lithuania Law on Public Administration.

131. As established in Article 4(9) of the Law of the Republic of Lithuania on Local Self-government one of the basic principles underlying local self-government is safeguarding of and respect for human rights and freedoms. This means that the decisions adopted by local authorities or local government employees may not infringe human dignity, rights and freedoms.

132. Public service is based on the principles of the rule of law, equality, political neutrality, transparency and career development. Pursuant to the provisions of subparagraph 2 of Article 3(2) of the Republic of Lithuania Law on Public Service, integrity is considered as one of the basic principles of public servant ethics. A public servant must serve all persons with impartiality, honestly performing his official duties irrespective of the public servant's or the customer's sex, race, ethnicity, language, origin, social position, religion, beliefs, political views or membership in political parties or political organisations, shown integrity when processing applications and refrain from abusing the powers and authority granted to him.

133. In response to recommendation XVIII of the Committee on the Elimination of Racial Discrimination, we inform that according to the data of the Republic of Lithuania Seimas Commission on Ethics and Procedures, in 2001 the Commission considered the conduct of only one Member of the Seimas of the Republic of Lithuania who spoke with disdain about the Jewish people and made a public statement about the Armenian people. Having considered the request of the Chairman of the Seimas of the Republic of Lithuania regarding the disrespectful attitude shown by the Member of the Seimas of the Republic of Lithuania on the Swedish television in respect to the Jewish people, the Commission on Ethics and Procedures decided that such public statements by the Member of the Seimas of the Republic of Lithuania were unethical and irresponsible. Moreover, the Commission on Ethics and Procedures made a decision to apply to the Ministry of Foreign Affairs with a request to address the Swedish television requesting denial of the facts not corresponding to reality. In 2001 disrespectful statements made during a direct television broadcast with respect to the Armenian Parliament by the above-mentioned Member of the Seimas of the Republic of Lithuania were also considered by the Commission on Ethics and Procedures. The said Commission came to a conclusion that such statements by the Member of the Seimas of the Republic of Lithuania aroused national, social hatred, whereas by instigating violence he acted in violation of Article 25 of the Constitution of the Republic of Lithuania. A decision was also made to apply to the State Security Department and the Office of the Prosecutor General requesting legal evaluation of the actions of the Member of the Seimas of the Republic of Lithuania.

134. In addition, in 2003 statements by a Member of the Seimas of the Republic of Lithuania in respect of the Chechen people and Islam were considered. The Commission recognised such statements unethical in respect of the national and religious minorities residing in the Republic of Lithuania who could find them insulting.

## ARTICLE 5

**a) The right to equal treatment before the tribunals and all other organs administering justice**

135. In the Republic of Lithuania the right to apply to the court is guaranteed to all persons residing in the country without distinction as to their race, colour, convictions, gender, etc.

136. It is stated in Article 30 of the Constitution of the Republic of Lithuania that persons whose constitutional rights or freedoms are violated have the right to appeal to court. This right, like all other subjective rights, is realised according to a certain procedure established by special laws (Code of Civil Procedure of the Republic of Lithuania, Code of Criminal Procedure of the Republic of Lithuania, Law of the Republic of Lithuania on Courts, etc.). The principle of the constitutional right to appeal to court is enshrined in the above-listed laws. According Article 5 of the Civil Procedure Code of the Republic of Lithuania every interested person shall have the right to legal recourse by appealing to the court in the manner prescribed by law for the defence of his violated or contested right or lawful interest (Article 5(1) of the Republic of Lithuania Code of Civil Procedure), refusal of the right to appeal to court shall be deemed invalid (Article 5(2) of the Republic of Lithuania Code of Civil Procedure). In addition, the principle of administration of justice based on the principle of equality of all persons before the law and the right to equal treatment before the courts is set forth in Article 6 of the Republic of Lithuania Code of Civil Procedure: “justice in civil cases shall be administered only by the courts on the basis of the principle of equality of persons before the law and the court without distinction as to gender, race, national origin, language, social origin, religion, beliefs or convictions, other circumstances.”

137. The right to apply to the court is also enshrined in the Republic of Lithuania Code of Criminal Procedure. Article 44(3) of the Republic of Lithuania Code of Criminal Procedure sets forth that everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings against his unlawful arrest or detention. Moreover, paragraph 5 of the said Article establishes that every detained person is entitled to a fair hearing within a reasonable time. This must be performed by an independent and impartial court, the hearing must be fair and public.

138. It should be emphasised that everyone’s right to a fair hearing by an independent and impartial court established by law is set forth in Article 5 of the Republic of Lithuania Law on Courts. It is also emphasised that the court, in all its activities, must ensure that hearing of a case be fair and public and within a reasonable time. Article 6 of the said Law emphasises equality of all persons before the law and the courts. A person's rights may not be limited nor may he been given any privileges on account of his sex, race, ethnicity, language, origin, social position, religious belief, convictions, views or any other circumstances. It is established in Article 6 of the Law that aliens and stateless persons are entitled to the same legal remedy as the citizens of Republic of Lithuania, unless otherwise established by laws and international treaties of the Republic of Lithuania.

139. Complaints about discrimination on ethnic grounds are heard by different State institutions and agencies of the Republic of Lithuania – courts, preliminary investigation officers, Ombudsmen of the Seimas of the Republic of Lithuania and other entities of public administration

140. It is set forth in Article 117 of the Constitution of the Republic of Lithuania that persons who do not speak the state language (Lithuanian) shall be guaranteed the right to participate in investigation and court proceedings through an interpreter.

141. In this respect mention should be made of Article 8 of the Republic of Lithuania Law on the State Language which stipulates that participants in the legal proceedings, who do not know the state language, shall be provided with the services of an interpreter free of charge. This right is also set forth in article 11 of the Republic of Lithuania Code of Civil Procedure where it is established that persons who have no command of the State language shall be guaranteed the right make use of the services of an interpreter. The right is also enshrined in Article 8 of the Law of the Republic of Lithuania on Courts. For his services the interpreter shall be remunerated from the State Budget of the Republic of Lithuania.

142. Article 8 of the Republic of Lithuania Code of Criminal Procedure, regulating the language in which the proceedings are conducted establishes that the parties to the criminal case who do not know Lithuanian shall be granted the right to plead, give evidence and explanations, make motions and complaints, and speak in the court in their native language or any other language they know. In all the above cases also when the parties to the case examine the materials of the case they shall have the right to make use of the services of a translator/interpreter in the manner laid down in this Code. The suspect, the accused or the convicted person as well as the other parties to the case shall, in the manner laid down in this Code, be presented the documents of the case translated into their native language or any other language they know.

143. Besides, Article 44(7) of the Republic of Lithuania Code of Criminal Procedure provides that every person suspected or accused of the commission of a criminal act shall have the right to get the services of a translator/interpreter free of charge.

**b) The right to security of person and protection by the State against violence or bodily harm whether inflicted by government officials or by any individual, group or institution**

144. The Constitution of the Republic of Lithuania guarantees inviolability of personal freedom, inviolability of the person, inviolability of the individual's private life, inviolability of the individual's dwelling place, inviolability of private property.

145. As provided for in Article 4 of the Republic of Lithuania Law on Courts, citizens of the Republic of Lithuania have the right to judicial remedy against encroachment on their rights and freedoms laid down in the Constitution of the Republic of Lithuania and the laws, as well as in the international treaties to which the Republic of Lithuania is a party.

146. The person's right to security is guaranteed by the Republic of Lithuania Criminal Code and other laws providing liability for activities forbidden under laws, the Republic of Lithuania Code of Criminal Procedure and the Republic of Lithuania Law on Police Activities. The Republic of Lithuania Law on Operational Activities (No IX-965 of 20 June 2002 ) and other laws provide for the measures necessary to ensure security as well as the officers of the police and other officers implementing them.

147. The Republic of Lithuania Code of Criminal Procedure provides for preventive measures applicable with respect to the suspects in order to preclude possible illegal interfering with the victims or witnesses as well as commission of other criminal acts. The Republic of Lithuania Law on Police Activities specifies that police activities are based on the principles of democracy, respect for human rights, humanism, morals of society, lawfulness, professional openness, as well as on the principles of the use of force only when necessary and the principle proportionality thereof. The Law provides for immediate police actions upon receipt of notice of a criminal act being committed, other functions of the police in assuring public order and security. The Republic of Lithuania Law on the Protection from Criminal Influence of Participants in the Criminal Proceeding and in the Operational Activities, Officers of Justice Administration and Law Enforcement Institutions (No I-1202 of 13 February 1996) provides that in the course of investigation of major and heavy crimes, the witnesses, victims or other persons listed in the Law whose life, health, property or other constitutional rights and freedoms are endangered, may be offered measures for the protection of criminal influence: bodily protection, the person's relocation and provision with disguised identity, issue of a firearms etc.

148. The Republic of Lithuania Law on the Compensation for Damage Caused by Illegal Actions of State Institutions (No IX-895 of 21 May 2002 ) lays down the procedure for making allocations to compensate for damage caused by illegal actions of State institutions. The Law specifies the cases of compensation for damage in the event of unlawful conviction, unlawful preventive detention (arrest), unlawful application of procedural coercive measures, unlawful imposition of an administrative sanction – detention.

**c) Political rights, in particular the rights to participate in elections – to vote and to stand for election**

149. The Constitution of the Republic of Lithuania provides for the equality of all citizens of the Republic of Lithuania in exercising the political rights. Article 33 of the Constitution of the Republic of Lithuania emphasises that all citizens have the right to participate in the government of their State both directly and through their freely elected representatives. The Article establishes equal opportunity for the citizens' to serve in a state office of the Republic of Lithuania. Moreover, Article 34 of the Constitution establishes that citizens who on the day of the election are 18 years of age or over have the right to vote in the election.

150. Article 33(3) of the Constitution of the Republic of Lithuania provides for the right to petition. The right is set forth in the Republic of Lithuania Law on Petition (No VIII-1313 of 7 July 1999 ). A petition may be filed by citizens of the Republic of Lithuania who are 16 year of age or over, aliens who are permanently resident in the Republic of Lithuania or their groups. A petition is the petitioner's written application to the Seimas of the Republic of Lithuania, the Government of the Republic of Lithuania, municipal or administrative institutions, which contains demands or proposals to resolve the issues relating to the protection or implementation of human rights and freedoms, the reforming of institutions of government



and administration, other issues important to the public, self-government or the State, the resolution of which may require adoption of a new legal act, amendment or repealing of an effective legal act.

151. Article 9 of the Constitution of the Republic of Lithuania establishes that the most significant issues in the life of the state and the People are to be decided by referendum. The citizens' right to participate in the referendum or to initiate a referendum is laid down in the Republic of Lithuania Law on the Referendum (No IX-929 of 4 June 2002 ) which establishes that participation in a referendum is free and based on the principles of the democratic election right: universal, equal and direct suffrage and secret ballot. Citizens who have reached the age of 18 years shall have the right to participate in the referendum. Citizens recognised as legally incapable by the court shall not participate in a referendum. Citizens shall participate in a referendum on the basis of equality, directly and individually. The citizens' right to take part in the referendum shall not be restricted due to one's gender, race, ethnicity, language, origin, social status, religion, convictions or views. The right to announce a referendum is vested in 300 000 of citizens or the Seimas of the Republic of Lithuania.

### **Elections**

152. In Lithuania the right to participate in elections is regulated by the Republic of Lithuania Law on Elections to the Seimas (No I-2721 of 9 July 1992 ), the Republic of Lithuania Law on Presidential Elections (No I-28 of 22 December 1992 ), the Republic of Lithuania Law on the Elections to Municipal Councils (No I-532 of 7 July 1994 ), the Republic of Lithuania Law on Elections to the European Parliament (No IX-1837 of 20 November 2003 ). Universal and equal suffrage is set forth in Articles 2 and 3 of the Republic of Lithuania Law on the Elections to the Seimas. The Law establishes that citizens of the Republic of Lithuania who, on the day of the election, are 18 years of age shall have the right to vote. Citizens who have been declared legally incompetent by the court shall not participate in elections. Certain restriction are imposed on citizens as regards their standing for election as a member of the Seimas, however, any direct or indirect abridgements of suffrage of the citizens of the Republic of Lithuania on the grounds of their origin, political convictions, social or property status, ethnicity, sex, education, language, religion, or the type or character of their occupation shall be prohibited. The above-mentioned principles of universal and equal suffrage are also enshrined in the Republic of Lithuania Law on Presidential Elections and the Republic of Lithuania Law on the Elections to Municipal Councils.

153. Citizens of the Republic of Lithuania as well as citizens of other Member States of the European Union, permanently residing in Lithuania, who, on the day of elections, are 18 years of age shall have the right to vote in elections to the European Parliament. It shall be possible to vote or to stand as a candidate in elections only in one Member State of the European Union. Citizens of the Member States of the European Union may not vote or stand as candidates if they do not have the right to vote in the home Member State. A citizen of the Republic of Lithuania or any other citizen of the Member State of the European Union, permanently residing in Lithuania, who is at least 21 years of age on the day of elections, and who does not

stand as a candidate in elections to the European Parliament in any other Member State of the European Union, may be elected in the Republic of Lithuania as a member of the European Parliament. A citizen of the Republic of Lithuania or any other Member State of the European Union shall be considered to be permanently residing in the Republic of Lithuania when he has declared his place of residence and the data relating to his place of residence in the Republic of Lithuania has been entered on the population register of the Republic of Lithuania prior to the reference date. The reference date shall be the date on which 65 days are left before elections. Persons who, by the reference date, have not yet served their sentence imposed by the court, as well as persons to whom the application of compulsory medical measures, imposed by the court, has not ended by the reference date, and persons who have been declared legally incompetent by the court may not be elected as members of the European Parliament. Persons who on the day of elections are in the active or alternative military service, also officers, non-commissioned officers and re-enlistees of the national defence system, police and the internal affairs service who, by the reference date, have not retired from the service, as well as officers of other military-type and security services who are on the payroll, and may not be elected as members of the European Parliament. Persons who, on request of electoral committees, refuse to declare whether they satisfy the requirements of this Article, may not vote or stand as candidates. Other direct or indirect abridgements of suffrage of the citizens of the Republic of Lithuania or the European Union on the grounds of their origin, political convictions, social or property status, ethnicity, sex, education, language, religion, or the type or character of their occupation shall be prohibited.

154. In Lithuania conditions have been created for persons of different national background to participate in political life. Pursuant to Article 82(2) of the Republic of Lithuania Law on the Elections to Municipal Councils, the list of candidates of a party, political organisation may obtain the candidate to councillor mandates (participate in the distribution of mandates) only if no less than 4 percent of the voters had voted in favour of it, and the list of coalition candidates - if no less than 6 percent of votes of voters were obtained. Lithuania has several parties formed on the basis of ethnic background (Electoral Action of Lithuanian Poles, Union of Lithuanian Russians, Lithuanian Polish People's Party, Political Party Russian Alliance, Alliance of Lithuanian Citizens) which participate in the elections to the Seimas of the Republic of Lithuania and municipal council elections. As a result of the 2000 elections to the Seimas of the Republic of Lithuania the Union of Lithuanian Russians has 3 representatives in the Seimas, the Electoral Action of Lithuanian Poles - 2 representatives. During the elections to municipal councils held on 22 December 2002 4 political organisations of national minorities - Electoral Action of Lithuanian Poles, Union of Lithuanian Russians, Lithuanian Polish People's Party, Political Party Russian Alliance - obtained mandates of municipal council members. Moreover, persons belonging to national minorities successfully participate in the activities of other political parties that have not been formed on the national basis.

**Elected members of the Seimas of the Republic of Lithuania, municipal councils broken down by ethnicity**

	Elections to the Seimas	Elections to	Elections to	Elections to the Seimas of	Elections to municipal	Total
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Ethnicity	of the Republic of Lithuania held on 20 October 1996	municipal councils held on 23 March 1997	municipal councils held on 19 March 2000	the Republic of Lithuania held on 8 October 2000	councils held on 22 March 2002	
Armenian					1	1
Byelorussian		4	2		3	9
Italian			1			1
Karaite			1			1
Latvian		1	1			2
Pole	2	42	45	6	42	137
Lithuanian	113	1273	1350	119	1351	4206
Russian	3	18	32	7	37	97
Ukrainian		6	6		6	18
German		1			1	2
Jew	1	2	2		5	10
N/A						
Total	137	1459	1562	141	1560	4859

*Data presented by the Central Election Committee*

### **Right of permanently residing aliens to elect to municipal councillors**

155. On 20 June 2002 the Seimas of the Republic of Lithuania passed the Law on the Amendment to Article 119 of the Constitution of the Republic of Lithuania whereby the right to participate in the elections to municipal councils was granted not only to citizens of the Republic of Lithuania and EU Member States but also to other permanent residents of that municipality (citizens of foreign countries that are not EU member states, stateless persons). Article 119 of the Constitution of the Republic of Lithuania establishes the active election right, i.e. the right to elect municipal council members, and the passive election right – the right to be elected municipal councillors. The local election rights are defined in greater detail in the Law on the Amendment to Articles 1, 2, 3, 6, 9, 12, 13, 17, 23, 24, 25, 26, 28, 29, 32, 34, 35, 41, 55, 58, 62, 64, 86, 88 of the Law on Elections to Municipal Councils. By granting the right to participate in the elections to municipal councils to all permanent residents of the respective administrative unit all the residents are guaranteed the possibility to implement the principles of local self-government and to take part in local community life.

156. Article 2(5) of the Law on Elections to Municipal Councils prohibits any direct or indirect abridgements of the right to vote of permanent residents of that municipality on the grounds of their descent, political convictions, social or property status, ethnicity, sex, education, language, religion, type and character of their occupation.

157. All members of the municipality community have other possibilities for active participation in the management of public affairs in addition to those described above. Thus, according to Article 30(5) of the

Republic of Lithuania Law on Local Self-government, an advisory council of the ward may be formed from the representatives of the local community. All residents are provided with a possibility to become members of the ward council and to actively participate in the management of public affairs vital for them.

### **Access to public service**

158. The person's right to participate in state government, to have equal access to public service is provided in the Republic of Lithuania Law on Public Service. Article 9 of the said Law establishes general requirements to persons who wish to enter public service: they must be citizens of the Republic of Lithuania, have a command of the Lithuanian language, be 18 years of age or over, but not older than 62 years and 6 months, have education necessary for discharging the duties of a public servant of an appropriate category. The above-mentioned requirement with regard to the retirement age shall be waived for civil servants of political (personal) confidence and for acting civil servants.

159. Moreover, it is emphasised in Article 3(1) of the Law on Public Service that public service is based on the principles of the rule of law, equality, loyalty, political neutrality, transparency, accountability for the decisions made and career development. A public servant shall respect every human being and his principal rights, serve all residents irrespective of the public servant's or the customer's sex, race, ethnicity, language, origin, social position, religion, beliefs, political views or membership in political parties or political organisations, and refrain from abusing the powers and authority granted to him..

160. Mention should also be made of the Republic of Lithuania Law on Ethnic Minorities. Article 2 of the Law stipulates: "The State shall provide equal protection for all its citizens, regardless of ethnicity." The aforementioned Law also guarantees that, having regard to the interests of national minorities, "the Republic of Lithuania guarantees the right to be represented in government bodies at all levels, to hold any post in the bodies of state government or administration as well as in enterprises, institutions or organisations."

161. Citizens of any national background have the right to hold any position in state government or administration bodies, in enterprises, institutions and organisations. The requirements with regard to State language in public service are set in Article 6 of the Republic of Lithuania Law on the State Language (No I-779 of 31 January 1995) which establishes that heads, employees and officers of state and local government institutions, offices, services as well as heads, employees and officers of the police, law-enforcement services, institutions of communications, transport, health and social security and other institutions providing services to the population must know the state language according to the language knowledge categories, prescribed by the Government of the Republic of Lithuania. The content and scope of the said categories had been defined by Resolution of the Government of the Republic of Lithuania No 314 of 30 April 1992 "Regarding the Categories of State Language Knowledge", effective until 1 March 2004. The above-mentioned Resolution established 3 categories of State language knowledge applicable with respect to persons who apply for employment in certain positions. It should be noted in this respect that the categories are not applied to persons who finished Lithuanian language schools of general education, studied in Lithuanian language

groups of higher educational establishments, persons who finished schools of general education and schools equivalent to them where the language of instruction is not Lithuanian in 1991 and later. Resolution of the Government of the Republic of Lithuania No 1688 of 24 December 2003, establishing the contents and scope of application of State language knowledge, came into force on 1 March 2004.

162. Subparagraph 2 of Article 9(1) of the Republic of Lithuania Law on Public Service establishes that persons entering the public service shall be subject to the requirement of having a command of the Lithuanian language. Requirements for the knowledge of the state language shall be included into the qualification evaluation regulations of public servants, pedagogues, employees of mass media and publishing and shall be applied taking into consideration the person's qualification and the position held.

163. Assistance to non-Lithuanian speakers who are learning the State language is provided by the State Lithuanian Language Commission which supports the Lithuanian language courses with the funds of the Programme on the State Language Use and Promotion for 1996-2005. The Lithuanian language courses were allocated the following amounts from the Programme resources: in 1997 LTL 5 100, in 1998 LTL 49 000, in 1999 LTL 84 600, in 2000 LTL 65 700, in 2001 LTL 69 200, in 2002 LTL 55 000, in 2003 LTL 26 200. The courses are first and foremost held in the towns and districts where the majority of the population are non-Lithuanian speakers and also are accessible to persons eligible to social support. In 1997-2002 Lithuanian language learning courses were also financed for the employees for whom command of the state language is mandatory: teachers from the towns of Visaginas and Klaipėda, Visaginas clinic and hospital medical personnel, Ignalina Nuclear Power Plant employees, the Lithuanian Russian Drama Theatre staff. In addition, the State Lithuanian Language Commission annually supports preparation and publishing of teaching aids for non-Lithuanian speakers.

164. State aid for those willing to learn Lithuanian is provided by the State Language Department of the Teachers' Professional Development Centre holding state language courses to non-Lithuanian speakers. Special courses according to state programmes are conducted for the aliens who have been granted asylum. Consultations are offered to persons who independently study for state language examination, teaching aids are published, in-service workshops for Lithuanian language teachers working with non-Lithuanian speakers are organised. The above work is organised by the methodologists of the State Language Department of the Teachers' Professional Development Centre, who work in Vilnius and Vilnius district, Klaipėda, Visaginas, Šalčininkai, Švenčionys and Trakai districts where a large number of the population are non-Lithuanian speakers.

165. In the Republic of Lithuania persons belonging to national minorities are provided with all conditions for communicating with the administrative institutions in their native language. As stated in Article 4 of the Republic of Lithuania Law on Ethnic Minorities, "In offices and organisations located in areas serving substantial numbers of a minority with a different language, the language spoken by that minority shall be used in addition to the Lithuanian language."

166. Article 34 of the Republic of Lithuania Law on the Provision of Information to the Public establishes that public information shall be produced and disseminated in the State language or any other language pursuant to the Republic of Lithuania Law on the State Language and the resolutions of the State Lithuanian Language Commission.

167. Individuals are provided all the necessary conditions for communicating with the administrative institutions in the language of a national minority. Administrative procedures shall be conducted in the official language – the Lithuanian language. When the applicant or other interested persons do not speak or understand Lithuanian or are unable to make themselves understood because of a sensory or speech disorder, the interpreter must take part in the administrative procedure. The interpreter shall be called by the institution which carries out the administrative procedure. Moreover, although not prescribed by legislation, public servants addressed by persons belonging to national minorities in their native language shall endeavour to offer information in the language in which they are addressed. Needless to say that this is possible only when the public servant has a command of the language.

**d) other civil rights**

**i-ii) The right to freedom of movement and residence within the border of one's State, the right to leave any country, including one's own, and to return to one's country**

168. The Constitution and laws of the Republic of Lithuania establish no restrictions for the citizens of the Republic of Lithuania and for aliens lawfully residing in Lithuania or having entered Lithuania for a short stay for freely choosing or changing the place of residence within the territory of Lithuania. The Constitution of the Republic of Lithuania guarantees the citizen's right to freely move and choose their place of residence in Lithuania and to leave Lithuania at their own free will. This right may not be restricted except as provided by law and if it is necessary for the protection of state security or the health of the people or to administer justice.

169 The Republic of Lithuania Law on Declaring the Place of Residence in the Republic of Lithuania (No VIII-840) was passed on 2 July 1998 and entered into force on 1 January 2003 establishes the procedure for submitting place of residence declaration data and data registration thereby implementing the right of each resident of the Republic of Lithuania to freedom of movement and residence within Lithuania and the right to leave the country. The Law changed the formerly effective procedure waiving the entry of the permanent place of residence in the citizen's passport and in the alien's residence permit.

170. The Law No VIII-1712 of 6 June 2000 repealed the Republic of Lithuania Law on Emigration, cancelling the restrictions imposed on the freedom of movement of Lithuania's citizens as the permit of institutions of the Republic of Lithuania is no longer requisite for those willing to leave Lithuania for residence in other countries.

171. Article 15 of the Republic of Lithuania Law on the Legal Status of Aliens provides that a permit of residence in the Republic of Lithuania entitles an alien to choose a place of residence in the country, to

change it, to depart from and re-enter Lithuania during the period of validity of the permit. The alien's freedom of movement may be restricted only in the interests of state security or public order in the cases specified by law. Aliens may enter Lithuania only through border control posts where they must produce a valid travel document. The alien's valid travel must have a visa of the Republic of Lithuania affixed thereto, unless otherwise provided by the resolution of the Government of the Republic of Lithuania or an international treaty.

172. An alien who has legally entered the territory of the Republic of Lithuania or who is legally present there and has submitted an application for refugee status, may be permitted to live in the residence of his choice (Article 13(5) of the Republic of Lithuania Law on the Refugee Status). In such case he must notify the Foreigners Registration Centre of the address of his place of residence and is bound to come to the Foreigners Registration Centre for the performance of the appropriate legal formalities. The freedom of movement of an asylum seeker who has no possibility to find a place of residence of his choice or who, upon entering the country illegally, is placed in the Foreigners Registration Centre, shall not be restricted.

173. In the cases and according to the procedure laid down by the Law on the Status of Aliens the alien's freedom of movement in Lithuania may be restricted only in the interests of state security or public order or if required for the protection of public health. Measures alternative to the detention of an asylum seeker are provided for in the Law, when the court taking into consideration the asylum seeker's personality, vulnerability, the degree of dangerousness posed to the public, the likelihood that the asylum seeker will help to disclose the reasons for using counterfeit documents and other circumstances that may be of consequence for the procedure of granting the refugee status, shall make a decision not to detain the asylum seeker.

174. Asylum seekers have the right to leave any country and to return to the country of origin. The processing of the application for granting the refugee status may be terminated if an alien makes a request in writing to this end (Article 18(2) of the Republic of Lithuania Law on the Refugee Status). In such case further status of the alien shall be decided according to the procedure laid down in the Republic of Lithuania Law on the Status of Aliens. The decision to terminate the processing of an application for refugee status is taken by the Migration Department. Persons returning of their own free will are given substantial support by the International Organisation for Migration. Lithuania became a member of the IOM in 1998.

### **iii) The right to citizenship**

175. As indicated in Article 12 of the Constitution of the Republic of Lithuania, citizenship of the Republic of Lithuania is acquired by birth or on other grounds established by law. The grounds and procedure for acquiring, granting and losing the citizenship of the Republic of Lithuania are established in the Republic of Lithuania Law on Citizenship and the implementing legislation.

176. Citizenship of the Republic of Lithuania may be acquired by birth, by exercising the right to citizenship of the Republic of Lithuania, by being granted citizenship of the Republic of Lithuania

(naturalisation), by voicing one's option or on other grounds as provided for by international treaties and laws of the Republic of Lithuania.

177. A child, both of whose parents or one of them at the moment of its birth were citizens of the Republic of Lithuania, shall be a citizen of the Republic of Lithuania. A child born in the territory of the Republic of Lithuania whose parents are stateless persons permanently residing in the Republic of Lithuania as well as a child whose parents are unknown shall also acquire citizenship of the Republic of Lithuania. The application of this method of acquisition of citizenship is based on the principles of both *Jus Sanguinis* (right of blood) and *Jus Soli* (right of soil).

178. Acquisition of citizenship by exercising the right to citizenship of the Republic of Lithuania is closely linked to another provision of the Republic of Lithuania Law on Citizenship – retention of the right to citizenship. As established in Article 17(1) of the Law, the right to citizenship shall be retained for an indefinite period by persons who held citizenship of the Republic of Lithuania prior to 15 June 1940, their children, grandchildren and great-grandchildren (provided that the said persons, their children, grandchildren or great-grandchildren did not repatriate), who are residing in other states; by persons of Lithuanian descent who are residing in other states.

179. It should be noted that persons who are recognised as citizens of the Republic of Lithuania under law (Article 1 of the Republic of Lithuania Law on Citizenship) as well as persons who retain the right to citizenship (Article 17(3) of the Republic of Lithuania Law on Citizenship) are not subject to naturalisation conditions and therefore for them acquisition of citizenship is easier.

180. Article 12 of the Republic of Lithuania Law on Citizenship establishes the conditions of naturalisation to be met by a person seeking to acquire citizenship of the Republic of Lithuania: he must pass the examination in the Lithuanian language; must be permanently resident in the territory of the Republic of Lithuania for the last ten years; must have a legal source of support in the territory of the Republic of Lithuania; must pass the examination in the basic provisions of the Constitution of the Republic of Lithuania; must be a stateless person or a citizen of a state under the laws of which he loses citizenship of the said state upon acquiring citizenship of the Republic of Lithuania or renounce citizenship of another state held by him after he is granted citizenship of the Republic of Lithuania.

181. For certain persons the Republic of Lithuania Law on citizenship also provides simplified naturalisation requirements and procedures: contracting a marriage with a citizen of the Republic of Lithuania and maintaining the marital status for the last 5 years while residing in Lithuania; in such case the person shall not be required to indicate his/her source of support; persons who are 65 years of age or over, to the disabled of group I and group II, also to persons ill with grave chronic mental diseases shall not be required to pass the examination in the Lithuanian language and the examination in the basic provisions of the Constitution of the Republic of Lithuania.

182. It is worth while noting that upon the entry into force of the Republic of Lithuania Law on citizenship, a possibility to acquire citizenship of the Republic of Lithuania has been envisaged for the persons



who have been granted refugee status in the Republic of Lithuania. They are subject to the general conditions of naturalisation, except for the requirement to be a stateless person or to renounce the former citizenship.

183. Legal acts regulating the issues of citizenship do not provide for simplified procedures to acquire citizenship of the Republic of Lithuania for stateless persons who are subject to the general conditions of naturalisation.

184. Grounds whereon citizenship of the Republic of Lithuania is not granted are specified in Article 13 of the Republic of Lithuania Law on Citizenship. Citizenship is not granted to persons who: have committed international crimes provided for by the international treaties to which the Republic of Lithuania is a party or by customary law, such as: aggression, acts of genocide, crimes against humanity, war crimes; have taken part in criminal activities against the State of Lithuania; before coming to Lithuania for residence have been imposed a custodial sentence for a premeditated crime for which laws of the Republic of Lithuania also prescribe criminal liability, or have been convicted in Lithuania for a premeditated crime punishable by a custodial sentence.

185. The cases of loss of citizenship of the Republic of Lithuania are strictly regulated in the Law on Citizenship of the Republic of Lithuania. They cover voluntary renunciation of citizenship on one's own initiative and deprivation of citizenship on the initiative of the State in the cases provided for by law.

186. Subparagraph 1 of Article 18(1) of the Republic of Lithuania Law on Citizenship provides that citizenship of the Republic of Lithuania is lost upon renunciation of citizenship of the Republic of Lithuania. The person's right to renounce citizenship of the Republic of Lithuania may not be subject to any restrictions. A person's application for renunciation of citizenship of the Republic of Lithuania shall not be considered in the cases established in Article 19 of the Law on Citizenship of the Republic of Lithuania: if criminal action has been brought against the person or if a court judgement in respect of the person has become effective and enforceable.

187. According to subparagraph 2 of Article 18(1) citizenship of the Republic of Lithuania is lost upon acquisition of citizenship of another state. The above provision is not applicable, i.e. the possibility to acquire dual citizenship shall be granted to persons who held citizenship of the Republic of Lithuania prior to 15 June 1940, their children, grandchildren and great-grandchildren (provided that the said persons, their children, grandchildren or great-grandchildren did not repatriate) and persons of Lithuanian descent whose parents or grandparents are or were or one of the parents or grandparents is or was Lithuanian and the person considers himself Lithuanian. The above new provision has been adopted in view of massive emigration of the Lithuanian residents in recent years seeking to entitle them to retain citizenship of the Republic of Lithuania upon acquisition of citizenship of another state. The said provision brought about protest of national minority organisations and criticism of the Advisory Committee of the Council of Europe. A group of members of the Seimas of the Republic of Lithuania have already filed an application with the Constitutional Court of the Republic of Lithuania requesting the Constitutional Court to construe the constitutionality of Article 18 of the Law. The Law will be revised with a view to the conclusion of the Constitutional Court.

Submitting proposals with regard to this Report, the Council of National Communities once again voiced its disapproval of the current wording of Article 18 and suggested the compliance of the Law with the Constitution of the Republic of Lithuania be determined by the Constitutional Court of the Republic of Lithuania.

188. According to Article 18(3) of the Republic of Lithuania Law on citizenship, person may be recognised as having lost citizenship of the Republic of Lithuania if he is in the military service of another state or is employed in the public service of another state without having been granted authorisation by relevant institutions of the Republic of Lithuania.

189. According to Article 20 of the Republic of Lithuania Law on Citizenship, a person may have citizenship of the Republic of Lithuania restored to him upon his application, provided that at the moment of filing of the application the person is a permanent resident in the territory of the Republic of Lithuania and meets the conditions of naturalisation, except for the passing of the examinations in the State language and examination in the basic provisions of the Constitution of the Republic of Lithuania. According to paragraph 2 of the said Article, a person who meets the conditions established in this Law, Article 1(1) subparagraphs 1, 2 or 3 may be restored citizenship of the Republic of Lithuania upon such person's application without applying to the person conditions of naturalisation.

190. According to Article 21 of the Republic of Lithuania Law on Citizenship, the act on the granting of citizenship of the Republic of Lithuania shall be declared invalid: if the person acquired citizenship of the Republic of Lithuania by presenting forged documents or by fraud, or did not renounce citizenship of another state, or if the court establishes that the person, prior to or after having been granted citizenship, committed international crimes provided for by the international treaties to which the Republic of Lithuania is a party, or under customary law, such as: aggression, genocide, crimes against humanity, war crimes or committed crimes against the Republic of Lithuania; if the court establishes that in the period after 15 June 1940 the person concerned organised or carried out deportation or extermination of the residents, suppressed the resistance movement in Lithuania, or, after 11 March 1990, took part in the actions directed against the independence and territorial integrity of the Republic of Lithuania.

#### **iv) The right to marriage and choice of spouse**

191. One of the basic principles of regulation of legal family relations is the principle of free consent to marriage set forth in Article 38(3) of the Constitution of the Republic of Lithuania and paragraph 1 of Article 3.3 of the Civil Code of the Republic of Lithuania. This Constitutional principle is detailed in the Articles of Book Three “Family Law” of the Civil Code of the Republic of Lithuania. First of all it is reflected in the definition of marriage as a voluntary agreement between a man and a woman to create legal family relations executed in the procedure provided for by law. Any coercion, physical or psychological violence, threats which caused a person to enter into the marriage or any other lack of free will due to which the formation of marriage was not an adequate expression of the true intention of the persons shall provide the

grounds under Article 3.40 of the Civil Code of the Republic of Lithuania on which the marriage may be declared null and void. No permissions or agreements (e.g. agreement of parents, relatives) are required under the effective laws for the entry into marriage, unless the person who intends to contract a marriage is under the legal age of consent to marriage. Paragraph 1 of Articles 3.14 of the Civil Code of the Republic of Lithuania establishes the general provision under which the legal age of consent to marriage is 18 years. Other paragraphs of the Article provide for exceptions from the rule when, at the request of a person who intends to marry before the age of 18, the court may reduce for him or her the legal age of consent to marriage, but the law requires that, while deciding on the reduction of a person's legal age of consent to marriage, the court should hear the opinion of the minor person's parents or guardians or curators. When deciding the issue of reduction of the legal age of consent to marriage, the State Inspectorate for the Protection of the Child's Rights must present its opinion on the advisability of the reduction of the person's legal age of consent to marriage and whether such a reduction is in the true interests of the person concerned.

192. The principle of free consent to marriage is also guaranteed by the prohibition to conclude marriage through agents. Paragraph 1 of Article 2.132 of the Civil Code of the Republic of Lithuania prohibits conclusion through agents of contracts which, due to their character, may be concluded only personally. Marriage is also attributed to the contracts of the above-mentioned type, therefore only the future spouses themselves may directly express their will to enter into family relationship.

193. Paragraph 1 of Article 3.8 of the Civil Code of the Republic of Lithuania provides that agreement to marry is not binding and may not be enforced by force. However, the institution of agreement to conclude a marriage (engagement) provides for the legal consequences of refusal to marry. The party to the agreement to marry that has been led to believe in the serious character of the promise of marriage, but has been refused contraction of the marriage without a reasonable cause in the cases specified by law shall be entitled to compensation of the pecuniary and non-pecuniary damages incurred due to the refusal to marry.

194. In Lithuania's national law the principle of free consent to marriage embraces not only the person's right to choose his or her spouse at his/her free will and to contract a marriage, but also the right to dissolve his or her marital bond in accordance with the procedures laid down by law. The Civil Code of the Republic of Lithuania provides for three grounds for the dissolution of marriage: a marriage may be dissolved by the mutual consent of the spouses, on the application of one of the spouses or through the fault of a spouse (spouses).

195. The Republic of Lithuania has no legal provisions that would engender racial discrimination in the choice of a spouse.

#### **v) The right to own property alone as well as in association with others**

196. It is established in paragraph 1 of Article 2.4 of the Civil Code of the Republic of Lithuania when defining the content of civil capacity of a natural person that, according to law, natural persons shall be entitled to property as the object of private ownership and shall enjoy other property and individual non-

property rights, which are protected by the civil law, whereas as stated in Article 1.15, foreign citizens in the Republic of Lithuania possess the same civil capacity as the citizens of the Republic of Lithuania. Exceptions to this rule may be established by the laws of the Republic of Lithuania, however, racial discrimination is not legalised in the exercise of the right to own property in the Republic of Lithuania, save for the special requirements to foreigners regarding the acquisition of certain property.

197. Article 4.7 of the Civil Code of the Republic of Lithuania provides that each person may own any things provided these are not taken out of circulation or are not in limited circulation. Things out of circulation shall be the exclusive property of the State. As provided in Article 147 (1 and 2) of the Constitution of the Republic of Lithuania, the right of ownership of the entrails of the earth as well as of internal waters, forests, parks, roads and objects of history, archaeology and culture of national significance belongs exclusively to the Republic of Lithuania. The Republic of Lithuania has the exclusive ownership right to the air-space over its territory, to its continental shelf and its economic zone in the Baltic Sea. Things in limited circulation are things with certain properties whose circulation is limited due to safety, health concerns, or other public needs.

198. Certain restrictions in acquiring land, internal waters and forests have been imposed on foreign subjects. As established in Article 47(3) of the Constitution of the Republic of Lithuania, foreign subjects may be permitted to acquire into ownership land, internal waters and forests according to the Constitutional Law. As provided for in Article 3 of the Constitutional Law on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania (No IX-1381 of 20 March 2003), acquisition into ownership of land, internal waters and forests shall be permitted to foreign subjects meeting the criteria of European and Transatlantic integration embarked on by Lithuania. Moreover, Article 5 of the Law provides that the land to which under the laws of the Republic of Lithuania the rights of ownership of the citizens of the Republic of Lithuania must be restituted may be acquired by foreign subjects after the restitution of ownership rights of the citizens of the Republic of Lithuania to it and the registration of the land ownership in accordance with the procedure laid down by law.

199. Pursuant to paragraph 1 of Article 4.37 of the Civil Code of the Republic of Lithuania, “Ownership right is the right to manage, possess, use and dispose of a object of ownership right at one’s volition, without violating the laws and the rights and interests of other persons.” According to paragraph 1 of Article 4.39 of the Civil Code of the Republic of Lithuania, right of ownership may be limited by the will of the owner, by law, or by court judgement.

200. Article 4.47 of the Civil Code of the Republic of Lithuania establishes the grounds of acquisition of ownership rights. Ownership right may be acquired in the following ways:

- by contract;
- by inheritance;
- by appropriating fruit and income;
- by producing a new thing;
- by appropriating an owner-less thing;

by appropriating wild animals, wild and domestic bees;  
by appropriating stray and guardian-less domestic animals;  
by appropriating a find or a treasure;  
by obtaining, upon compensation, inappropriately kept public cultural values and other items (property);  
by confiscation or else alienating things (property) as a retribution for violation of the laws;  
by acquisitive prescription;  
as else described by law.

**vi) The right to inherit**

201. The right to inherit is regulated by the Civil Code of the Republic of Lithuania. Paragraph 1 of Article 2.4 of the Code defines the contents of civil capacity of a natural person, establishes that natural persons may inherit and bequeath property in accordance with laws. It is also established in Article 1.15 of the Code that foreign citizens in the Republic of Lithuania possess the same civil capacity as the citizens of the Republic of Lithuania. Exceptions to this rule may be established by laws. The right to inherit is regulated by Book 5 of the Civil Code of the Republic of Lithuania, while special laws contain no legal provisions as regards exceptions or racial discrimination.

202. Pursuant to Article 5.5 of the Civil Code of the Republic of Lithuania the following persons have the capacity to inherit:

202.1 in succession by operation of law: natural persons who survived the bequeather at the moment of his death, children of the bequeather who were born after his death, likewise the State of Lithuania;

202.2 in succession pursuant to a will: natural persons who survived the testator at the moment of his death, likewise those who were conceived while the testator was still alive and were born after his death; persons named in the will before their conception – upon their birth;

202.3 in succession pursuant to a will: legal persons which existed at the moment of death of the testator, or established in executing the testator's true intent expressed in his will.

203. According to paragraph 2 of Article 5.5 of the Civil Code of the Republic of Lithuania, the State or municipalities may also be entitled to inherit pursuant to a will.

204. Those persons shall be unworthy of inheriting either by operation of law or by a will who by unlawful intentional actions against the bequeather, or against any of his successors, or against the execution of the true intent of the testator expressed in his will, created legal situation to become inheritors.

205. Pursuant to Article 5.6 of the Civil Code of the Republic of Lithuania, parents shall be unworthy of inheriting after the death of their children by operation of law if they were deprived of parental authority in accordance with a court judgement, and this judgement was not extinguished or abolished at the moment of the opening of succession.

**vii) The right to freedom of thought, conscience and religion**

206. Article 26 of the Constitution of the Republic of Lithuania declares that freedom of thought, conscience and religion shall not be restricted. Every person has the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching. No person shall coerce another person or be subject to coercion to adopt or profess any religion or faith. A person's freedom to profess and propagate his or her religion or faith may be subject only to the limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others. Parents and legal guardians shall have the liberty to ensure the religious and moral education of their children in conformity with their own convictions.

207. Article 43 of the Constitution of the Republic of Lithuania establishes that the State shall recognise traditional Lithuanian churches and religious organisations as well as other churches and religious organisations provided that they have a basis in society and their teaching and rituals do not contradict morality or the law. State recognition means that state supports spiritual, cultural and social heritage of the religious communities and grants financial assistance. From 180 churches and religious organisations registered in Lithuania 10 have a status of State recognised religious communities. Churches and religious organisations are registered by the Ministry of Justice and have the rights of legal persons. Churches and religious organisations shall freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of prayer, charity institutions, and educational institutions for the training of priests of their faith. Churches and religious organisations shall function freely according to their canons and statutes. The teachings proclaimed by churches and other religious organisations, other religious activities, and houses of prayer may not be used for purposes which contradict the Constitution and the law. There is no State religion in Lithuania.

208. The provision of the Constitution of the Republic of Lithuania is repeated in Article 2 of the Republic of Lithuania Law on Religious Communities and Associations (No I-1057 of 4 October 1995 ) which states that every individual in the Republic of Lithuania shall have the right to choose freely any religion or faith, and to also change his choice individually or with others, to profess it privately or publicly, to perform religious rites, to practice his faith and to provide instruction thereof; believers shall have the right to freely join religious communities and associations, and also to establish religious organisations. It is emphasised in Article 3 that all individuals, regardless of the religion they profess, their religious convictions or their relationship with religion, shall be equal before the law; it shall be prohibited to limit their rights and freedoms directly or indirectly, or to apply privileges; an individual's religion shall not be indicated in documents issued by state institutions and organisations.

209. The Republic of Lithuania Law on Ethnic Minorities guarantees to persons belonging to national minorities the right to profess any or no religion, and to perform religious or folk observances in one's native language.

210. According to the Constitution of the Republic of Lithuania and the Republic of Lithuania Law on Religious Communities and Associations, the State recognises nine traditional religious communities and associations existing in Lithuania, which comprise a part of the historical, spiritual and social heritage of Lithuania:

210.1. the Roman rite Catholic church in Lithuania;

210.2. Lithuania's Russian Orthodox diocese;

210.3. Lithuania's Old Orthodox Pomorye Church of Old Believers;

210.4. Lithuania's Church of Evangelical Lutherans;

210.5. Lithuania's Church of Evangelical Reformers; Synod of the Evangelical Reformed Church of Lithuania – *Unitas Lithuaniae*;

210.6. Jewish religious community of Lithuania, Jewish religious community of Vilnius "Chassidie Chabad Lubavitch", Jewish religious community of Kaunas (Judaists);

210.7. Lithuania's spiritual centre of Sunni Moslems – Muftiate (Sunni Moslems);

210.8. Vilnius Monastery of the Basilian Order of St. Josaphat (Greek Catholics – Uniates);

210.9. Lithuania's Karaite religious community (Karaites).

211. Some of the religious communities – Russian Orthodox, Old Believers, Judaistic, Sunni Moslim, Karaite may be considered as ethno-confessional, i.e. the majority of their respective members belong to one ethnic community. In addition to the traditional ethno-confessional communities recognised by the State, there is also the community of the Armenian Apostolic Church which also may be regarded as ethno-confessional. All the other registered religious communities and associations are universal with believers of different ethnic background participating in their activities.

212. Traditional religious communities and associations perform religious rites in the Lithuanian, Russian, Polish, Byelorussian, Ukrainian, Latvian, German, Hebrew, Rumanian languages.

213. In the course of several centuries the traditional religious communities and associations have formed the historical, spiritual, cultural and social face of the State of Lithuania, therefore the State provides support for preserving their cultural heritage and for their spiritual, cultural, social activities. The traditional religious communities of Lithuania receive financial assistance from the State. Every year a certain amount is allocated in the law on approving the State and municipal budgets for rebuilding the houses of worship and for other needs of the traditional religious communities and associations.

**Support provided by the Government of the Republic of Lithuania to the hierarchy and churches of traditional religious communities in Lithuania (thousand litas)**

	2000	2001	2002	2003
Lithuanian bishops' conference	2 217.4	2 337.8	2 573	2 609.7
Russian Orthodox Church in Lithuania (centre – Holy Ghost Monastery in Vilnius)	134.1	140.9	154.2	144

Supreme Pomorski Old Ritualists' Council Lithuania's Church of Old Believers	44.4	46.4	50.1	35.6
Consistory of Evangelical Lutheran Church of Lithuania	30.7	31.8	34	28.6
College of Lithuanian Evangelical Reformed Church Synod	17.6	18	18.8	13
Synod of the Evangelical Reformed Church – Unitas Lithuaniae				3.7
Spiritual centre of Lithuania's Sunni Moslems – Muftiate	13.5	13.6	14	12.7
Jewish religious community of Lithuania	13.5	13.6	14	11.2
Lithuania's Greek Catholic Church (centre Vilnius Monastery of the Basilian Order of St. Josaphat)	10.6	10.7	10.7	10.3
Lithuania's Karaite religious community	10.2	10.2	10.2	10.2
Total	2492	2623	2879	2879

*Data of the Office of the Government of the Republic of Lithuania*

214. Pursuant to Article 40 of the Constitution of the Republic of Lithuania, State and local government establishments of teaching and education are secular. At the request of parents, they offer classes in religious instruction.

215. As established in Article 31 of the Republic of Lithuania Law on Education, religion is an optional part of moral education. Moral education is a part of primary, basic and secondary education. Upon parents' (guardians', curators') request, the subject of religion may be included in the pre-school education of their children. Non-formal religious education and self-education in religion may also be carried out. A student or his parents (guardians, curators) can choose one of the following subjects of compulsory moral education: religious education of a recognised traditional religious community or association or ethics. Parents (guardians, cutators) choose between the subject of religious education (of a recognised traditional religious community or association) and the subject of ethics on behalf of school students who are under 14 years of age; in cases of school students who are wards of the State, the school decides between the subject of religious education (of a recognised traditional religious community or association professed by the learner's family or relatives) and the subject of ethics. A school that is unable to provide religious instruction requested by the learners or parents (guardians, curators) in line with the beliefs of their recognised traditional religious



community or association, grants credit for the learners' religious instruction provided at a Sunday school or another religious instruction class. The also specifies qualification requirements set to the teachers giving religious instruction.

**viii) The right to freedom of opinion and expression**

216. Article 25 of the Constitution of the Republic of Lithuania establishes that individuals have the right to have their own convictions and freely express them. Individuals must not be hindered from seeking, obtaining or disseminating information or ideas. Freedom to express convictions as well as to obtain and disseminate information may not be restricted in any way other than established by law when it is necessary to protect the health, honour and dignity, private life or morals of a person, or for the protection of the constitutional order. Freedom to express convictions or impart information is incompatible with criminal actions – the instigation of national, racial, religious or social hatred, violence, or discrimination or dissemination of slander or misinformation. Moreover, it is established in Article 44 of the Constitution of the Republic of Lithuania that the State, political parties, political and public organisations and other institutions or persons may not monopolise means of mass media. Censorship of mass media is prohibited.

217. The procedure for collecting, preparing, publishing and disseminating public information and the rights, duties and liabilities of public information producers and disseminators, participants therein, journalists and institutions governing their activities is established by the Republic of Lithuania Law on the Provision of Information to the Public, Article 4 whereof grants every person the right to freely express his ideas and convictions. The right encompasses freedom to maintain one's opinion, to seek, receive and disseminate information and ideas in accordance with the conditions and procedure set out in the laws.

218. According to Article 4(2) of the Law of the Republic of Lithuania on the Provision of Information to the Public, "Unrestricted reception and re-broadcasting of television programmes from EU member states and other European countries which have ratified the Council of Europe Convention on Transfrontier Television, broadcast in accordance with the requirements laid down in international treaties of the Republic of Lithuania, shall be guaranteed in the Republic of Lithuania." This enables Poles, Russians, Byelorussians, Ukrainians and other persons to watch television programmes broadcast by various states.

219. Freedom of provision of information to the public is guaranteed: every person has the right to freely seek, receive and disseminate information and ideas , but this right may not restrict the rights and freedoms of other persons. Freedom of expression, freedom to receive and disseminate information may not be restricted otherwise than by law where required in order to protect human rights, health, honour and dignity, personal privacy or morality or constitutional order. State officers shall be liable under law for preventing the producers or disseminators of public information to spread news via mass media, for illegal refusal to provide information to public information producers or journalists. Freedom of provision of information to the public may not be restricted otherwise than by laws which establish a State secret and its

protection, official secret and its protection, commercial secret and its protection, personal health (medical) secret and its protection and protection of personal rights and personal privacy.

220. According to Article 34 of the Law of the Republic of Lithuania on the Provision of Information to the Public, radio and television broadcasts broadcast in a language other than Lithuanian must be translated into Lithuanian or presented with Lithuanian subtitles, except for educational, special occasion, special and re-broadcast foreign radio and television programmes or broadcasts as well as broadcaster-produced broadcasts intended for the ethnic minorities of Lithuania.

221. Article 2 of the Law of the Republic of Lithuania on Ethnic Minorities also guarantees the ethnic minorities residing in Lithuania the right to freedom of expression and information in the native language.

222. Broadcasting and re-broadcasting activities in the Republic of Lithuania, except for the broadcasting and re-broadcasting activity carried out by the LRT (Lithuanian Radio and Television), is subject to a licence. Pursuant to Article 31 of the Law of the Republic of Lithuania on the Provision of Information to the Public, broadcasting and re-broadcasting licences shall be issued by the Radio and Television Commission of Lithuania by tender procedure. When issuing licences, priority shall be given to persons who undertake to produce original cultural, informational and educational broadcasts, ensure accurate and unbiased presentation of information, respect human dignity and right to privacy, protect minors from public information which might have a detrimental effect on their physical, mental and moral development, and also to persons who have undertaken to broadcast programmes that are not as yet broadcast by other broadcasters within the designated reception zone. The Radio and Television Commission of Lithuania, taking into account the needs of ethnic minorities residing in the coverage zone of broadcast programmes, may specify in the licence conditions which portion of the programmes broadcast and/or re-broadcast or parts thereof shall be comprised of programmes or broadcasts in the languages of national minorities.

223. There are broadcasters of two types in Lithuania: public (National Radio and Television) and private (private radio and television stations). The public broadcaster has an administrative body - the Council of the National Radio and Television of Lithuania, which represents public interests, takes care that the public broadcaster should fulfil its function having regard to public needs, including the needs of national minorities. Taking into account the interests of national minorities, the National Radio and Television of Lithuania broadcasts programmes intended for national minorities.

224. The right to freedom of opinion and expression, the right to receive and to disseminate information is inseparable from the possibility to create one's own information media (the press, electronic media, etc.). National minorities in Lithuania have been provided with all the necessary conditions for making use of the media in the native language.

225. The following periodicals are published in the Russian language: *Klaipeda* (daily), *Ekspress nedelia* (weekly), *Litovskij kurjer* (weekly), *Obzor* (weekly), *Sugardas* (weekly), *Soglos staroverov* (not regularly), *V kazhdyj dom* (weekly), *Zhyvonosnyj istochnik* (monthly), *More* (quarterly magazine published in

the Russian, Lithuanian and English languages), *Vilnius* (monthly), *Peremena* (monthly, published in the Russian and Lithuanian languages).

226. Also the newspapers *Respublika* (daily) and *Golos Litvy* (weekly) that are published in Lithuanian are translated into Russian from Lithuanian.

227. Among other publications we could also mention advertising publications translated into the Russian language: *Reklama* (weekly), *Novaja reklama* (twice weekly). Lithuania's publishers are publishing books in the Russian language by Russian writers (poetry, publicistic writing, memoirs and other literary works). The publishing of textbooks for schools with instruction in the Russian language is financed from the State Budget of the Republic of Lithuania.

228. The Polish national minority has the following publications: *Kurier Wilenski* (daily), *Nasza Gazeta* (weekly, only the Internet version), *Tygodnik Wilenski* (weekly), *Znad Willii* (quarterly publication), *Spotkania* (published twice monthly), *Magazyn Wilenski* (monthly), *W kregu kultury* (published not regularly).

229. In Lithuania "Magazyn Wilenski" Publishing House publishes books by Polish authors (poetry, publicistic writing, memoirs, etc.). The Society of Polish Scholars in Lithuania publishes documents and material relating to its scholarly work. Textbooks for schools with instruction in the Polish language are published using the State Budget resources.

230. The following publications come out in the Byelorussian language: *Run* (monthly), *Nasha staronka* (monthly), *Arche* (monthly), *Belaruski Gistarychny ogliad* (quarterly), *Fragmentsy* (quarterly).

231. The German community has the following publications: *Baltische Rundschau Baltijskoje obozrenije* (monthly, published in the German and Russian languages), *Deutsche Nachrichten in Litauen* (monthly, published in the German and Lithuanian languages), *Miteinander* (quarterly).

232. Since 1989 the Jewish community has been publishing the monthly publication *Lietuvos Jeruzalė* in Yiddish, Lithuanian, English and Russian, which reflects the life of the Lithuania's Jewish community.

233. The Tartar community publishes the monthly *Lietuvos totoriai* in the Lithuanian language.

234. The Greek community irregularly publishes the newspaper *Patrida* in the Russian language.

235. According to Article 4 of the Law of the Republic of Lithuania on the National Radio and Television (No I-1571 of 8 October 1996), a variety of topics and genres must be ensured in the programmes of LRT and the broadcasts must be oriented towards the various strata of society and people of different ages, national background and convictions. The Lithuanian Radio has a special structural subdivision – Office of Ethnic Communities which prepares programmes for ethnic minorities as well as programmes on the issues related to ethnic minorities which are of interest to the general public. LR1 daily broadcasts 30-minute information programmes in the Russian language, whereas LR2 broadcasts 1.5-hour programme *Raduga* aimed at promoting culture, languages and education of all ethnic minorities living in Lithuania and addressing their common problems. There are also daily 30-minute broadcasts in Polish and 10-minute broadcasts in Byelorussian. Every fortnight *Raduga* prepares special broadcasts for Jews and Ukrainians.

Discussions during the *Raduga* programmes are held in the Lithuanian, Russian, Polish, Byelorussian, Yiddish, Ukrainian and other languages. All the programmes are prepared by journalists who themselves belong to different ethnic minorities. The Klaipėda district radio broadcasts monthly 30-minute programmes for Latvians.

236. Lithuania also has private radio stations broadcasting programmes for the following national minorities: Russians (*Ruskoje radijo* broadcasts around the clock); Poles (*Znad Wilii* broadcasts around the clock); *Baltijos bangų* radio station which broadcasts many programmes in the Byelorussian language. Programmes in Russian are also broadcast by local radio stations in Visaginas and Klaipėda.

237. The National Television also broadcasts programmes for national minorities. There is a daily 10-minute information programme *Vechernij vestnik* in the Russian language. 15-minute programmes are broadcast weekly in the languages of Lithuania's national minorities: Russian (*Russkaja ulitsa*), Polish (*Album Wilenski*), Ukrainian (*Trembita*), Byelorussian (*Vilenskij shytok*), bi-monthly programme for the Jews (*Menora*), monthly programmes for smaller ethnic groups – the programme *Labas* and the programme for Old Believers “The Christian word”.

238. Certain non-state radio stations which broadcast programmes in the localities compactly inhabited by national minorities prepare programmes in the minority languages: the Regional Vilnius TV broadcasts a programme in Russian *Nedelia*. Other stations broadcast information programmes in the Russian language (Channel 11, *Sugardas*). The above-mentioned private TV stations also re-broadcast Russian TV programmes. The private Baltijos TV re-broadcasts the programme of “TV Polonija”. The operators of Cable TV in Lithuania re-broadcast programmes of state TV channels of Russia, Belarussia, Poland, Ukraine and other states.

239. The state supports cultural and educational activities of private public information producers. As stated in Article 28 of the Law of the Republic of Lithuania on the Provision of information to the Public, state financial support is provided to public information producers through the Media Support Foundation. The Foundation provides support to the following national minority projects:

“Baltic Russian archive” (e-project, supported since 1999);

“Historical, cultural, religious heritage of Russians of Lithuania and its dissemination through radio programmes” (radio project, supported since 1999);

“Vilnius” (literary journal);

“Znad Wilii” (quarterly publication) – “Lithuania – a multicultural state – past and present”(publishing project supported since 1998).

240. Cultural, educational activities of information producers are supported on a competition basis according to the programmes submitted to the Foundation. Financial support from the State Budget of Lithuania is allocated to book publishing, production of audio and video media, films through the Ministry of Culture and Ministry of Education and Science.

#### **ix) The right to peaceful assembly and association**

241. National minorities have been granted, according to the procedure prescribed by the laws of the Republic of Lithuania, the right to establish public and cultural organisations, form political parties and organisations. Article 35 of the Constitution of the Republic of Lithuania guarantees citizens of the Republic of Lithuania the right to freely form societies, political parties and associations, provided that the aims and activities thereof do not contradict the Constitution and laws. The fundamental law also sets forth the provision that no person may be forced to belong to any society, political party or association.

242. As established in Article 45 of the Constitution of the Republic of Lithuania, ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, organisations, charity and mutual assistance. The State shall support ethnic communities.

243. Article 2 of the Law of the Republic of Lithuania on Public Organisations (No VIII-784 of 2 February 1995, repealed as of 14 February 2004) established that a public organisation is a voluntary association (union, society, foundation, association etc.), formed in order to satisfy and implement the common needs and goals of members that do not contradict the Constitution and laws of the Republic of Lithuania. The Law established that the right to membership in public organisations is enjoyed not only by citizens of the Republic of Lithuania, but also by foreigners 18 years of age and over who are permanently resident in the Republic of Lithuania.

244. Article 2 of the Law of the Republic of Lithuania on Associations (No I-1231 of 14 March 1996, repealed as of 14 February 2004) also guarantees natural and legal persons the right to unite of their own free will into associations performing managerial, economic, social, cultural, educational, research tasks and functions. A new Law of the Republic of Lithuania on Associations became effective as of 14 February 2004 (No IX-1969 of 24 January 2004 ), which replaced the Law on Public Organisations and the Law on Associations.

245. Representatives of national minorities have been granted the right to establish charity foundations according to the procedure specified in the Law of the Republic of Lithuania on Charity and Sponsorship (No I-172 of 4 June 1993) in the sphere of education, culture, arts, religion, sports, health care, social support, etc.

246. By 2003 representatives of 22 national minorities had established 285 different non-governmental organisations.

#### **Non-governmental organisations of ethnic communities in Lithuania**

National minority	Number of organisation
Armenians	7
Azeris	1
Byelorussians	23
Bulgarians	1

Estonians	1
Greeks	9
Georgians	1
Karaites	1
Koreans	1
Latvians	7
Poles	55
French	1
Roma	15
Romanians	1
Russians	68
Ukrainians	20
Uzbeks	3
Tadjiks	1
Tartars	12
Hungarians	1
Germans	31
Jews	24

247. The Republic of Lithuania guarantees equal political rights and freedoms to all its citizens irrespective of their ethnic background. Pursuant to the Law of the Republic of Lithuania on Political Parties and Political Organisations (No I-606 of 25 September 1990), all citizens of the Republic of Lithuania have the right to form political parties and political organisations and to take part in their activities. Only a citizen of the Republic of Lithuania may be a member of a political party or political organisation. The Law provides that political parties of other countries, their subdivisions and organisations may not be established and may not function in the territory of the Republic of Lithuania. There are 5 political parties of national minorities in Lithuania: the Electoral Action of Lithuanian Poles (founded in 1994), the Union of Lithuanian Russians (founded in 1995), the Alliance of Lithuanian Citizens (founded in 1996), the Lithuanian Polish People's Party (founded in 2002) and the Lithuanian Russian Alliance (founded in 2002). All the above-mentioned political parties, except for the Alliance of Lithuanian Citizens, have their representatives in municipal councils, while the Electoral Action of Lithuanian Poles and the Union of Lithuanian Russians are also represented in the national parliament – the Seimas of the Republic of Lithuania.

248. The Law of the Republic of Lithuania on Public Organisations prohibits the establishment or activity of public organisations if they aim at inciting racial, religious and social dissent, restricting human

rights and freedoms.

249. The Law of the Republic of Lithuania on Political Parties and Political Organisations also prohibits the establishment or activity of political parties and political organisations whose programme documents propagate or whose activities practice racial, religious, social class inequality and hatred, or violations of human rights and freedoms.

250. On the eve of the elections to the Seimas of the Republic of Lithuania in 2000, the Department of National Minorities and Lithuanians Living Abroad held the conference “Political Participation of National Minorities”. The conference attended by representatives of parties, political and public organisations of national minorities, academics, political scientists, members of the Seimas of the Republic of Lithuania focused on how national minorities participate in the public political life of the country, how they make use of their possibilities. This conference also covered electoral systems in different European countries, presented sociological research of the majority and minority opinion about political participation, of prevailing political choices, as well as listened to the opinion of political scientists and analysts about the participation of national minorities in elections. In addition, programmes of all political parties, as well as their provisions relating to the development of national minorities policy were discussed. It should be noted that the number of representatives of national minorities elected to the Seimas of the Republic of Lithuania in 2000 was highest since the restoration of the independent State of Lithuania.

#### **e) Economic, social and cultural rights**

##### **i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration**

251. For the purpose of supplementing the information presented in the Initial Report on the provisions of legal acts of the Republic of Lithuania under this Article, we hereby inform that subparagraph 4 of Article 2(1) of the new Labour Code of the Republic of Lithuania (in force from 2003) provides that labour relations regulated by this Code are subject to the principle of the equality of subjects of labour law irrespective of their gender, sexual orientation, race, national background, language, origin, citizenship and social position, religion, marital or family status, age, convictions or opinions, political party or public organisation membership, factors unrelated to the professional qualities of employees.

252. The purpose of the Law of the Republic of Lithuania on Equal Treatment is to ensure the implementation of equal rights enshrined in the Constitution of the Republic of Lithuania, to prohibit any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnicity, religion or convictions. Article 5 of this draft establishes the obligation of the employer to implement equal rights at work, and Article 7 thereof defines the employer’s actions infringing equal rights.

#### **Right of aliens to work**

253. The Law of the Republic of Lithuania on the Legal Status of Aliens regulates the entry and departure of aliens, their temporary or permanent residence, employment, legal responsibility, as well as other issues relating to their legal status. Article 3(2) of this Law provides that in the Republic of Lithuania aliens are equal before the law without distinction as to race, sex, colour, language, religion, political or other convictions, national or social origin, belonging to a national minority, property, place of birth or any other status.

254. Order No 62 of the Minister of Social Security and Labour of 1 June 2000 approved the Procedure for the Employment of Aliens in the Republic of Lithuania under Employment Contract. An alien who wishes to get employment in Lithuania under employment contract must obtain a work permit. A work permit for an alien is issued by the Ministry of Social Security and Labour. A work permit is issued in accordance with the quota of annual employment of aliens established by the Government of the Republic of Lithuania and the needs of the internal labour market. A work permit for an alien is issued for a period not exceeding two years, specifying the job (position) and the enterprise (institution) where the alien will be employed. Nationals of a Member State of the European Union and members of their family intending to work in Lithuania under employment contract are not required to obtain a work permit.

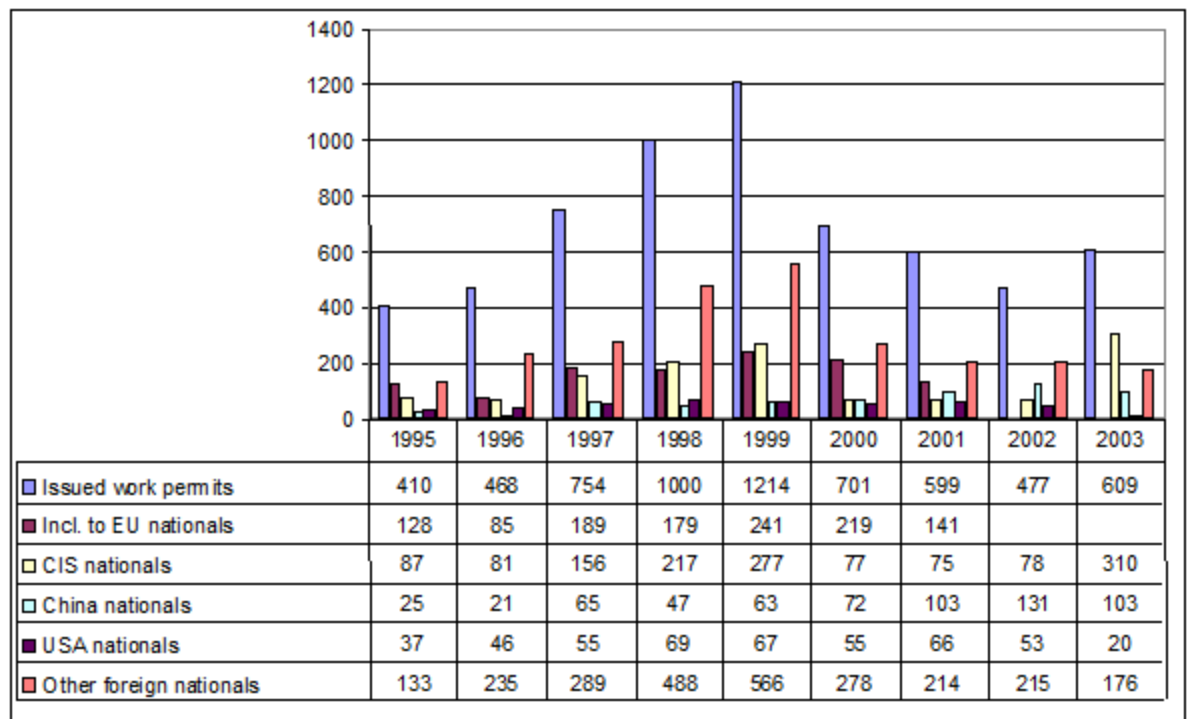
255. The established employment quota for aliens was 1 300 persons in 2001, 1 000 persons in 2002, and 800 persons in 2003. In 2002, the Lithuanian Labour Exchange received 499 applications for the employment of aliens and issued 477 work permits. Work permits were issued to 387 men and 90 women. In 2003, the Lithuanian Labour Exchange received 650 applications of aliens for temporary employment in Lithuania and issued 609 work permits. Work permits were issued to 530 men and 79 women.

256. In 2003, 650 applications of aliens were received for employment in the following enterprises:

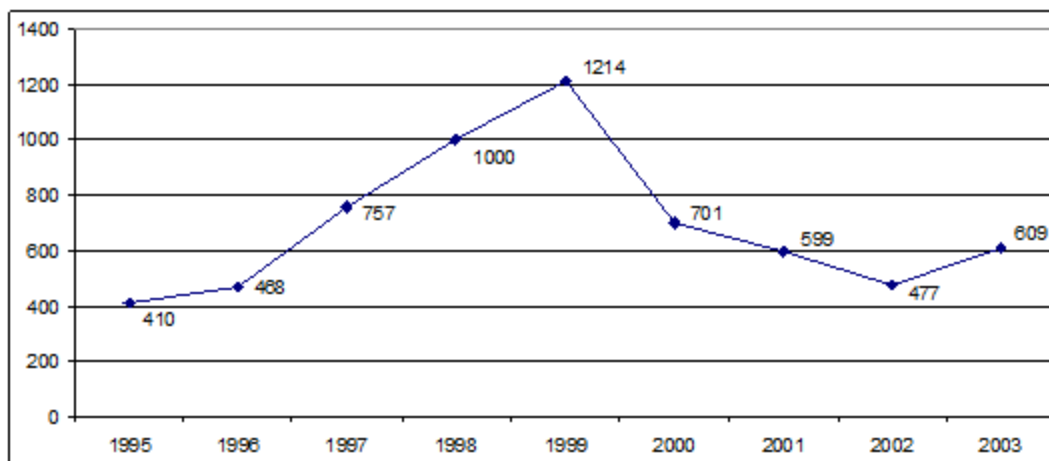
Private companies	404;
Public institutions	– 20;
Individual enterprises	– 20;
Educational institutions	– 15;
Representative offices	– 6;
Budgetary institutions	– 3;
Farms	– 3;
Public organisations	– 2;
Health care institution	– 1;
Cultural institution	– 1;
General partnership	– 1.

Issue of work permits to aliens

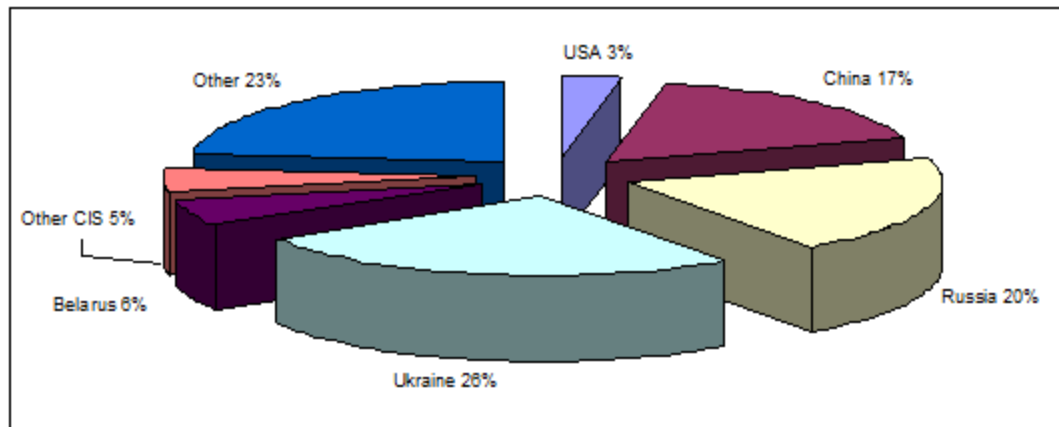


*Data of the Lithuanian Labour Exchange*

### Employment of aliens in the Republic of Lithuania

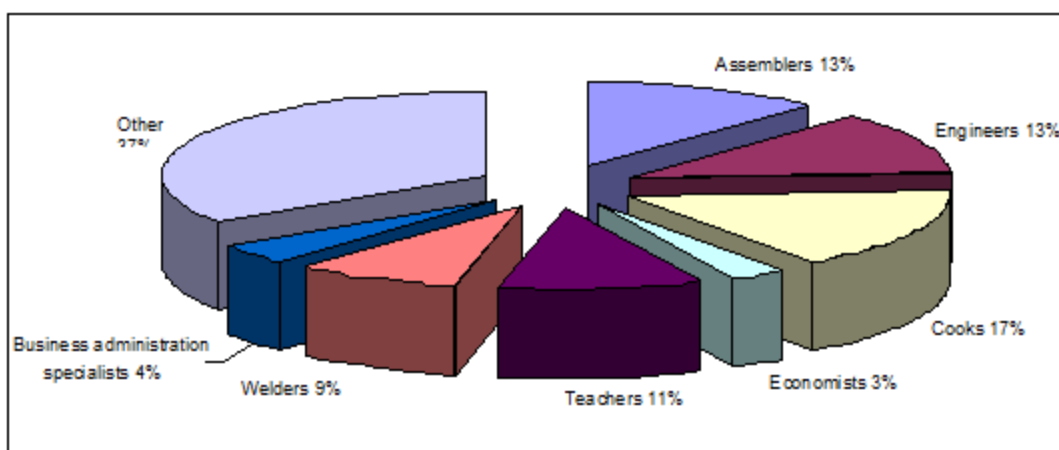
*Data of the Lithuanian Labour Exchange*

### Aliens temporarily working in Lithuania broken down by country in 2003



*Data of the Lithuanian Labour Exchange*

#### Aliens broken down by profession in 2003



*Data of the Lithuanian Labour Exchange*

#### Population number and labour force

257. According to the data of 2001 general population and housing census, Lithuania's population decreased by 5% in the period from 1989 to 2001. This was conditioned by the emigration and negative natural increase of the population. The number of the population of working age (between 15 and 64) decreased from 2.5 to 2.1 million.

258. According to the Law of the Republic of Lithuania on Support for the Unemployed (No I-864 of 13 December 1990) observed by the Lithuanian Labour Exchange, the unemployed mean able-bodied individuals of working age who are out of work if they are not full-time students at educational institutions, do

not have sufficient means of support, have registered with the territorial labour exchange of their place of residence as persons searching for a job and ready to accept an employment offer or to go into vocational training. Persons without sufficient means of support mean individuals who do not have any insured income and have not registered any enterprise or a farmer's farm.

259. In 2002, a significant change took place in the Lithuanian labour market. The unemployment rate which was increasing till then (in 2001, it was 17.4%) decreased to 13.8%, although it is still rather high, as compared with the average in the EU Member States. With a decreasing number of the unemployed and an increasing rate of employment of the population, the labour force activity is also increasing. The general unemployment rate is decreasing, however, according to the data of labour force surveys, the unemployment rate of men is still high – it decreased from 19.9% in 2001 to 14.6% in 2002. The unemployment rate of women decreased from 14.7% to 12.9% during the same period. Last year the labour market saw further positive changes. During the last two years the number of the unemployed declined by nearly 65 000. At the end of 2003, the unemployment rate was 9.8%. Disparities of territorial unemployment were also successfully mitigated. In 2002, every third unemployed person registered in the labour exchange was long-term, while in 2003 – only every fourth.

Unemployment rate registered in the Lithuanian Labour Exchange (at the end of a month, in percentage)



*Data of the Lithuanian Labour Exchange*

260. On 1 January 2004, the unemployment rate was 9.8%. The average rate of unemployment in 2003 made 10.3% and was by one percentage point less than in 2002 at the same time. The average annual unemployment rate of the youth was 13.4%. On 1 January 2004, 159 000 unemployed were registered in

Lithuanian territorial labour exchanges. The number of the unemployed was reduced by 1 700, as compared to 2002. In 2003, the number of long-term unemployed was markedly declining. On 1 January 2004, they amounted to 40 800. In 2002, every third unemployed person registered in the labour exchange was long-term, while at the end of 2003 their number decreased to 26% (of all unemployed). The average annual number of long-term unemployed decreased from 62 900 in 2002 to 44 600 in 2003.

261. As in other countries, the unemployment of the youth is higher than the general rate. According to the data of labour force surveys, the unemployment rate of the youth significantly declined in 2002. The previous year the unemployment rate of the population aged between 15 and 24 amounted to 31%, while from the second quarter of 2002 it decreased to 23%. The unemployment rate of young men was 23.1%, of young women – 22.9%.

262. The number of long-term unemployed persons is high. According to the data of labour force surveys, they accounted for nearly half of all unemployed persons in the period from 1998 to 2000. Although the number of long-term unemployed persons decreased by 44 000 in 2002, as compared to 2001, according to the data of labour force surveys, it amounted to 55% in 2002 (more men, i.e. 54%, than women, i.e. 46%). Most long-term unemployed persons are over 50 years of age. It is related to the unwillingness and inability of older persons to change, on the one hand, and to the willingness of employers to recruit younger persons, on the other hand.

Unemployment rate by age groups and gender (in percentage)

	2000 <sup>1</sup>	2001	2002
Total	16.4	17.4	13.8
15–19	44.9	46.5	38.4
20–24	27	28.6	20.9
25–29	14.8	16.8	13.5
30–34	19.2	15.8	11.9
35–39	14.7	16.4	13.3
40–44	13.4	16.8	12.8
45–49	15.3	16.7	12.9

	2000 <sup>1</sup>	2001	2002
50–54	16.1	16.8	15.4
55–59	13.1	14.8	12.6
60–64	5.8	9.1	8.5
65–69	2.5	1.7	0.3
70+	4.1	–	–
<b>Men</b>	<b>18.8</b>	<b>19.9</b>	<b>14.6</b>
15–19	50.6	48.5	41.8
20–24	27.1	33.8	20.2
25–29	18.2	19.1	14.9
30–34	22	16.8	12.6
35–39	17.6	18.4	12.9
40–44	14.3	19.6	14.1
45–49	15.6	18.5	12.5
50–54	18.2	18	16.5
55–59	16.4	18.5	14.4
60–64	7	12.8	13.4
65–69	3.7	3	–
70+	7.7	–	–
<b>Women</b>	<b>13.9</b>	<b>14.7</b>	<b>12.9</b>

	2000 <sup>1</sup>	2001	2002
15–19	30.8	42.6	32.2
20–24	27	21.7	21.9
25–29	11.2	14.2	11.9
30–34	16.3	14.7	11.1
35–39	11.9	14.4	13.6
40–44	12.7	14.3	11.5
45–49	15	15.1	13.3
50–54	14.5	15.9	14.5
55–59	9.4	10.4	10.8
60–64	4	1.7	0.4
65–69	1.5	0.7	0.6
70+	–	–	–

*Data of the Department of Statistics under the Government of the Republic of Lithuania*

<sup>1</sup> 2000 data are not compared to 2001 and 2002 data.

263. The number of job vacancies registered in the labour exchange was several times less than the number of persons searching for a job. In 2000, 107 500 job vacancies were registered; 74 400 of them were new job vacancies, i.e. 8 400 more than in 1999. Over 100 000 persons were employed through labour exchanges in 2000. The demand for labour force increased in 2001, which allowed employing 134 000 persons. In 2003, 130 600 persons got employed, 98 400 of which were recruited for permanent jobs. There were 5 600 persons more than in 2002 recruited for permanent jobs. In 2003, 133 100 job vacancies were registered; over 99 000 of them were permanent jobs. On the average, each territorial labour exchange would register 8 300 vacancies of permanent jobs and 2 700 vacancies of temporary jobs a month. Disparities of

territorial unemployment were mitigated in 2003. At the beginning of 2003 there were 7 municipalities where the unemployment rate exceeded 20%. There were only 2 such territories at the end of the year. The unemployment rate registered during the year declined in all municipalities, in 7 of them – by more than 5 percentage points. Moreover, this year 14 200 unemployed persons have commenced their activities under business certificates. Over 146 000 persons searching for a job were sent to active labour market policy measures financed from the Employment Fund, i.e. 19 200 more than during the same period last year.

### **Employment of the population by ethnic background in 2002**

264. The ethnic groups differ as regards indicators of unemployment and employment. Compared with the general rate of unemployment in 2002 (13.8%), the unemployment of Lithuanians amounted to 12.8%, Russians – 20.3%, and Poles – 17.8%. The employment of Lithuanians (in the age group between 15 and 64) is highest and amounts to 60.5%, Russians – 54.3%, and Poles – 55.5%. These differences are in part conditioned by the concentration of non-Lithuanians in less advanced territories from the social and economic viewpoint. Moreover, the unemployed representatives of national minorities, in comparison to Lithuanians, are usually of lower general education and vocational training. In 2002, Lithuanians constituted 83.4% of the total labour force, Russians and Poles constituted 6.9% and 7.8% respectively, and the remaining ethnic groups constituted only 2.5%.

#### **Employment and unemployment of the population by ethnic background and gender**

	Labour force (thousand)	Labour force activity rate in the age group between 15 and 64 (thousand)	Employment rate in the age group between 15 and 64 (thousand)	Unemployment rate (in percentage)
Total	1 630.3	69.3	59.6	13.8
Women	801.4	65.7	57.1	12.9
Men	829	73.2	62.3	14.6
<b>Lithuanian</b>	1 360.6	69.5	60.5	12.8
Women	667	66.2	58.4	11.6
Men	693.6	73	62.7	13.9

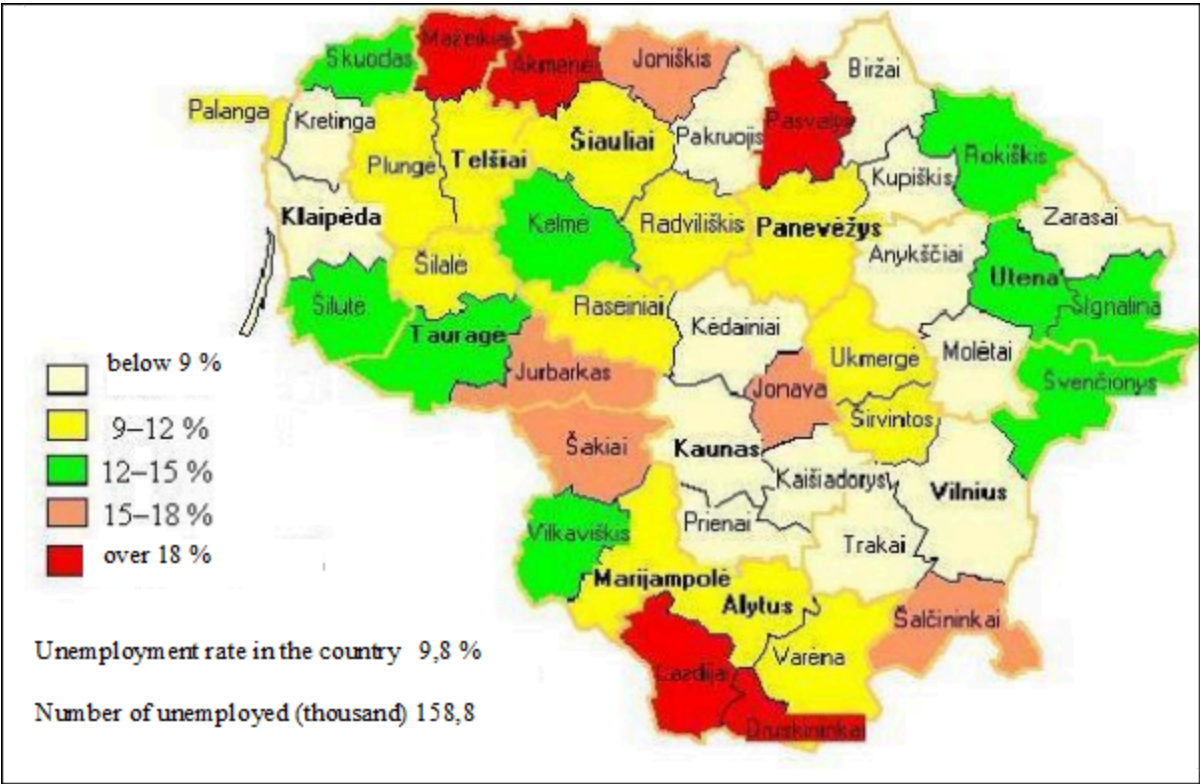
	Labour force (thousand)	Labour force activity rate in the age group between 15 and 64 (thousand)	Employment rate in the age group between 15 and 64 (thousand)	Unemployment rate (in percentage)
<b>Russian</b>	113.1	68.2	54.3	20.3
Women	54.7	63.5	50.8	19.9
Men	58.4	73.5	58.2	20.6
<b>Polish</b>	115.5	67.6	55.5	17.8
Women	59.3	62.4	49.9	19.9
Men	56.2	74.2	62.5	15.5
<b>Other ethnic groups</b>	41.2	70.1	57.6	17.4
Women	20.4	67.4	56.5	15.8
Men	20.8	72.9	58.7	19.1

*Data of the Department of Statistics under the Government of the Republic of Lithuania*

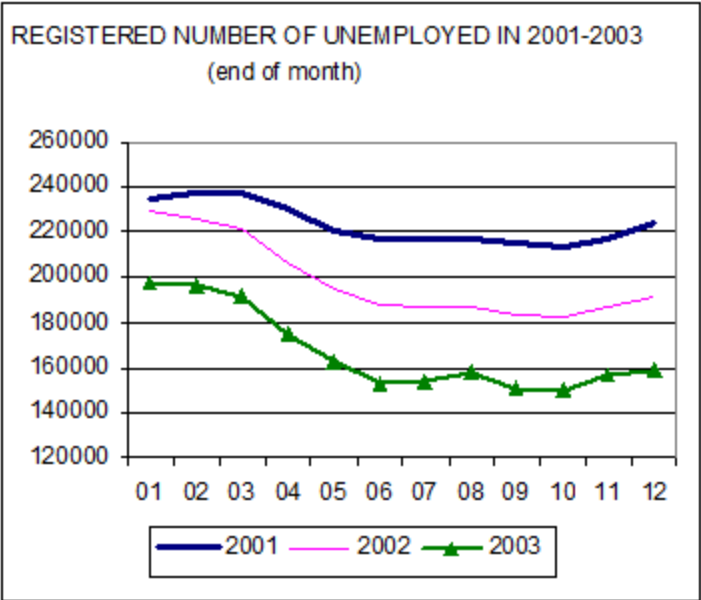
### **Unemployment statistics**

Unemployment rate on 1 January 2004





Data of the Lithuanian Labour Exchange



Data of the Lithuanian Labour Exchange

Measures for increasing employment

265. One of the key goals of the Programme of the Government of the Republic of Lithuania for 2001-2004 is to deal with issues relating to employment increase and poverty reduction, to prioritise human investments, and to accelerate the creation of information and knowledge-based society, as well as science and technology development.

266. The Programme for Employment Increase for 2001-2004 was approved by Resolution No 529 of the Government of the Republic of Lithuania of 8 May 2001, concretising the guiding provisions of the Government of the Republic of Lithuania relating to economic, labour, social and education policy, as well as other areas of activities influencing the employment of the population.

267. The strategic goals of the Programme for Employment Increase are as follows: to surmount negative consequences of structural economic reform and external impact on the employment of the population and the labour market; to increase the employment of the population, to reduce unemployment and to balance the labour market; as well as to get ready for participation in the common process of the co-ordination of the European Union employment strategy.

268. The implementation of these goals is aimed at stopping growth in the unemployment rate in the short run, and consistently reducing the registered unemployment rate to 7 or 8% in the long run. While implementing the Programme, favourable conditions should be created for business development and investments, which would ensure the creation of 110 000-120 000 new jobs. This should provide real possibilities to further increase the employment of the population to the average level in the EU Member States and to strive for full employment.

269. The Programme for Employment Increase for 2001–2004 provides for 5 key trends. One of them is the enhancement of equal opportunities in the labour market. The primary goals of this trend are to form a labour market accessible for everyone, to ensure equal opportunities for women and men in the labour market, to support the employment of the disabled and the Roma. In pursuit of these goals, employers recruiting groups of the unemployed that are additionally supported in the labour market are granted employment subsidies (to increase the interest of groups of socially vulnerable persons, their integration into the labour market by relating it to the system of the provision of social assistance, as well as to prepare territorial labour market programmes targeted at increasing the employment of most socially vulnerable persons).

### **Employment of aliens who have been granted asylum**

270. One of the trends of the Programme for Social Integration of Aliens who have been granted Asylum is the organisation of employment for aliens who have been granted asylum, i.e. assistance in getting employment, re-qualification, etc.

271. Aliens who have been granted asylum may freely choose a job or engage in any other legal activity on the basis of equal rights with the citizens of the Republic of Lithuania, unless the laws make

possession of Lithuanian citizenship a mandatory condition for employment. If aliens who have been granted asylum need State assistance for getting employment, the funds allocated for the Programme for Social Integration shall be used for implementing additional measures for organising their employment. It is intended during the period of social integration to familiarise them with the situation in the Lithuanian labour market and help become aware of their possibilities, get ready for the labour market by undergoing in-service training, changing or gaining a new profession, to create conditions for completing the state social insurance period necessary for drawing an unemployment benefit, to inform and, if appropriate, provide support in organising independent business, as well as to assist in getting employment under employment contract.

272. An alien who has been granted asylum and who needs State assistance for getting employment, immediately registers, assisted by the curator, with a territorial labour exchange and acquires the status of the unemployed. As other unemployed persons, he is provided with state guarantees of employment in accordance with the procedure provided by laws and other legal acts. Additional employment guarantees apply to those aliens who, being granted asylum, have been granted refugee status and fall under the categories of the unemployed specified in Article 8 of the Law of the Republic of Lithuania on Support for the Unemployed.

273. The planned employment measures should be intended to assist a person in getting employment, i.e. account should be taken of his or her profession, previous employment, age and cultural traditions. If needed, special programmes may be drawn up relating his or her vocational training and Lithuanian language studies to work.

274. The institution implementing the social integration of an alien who has been granted asylum may conclude an agreement with a territorial labour exchange regarding the implementation of employment measures. The agreement specifies measures for organising employment to be financed with the funds allocated for the Programme for Social Integration. The territorial labour exchange familiarises the alien who has been granted asylum with the situation in the Lithuanian and local labour markets. On request, a psychologist-counsellor employed at the Labour Market Training Authority helps the alien become aware of his or her possibilities and choose an appropriate area of future work. For the purpose of temporarily employing aliens who have been granted asylum, the territorial labour exchange together with the municipality organise public works; the territorial labour exchange also organises full-time or part-time jobs supported by the Employment Fund corresponding to their preparedness and state of health. These jobs give them an opportunity to complete the state social insurance period necessary for drawing an unemployment benefit, to check their professional motivation and skills. Public works, as well as jobs supported by the Employment Fund are organised with the use of the funds allocated for the Programme for Social Integration.

275. If needed, a territorial labour exchange organises vocational training for an alien who has been granted asylum (acquisition of a profession or in-service training). A training programme is selected on the basis of the professional motivation and skills of the alien who has been granted asylum. He may undergo vocational training according to specially adapted programmes, including individual and financed from the funds allocated for the Programme for Social Integration.

276. For the purpose of employing aliens who have been granted asylum, new jobs may be created. Funds for establishing new jobs are allocated from the Programme for Social Integration. The establishment of a job for a particular person may be financed only once.

277. A territorial labour exchange provides information to an alien who has been granted asylum about possibilities for organising independent business in Lithuania. Upon the submission of a business plan or a creative activity programme, a person willing and ready to set up one's business may, in accordance with the procedure provided by laws and other legal acts, be granted a loan without interest for organising one's business from the funds allocated for the Programme for Social Integration, by transferring them to the Employment Fund.

278. A person who is organising one's business may be given onetime monetary support for acquiring a patent, licence and working tools from the funds allocated for the Programme for Social Integration.

279. Having completed Lithuanian language courses, vocational training and been temporarily employed for public works or jobs supported by the Employment Fund, an alien who has been granted asylum must actively seek for employment possibilities. If needed, he or she may apply to private labour exchanges on employment matters at his or her own expense.

280. Where the employment programme of an alien who has been granted asylum, including Lithuanian language teaching, continues for 12 months or longer, the programme should include a one-month resting period, so that the duration of the employment programme would not exceed 11 months with a 12-month period. The resting time is agreed with the person concerned.

281. Aliens who have been granted asylum become entitled to an unemployment benefit after having performed, sent by a labour exchange, public works or jobs supported by the Employment Fund within the last 12 months from registration with a labour exchange, completed vocational training, while the total duration of these works and training was not shorter than 180 calendar days, or was equal to the period required to complete the necessary state social insurance period, if this makes not more than 180 calendar days. Aliens who have been granted asylum are paid, in accordance with the procedure provided by laws and other legal acts, an unemployment benefit in the amount of State-supported income. This unemployment benefit is paid from the funds of the Employment Fund by a territorial labour exchange.

### **Support for the Roma population**

282. The unemployment problem is quite often faced by the Roma population. The majority of Roma, being without even basic education, cannot acquire any profession. Besides, Roma people find it difficult to compete in the labour market because of negative attitude towards them in the society. For lack of education and poor vocational training Roma cannot set up a small business as they are unable to settle the required documents, to pass a driving test, or have no minimal initial resources for that. Only the few were previously employed officially. Even those unemployed who are registered in a labour exchange do not receive benefits

since they do not have the required employment record. This results in conditions for illegal employment or involvement in criminal activities. Unemployment is related to the poverty of large Roma families. Due to insufficient employment record, only a part of them draws old-age pensions, while the others receive social pensions (approximately LTL 80-90). Women raising children under 3 years of age receive a family benefit (approximately LTL 90), and some persons derive disability benefits.

283. While implementing the Programme for the Integration of Roma into Lithuanian Society for 2000-2004, the Ministry of Social Security and Labour was responsible for preparing a vocational training and employment programme for the Roma community of Vilnius. The Labour Market Training Authority prepared a vocational training and employment programme for the Roma community of Vilnius and its implementing measures for 2003-2004. The Programme provides for the vocational counselling of Roma and labour market vocational training. Having regard to the level of education of Roma people, 7 relevant training programmes that are in demand in the labour market have been adapted for their vocational training (e.g., woody plant and grass cutter, cleaner, assistant nurse in a health care institution), as well as 3 non-formal education programmes have been prepared which could be useful in their everyday life. These programmes are difficult to be put into practice because of the low activity and motivation of this demographic group.

284. According to the data of 1 January 2003, there were 32 unemployed persons of the Roma national minority registered with Vilnius Labour Exchange. In 2003, 53 unemployed Roma people registered with Vilnius Labour Exchange. 42 unemployed Roma people were involved in active labour market policy measures (6 in public works, 1 in a job supported by the Employment Fund, and 35 in a programme of work clubs). One unemployed Roma person was employed under a fixed-term employment contract. According to the data of 1 January 2004, there are 14 unemployed Roma people registered with Vilnius Labour Exchange.

### **Decommissioning of the State Enterprise Ignalina Nuclear Power Plant**

285. The decommissioning of Unit 1 of the State Enterprise Ignalina Nuclear Power Plant (hereinafter referred to as the Ignalina NPP) is foreseen in the year 2005; Unit 2 and the Ignalina NPP as a whole will be shut down in the year 2009. The shutdown of the Ignalina NPP will have direct impact on the social and economic situation of the entire country, especially on the territories of the city of Visaginas, the Ignalina district and the Zarasai district. The shutdown of the Ignalina NPP will have the major impact on the social and economic state of the residents of Visaginas, while nearly 85% of the residents are non-Lithuanians.

286. The population of working age constitutes 66% in Visaginas (22 200 persons), 52% in the Ignalina district (12 900 persons), and 53% in the Zarasai district (13 000 persons). According to the data of 1 September 2003, there were 1 631 unemployed registered with the municipality of the Ignalina district (unemployment rate – 15.8%), and 1 444 unemployed – with the municipality of the Visaginas district (unemployment rate – 11.3%).

287. While dealing with social and economic problems resulting from the decommissioning of the Ignalina NPP, it is aimed at creating favourable conditions for sustainable regional development and compensating for the jobs lost after the decommissioning of the power plant. The peculiarity of the region is taken into account with the purpose of helping the population to adapt to the new social and economic conditions and to settle in the labour market, as well as providing them with adequate social security.

288. Under Resolution No 287 of the Government of the Republic of Lithuania of 26 February 2002 on the Formation of the Ignalina Nuclear Power Plant Region, the Ignalina NPP region was formed from the municipalities of the city of Visaginas, the Ignalina and Zarasai districts. The Regional Council and the Regional Development Agency were also established. General and development plans for this region are under preparation. In 2003, a small and medium-sized business development plan for the Ignalina NPP region was drawn up. It is envisaged that business incubator activities will commence in 2004.

289. At the request of the Ignalina NPP Regional Development Agency, since 2003 annual social and economic monitoring has been started according to the monitoring programme and techniques specifically developed for this region. The monitoring results are important for the evaluation of the implementation of the social and economic measures provided for in the Decommissioning Programme for Unit 1 of the Ignalina NPP, as well as for its annual revision.

290. Since December 2001 the Information and Consultation Centre has been operational in Visaginas the task whereof is to help the residents of the region adjust to changing circumstances. The Centre provides information and vocational counselling services, information on possibilities to get employment and to gain a profession, as well as access to the Internet. In October 2001, a mini labour exchange was opened at the Ignalina NPP provided with information materials on the situation in the labour market, as well as on employment and training possibilities. This exchange offers individual consultation for employees of the Ignalina NPP. A computerised programme in Lithuanian, Russian and English is implemented for assessing the vocational needs of employees and their possibilities in the labour market.

291. The social support system is being strengthened in the region. In November 2003, the Social and Psychological Assistance Office in Visaginas was established. Social support measures essential for the region are to be prepared in 2004.

292. A legal framework has been developed for implementing employment and social guarantees with respect to the employees dismissed or to be dismissed. The Law of the Republic of Lithuania on Additional Employment and Social Guarantees for Employees of the State Enterprise Ignalina Nuclear Power Plant (No IX-1541 of 29 April 2003) provides for additional employment and social guarantees for employees of the Ignalina NPP who are dismissed or being dismissed from work because of the shutdown of Units 1 and 2, as well as for their family members. This is intended to mitigate the negative social consequences and to ensure safe operation of the Ignalina NPP until its decommissioning. The Law provides for additional measures widening possibilities of vocational training, new jobs and employment of employees of the Ignalina NPP for these jobs. To implement the employment and social guarantees provided for in the Law, respective legal acts

have been prepared establishing the procedure for implementing the guarantees, i.e. development of individual plans, payment of additional redundancy, pre-pensionary unemployment or resettlement benefits. The said measures related to the shutdown of the Ignalina NPP will be applicable to any employee who has lost his or her job, without any restrictions on the grounds of race, ethnic background, origin, sex, age or on other grounds.

## **ii) The right to form and join trade unions**

293. Article 50 of the Constitution of the Republic of Lithuania provides that: “Trade unions shall be freely established and shall function independently. They shall defend the professional, economic and social rights and interests of employees. All trade unions shall have equal rights.”

294. According to Article 1 of the Law of the Republic of Lithuania on Trade Unions, the right to freely join trade unions and take part in their activities shall be enjoyed by citizens of the Republic of Lithuania, as well as other persons who are permanently resident in Lithuania, who are 14 years of age and over, and who are working under employment contract or on other grounds provided by law.

295. The Seimas of the Republic of Lithuania passed the Law Amending the Preamble and Article 1 of the Law of the Republic of Lithuania on Trade Unions (No IX-1803 of 3 November 2003) the purpose whereof is to grant the right to join trade unions and take part in their activities to all aliens, including those who are temporarily, but legally working in the Republic of Lithuania.

## **iii) The right to housing**

296. According to the Law of the Republic of Lithuania on State Support to Acquire or Rent Housing (No IX-1188 of 12 November 2002), State support to purchase, construct (renovate) dwellings or rent municipal social housing is provided to natural persons (families) who have a permanent place of residence in the Republic of Lithuania.

297. Social housing means non-profit municipal dwellings rented out in accordance with the procedure for the calculation of rent established by the Government of the Republic of Lithuania, which are intended for the accommodation of low-income persons and families under the conditions established by law.

298. In the period from 1998 to 2003 housing loans on easy terms were granted to persons (families) eligible to State support, from credit resources of banks, by paying to the bank, in accordance with the established procedure, 5% annual interest on behalf of a borrower when a loan is provided in Litas, and 3% annual interest when a loan is extended in a foreign currency (USD or EUR), during the first half of the term specified in the loan contract, but not exceeding 10 years, calculating from the date of the provision of the loan. During the second half of the term of the loan the borrower paid to the bank the interest specified in his or her loan contract. A loan is extended for a period of up to 25 years. The borrower was required to have saved a 5% initial contribution and insured the loan with the Housing Loan Insurance Company in accordance

with the Rules for Housing Loan Insurance and the Procedure for Covering Insurance Premiums from the Funds Allocated for the Implementation of the Special Programme to Finance State Support for the Acquisition of Residential Houses and Apartments approved by the Minister of Finance.

299. Municipalities provided additional privileges to socially deprived persons, by covering the following part of the loan:

20% of the loan granted by the bank for orphans and children deprived of parental care, upon the expiry of their accommodation in children's institutions or placement under guardianship, provided they cannot return to former dwelling places or they do not have such places;

10% of the loan granted by the bank for: families with the disabled of group I or II or a disabled child under 16 years of age if it is established that this family member is in need of permanent nursing; families with persons having severe forms of certain chronic diseases entered in the list approved in accordance with the procedure established by law; families where both the spouses are of pensionable age and no able-bodied family members live together; families which are raising four or more minor children living together or have adopted at least two orphans or children deprived of parental care; a parent (guardian) raising two or more minor children alone (without his or her spouse).

300. According to the data of the Department of Statistics, at the beginning of 2002, over 17 000 persons (families) entitled to State support wanted to rent municipal social housing; over 6 000 persons (families) of them were socially vulnerable.

301. One of the top priorities in the drafted Lithuanian Housing Strategy is considered the expansion of dwelling choices for all social groups. It is therefore important to develop the rental housing sector, which can be achieved by the maximum use of opportunities in the private sector and its existing housing stock, by the development of the social housing stock using public and municipal funds. This stock would be formed, mostly, by purchasing low-demand dwellings on the market and adapting them to social housing needs. It can also be achieved by the creation of conditions for the formation of the non-profit rental housing sector, following experiences in the EU Member States. The main sources of financing for the development of the rental housing sector would include the funds of the State and municipal budgets of the Republic of Lithuania – 60-65% of the required amount; the capital of private companies – 25-30% of the required amount; and the means of natural persons (real estate owned or being acquired) – 10-15%.

302. Support for aliens who have been granted asylum in the area of housing provision is given in accordance with the Procedure for Social Integration of Aliens who have been Granted Asylum approved by Resolution No 572 of the Government of the Republic of Lithuania of 17 May 2001.

303. Pursuant to the Law of the Republic of Lithuania on Social Services (No I-1579 of 9 October 1996), citizens of the Republic of Lithuania, as well as citizens of other states and stateless persons possessing permits for permanent residence in Lithuania, who do not have a dwelling or temporarily cannot use it, can receive these services in institutions of temporary lodging: common lodging-houses, crisis centres, etc. According to the data of 2002, there were 23 lodging-houses and crisis centres in Lithuania. In 2002, 2 400



persons were accommodated in temporary residence houses. Furthermore, there were 115 temporary shelters where another 76 persons or so would every day receive temporary shelter for a night.

304. Common lodging-houses usually accommodate former prisoners. In 2002, 849 former prisoners were accommodated at lodging-houses. The majority of former prisoners were accommodated at lodging-houses in Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys.

305. Homelessness is one of the sorest problems among the Roma community. Quite a few of them live without any identification documents or permanent employment. These and other circumstances prevent the Roma community from enjoying the rights to housing granted by law. Houses and huts (approximately 70) in the Kirtimai Roma settlement in Vilnius have been constructed without any authorisation, are poor and lack basic sanitation. The legal registration of those buildings is not settled, although some of them would comply with the set requirements and could be legalised. Another part of the Roma community lives in cities, often in emergency houses; the majority of them are not able to pay for their apartment and public utilities.

306. While implementing the Programme for the Integration of Roma into Lithuanian Society for 2000-2004, the municipality of Vilnius with the largest Roma community has carried out a lot of activities, focusing on improving the living conditions of this community. In 2001, gravel road repairs were performed in the Upper Roma encampment (Metalo St., Vilnius) – the area of 1 150 sq. m was reinforced with a mixture of sand and gravel, as well as potholes were patched on the asphaltic concrete pavement on the access road to this encampment. Gravel road repairs were also performed in the Lower Roma encampment (Geologu St., Vilnius) – the area of 1 067 sq. m was reinforced with a mixture of sand and gravel, as well as the potholed pavement on the Rodunės Road (access road to the third Roma encampment) was repaired and gravelled.

307. In October 2001, the Energy and City Maintenance Department and the Vilnius Water Company (special purpose state enterprise) financed the equipment of two new cold water hydrants in the Kirtimai Roma settlement – one in the Upper encampment and one in the Lower encampment. At present there are 4 hydrants in total. The hydrants are equipped with filtering wells with ladders.

308. The Vilnius Electricity Network laid electric wires in the Upper and Lower encampments and installed electricity panels with metering devices at houses. The residents installed in-house electric wiring from those panels at their own expenses. There are 58 customers of the electricity network in the Upper encampment, and 26 – in the Lower encampment. Most residents do not pay for energy. There are lights installed at some houses for lighting up the yard. They are connected to the in-house networks.

309. It was foreseen in the estimates for the use of the Nature Protection Fund of the municipality of Vilnius in 2002 and 2003 to allocate LTL 21 000 every year for the transportation of municipal waste from Roma settlements. The Energy and City Maintenance Department of the municipality of Vilnius signed a contract with the private company “Švarus miestas” for the said services. Places for dumpsters were chosen in the encampment, and the service provider put eight dumpsters of 1.1 cubic meter capacity which are serviced twice a week – on Tuesdays and Fridays. Approximately 80-85 cubic meters of municipal waste are transported every month (960-1 020 cubic meters of municipal waste per year). Municipal waste is transported

from the Roma settlement free of charge; the dumpsters are repaired and painted by the service provider, the private company “Švarus miestas”, at its own expense.

310. Cleaning in the Kirtimai Roma settlement is organised by Naujininkai neighbourhood, by making use of the public works programme and employing people sent by the police. Every year waste is collected, and dumps removed.

311. The works organised by the Energy and City Maintenance Department were performed by the private company “Stebulė”. Bushes were cut out; the collected waste, bulk waste, tree branches and leaves were loaded and transported. In March 2002, the asphaltic concrete pavement on the access road was repaired, and the roads in the Roma settlement were gravelled and graded. In April 2002, washouts and potholes on the roadway were additionally metalled.

#### **iv) The right to public health, medical care, social security and social services**

##### **Right to health care**

312. According to Article 6 of the Law of the Republic of Lithuania on Health Insurance (No I-1343 of 21 May 1996), the right to health care financed from the budget of the Compulsory Health Insurance Fund shall be enjoyed by citizens of the Republic of Lithuania, foreign nationals and stateless persons who are permanently resident in Lithuania, as well as foreign nationals and stateless persons who are temporarily resident in Lithuania, provided they are legally working in Lithuania, as well as minor members of their families.

313. Article 6(4) of the Law of the Republic of Lithuania on Health Insurance specifies persons insured with public funds: persons drawing any type of pensions established by law; persons of working age who have registered with the labour exchange of their place of residence; unemployed persons of working age who have completed the compulsory state social pension insurance period established by law for drawing a state social insurance old-age pension; women who are granted pregnancy and maternity leave in accordance with the procedure established by law, as well as unemployed women during their pregnancy between 70 days (after 28 weeks of pregnancy or more) preceding delivery and 56 days after delivery; one of parents raising a child until he/she becomes 8 years of age, as well as one of parents raising two or more children until they come of age; persons under 18 years of age; full-time students of general education, vocational, post-secondary and higher schools; persons supported by the State who draw a social benefit; persons recognised as disabled in accordance with the procedure established by legal acts; persons ill with communicable diseases dangerous to the public; opposition (resistance) participants, rehabilitated political prisoners and deportees; persons who contributed to the elimination of the consequences of the nuclear accident at the Chernobyl nuclear power plant; former inmates of the ghetto and former juvenile prisoners of the fascist forced confinement institutions; priests of traditional religious communities recognised by the State, students of

educational institutions for the training of priests and novices during monastic formation in monastic noviciates; participants in the Afghanistan war.

314. The above-mentioned persons are considered as persons covered by insurance with public funds. Individual health care services are provided to those persons free of charge in accordance with the procedure established by legal acts; these costs are paid from the budget of the Compulsory Health Insurance Fund.

315. Pursuant to effective legal acts, health care services to persons applying to individual health care institutions are provided irrespective of his or her ethnic background. Persons covered by health insurance can freely choose a general practitioner or physician, specialised care and these costs are paid by a territorial patients' fund. Irrespective of their ethnic background, unemployed persons, not falling within the list of the abovementioned persons insured with public funds, are provided with free basic medical assistance services in accordance with Order No 37 of the Minister of Health of 20 January 2000 on the Procedure for Providing Basic Medical Assistance Services and the Approval of the List of Basic Medical Assistance Services.

316. The Law of the Republic of Lithuania on Health Insurance regulates the compulsory health insurance system, persons insured with public funds, the reimbursement of the costs of individual health care services and of the costs related to medicines and medical aids from the budget of the Compulsory Health Insurance Fund. Article 10 of this Law provides that pharmaceuticals intended for out-patient treatment and entered in the list of diseases and reimbursable pharmaceuticals for their treatment and in the list of reimbursable pharmaceuticals, as well as medical aids entered in the list of reimbursable medical aids are reimbursed to persons covered by compulsory health care insurance from the budget of the Compulsory Health Insurance Fund. 100%, 90%, 80% or 50% of these costs are reimbursed, taking account of the complex nature of a disease.

317. The Programme for the Integration of Roma into Lithuanian Society for 2000-2004 also provides for measures in the health area: to organise the primary and secondary health care for Roma people who are not covered by social insurance; to organise the education of Roma on sanitation issues; to carry out drug prevention and treatment of drug addicts in Roma encampments.

318. According to the data submitted by Naujininkai polyclinic in Vilnius, the polyclinics provides services to two Roma encampments where live 177 children and 176 adults registered for treatment in the institution. According to unofficial data, there are 400–500 adult Roma residents in the encampments but they do not live permanently in the encampments in Vilnius.

### **Social security**

319. Pursuant to the Law of the Republic of Lithuania on the Basic Principles of the State Social Security System (No I-696 of 23 October 1990), the state social security system covers all residents of the Republic of Lithuania. Citizens of the Republic of Lithuania, including those who are in the public service of the Republic of Lithuania abroad, as well as foreign nationals and stateless persons who are permanently

resident in Lithuania have equal rights to social security, unless otherwise provided by law and international agreements.

320. A considerable number of persons in Lithuania belong to certain risk groups, who are in need of manifold social assistance and social services. These include groups of alcohol and drug addicts, their family members, persons released from prisons, victims of trafficking in persons and prostitution, national minorities (Roma) for whom social integration into the society is relevant.

321. Information about social services provided to refugees and persons who have been granted asylum on humanitarian grounds is discussed in this Report where information under Article 2 of the Convention is presented.

322. The Ministry of Social Security and Labour is responsible for the implementation of the measure “To organise free meals for Roma children attending preschool classes in 2001-2004” provided for in the Programme for the Integration of Roma into Lithuanian Society for 2000-2004. The Ministry of Social Security and Labour allocates LTL 31 000 every year from its allocations from the State budget of the Republic of Lithuania to the municipality of Vilnius which is responsible for the organisation of free meals for Roma children attending preschool classes.

323. Resolution No 731 of the Government of the Republic of Lithuania of 24 May 2002 approved the National Programme for Children’s Day Care Centres of Non-governmental Organisations for 2002-2004. This Programme helps to solve social problems faced by children of preschool and school age who live in problem families, to organise their education, out-of school activities, as well as to ensure social work with parents. It is aimed at creating conditions for a child to return to his or her family. While implementing this Programme, the public agency Roma Community Centre took part in the selection competition for children’s day care centre programmes in 2002 and received the funding of LTL 21 400. Selection for such programmes is announced every year.

### **Social services**

324. Pursuant to the Law of the Republic of Lithuania on Social Services, the right to social services shall be enjoyed by citizens of the Republic of Lithuania, as well as foreign citizens and stateless persons possessing permits for permanent residence in the Republic of Lithuania.

325. Social services are provided in the following cases/to the following persons:

- poverty if in accordance with other laws the funds are insufficient;
- children and orphans who have lost parental care;
- homelessness;
- unemployment;
- disability;
- temporary unemployment due to illness;

only one-parent families or families with many children, which encounter problems in raising children;

alcohol and drug addiction;

upon return from institutions of imprisonment, pre-trial detention (arrest), social and psychological rehabilitation;

upon misfortune;

other cases established by laws or other legal acts when State support is required.

326. Social services are allocated to a person upon the assessment of his or her need for these services. When assessing the need of a person, account is taken of his or her self-sufficiency, age, state of health, special needs, as well as possibilities of his or her family and next of kin to take care of him or her. Services are allocated irrespective of his or her income or assets. The period of the provision of social services is not limited.

327. The main organiser of social services in the community is a municipality. The municipality analyses the need of various social groups for social services, annually plans the types and scope of social services and earmarks funds in its budget for financing social services, collects and analyses information about persons in need of social services, evaluates the living conditions of persons applying for social services, establishes, reorganises and liquidates municipal institutions of social services, family houses, controls, within its competence, the activities of providers of social services, as well as provides information about social services. The municipality is responsible for the provision of social services to permanent residents in its territory. In urgent cases, the municipality also provides social services to persons who are not permanently resident in its territory.

328. There are about 500 different institutions of social services (in-patient care, temporary lodging, day care, mixed social services, etc.) in Lithuania, which are intended for various social groups. Social services in institutions of social services were provided to over 20 000 residents, some 9 000 residents received these services at home. In addition, about 200 000 (184 000 – in 2002, 195 000 – in 2001) of residents made use of other social services provided by municipalities: free meals, provision with the necessities (clothes, footwear), personal hygiene items, transport, etc.

329. The majority of recipients of social services (57%) receive social services provided by in-patient institutions of social services, 25% receive assistance at home, and only 18% receive social services at community care institutions.

330. The founders of institutions of social services are county governors, municipalities, NGOs and other organisations. These institutions are financed from different sources (State budget of the Republic of Lithuania or municipal budgets, state funds, resources of the founder, charity and other resources).

331. In 2002, assistance at home was provided to approximately 350 persons of risk groups or their families.

#### **v) The right to education and training**

332. Article 42 of the Constitution of the Republic of Lithuania establishes compulsory education for persons under the age of 16. Education at State and municipal general education, vocational and post-secondary schools is free of charge. Every child of such age who is resident in the Republic of Lithuania has equal opportunities to obtain education of all levels.

333. The new version of the Law of the Republic of Lithuania on Education establishes the goals of education, the principles of the education system, the basic structure of the education system, educational activities and education relationships, as well as obligations of the State to citizens and residents of the Republic of Lithuania in the area of education. Each citizen of the Republic of Lithuania, as well as each alien entitled to permanent or temporary residence in the Republic of Lithuania has the right to study, attain an education level and a qualification (Article 25).

334. The Lithuanian education system is socially fair, it ensures equality for individuals irrespective of their gender, race, ethnic background, language, origin, social position, religion, beliefs or convictions; it guarantees for each individual access to education, opportunities to attain a general education level and a primary qualification, as well as creates conditions for in-service training or gaining a new qualification (Article 5). The State undertakes to provide a student with the possibility of choosing education programmes, different versions thereof, modules and subject courses according to his or her abilities and dispositions. A student also chooses a school implementing a selected education program, an alternate education provider, or independent studies as prescribed by the Minister of Education and Science (Article 27).

335. The Law provides for a wide network of education providers: State, municipal and non-State general education, vocational, post-secondary schools, schools of higher education, freelance teachers and other education providers. The purpose of the network of education providers is to ensure accessibility of compulsory and universally available education, its variety and possibilities of life-long learning for all citizens of the Republic of Lithuania and aliens having the right to permanent or temporary residence in the Republic of Lithuania.

336. In localities where a national minority traditionally constitutes a substantial part of the population, upon that community's request, the municipality ensures the possibility of learning in the language of the national minority (Article 28).

337. At those general education and non-formal education schools, the regulations whereof, in consideration of the requests of parents and students, provide for teaching in the language of a national minority and fostering of the culture of a national minority, the teaching process is conducted or certain subjects are taught in the language of the national minority (Article 30). This possibility is provided for schools implementing primary, basic and secondary curricula. This newly stated Article expanded the possibilities of studying a mother tongue – State and municipal pre-schools or general education schools provide opportunities for students who belong to national minorities to have additional study of their mother

tongue, subject to a real need, the availability of a specialist of that language and if the teaching process is conducted in another language. This Article also provides for a possibility for a person who belongs to a national minority to study his or her mother tongue at a school implementing non-formal education programmes or with another education provider.

338. Educational opportunities for national minorities in Lithuania are widely reflected in the Regulations on Education of National Minorities prepared by the working group set up by the order of the Minister of Education and Science, which also involved representatives of national minorities. The said document was approved by Order No 56 of the Minister of 16 January 2002.

339. According to the data of the school year 2002-2003, out of 2058 functioning general education schools in Lithuania (attended by 567 453 students), 56 schools were with the Russian language of instruction, and Russian classes were within 49 mixed schools. They were attended by 33 698 students (constituting 5.9 % of all Lithuanian students). Subjects were taught in the Polish language in 81 schools, and Polish classes were within 43 mixed schools; they were attended by 21 314 students (constituting 3.7 % of all Lithuanian students). Poles and Russians constitute two major national minorities residing in Lithuania, whose children may learn at school in their mother tongue. Other national minorities are not so numerous, but there are a Byelorussian school, a German school and a Jewish school in Lithuania founded by municipalities.

340. Education of Roma children is integrated into the common education system, thus there is no segregation as regards the teaching of Roma children in Lithuania. For the purpose of fostering the Roma national identity and implementing the Programme for the Integration of Roma into Lithuanian Society for 2000-2004 in accordance with the action plan drawn up by the Government of the Republic of Lithuania, a Romani Primer has been prepared and published. When preparing and issuing a textbook, the Ministry of Education and Science closely co-operated with the Foundation for Educational Change, one of the most active on-governmental organisations providing support in the areas of multicultural and civic education, Holocaust education, as well as integration of national minorities. The Foundation for Educational Change has organised a number of in-service seminars for teachers working with Roma children, as well as summer camps for Roma children.

341. In the recent decade, Polish and Russian translations of many textbooks have been published for students of schools for national minorities, since the curriculum content is regulated by the same general programmes and education standards in all Lithuania's schools. Original textbooks were produced for teaching a mother tongue. Since 2000 the procedure for providing with textbooks has been undergoing changes. The centralised supply of textbooks has been gradually changed and schools were given possibilities to take part in ordering the necessary teaching aids. In the school year 2003-2004, schools were offered to order 40 textbooks of different subjects in the Polish language (including 6 textbooks published for the first time) and 45 textbooks in the Russian language (including 9 textbooks published for the first time). In addition to these textbooks, 13 teaching aids were offered for teaching Lithuanian as the State language at schools for national minorities.

342. Schools receive teaching funds from the student's basket in accordance with the financing methodology approved by the Government of the Republic of Lithuania. The student's basket for State, non-State and municipal general education schools of national minorities is, on the average, 10% higher than for Lithuanian schools. Additional financing is needed to cover expenses of the teaching plan in answering the education needs of national minorities (more weekly classes are provided in the teaching plan for schools of national minorities, since children, in addition to the same subjects, are studying their mother tongue). When there is only one school for national minorities in the municipal territory, the student's basket for a student in grade 1-4 may be even 45%, for a student in grade 5-8 – 42%, and for a student in grade 9-12 – 39% higher than for students at Lithuanian schools. The means from the student's basket are used for paying salaries to teachers, in-service training of teachers, as well as for acquiring textbooks, visual and technical aids. Maintenance costs of all schools are covered by their founder – the State, municipality or private institution.

#### **vi) The right to participation in cultural activities**

343. In order to define the goals, principles and tasks of cultural policy, as well as methods of their implementation, the Government of the Republic of Lithuania approved the Lithuanian cultural policy provisions by passing Resolution No 542 on 14 May 2001. One of the major tasks of cultural policy is to support the culture and education of national communities living in Lithuania. The document emphasises that through their traditions, cultural heritage, customs and lifestyle the national minorities living in Lithuania contribute to the enrichment of the culture of Lithuania. By supporting the culture of national minorities, the State seeks to reinforce the cultural rights of Lithuanian citizens belonging to other nations, to create conditions for their integration into the life of the country, and to foster their cultural traditions and heritage.

344. The Lithuanian cultural policy provisions define the tasks of support for the culture of national minorities living in Lithuania: to support cultural programmes of national minorities living in Lithuania, to facilitate the participation of national minorities in the cultural life of the country, to promote cultural relations between nations living in Lithuania. Support for cultural projects is foreseen in the programmes of the Ministry of Culture. Financial support is provided for ethnic cultural festivals, conferences, feasts, ethnic traditions and customs, as well as publication of cultural heritage. NGO projects promoting the spread of the culture of national minorities in Lithuania are supported under a separate programme. Every year the Ministry of Culture allocates about LTL 450 000 for NGOs; in 2001, projects of national minorities were allocated LTL 15 500 of this amount (5 projects), in 2002 – LTL 48 000 (13 projects), in 2003 – LTL 36 500 (13 projects).

345. While implementing cultural policy, State and municipal institutions adhere to the following principles:

democracy – every society member has the right to participate in decision making on issues relating to culture, to undertake cultural activities according to one's liking and interests, as well as to make use of cultural services;



identity – Lithuanians and national communities living in Lithuania have the right to preserve and foster their national culture;

openness – conditions are created for spreading the Lithuanian culture world-wide and familiarising with the culture of other nations.

346. The Lithuanian cultural policy provisions maintain that the Lithuanian culture forms and reveals spiritual and cultural values of different groups of the society, national communities; contributes to the development of a democratic, free and open society. Fundamental human rights and freedoms are guaranteed and protected in Lithuania, thus, cultural rights as well.

347. The Department of National Minorities and Lithuanians Living Abroad attends to the national, cultural and other needs of national communities, cares for the preservation of national identity, as well as aims at their successful integration into the public, political and cultural life of Lithuania.

348. Lithuania strives to create more favourable conditions for fostering the consciousness and culture of national minorities. Article 37 of the Constitution of the Republic of Lithuania stipulates that “citizens belonging to ethnic communities shall have the right to foster their language, culture and customs”. Article 45 of the Constitution acknowledges that “ethnic communities shall independently administer the affairs of their ethnic culture”.

349. The Law of the Republic of Lithuania on Ethnic Minorities declares that the Republic of Lithuania recognises the ethnic identity of all its citizens regardless of their ethnicity, the continuity to their culture, as well as promotes ethnic consciousness and the expression thereof. As specified in Article 2 of the Law of the Republic of Lithuania on Ethnic Minorities, the State, taking into account the interests of ethnic minorities, guarantees them on the grounds and in accordance with the procedure established by law “the right to State support to develop their culture and education, the right to form ethnic cultural organisations, the right to maintain cultural contacts with persons of the same ethnic background abroad”. Public and cultural organisations of ethnic minorities may establish cultural and educational institutions at their own expense. “Ethnic historical and cultural monuments significant for ethnic minorities and Lithuania shall constitute part of the cultural heritage of Lithuania and shall be protected by the State” (Article 6 of the said Law).

350. There are over 100 different artistic amateur collectives of ethnic minorities in the country. The House of National Communities was set up under the Department of National Minorities and Lithuanians Living Abroad, which is intended for cultural and educational activities of national communities. Some non-governmental organisations of national communities have their headquarters and may organise various cultural events there. A similar institution commenced its activities in Kaunas at the end of 2002; the establishment of such an institution is initiated in Klaipėda.

351. The Polish House was opened in Vilnius, where public organisations and artistic amateur collectives of Lithuanian Poles are located. It houses cultural events and various assemblies of the Polish community. Similar cultural centres of Lithuanian Poles are functioning in Eišiškės and Druskininkai. The unique Centre of National Cultures was set up in Visaginas where cultural and educational activities are

carried out by Byelorussians, Poles, Tartars, Armenians, Germans and other national communities. The cultural centre of national minorities is operational in Alytus. Russian cultural centres are functioning in Vilnius and Šiauliai.

352. A very important issue is that of cultural heritage. It is particularly relevant for those national communities which have been resident in Lithuania for several centuries already, i.e. Poles, Russians, Jews, Byelorussians, Ukrainians and others.

353. Information on the cultural and historical heritage of national minorities can be found in various museums and cultural centres, e.g., the Pushkin Literary Museum, Adam Mickiewicz Museum of Vilnius University, the Vilna Gaon Jewish State Museum in Vilnius; the Sirokomle museum-library located in Bareikiškės in the region of Vilnius; the Czesław Miłosz Cultural Centre and the Cultural Centre of National Minorities established in the former synagogue in Kėdainiai; the Simon Dach House in Klaipėda; the Thomas Mann Cultural Centre in Nida; the Hermann Sudermann Memorial Museum and the House of the German Community “Heide” in Šilutė; the Karaite Ethnographic Exposition in Trakai.

354. Through their traditions, cultural heritage, customs and lifestyle, the national minorities living in Lithuania enrich the culture of the country. The processes of globalisation and integration into the European Union, the increasing pressure of cultures and languages of the great powers of the world determine specific tasks related to the preservation and enhancement of the cultural identity of the majority and the minority; these tasks are realised through various cultural development programmes of Lithuania.

355. Almost all national communities in Lithuania develop various cultural projects and actively participate in cultural activities. Every year all Slavonic communities rally at the Slavonic Writing Festival dedicated to Cyril and Methodius, the founders of Slavonic writing. The Karaite community organises international children and youth days attracting the Karaite young people from other countries; events presenting the history and culture of Karaites are held. The Byelorussian community organises the annual traditional J. Kupala Festival. Cultural days of national minorities (Russian, Polish, Byelorussian, German and other national minorities) have become traditional in Lithuania. Every year Lithuanian Poles hold festivals of songs of the Vilnija territory “Kwiaty polskie”. The International Festival of Russian Sacred Music has also become a traditional event attended by art groups from the Russian Federation, Belarus and Latvia. Ukrainians focus their cultural days on the works of Taras Shevchenko, organise various exhibitions of Ukrainian artists.

356. Support to cultural activities of national communities is provided by local municipalities. The municipality of Klaipėda, in the light of the fact that people of different ethnic background live in the city, supports educational and cultural initiatives of national minorities living in the city, allocates part of its budget for their implementation, as well as receives support from foreign funds for projects promoting the self-expression and integration of national minorities living in the city. Every year the municipality organises a competition for the support of cultural projects. Different public organisations, including national minority communities, take part in this competition. In 2003, support granted to cultural projects promoting the cultural

expression of national minorities amounted to LTL 8 600. Support was provided for the Byelorussian Folklore Festival, the organisation of traditional Jewish holidays, the cycle of events presenting the Ukrainian culture, the cycle of cultural and educational events for Roma children, the cultural activities of the Russian community “Lada” and the Russian Literati Club, as well as the organisation of the conference of Russian teachers.

357. The municipality of Alytus provides financial support to action programmes of the Cultural Centre of National Minorities. It supports exhibitions, excursions, meetings-concerts and other cultural activities.

358. On the initiative of the community in Visaginas, the Centre of National Communities was set up in 1990, which unites and supports the activities of organisations of all national communities. The population of Visaginas consists of representatives of 43 ethnicities; 13 ethnic public organisations are operational in Visaginas. The Centre of National Communities houses 9 artistic groups, as well as a Saturday and Sunday school attended by 155 students. The Centre holds events of public organisations of national communities: exhibitions, festivals, national holidays, seminars, cultural meetings. The Centre of National Communities is financed from the municipal budget. The municipality maintains the premises of the Centre, as well as allocates over LTL 100 000 per year for salaries of its employees and communication expenses and about LTL 10 000 for the implementation of projects. Public organisations receive funds for projects from the Ministry of Culture, the Department of National Minorities and Lithuanians Living Abroad, embassies, international organisations and foundations.

#### **f) The right of access to public service**

359. Persons belonging to national minorities have access to all public services without any discrimination. The Police, the Office of the Ombudsmen of the Seimas of the Republic of Lithuania or the Department of National Minorities and Lithuanians Living Abroad have not received any complaint about discrimination in this area.

### **ARTICLE 6**

#### **Education and training of police officers and judges**

360. The following subjects related to international human rights and the 1965 International Convention on the Elimination of all Forms of Racial Discrimination are taught at the Institute of International Law and European Union Law of the Law University of Lithuania: international protection of human rights, UN human rights protection system, refugee law, etc. It is also noteworthy that in 2004 the Institute has started, under a joint programme prepared together with the Ministry of Foreign Affairs, a course on human

rights in the European Union and a course on European Union law for employees of the Office of the Prosecutor General; these courses focus on the principle of non-discrimination.

361. The 1965 International Convention on the Elimination of all Forms of Racial Discrimination is taught at the Faculty of Law at Vilnius University as a constituent part of the course on human rights; it is taught both at lectures on human rights and at lectures on international public law delivered at the Department of International and European Union Law. Moreover, students of the Faculty of Law at Vilnius University have been attending for three years already the Internet Course on Human Rights organised by the Finnish Turku/Abo Institute for Human Rights. One of the modules of these Internet courses (discussions and argumentation) is focused on the legal analysis of prohibition against discrimination in international law, including the analysis of the provisions of the 1965 Convention on the Elimination of all Forms of Racial Discrimination.

362. In response to Recommendation XIX of the Committee, we hereby provide information about the training of law enforcement officers and judges. In May 2003, the Lithuanian Judicial Training Centre, in co-operation with the Embassy of the United Kingdom of Great Britain and Northern Ireland and the *Lord Slynn of Hadley* European Law Foundation, organised a two-day seminar for judges on the issues of racial discrimination “Protection against Discrimination in Europe: the person, the family and the state”; the seminar was attended by 142 judges. It is noteworthy that in the period from 2000 to 2003 the Lithuanian Judicial Training Centre held quite a number of seminars for judges on the issues of human rights, namely:

On 27-28 January 2000, a seminar “Human Rights in Europe – Submission of a Petition” was held; it was attended by 17 judges, as well as attorneys and other lawyers;

On 16 March 2000, the Lithuanian Judicial Training Centre, together with the Supreme Court of Lithuania, organised a seminar “European Convention on Human Rights, other International Human Rights Instruments and their Application in Lithuanian Courts”; it was attended by 23 judges;

On 18-19 May 2000, the Lithuanian Judicial Training Centre, together with the Council of Europe, held a seminar “Application of the European Convention on Human Rights in Practice by Lithuanian Courts”; it was attended by 33 judges;

On 19-20 April 2001, a seminar “European Law – Courts and Lawyers” was held; it was attended by 65 judges;

On 21-22 November 2002, a seminar “Criminal Law – Human Rights” was held; it was attended by 122 judges;

On 23 May 2003, a seminar “Protection of Human Rights in the European Union” was held; it was attended by 30 judges or so;

On 23-24 October 2003, a seminar “Practice of the European Court of Justice and Human Rights in Civil Matters” was held; it was attended by 160 judges.

In addition, on 28-30 April 2003, the Lithuanian Judicial Training Centre, together with the Embassy of Great Britain, organised a seminar “Human Rights and Civil Law”; it was attended by 153 judges, as well

as attorneys and other lawyers.

363. When training police officers at the Faculty of Police of the Law University of Lithuania and at Klaipėda Police School, the analysis of the 1965 Convention on the Elimination of all Forms of Racial Discrimination, as well as the analysis of the provisions of laws of the Republic of Lithuania and international law reinforcing prohibition against racial discrimination and against other forms of discrimination are constituent part of subjects in international law, European Union law and constitutional law. Training programmes arranged by police institutions include training about effective legal acts of the Republic of Lithuania, which define the goals, activities and control of the police in a democratic society, obligate police officers to ensure the necessary assistance, support and information to the detained or victims without any discrimination.

### **Cases when action by the prosecutor is compulsory**

364. In response to Recommendation XIX of the Committee requesting additional information on the cases when action by the prosecutor is compulsory, we hereby inform that pursuant to the provisions of the Republic of Lithuania Code of Criminal Procedure a pre-trial investigation is conducted by pre-trial investigation officers. Pre-trial investigation is organised and directed by the prosecutor. The prosecutor may decide to conduct the whole pre-trial investigation or its part personally. Upon the receipt of a complaint, application or notification about a committed criminal act or upon the ascertainment of elements of the criminal act, the prosecutor immediately institutes a pre-trial investigation. Having instituted a pre-trial investigation, the prosecutor either himself conducts all the necessary actions of pre-trial investigation or assigns this task to the pre-trial investigation agency. If the investigation reveals that no act containing elements of crime or offence has been committed, the prosecutor takes a decision to discontinue the pre-trial investigation.

365. In the cases where certain criminal acts fall under the category of cases of private prosecution (Article 407 of the Republic of Lithuania Code of Criminal Procedure) or private-public prosecution (Article 167 of the Republic of Lithuania Code of Criminal Procedure) (Article 145 of the Republic of Lithuania Code of Criminal Procedure), a pre-trial investigation is instituted only upon a complaint by the victim or an application by his or her legal representative. However, even in these cases the prosecutor, thinking that these criminal acts are of public significance or these acts have caused damage to a person who, for valid reasons, cannot defend his or her legitimate interests, has the right to initiate criminal proceedings, irrespective of whether a complaint or an application has been filed by the victim or his or her legal representative (Articles 167(2) and 409 of the Republic of Lithuania Code of Criminal Procedure). In this case a pre-trial investigation and prosecution on behalf of the State are conducted according to the general procedure.

### **Possibility to seek remedy in the case of infringed rights**

366. Submitting additional information on possibilities to seek remedy in the case of infringed rights, we hereby notify that Article 29 of the Constitution of the Republic of Lithuania enshrines prohibition to restrict a person's rights or to grant him or her any privileges on the basis of sex, race, ethnic background, language, origin, social status, religion, convictions or opinions.

367. From 1 January 2005, the Office of the Equal Opportunities Ombudsman will be able to accept complaints relating to such discrimination. At present, a person may defend his or her rights violated as a result of racial discrimination by applying to the court. Article 30 of the Constitution provides: "Any person whose constitutional rights or freedoms are violated shall have the right to appeal to court".

368. According to the data of the National Courts Administration, in the period from 2001 to 2002 Lithuanian courts did not receive or hear any cases under Articles 72 and 72<sup>1</sup> of the then Criminal Code of the Republic of Lithuania. In the period from May 2003 to August 2003, Lithuanian courts did not receive or hear any cases under Articles 100, 169 and 170 of the new Criminal Code of the Republic of Lithuania either. According to the data of the Information Technology and Communication Department under the Ministry of the Interior, 1 crime provided for in Article 100 of the Criminal Code of the Republic of Lithuania, 2 crimes provided for in Article 170 of the Criminal Code of the Republic of Lithuania, and 9 crimes provided for in Article 99 of the Criminal Code of the Republic of Lithuania were registered in the period from May 2003 to August 2003. Only pre-trial investigation was initiated in relation to the said crimes though.

369. The Office of the Seimas Ombudsmen of the Republic of Lithuania investigates complaints filed by citizens concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military institutions and institutions ranking as such. Every citizen may file a complaint with the Office of the Seimas Ombudsmen of the Republic of Lithuania. Moreover, pursuant to the Law of the Republic of Lithuania on the Seimas Ombudsmen, the Seimas Ombudsman may also investigate complaints of foreign nationals and stateless persons. In the period from 2000 to 2003, the Office of the Seimas Ombudsmen of the Republic of Lithuania did not receive any complaints that would be directly related to discrimination on ethnic grounds and would be found by the Seimas Ombudsmen as grounded. Moreover, the said Office did not receive any complaints relating to the infringement of the right of access to public service on ethnic grounds in 2001-2003 period.

370. Members of ethnic minorities usually complain about social and economic matters (bureaucracy of officers in granting benefits, providing housing or utilities) rather than discrimination. For instance, in his complaint of 3 December 2002 concerning the bureaucracy of officers of Vilnius municipality, Stepas Visockis stated that the rights of Roma people were grossly violated and complained about failure to provide his family with housing or an allowance for solid fuel, or to pay the full maternity benefit, as well as about indifference of the Department of National Minorities and Lithuanians Living Abroad towards Roma people. Having received material from all the institutions complained about and having conducted a thorough investigation of the said complaint, the Office of the Seimas Ombudsmen of the Republic of Lithuania established that there was no legal ground to accuse officers of Vilnius municipality of bureaucracy, and found

the complaint to be ungrounded. Although the Office of the Seimas Ombudsmen of the Republic of Lithuania has not received any grounded complaints relating to discrimination on the grounds of race, colour, language, religion, ethnicity, national or ethnic origin, every complaint received from vulnerable social groups is closely investigated to establish whether it contains a discriminatory aspect or not.

371. The Law of the Republic of Lithuania on Equal Opportunities of Women and Men is aimed at ensuring the implementation of equal rights of women and men enshrined in the Constitution of the Republic of Lithuania and prohibiting any direct or indirect discrimination on the grounds of a person's sex. Complaints on the grounds of ethnic origin and race may be investigated only as additional aspects. The Law on Equal Treatment intends to expand the range of functions of the Office of the Equal Opportunities Ombudsman and to authorise the Office to investigate complaints related to racial discrimination.

372. The Law of the Republic of Lithuania on the Controller for Protection of the Rights of the Child regulating the activities of the Institution of the Controller for Protection of the Rights of the Child establishes that the controller bases his or her activities on the principles of lawfulness, impartiality, publicity, priority of the rights and legal interests of the child and independence in decision making. The said Law charges the Controller for Protection of the Rights of the Child with the investigation of complaints of all natural and legal persons against actions or omission due to which the rights or legal interests of the child are or may be violated, as well as provides that the Controller, upon receiving an oral complaint or noticing indications of violation of the rights or legal interests of the child and considering that the provided information or noticed indications are true, may initiate an investigation on his or her own initiative. The analysis of the issues of complaints received by the Institution of the Controller for Protection of the Rights of the Child allows drawing a conclusion that racial discrimination is not an urgent problem. However, the Institution of the Controller for Protection of the Rights of the Child points out difficult conditions of Roma children, which should be improved.

373. The Controller for Protection of the Rights of the Child, on her own initiative, visited the Upper and Lower Roma encampments and the Roma public centre in Vilnius where everyday problems were discussed: transportation of children to school, medical provision, and integration into the society. In the opinion of Roma people, the main reasons for the failure of children to go to school are as follows: prohibition by parents to go to school, lack of warm clothes and footwear, long distance to the school. The Controller for Protection of the Rights of the Child discussed possibilities for improving the condition of Roma children, problems of socially deprived families and possible solutions at meetings with the Mayor of Vilnius and the Social Assistance Division of the municipality of Vilnius.

374. The Inspector of Journalist Ethics is charged with the investigation of complaints of the interested persons about the violation of their honour and dignity in the media, as well as complaints about the violation of the right to protection of personal privacy in the media.

### **Reparation for damage**

375. Article 6.263 of the Civil Code of the Republic of Lithuania provides for the duty of every person to comply with the code of conduct so as not to cause damage to another person by one's actions (acts of commission or omission). Damage caused to a person or property and, in the cases provided by law, non-pecuniary damage shall be fully compensated by the responsible person, i.e. the principle of full compensation is set forth. In the cases provided by law, this person shall also compensate for the damage resulting from the actions of another person or for the damage caused by the things managed by him or her.

376. Furthermore, Article 2.26 of the Civil Code of the Republic of Lithuania states: "Persons who unlawfully imposed restrictions on the freedom of a natural person shall have to redress pecuniary and non-pecuniary damage inflicted on the said person". It should be noted that Article 6.271 of the Civil Code of the Republic of Lithuania set forth the rule whereby damage resulting from unlawful acts of State institutions shall be compensated by the State from the State budget of the Republic of Lithuania, regardless of the fault of a particular public servant or another official of a State institution. Damage resulting from unlawful acts of municipal institutions shall be compensated by the municipality from the municipal budget, regardless of the fault of its employees.

377. Pursuant to the provisions of the Civil Code of the Republic of Lithuania, the civil liability of the State or municipality also occurs in the case when employees of State or municipal institutions fail to act in the manner as these institutions or their employees are required to act under law.

378. In addition, Article 6.272 of the Civil Code of the Republic of Lithuania contains a provision that "Damage resulting from unlawful conviction, unlawful preventive detention, unlawful arrest, unlawful application of procedural coercive measures or unlawful imposition of an administrative sanction – detention shall be compensated by the State in full, regardless of the fault of pre-trial investigation officers, prosecutors or the court. Damage resulting from unlawful actions of a judge or court in civil proceedings shall be compensated by the State in full, provided the damage has occurred through the fault of the judge or another court official. In addition to pecuniary damage, non-pecuniary damage is also compensated. If the damage has occurred through intentional actions of pre-trial investigation officers, officers of the prosecutor's office, court officials or judges, the State, after redressing damage, shall have the right of recourse to recover, in accordance with the procedure established by law, the amounts established by law from the officials concerned".

379. Article 6.250 of the Civil Code of the Republic of Lithuania provides for redress for non-pecuniary damage. Non-pecuniary damage is compensated only in the cases provided by law. However, non-pecuniary damage is always redressed where it is inflicted as a result of a crime against a person's health or the deprivation of a person's life, as well as in other cases provided by law.

380. Legal acts also provide for a possibility of compensation for damage resulting from a crime. Article 109 of the Republic of Lithuania Code of Criminal Procedure establishes that a person who has incurred pecuniary or non-pecuniary damage as a result of a criminal act shall have the right to bring a civil



action against the defendant or other persons bearing material liability for the acts of the defendant in the criminal proceedings. The court shall hear it together with the criminal case.

381. According to Article 116 of the Republic of Lithuania Code of Criminal Procedure, a pre-trial investigation officer, prosecutor or court shall take measures in the proceedings to secure a possible civil action: find the property owned by the defendant or persons bearing material liability for the acts of the suspect or the defendant and impose temporary restrictions on the ownership right to that property. According to Article 118 of the Republic of Lithuania Code of Criminal Procedure, where the defendant or persons bearing material liability for his or her acts do not have funds to compensate for the damage, the damage may be compensated on court order by making an advance payment from the funds earmarked by the State for that purpose in the cases provided by law.

382. The Law of the Republic of Lithuania on the Compensation for Damage Caused by Illegal Actions of State Institutions (No IX-895 of 21 May 2002) lays down the procedure for using State allocations to compensate for damage caused by illegal actions of State institutions. The Law establishes the cases of out-of-court compensation for damage resulting from unlawful conviction, unlawful preventive detention (arrest), unlawful detention, unlawful application of procedural coercive measures or unlawful imposition of an administrative sanction – detention, as well as the procedure for the implementation of the recourse of the State against the person who has inflicted the damage.

## ARTICLE 7

### Education

383. The topics of tolerance education at general education schools are integrated into such subjects as the basics of civic society, moral education and other subjects, projects; these topics may also constitute part of additional education.

384. In the years 1998-2000, the Ministry of Education and Science implemented the Programme for the Implementation of Civic Education at Educational Institutions approved by Resolution No 1105 of the Government of the Republic of Lithuania of 11 September 1998, as well as agreements between the Ministry and UNESCO on support for civic education programmes in Lithuania. While implementing the measures provided for in the said documents, a resource book for teachers “Tolerance – the Threshold of Peace” by Betty A. Reardon (3 units) and a Manual for Human Rights Education were published. Books were supplied to general education schools free of charge. A textbook-novel *Markas. Visuomenės tyrimas* (Mark. Public Survey) was also published; it mainly tackles the issues of tolerance; electronic versions of the said books were also prepared (CD-ROM “Civic Education in Lithuania”). Seminars were held for teachers about the application of the proposed methodology in practice. These seminars were attended by about 1600 teachers from the whole country.

385. In the years 2001-2003, a project of the Ministry of Education and Science and the Netherlands Agency “Sardes” was implemented in the area of civic education; it was supported by the Government of the Netherlands and designed for the implementation of EU Directive 77/486/EEC on the education of the children of migrant workers in Lithuania. Within the framework of the project, a course on Lithuanian language teaching methodology was developed for students and working teachers (this course integrates a lot of information about European intercultural dimension). The course is designed not only for Lithuanian language students, but also for students of social sciences and humanities. Furthermore, three books *Mano ir tavo šalis Lietuva* (My and Your Country Lithuania), textbooks and a teacher’s book on Lithuanian language, socio-cultural and civic education were written, which would help promote tolerance and mutual understanding.

386. In 2002, the Ministry of Education and Science, together with Lithuanian Red Cross, launched an International Humanitarian Law Education Project, during which students could choose either a separate course on humanitarian law or teaching about humanitarian law integrated into courses on history, civic education and ethics.

387. Much attention is given to the Holocaust in the educational process. Programmes on history at general education school include issues relating to the history of Jews and the Holocaust. Textbooks analysing the Holocaust present not only facts but also various documents, testimonies and photos of survivors of the genocide. This issue is also addresses at lessons in ethics, religion and literature.

388. Every year seminars are held for teachers where lectures are given by Lithuanian and foreign specialists, as well as members of the Jewish community. An increasing number of teachers are given an opportunity to get to know the experience of other countries in the area of Holocaust education. At present over 700 teachers are involved in Holocaust educational activities; about 500 of them attended various seminars in Lithuania and abroad.

389. Holocaust education is carried out by a number of State institutions together with non-governmental organisations, by initiating educational projects and involving school communities and local communities in regions. In 2000, the National Holocaust Education Programme was prepared covering teaching about the Holocaust at secondary and higher schools, in the armed forces, as well as public information through the media – cinema, television, and radio, also through initiatives of governmental institutions, non-governmental organisations and museums.

390. While developing and continuing the National Holocaust Education Programme, the Holocaust Education Action Programme was drawn up and approved by the order of the Minister of Education and Science on 10 September 2003. The Programme was prepared by a special working group involving representatives from the Ministry of Education and Science, the Ministry of Foreign Affairs, the Jewish Community, the Association of History Teachers, the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, “The House of Memory” and other public organisations taking care of teaching about the Holocaust, as well as associates of the Vilna Gaon Jewish State

Museum and the Foundation for Educational Change. The Programme is aimed at improving the quality of teaching about the Holocaust, ensuring better co-ordination of the activities of State institutions and non-governmental organisations engaged in this area, as well as involving more teachers and students in Holocaust education. The implementation of the goals set in the Programme will be co-ordinated by a special advisory council set by the order of the Minister of Education and Science.

391. Measures foreseen in the project “Strengthening of Equal Opportunities” of the Office of the Equal Opportunities Ombudsman and the United National Development Programme (completed at the end of 2002) were designed to promote tolerance and to fight against entrenched stereotypes. Within the framework of the project, information/training seminars were organised in ten counties of Lithuania, discussions were held with interest groups, a brochure “Equal Opportunities: Towards Tolerance” was published, as well as 10 broadcasts on the first channel of the Lithuanian National Radio and a social advertisement on the Lithuanian National Television were produced. The Project was completed by a national conference on 10 December 2002.

392. Lithuanian higher schools also give much attention to the promotion of tolerance and fight against stereotypes. Vilnius Pedagogical University intends to give lectures on the history of national minorities living in Lithuania: bachelor programmes include the social history of Vilnius city, ethnographic practice, practice of regional studies; master studies include the phenomenon of the Jewish nation, the cultural peculiarity of Vilnija. A course on history didactics includes a short review of the education system of national minorities in the interwar period and of the specific characteristics of history teaching at schools of that day. Bachelor and master students wrote and defended several final theses which researched into aspects of the education of national minorities in Lithuania. Similar topics are also offered for yearly papers (usually dealing with problems relating to the education of Jews, analysing current and old textbooks on history in order to establish to what extent they promote tolerance or induce national stereotypes). Such topics are constantly offered to students. The History Didactics Methodological Centre stores publications (monographs, teaching literature, CDs, etc.) intended for teaching about the Holocaust. Some lecturers of the department read lectures at various events for history teachers where the coverage of the Holocaust subject in Lithuanian and foreign textbooks on history is discussed, as well as recommendations relating to the teaching of this subject to students at general education schools are presented.

393. The Law University of Lithuania offers a special course on the protection of human rights, including the rights of national minorities; yearly papers and master theses are written on this subject. Alongside other institutes, the Institute of International Law and European Union Law is conducting its activities at the Law University of Lithuania. One of the key tasks of the Institute is to participate in the creation of the rule of law based on the effective protection of human rights and freedoms, and to strive for the successful implementation of the rights and duties of the Republic of Lithuania resulting from the enforcement of modern international law norms and from the performance of international obligations of the

Republic of Lithuania. The Institute has published a number of monographs and teaching publications on these issues.

394. The bachelor study programme in the history and anthropology of culture at the Faculty of History at Vilnius University offers specialisation in the socio-cultural history and anthropology of minorities, based on courses prepared by the Centre for Stateless Cultures. The Centre for Stateless Cultures also takes part in bachelor and master study programmes of Vilnius University by offering its courses as free electives for students of all specialities interested in the cultural heritage of national minorities. The Department of Modern History has a course “National Minorities in Lithuania and Central and East Europe in 1918-1939” which is optional in the bachelor study programme. In the period from 1998 to 2003, 14 bachelor theses and 11 master theses addressing the topics of national minorities were defended.

395. The Lithuanian Institute of History is implementing a scientific programme “Modernisation of Lithuanian society and ethnic conflicts. Non dominating ethnic communities in Lithuania in the 19<sup>th</sup> century – the first half of the 20<sup>th</sup> century till 1940”. This programme is focused on interrelations between ethnic communities, their dynamics; it addresses the issues related to the social, economic, cultural and political development of ethnic communities, as well as analyses the influence of changes of political regimes on the dynamics of ethnic relations.

396. In 2000, the Centre of Oriental Studies at Vilnius University conducted a programme of comparative Asian studies, and in 2003 launched a master study programme “Modern Asian and Oriental Diaspora Studies”.

397. In 2000-2003, the Institute of International Relations and Political Science at Vilnius University addressed the issues of fight against national stereotypes, tolerance and understanding among nations in different courses under bachelor and master programmes (Holocaust, nationalism, human rights, nationalism and regionalism, human rights in Europe). Moreover, the Institute held a number of conferences and discussions on this topic; the following should be mentioned: conference “Political Culture in Lithuania: Stereotypes and Development Trends” on 23 November 2001, discussion “Salman Rushdie – a Victim of the Clash of Civilisations” on 12 February 2002, international conference “Terrorism – Challenge to the Modern World” on 17-18 April 2002, discussion “The Image of Islam and Muslims in Lithuanian politics, media and education” on 26 March 2003.

398. The State Council of Youth Affairs, pursuing the goals set in its strategy and announcing competitions for the financing of measures implementing the approved programmes, supports Lithuanian youth initiatives (projects) designed to promote interethnic tolerance and a dialogue among nations, to fight against national stereotypes, racial discrimination and intolerance. The funds of the State budget of the Republic of Lithuania administered by the State Council of Youth Affairs and earmarked for the implementation of relevant initiatives (projects) are available on an open competition basis to all Lithuanian

youth non-governmental organisations having the status of legal persons (including organisations of national minorities), and, in exceptional cases, to non-formal youth groups.

399. In 2004, the Lithuanian Centre for Human Rights is implementing a project “Strengthening Mutual Understanding in Lithuania: Training for Inter-ethnic Tolerance through Human Rights Education” aimed at combating ethnic discrimination, eliminating stereotypes and fostering tolerance. 8 seminars (5 for police officers, 3 for municipal officials and 3 for journalists) will be held during the project, as well as training material will be prepared. The project will be carried out from 30 June 2003 to 30 July 2004. It is supported by the USA Democracy Commission Small Grants Program.

### Culture

400. In 2000, the Department of National Minorities and Lithuanians Living Abroad, with the participation of media representatives, held discussions on the issues of racism and xenophobia: “Europe against Racism, Xenophobia and Intolerance”, “The State of National Minorities in an Open Society”, “Dialogue between the Majority and National Minorities”, “Preservation of the Cultural Heritage of the Polish National Minority in Lithuania”. Furthermore, conferences “Political Participation of National Minorities” and “Education of National Minorities in Lithuania” were organised, as well as two books, *Tautinės mažumos demokratinėje valstybėje* (National Minorities in a Democratic State) and *Tautinės mažumos Lietuvoje* (National Minorities in Lithuania), were published.

401. One of the major tasks of the State in maintaining harmonious relations among nations is to change the attitude of the society towards Roma people and to eliminate stereotypical attitudes towards other national groups. In its activities, the Department deals with the formation of a positive image of ethnic groups in the society. On the initiative of the Department, a seminar was organised on the issues of national stereotypes. In 2002, in co-operation with the Office of the Equal Opportunities Ombudsman and with the participation of the Inspector of Journalist Ethics and media representatives, a round-table was organised which was devoted to the issue of the image of national minorities in the media. The round-table welcomed the idea of holding regular consultations between representatives of national communities and the Inspector of Journalist Ethics.

402. Together with the Institute of Philosophy and Sociology of the Academy of Sciences and Vytautas Magnus University, the Department of National Minorities and Lithuanians Living Abroad organised a round-table on stereotypes about foreign-born persons in the media. This was also the topic of the contest of student essays, “Everybody is Different – Everybody is Equal”.

403. An important event in the life of national minorities was the presentation of the cultural heritage of Lithuanian Russians, Jews, Tartars and Karaites on the sites of the cultures of these groups at a Virtual Exhibition of a Millennium of Lithuanian Cultural Heritage. On the basis of the exhibition material, a book “Lithuanian National Minorities. Cultural Heritage” was compiled and published, to which contributions were

made by representatives of national minorities. This book was accompanied by a CD “Lithuanian National Minorities. Cultural Heritage” containing texts in Lithuanian, English and Russian. The CD has plenty of pictures. In addition, it contains a lot of audio and video records, maps that supplement the book and give more exhaustive information about the history and distinctive culture of Lithuanian national minorities.

404. On 4-5 October 2000, the Department of National Minorities and Lithuanians Living Abroad, together with the European Institute for Dispersed Ethnic Minorities, organised an international forum in Vilnius to discuss the issues of cultural assets looted during the Holocaust. The purpose of the forum was to discuss methods of search and identification of the values which had belonged to or had been created by the victims of the Holocaust, to present identification cases and to decide what practical actions should be taken immediately, having regard to the capacities of various institutions, law and order and the cultural context in states. The forum adopted a declaration which evaluated this problem and expressed the attitude towards the looted assets of the victims of the Holocaust.

405. Before the forum, the Seimas of the Republic of Lithuania, emphasising the endeavour of the public and the State of Lithuania to protect and preserve the heritage of Jewish culture which has been created in Lithuania throughout the centuries, as well as seeking to preserve and bring into focus the elements in memory of the victims of the Holocaust in Vilnius, adopted the Resolution on the Restoration of the Characteristic Elements of the Historical Ghetto in Vilnius (No VIII-1947 of 19 September 2000), and subsequently it passed the Law on the Transfer of Religious Manuscripts (Torah Scrolls) Copied Exclusively for Religious Use to Jewish Religious Communities or Societies (No VIII-1971 of 3 October 2000). In 2002, the State of Lithuania turned over to Jews 309 torah scrolls which had been stored at Martynas Mažvydas National Library of Lithuania.

406. In 1995, the Committee on Culture and Education of the Parliamentary Assembly of the Council of Europe held a session on the issues of Lithuanian cultural heritage, including Yiddish culture. A significant event in the life of the entire country was the 200<sup>th</sup> death anniversary of Jewish philosopher Eliyahu Gaon commemorated on 10-15 September 1997. In 2000–2001, a number of events were dedicated to present the Jewish cultural heritage, related to the Lithuanian culture, to the Lithuanian society. The 100<sup>th</sup> birth anniversary of famous violinist Jasha Heifetz was marked. In January 2001, the Violin Days were organised on that occasion, an exhibition dedicated to the life and works of Jasha Heifetz was opened, as well as a commemorative board was uncovered on the wall of the house where the famous violinist had attended classes (Vilniaus St. 25). In February 2001, an international violinist contest was organised.

407. On 24-30 August 2001, the First Congress of World Litvaks, i.e. Jews originating from Lithuania, took place. It was attended by about 300 delegates from 12 countries world-wide. World Litvaks were informed about the activities of Jewish communities of Lithuania, enjoyed tours of Jewish Vilnius. A number of events took place during the Congress: a conference “Litvaks in the World” was organised, an exhibition of modern Lithuanian Jews was opened, meetings with Litvak writers, artists and journalists as well

as concerts of traditional and modern Jewish music were organised, and documentaries “Remembrance Days” and “The End of the Road” were shown. The Congress also reminded that the Jewish community of Lithuania had given to the mankind such world-famous personalities as greatest Talmudic scholar Vilna Gaon, violin legend Jascha Heifetz, painters Chaime Soutine, Jacob Lifshitz, Isaak Levitan and Mark Antokolsky, classic of Yiddish literature Mendele Moykher Sforim, first Jewish novelist Abraham Mapu, Esperanto inventor Ludovic Zamenhof, etc. Moreover, on 30 August 2001, the Yiddish Institute was established in Vilnius; it is the first centre for the research and studies of Yiddish language, literature and culture established in post-Holocaust Eastern Europe. The premises to the Yiddish Institute were provided by Vilnius University. A documentary about the First Congress of World Litvaks was produced upon the commission by the Jewish community of Lithuania. The documentary uses information about the history of Litvaks, starting from the emergence of Jews in the Great Duchy of Lithuania. The authors tell about the prosperity of the Jewish culture in Lithuania, the terrible tragedy of Lithuanian Jews during the Nazi occupation, as well as the today of the Jewish community of Lithuania.

408. In 2001, there were some other events dedicated to the culture of Lithuanian Jews. The Days dedicated to Chaime Soutine, one of the most famous painters in the 19<sup>th</sup> century, were organised for the third time, which were attended by scientists, people in culture and students from Lithuania and foreign states. During those days, an art exhibition of symposium participants was opened at the City Hall of Vilnius, a conference “Soutine, Eastern Europe, Times and Interrelations among Cultures” was held, and the documentary “The End of the Road” was shown. A number of documentaries were also dedicated to other famous people: linguist Chatzkel Lemchen, lawyer, Lithuanian and Polish politician, author of Lithuanian constitutional law Mykolas Riomeris; some other documentaries told about the Holocaust, Jewish partisans, the fate of Jews in Eastern Europe. The Jewish Culture Club, having prepared a project “Communication among Cultures and the Unity of Nations”, every month invites the public to seminars “Memoirs Vocally”, cycles of concerts “Art of Vilnius Region”, creative evenings, and views of documentaries. There are some Jewish artistic groups in Lithuania: the Jewish children artistic group *Alija*, the Jewish artistic collective *Folksinger*, the dance company *Fajerlach* and a group of chamber music.

409. On 21-25 April 2002, the Lithuania Jewish Culture Club organised International Art Days dedicated to the Vilnius Ghetto Theatre. Established 60 years ago, the Vilnius Ghetto Theatre was a distinctive phenomenon of Lithuanian art intertwining Jewish, Lithuanian, Polish and Russian theatrical traditions. The events of these Days were attended by former performers of the Ghetto Theatre.

### **Public information**

410. Every year starting from 2000, the Department of National Minorities and Lithuanians Living Abroad, in co-operation with the Nationalities Council, the Lithuanian Centre for Human Rights, Open Society Fund – Lithuania, the Civil Initiatives Centre, the Information and Documentation Centre of the

Council of Europe and other non-governmental organisations, organises conferences, seminars on stereotypes of national minorities in the media. The survey of publications in Lithuanian dailies allows drawing a conclusion that the media still presents negative images of national minorities. Sometimes national minorities are depicted as not integrated into the public life, belonging to criminal groups, socially vulnerable; when articles concern the problems of persons belonging to these groups their ethnic membership is emphasised.

411. When dealing with these problems, efforts are made to ensure that the Lithuanian National Radio and Television does not cut the time allocated for programmes for national minorities, and, in general, that the media offers more broadcasts and information on ethnic, linguistic, religious and other groups living in the country. In autumn 2003, broadcasts for national minorities are given better broadcast time (on 11-o'clock slot on Saturdays and Sundays). State institutions and non-governmental organisations have been recently initiating more projects encouraging journalists and the academic society to research the history and culture of ethnic groups and to contribute to the development of multicultural relations.

412. The mission of the public broadcaster (National Radio and Television) includes producing broadcasts intended for national minorities. Currently, the National Radio and Television produces and broadcasts programmes for Russians, Poles, Byelorussians, Ukrainians, Jews, Tartars and other ethnic communities. These broadcasts are prepared by journalists belonging to those national minorities. They fulfil an important educational function, inform the society about national minorities, their culture, life, and promote tolerance.

413. In 2003, the problems relating to tolerance, racism and discrimination were discussed during three broadcasts of *Aktualijų studija* on the first channel of the National Radio, with the participation of representatives of the Seimas of the Republic of Lithuania, governmental institutions and non-governmental organisations; these broadcasts were on air prime time. Two talk shows were devoted to fight against stereotypes in respect of Roma people on the first channel of the National Television in 2002. Tolerance and understanding among nations have always been a relevant topic in the polemic historical broadcast *Būtovės slėpiniai* which has been aired on the public channel of the Lithuanian Television for 10 years already. The leading authors are Edvardas Gudavičius and Alfredas Bumblauskas, professors of the Faculty of History at Vilnius University.

414. In 2002, the non-governmental organisation *Znad Wilii* implemented a project "Tolerance and Minorities". Within the framework of the project, 25 radio broadcasts about expressions of racism and tolerance, national stereotypes, Lithuanian national minorities, their life, customs, and the State policy on the issues relating to the protection of national minorities were prepared and aired.

415. In 1999–2000, the municipality of Klaipėda initiated and international project "MULTIREG – Regional Integration through Cultural Diversity in the City" between national communities of the cities of Liepāja and Klaipėda. The project was financed by PHARE CREDO programme. It was aimed at encouraging national communities living in these seaports for civic expression. Within the framework of the project, a cycle of television programmes was broadcast on local television stations, as well as radio broadcasts in the



national language were launched on local radio stations. The latter attracted particular interest of national communities, as representatives of communities had a real possibility to talk on topics relevant for them: national identity, tolerance, preservation of cultural traditions in the multicultural environment. Every community had a monthly one-hour radio broadcast on a local radio station. The total value of the project was approximately EUR 50 000.

416. In 2001, within the Council of Europe programme “Confidence Building Measures”, a project of radio broadcasts for national minorities “Media and National Communities of Klaipėda – I” was prepared. National communities received funds for preparing and broadcasting radio programmes in a minority language. Seminars were held for the purpose of acquiring professional skills of radio journalists. The total value of the project was about EUR 21 000. In 2003, the project was extended (“Media and National Communities of Klaipėda – II”). During the project, broadcasts not only covered problems of local communities, but also focused on political education, presentation of institutions of the Council of Europe, review of the situation of human rights in Lithuania and neighbouring countries. The total value of the project was approximately EUR 20 000.

417. The Foundation for the Support of the Press, Radio and Television, in accordance with the priorities approved by the State, supports publications tackling the issues related to the heritage of national minorities, the Holocaust and the promotion of tolerance and understanding among nations. Support was granted to the following cultural periodicals: *Lux*, *7 meno dienos*, *Literatūra ir menas*, *Metai*, *Baltos lankos*, *Atgimimas*, *Kultūros barai*, *Žurnalistų žinios*, *Naujoji romuva*, *Naujasis židinys–Aidai*, etc.

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