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**SECOND REPORT SUBMITTED BY LITHUANIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## INTRODUCTION

On 1 February 1995 the Republic of Lithuania joined the *The Council of Europe Framework Convention for the Protection of National Minorities* (hereinafter: Framework Convention), which was ratified on 17 February 2000 without any reservations.

On 31 October 2001 the Republic of Lithuania submitted the Initial Report on the Implementation of the Framework Convention in Lithuania to the Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter: the Advisory Committee) in accordance with Article 25(1) of the Convention. The Advisory Committee considered the Report in its 13th meeting held on 25 February – 1 March 2002.

The Lithuanian authorities provided additional information on the situation of the national minorities by filling out the questionnaire of the Advisory Committee as well as by providing further information during the visit of the Advisory Committee's delegation in Lithuania.

The Advisory Committee adopted its opinion concerning the situation of the national minorities in Lithuania on 21 February 2003 in its 16th meeting wherein it noted that Lithuania is consistently adhering to the provisions of the Framework Convention and welcomed the actions taken to improve laws and other regulations governing protection of the rights and freedoms of the national minorities that foster and protect ethnic culture, language, education and identity of the members of national minorities.

On 10 December 2003 the Committee of Ministers of the Council of Europe in the 865th meeting of the Committee of Ministers (deputies) issued Resolution ResCMN(2003)11 concerning the implementation of the Framework Convention for the Protection of National Minorities in Lithuania (hereinafter: the Resolution) in accordance with Articles 24-26 of the Framework Convention.

On 18 October 2004 the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania (hereinafter: the Department of National Minorities and Lithuanians Living Abroad) together with the Human Rights Directorate of the Council of Europe organised a seminar *Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Lithuania* to overview the new steps taken by the Government pursuing implementation of the recommendations provided in the Framework Convention.

Taking into consideration the recommendations of the Advisory Committee for informing the public about the Framework Convention and application of its explanatory report as well as international monitoring rules, the Advisory Committee's opinion on implementation of the Framework Convention in the Republic of Lithuania and the Resolution were translated into the Lithuanian, Polish, and Russian languages and disseminated to the public authorities in charge of securing freedoms and rights of national minorities in Lithuania as well as to the non-governmental organisations of national minorities. These documents in Lithuanian and English languages were published on the website of the Department of National Minorities and Lithuanians Living Abroad.

Following Article 25(2) of the Framework Convention, the Government of the Republic of Lithuania hereby provides the second regular report on legal and other measures that have been undertaken to implement the provisions of the Framework Convention in Lithuania (hereinafter: the Second Report).

The Second Report has been drafted referring to the Guidelines on Drafting of Reports issued by the Advisory Committee and the general provisions. In order to avoid repetition, the Report provides only the newest data in accordance with the Framework Convention on the policy pursued by Lithuania as regards the protection of the national minorities; where appropriate, references to the First Report are provided.

The Second Report consists of three parts:

- background information on the situation in the country;
- information by Articles of the Framework Convention;
- answers to the questions of the Advisory Committee.

The Second Report has been prepared by the Department of National Minorities and Lithuanians Living Abroad on the basis of the analysis and summary of information obtained from the Ministries of the Republic of Lithuania of Culture, Social Security and Labour, Education and Science, Justice, Foreign Affairs, the Department of Public Administration of the Ministry of the Interior of the Republic of Lithuania, the State Commission of the Lithuanian Language, the Office of Equal Opportunities Ombudsman, the Office of the Journalist Ethics Inspector, the Statistics Department under the Government of the Republic of Lithuania (hereinafter: Statistics Lithuania), the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the Migration Department), the Police Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the Police Department), the Cultural Heritage Centre, Vilnius city Municipality and the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter: the Lithuanian Labour Exchange).

The draft Second Report has been discussed by the members of the Council of National Communities.

## **PART I**

### **Information on the nature of the State**

From 2001 to 2005, the principles of state governance did not change in the Republic of Lithuania. The Republic of Lithuania is an independent democratic state adhering to the main principles of democracy, the supremacy of human rights and laws, and the free market: it has a multi-party system, free and independent elections of the President, Seimas (Parliament) and local authorities of the Republic of Lithuania, follows the *Constitution* and laws of the Republic of Lithuania, respects human rights and freedoms (including those of the persons belonging to national minorities), and guarantees the right of access to public information (*see Part I, Report on Implementation of the Council of Europe Framework Convention for the Protection of National Minorities in the Republic of Lithuania (2001) in accordance with Article 25(1) of the Convention*).

### **Overview of foreign policy**

In 2000-2005 the Republic of Lithuania achieved its key foreign policy objectives, becoming a member of the European Union (hereinafter: EU) and the North Atlantic Treaty Organisation (hereinafter: NATO).

Lithuania's Prime Minister Algirdas Brazauskas and Minister of Foreign Affairs Antanas Valionis signed the Treaty of Accession on 16 April 2003 in Athens, Greece. In the referendum held on 10 – 11 May 2003, the citizens of the Republic of Lithuania endorsed Lithuania's accession to the EU (91.07 % voted for EU membership). On 1 May 2004 Lithuania became one of the 25 full-fledged members of EU.

Before its membership in NATO, Lithuania was implementing the pre-accession programme. Lithuania also obliged itself to be an active participant of the *NATO Partnership for Peace Programme* and to implement the undertaken membership obligations.

On 29 March 2004 the Prime Minister of the Republic of Lithuania, during his visit in Washington, served the ratification documents of the Washington Treaty to the State Secretary of the United States of America (USA) (*see Part 1 of the First Report*).

### **Information on the demographic situation in the country**

The data of the population and housing census of the Republic of Lithuania conducted by the Statistics Lithuania (hereinafter: the population and housing census) as of 6 April 2001 indicates that there are 3,483,972 individuals living in Lithuania. **115** different nationalities have been recorded in the country. The size of population of each nationality varies from several hundred thousands (e. g. the Poles and the Russians) to a few hundred or tens (such as the Greeks, Bulgarians, Hungarians, etc.). The largest number of people of other nationalities live in the eastern and south-eastern parts of Lithuania, Vilnius, Klaipeda and Utena counties.

The data of the population and housing census of Lithuania demonstrates that the total Lithuanian population includes 16.5 % of people of other nationalities. If compared to the data of 1989 census, the populations of other nationalities have dropped in Lithuania: the number of the Russian population fell to 124.7 thou (36.2 %), Ukrainian – 22.3 thou (49.8 %), Belarusian – 20.3 thou (32.1 proc.), Jew – 8.4 thou (67.7 %) (*see Table 1*).

The Polish minority has become the largest national minority living in the territory of the Republic of Lithuania.

**Table 1. Ethnic structure of the population\***

Nationality	1979	1989	2001
<b>TOTAL</b>	3,391,490	3,674,802	3,483,972
Lithuanians	2,712,233	2,924,251	2,907,293
Russians	303,493	344,455	219,789
Poles	247,022	257,994	234,989
Belarusians	57,584	63,169	42,866
Ukrainians	31,982	44,789	22,488
Jews	14,697	12,392	4,007
Latvians	4,354	4,229	2,955
Tartars	4,006	5,188	3,235
Roma	2,306	2,718	2,571
Other	13,813	15,617	10,858
<b>Proportion to the total population, percentage</b>			
<b>TOTAL</b>	100	100	100
Lithuanians	80	79.6	83.5
Russians	8.9	9.4	6.3
Poles	7.3	7	6.7
Belarusians	1.7	1.7	1.2
Ukrainians	1	1.2	0.7
Jews	0.4	0.3	0.1
Latvians	0.1	0.1	0.1
Tartars	0.1	0.2	0.1
Roma	0.1	0.1	0.1
Other	0.4	0.4	0.3

\*Data of Statistics Lithuania

### Ethnic structure of the population in the counties

National homogeneity is characteristic in 7 counties where Lithuanians account for more than 93 % of the total population, including Marijampole and Taurage counties where Lithuanians account for more than 98 % (*see Table 2*).

**Table 2. Ethnic structure of the population in the counties\***

Ethnic structure of the population in the counties (in percentage)						
Counties	Lithuanians	Poles	Russians	Belarusians	Ukrainians	Other nationalities
Alytus	95.3	2.1	1.3	0.4	0.2	0.5
Kaunas	93.9	0.5	3.7	0.3	0.4	0.5
Klaipeda	84.2	0.3	11.4	1.0	1.3	0.9
Marijampole	98.5	0.2	0.6	0.1	0.1	0.3
Panevežys	96.3	0.2	2.5	0.2	0.3	0.3
Šiauliai	95.4	0.2	3.0	0.2	0.4	0.6
Taurage	98.7	0.1	0.6	0.1	0.1	0.3
Telšiai	97.4	0.1	1.5	0.2	0.2	0.3
Utena	77.1	4.5	13.4	2.0	1.1	0.8
Vilnius	54.9	25.4	11.6	3.6	1.1	1.2
<b>Total</b>	<b>83.5</b>	<b>6.7</b>	<b>6.3</b>	<b>1.2</b>	<b>0.6</b>	<b>0.7</b>

\*Data of Statistics Lithuania

### Ethnic structure of the population in major cities

The population and housing census of Lithuania has revealed that the largest number of Lithuanians live in Panevežys (Lithuanians account for 95.7 % of the population), which is followed by Kaunas and Šiauliai. The largest ethnic diversity has been recorded within the populations of Vilnius (Lithuanians account for 57.8 %) and Klaipeda (Lithuanians account for 71.3 %).

### Ethnic structure of the population in the city of Vilnius

The data of the population and housing census in Lithuania show that of the total population of Vilnius, the capital of Lithuanian, Lithuanians account for 57.8 %, Poles – 18.7 %, Russians – 14.0%, Belarusians – 4.0 %, and other nationalities – 2.7 %; 2.8 % did not specify their nationality (*see Chart 1*).

**Chart 1. Ethnic structure of the population in the city of Vilnius\***



\*Data of Statistics Lithuania

If compared to the data of the 1989 census, the number of Lithuanians increased in Vilnius by almost 22 thou (7.5 %). The communities of other nationalities became smaller in Vilnius: Poles – by 6.2 %, Belarusians – by 29.1 %, Russians – by 35.0 %, Ukrainians – by 47.3 %, and Jews – by 69.7 %.

### The structure of the population in terms of citizenship

In 1989 Lithuania opted for the so-called *zero version* option in obtaining citizenship. Upon request, all residents of the Republic of Lithuania, irrespective of their nationality, duration of stay in the country or the level of command of the state language, were granted the right to obtain the citizenship of the Republic of Lithuania. The absolute majority of the population of the country expressed their wish to become citizens of the Republic of Lithuania, including over 90 percent of all the members of national minorities residing in the country (*see Table 3*).

During the population and housing census of Lithuania, citizenship was specified by the majority of people (99.0 %).

**Table 3. Structure of the population in terms of citizenship\***

<b>Structure of the population in terms of citizenship</b>		
<b>Citizenship</b>	<b>Number of the population</b>	<b>Proportion to the total population, %</b>
Individuals possessing single citizenship	3,469,553	99.6
Republic of Lithuania	3,448,878	99.0
Russia	13,376	0.4
Other	7,299	0.2
Individuals possessing double citizenship	659	0.0
No citizenship	10,531	0.3
Not specified	3,229	0.1
<b>Total</b>	<b>3,483,972</b>	<b>100</b>

\*Data of Statistics Lithuania

### **Natural increase of the Lithuanian population and migration**

According to the data of Statistics Lithuania, as of 1 January 2006, there were 3,403.2 thou people living in Lithuania (22.1 thou less than at the beginning of 2005, 80 thou less if compared to the data of the population and housing census of Lithuania).

Since 2001, the major factor for the declining numbers of the population has been the negative trend in the natural replacement of the population: on average, the death rate exceeds the birth rate by 8000 - 10000 per annum. The rate of decline of the natural increase of the population per 1000 people has reached 3 %. Demographic aging is characteristic to both the female and male part of the population, however, the aging level differs significantly: the age of men is significantly younger. Referring to the data of Statistics Lithuania, the expected average life in Lithuania was 72.06 (for women – 77.75, and for men – 66.36) years.

The negative growth trends of the Lithuanian population in recent years also resulted from the increased emigration, which grew in particular in May 2004 when Lithuanian joined the EU and people gained easy access to studying and working abroad. The data of Statistics Lithuania reads that 15.6 thou individuals emigrated in 2005: 8 thou women and 7.6 thou men. Of the Lithuanian population who emigrated, most went to the United Kingdom (4.2 thou), Ireland (2.1 thou), USA (2.0 thou), Germany (1.5 thou), Russian Federation (1.1 thou), or Spain (0.8 thou).

Within the last sixteen years (from 1990), in total over 334 thou of the country's population emigrated abroad. In 1990-1993 the largest emigration flows were directed towards Russia, Belarus, Ukraine and other countries of the former Soviet Union, while from 1994 the tide of emigration flowed westward (*see Table 4*).

**Table 4. International migration of the population\***

International migration of the population			
Year	Immigrants	Emigrants	Migration balance
1995	2,020	25,688	-23,668
2000	1,510	21,816	-20,306
2001	4,694	7,253	-2,559
2002	5,110	7,086	-1,976
2003	4,728	11,032	-6,304
2004	5,553	15,165	-9,612
2005	6,789	15,571	-8,782

\*Data of Statistics Lithuania

In 2005, the largest group of emigrants (85.5 %) were citizens of the Republic of Lithuania, and then the Russian Federation (3.5 %), and citizens of EU member states (other than the citizens of the Republic of Lithuania) (2.9 %).

In 2005, one fifth of the emigrants were individuals 25-29 years of age, 16.3 % – 20-24 years of age, 12.9 % – 30-34 years of age and 8.8 % – 35-39 years of age, while people over 60 years of age accounted for only 2.9 % of the total number of emigrants.

The preliminary data for 2005 reads that the rate of emigration constituted 4.6 emigrants per 1000 individuals. The rate of emigration (per 1000 individuals) was highest in the municipalities of Visaginas (16.3), Palanga (10.5), the Akmene region (8.5), and Klaipeda (8.4), while the lowest were in the municipalities of Rietavas (0.6), the Moletai region (1.0), Kalvarijus (1.3), and the Širvintos region (1.5).

As indicated by the data released by Statistics Lithuania, in 2005 6.8 thou people came to Lithuania (1.4 times more than in 2001). Within the last sixteen years, the number of those that arrived to Lithuania totalled 79.1 thou people: from the United Kingdom (1.2 thou), the Russian Federation (0.9 thou), Germany (0.7 thou), USA (0.6 thou), and Belarus (0.6 thou). Out of the total number of immigrants, men accounted for 56.2 %. The majority of immigrants (84.5 %) were persons of working age (15- 59 years).

The preliminary data for 2005 shows that on average there were 2 immigrants per 1000 individuals. The above rate was highest in the municipalities of Visaginas (9.1), Palanga (6.9), the Akmene region (6.3), Klaipeda (4.6), and Alytus (4.2).

The data provided by the Migration Department reads that in 2005 there were 410 applications received (including 292 re-submitted applications) on granting of asylum, which is 48 applications less than in 2004. The largest number of applications in 2005 came from citizens of the Russian Federation (342), Afghanistan (20), and Nigeria (12).

### **Main economic indicators**

The data released by the Ministry of Finance indicates that the Lithuanian economy has been rapidly growing in recent years. In 2003 the Gross Domestic Product (hereinafter: GDP) increased by 10.5 %, and in 2004 by 7 % (*see Table 5*).

In recent years, economic growth was mainly driven by domestic demand. Rapidly increasing debt was one of the main drivers of increases in investment, household consumption as well as GDP. The excess capacities, investment, growth of employment, and active competition in the retail sector enabled the maintenance of balance between the growth of demand, supply and import. GDP was growing rapidly in the framework of low inflation and the consistent growth of wages.

**Table 5. Main economic indicators\***

Index	2001	2002	2003	2004	2005
Fiscal deficit of the Government (in millions of LTL)	-961.7	-711.0	-683.7	-888.9	-352.4
Direct foreign investments at the beginning of the period (in millions of LTL)	9337.3	10661.9	13183.8	13699.4	16192.6
GDP in current prices (in millions of LTL)	48562.9	51948.4	56771.9	62440.2	71084
GDP change in the comparative prices of 2000 (as a percent)	6.4	6.8	10.5	7.0	7.5
Current account balance in the current prices (in millions of LTL)	-2295.0	-2670.6	-3854.0	-4811.7	-4941.5
Current account balance compared to GDP (as a percent)	-4.7	-5.1	-6.8	-7.7	-7.0
Import on the basis of customs data (in millions of LTL)	24241.3	27478.8	29438.0	34383.6	42974.6*
Export on the basis of Customs data (in millions of LTL)	17117.2	19117.4	21262.6	25819.2	32807.3*
Trade balance (in millions of LTL)	-7124.1	-8361.4	-8175.4	-8564.4	-10167.3*
Average monthly net wage index, previous year = 100	99.7	103.8	109.3	104.9	107.8*
<i>Note: * Preliminary data</i>					

\*Data of the Ministry of Finance of the Republic of Lithuania and Statistics Lithuania

**Foreign direct investments.** The data of the Bank of Lithuania as of 31 December 2005 shows that foreign direct investment in Lithuania reached LTL 18.8 billion, i.e. LTL 5.525 of foreign direct investment *per capita*.

The data as of 31 December 2005 reads that 33.1 % of total direct investment in Lithuania were made in the processing industry, financial mediation (15.7 %), wholesale and retail (13.9 %), and transport, warehousing and remote communications (12.5 %).

The largest investments were made by Danish (15.2 %), Swedish (13.6 %), Russian (12.9 %), German (11.6 %), Estonian (8.2 %) and Finnish (8.1 %) investors.

Investments made by 25 EU member states accounted for 74.8 % of total investment, including investments made by the old member states (15) 60.9 %, while investments made by the countries of the Commonwealth of Independent States (hereinafter: CIS) accounted for 13.2 %.

**Lithuania's investments abroad.** The Bank of Lithuania reports that in 2005 the flow of investments by economic operators abroad totalled LTL 5.14 billion. If compared to 2004, the investment flow increased by LTL 2.1 billion. It should be noted that in 2005 all kinds of investment increased. Almost one half of total investment was made by Lithuanian commercial banks (mainly investment into the debt securities of non-residents and term deposits in foreign banks). Direct investment abroad by economic operators of the country accounted for 17.9 % of the total flow of investment abroad.

Statistics Lithuania reports that the largest investment was in Latvia (41.9 % of total direct investment abroad), Ukraine (12.9 %), and Russia (12.7 %, the major share being invested in the Kaliningrad area). Lithuania's direct investment into EU member states in 2005 grew by 61.7 % and accounted for 60.4 % of total direct investment of Lithuania abroad. Lithuania's direct investment into CIS states in 2005 grew 2.2 times and accounted for 26.9 % of total direct investment of Lithuania abroad.

### **Inflation and wages**

The stability of prices in Lithuania is primarily dependent on the fixed rate of the national currency. Since 1999 Lithuania's inflation has been lower than the EU 15 average, while in 2003 deflation was recorded in the country (*see Table 6*). The fiscal policy of the Government and still rather high unemployment level moderated growth of wages and prices (Survey of Lithuania's Economy by the Bank Nord/LB Lithuania, No 1, March, 2004).

**Table 6. Inflation\***

<b>Indicator</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Average annual inflation, %	1.3	0.3	-1.2	1.2	2.7

\*Data of the Ministry of Finance of the Republic of Lithuania

The positive economic developments in Lithuania also resulted in the relevant growth of the minimum monthly wage. The data of Statistics Lithuania reads that during the last 5 years the minimum monthly wage increased by LTL 120 and from July 2005 totals LTL 550, while the average wage (gross) in the fourth quarter of 2005 was LTL 1453.4.

### **Unemployment**

The unemployment rate in Lithuania is assessed by Statistics Lithuania, which uses census date for this purpose.

The data of unemployment of Statistics Lithuania shows that total unemployment in 2002 reached 13.8 %, however the unemployment of the members of national minorities was higher than average: Russians – 20.3 % (men – 20.6 %, women – 19.9 %), Poles – 17.8 % (men – 15.5 %, women – 19.9 %), and other nationalities – 17.4 % (men – 19.1 %, women – 15.8 %). From 2002, the data of unemployment structure in terms of nationalities was not recorded. Employment tendencies are assessed in line with the definitions of the employed and the unemployed accepted by the International Labour Organisation.

In 2001-2005 the labour supply in the Lithuanian labour market was slowing down, while the demand remained high, which was a result of economic development, new jobs and continued emigration of the population.

The records of Statistics Lithuania show that if compared to 2001, the number of the unemployed in 2005 fell more than twofold and reached the lowest level in the last 5 years (*see Table 7*). The number of the young unemployed (15-24 years of age) is decreasing (in 2005 they accounted for 15.7 % of the total), while the number of the older unemployed (55-64 years of age) was 12.6 thou, i. e. 9.5 % of the total. In 2005 those unemployed with university-level education totalled 12.7 thou, i. e. 9.6 % of the total. There were 6.4 thou or 4.8 % of those unemployed with higher education. The number of unemployed graduates with a university-level education fell by 7.2 thou, and those with higher education fell by 4.4 thou.

**Table 7. Unemployment rate in Lithuania, %\***

Year	2001	2002	2003	2004	2005
Data of Statistics Lithuania on the rate of unemployment of the population (1)	17.4	13.8	12.4	11.4	8.3*

\* (1) The data for 2001-2002 reported on the basis of the 2001 census.

\* Preliminary data

\*Data of Statistics Lithuania

The 2005 data of Statistics Lithuania shows that the highest rates of unemployment were recorded in the counties of Panevežys (10.8 %), Šiauliai(10.1 %), Kaunas (8.9 %) and Vilnius (8.6 %), while the lowest were in the counties of Marijampole (3.0 %), Taurage (6.0 %), Utena (6.0 %) and Klaipeda (7.0 %).

The Lithuanian Labour Exchange reports that the current labour market situation indicates that out of the total number of the unemployed, the number of those not ready for the labour market is growing (about 72 %). These are mainly those having no vocational training or those who have lost their work skills after a long break.

The rate of employment for older people has been growing in recent years (in 2005 accounting for 49.2 %), however, negative treatment by the employers of those 50 years of age and older has been recorded on a case-to-case basis.

## Employment

The improving business environment and overall economic situation in Lithuania have given rise to a number of factors stimulating employment of the population: an increased demand of the labour force, a reduction in the number of the unemployed, including the long-term unemployed, and a lower level of unemployment. Statistics Lithuania reports that in the last 5 years a general employment growth trend of persons of 15-64 years of age has been registered. In 2001 the employment rate was 57.2 %, in 2002 – 59.56 %, in 2003 – 60.9 %, in 2004 – 61.1 %, while in 2005 the employment rate reached 62.6 %.

The rate of men's employment is higher than that of women, although the employment rate of both groups is increasing; the men's employment rate in 2001 was 58.5 %, and in 2005 – 66.0; the women's employment rate in 2001 was 55.9 %, while in 2005 the rate grew by 3.5 percentage points and reached 59.4 %. The employment rate in urban areas was higher than that in rural areas and in 2005 reached 64.1 % and 59.3 % respectively.

The 2005 data of Statistics Lithuania shows that the highest employment rate was recorded in the counties of Vilnius, Taurage, Marijampole and Utena, while the lowest was in the counties of Alytus, Panevežys, Kaunas and Šiauliai.

**Programmes for support of the unemployed.** From 2001 through 2005, the Lithuanian Labour Exchange provided funding for the active support of the unemployed, i.e. active labour market policy programmes. Although in 2005, if compared to 2004, average unemployment benefits increased almost twofold (LTL 327.6), the spending for the funding of the active labour market policy programmes was 1.6 times higher than that of passive programmes (unemployment insurance benefits and pre-pension benefits). In 2005, the increase in the average unemployment insurance benefits was also driven by the *Law Amending and Supplementing Articles 4, 5, 8, 10, 14, 18, 22, 23, 25 of the Law of the Republic of Lithuania on Social Insurance against Unemployment*<sup>1</sup> that came into effect on 1 January 2005.

The Lithuanian Labour Exchange offers information, consulting, occupational orientation, enhancing of motivation, labour market vocational training, informal education, renewal and enhancement of skills, employment support programmes and other tools for the jobseekers.

Article 1 of the *Law of the Republic of Lithuania on Support of the Unemployed*<sup>2</sup> stipulates that citizens of the Republic of Lithuania are free to choose their jobs or any other occupation not prohibited by law; Article 2 stipulates that citizens of other countries as well as persons without citizenship shall be subject to the law on a common basis unless specific laws or international agreements are applicable.

The above law, as well as other legal acts governing the activities of the Labour Exchange, grants to the members of national minorities the same rights as to the citizens of the Republic of Lithuania. In particular, the Government has been implementing the *Programme for the Integration of Roma in the Lithuanian Society for 2000-2004* approved by the Government Resolution<sup>3</sup>. (see Article 5, Part II and answer to question 7, Part III of the *Second Report on Implementation of the Council of Europe Framework Convention for the Protection of National Minorities in the Republic of Lithuania*).

The data of the Lithuanian Labour Exchange indicates that in 2001-2005 the active policy measures in the labour market helped to occupy 640.5 thousand persons. The scope of vocational and preventive training programmes are planned, taking into account the needs of the labour market, rate of labour supply and demand in terms of economic types of activities and groups of professions, as well as the estimates of the labour market for the coming years. In the context of vocational training programmes, priority is given to those unemployed who do not have qualifications.

As part of implementing Order No 115 of 26 September 2002 of the Minister of Social Security and Labour of the Republic of Lithuania *On approval of the procedure for organisation and implementing of measures for renewal of professional knowledge and practical skills of the long-term unemployed*<sup>4</sup>, the Lithuanian Labour Exchange initiated the

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<sup>1</sup> *Valstybes žinios* (Official Gazette) No 4-26, 2004

<sup>2</sup> *Valstybes žinios* (Official Gazette) No 2-25, 1991

<sup>3</sup> *Valstybes žinios* (Official Gazette) No 54-1580, 2000

<sup>4</sup> *Valstybes žinios* (Official Gazette) No 96-4224, 2002

following measures from October 2002: introductory and renewal courses of professional knowledge and practical skills, and psychological and occupational consulting sessions.

After Lithuania's accession to the EU, the country gained the possibility to take part in the European Communities initiative EQUAL, which aims at testing and promoting new means of combating discrimination and inequalities in the labour market faced by both the employed and those seeking employment.

From December 2004 the Department of National Minorities and Lithuanians Living Abroad has been participating as a partner in two projects co-financed by the European Communities Initiative EQUAL: *Establishment and testing of support mechanism for the integration of national minorities into the labour market* and *Establishment and testing of support mechanism for the integration of the Roma into the labour market* (see Article 4 (3), Part II of the Second Report).

## PART II

### Article 1

*The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.*

#### National legal acts

The legal acts of the Republic of Lithuania guarantee equality of rights and duties of all persons irrespective of their gender, race, origin, nationality, language or convictions.

During the period after the First Report of the Republic of Lithuania on Implementation of the Framework Convention the following legal acts have been adopted and came into effect:

1. *Civil Code of the Republic of Lithuania*<sup>5</sup> (came into effect on 1 July 2001);
2. *Code of Civil Procedure of the Republic of Lithuania*<sup>6</sup> (came into effect on 1 January 2003);
3. *Code of Criminal Procedure of the Republic of Lithuania*<sup>7</sup> (came into effect on 1 May 2003);
4. *Criminal Code of the Republic of Lithuania*<sup>8</sup> (came into effect on 1 May 2003);
5. *Law of the Republic of Lithuania on Execution of Penalties*<sup>9</sup> (came into effect on 1 May 2003);
6. *Labour Code of the Republic of Lithuania*<sup>10</sup> (came into effect on 1 January 2003);
7. *Law Amending Article 119 of the Constitution of the Republic of Lithuania*<sup>11</sup>, which grants the right to non-nationals permanently residing in an administrative unit to take part in the elections of municipal councils, thereby exercising the rights to both passive and active suffrage;
8. *Law Amending and Supplementing Articles 1, 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 the Elections of Municipal Councils*<sup>12</sup>, which grants the right to non-nationals permanently residing within a municipality to elect and be elected as members of the Councils;

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<sup>5</sup> *Valstybes žinios* (Official Gazette) No 74-2262, 2000

<sup>6</sup> *Valstybes žinios* (Official Gazette) No 36-1340, 2002

<sup>7</sup> *Valstybes žinios* (Official Gazette) No 37-1341, 2002

<sup>8</sup> *Valstybes žinios* (Official Gazette) No 89-2741, 2000

<sup>9</sup> *Valstybes žinios* (Official Gazette) No 73-3084, 2002

<sup>10</sup> *Valstybes žinios* (Official Gazette) No 64-2569, 2002

<sup>11</sup> *Valstybes žinios* (Official Gazette) No 65-2629, 2002

<sup>12</sup> *Valstybes žinios* (Official Gazette) No 68-2764, 2002

9. *Law of the Republic of Lithuania on Citizenship*<sup>13</sup>. The Law does not provide for any restrictions on the grounds of race, nationality, origin, etc. with regard to acquiring, granting, retaining or losing citizenship;
10. Article 6 of the *Law of the Republic of Lithuania on Courts*<sup>14</sup> guarantees equality before the law and the court irrespective of a person's gender, race, origin, nationality, language, convictions or any other circumstances.
11. *Law of the Republic of Lithuania on Amendment of the Law on Education*<sup>15</sup>. The new wording of the Law of the Republic of Lithuania on Education enforces equal access to education to all persons irrespective of their gender, race, nationality, language, origin, social status, religion, convictions or views; and provides laws for education in the languages of national minorities as well as teaching of native languages of persons belonging to national minorities;
12. *Law of the Republic of Lithuania on Equal Opportunities*<sup>16</sup> that came into effect on 1 January 2005 prohibits any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnic origin, religion or convictions and defines the ways to implement equal opportunities. (*see Article 4, Part II of the Second Report*).
13. *Law Amending the Law of the Republic of Lithuania on the Prosecutor's Office*<sup>17</sup> that came into effect on 1 May 2003 stipulates that the prosecutor shall make decisions adhering to the principle of a person's equality before the law, public authorities and officials irrespective of a person's social and marital status, official duties, occupation, convictions, views, origin, race, gender, nationality, language, religion and education.
14. *Law of the Republic of Lithuania on the Approval of the Statute of the Internal Service*<sup>18</sup> that came into effect on 1 May 2003 stipulates that every citizen of the Republic of Lithuania has equal rights to join the internal service, while the official's status may not be restricted on the grounds of gender, race, nationality, origin, social and property status, religion, convictions or views;
15. *Law of the Republic of Lithuania on State-Guaranteed Legal Aid*<sup>19</sup>. The Law defines the procedure for the granting of state-guaranteed legal aid to natural persons to enable them to adequately assert their violated or disputed rights and interests protected under law. Moreover, the above-mentioned Law is a means to implement the EU legal acts specified in the Annex to the Law.

### **International legal acts**

The Republic of Lithuania further pursues joining international legal acts governing the protection of human rights. During the period of 2001 to 2005, the Republic of Lithuania ratified the following international conventions:

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<sup>13</sup> *Valstybes žinios* (Official Gazette) No 95-4087, 2002

<sup>14</sup> *Valstybes žinios* (Official Gazette) No 17-649, 2002

<sup>15</sup> *Valstybes žinios* (Official Gazette) No 63-2853, 2003

<sup>16</sup> *Valstybes žinios* (Official Gazette) No 114-5115, 2003

<sup>17</sup> *Valstybes žinios* (Official Gazette) No 42-1919, 2003

<sup>18</sup> *Valstybes žinios* (Official Gazette) No 42-1927, 2003

<sup>19</sup> *Valstybes žinios* (Official Gazette) No 30-827, 2000; No 18-572, 2005

1. *Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of Death Penalty*<sup>20</sup> (ratified on 2 August, 2001; came into effect on 27 June 2002);
2. *Optional Protocol to the Convention of the United Nations (UN) on the Rights of the Child Concerning Involvement of Children in Armed Conflicts*<sup>21</sup> (ratified on 12 November 2002; came into effect on 20 March 2003);
3. *European Agreement Relating to Persons Participating in Proceedings of the European Court for the Protection of Human Rights*<sup>22</sup> (ratified on 21 January, 2003; came into effect on 1 April 2003);
4. *Rome Statute of the International Criminal Court*<sup>23</sup> (ratified on 1 April 2003; came into effect on 1 August 2003);
5. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Trans-national Organized Crime*<sup>24</sup> (ratified on 22 April 2003; came into effect on 25 December 2003);
6. *Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Trans-national Organized Crime*<sup>25</sup> (ratified on 25 March 2003; not in effect yet);
7. *13th Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms* (ratified on 3 May 2002; came into effect on 1 July 2004).

### **International cooperation**

The Republic of Lithuania is working together with international organisations that secure democracy, peace and stability and follows the human rights protection rules enforced in the international documents.

In 2004, the Government of the Republic of Lithuania submitted the combined second and third regular reports to the Committee on the Elimination of Racial Discrimination (hereinafter: the Committee) in accordance with Article 9 of the *International Convention on the Elimination of All Forms of Racial Discrimination*<sup>26</sup>. In 2002, Lithuania submitted the second regular report to the UN Human Rights Committee in accordance with the *International Covenant on Civil and Political Rights*. The Report *inter alia* has provided information on the relevant issues relating to the protection of rights of national minorities (in accordance with Articles 26 and 27 of the Covenant). The UN Human Rights Committee considered the Report on 24-25 March 2004 and *inter alia* provided its recommendations concerning the Roma national minority.

<sup>20</sup> *Valstybes žinios* (Official Gazette) No 75-2641, 2001

<sup>21</sup> *Valstybes žinios* (Official Gazette) No126-5734, 2002

<sup>22</sup> *Valstybes žinios* (Official Gazette) No 11-392, 2003

<sup>23</sup> *Valstybes žinios* (Official Gazette) No 49-2165, 2003

<sup>24</sup> *Valstybes žinios* (Official Gazette) No 49-2166, 2003

<sup>25</sup> *Valstybes žinios* (Official Journal) No 49-2163, 2003

<sup>26</sup> *Valstybes žinios* (Official Gazette) No 108-2957, 1998

As a party to the international legal acts governing protection of the rights of national minorities, Lithuania discharges its obligations set therein relating to cooperation with international organisations in charge of monitoring. Lithuania is closely cooperating with the Human Rights Advisory Committee of the Council of Europe, Organisation of Security and Cooperation in Europe (hereinafter: OSCE), and the Council of Europe's Commission against Racism and Intolerance (hereinafter: ECRI).

The first ECRI's report about Lithuania was released in 1997, and the second report in 2002. The second ECRI's report and other relevant issues (*the Programme for the Integration of Roma in the Lithuanian Society for 2000 – 2004*, the improvement of laws against racism and racial discrimination, and problems of refugees and asylum seekers) were discussed during the round-table meeting where about 70 competent institutions and non-governmental organisations (hereinafter: NGO) were represented.

During its visit to Lithuania on 29 March through 1 April 2005, the delegation of the ECRI met with representatives of the government authorities and non-governmental organisations of Lithuania. The visit was organised with the goal of discussing the progress made by Lithuania after the second ECRI report about Lithuania in the area of fighting racial discrimination, xenophobia, anti-Semitism and intolerance in Europe in terms of human rights protection. On 24 June 2005 the Council of Europe's Commission against Racism and Intolerance released the third report about Lithuania; the report was made public on 21 February 2006.

## Article 2

***The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.***

Lithuania, like other European countries, is a multicultural state. From time immemorial it has been the homeland to people of different nationalities and cultures, religions and customs. National minorities in Lithuania enjoy broad rights and freedoms in the area of language use, education, and culture: the right to establish and maintain their organisations; the right to cultural contacts and fostering of heritage, and the right to education and information in their native language. Lithuania has obliged itself to protect these fundamental rights.

The Republic of Lithuania shapes and implements its policy of harmonious national relations on the basis of the principles of a good neighbourhood, friendly relations and co-operation between states in the spirit of understanding and tolerance (*see Article 2, Part II of the First Report and Article 18, Part II of the Second Report*).

## Article 3

***1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.***

***2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.***

### ***Paragraph 1***

The Seimas of the Republic of Lithuania is currently considering a new Law of the Republic of Lithuania *on Protection of the rights of national minorities and persons belonging thereto* (hereinafter: the draft law on national minorities). The new draft law on national minorities puts a stronger emphasis on a person's right to attribute him(her)self to a national minority and does not limit the current rights of national minorities. Article 1 of the draft law provides the following definitions:

National minority shall refer to a group of people that are permanently residing in the Republic of Lithuania and who have chosen to belong to an ethnic group other than Lithuanian on the grounds of the national origin of his (her) parents or one of the parents by virtue of his (her) free will.

A person belonging to a national minority shall refer to a person who has chosen to belong to a national minority on the grounds of the national origin of his (her) parents or one of the parents in order to retain the culture of his (her) nation: language, traditions, customs, national self-awareness.

Article 3(2) of the draft law on national minorities stipulates that a person shall not be made to prove, publicly declare or resume his (her) nationality; Part 3 emphasises that each person belonging to a national minority shall be free to chose whether or not he (she) prefers to be treated as a person belonging to the national minority and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice. The above provision complies with Article 3(1) of the Convention.

### ***Paragraph 2***

The Government of the Republic of Lithuania develops and implements its policy with regard to national minorities through the Department of National Minorities and Lithuanians Living Abroad. Resolution No 1370 of 24 November 1998 of the Government of the Republic of Lithuania *on Reorganisation of the Department of Regional Problems and National Minorities under the Government of the Republic of Lithuania into the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania and on approval of the Regulations of this Department*<sup>27</sup> approved the Regulations of the Department of National Minorities and Lithuanians Living Abroad. On the basis of the above-mentioned Regulations, the Director General of the Department of National Minorities and Lithuanians Living Abroad on 2 April 2003 released Order No 23 *on the Structure of the Board of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania and Approval of the Job Regulations of the Board*<sup>28</sup> whereby the Board of the Department of National Minorities and Lithuanians Living Abroad was formed. The Chairman of the National Minorities Council is also a member of this Board.

One of the main objectives pursued by the Department of National Minorities and Lithuanians Living Abroad is to guarantee protection of rights, interests, needs, national identity and heritage of persons belonging to national minorities, and propose drafting and improvement of laws that are needed for the implementation of the Government's policy in the area of national minorities and approximation of the policy with the EU *acquis*.

<sup>27</sup> *Valstybes žinios* (Official Gazette) No 105-2914, 1998; No 17-733, 2003

<sup>28</sup> *Valstybes žinios* (Official Gazette) No 38-1763, 2003

Resolution No 228 of 14 February 2003 of the Government of the Republic of Lithuania *Amending the Resolution No 1370 of 24 November 1998 of the Government of the Republic of Lithuania on Reorganisation of the Department of Regional Problems and National Minorities under the Government of the Republic of Lithuania into the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania and on approval of the Regulations of this Department*<sup>29</sup> added an additional function to the Regulations of the Department of National Minorities and Lithuanians Living Abroad, i. e. to analyse signals and reasons, consequences and the impact of racism and xenophobia, provide information to the public, and initiate and promote discussions and fora on these issues.

To involve national minorities of Lithuania in the decision making process relating to protection of their rights, Order No 20 of 27 March 2003 of the Director General of the Department of National Minorities and Lithuanians Living Abroad *on Approval of the Regulations of the Council of National Communities*<sup>30</sup> approved the Regulations of the Council of National Communities, while Order No 25 of 4 April 2003 *On Approval of the Structure of the Council of National Communities*<sup>31</sup> approved the structure of the Council of National Communities. The Council of National Communities includes representatives of twenty national communities (associations). The Council of National Communities provides recommendations and proposals on improvement of ethnic relations to the Department of National Minorities and Lithuanians Living Abroad, Seimas of the Republic of Lithuania, Government and other public authorities; helps to foster ethnic peace in Lithuania; and coordinates activities of the national communities.

On 29 April 2003 the Director General of the Department of National Minorities and Lithuanians Living Abroad released Order No 28 *On Approval of the structure and Regulations of the Permanent Expert Group of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania*<sup>32</sup> whereby a permanent group of experts was formed at the auspices of the Department of National Minorities and Lithuanians Living Abroad and the Regulations of the Group were approved.

The permanent group of experts under the Department of National Minorities and Lithuanians Living Abroad is vested with the following primary functions: to analyse laws and other legal acts and drafts thereof, release recommendations on the policy issues in the area of national minorities to the management of the Department of National Minorities and Lithuanians Living Abroad, and recommend priorities, principles and funding procedure to the Department of National Minorities and Lithuanians Living Abroad for support of target programmes of national minorities organisations.

Currently the permanent group of experts includes 10 members.

#### Article 4

***1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.***

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<sup>29</sup> *Valstybes žinios* (Official Gazette) No 17-733, 2003

<sup>30</sup> *Valstybes žinios* (Official Gazette) No 38-1762, 2003

<sup>31</sup> *Valstybes žinios* (Official Gazette) No 38-1764, 2003

<sup>32</sup> *Valstybes žinios* (Official Gazette) No 43-2000, 2003

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

### **Paragraph 1**

The legal rules of the Republic of Lithuania prohibit national, racial, religious and social hatred, coercion, discrimination or its instigation on the basis of race, nationality, origin, language, religion, or convictions. Such rules are enforced in the Laws of the Republic of Lithuania as well as in the signed and ratified international documents (*see Article 4(1) of the First Report*).

In Lithuania, employment relations relating to exercising and protection of labour rights and obligations are governed by the new *Labour Code* that came into effect on 1 January 2003. Article 2(1)(4) of the *Labour Code* stipulates that the employment relations relating to implementing and protection of employment rights and obligations enforced by laws is governed by the principle of equality of persons subject to labour law irrespective of their gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion, marital and family status, age, convictions or views, membership in a political party or a public organisation, or factors unrelated to the employee's professional qualities.

Article 96(1)(1) of the *Labour Code* stipulates that it shall be prohibited to refuse employment on the grounds specified in Article 2(1)(4), i.e. gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion, marital and family status, age, convictions or views, membership in a political party or a public organisation, or factors unrelated to the employee's professional qualities.

Paragraph 2 of the same Article stipulates that refusal to employ in the cases specified in Paragraph 1 may be contested in court not later than in one month, while Paragraph 3 stipulates that in the event that the refusal to employ is established by the court to be unlawful, the employer shall be obligated by the court order to employ this person and to pay him (her) compensation in the amount of the minimum wage for the period from the day of refusal to employ him (her) to the day of the execution of the court order.

Article 129(3)(4) of the *Labour Code* indicates that gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religion, marital and family status, convictions or views, or membership in political parties and public organisations shall not be a legitimate reason to terminate employment relations.

The Seimas of the Republic of Lithuania on 18 November 2003 released a resolution No IX-1827 *on Replacement of the Name of the Equal Opportunities of Men and Women Ombudsman and Approval of the Regulations of the Equal Opportunities Ombudsman's Office*<sup>33</sup> whereby the name of the Office of Equal Opportunities of Men and Women

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<sup>33</sup> *Valstybes žinios* (Official Gazette) No 111-4930, 2003

Ombudsman was replaced with the name Office of Equal Opportunities Ombudsman, and the Regulations of the Office were approved. Article 1 of the Regulations specifies that the Office of Equal Opportunities Ombudsman shall be an independent institution that shall monitor equal opportunities by enforcing the Laws of the Republic of Lithuania *on Equal Opportunities of Men and Women*<sup>34</sup> and *Equal Opportunities* in accordance with the procedure set in Section IV of the *Law of the Republic of Lithuania on Equal Opportunities of Men and Women*.

From 1 January 2005 a new *Law of the Republic of Lithuania on Equal Opportunities* came into effect; the new Law aims to ensure enforcement of equal human rights guaranteed by the *Constitution of the Republic of Lithuania*<sup>35</sup> and to prohibit any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnic origin, religion or convictions. Article 5 of the Law prescribes that when enforcing equal opportunities the employer, irrespective of a person's age, sexual orientation, disability, race or ethnic origin, religion or convictions, must: 1) apply equitable criteria for recruitment into a service or a public service with the exception of the justified cases as defined in the Law; 2) provide equal working, civil service conditions, opportunities to improve qualification, seek for more sophisticated vocational training, re-qualification, obtain practical expertise, and provide equal benefits; 3) apply equal criteria for assessment of work and activities of civil servants; 4) apply equal criteria for termination of job or civil service; 5) provide equal pay for the same work or work of equal value; 6) take appropriate means to prevent persecution of employees or civil servants; 7) take appropriate means to prevent sexual harassment of employees or civil servants; 8) take appropriate means to prevent persecution of, adverse behaviour with regard to or negative effects to an employee or a civil servant who has lodged a complaint on grounds of discrimination; 9) take appropriate means to facilitate access to employment, working, career opportunities or training to the disabled provided that such measures will not constitute a non-proportional burden to the employer.

It is important to note that Article 10 of the Law prohibits setting of requirements in advertisements of recruitment for a job, civil service or training favouring persons of a certain age, sexual orientation, health, certain race or ethnic origin, or persons favouring certain religion or certain convictions.

The *Law of the Republic of Lithuania on Equal Opportunities* is enforced by the Equal Opportunities Ombudsman in accordance with the Procedure set in the *Law of the Republic of Lithuania on Equal Opportunities of Men and Women* (Article 12). Complaints concerning violation of the *Law of the Republic of Lithuania on Equal Opportunities* may be submitted to the Equal Opportunities Ombudsman. Complaints relating to violations of equal opportunities shall be investigated and solved in accordance with the procedure set in the *Law of the Republic of Lithuania on Equal Opportunities of Men and Women* (Article 12(2)).

Article 24 of the *Law on Equal Opportunities of Men and Women* specifies the types of decisions concerning violation of the *Law of the Republic of Lithuania on Equal Opportunities* that can be taken by the Equal Opportunities Ombudsman. Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision: 1) to refer the material to a pre-trial investigation body or the prosecutor if indications of an offence have been established; 2) to address an appropriate person or institution with a recommendation to discontinue the actions violating equal opportunities or to repeal a legal

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<sup>34</sup> *Valstybes žinios* (Official Gazette) No 112-3100, 1998

<sup>35</sup> *Valstybes žinios* (Official Gazette) No 33-1014, 1992; No 352-1315, 2003

act relating to that; 3) to hear cases of administrative offences and impose administrative sanctions; 4) to dismiss the complaint if the violations mentioned in it have not been corroborated; 5) to discontinue the investigation if the applicant withdraws the complaint; when objective information concerning the violation that has been committed is lacking; the applicant and the offender reconcile; or the actions violating equal opportunities are discontinued or the legal act relating to that is repealed; 6) to admonish regarding a violation which has been committed; 7) to temporarily suspend the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away; 8) to temporarily, until the final decision is made, prohibit dissemination of advertising provided that sufficient data is available demonstrating that the disseminated or planned advertising may be admitted to inspire hatred on the ethnic, racial, religious, gender, sexual orientation, disability, convictions, age grounds and would be significantly harmful to the public's interests, would diminish human honour and dignity and would breach public principles of morality; 9) oblige the advertising entities to discontinue the prohibited advertising and set deadlines and conditions for the implementation of such obligation.

The *Law of the Republic of Lithuania on Equal Opportunities* transposed the following EU directives in the area of equal opportunities: *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 establishing a general framework for equal treatment in employment and occupation*.

Article 41<sup>6</sup> of the *Code of the Republic of Lithuania of Administrative Offences* (hereinafter: *Code of Administrative Offences*)<sup>36</sup> defines administrative liability for violation of equal opportunities. The above article specifies that a violation of the equal opportunities set in the *Law of the Republic of Lithuania on Equal Opportunities* shall impose sanction to the officials, employers and their authorised persons at the amount varying from LTL 100 to 2000. Where such acts are committed by a person that has already been convicted for the offences referred to in Part 1 of the Article the officials, employers and their authorised persons shall be subject to a fine from LTL 2000 to 4000.

Article 187<sup>5</sup> of the *Code of Administrative Offences* defines liability for the failure to meet the requirements of the Equal Opportunities Ombudsman. These provisions specify that the failure to produce the information, documents or material requested by and needed to the officials of the Office of the Equal Opportunities Ombudsman for discharging their functions as well as the refusal to provide explanations or other intervention with exercising of the statutory rights by the officials of the Office Equal Opportunities Ombudsman shall impose a fine on the officials, employers or their authorised persons varying from LTL 500 to 1000. Similar actions committed by a person that had already been convicted for the offences referred to in Part 1 of the Article shall impose a fine on the officials, employers or their authorised persons varying from LTL 1000 to 2000.

The Seimas of the Republic of Lithuania on 29 April 2003 has approved the Statute of Internal Service (*Law of the Republic of Lithuania on Approval of the Statute of Internal Service*<sup>37</sup>); the Law sets requirements to a person willing to serve in the Internal Service. The Law does not set any restrictions to a person willing to serve in the Internal Service on account of national origin, religion or gender. A person who applies to the police service must

<sup>36</sup> *Valstybes žinios* (Official Gazette) No 1-1, 1985; No 143-5167, 2005

<sup>37</sup> *Valstybes žinios* (Official Gazette) No 42-1927, 2003

be a citizen of the Republic of Lithuania, shall have an impeccable reputation and command of the Lithuanian language, at least secondary education and education of an establishment of professional training in the field of internal affairs or other educational establishment, or have finished introductory training courses of an establishment of professional training in the field of internal affairs, be of good health status and meet general requirements of physical readiness. A candidate to the internal service (police) is not required to specify his (her) national origin, therefore the data on the nationalities of the police officers is not available; there is no record of discrimination of persons of other nationalities employed in the police structure either.

### ***Paragraph 2***

Article 3 of the *Law of the Republic of Lithuania on Equal Opportunities* imposes the duty on the state government and municipal institutions and establishments to pursue equal opportunities and within the limits of their competence to ensure that equal rights for men and women are guaranteed in all the legal acts drafted and enacted by them, irrespective of a person's age, sexual orientation, disability, race or ethnic origin, religion or convictions; to draw up and implement programmes and measures aimed at ensuring equal opportunities, irrespective of a person's age, sexual orientation, disability, race or ethnic origin, religion or convictions; in the manner prescribed by the law, provide assistance to the projects of religious communities, societies and centres, other NGOs, public establishments, associations, and charitable foundations which assist in the implementation of equal opportunities, irrespective of a person's age, sexual orientation, disability, race or ethnic origin, religion or convictions.

Article 4 of the *Law of the Republic of Lithuania on Equal Opportunities* sets the obligation to the education establishments, science and studies institutions to ensure equal treatment of persons, irrespective of a person's age, sexual orientation, disability, race or ethnic origin, religion or convictions, with regard to admission to comprehensive schools, vocational training institutions, colleges, institutions of high education, qualification improvement, re-qualification or other courses, award of scholarships and loans for students, drawing, approval or selecting of curricula, assessment of knowledge.

Within the limits of their competence the institutions of education, science and studies engaged in informal education of the adults must ensure that the curricula and textbooks do not contain discriminative contents and do not propagate discrimination of people on the grounds of age, sexual orientation, disability, race or ethnic origin, religion or convictions.

Article 6 of the *Law of the Republic of Lithuania on Equal Opportunities* sets forth duties in the area of consumer protection, i.e. all consumers, irrespective of their age, sexual orientation, disability, race or ethnic origin, religion or convictions must have equal access to similar products, goods and services, including provision of housing, the same terms of payment and guarantees with regard to products, goods and services of equitable value. It must be ensured that the information regarding or recommendation of products, goods and services provided to consumers does not contain humiliating, scornful or restrictive content and does not favour certain persons on the grounds of their age, sexual orientation, disability, race or ethnic origin, religion or convictions and does not inspire public views favouring certain persons over others on the grounds of the above characteristics.

From 1 January 2005 to 1 January 2006 The Office of the Equal Opportunities Ombudsman investigated 18 complaints concerning discrimination on the grounds of ethnic origin, and 2 complaints on the grounds of religion. The absolute majority of complaints (11) were complaints of the Roma, of which 4 were concerning housing (3 complaints were repeated), 3 complaints concerning personal identification documents, 2 complaints concerning employment, 1 complaint concerning decision of the Ombudsman of the Seimas of the Republic of Lithuania, 1 complaint concerning acts of pre-trial investigation officials and the court. Complaints of persons of other nationalities (7) were lodged concerning the following issues: employment (2); discrimination in the area of services (2); acts of pre-trial investigation officials (2); language (1); and disrespectful and insulting behaviour (1).

Some of the above-mentioned complaints did not prove right or it was established in the course of investigation that the complaints fall into the category of complaints beyond the competence of the Equal Opportunities Ombudsman.

### ***Paragraph 3***

Article 4(3) of the *Law of the Republic of Lithuania on Equal Opportunities* provides a definition of direct discrimination which reads that direct discrimination shall refer to the treatment of a person where a person due to his (her) age, sexual orientation, disability, race or ethnic origin, religion or convictions is subject to less favourable conditions than the conditions that are, were or would be applicable to another person, except for the following cases specified in laws:

1. restrictions of age;
2. requirement to have command of the state language;
3. prohibition concerning involvement in political activities;
4. different rights granted because of citizenship;
5. special measures in the area of health care, occupational safety, employment, and the labour market aimed at development and implementation of the conditions and opportunities guaranteeing and promoting the integration of the disabled into the labour market;
6. special temporary measures aimed at ensuring equality and prevention of violation of equal opportunities on the grounds of age, sexual orientation, disability, race and ethnic origin, religion and convictions;
7. where as a result of specific character of certain profession or the environment of the profession certain character of a person constitutes a usual and decisive professional requirement and where such aim is lawful and the requirement is justified.

Lithuania guarantees proper environment for the young members of national minorities to learn the Lithuanian language and also guarantees the possibility to learn the native language and to foster national identity; however some adults who have poor command of the state language and lower education have less possibilities to compete in the labour market than the majority. The lack of command of the state language also constitutes a barrier preventing the obtaining of a profession and a job. Therefore it is planned to organise and

support free-of-charge courses of the state language for the socially vulnerable members of national minorities (*see Article 5, Part II of the Second Report*).

The Government of the Republic of Lithuania by its Resolution No 1525 of 4 December 1995 approved *the Programme for the Use and Training of the State Language of the Republic of Lithuania 1996–2005*<sup>38</sup>. *The Programme for the Use and Training of the State Language of the Republic of Lithuania 1996–2005* has funded:

1. Training course of the state language (mainly for socially vulnerable persons): in 2002 in the municipalities of Alytus, Vilnius, Klaipeda, and Visaginas, and the Vilnius, Šalčininkai and the Ignalina regions (LTL 50.5 thou); in 2003 in the municipalities of Vilnius and Visaginas, and the Vilnius, Šalčininkai and Ignalina regions (LTL 26.75 thou); in 2004 m. in the municipalities of Vilnius, Klaipeda, and Visaginas, and the Vilnius and Šalčininkai regions (LTL 18.2 thou); in 2005 in the municipalities of Vilnius and Visaginas, and the Vilnius and Šalčininkai regions (LTL 18.4 thou).
2. In 2003–2005 the publication of the Lithuanian version of the newspaper *V každyj dom* was funded in Visaginas.
3. Support was also granted to the publications *Mokykimes valstybines kalbos savarankiškai* (Let's learn the state language ourselves), *Systemic Lithuanian-Russian Dictionary for the Schools*, *Lithuanian Grammar Practice*.
4. In 2005, the State Commission of the Lithuanian Language together with the House of National Communities founded the State Language Training Centre in Vilnius. The Centre organises training courses of the state language, provides consultations, draws up programmes for practicing and improvement of the state language skills, and prepares guidelines.

In order to ensure better public awareness of the new *Law of the Republic of Lithuania on Equal Opportunities* (*see Article 4(2), Article 4(3) of the Second Report*) a project called *Mechanisms for Securing Equal Rights and Opportunities in Lithuania* was implemented in cooperation with the Europe House. In June 2005, seminars *Citizenship of Europe: protection of equal opportunities and the role of communities in local governance* were organised in all ten counties.

### **International projects**

Upon accession to the EU, Lithuania was offered a possibility to participate in the European Communities initiative EQUAL (hereinafter: EQUAL) that tests and promotes new methods of combating all forms of discrimination and inequality faced in the labour market by both the employed and jobseekers. Within the framework of this initiative, Lithuania has been implementing the project *Establishment and testing of support mechanism for the integration of national minorities into the labour market*. The project is being implemented under the management of the House of National Communities. Other project partners include: the Department of National Minorities and Lithuanians Living Abroad, the administration of the Šalčininkai region municipality, the Vilnius Labour Exchange, the Šalčininkai Labour Exchange, the Coordination Council of the Russian Public Organisations, the charity and support foundation the Vilnius House of Polish Culture, as well as the Institute of Labour and

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<sup>38</sup> *Valstybes žinios* (Official Gazette) No 100-2240, 1995

Social Research, and the Vilnius division of the Union of Lithuanian Poles. The principal objectives of the project are as follows: to develop and test the support mechanism for the integration of national minorities into the labour market and cooperation networks through the use of non-governmental networks of national minorities, human resources and the influence thereof. The above-mentioned objectives will be attained through the fulfilment of the following tasks: introducing the mechanism for the support of the integration of national minorities into the labour market and the model labour programmes (an activation plan, motivation programmes, professional orientation guidelines, a career plan, welfare programmes, and a methodology and working programme for the establishment of a network for cooperation of organisations participating in the integration process based on the public organisations of national minorities, their influence and the development of their impact upon the society), improving the qualification of the staff of the organisations participating in the integration process, employing representatives of national minorities, and producing an effect upon policy and practice.

The support mechanism for the integration of national minorities into the labour market will be tested in the Šalčininkai and Vilnius region municipalities where the representatives of national minorities account for the majority of the population.

The Department of National Minorities and Lithuanians Living Abroad, in conjunction with other partners of the development community, are involved in implementing the EQUAL-supported project *Establishment and testing of the support mechanism for the integration of the Roma into the labour market*. The project is being implemented under the management of the Lithuanian Children's Fund. Other project partners include: the administration of the Vilnius Municipality, administration of the Ukmerge region municipality, the Roma Community Centre, the Lithuanian Roma community Gypsy Bonfire, the Social Workers' Training Centre under the Ministry of Social Security and Labour of the Republic of Lithuania, and the Ukmerge Labour Exchange.

The EQUAL project *Establishment and testing of support mechanism for the integration of the Roma into the labour market* is intended for the Roma residing in Lithuania. The overall objective of the project is to establish and test the support mechanism for the integration of the Roma into the labour market and cooperation networks through the engagement of specially trained Roma and representatives of the public. The beginning of the implementation of the project was 30 November 2004, with the project foreseen to be completed in 2007.

The project strives to implement the following principal tasks: to establish and test the support mechanism for the integration of the Roma into the labour market by applying the experience of Western Europe, train social workers and their assistants for work with the Roma, prepare the Roma for the labour market, change the adverse stereotypes of relations between the public and the Roma, disseminate the experience of progress in the integration of the Roma in Lithuania, and create an impact upon employment policy and practice in Lithuania.

The mechanism for the integration of the Roma into the labour market will be tested in the cities of Vilnius and Kaunas, and in the Ukmerge, Šalčininkai, Kaunas and Jonava regions, which are distinguished by larger Roma communities.

### **Measures to address the problems of the Ignalina region**

According to data of the Lithuanian population and housing census, certain regions in Lithuania are distinguished by a higher degree of concentration of national minority associations. In the town of Visaginas, where a majority of the population is employed in the Ignalina Nuclear Power Plant (hereinafter: the Ignalina NPP), 52 percent of the total population are persons of Russian nationality. Consequently, social, economic and cultural problems in this town are distinct.

In 2001, the Ignalina NPP region socio-economic monitoring programme was developed upon the initiative of the Ministry of Social Security and Labour. The programme was supplemented by a methodology for the monitoring of socio-economic processes occurring in the region and for the identification of the need for measures to be implemented and the impact of such measures. The programme is being implemented and the methodology applied by external experts financed from the Ignalina NPP Decommissioning Fund. The programme is designed to perform the annual assessment of the situation in the region, and has been in operation since 2002. The findings of the monitoring are made known to the public of the Ignalina NPP region and communicated to the interested public authorities. In 2005, there were 10,000 copies of leaflets containing the findings of the monitoring in 2004 distributed to the residents of Visaginas.

According to the data of the 2004 Ignalina NPP region socio-economic monitoring (hereinafter: monitoring), economic and social trends in the region are moving in a positive direction: the number of Visaginas residents that believe they know Lithuanian language has increased. No major changes in the national composition have been recorded in the region or in Visaginas. A certain decrease in the volume of migration among the Visaginas residents serves as good proof of the findings. Based on the 2004 monitoring data, the share of Lithuanian residents in the town may be expected to gradually increase, since Lithuanians account for 22 percent of the children under 14 age group (on average, Lithuanians account for 15 percent of the population of the town). This trend is partly the result of the migration process – among those leaving the town, most are persons of non-Lithuanian nationality.

In an attempt to mitigate the social and economic consequences of the decommissioning of the Ignalina NPP, the Government of the Republic of Lithuania undertook to implement appropriate labour market policy measures. Continued attention has been devoted to activity designed to enhance the administrative capacities of the Ignalina Labour Exchange with a view of alleviating the social consequences of the Ignalina NPP decommissioning. Starting from 2001, a "mini" labour exchange has been operating on the premises of the Ignalina NPP where all applicants are provided with necessary information on vacancies available, the situation in the labour market and employment possibilities abroad. Special attention is devoted to providing advice related to the decommissioning of the Ignalina NPP.

The information and counselling centre has been operational in Visaginas since 2002; the Centre was established by the Ignalina Labour Exchange and the Visaginas municipality, and supported by the International Migration Service. Provided with access to modern information technologies, the residents of Visaginas are able without any restrictions to obtain information about the situation in the labour market, vocational training possibilities and also other employment-related information. Given that most visitors to the centre have insufficient knowledge of the state language, the most important information (legal, employment-related and information on training possibilities) is also provided in Russian.

In the period 2003-2006 a joint project of the Lithuanian Labour Exchange of Sweden and the Lithuanian Labour Exchange has been implemented, the objective being to strengthen the capacities of the Ignalina Labour Exchange to address the labour market problems in cases of mass lay-offs. Swedish experience was referred to in establishing the Management Coordination Committee and the Working Group authorised to coordinate the activity and disseminate the relevant information among the interested authorities and institutions, such as the administration of the Ignalina NPP, the trade unions, regional labour exchanges, municipalities and development agencies. Representatives of such institutions are involved in the decision-making management structures when addressing regional development and the unemployment issues. On the basis of Swedish expertise, efforts were devoted to the strengthening of the administrative capacities of the Ignalina region Labour Exchange which included the publication of information material for the former employees of the Ignalina NPP and those who will be dismissed from work in the near future.

Within the framework of the project under the PHARE 2001 programme, the training service of the Lithuanian Labour Exchange established the Visaginas Business Competence Centre. The Centre provides the training programmes for rural tourism and export and import specialists. Another undertaking currently in progress is the PHARE 2002 project *The development of the system for the analysis of the needs and adaptability to the changing market conditions of the employees of the Ignalina Nuclear Power Plant (INPP)* with a purpose to set up the system for the development of the human resources of the displaced employees of the Ignalina NPP, retraining and planning of professional development.

During the year 2005, a number of guarantees provided for by the *Law on Additional Employment and Social Guarantees for the Employees of the State Enterprise Ignalina Nuclear Power Plant*<sup>39</sup> were put into practice. Acting in accordance with this law and the implementing regulations drafted by the Ministry of Social Security and Labour of the Republic of Lithuania, the Lithuanian Labour Exchange Training Service has been providing additional employment and social guarantees to the dismissed employees of the Ignalina NPP.

During the first six-month period, the Ignalina Labour Exchange granted additional social guarantees to 20 former employees of the Ignalina NPP (20 former employees were paid a supplementary severance pay and 9 persons were allocated a monthly pre-retirement unemployment allowance, while one person was granted a relocation allowance).

With a view of attracting funds from EU sources required to safeguard the guarantees provided for in the *Law on Additional Employment and Social Guarantees for the Employees of the State Enterprise Ignalina Nuclear Power Plant* the Ministry of Social Security and Labour of the Republic of Lithuania has submitted a project developed for that purpose which is currently being negotiated with the European Commission.

By Letter No. (6.13-51)-SD-9263 of 12 July 2005 the Minister of Social Security and Labour obligated the Lithuanian Labour Exchange, responsible for the implementation of the employment and social guarantees for the employees of the Ignalina NPP who have been or are being dismissed due to the decommissioning of the plant, and the Lithuanian Labour Exchange Training Service to draft a plan of measures to address the problems of such employees and mitigate the consequences of the decommissioning of the plant in 2006.

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<sup>39</sup> *Valstybes žinios* (Official Gazette), No 48-2106, 2003

With a view to allocating maximum possible amount of EU support for the development of human resources in the region of the Ignalina NPP, the Ministry of Social Security and Labour of the Republic of Lithuania has proposed to include in the Single Programming Document of Lithuania being drafted for the period of 2007-2013 more favourable assessment criteria for the applications submitted in the region as compared to other regions of the country.

The views of the residents of the region on the prospects of the social and regional development in the region are rather favourable, – as many as one-third of residents of Ignalina and Zarasai are optimistic about possible improvements in the future. This indicator as compared to the data of the survey 2001 has increased almost twofold. An increase in the positive attitude on the prospects has been also observed among Ignalina inhabitants, although optimists among them are twice as few. Compared to the data of the 2001 survey, in Visaginas 2.5 times more respondents have indicated that in the course of the last two years their living standards have improved.

### Article 5

***1. The parties undertake to promote the conditions for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.***

***2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.***

### *Paragraphs 1 and 2*

Lithuania has endeavoured to create conditions, as favourable as possible, for the development of the national awareness and culture of its national minorities (*see Article 5 of the First Report*).

Seeking to ensure conditions conducive to meeting the cultural needs of national minorities, the Department of National Minorities and Lithuanians Living Abroad has been implementing the *Programme for the Integration of National Minorities into Lithuanian Society for 2005–2010* (hereinafter: the *National Minorities Integration Programme*) approved by Resolution No. 703 of 8 June 2004 of the Government of the Republic of Lithuania<sup>40</sup>.

The purpose of the *National Minorities Integration Programme* is to develop and enforce the policy of harmonious national relations, facilitate national minorities' integration into Lithuanian society, promote public tolerance and prevent any ethnical hatred, discrimination and exclusion.

The *National Minorities Integration Programme* is being coordinated by the Department of National Minorities and Lithuanians Living Abroad, which is in charge of the administration of the Programme.

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<sup>40</sup> *Valstybes žinios* (Official Gazette), No 93-3403, 2004

The implementing measures of the *National Minorities Integration Programme* are funded from the general appropriations approved in the state budget of the Republic of Lithuania for the relevant ministries, institutions and other entities and from other legitimately generated funds.

The *National Minorities Integration Programme* devotes considerable attention to the education of national minorities, in particular teaching of the state language as a vital factor prerequisite for the social integration. In 2005 the Department of National Minorities and Lithuanians Living Abroad allocated LTL 200.000 to the Visaginas State Language Centre. In that year 664 persons graduated from the state language courses in the centre, of which 214 were graduates of the category I course, 119 in the category II language course, while 45 chose the category III language course, along with 186 persons who attended the language and grammar skills improvement classes. The state language courses have been also functioning in the Vilnius House of National Communities. In 2005, 97 persons graduated from the courses: I category courses were attended by 47 persons, category II and III language courses were attended, respectively, by 42 and 18 persons.

In 2005, the Department of National Minorities and Lithuanians Living Abroad hosted the workshop *Language Diversity As the Basis for Intercultural Development* intended for education specialists, teachers and public servants. The seminar served as a forum for discussion of the diversity of the minority languages used in Lithuania and relation thereof to the state language.

Also in 2005, the Department of National Minorities and Lithuanians Living Abroad arranged training courses for the leaders of NGOs: *A Culture Project: From an Idea to the Report*, where representatives of 35 organisations were invited to participate in a theoretical and practical course on the appropriate preparation of applications for the funding of their activities. Efforts have been devoted to ensure the creation of websites of the national minorities' culture centres and their regular updating. In 2005 the website of the Kaunas Cultural Centre of Various Nations was launched. Information on NGOs of Kaunas national minorities has been prepared and uploaded on their website at [www.minority.lt](http://www.minority.lt). The information is regularly updated. Also in 2005, the internet website of the House of National Communities at [www.tbn.lt](http://www.tbn.lt) was considerably updated, now providing information about the NGOs of the Russians, Belarusians, Azerbaijani and other nations operating in the House of National Communities.

The Department of National Minorities and Lithuanians Living Abroad organised the workshop *Lithuanian Non-Governmental Organisations' Support Foundations* with NGOs among the participants. The support programmes were introduced and presented by the Department of National Minorities and Lithuanians Living Abroad, representatives of the Ministry of Culture of the Republic of Lithuania, Culture and Sport Support Foundation, the State Council of the Youth and the culture programmes of the Vilnius City Municipality. The seminar was attended by over 100 representatives of the NGOs of national minorities.

The Department of National Minorities and Lithuanians Living Abroad each year provides funding for the cultural and education projects of the national minorities NGOs (*see Tables 8 and 9*)

**Table 9. Number of submitted projects (2002 – 2005)\***

Number of projects			
2002	2003	2004	2005
200	230	260	270

\*Data of the Department of National Minorities and Lithuanians Living Abroad

**Table 10. Allocations for funding the projects in 2002 – 2005 (LTL)\***

Amounts allocated (LTL)				
	2002	2003	2004	2005
Non-governmental organisations of national minorities	271950.00	184624.00	247840.00	312400.00
Other agreements of the National minorities Section (House of National Communities)	29000.00	12400.00	15000.00	12000.00
<b>TOTAL</b>	<b>300950.00</b>	<b>216424.00</b>	<b>317940.00</b>	<b>372800.00</b>

\*Data of the Department of National Minorities and Lithuanians Living Abroad

In addition, in support of the activity of the national minorities' culture centres, the Department of National Minorities and Lithuanians Living Abroad allocated LTL 234,000 to the House of National Communities and LTL 99,000 to the Kaunas Cultural Centre of Various Nations.

In 2005, the Department also established the Ethnography and Folklore Centre of Lithuanian National Minorities. The principal functions of the Centre is to collect and record the non-material cultural heritage and folklore of the national minorities, provide the methodological and practical assistance to folklore ensembles and publish the collections of folklore materials and release compact discs.

The Ministry of Culture of the Republic of Lithuania finances the activity of the Vilnius Gaon Jewish State Museum, the Karaite Museum that operates as a branch of the Trakai History Museum, the Russian Drama theatre, the Taurakalnis Cultural Centre, and also fosters the activities of amateur performers by supporting their art groups and granting financial support to the cultural programmes of national minorities. In both 2004 and 2005 the Trakai Region Culture Palace was allocated LTL 10,000 in support of the art festival of the Lithuanian national communities *Cia Musu Namai* (This Is Our Home).

Acting in accordance with the *Regulations of the Support of Non-Governmental Organisations from the State Budget*<sup>41</sup>, which were approved by Order No 429 of 22 December 2001 of the Minister of Culture, and taking into account the recommendations of the expert commission on support to the cultural projects of non-governmental organisations, the Ministry of Culture of the Republic of Lithuania grants annual allocations from the *Cultural Projects Support Programme* to projects initiated by national minorities. In 2003, the Ministry of Culture of the Republic of Lithuania provided financial support to 13 projects, the

<sup>41</sup> *Valstybes žinios* (Official Gazette) No 1-8, 2002

value of which amounted to LTL 36,000; in 2004 the Ministry allocated LTL 27,200 to 9 projects; and in 2005 LTL 32,800 was allocated to 14 projects.

On 9-13 September 2004 the Department of Cultural Valuables Protection under the Ministry of Culture of the Republic of Lithuania (currently – the Department of Cultural Heritage Protection under the Ministry of Culture of the Republic of Lithuania) and the European Institute of Various Cultures (*Institut Europeen Des Initeraires Culturels*) organised the international expert seminar *The Road of the Jewish Cultural Heritage in Europe*. The programme of the seminar included presentations on issues related to the protection and restoration of Jewish heritage, discussions on the significance of the Jewish cultural heritage to the community and the society, and to others. Two documentaries were presented during the European Heritage Days dedicated to this subject matter: a documentary by producer Saulius Beržinis *Concern: the Jewish Heritage in Lithuania* and a film by Virgilijus Kubilius *In Search of the Lost City: Kaunas*. In 2005, within the framework of the project dedicated to the road of the Jewish cultural heritage, the public was presented with a collection of articles in Lithuanian *The Jewish Cultural Heritage in Lithuania*.

The *Law on Protection of Immovable Cultural Properties*<sup>42</sup> and the *Law on the Protection of Movable Cultural Properties*<sup>43</sup> to an equal extent governs the protection of cultural heritage in the territory of the Republic of Lithuania without separately distinguishing the cultural heritage of national minorities. The objects of cultural heritage of national minorities is recorded in the Register of Cultural Heritage Objects alongside with other objects bearing cultural value, and efforts to maintain such heritage are being taken to the extent possible.

During 2005, further work was undertaken to maintain and conserve a series of synagogues in Joniškis, the site of the massacre of people of Jewish nationality in the Luponiu woods (Šiauliai region), and the pulpit in the Kedainiai Evangelical Reformists' Church. In 2006, maintenance work was conducted on the site of a massacre of the Jews in Šiauliai and the cemetery in Norutaiciai village (Šiauliai region), the minaret in Kedainiai, Dariaus ir Gireno St. 5, and the House of Seniors in Kedainiai under the parish of the Kedainiai Evangelists-Reformats. Significant attention has been devoted to the protection of the cultural heritage of the Lithuanian Karaites in the Trakai National Historical Museum.

In 2001 the Yiddish Institute was established under the Faculty of History of the University of Vilnius. The Institute has been supporting the Yiddish study programme of the Centre for Stateless Cultures. The Institute has accumulated an abundant library and has catalogued the collected books and publications. The Institute has accumulated a database of 4,500 addresses (of institutions and persons), created the Internet website [www.judaicvilnius.com](http://www.judaicvilnius.com), and also launched an electronic guest book. The Vilnius Yiddish Institute has been on a continuous basis implementing the educational, research and cultural projects, the main purpose being the learning of the Yiddish culture and the dissemination of knowledge and information, research and studies, and organisation of the Yiddish culture festivals, Yiddish music concerts, thematic events dedicated to the Yiddish poetry and music. The publishing houses of Lithuania have published two books: *Lithuanian Jewish Culture* by Dovid Katz and *A State within a State? Jewish Autonomy in Lithuania* by Šarunas Liekis. The Institute also acts as a host of the international Yiddish summer programme, international

<sup>42</sup> *Valstybes žinios* (Official Gazette) No 3-37, 1995; 153-5571, 2004

<sup>43</sup> *Valstybes žinios* (Official Gazette) No 14-352, 1996

summer courses of Yiddish language and culture, and also linguistic expeditions to the North-Western regions of Ukraine and Belarus and weekly public academic seminars.

Within the framework of the *National Communities Culture Support Programme*, the Municipality of the City of Vilnius allocated a total of LTL 92,000 targeted to support the cultural initiatives of national minorities. The communities of various nations living in Vilnius have submitted 26 projects with applications for financial support to partly cover the costs of their implementation to the Municipality of Vilnius. The special expert commission set up in the Municipality has proposed to authorise partial funding for 16 submitted projects by allocating a total of LTL 20,000.

In 2005, a total of 27 projects were submitted to the *National Communities Culture Support Programme*. The expert commission has proposed to support 20 projects and allocate LTL 33,000 to them.

***Integration of the Roma into Lithuanian society.*** Taking due regard of the distinct national identity and culture of the Roma community and seeking to secure conditions facilitating the integration of the Roma national minority into Lithuanian society, the Government of the Republic of Lithuania by its Resolution No 759 of 1 July 2000 approved the *Programme for the Integration of Roma in the Lithuanian Society for 2000-2004*<sup>44</sup> to be implemented under the coordination of the Department of National Minorities and Lithuanians Living Abroad. The programme was comprised of four major parts, – educational, social, health protection and preservation of national identity. In the course of implementation of the programme, the Department of National Minorities and Lithuanians Living Abroad was directly responsible for the individual measures under the educational section of the programme and the issues related to the preservation of national identity.

The principal purpose of the programme is pre-school education, artistic education and organisation of the free-time of the Roma children in the Kirtimai settlement in Vilnius. With a view of these aims, the Roma Community Centre was constructed in the Kirtimai area in 2001. The construction of the centre was funded from the state budget. It was also in the same year that the PI Roma Community Centre was established under the initiatives of the founders the Department of National Minorities and Lithuanians Living Abroad, the Municipality of Vilnius, the Lithuanian Children's Fund and the Community of Lithuanian Roma *Gypsy Bonfire*. This public institution has been seeking to facilitate the full integration of the Roma national minority into the public life of Lithuania and ensure protection of the Roma national identity.

The Roma Community Centre houses the daily pre-school educational groups, and children are provided with free meals in addition to a number of other activities, such as art, dancing and singing circles. Computer literacy courses (with free Internet access) and state language courses have been opened to teenagers and adults; their studies of the state language are facilitated by special methodologies and language learning aids.

Resources of the *National State Language Use and Training Programme for 1996-2006* were allocated to finance the measure *To Organise State Language Courses for Adult Roma* under the *Programme for the Integration of Roma in the Lithuanian Society for 2000-2004*. In 2002-2005, each year state language training courses were attended by 3 groups of

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<sup>44</sup> *Valstybes žinios* (Official Gazette) No 54-1580, 2000

adult Roma. In 2004, additional funding was provided for state language courses in a summer camp that was attended by children from large families. In 2004, some support was afforded to the release of the Roma-dedicated compact disc *An afternoon with Lithuanian*.

There were 6 full-time positions opened in the Roma Community Centre for persons of Roma nationality, – two deputy directors, two assistant teachers, and two auxiliary staff members (a watchman, and a janitor/watchman), along with a dancing teacher who was hired to work under a fixed-term employment contract.

As a measure under the *Programme for the Integration of Roma in the Lithuanian Society for 2000-2004* summer recreational camps were organised near the Baltic Sea and in Trakai. The Roma Community Centre has also become a venue for seminars and discussions on most topical issues: on accession to the EU, a healthy life-style, nutrition, and the hazards of drug addiction. The centre also provides legal consultations and advice on issues related to the initiation of public activities among women, the education of Roma children, with discussions of issues of preparation of personal documents, activities of the police, protection of human rights, social security and labour, the fundamentals of economic activity, an introduction to the setting-up of a legitimate business, etc. The Department of National Minorities and Lithuanians Living Abroad has initiated a social opinion survey among the Roma with a view to identify the principal attitudes concerning the further integration of the Roma into society.

In the continuation of the *Roma Integration Programme* considerable efforts have been devoted to secure the preservation of the unique Roma cultural and language heritage. In 2004, the compact disc *Roma Songs* was released on the initiative of the Department of National Minorities and Lithuanians Living Abroad. In 2004, in cooperation with the representatives of the Roma community the Ministry of Education and Science compiled and published the textbook *Romani Bukvi* which has laid down the fundamentals of the written Romani language in Lithuania. The textbook is dedicated to Roma children, but also it is intended for those who study with Roma children in one class or the same school. The textbook contains a collection of authentic Roma songs, proverbs and sayings, in which texts are provided in Romani and Lithuanian languages. Anthropologists of the University of Vilnius have collected some valuable material containing life stories of the Roma people that will be published in the near future.

From 2001 until 2003 the Cultural Communities Studies Centre under the University of Vilnius provided lessons of Romani language by a female teacher of Roma nationality.

According to data of the Vilnius Municipality in 2005, 117 children having Roma nationality were attending schools of Vilnius. Seeking to ensure conditions favourable for the children of Roma nationality to study in general education schools by age groups and level of education (according to general, adapted and the modified programmes) the allocation of LTL 213,409 was authorised from the budget of the Vilnius Municipality which was used to supply Roma children with free textbooks. 112 children from socially needy families are provided with free lunch (allocation of LTL 3 per child), 60 children were able to attend summer camps, while 15 children are currently attending various kinds of clubs in schools. Speech therapists, psychologist and social pedagogues working in the schools provide children with all necessary aid. The social pedagogues are at all times working in close cooperation with specialists working in the Roma Community Centre. A joint seminar *The Educational Needs of the Roma Children, Problems and Search for Solutions* was organised,

among other activities. The Municipality of Vilnius has been providing financial support to the Roma public centre (in 2005 the Municipality provided LTL 41,800, with a total of LTL 205,100 since 2001). In 2005, the Department of National Minorities and Lithuanians Living Abroad authorised the allocation of LTL 215,000 to support cultural and educational projects of non-governmental Roma organisations (*see Article 4, Part II, and answer to question 7, Part III of the Second Report*).

### **Article 6**

***1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.***

***2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.***

#### ***Paragraph 1***

#### **Public education**

The *Law on Education of the Republic of Lithuania* defines education as the means of shaping the future of a person, society and the State. It is based on the acknowledgement of the indisputable value of the individual, his right of free choice and moral responsibility, as well as on democratic relationships and the country's cultural traditions. Education protects and creates national identity. It guarantees continuity of the values that make a person's life meaningful, that grant social life coherence and solidarity, and that promote development and security of the State.

The principles upon which the educational system is based are:

1) equal opportunity: the educational system is socially fair, and it ensures equality for individuals irrespective of gender, race, nationality, 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;

2) contextuality: the educational system is closely linked to the context of national economic, social and cultural development, and together with it renews itself and meets the continuously changing needs of society;

3) effectiveness: the educational system pursues high-quality results by using available resources rationally and economically, by continuously evaluating, analysing and planning its activity, and by relying on effective management, i.e. proper and timely decisions;

4) continuity: the educational system is flexible, open, and based on interaction of various forms and institutions; it creates conditions for each individual to engage in life-long learning.

Lithuanian educational institutions devote much attention to civic education, often having children's and youth organisations to enhance the moral, civil and cultural maturity of the students, and help meet their needs in self-education and self-expression.

Seeking to attain harmonious relations between different nations, on 20-21 October 2005 the Department of National Minorities and Lithuanians Living Abroad in cooperation with the American Centre arranged a seminar *Mainstreaming Equality and Diversity: Opening the Debate with Media*, that took place in the American Centre in Vilnius, the Journalism Department of Vytautas Magnus University in Kaunas and the Department of National Minorities and Lithuanians Living Abroad in Vilnius. The seminar was made up of two parts: in Vilnius the theoretical part was dedicated to presentations of specialists from a range of areas, and while the practical part intended to the students of journalism, and representatives of NGOs took place in Kaunas and Vilnius.

The seminar *Mainstreaming Equality and Diversity: Opening the Debate with Media* became a forum for the analysis of issues related to the diversity and equality of nations, national tolerance, and problem issues of the national minorities in Lithuanian, European and American media, followed by a survey of the manifestations of islamofobia in national and international press. Among the principal objectives of the seminar was the establishment of a long-term and closer dialogue among the representatives of the communities of national minorities and the mass media.

On 14 December 2005, the Seimas of the Republic of Lithuania hosted a conference called *Human Rights in Lithuania: Status Assessment*. The conference was organised by the Human Rights Committee of the Seimas, the UN Development Programme *Support in the Implementation of the National Human Rights Action Plan* and the Institute of Law. The agenda of the conference included the presentation of the book *Human Rights in Lithuania* which analysed the rights of national minorities in Lithuania and the enforcement of such rights.

Seeking to better inform the public about the enacted *Law on Equal Opportunities*, a joint project *Mechanism of Protection of Equality and Equal Opportunities in Lithuania* was implemented with the Europe House. In June 2005, a cycle of seminars *The European Civic Spirit: Protection of Equal Opportunities and the Role of Communities in Local Self-Government* was conducted in all counties of the country.

The Equal Opportunities authority has been closely cooperating with NGOs. Seeking to maintain this cooperation, the representatives of the authority have been participating in a number of conferences hosted by NGOs and made presentations on the operations of the Service. The representatives of NGOs are frequent visitors to the authority where they are provided with advice on employment issues, and seek information on the implementation of the *Law of the Republic of Lithuania on Equal Opportunities*. The authority has been rendering consultations to the representatives of NGOs on the expediency of prepared projects, as well as solutions of conflict situations and methods of protection of human rights.

## ***Paragraph 2***

**Measures against discrimination, intolerance, hostility and violence, – the penal and administrative liability for the violation of the principle of personal equality.**

Article 72 of the *Criminal Code* of the Republic of Lithuania that was in force in 2000 (hereinafter: *Criminal Code*) provided for the liability for the violation of the principle of national and racial equality. On 31 August 2000, the Seimas of the Republic of Lithuania passed the *Law Amending Article 72 of the Criminal Code and Supplementing of the Law by Article 72<sup>1</sup>* (No. VIII-1912)<sup>45</sup>. The amended Article 72 provides for liability for discrimination on the basis of gender, race, language, origin, religion or belonging to any other group, and Article 72<sup>1</sup> provides for liability for instigation against national, racial, ethnic, religious and other groups of persons. In the period from 2000 to 2005, there was no single case of an initiation of the pre-trial investigation according to these provisions of the Criminal Code.

On 29 September 2000, the Seimas of the Republic of Lithuania by Law No. VIII-1968 passed the new *Criminal Code* of the Republic of Lithuania that came into force on 1 May 2003. Article 169 provides for the liability for discrimination on the basis of nationality, gender, origin, religion or belonging to any other group. Article 170 of the *Criminal Code* provides for liability for inciting hostility against any nation, race, ethnic, religious or any other group of persons. Article 170(1) of the *Criminal Code* reads that any one who, by the use of oral, written or communicated through the mass media public statements ridicules, expresses contempt towards, incites hatred or encourages discrimination against a group of people or against an individual person on account of their belonging to a specific national, racial, ethnic, religious or other group, shall be punished by a fine, or restriction of liberty, or imprisonment for a period of up to two years.

Since 1 May 2003, three pre-trial investigations have been initiated on the basis of Article 169 of the *Criminal Code* in a case where claimants have found letters demanding them to "disappear from Lithuania" in their mailboxes. All three pre-trial investigations were discontinued on the basis of Article 3(1)(4) of the *Code of Criminal Procedure of the Republic of Lithuania* (hereinafter: *Code of Criminal Procedure*) (a person at the time of committing the crime has not reached the age when he (she) becomes liable under the penal legislation). 12 pre-trial investigations have been initiated under Article 170 of the *Code of Criminal Procedure*. Similar crimes are most often committed by instigating national hatred via internet or by placing graphic symbols or texts in public places. On 2 May 2003, a pre-trial investigation was initiated concerning an article published in the daily *Lietuvos Aidas* instigating intolerance against an ethnic group. On 12 March 2004, a pre-trial investigation was initiated concerning the article *Who Rules the World?* in the daily *Respublika* containing statements instigating hatred against people of other nationalities. Both investigations were discontinued on the basis of Article 3(1)(1) *Code of Criminal Procedure* (in the absence of actions containing features of a crime or criminal offence).

Article 214<sup>12</sup> of the current *Code of the Republic of Lithuania of Administrative Offences* (hereinafter: *Code of Administrative Offences*) prohibits the production and storage of publications, visual, audio or other production instigating national, racial or religious hatred with a view of disseminating or public demonstration of such production. The commitment of such an administrative offence is subject to a fine from LTL 1,000 to 5,000 with confiscation of the produced, stored, demonstrated or disseminated production of the type and with or without confiscation of means used to produce or demonstrate such production. Article 214<sup>13</sup> of the *Code of Administrative Offences* provides for liability for the establishment of an organisation instigating national, racial or religious hatred or participation in such an organisation. The records in accordance with Article 214<sup>12</sup> of the *Code of Administrative Offences* are drawn up by

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<sup>45</sup> No VIII-1912, *Valstybes žinios* (Official Gazette) No 78-2363, 2000

internal affairs officials or police officers (except in case of offences committed by persons on the mass media), the inspector of journalist ethics (concerning the production, storage and dissemination of production instigating national, racial or religious hatred on the mass media), or officers of the State Security Department (except for the cases of offences committed through on the mass media). Records of administrative offences under Article 214<sup>13</sup> of the *Code of Administrative Offences* shall be drawn up by the officers of the State Security Department. In the period from 2000 until 2005 not a single offence record under Articles 214<sup>12</sup> and 214<sup>13</sup> of the *Code of Administrative Offences* was drawn up in Lithuania.

Lithuania has ensured both penal as well as administrative legal preconditions targeted at the protection of persons who may be threatened or be potentially subjected to discrimination or hostility because of their national, cultural or religious character. Within the practical enforcement of such legal measures, not infrequently an impression is created that the instigation of hatred by means of publications, audio or visual production is even more dangerous than the commitment of such actions verbally (as provided for in the *Criminal Code*), therefore within the framework of the current harmonization of the provisions of the *Criminal Code* and the new draft of the *Code of Administrative Offences* transposition of certain provisions of the *Code of Administrative Offences* into the *Criminal Code* is considered.

From the point of view of legislative technique, the transposition of a legal rule is even more justified in the view of the provisions of Article 25(4) of the *Constitution of the Republic of Lithuania* stipulating that freedom to express convictions and impart information shall be incompatible with criminal actions, i.e. the instigation of national, racial, religious or social hatred, violence and discrimination, and the dissemination of slander or misinformation.

In June 2005 a working group set up by the Board of the Seimas of the Republic of Lithuania completed drafting *the Law Amending the Law on the Provision of Information to the Public*; thereafter a decision was arrived at to supplement the draft Law by the new Article 51 stipulating that the Equal Opportunities Ombudsman shall, in the manner prescribed by the *Law of the Republic of Lithuania on Equal Opportunities*, supervise the compliance of publicly disseminated information with the provisions of the Law prohibiting the instigation of national, racial, religious, social hatred or sexual hostility.

In a meeting of 15 April 2005 of representatives of journalists' and publishers' organisations, a new version of the *Code of Ethics of Journalists and Publishers of Lithuania* was approved, with Articles 54 and 55 including the revised provisions prohibiting the providers of information and journalists to directly or indirectly instigate hatred in respect of a group of persons or a person belonging to such a group because of his name, race, nationality, ethnic identity, religious beliefs, age, gender, sexual orientation, disability or physical defects, even where the person had committed an offence, or humiliate him on that basis. Furthermore, a journalist or a public information producer shall not associate the belonging of a suspected or accused person or an offender to a certain national, ethnic or social group (or the person's sexual orientation) to the committed crime or emphasise such association in any way whatsoever. The violation of this rule of journalistic ethics would mean the failure by the journalist to fulfil the obligations assumed by himself. Before the adoption of the new version of the *Code of Ethics of Journalists and Publishers of Lithuania*, the *Code Journalists and Publishers* approved in 1996 was in effect in Lithuania.

The Inspector of Journalist Ethics supervises the enforcement of the provisions of the *Law of the Republic of Lithuania on the Provision of Information to the Public*<sup>46</sup> therefore the inspector assesses the compliance of the publicly disseminated information with the fundamental principles ruling the provision of information to the public.

According to Article 3(2) of the *Law of the Republic of Lithuania on the Provision of Information to the Public* producers and providers of public information as well as journalists shall adhere to the principles of humanism, equality, tolerance and respect of a person, support the development of democracy and public openness and promote civil society. These are the fundamental principles of the provision of information to the public. Therefore any attempt to humiliate a person or a group of persons belonging to a different nation goes against such principles. As part of the supervisory task the inspector of journalist ethics seeks to ensure that journalism is free from any attempts to develop negative stereotypes in the relations among different nations.

Each state regularly addresses the problem of national intolerance in the mass media and accents the necessity to demonstrate tolerance and understanding in respect of people and their groups regardless of their origin, race, ethnic identity, religion and convictions. It is true that Lithuanian journalists, by adopting the rules on their ethics and behaviour, acknowledge that the indication of the nation, race or origin in the information on criminal activities or other offences provided to the public is not necessary and even faulty as promoting hatred among the public towards a specific nation, disunity and exclusion.

### **Training of officers on protection of human rights**

According to the data of the Police Department, starting from 2001 heads and officers of guardhouse and convoy divisions are regularly enrolled in training courses where considerable attention is paid to application of the international legal acts on human rights in the police activity. Furthermore, the *Programme for the Qualification Enhancement of Officers of Traffic Police and Officers Seeking Authorisation to Perform the Functions of Traffic Police* was approved in 2001; the protection of human rights has been included in the programme as a specific subject.

In 2001-2002 a series of seminars *Humanitarian Law and Human Rights* was organised for police officers in cooperation with the International Relations and EU Affairs Department of the Ministry of the Interior of the Republic of Lithuania and the regional representative of the International Red Cross Committee.

The *Qualification Enhancement Programme* intended for police officers of patrol divisions approved in 2002 also included protection of human rights as a specific subject.

In 2002, in cooperation with the Institute of the Constitutional Law Policy of Hungary, the following training programmes were prepared for police officers: *The Use of Violence and Firearms* and *Treatment of Victims*. In addition to the course on the legal, psychological and tactical aspects of the police activity, the principal international documents on issues related to human rights were introduced to the attendees of the training programmes.

In 2002, the training course *Protection of Human Rights and Freedoms* was prepared specifically for officers of the public patrol police.

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<sup>46</sup> *Valstybes žinios* (Official Gazette) No 71-1706, 1996; No 75-2272, 2000

The training programme *Activity of the Police in Relation to the New Procedure of the Kaliningrad transit through Lithuania* developed in 2003 also included a section dealing with protection of human rights and freedoms.

In 2004, within the framework of the project *Promotion of European Human Rights Values in Lithuania with a Focus on Discrimination Issues* jointly implemented with the Lithuanian Human Rights Centre, police officers participated in the training course *Human Rights in Police Activity. Prohibition of Discrimination*.

The training programme *Criminal Liability for the Illegal Use of Violence in the Police Activity* was drawn up.

The Training Centre of the Police Department hosts training under the programme *Human Rights and Police*, the purpose being to familiarise police officers with the principal provisions of the European Human Rights Convention and its additional protocols as well as other legal acts governing the protection of human rights. In 2004, the training programme *Human Rights and Police* was updated and expanded.

In 2004, the Police Department in cooperation with the Equal Opportunities Development Centre hosted the seminar *The Social Situation and Legal Protection of Victims of Violence* intended for police officers and other law enforcement officers.

All the above-mentioned training programmes and seminars were organised and intended for ensuring the prevention of any violation of human rights and freedoms by officers of the Lithuanian police while performing their professional duties.

#### Article 7

***The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.***

Under the legislation of the Republic of Lithuania, national minorities have the right to set up various public and cultural organisations. The new version of the *Law of the Republic of Lithuania on Associations*<sup>47</sup> was enacted in 2004; the Law governs the establishment, management, operations, reorganisation and termination (reorganisation or liquidation) of legal entities having the legal status of an association. Associations and public organisations registered prior to the enactment of this Law are deemed to constitute legal persons having the legal status of an association; no separate re-registration is required. Divisions of public organisations established as legal persons prior to the enactment of this Law shall be deemed, following the coming into effect of the Law, to be legal persons having the legal status of an association without being subject to a separate re-registration.

In 2005, 300 associations and culture centres of national minorities were operating in Lithuania (*see Table 11*).

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<sup>47</sup> *Valstybes žinios* (Official Gazette) No 25-745, 2004

**Table 11. Number of associations in terms of nationality\***

	<b>Nationality</b>	<b>Number of organisations</b>
1.	Armenians	8
2.	Azerbaijanis	1
3.	Belarusians	23
4.	Bulgarians	1
5.	Chechens	1
6.	Estonians	1
7.	Greeks	9
8.	Georgians	1
9.	Karaites	1
10.	Koreans	1
11.	Latvians	8
12.	Poles	56
13.	Lebanese	1
14.	French	1
15.	Roma (Gypsies)	15
16.	Romanians	1
17.	Russians	68
18.	Tadjiks	1
19.	Tartars	19
20.	Ukrainians	19
21.	Uzbeks	3
22.	Hungarians	1
23.	Germans	31
24.	Jews	24
25.	Centres of other national minorities	5
26.	<b>TOTAL</b>	<b>300</b>

\*Data of the Department of National Minorities and Lithuanians Living Abroad

From 2001 the network of the national minorities centres was further developed, funded and supported by the state.

The House of National Communities continues its active initiatives in Vilnius. The House of National Communities is significantly contributing to the protection of the cultural and ethnic identity of national minorities of Lithuania by integrating them into the public life of the country. The following associations and communities operate under the auspices of the House of National Communities: The Community of Lithuanian Azerbaijanis, the Union of the Public Organisations of Lithuanian Belarusians, the Belarusian club *Sabryna*, the Society of Lithuanian Estonians, the Association of the Public Organisations of the Lithuanian Greeks, the Greek Community in Lithuania *Pontos*, the Coordination Council of the Public Organisations of Lithuanian Latvians, the Society of Vilnius Latvians, the Cultural Society of the Lithuanian Romanians *Dacija*, the Society of the Ukrainians of Vilnius, the Society of the Vilnius Germans, and the Educational Society of the Lithuanian Orthodox Believers *Živoj Kolos*.

In 2001, the Roma Community Centre was established. The principal objective of the Centre is to pursue full integration of the Roma into the public life of Lithuania and the preservation of the ethnic identity of the Roma (*see Article 4, 5, Part II, and answer to Question 7, Part II of the Second Report*).

In 2004, the Kaunas Cultural Centre of Various Nations was established in Kaunas, and 2006 was the year of the establishment of the Visaginas National Cultures Centre. The

principal objectives of these institutions are to facilitate the awareness of national cultures, preservation of their national identity, cultural and artistic self-expression; to seek the full social integration of national minorities; and to foster the national tolerance and the traditions of a multi-national city.

In 2005, the Department of National Minorities and Lithuanians Living Abroad also established the Ethnography and Folklore Centre of the Lithuanian National Minorities (*Article 5, Part II of the Second Report*).

Facilitated by this network, the activities of the NGOs of national minorities are being successfully developed in Lithuania.

### Article 8

***The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.***

Laws of the Republic of Lithuania guarantee the universally recognised and unrestricted freedom of thought, conscience and religion, and prohibits the restriction of human rights or accordance of privileges on the grounds of religion. This is in full compliance with the Convention requiring to recognise that any person belonging to a national minority shall have the right to manifest his or her religion, to express opinion and set up religious organisations. (*see Article 8, Part II of the First Report*)

*The Constitution of the Republic of Lithuania and the Law of the Republic of Lithuania on Religious Communities and Associations*<sup>48</sup> rule that Lithuania has no state religion.

In accordance with the *Constitution of the Republic of Lithuania* and Article 5 of the *Law of the Republic of Lithuania on Religious Communities and Associations* the state recognises nine traditional religious communities and associations existing in Lithuania, which belong to the historical, spiritual and social heritage of Lithuania: Roman Catholics, Greek Catholics, Evangelical Lutherans, Evangelical Reformed, Russian Orthodox, Old Believers, Judaic, Muslim Sunni and Karaites (*see Table 12*).

Article 6 of the *Law of the Republic of Lithuania on Religious Communities and Associations* stipulates that other (non-traditional) religious communities may be recognised by the State as part of Lithuania's historical, spiritual and social heritage provided that they have support of the public and their instructions and rites are consistent with law and morality. The recognition by the State means, that the State supports the spiritual, cultural and social heritage of religious communities.

State recognition is granted by the Seimas of the Republic of Lithuania. Religious associations may request State recognition following the elapse of a period of no less than 25 years from the date of their initial registration in Lithuania.

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<sup>48</sup> *Valstybes žinios* (Official Gazette) No. 89-1985, 1995

By its Resolution No. IX-464 of 12 July 2001 *on the State Recognition of the Baptist Union of Lithuania*<sup>49</sup> the Seimas of the Republic of Lithuania granted State recognition to the Union of the Communities of the Lithuanian Evangelical Baptists. In the beginning of 2005 this religious community included 7 parishes, 10 active houses of worship and 23 preachers.

**Table 12. Traditional religious societies and communities\***

	Number of religious communities						Number of houses of worship						Number of preachers (spiritual leaders)					
	2000	2001	2002	2003	2004	2005	2000	2001	2002	2003	2004	2005	2000	2001	2002	2003	2004	2005
Roman Catholics (latin service) <sup>1</sup>	673	690	679	677	677	677	693	701	701	701	705	705	745	808	780	787	791	806
Greek Catholics	4	4	4	4	4	4	1	1	1	1	1	1	3	3	2	2	2	2
Evangelical Lutherans	54	54	54	54	54	54	41	41	41	41	41	41	23	23	25	21	20	20
Evangelical Reformed	12	12	13	...	...	14	9	9	9	...	...	9	4	6	6	...	...	5
Orthodox	43	46	47	51	50	50	43	43	47	51	50	50	41	43	45	43	43	42
Russian Old Believers	27	27	54 <sup>2</sup>	59	59	59	30	30	43 <sup>2</sup>	44	44	44	16	16	15 <sup>2</sup>	23	22	22
Jews	3	3	5	5	6	6	2	2	3	3	3	3	1	1	1	1	1	2
Muslim Sunni	5	5	5	5	5	5	5	5	5	5	5	5	10	10	10	10	10	10
Karaites	1	1	1	1	1	1	2	2	2	2	2	2	1	1	1	1	1	1

1 Number of houses of worship includes churches, excluding chapels.

2 Updated data of the Sobor of the Lithuanian Seacoast Old Pravoslaviv Church of 28 February 2002.

\*Data of Statistics Lithuania

The data of the population and housing census indicates that the majority of the Lithuanian population are Roman Catholics (*see Table 13*).

**Table 13. Structure of the population in terms of religion\***

	Proportion to the total population, %	Total congregation
Roman Catholics	79	2,752,447
Evangelical Lutherans	0.6	19,637
Evangelical Reformed	0.20	7,082
Greek Catholics	0.01	364
Jews	0.03	1,272
Muslims	0.08	2,860
Russian Old Believers	0.8	27,073
Orthodox	4.1	141,821
Other religions	0.38	13,882
No religion	9.5	331,087
Not specified	5.3	186,447

\*Data of Statistics Lithuania

The data of the population and housing census held in Lithuania demonstrates that 93% of Poles, 85% of Lithuanians, 13% of Ukrainians, 47% of Belarusians have identified themselves as the members of the community of Roman Catholics; 11 % of Russians – as the members of the community of Russian Old Believers. The remaining interviewed, the number of which is quite small, belonging to different nationalities have identified themselves as the members of other communities.

<sup>49</sup> *Valstybes žinios* (Official Gazette) No. 62-2249, 2001

### Funding of the religious communities

Pursuant to its Resolution No 387 of 21 March 2002<sup>50</sup> the Government of the Republic of Lithuania appropriated LTL 2,879 thou for the management and churches of the traditional religious communities of Lithuania (see Table 14):

**Table 14. Funding of religious communities in 2002**

Religious organisation	Support
Confederation of Bishops of Lithuania	LTL 2573 thou
Archbishopship of the Orthodox of Lithuania	LTL 154.2 thou
The Supreme Council of the Old Believers' Church of Lithuania	LTL 50.1 thou
The Consistory of the Church of Evangelical Lutherans of Lithuania	LTL 34 thou
The Synod Board of the Church of Evangelical Reformed of Lithuania	LTL 18.8 thou
Spiritual Centre of the Muslim Sunni of Lithuania – Muftiate	LTL 14 thou
Religious Community of the Jews of Lithuania	LTL 14 thou
Church of Greek Catholics of Lithuania (the Centre and the Management – Monastery of the Bazillion Order of St. Joseph in Vilnius)	LTL 10.7 thou
Religious Community of the Caraites of Lithuania	LTL 10.2 thou
<b>Total:</b>	<b>LTL 2,879 thou</b>

Pursuant to its Resolution No 496 of 22 April 2003<sup>51</sup> the Government of the Republic of Lithuania appropriated LTL 2,879 thou for the management and churches of the traditional religious communities of Lithuania (see Table 15):

**Table 15. Funding of religious communities in 2003**

Religious organisation	Support
Confederation of Bishops of Lithuania	LTL 2609.7 thou
Archbishopship of the Orthodox of Lithuania	LTL 144 thou
The Supreme Council of the Old Believers' Church of Lithuania	LTL 35.6 thou
The Consistory of the Church of Evangelical Lutherans of Lithuania	LTL 28.6 thou
The Synod College of the Church of Evangelical Reformed of Lithuania	LTL 13 thou
The Synod of the Evangelical Reformed Church of Lithuania – <i>Unitas Lithuaniae</i>	LTL 3.7 thou
Spiritual Centre of the Muslim Sunni of Lithuania – Muftiate	LTL 12.7 thou
Religious Community of the Jews of Lithuania	LTL 11.2 thou
Church of Greek Catholics of Lithuania (the Centre and the Management – Monastery of the Bazillion Order of St. Joseph in Vilnius)	LTL 10.3 thou
Religious Community of the Caraites of Lithuania	LTL 10.2 thou
<b>Total:</b>	<b>LTL 2,879 thou</b>

Pursuant to its Resolution No 781 of 22 June 2004<sup>52</sup> the Government of the Republic of Lithuania appropriated LTL 2,879 thou to the following religious communities, societies and centres (see Table 16):

<sup>50</sup> *Valstybes žinios* (Official Gazette) No 31-1151, 2002

<sup>51</sup> *Valstybes žinios* (Official Gazette) No 39-1786, 2003

<sup>52</sup> *Valstybes žinios* (Official Gazette) No 100-3704; 185-6846, 2004

**Table 16. Funding of religious communities in 2004**

<b>Religious organisation</b>	<b>Support</b>
Confederation of Bishops of Lithuania	LTL 2609.7 thou
Archbishopship of the Orthodox of Lithuania	LTL 144 thou
The Supreme Council of the Old Believers' Church of Lithuania	LTL 35.6 thou
The Consistory of the Church of Evangelical Lutherans of Lithuania	LTL 28.6 thou
The Synod College of the Church of Evangelical Reformed of Lithuania	LTL 12.7 thou
The Synod of the Evangelical Reformed Church of Lithuania – <i>Unitas Lithuaniae</i>	LTL 4 thou
Spiritual Centre of the Muslim Sunni of Lithuania – Muftiate	LTL 12.7 thou
Religious Community of the Jews of Lithuania	LTL 9.1 thou
Religious Community of the Jews of Kaunas	LTL 1.1 thou
Religious Community of the Jews of Vilnius <i>Chassidie Chabad Lubavitch</i>	LTL 1 thou
Church of Greek Catholics of Lithuania (the Centre and the Management – Monastery of the Bazillion Order of St. Joseph in Vilnius)	LTL 10.3 thou
Religious Community of the Caraites of Lithuania	LTL 10.2 thou
<b>Total:</b>	<b>LTL 2,879 thou</b>

Pursuant to its Resolution No 326 of 29 March 2005<sup>53</sup> the Government of the Republic of Lithuania appropriated LTL 2.879 thou for the same purpose (*see Table 17*):

**Table 17. Funding of religious communities in 2005**

<b>Religious organisation</b>	<b>Support</b>
Confederation of Bishops of Lithuania	LTL 2609.7 thou
Archbishopship of the Orthodox of Lithuania	LTL 144 thou
The Supreme Council of the Old Believers' Church of Lithuania	LTL 35.6 thou
The Consistory of the Church of Evangelical Lutherans of Lithuania	LTL 28.6 thou
The Synod College of the Church of Evangelical Reformed of Lithuania	LTL 11.6 thou
The Synod of the Evangelical Reformed Church of Lithuania – <i>Unitas Lithuaniae</i>	LTL 5.1 thou
Spiritual Centre of the Muslim Sunni of Lithuania – Muftiate	LTL 12.7 thou
Religious Community of the Jews of Lithuania	LTL 9.1 thou
Religious Community of the Jews of Kaunas	LTL 1.1 thou
Religious Community of the Jews of Vilnius <i>Chassidie Chabad Lubavitch</i>	LTL 1 thou
Church of Greek Catholics of Lithuania (the Centre and the Management – Monastery of the Bazillion Order of St. Joseph in Vilnius)	LTL 10.3 thou
Religious Community of the Caraites of Lithuania	LTL 10.2 thou
<b>Total:</b>	<b>LTL 2,879 thou</b>

### Article 9

*1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

*2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broad casting, or cinema enterprises.*

<sup>53</sup> *Valstybes žinios* (Official Gazette) No 41-1315, 41-1315, 2005

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of Paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

### ***Paragraph 1***

It is worth noting that the Republic of Lithuania adheres to the international obligations set forth in Article 9(1) of the Framework Convention and guarantees the freedom of expression to all persons irrespective their origin, race, religion or convictions (*see Art 9(1), Part II, of the First Report*). The legal system of Lithuania sets no rules that would give rise to discrimination of the right of the people belonging to a national minority to apply to the mass media. Practical enforcement of the right is more dependent on the views of the mass media, providers of public information and journalists towards certain national minorities or members thereof rather than on the legislative position or contents of the laws.

Moreover, Lithuania allows free publishing of foreign press.

### ***Paragraphs 2, 3 and 4***

Laws of the Republic of Lithuania governing public information do not set any barriers for publishing, while the broadcasting and re-broadcasting activities are based on licenses.

The persons belonging to national minorities have the same chance as any other person to engage in public information activity in the Republic of Lithuania (*see Article 9 of the First Report*).

National minorities are able to engage in creative work and publish information in their native languages. Currently periodicals in the Russian, Polish, German and Yiddish languages are being published in the country. Tartars and Greeks of Lithuania are issuing their newspapers in Lithuanian or Russian languages with inserts in their native languages. In Klaipeda, *Vokieciu žinios Lietuvoje* (German news in Lithuania) is being published in the Lithuanian and German languages; the tartar newspaper *Lietuvos totoriai* (Tartars of Lithuania) – in the Lithuanian and Russian languages; in Vilnius, *Lietuvos Jeruzale* (Jerusalem of Lithuania) – in the Lithuanian, Yiddish, Russian and English languages. National minorities also publish information on their activities in the Information Bulletin of National Minorities released by the Department of National Minorities and Lithuanians Living Abroad and the House of National Communities. The list of periodicals published for national minorities is provided in *Table 18*:

**Table 18. List of periodicals published for the national minorities\***

<b>Newspaper</b>	<b>Language of publication</b>	<b>Frequency</b>	<b>Location</b>
<i>Ekspress-nedelia</i>	Russian	weekly	Vilnius
<i>Fan (Fakty i Novosti)</i>	Russian	weekly	Visaginas
<i>Klaipeda</i>	Russian	daily	Klaipeda
<i>Kurier Wilenski</i>	Polish	daily, 5 times a week	Vilnius
<i>Lietuvos Jeruzale</i>	Lithuanian, Russian, English, Hidish	monthly	Vilnius
<i>Lietuvos totoriai</i>	Lithuanian, Russian	weekly	Kaunas
<i>Litovskij kurjer</i>	Russian	weekly	Vilnius
<i>Magazyn Wilenski</i>	Polish	magazine, 1 time a month,	Vilnius
<i>Spotkania</i>	Polish	monthly	Vilnius
<i>Nasz Czas</i>	Polish	weekly	Vilnius
<i>Obzor</i>	Russian	weekly	Vilnius
<i>Respublika</i>	Russian	daily	Vilnius
<i>Sugardas</i>	Russian, Lithuania	weekly	Visaginas
<i>Vilniaus krašto savaitraštis (Tygodnik Wilenszczyzny)</i>	Lithuanian, Polish	weekly	Vilnius
<i>Vokieciu žinios Lietuvoje (Deutsche Nachrichten in Litauen)</i>	Lithuanian, German	monthly	Klaipeda
<i>V kazdij dom</i>	Russian	weekly	Visaginas
<i>Baltische Runschau</i>	German	monthly	Vilnius

**\*Data of the Department of National Minorities and Lithuanians Living Abroad**

The breakdown of magazines and other periodicals published in 2000-2004 by languages is given in *Tables 19 and 20*.

**Table 19. Breakdown of publications by languages\***

<b>Breakdown of magazines and other periodicals by languages</b>					
	2000	2001	2002	2003	2004
<b>Total</b>	<b>465</b>	<b>370</b>	<b>529</b>	<b>544</b>	<b>536</b>
<b>Single edition, thou of units</b>	<b>3,146</b>	<b>2,998</b>	<b>4,069</b>	<b>3,705</b>	<b>3,527</b>
<b>Annual edition, thou of units</b>	<b>44,176</b>	<b>46,100</b>	<b>52,922</b>	<b>53,125</b>	<b>58,020</b>
<b>Lithuanian</b>					
Number of units	411	334	469	479	477
Single edition, thou of units	2,915	2,905	3,430	3,431	3,303
Annual edition, thou of units	43,649	45,742	5,1812	52,058	57,110
<b>Russian</b>					
Number of units	4	3	5	13	11
Single edition, thou of units	6	3	23	69	49
Annual edition, thou of units	10	12	32	266	184
<b>English</b>					
Number of units	44	29	45	43	41
Single edition, thou of units	132	85	138	112	115
Annual edition, thou of units	381	311	523	500	477
<b>Polish</b>					
Number of units	3	2	3	4	3
Single edition, thou of units	7	3	26	37	24
Annual edition, thou of units	45	26	72	149	121
<b>German</b>					
Number of units	1	1	3	3	3
Single edition, thou of units	5	1	26	35	35
Annual edition, thou of units	5	3	54	128	124
<b>Esperanto</b>					
Number of units	1	1	1	1	1
Single edition, thou of units	1	1	1	1	1
Annual edition, thou of units	6	6	4	4	4
<b>French</b>					
Number of units	-	-	-	1	-
Single edition, thou of units	-	-	-	10	-
Annual edition, thou of units	-	-	-	20	-
<b>Latvian</b>					
Number of units	1	-	2	-	-
Single edition, thou of units	80	-	400	-	-
Annual edition, thou of units	80	-	400	-	-

\*Data of Statistics Lithuania

**Table 20. Magazines and bulletins in different languages (%)\***

Magazines and bulletins in different languages, %					
Lithuanian	88.4	90.3	88.7	88.1	89
Russian	0.9	0.8	0.9	2.4	2.1
English	9.5	7.8	8.5	7.9	7.6
Polish	0.6	0.5	0.6	0.7	0.6
Other	0.6	0.6	1.3	0.9	0.7

\*Data of Statistics Lithuania

The first programme of the Radio Lithuania gives a daily half-hour broadcast of information on public issues and politics in Russian. The programme *Klasika* (Classics) of the Radio Lithuania broadcasts a daily half-hour cultural-educative programme *Santara* for the national minorities living in Lithuania (see Table 21).

**Table 21. Radio programmes targeted at national minorities\***

Target national minority	Language	Frequency of the programme
Belorus	Belorus	each Tuesday and Saturday
Tartar	Lithuanian, Russian	every first and third Monday
Ukrainian	Ukrainian	every second and fourth Friday
Jews	Lithuanian, Russian	every second and fourth Monday
Orthodox Calendar	Russian	twice a month, every first and third Sunday
Other	Lithuanian, Russian	other days

\*Data of the Department of National Minorities and Lithuanians Living Abroad

All other broadcasts of *Santara* are in Russian and are targeted at the Russian and other national minorities of Lithuania. There is also a daily half-hour broadcast for the Poles living in Lithuania in the Polish language.

Lithuania also has non-governmental radio stations operating: Polish radio *Znad Wilii*, Russian radio *Ruskoje Radio* and *Baltijos Bangos* broadcasting in the Belorus language. In Visaginas and Klaipeda, there are local radio stations broadcasting programmes in the Russian language.

The national television of Lithuania broadcasts different information programmes aimed at national minorities: Russians, Poles, Ukrainians, Jews, Belorusians and other small national minorities (Latvians, Estonians, Tartars, Karaites, etc.) (see Table 22):

**Table 22. Programmes of the National Television of Lithuania targeted at the members of national minorities\***

Targeted national minority	Language of the programme	Name of the programme	Frequency	Duration in minutes.	Time	Comments
Belorus	Belorus	<i>Vilniaus sasiuvinis (Vilenskij sšytak)</i>	each Saturday	15	10.45-11.00	Repeated on LTV 2
Poles	Polish	<i>Vilniaus albumas (Album Wilenski)</i>	each Saturday	15	10.30-10.45	Repeated on LTV 2
Russians	Russian	<i>Rusu gatve (Russkaja ulica)</i>	each Saturday	15	11.00-11.15	Repeated on LTV 2
Ukrainians	Ukrainian	<i>Trembita</i>	each Saturday	10	11.30-11.40	Repeated on LTV 2
Jews	Lithuanian	<i>Menora</i>	each Saturday	10	11.50-12.00	Repeated on LTV 2
Small national minorities (Tartars, Karaites, Latvians, Germans, etc.)	Lithuanian	<i>Labas</i>	each Saturday	10	11.40-11.50	Repeated on LTV 2
Different	Russian	<i>Krikščionio žodis (Christjanskoje slovo)</i>	every second Saturday	15	11.15-11.30	Repeated on LTV 2
Different	Russian	<i>Vakaro žinios (Vecernij vestnik)</i>	working days	10	17.20-17.30	

\*Data of the Department of National Minorities and Lithuanians Living Abroad

Total number of hours of broadcasts on the National Radio and Television of Lithuania aimed at national minorities (in hours) (*see Table 23*):

**Table 23. Broadcasts of the National Radio and Television of Lithuania in hours by languages**

	Broadcast			
	2001	2002	2003	2004
<b>Radio programmes</b>	<b>16,447</b>	<b>13,815</b>	<b>13,826</b>	<b>13,473</b>
in Lithuanian	15,583	13,052	13,083	12,747
in Russian	374	303	265	303
in Polish	182	181	182	182
in English	190	182	182	179
other	118	102	114	62
<b>TV programmes</b>	<b>3,168</b>	<b>3,323</b>	<b>3,456</b>	<b>3,886</b>
in Lithuanian	3,061	3,189	3,360	3,796
in Russian	62	87	64	60
in Polish	12	15	13	10
other	33	34	19	21
	Average duration of broadcasting per 24 hours			
	2001	2002	2003	2004
<b>Radio programmes</b>	<b>45</b>	<b>38</b>	<b>37.8</b>	<b>36.8</b>
in Lithuanian	43	36	35.8	34.8
in Russian	1	0.8	0.7	0.8
in Polish	0.3	0.5	0.5	0.5
in English	0.4	0.5	0.5	0.5
other	0.3	0.2	0.3	0.2
<b>TV programmes</b>	<b>9</b>	<b>9</b>	<b>9.5</b>	<b>10.6</b>

in Lithuanian	8	8.6	9.2	10.4
in Russian	0.5	0.2	0.2	0.1
in Polish	0.1	0.1	0.05	0.02
other	0.4	0.1	0.05	0.05

\*Data of Statistics Lithuania

### Article 10

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private or in public, orally and in writing.**

**2. In area inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of the interpreter.**

#### Paragraph 1

Article 14 of the *Constitution of the Republic of Lithuania* stipulates that Lithuanian shall be the state language, i. e. Lithuanian shall be used in public life. However every person is free to use any language for oral and written communication in his (her) private life. 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 ...”. Article 1 of the *Law of the Republic of Lithuania on the State Language*<sup>54</sup> specifies that „the Law shall not regulate unofficial communication of the population and the language of events of religious communities as well as persons, belonging to ethnic communities”. In Lithuania, persons belonging to national minorities use native or other languages in their private lives, the life of their religious communities as well as in different events of their communities. The Caraites of Lithuania in their private lives (families) usually use Lithuanian, Polish and Russian languages, while for the purpose of religious ceremonies (for instance, wedding) the Caraites language is used. The Tartars of Lithuania lost their native language back in 17th century therefore they usually use Lithuanian, Russian or Polish languages for their private purposes, however they say prayers in the Arab language. Native languages in family and community lives are freely used by Poles, Russians, Ukrainians, Armenians, Azerbaijanis, Germans, Latvians, Jews, Romanians (Moldavians), Georgians, Uzbeks, Estonians, other nationals.

#### Paragraph 2

Legal rules guaranteeing the right of persons belonging to national minorities to use the language of their national minorities for the purpose of communication with administrative authorities was described in details in the First Report of the Republic of

<sup>54</sup> *Valstybes žinios* (Official Gazette) No 15-344, 1995; No 68-2760, 2002

Lithuania. In the locations where national minorities are concentrated the servants and officials of the administrative authorities may communicate with the applicants, apart from the state language, in other languages acceptable to both sides; where appropriate, interpreting services may be provided. The survey has demonstrated that administrative authorities in the administrative units wherein national minorities form the major part of the population deal with the applicants in the State as well as in the Russian, Polish languages, therefore the members of the national minorities do not face discrimination because of lack of command of the state language (*see Article 10 (2), Part II of the First Report*).

The housing and population census has demonstrated that the command of the state language was possessed by 66 % of Russians and 62 % of Poles. Command of the Russian language was possessed by 64 % of Lithuanians and 77 % of Poles. 8 % of Lithuanians had command of Polish language. More than 60 % of other nationals had command of the state language as well. This data indicates that the majority of Lithuanian population has command of two languages and a large part of the population has command of three languages.

### ***Paragraph 3***

In Lithuania, persons who do not know the state language are entitled to use interpreting services in legal and administrative processes and in the hearings of cases of administrative offences or civil processes (*see Article 10(3), Part II of the First Report*).

The *Criminal Process Code* sets a general rule obliging the judges, prosecutors and pre-trial investigation officers to explain the process rights to the participants of the process and to ensure enforcement thereof; to guarantee the access of the suspected, accused or convicted persons to the legitimate means of defence against suspicions and accusations (Art 10(2), Art. 45 of the *Criminal Process Code*). Prosecutors and judges are obliged to explain to a person the procedure for restoring the violated rights and compensation of damages where criminal process is terminated on the grounds that no signs of an offence or criminal violation have been identified however the person was arrested as well as where exculpatory judgement is passed (Art. 46 of the *Criminal Process Code*).

Each detained or arrested person shall receive immediate explanation on the reason of detention or arrest in the language he (she) understands (Art 44(2) of the *Criminal Process Code*). The grounds for detention and arrest are specified in the relevant process documents: the grounds for detention are specified in the protocol of detention; the grounds for arrest are specified in the ruling on arrest. The above-mentioned documents are introduced to the relevant participants of the process who shall put their acknowledgement signatures. Each person suspected or accused to have committed an offence shall have the right to receive an immediate and detailed explanation in the language he (she) understands about the type and the grounds of the accusation and shall have sufficient time and opportunities to prepare for the defence; where the person does not understand or speak Lithuanian he (she) shall have the right to use the interpreting services (Art. 44(7), Art. 104 of the *Criminal Process Code*). Interpreting services in a criminal process may be provided by an unbiased person invited by the pre-trial investigation officer, prosecutor, pre-trial investigation judge or the court who has command of the languages needed for the interpretation or the sign language of the deaf (Art. 43 of the *Criminal Process Code*). If the interpreter is not a staff member of a law enforcement or justice authority he (she) shall receive compensation of costs relating to the interpreting in the process. The costs of interpreting in the process shall be born by the law enforcement or justice authority that has invited the interpreter (Art. 104 of the *Criminal*

*Process Code*). The officers that invite interpreters to the criminal process shall warn them in advance of the criminal liability for a false or knowingly incorrect interpreting in accordance with Art. 235 of the *Criminal Code*.

It should be noted that the right to make statements, give evidence and explanations, file applications and complaints and speak before the court in the native language or other well understandable language is guaranteed to both detained and arrested persons and to all other participants of the criminal process. The documents of the case may be officially served to the participants of the process only if translated into their native languages or other language they know (Art. 8 of the *Criminal Process Code*).

Similar guarantees are granted to those subject to administrative liability (Art. 272, *Code of Administrative Offences*<sup>55</sup>). A person detained for an administrative offence shall get familiar with the protocol of administrative detention, which *inter alia* specifies the grounds of detention, and shall put his (her) acknowledgement signature (Art. 265(1) of the *Code of Administrative Offences*). Such person shall have the right to a free-of-charge defence and, if the person does not know the state language, the interpreting services. In the administrative processes interpreters are usually appointed by the body (officer) investigating the case of an administrative offence. The interpreter invited by the officer shall arrive on time and provide exact interpreting that is requested (Art. 278 of the *Criminal Process Code*). The interpreters that take part in an administrative process shall be warned of liability for false interpreting in accordance with Article 187<sup>(2)</sup> of the *Code of Administrative Offences*.

The Police Department reports that there are 86 staff members that provide interpreting services in the police offices.

In 2005, there were 84 interpreters employed by the Supreme Administrative Court of the Republic of Lithuania, County and Circuit Courts and providing interpreting from (to) Lithuanian, Russian, Polish and English languages. The majority of interpreters work in the courts of Vilnius, Klaipeda and Visaginas. Apart from interpreting, the interpreters also provide translations of judgements and other documents. The largest need of interpreting is that into the Lithuanian, Russian, Polish and English languages. Interpreting into other languages is much rarer. If needed, the courts may use services of translation bureaus compensated from the state budget (*see. Article 16, Part II, and answer to Question 5, Part III of the Second Report*).

## Article 11

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system,**

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<sup>55</sup> *Valstybes žinios* (Official Gazette) No 1-1, 1985; No 122-4359, 2005

*including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

### **Paragraph 1**

The first names and surnames (patronyms) of the persons belonging to a national minority are spelt with the Lithuanian alphabet in identity documents issued to the persons. Article 4 of the *Law of the Republic of Lithuania on Passport*<sup>56</sup> stipulates that the data in a passport have to be recorded with the Lithuanian alphabet and a person's first name (s) and surname should be spelt in accordance with the procedure set out in the legislation of the Republic of Lithuania regulating the spelling of names and surnames in identity documents. Article 4 of the *Law on the Identity Card*<sup>57</sup> also stipulates that the data in a citizen's passport are recorded with the Lithuanian alphabet and a person's first name (s) and surname – in accordance with the procedure set out in the legislation of the Republic of Lithuania regulating the spelling of names and surnames in identity documents.

The spelling of first names and surnames of persons belonging to national minorities in the Lithuanian alphabet in identity documents conforms to the provision of the Council of Europe Framework Convention for the Protection of National Minorities stipulating that parties may use the alphabet of their state language to write the name(s) of a person belonging to a national minority in its phonetic form. This provision is consistent with the Constitution of the Republic of Lithuania and does not violate the human rights and freedoms enshrined therein; on 21 October 1999 this was also confirmed by the Ruling of the Constitutional Court of the Republic of Lithuania *on the compliance of Resolution of 31 January 1991 of the Supreme Council of the Republic of Lithuania on writing of names and family names in passports of citizens of the Republic of Lithuania with the Constitution of the Republic of Lithuania*<sup>58</sup>.

In autumn 2005, the Ministry of Justice of the Republic of Lithuania drafted a *Law on Spelling of Names and Surnames in Documents*. The draft law aims at setting out the basic requirements for spelling names and surnames in documents issued by the state or municipal authorities of the Republic of Lithuania. A more specific system of spelling of names and surnames will be defined in the *Rules on Spelling of Names and Surnames in Documents* prepared by the State Commission of Lithuanian Language.

The draft law proposes to lay down the spelling of names and surnames in civil status registers and certificates, in documents certifying the citizenship of the Republic of Lithuania and a person's identity (the passports of citizens of the Republic of Lithuania, identity cards), permits for permanent residence in the Republic of Lithuania and other documents where a person's name and surname are required.

The draft law is based on the principle that the documents into which a person's name is entered must preserve the person's identity rather than create a new one. At the same time, the Law recognizes the right of individuals who are identified in other states to retain their authentic names and surnames. The draft law also includes a provision permitting the persons

<sup>56</sup> *Valstybes žinios* (Official Gazette) No 99-3524, 2001

<sup>57</sup> *Valstybes žinios* (Official Gazette) No 97-3417, 2001

<sup>58</sup> *Valstybes žinios* (Official Gazette) No 90-2662, 1999

who belong to ethnic minorities to spell their names and surnames in the characters of the language of their respective nationality based on the Latin alphabet.

The Government of the Republic of Lithuania by its Resolution of 26 September 2005 *On Submission of the Draft Law on Spelling of Names and Surnames in Documents to the Seimas of the Republic of Lithuania*<sup>59</sup> approved the draft law and presented it to the Seimas of the Republic of Lithuania for consideration.

The Ministry of Justice of the Republic of Lithuania notes that currently no legislation regulates the spelling of names and surnames in the civil status registers and personal identity documents. The Ministry of Justice of the Republic of Lithuania is of the opinion that this problem should to be solved by passing an appropriate law.

### ***Paragraph 2***

The state language of the Republic of Lithuania is Lithuanian. As stated by the Ruling of 21 October 1999 of the Constitutional Court of the Republic of Lithuania, “the establishment of the status of the state language in the Constitution means that Lithuanian is a constitutional value.” At the same time, the Constitutional Court of the Republic of Lithuania notes that “the constitutional establishment of the status of the state language also means that Lithuanian is compulsory in public life, while in other spheres of life persons may use any language acceptable to them without restrictions”. Information signs belong to the sphere of public use of language.

Article 18 of the *Law on the State Language* states that “names of organisations of ethnic communities, and their information signs may be rendered in other languages along with the state language.” The *Law of the Republic of Lithuania on the Implementation of the Law on the State Language*<sup>60</sup> also enshrines the provision that unofficial use of languages of ethnic communities and other languages should not be regulated. Article 5 of the *Law on National Minorities*<sup>61</sup> states that information signs in administrative-territorial units with a compact national minority residing therein, in addition to Lithuanian language, may also be in the language of that national minority (local language).

### ***Paragraph 3***

The commentary on the provisions of Article 11 of the Framework Convention for the Protection of National Minorities explains that the article aims to promote the possibility of having local names, street names and other topographical indications intended for the public also in the minority language. In implementing this principle the States are entitled to take due account of the specific circumstances and the framework of their legal systems, including, where appropriate, agreements with other States.

The Republic of Lithuania has not concluded agreements with other states on the use of minority languages in information signs.

Article 5 of the *Law on National Minorities* stipulates that information signs in administrative-territorial units with a compact national minority residing therein, in addition

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<sup>59</sup> *Valstybes žinios* (Official Gazette) No 116-4204, 2005

<sup>60</sup> *Valstybes žinios* (Official Gazette) No 15-347, 1995

<sup>61</sup> *Valstybes žinios* (Official Gazette) No 34-485, 1989

to Lithuanian, may also be in the language of that national minority (local language). Article 18 of the *Law of the Republic of Lithuania on the State Language* specifies the type of information signs which, in addition, to the state language, may also be in the minority language, namely, the names of the organizations of ethnic communities and their information signs.

In its Resolution No 520 of 7 May 2001 *Concerning the Procedure for the Implementation of the Provisions of the Council of Europe's Framework Convention for the Protection of National Minorities*<sup>62</sup>, the Government of the Republic of Lithuania instructed the Ministry of the Interior of the Republic of Lithuania to prepare, by 15 September 2001, a draft on the amendments to Government Resolution No 1395 of 27 November 1996 *on the Procedure for the Designation, Changing and Registration of Numbers of Buildings and Flats and Procedure for the Designation and Registration of Names of Streets, Buildings, Constructions and Other Objects*<sup>63</sup>. A legal analysis carried out during the preparation of the above-mentioned draft indicated that the amending provisions to the Procedure enabling the official use of local names, street names and other topographical indications in the minority language would not conform to the provisions of Article 18 of the *Law of the Republic of Lithuania on the State Language*.

Currently, the draft laws on the state language and on national minorities, which aim to clarify the provisions regulating the use of national minority languages, and also their use in the information signs in administrative-territorial units with a compact national minority residing therein, are under consideration in the Seimas of the Republic of Lithuania.

## Article 12

***1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.***

***2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.***

***3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.***

### ***Paragraph 1***

In this area, an important role is played by the Ministry of Education and Science, Ministry of the Interior, Department of National Minorities and Lithuanians Living Abroad, Department of Cultural Heritage Protection under the Ministry of Culture, Institute of International Relations and Political Science, Lithuanian Institute of Philosophy and Sociology, Lithuanian Institute of History, Vilnius University, Centre for Judaic Studies and Centre for Stateless Cultures, Lithuanian Centre for Human Rights, Open Society Fund Lithuania, Education Development Centre, Ethnic Research Centre of the Institute for Social Research at Vytautas Magnus University, and other state establishments, institutions of science and NGOs. The afore-mentioned institutions conduct or organise sociological and

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<sup>62</sup> *Valstybes žinios* (Official Gazette) No 40-1399, 2001

<sup>63</sup> *Valstybes žinios* (Official Gazette) No 116-2723, 1996 (latest wording: *Valstybes žinios* (Official Gazette) No 95-4292, 2003)

scientific research, participate in national and international projects, organise conferences, seminars and other events, develop and implement educational programmes in the said area. The said institutions analyse legislation regulating the rights and freedoms of national minorities, accumulate information on their culture, history and religion, provide methodological assistance and consultancy, and bring together the potential of scientists, specialists and representatives of the public in this area.

### ***Paragraph 2***

Lithuanian higher educational establishments train teachers for teaching native languages in schools for national minorities. The teachers in the said schools are provided with the opportunity to acquire and improve their qualifications, and to train to teach in the education institutions where education is given in different languages (*see Article 12(2), Part II of the Second Report*).

The education process in the schools for national minorities is organised in accordance with the general education programme, which was approved by the Ministry of Education and Science of the Republic of Lithuania and which prescribes mandatory teaching of native languages (the number of hours is the same as that in the majority of Lithuanian schools: 7 lessons per week in grades 1–4; 5 lessons per week in grades 5–8; 4 lessons per week in grades 9–10; and 3–4 lessons in grades 11–12. These lessons are compulsory; a school may organise at its own discretion additional lessons for teaching the native language) and the Lithuanian language as the state language; ethnic and cultural content may also be incorporated into other subjects.

In recent years, original textbooks for teaching in the native languages of Russian and Polish have been prepared by the efforts of the representatives themselves of the national minorities (that of university teachers and the best school teachers) – 23 textbooks for teaching in Russian and 19 textbooks in Polish. This is not a finite process: the textbooks are updated or replaced with alternative ones. Textbooks for other subjects (such as mathematics, history, etc.) are translated from Lithuanian into Russian and Polish.

At a national level, the learning achievements of the pupils of general education schools are tested upon the completion of the 10th grade (assessment of basic education achievements) and at the end of the grade 12 (secondary education *matura* examinations). In Lithuania, for all pupils, at the end of the grade 10, the assessment of basic education achievements in Lithuanian language and mathematics is organized, and for pupils of national minority schools, in addition to the afore-mentioned subjects, the evaluation of native language proficiency (Russian, Polish, Belarusian, and German) is carried out. On graduating from a secondary school, pupils have to pass at least 4 examinations (they may take more examinations), of which only one, that in Lithuanian language, is compulsory, while others may be selected by pupils on a free choice basis. A pupil who has studied in a general education school for national minorities may choose to take an examination in his or her native language. The tasks for the assessment of basic education and for *matura* examinations are developed in the National Examination Centre.

### ***Paragraph 3***

Education is a state-supported priority sphere in the development of the Republic of Lithuania. It is based on humanistic national and world cultural values, the principles of

democracy and universally-recognized human rights and freedoms (*see Articles 5,13 and 14 of Part II and answer to Question 6, Part III of the Second Report*).

### Article 13

**1. Within the framework of their educational systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

#### Paragraph 1

Two national minority schools that are not maintained by the state providing education of the state educational standards operate in Vilnius: the Marina Mizhigurskaja school of general education with Russian as the language of instruction, and the Jewish Secondary School Menachem's House (*see Article 13(2) and Article 14, Part II of the Second Report*).

Lithuania also has non-state schools of general education where the language of instruction is not Lithuanian. Some of the national minorities, such as the Poles, Belarusians, Ukrainians, Germans, Jews, Latvians, Armenians, Karaites, Tartars, and Greeks have their Saturday (Sunday) schools. In the 2004–2005 school year, there were 46 such schools (Armenian, Ukrainian, Tartar, Romanian, German, Latvian and etc.) (*see Table 24*).

**Table 24 Saturday (Sunday) schools\***

No	Name of School
<b>ARMENIAN SUNDAY SCHOOLS – 4</b>	
1.	The Sunday school of the Kaunas Armenian Community
2.	The Sunday school of the Lithuanian Armenian Community
3.	The Armenian class of the Visaginas Ethnic Communities Centre <i>Native School</i>
4.	The Sunday school of the Armenian Community VAN
<b>BELARUSIAN SUNDAY SCHOOLS –3</b>	
1.	The Belarusian Sunday school <i>Krynichka</i>
2.	The Belarusian class of the Visaginas Ethnic Communities Centre <i>Native School</i> operating at the <i>Krok</i> Belarusian Cultural Centre
3.	The Šalčininkai Belarusian School
<b>THE GREEK SUNDAY SCHOOL – 1</b>	
1.	The Sunday school of the <i>Pontos</i> Greek Community in Lithuania
<b>THE KARAITE SUNDAY SCHOOL –1</b>	
1.	The Sunday school of the Karaite Cultural Community
<b>LATVIAN SUNDAY SCHOOLS –3</b>	
1.	The Sunday school of the <i>Sakta</i> Latvian Society

	in Akmene district
2.	The Sunday school of the <i>Avots</i> Latvian Society in Joniškis
<b>POLISH SUNDAY SCHOOLS – 14</b>	
1.	The Saturday school of the Kaunas branch of the Lithuanian-Polish Union
2.	The Sunday school of Klaipeda branch of the Lithuanian Poles' Union <i>Plomzcyek</i>
3.	The Polish language school at the Polish Society in Kedainiai
4.	The Sunday school of the Šilute branch of the Lithuanian Poles' Union
5.	The Sunday school of Zarasai district branch of the Lithuanian Poles' Union <i>Usmiech</i> in Turmantas
6.	The Sunday school-optional course of <i>Veršvos</i> secondary school in Kaunas
7.	The Polish Sunday school in Vievis at <i>Šviesos</i> secondary school
8.	The Polish Sunday school-optional course in Meikštai
9.	The Švencionys Polish Sunday school
10.	The Polish Sunday school at Švencionys Complementary Education Centre The Ethnic Culture of National Minorities' School
11.	The Polish class of the Visaginas Ethnic Communities Centre <i>Native School</i>
12.	The Polish Saturday school at the Vilnius boarding school No 3 in Naujoji Vilnia
13.	The Polish Sunday school in Naujoji Vilnia
14.	The Sunday aesthetic education studio of the Polish children <i>Kogucik</i> at Vladislovas Sirokomle secondary school
<b>THE ROMANIAN SUNDAY SCHOOL –1</b>	
1.	The Sunday School of the Romanian Cultural Community <i>Dacija</i> .
<b>RUSSIAN SUNDAY SCHOOLS – 4</b>	
1.	The Russian Sunday school of Alytus Youth Centre – public institution
2.	The Russian Sunday school in Kedainiai
3.	Russian Sunday school – public institution
4.	The Sunday school of the Christian Education Society <i>Slovo</i>
<b>TARTAR SUNDAY SCHOOLS – 5</b>	
1.	The Sunday school of the Lithuanian Tartar Community of Vilnius Region
2.	The Sunday school-class of the <i>40 totoriu</i> (40

	Tartars) village <i>Ockol</i>
3.	The Tartar class of the Visaginas Ethnic Communities Centre <i>Native School</i>
4.	The Tartar Sunday school in Nemežis
5.	The Tartar Sunday school in Alytus
<b>URAINIAN SUNDAY SCHOOLS – 3</b>	
1.	The Jonava Ukrainian Saturday (Sunday) school at <i>Santarves</i> secondary school in Jonava
2.	The Sunday Ukrainian school
3.	The Ukrainian class of the Visaginas Ethnic Communities Centre <i>Native School</i>
<b>UZBEK SUNDAY SCHOOLS – 1</b>	
1.	The Sunday school of the Lithuanian Uzbek Community <i>Pachtakor</i>
<b>GERMAN SUNDAY SCHOOLS – 4</b>	
1.	The Sunday music school at the German Cultural Society of Lithuania
2.	The Sunday school of the Šiauliai German Society <i>Heimatgruss</i>
3.	The German class of the Visaginas Ethnic Communities Centre <i>Native School</i>
4.	The Sunday school for children of the German Cultural Society in Kaunas
<b>JEWISH SUNDAY SCHOOLS –3</b>	
1.	The Sunday school of the Kaunas Jewish Community
2.	The Sunday school of Klaipeda Jewish Community
3.	The Sunday school of Šiauliai Jews
<b>Total:</b>	<b>46 (operating)</b>

\*Data of the Department of National Minorities and Lithuanians Living Abroad.

The activities of Saturday and Sunday schools are financed from the state budget.

Saturday (Sunday) schools as well as classes at schools of general education allow numerically small and dispersed national minorities to study their mother tongue. The national minority schools that provide the education of the state educational standards are registered in the Register of Educational, Research and Study Establishments.

### ***Paragraph 2***

The Department of National Minorities and Lithuanians Living Abroad makes every effort to create the best possible working conditions for these educational institutions and promotes the establishment of new Saturday and Sunday schools in order to enable the representatives of all of the national minorities residing in Lithuania to learn their native language and in the native language. The Department of National Minorities and Lithuanians Living Abroad considers the organisational and financial support for these schools to be one

of its priorities. In 2003, the Department of National Minorities and Lithuanians Living Abroad allocated LTL 19,400.00 for the Saturday (Sunday) schools, LTL 55,100.00 in 2004 and LTL 48,400.00 in 2005.

#### **Article 14**

***1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.***

***2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.***

***3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the state language or the teaching in this language.***

#### ***Paragraphs 1 and 2***

In accordance with the laws of the Republic of Lithuania, the national minorities residing in the country are guaranteed the right to have state or state-supported pre-school educational establishments, schools of general education and classes conducted in the native language. Numerically small and territorially dispersed national groups may have regular or optional classes as well as Sunday schools established at the schools of general education for learning and improving their native language skills.

The contents of education at national minority schools is set up in accordance with general documents regulating educational content. The educational plan provides for the same possibilities to study various subjects and to learn the native language. The number of teaching hours assigned for the study of the native language is equivalent to the number of hours allocated to Lithuanian as a native language in schools with instruction in Lithuanian. Authentic textbooks of Russian and Polish languages are developed and published, and the textbooks for pupils of primary and basic schools are translated. In accordance with the procedure established by the Ministry of Education and Science, the tasks of the compulsory basic school-leaving examinations at national minority schools and the optional tasks of the graduation examinations are developed according.

With reference to Article 30(3) of the *Law of the Republic of Lithuania on Education*, in recent years, conditions have been created for the representatives of national minorities to learn their native language everywhere where the language of instruction of a school is different from a pupil's native language. This means that persons belonging to national minority groups can learn their mother tongue not only at schools where classes are traditionally conducted in Polish, Russian and Belarusian, but at any other school in Lithuania. The General Education Plans of schools of general education permit the schools to organise the teaching of the native language in the cases if at least 5 children express their wish to learn the native language and if a teacher for this subject is available.

This is of utmost importance for small national minority groups for whom, until now, the only opportunity to learn the native language has been provided by informal education

establishments where Saturday (Sunday) schools are the most common form of teaching (*see Article 13 of the Second Report*).

The funds allocated from the state budget to schools of general education established by municipalities are calculated on the basis of the methodology for the calculation of the number of reference pupils. The methodology for the calculation of the number of reference pupils determines the amount of funds required for educating 1 pupil, according to the type of school (primary, basic, secondary or other school), education centre (grades 1–4, grades 5–8, grades 9–10, grades 11–12), location (whether the school is situated in an urban or rural area), the number of pupils with special needs, the number of pupils of national minority schools and other indicators. As established in the methodology, the coefficient for the calculation of reference pupils of a national minority school of general education should go up by 10 percent to cover the expenditure related to the educational plan. An additional 10 percent from the pupil's basket is allocated for the acquisition of textbooks. As the resources constituting the pupil's basket increase, accordingly, more funds are allocated for financing the education in national minority schools; for example, in 2002, 10 percent amounted to LTL 152, and in the second half of 2005 it amounted to LTL 180.20. In the future the amount of resources of the pupil's basket is expected to increase.

The Roma constitute a specific ethnic group in Lithuania. The Roma community of Lithuania is not numerous, according to the data of the population and housing census, and amounts to 2, 571. Among the Roma, 73.2 percent claim Romani as their native language. The pupils of Roma nationality mostly attend Lithuanian schools, however, the precise number of the Roma children, who regularly attend a school with the state Lithuanian language as the language of instruction is not known. Their approximate number is 600.

### ***Paragraph 3***

In accordance with Article 30 of the *Law on Education* “in general education and non-formal education schools, the by-laws of which (respecting the requests of parents and learners) provide for teaching in a language of an ethnic minority and fostering of the ethnic minority's culture, the teaching process is conducted or certain subjects are taught in the language of the ethnic minority. The subject of the Lithuanian state language is a constituent part of the curriculum at such schools.”

According to the data of the Ministry of Education and Science, at the beginning of the 2004-2005 school year, **1520** schools of general education were operating in Lithuania, or 296 fewer schools (19.5 per cent) as compared to the 2003-2004 school year. At the beginning of the 2004-2005 school year, in the territory of the Republic of Lithuania, there were **173** operating schools of general education, in which the teaching process was conducted in the languages of national minorities, or 29 schools fewer (16.9 percent) as compared to the 2003-2004 school year (*see Table 25*).

**Table 25 Distribution of schools of general education and their pupils by languages of instruction in the school years 2003–2004 and 2004–2005\***

Types of schools/language of instruction	2003-2004 school year		2004-2005 school year		Number of Schools decreased/increased	Number of pupils decreased/increased
	Number of Schools	Number of pupils	Number of Schools	Number of pupils		
Lithuanian	1 616	495 552	1 348	481 210	-268	-14 342
Russian	58	26 217	54	22 880	-4	-3 337
Polish	83	13 813	64	13 231	-19	-582
Belarusian	1	159	1	138	-	-21
Lithuanian-Russian	17	6, 476 (5 031 Lithuanians; 1, 445 Russians)	16	5,498 (3637 Lithuanians; 1861 Russians)	-1	-978
Lithuanian-Polish	14	2,455 (1,681 Lithuanians; 774 Poles)	13	3,243 (2,397 Lithuanians; 846 Poles)	-1	+788 ( +716 Lithuanians; +72 Poles)
Russian-Polish	18	7,201 (2,551 Russians; 4,650 Poles)	17	6,466 (2,122 Russians; 4,344 Poles)	-1	-735 (-429 Russians; -306 Poles)
Lithuanian-Russian-Polish	8	3,941 (2,377 Lithuanians; 252 Russians, 1,312 Poles)	6	2,919 (1,670 Lithuanians; 163 Russians, 1,086 Poles)	-2	-1022
Jewish	1	230	1	240	-	+10
German	<b>1</b>	<b>470</b>	<b>1</b>	<b>500</b>	-	<b>+30</b>

\*Data of the Ministry of Education and Science of the Republic of Lithuania

### Article 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

The *Constitution of the Republic of Lithuania* and other legislation guarantee the participation of the persons belonging to national minorities in the cultural, social and economic life as well as social matters (*see Article 15, Part I of the First Report*).

The provisions of part 3 of Article 4 of the *Law of the Republic of Lithuania on Political Parties*<sup>64</sup> prohibit the establishment and activities of political parties and political organisations “whose programme documents propagate and whose activities practice racial,

<sup>64</sup> *Valstybes žinios* (Official Gazette) No 29-692, 1990

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.”

National communities take an active part in the country’s political life. The political representation of national minorities is ensured in a dual way, i.e. through the parties of national minorities and through other parties of Lithuania. Currently, there are four registered political organisations of national minorities: the Lithuanian Russians’ Union, Political Party Russians’ Alliance, Lithuanian Poles’ Electoral Action (*LLRA*) and Lithuanian Poles’ People’s Party. In the 2004 elections to the Seimas of the Republic of Lithuania, 2 representatives of the Lithuanian Poles’ Electoral Action were elected.

According to the provision of Article 82(2) of the *Law of the Republic of Lithuania on Elections to Municipal Councils*<sup>65</sup>, the list of candidates of a party or a political organization may obtain the council members’ mandates if it has received at least 4 percent of votes and the coalition list at least 6 percent of votes.

According to the results of the elections to municipal councils, since 1995 the system has been favourable to compactly-residing national minority parties. Following the 2002 local elections to Vilnius and Šalčininkai municipalities, the majority of council seats have been taken by *LLRA* representatives (holding 16 mandates of 25 and 17 mandates of 25 respectively). The total number of mandates received by political parties of national minorities in 2002 was 65 or 4.17 percent of the total number of mandates. The Lithuanian Poles’ Electoral Action won the largest number of mandates – 50, the Lithuanian Russians’ Union – 11, the Political Party Russians’ Alliance – 3 and the Lithuanian Poles’ People’s Party – 1 (*see Article 16, Part II of the Second Report*).

### Article 16

***The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.***

In order to improve the procedures of surveying the population, a new wording of the *Description of Procedure of Interviewing Local Population* (hereinafter: the Description) has been adopted (wording of Resolution No. 1090 of 18 October 2005 of the Government of the Republic of Lithuania)<sup>66</sup>. The Description defines in detail the objectives of surveys of the local population, their participants, methods, organisation, establishment and use of results, entities that initiate, organise and conduct an interview, their rights and duties when establishing and liquidating Territorial Administrative Units of the Republic of Lithuania, as well as setting or changing borders and centres thereof.

On 17 June 2003, the *Concept of Improvement of the System of Territorial Administrative Units of the Republic of Lithuania*<sup>67</sup> (hereinafter: the Concept) and the *Action*

<sup>65</sup> *Valstybes žinios* (Official Gazette) No 53-996, 1994; No 93-2710, 1999.

<sup>66</sup> *Valstybes žinios* (Official Gazette) No. 126-4477, 2005

<sup>67</sup> *Valstybes žinios* (Official Gazette) No. 59-2679, 2003

*Plan on the Implementation of the Concept of Improvement of the System of Territorial Administrative Units of the Republic of Lithuania* were adopted (Resolution No. 785 of 17 June 2003 of the Government of the Republic of Lithuania *On the Approval of the Concept of Improvement of the System of Territorial Administrative Units of the Republic of Lithuania and the Action Plan on the Implementation Thereof*). The Concept describes the current system of territorial administrative units of the Republic of Lithuania, defines the basic factors leading to a need to improve the system of territorial administrative units of the Republic of Lithuania, and presents a proposed system of territorial administrative units of the Republic of Lithuania. Moreover, the basic objectives and tasks of territorial reform of municipalities, conditions, principles, criteria and procedures of establishing new municipalities, as well as priorities of improving the system of territorial administrative units of the Republic of Lithuania are presented.

Having analysed the indicators of the Municipality of the Ignalina Region and the Municipality of Visaginas Town and taken into account their territorial characteristics, the *Law of the Republic of Lithuania on Changing Territorial Borders of the Municipalities of Ignalina Region and Visaginas Town*<sup>68</sup> was adopted on 26 September 2002. Pursuant to this Law territories of the Municipality of the Ignalina Region were attached to the Municipality of Visaginas and integrated into the Visaginas town. The Municipality of Visaginas started performing the functions of a municipality within the territory assigned thereto under this Law as from 1 January 2003.

During the re-organisation of territorial administrative units of the Republic of Lithuania, a survey of the local population was carried out, the changes that were carried out were coordinated with municipalities, and proposals by the population were taken into consideration. The undertaken re-organisation of territorial administrative units of the Republic of Lithuania did not alter the proportions of the population in areas inhabited by persons belonging to national minorities, did not change their rights and did not restrict their freedoms.

The reform of territorial administrative units of the Republic is linked in Lithuania with a more efficient governing of territorial administrative units, more convenient provision of public utility services to the population, and the bringing of local government closer to the people.

Article 29 of the *Constitution of the Republic of Lithuania* consolidates the principle of equality of all persons before the law, the court, and other authorities. In addition, according to this principle discrimination is prohibited; the provision is set forth as a prohibition to restrict rights of a person or grant him any privileges on the grounds of gender, race, nationality, language, origin, social status, beliefs, convictions, or views.

The constitutional principles of equal treatment and non-discrimination are reflected in a vast majority of the laws: the *Republic of Lithuania Law on Public Administration*<sup>69</sup>, the *Law of the Republic of Lithuania on Local Self-Government*<sup>70</sup>, the *Law of the Republic of Lithuania on Civil Service*<sup>71</sup>, and many others.

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<sup>68</sup> *Valstybes žinios* (Official Gazette) No. 101-4488, 2002

<sup>69</sup> *Valstybes žinios* (Official Gazette) No. 60-1945, 1999

<sup>70</sup> *Valstybes žinios* (Official Gazette) No. 55-1049, 1994; No. 91-2832, 2000

<sup>71</sup> *Valstybes žinios* (Official Gazette) No. 66-2130, No. 105, 1999 (correction of a mistake)

Public administration entities of the Republic of Lithuania apply the principles of democratic administration of the state in their activities. Article 4(1)(2) of the *Law of the Republic of Lithuania on Public Administration* enforces a principle of objectivity, meaning that decision-making and other official actions of an entity of public administration must be unbiased and objective.

Article 4(9) of the *Law of the Republic of Lithuania on Local Self-Government* establishes that one of the major principles on which local self-government is based is the security and protection of human rights and freedoms. This means that decisions made by employees of self-government institutions or public servants should not infringe a person's human dignity, rights and freedoms.

The civil service of the Republic of Lithuania is based on the principles of the rule of law, equal rights, loyalty, political neutrality, transparency, responsibility for decisions that are taken, and career development. Pursuant to the provisions of Article 3(2)(2) of the *Law of the Republic of Lithuania on Civil Service*, one of the most important principles of ethics for civil servants' conduct is justice. A civil servant shall equally serve all residents irrespective of their nationality, race, gender, language, origin, social status, religious beliefs and political views; he (she) shall be fair when dealing with requests, and not abuse the powers and authority conferred upon him.

Any person recruited to the civil service shall meet the following general requirements: hold citizenship of the Republic of Lithuania, be proficient in Lithuanian, be not less than 18 years of age and not more than 62 years and 6 months of age, and have the education necessary to occupy a post of that level in the civil service. The requirement of being not more than 62 years and 6 months of age shall not apply to civil servants of political (personal) confidence and acting civil servants. Moreover, persons recruited to the civil service shall also meet special requirements set out in the job description. The right to participate in civil service on equal grounds is guaranteed to all citizens of the Republic of Lithuania.

On 20 June 2002, the Seimas of the Republic of Lithuania adopted the *Law of the Republic of Lithuania on Amending Article 119 of the Constitution*, whereby the right to participate at the elections of municipal councils was granted not only to EU citizens, but to other permanent residents of an administrative unit (foreign – non-EU citizens, persons without citizenship) as well. Article 119 of the *Constitution of the Republic of Lithuania* establishes an active right of election, i.e. the right to elect members of municipal councils, and a passive right of election, i.e. the right to be elected a member of municipal council. The *Law of the Republic of Lithuania on Amending and Supplementing Articles 1, 2, 3, 6, 9, 12, 13, 17, 23, 24, 25, 26, 28, 29, 32, 34, 35, 41, 55, 58, 62, 64, 86, and 88 of the Law on Elections to Municipal Councils* define the rights of local elections in more details. By granting to all permanent residents of an administrative unit the right to take part in elections of municipal councils the possibility to implement the principles of self-government and participate in the life of local community in practice is guaranteed to all the population.

Article 2(5) of the *Law of the Republic of Lithuania on Elections to Local Government Councils* establishes that any other direct or indirect abridgements of the right to vote of citizens of the Republic of Lithuania on the grounds of their origin, political views, social and material status, nationality, gender, education, language, religion, or type and

character of their occupation, established in legal acts other than laws, shall be prohibited (*see Article 15, Part II of the Second Report*).

All members of a municipal community enjoy other possibilities of taking an active part in the administration of local public matters as well. For instance, pursuant to the provision of Article 30(5) of the *Law of the Republic of Lithuania on Local Self-Government*, an advisory ward council may be formed in a ward from the representatives of the local community, which functions as a voluntary body. An opportunity to become a member of a ward council and to take an active part in management of various matters important to them is afforded to all residents.

### **Article 17**

***1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.***

***2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international level.***

#### ***Paragraph 1***

The enforced right to establish and maintain contacts with persons lawfully staying in other States is one of the fundamental rights of a person, which is defined in more details in Article 32 of the *Constitution of the Republic of Lithuania* and Article 2 of the *Law of the Republic of Lithuania on National Minorities*.

In order to ensure the interests of national minorities more effectively, upon the submission of the First Report Lithuania joined the following international treaties:

1. Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Amendment of the Provisional Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Travelling of Citizens of Both States of 26 November 2002<sup>72</sup>.

2. Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Belarus on Imposing the Payment Tariffs on Issue of Visas to the Citizens of the Republic of Lithuania and the Citizens of the Republic of Belarus<sup>73</sup>.

3. Agreement of the Government of the Republic of Lithuania and the Government of the Russian Federation on Travelling of Citizens of Both States<sup>74</sup>.

4. Agreement of the Government of the Republic of Lithuania and the Government of the Russian Federation on the Procedure of Simplified Issue of Documents for Transitional Travelling by Railway<sup>75</sup>.

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<sup>72</sup> *Valstybes žinios* (Official Gazette) No. 15-472, 2005

<sup>73</sup> *Valstybes žinios* (Official Gazette) No. 85-3144, 2005

<sup>74</sup> *Valstybes žinios* (Official Gazette) No. 1-2, 2003

<sup>75</sup> *Valstybes žinios* (Official Gazette) No. 61-2774, 2003

5. Agreement of the Government of the Republic of Lithuania and the cabinet of Ministers of Ukraine on Travelling of Citizens<sup>76</sup>.

In order to continue the development of mutually useful cooperation in the area of culture, education and science, the Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Poland on Mutual Recognition of Documents Granting the Right to Higher Education, Partial Studies, Qualifications of Higher Education, as well as Scientific and Art Degrees was signed on 9 March 2005<sup>77</sup>.

### ***Paragraph 2***

National minorities in the Republic of Lithuania enjoy the right to participate without any restrictions in the activity of national and international non-governmental organisations. This right is secured by Article 35 of the *Constitution of the Republic of Lithuania* and the *Law of the Republic of Lithuania on Associations*. For example, Polish associations founded in Lithuania closely cooperate with the Polish Community in Poland, and Ukrainian associations – All World Ukrainian Coordination Council and the World Federation of Ukrainian Women's Organisations.

### **Article 18**

***1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.***

***2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.***

### ***Paragraph 1 and 2***

One of the most important objectives of foreign policy of the Republic of Lithuania is good contacts with neighbouring states. The Government of the Republic of Lithuania speaks for a more active bilateral dialogue on all levels. Lithuania has concluded and ratified bilateral treaties on friendly relations and neighbourhood cooperation with the Republic of Poland<sup>78</sup>, the Republic of Belarus<sup>79</sup>, Ukraine<sup>80</sup>, the Russian Federation (29 July 1991, became effective on 4 May 1992, not published), and the Republic of Hungary<sup>81</sup>.

The treaties incorporate items guaranteeing rights and freedoms of respective national minorities, as well as diverse cooperation in the areas of culture, art, science, education and information.

On 28 November 2005, in Riga (Latvia) an agreement was signed between the Department of National Minorities and Lithuanians Living Abroad and the Special Assignment Minister for Social Integration of the Republic of Latvia. While taking into account the common goals and ensuring the introduction and practical implementation of

<sup>76</sup> *Valstybes žinios* (Official Gazette) No. 92- 3155, 2004

<sup>77</sup> *Valstybes žinios* (Official Gazette) No. 106- 3909, 2005

<sup>78</sup> *Valstybes žinios* (Official Gazette) No. 97-1907, 1994

<sup>79</sup> *Valstybes žinios* (Official Gazette) No. 43-1047, 1996

<sup>80</sup> *Valstybes žinios* (Official Gazette) No. 46-1120, 1994

<sup>81</sup> *Valstybes žinios* (Official Gazette) No. 59-1157, 1994

standards of the EU and the European Council on the protection of human rights and rights of minorities, by this agreement the importance of integration of societies of the states, and necessity to preserve their diversity and cultural pluralism was recognised. An objective to develop a bilateral cooperation in various areas of protection of national minorities of common interest is stressed therein. Both countries accepted an obligation to support closer inter-cooperation between its administrative institutions and organisations of national minorities that take part in developing the processes of integration, as well as to undertake common initiatives in spreading their experience of protection of national minorities to third countries and international organisations. They agreed to promote cooperation in national and international scientific research to national minorities, initiate and encourage joint publishing, audio-visual, radio and television projects, festivals and other events related to the presentation of cultural diversity of Lithuania and Latvia.

Especially close cooperation exists between the Republic of Lithuania and the Republic of Poland. The Polish national minority in Lithuania lives compactly, as does the Lithuanian national minority in Poland. Meeting their needs is a constant concern of both states. In order to promote the cooperation of both countries, joint institutions have been established – the Parliamentary Assembly of Lithuania and Poland, the Council of Cooperation of the Governments of Lithuania and Poland, the Commission of National Minorities under this council, as well as the Consultative Committee of the Presidents of Lithuania and Poland (*see Part I and Article 2, Part II of the Second Report*).

### PART III

#### Answers to the questions:

**Question 1: Please provide information on the latest developments with respect to the envisaged introduction of a new law on the protection of national minorities, following comments by Council of Europe experts.**

A draft of a new *Law of the Republic of Lithuania on National Minorities* has been prepared already and it is being discussed at the Seimas of the Republic of Lithuania. The new draft of the *Law of the Republic of Lithuania on National Minorities*, named the *Law of the Republic of Lithuania on the Protection of Rights and Freedoms of National Minorities and Persons Belonging to Them*, places a greater emphasis on the right of a person to assign himself to a national minority and does not restrict the current rights enjoyed by national minorities (see Article 3(1), Part II of the Second Report).

**Question 2: Please provide information on the latest developments related to the envisaged adoption of a new Law on the State Language, mentioned by the Government in its comments on the 1<sup>st</sup> Opinion of the Advisory Committee.**

At present the protection of the state language – its use, correctness and fostering – is regulated by the *Law of the Republic of Lithuania on the State Language*. The law, which was adopted 11 years ago (in 1995), today seems to be quite obsolete in terms of both clarity of legal norms and legal techniques: some norms are no longer relevant, some formulas are not in line with other laws of the Republic of Lithuania, some are not detailed, structure of the law does not meet current requirements (for example, there are no definitions of terms), terminology is obsolete, etc.

On 27 April, a new wording of the *Draft Law Amending the Law on the State Language* was registered at the Seimas (XP-1320).

On 4 May 2006, at the plenary session of the Seimas a new wording of the *Draft Law Amending the Law on the State Language* was presented. The new draft law takes into account the new political, economic and social environment and pursues a more transparent and consistent language policy: ensuring a full-fledged functioning of the Lithuanian language in all spheres of public life and contributing to the endeavours of the European community to preserve linguistic and cultural diversity of Europe. The draft law gives a clearer definition of the spheres of official and public use of the state language, obligations of the state and municipal authorities relating to the state language, linguistic rights and duties of persons, warranties of support and protection of the state language.

The main definitions provided in the draft law allow to set clear limits of mandatory use of the state language. The draft law identifies new or newly motivated matters of public interest – public notes, correctness of public speech, difference between male and female form of a surname, support to foreign communities striving to preserve the Lithuanian language, etc.

The draft law defines the use of the state language in public life of the Republic of Lithuania, protection of the state language, monitoring of and liability for violations of the

*Law on the State Language*. This draft law does not regulate the rights of persons belonging to national minorities, ethnic groups, religious communities and societies to publicly use their mother tongue in accordance with other laws or the rights of individuals, including the right to study foreign language and use it freely without violating the rights of other persons (*see Article 10, 11, Part II of the Second Report*).

**Question 3: Please provide information on any steps taken to ensure the compatibility of the Lithuanian Law on Citizenship of 17 September 2002 with the Framework Convention and other relevant standards.**

Pursuant to Article 18(1)(2) of the *Law of the Republic of Lithuania on Citizenship*, upon acquisition of citizenship of another state or getting a passport of citizen of another state or any other document attesting the citizenship of another state, a citizen of the Republic of Lithuania shall lose the citizenship of the Republic of Lithuania as from the date of acquisition of citizenship of another state or the date of issue of the passport of that state or any other document attesting the citizenship of that state. Article 18(2) of the *Law of the Republic of Lithuania on Citizenship* defines that this provision shall not apply to the persons who enjoyed the Lithuanian citizenship till 15 June 1940, their children, grandchildren, and grand-grandchildren (where these persons did not repatriate) provided that they acquired citizenship of another state after 1 January 2003.

On 17 December 2003, the Constitutional Court of the Republic of Lithuania received a petition of a group of members of the Seimas of the Republic of Lithuania requesting to investigate, whether Article 18 of the *Law of the Republic of Lithuania on Citizenship* was not in conflict with the *Constitution of the Republic of Lithuania* (Articles 29 and 12). This petition has not been examined by the Constitutional Court of the Republic of Lithuania and no decision has been adopted yet. The Constitutional Court also received the second petition, i. e. the petition of the Administrative Court of Vilnius (reference No 44-2004).

**Question 4: Please inform the Advisory Committee of any recent steps taken, at legislative and institutional level, to strengthen prevention of and protection against discrimination.**

The most important provisions on elimination of all forms of racial discrimination are enforced in the *Constitution of the Republic of Lithuania*, the *Law of the Republic of Lithuania on National Minorities* and the *Law of the Republic of Lithuania on Equal Opportunities*.

Since 1 January 2005, the new *Law of the Republic of Lithuania on Equal Opportunities* came into effect. The law aims to ensure the implementation of equal rights of individuals, enforced in the *Constitution of the Republic of Lithuania*, and to prohibit any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnic dependence, religion or views. The Law transposes two EU directives – the *EU Racial Equality Directive (2000/43/EC, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin)* and the *EU Employment Equality Directive (2000/78/EC, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation)* (*see Article 4, Part II of the Second Report*).

**Question 5: Please indicate the steps taken, on the legal level as well as in practice, to improve the situation with regard to the use of minority languages in relations with the administrative authorities and the display of traditional local names and other topographical indications in minority languages.**

The key draft laws (the *Law of the Republic of Lithuania on National Minorities* and the *draft Law Amending the Law of the Republic of Lithuania on the State Language*) governing the use of languages of national minorities on informative references and topographic indications in territorial administrative units, where representatives of national minorities compactly reside, are being considered at the Seimas of the Republic of Lithuania (see Articles 10, 11 and 16, Part II of the Second Report).

**Question 6: Please provide information on the progress made, in the context of the implementation of the new Law on Education of 28 June 2003, as regards the possibilities open to persons belonging to national minorities, to learn their languages and receive education in these languages.**

The *Law of the Republic of Lithuania on Education* guarantees instruction in the Lithuanian state language and study of the Lithuanian state language to all citizens of the Republic of Lithuania and aliens having a permanent or provisional permit of residence in the Republic of Lithuania. At those general education and non-formal education schools, the by-laws of which (respecting the requests of parents and learners) provide for teaching in a language of an ethnic minority and fostering of the ethnic minority's culture, the teaching process is conducted or certain subjects are taught in the language of the ethnic minority. The subject of the Lithuanian state language is a constituent part of the curriculum at such schools. In such schools:

1) the primary and basic curriculum are implemented in the language of the ethnic minority, while selected curriculum subjects may be taught in the Lithuanian state language, upon the parents' (foster parents', guardians') request;

2) the secondary curriculum is implemented in the language of the ethnic minority. Curriculum subjects selected by the learners may be taught in the Lithuanian state language;

3) state-run and municipal pre-school training and general education schools provide opportunities for pupils belonging to national minorities to study their mother tongue provided that there is a real need, a specialist of that language is available and the training in other language is organised;

4) a person belonging to a national minority may study his (her) mother tongue at a school providing informal education services or at any other education provider;

5) the children of persons who have the right to permanently or provisionally reside in the Republic of Lithuania are granted the possibility of studying the Lithuanian state language, of receiving education in the Lithuanian state language and (where possible) of studying their mother tongue (see Articles 12, 13 and 14, Part II of the Second Report).

**Question 7. Please provide up-to-date information on the measures taken to find a legal solution to the housing situation of the Roma living in the Kirtimai settlement in Vilnius, as well as to improve the living conditions available in the above mentioned settlement.**

As part of implementing the *Programme for the Integration of Roma in Lithuanian Society for 2000-2004*<sup>82</sup> approved by the Government of the Republic of Lithuania the Vilnius Labour Exchange<sup>83</sup> pursues targeted integration of the Roma into the labour market: increases employment motivation of these people, encourages personal initiative when searching for a job and dealing with issues of involvement in a labour activity, occupies them under the measures of labour market policy, provides an opportunity to get a vocational training and practise to those who are able and willing to do so.

On average, the Vilnius Labour Exchange records 60 to 70 unemployed persons of the Roma nationality per year. Active measures of labour market policy (mainly labour clubs and programmes of public labour) involve approximately 70 % of the registered unemployed persons. However, the Labour Exchange has limited capacities of referring the Roma to programmes of the labour market policy due to passive behaviour of these persons, the lack of education or motivation to work. Moreover, many of the Roma do not know the state language, have poor language skills or even have no basic education. The aforementioned reasons make it difficult for them to get a vocational training and find a job, and for the labour market employees to dully motivate them for an active search for a job. In addition, the situation is even more complicated due to the fact that women, the majority of which have large families, comprise two thirds of population of this national minority (the data as of 1 January 2006).

In 2003, in order to facilitate the integration of persons of Roma nationality, a targeted programme on training in sewing clothing components was approved. In 2004 and 2005, each year one unemployed person of Roma nationality was sent to this training programme. Other persons, who participated in a vocational training programme in 2004 and 2005, acquired marketable labour market professions as bricklayers and woodworkers.

To facilitate the integration of these persons in the labour market, 8 training programmes were prepared and registered at the Register of Studies and Training Programmes (1<sup>st</sup> level: primary knowledge and skills as a woodworker, carpenter, painter, bricklayer, tile-layer, plasterer, and 2<sup>nd</sup> level: sewer of clothing components and woodwork machinist), according to which a person without a basic education may gain a profession.

In 2005, the following social support was granted to persons of Roma nationality: lump sum benefits were granted to 66 persons (LTL 7,920), gift vouchers amounting to LTL 3,850 (for purchasing goods for school) were granted to 42 families, LTL 100,000 was assigned for the purchase of solid fuel, support in clothing, footwear and household items that amounted to LTL 7,780, was given, more than LTL 72,000 was paid to 72 families residing at Dariaus ir Gireno str. 185 (Vilnius), and compensation for the purchase of solid fuel amounting to LTL 4,410 was assigned to 11 families.

The Department of Health and Social Security of the Administration of the Municipality of Vilnius City pays for the ambulatory health care services, which are not included in the list of services of urgent medical assistance, provided to the residents of Vilnius city (including those of Roma nationality), who are not insured by compulsory healthcare insurance.

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<sup>82</sup> *Valstybes žinios* (Official Gazette) No. 54-1580, 2000

<sup>83</sup> According to the data of the population and housing census of 2001, approx. 25 % of all Roma residing in Lithuania stay in Vilnius (640 persons).

Social dwellings were rented to 6 persons who previously declared their place of residence at Dariaus ir Gireno str. 185 (Vilnius); 51 persons of Roma nationality were entered in the list of persons applying for social dwelling.

66.000 LTL was allocated for tending the surrounding environment of the Roma community. These funds were used to cover a sports ground with asphalt, build an access road to the site at Metalo str. 23A (Vilnius) from a milled asphalt-concrete mix, to covering an access road to the Roma settlement with asphalt, and to install the rainwater collectors and kerbs. A sidewalk was made near the Roma Society Centre, a playground for children was arranged from impregnated wood, and 1,500 square meters of gravel road was renovated. There were also 20 streetlights installed in the Roma settlement.

In December 2003, construction of a Sanitary-Hygiene Centre, funded by the Department of National Minorities and Lithuanians Living Abroad, was completed in the Kirtimai settlement near the Roma Society Centre. In this Centre there are four shower cabinets and three washing machines. The residents of the settlement may use these services for a modest fee. An additional workplace for a person of Roma nationality was created at the Sanitary-Hygiene Centre.

Public transport in all directions from the Roma settlement is sufficient and is in line with the passenger flow (*see Articles 4, 5, Part II of the Second Report*).

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