



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Fourth and fifth periodic reports due in 2008**

**Lithuania\*\* \*\***

[31 May 2010]

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\* This document contains the fourth and fifth periodic report of Lithuania, due on 9 January 2008. For the second and third periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/461/Add.3 and CERD/C/SR.1733, 1734 and 1753.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. Introduction

1. The Government of the Republic of Lithuania hereby submits a combined fourth and fifth periodic report under article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (*Valstybės žinios* (Official Gazette) No. 108-2954, 1998). The report gives an overview of the progress made by the Republic of Lithuania in implementing the provisions of the Convention in the period of 2004–2007.

2. The present report has been drawn up in accordance with the guidelines and general recommendations regarding the form and content of reports, approved by the Committee on the Elimination of Racial Discrimination. The report takes note of and answers the questions put in the concluding observations of the Committee on Lithuania's second and third periodic report, approved by the Committee at its sixty-eighth session on 7 March 2006 (CERD/C/LTU/3). The report also gives additional information requested by the Committee following the consideration of the follow-up response by Lithuania on the implementation of the recommendations contained in paragraph 29 of the Committee's concluding observations (CERD/C/LTU/CO/3/Add.1). The present report places more focus on the problematic areas identified by Mr. D. Diène, United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in his report on his visit to Lithuania presented at the seventh session of the Human Rights Council held on 3–28 March 2008.

3. The present report has been drawn up by the interdepartmental working group chaired by the Ministry of Foreign Affairs and composed of representatives of the Ministry of Social Security and Labour, Ministry of Justice, Ministry of the Interior, and the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania. Information for the report has been collected from over 40 public authorities, municipalities, education and science institutions, and non-governmental organizations. The draft report was brought to the attention of Lithuania's NGOs for comments which were taken into account as far as possible.

## II. General

### A. General government system and administrative structure

4. Lithuania is an independent democratic republic. Legislative power in Lithuania is exercised by the Seimas (Parliament) of the Republic of Lithuania, executive authority is shared by the President of the Republic and the Government of the Republic of Lithuania and judicial power is vested in the courts. Public authorities act in accordance with the Constitution and other laws of the Republic of Lithuania, international agreements to which Lithuania is a party, and the principles of the rule of law and respect for human rights and freedoms.

5. In 2004, Lithuania became a member of the European Union (from 1 May 2004) and of the North Atlantic Treaty Organization (from 29 March 2004). As a member of the EU, Lithuania undertook to perform the screening of its national legislation to make sure it complies with the European Union *acquis*, and to transpose and implement all newly adopted EU legal acts. This has naturally led to changes in Lithuania's national legislation in the field of protection of human rights and has accordingly shaped the governmental policy of fight against all forms of discrimination, including racial.

6. Lithuania's territory is divided into counties which are higher-level administrative units (10 counties in all) and municipalities which are lower-level territorial administrative

units (60 municipalities in all). Counties are governed by the Government of the Republic of Lithuania through county governors, ministries and other Government bodies. Municipalities are given of right of self-government which is exercised through municipal councils. The mayor who is the chief executive of the municipality is elected by the municipal council from among its members.

## **B. Demographic, ethnic and religious composition of the Lithuanian population**

7. Demographic data about Lithuania's population are collected by the Department of Statistics under the Government of the Republic of Lithuania (hereinafter referred to as the Department of Statistics). Population figures and its ethnic composition described below in this report are based on the data of the 2001 population and housing census performed by the Department of Statistics; in individual cases, the report uses data of the Population Register maintained by the Residents' Register Service under the Ministry of the Interior. It should be noted, however, that the Population Register keeps track of the nationality of individuals by registering civil status acts and does not therefore reflect as true picture of the current situation as the data of the population census do.

8. According to the data of the Department of Statistics, Lithuania had a population of 3384.9 thousand in the beginning of 2007, which was 3.6 per cent less than seven years before. The main reasons behind the population decline are the declining natural increase of population and emigration of young people. Accession to the EU has opened up more possibilities for Lithuanians to work and study in other EU Member States. Higher wages, higher standards of living and better social guarantees lure Lithuanians, especially young people, to go to other EU Member States to work or study. By the official data of the Department of Statistics, 108.4 thousand Lithuanians emigrated in the period of 2004–2006 (the data include both those who have reported their departure and those who have not); it is believed, however, that in reality the figure is higher. Main destination countries are the United Kingdom (11 thousand emigrants), USA (6.8 thousand), Ireland (4.4 thousand), Germany (4.3 thousand), and Spain (2.3 thousand) (these figures include only those who have reported their departure).

### **Composition by nationality**

9. According to the data of the 2001 population and housing census, 115 different nationalities live in Lithuania. Their numbers vary greatly: from several hundred thousands, like Poles and Russians, to several hundreds or tens, like Greeks, Bulgarians, Hungarians and other. Proportionally more people of other nationalities live in Eastern and South-Eastern municipal areas, in Vilnius, Klaipėda and Utena counties.

10. According to the data of the 2001 population and housing census, 16.5 per cent of Lithuania's population are other than Lithuanians. Compared to the data of the 1989 population census, there has been a decline within all ethnic groups: the number of Russians decreased by 124.7 thousand (36.2 per cent); Ukrainians by 22.3 thousand (49.8 per cent); Belarusians by 20.3 thousand (32.1 per cent); and Jews by 8.4 thousand (67.7 per cent) (see table 2 in the annex). At present, Poles are the largest national minority in Lithuania.

### **Composition by citizenship**

11. Back in 1989, Lithuania adopted the so-called 'zero citizenship' option. Different conditions for the acquisition of citizenship were laid down with respect to certain groups of persons in the Law on Citizenship of the Republic of Lithuania adopted on 3 November

1989. People were given the freedom to opt for citizenship of Lithuania, and those who opted had to make an oath of loyalty to the Republic of Lithuania. Lithuanian citizenship was conditional on permanent residence in Lithuania's territory. Persons who did not have strong permanent legal bonds with Lithuania were not only required to reside in Lithuania's territory on a permanent basis, but also to have a permanent job or a permanent legal source of income. Such persons had the right to make a free choice regarding Lithuanian citizenship within two years of the date of entry of the said Citizenship Law into force. Lithuanian citizenship was chosen by an absolute majority of Lithuania's population, including over 90 per cent of the people belonging to Lithuania's national minorities (see table 3 in the annex).

12. As of 1 January 2008, there were 19932 aliens residing in the Republic of Lithuania and possessing permits for permanent residence here, including 4795 stateless persons (see table 4 in the annex). Most of them were citizens of Russia (10.2 thousand), Belarus (1.9 thousand), and Ukraine (1.2 thousand).

### **Composition by religion**

13. Lithuania does not have a State religion. The absolute majority (79 per cent) of Lithuania's population call themselves Roman Catholics. Other religious communities are much smaller: 4.7 per cent are Orthodox; 0.78 per cent Old Believers; and 0.56 per cent Evangelical Lutherans. 9.5 per cent are irreligious.

### **National minorities**

14. Like other European States, Lithuania is a multicultural country. It has for many centuries been home to various nationalities, cultures, religions, and customs. In addition to Lithuanians, Lithuania is home to Poles, Russians, Belarusians, Ukrainians, Jews, Germans, Tartars, Latvians, Roma, Karaites, and other nationalities. Their numbers vary, as does their distribution in Lithuania, although today many of them live in larger or smaller urban areas. These ethnic groups came and set in Lithuania in different periods of history.

### **The Polish national minority**

15. Poles are the most numerous national minority in the territory of Lithuania. In 2007, 212.1 thousand Poles lived in Lithuania, making up 6.3 per cent of Lithuania's population. Poles mostly reside in the South-Eastern part of Lithuania – Vilnius city, and Šalčininkai, Trakai, Švenčionys and Vilnius districts. They account for 18.7 per cent of the population of Lithuania's capital city of Vilnius.

16. Historians have identified two sources of formation of Lithuania's Polish community: migration and assimilation. Historical sources tell us about Lithuanian military invasions into Polish lands in the XIII-XIV centuries; it is therefore believed that there have indeed been Polish war captives in the Grand Duchy of Lithuania. After signature of the Union of Lublin back in 1569, migration only grew.

### **The Russian national minority**

17. The first Russians moved into Lithuania in about the fourteenth-sixteenth centuries from the Russian lands of the Grand Duchy of Lithuania. Their numbers grew significantly after the Nikon's Church Reform in 1653, when Old Believers fled to Lithuania to escape their religious persecution, to settle mostly in rural areas where they formed communities of Russian Old Believers. As the serfdom and related oppression in Russia was getting increasingly worse, Lithuania became home to more and more Russians in the XVIII century. Another large wave of Russian immigrants came in the period of the second soviet occupation. Today Russians are the second largest national minority in Lithuania. In

2007, 173.3 thousand Russians lived in Lithuania, making up 5.1 per cent of Lithuania's population. Russians are scattered throughout the territory of Lithuania, but their largest numbers are found in Vilnius, Klaipėda, and Visaginas.

#### **The Belarusian national minority**

18. For a long time Vilnius has been famous as a centre of Belarusian writing, culture, and education. Even as early as mid eighth century, the State of Lithuania started annexation of Belarusian lands. It was then that the first Belarusians settled in Lithuania. In the early XV century, nearly the entire territory of the present Belarus was a part of the Grand Duchy of Lithuania. With the start of industrialization of Lithuania after 1945, there was a massive migration of Belarusian specialists of different fields to Lithuania. In 1990, when Lithuania restored independence, free movement of persons between Lithuania and Belarus and Russia was restricted, leading to a significant drop of Belarusian immigration. In 2007, 38.4 thousand Belarusians lived in Lithuania, mostly in Vilnius, Klaipėda, Visaginas and at the border with Belarus.

#### **The Ukrainian national minority**

19. In the thirteenth-sixteenth centuries, many Ukrainian lands belonged to the Grand Duchy of Lithuania. In the nineteenth century, Lithuania was a part of the Russian Empire; this promoted both the development of cultural relations and migration. Many Ukrainians came to Lithuania after Lithuania's annexation to the Soviet Union. Like Belarusians, Ukrainians were one of the ethnic groups that had lived in Lithuania since long ago and grew steadily after the World War II but shrank gradually after restoration of Lithuania's independence in 1990. In 2007, 21.2 thousand Ukrainians lived in Lithuania.

#### **The Jewish national minority**

20. The first Jews came to Lithuania from the East where trade flourished in the period of Crusades. It is believed that Jews lived in Lithuania as early as in the twelfth century. More Jews moved to Lithuania in the fourteenth century from Germany and Poland. From the Western Europe they brought the Yiddish language, customs and culture to Lithuania. Jews who lived in the Grand Duchy of Lithuania and their descendants were traditionally called the Litvaks. In the broad Jewish world Vilnius was called Lithuanian Jerusalem. It was the heart of Jewish culture in Europe. During World War II, Jews were the targets of genocide. At that time about 95 per cent of Lithuanian Jews (about 200 thousand) were killed. In 2007, 3.5 thousand Jews lived in Lithuania, mostly in urban areas, with less than 1 per cent living in rural areas.

#### **The Tartar national minority**

21. The Tartars, an ethno-confessional community of distinctive origin, customs and way of life, have been living in Lithuania for 600 years already. They came to Lithuania in the XIV century from the Crimea, following wars waged by the Grand Duke Vytautas of Lithuania against the Golden Horde. Today the majority of the Tartars live in Vilnius, Visaginas, Klaipėda, Kaunas, and Alytus. In 2007, 2.9 thousand Tartars lived in Lithuania in all.

#### **The Karaite national minority**

22. Like the Tartars, the Karaites came to Lithuania in the fourteenth century from the Crimea. During his military campaigns, the Grand Duke Vytautas had brought several hundred Karaite families from the Black Sea region to settle them in Trakai. Karaites also settled in Biržai, Naujamiestis, Pasvalys and Panevėžys, but Trakai, a town close to the capital city of Lithuania, became the administrative and spiritual hub of this ethnic group.

All Karaites living in Lithuania belong to their religious community. The Karaite religion that has become a part of the ethno-cultural identity has been recognized in Lithuania as one of the traditional and historical religions. During their 600-year presence, the Karaites have kept their language and customs and the authentic written heritage. The native language of Karaites, still used in everyday life and during religious rites, constitutes the basis of the Turkic national identity of the Karaites. The Karaite national minority is not large: 213 Karaites lived in Lithuania in 2007.

#### **The German national minority**

23. The German national minority was building up in Lithuania several historical periods. In the eighth century, Lithuania came under the attack of Crusaders which resulted in the colonisation of the Eastern Prussia and Klaipėda Region. The first German settlements were set up there. In the fourteenth century, the first German merchants and craftsmen came to Lithuania. After World War II, the number of German people decreased significantly. In 2007, 3.5 thousand Germans lived in Lithuania, mostly in Klaipėda, Šilutė, Kaunas, Vilnius, and Visaginas.

#### **The Roma national minority**

24. Originated from India, the Roma (gypsies) spread via the Little Asia to Europe in the IX-X centuries. It is believed that the Roma came to Lithuania in about mid-fifteenth century. They had a special status based on tradition which allowed their communities (tabors) move from one place to another without barriers to their trades. In the Soviet Union, they were not allowed to nomadise but had to get a job and get registered. Historically, the Roma were called gypsies, but in today's public discourse the ethnonym "Roma" is increasingly used. In 2007, 2.8 thousand Roma people lived in Lithuania, mostly in Vilnius, Kaunas, and Šiauliai. In Vilnius, the Roma (about 450 people) live compactly in the Kirtimai Tabor.

### **C. International commitments**

#### **International legal acts**

25. Lithuania is a party to all most important conventions on human rights. In 2004–2007, Lithuania was further acceding international legal acts on human rights. Over that period, the Seimas of the Republic of Lithuania has ratified the following international conventions:

- Convention on Cybercrime (ratified on 22 January 2004 and effective from 1 July 2004 (*Valstybės žinios* (Official Gazette) No. 36-1188, 2004))
- Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (ratified on 30 March 2004 and effective from 6 May 2005 (*Valstybės žinios* (Official Gazette) No. 77-2665, 2004))
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (ratified on 10 June 2004 and effective from 5 September 2004 (*Valstybės žinios* (Official Gazette) No. 108-4037, 2004))
- Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (ratified on 29 June 2004 and effective from 5 November 2004 (*Valstybės žinios* (Official Gazette) No. 122-4464, 2004))

- Amendment to article 20(1) of the Convention on the Elimination of All Forms of Discrimination against Women (ratified on 29 June 2004 and not effective yet)
- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention (ratified on 24 May 2005 and not effective yet) (*Valstybės žinios* (Official Gazette) No. 74-2679)
- Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ratified on 8 June 2006 and effective from 1 February 2007 (*Valstybės žinios* (Official Gazette) No. 75-2850, 2006)

26. Lithuania has also signed the following three international agreements (not ratified and not and effective yet):

- The International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007
- The Convention on the Rights of Persons with Disabilities of 2006 and the Optional Protocol to the Convention, signed on 30 March 2007; and
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed on 25 October 2007

#### **Monitoring of the implementation of international commitments**

27. Lithuania is open to all mechanisms applied by international organizations to watch the situation in the field of human rights. Lithuania cooperates closely with structures and bodies engaged in monitoring, under auspices of the United Nations, the Council of Europe, and the Organization for Security and Cooperation in Europe, the situation in the field of protection of the rights of national minorities in Lithuania and the solution of issues related to racism and intolerance.

#### *Visit by the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance*

28. In September 2007, Lithuania was visited by Mr. Doudou Diène, the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who has taken, for the first time, Lithuania's standing invitation to the United Nations special procedures concerning human rights. The report issued by the Special Rapporteur, covering Lithuania's efforts in combating racism, racial discrimination, xenophobia and other forms of intolerance, was presented at the seventh session of the Human Rights Council.

#### *Implementation of the Framework Convention for the Protection of National Minorities in Lithuania*

29. Implementing the Framework Convention for the Protection of National Minorities in Lithuania (*Valstybės žinios* (Official Gazette) No. 20-497, 2000), Lithuania periodically reports to the Committee of Ministers of the Council of Europe. In September 2006, Lithuania issued the Second Report on the Implementation of the Framework Convention for the Protection of National Minorities in Lithuania. In response to this report, Lithuania was visited by experts of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities, who assessed the situation of national minorities in Lithuania and met with public authorities and non-governmental organizations. The Committee of Ministers of the Council of Europe is expected to issue a



resolution concerning the implementation of the Framework Convention for the Protection of National Minorities in Lithuania, in 2008.

*European Commission against Racism and Intolerance (ECRI)*

30. The situation in Lithuania in the field of racial discrimination and intolerance is periodically monitored by the European Commission against Racism and Intolerance (ECRI) set up by the Council of Europe. The ECRI has already carried out three assessments of the situation in Lithuania. The first assessment came in 1997, and the second one in 2002. The third-stage report (implementation report) which followed up on the recommendations made in the previous ECRI reports was issued in June 2005. Before issuing the report, the ECRI has sent a delegation to Lithuania in March-April 2005, to meet with public authorities and non-governmental organizations. The report was officially published on 21 February 2006.

*European Monitoring Centre on Racism and Xenophobia (EUMC)*

31. The European Monitoring Centre on Racism and Xenophobia (EUMC), which was later reorganized, was preparing annual reports on racism and xenophobia in the European Union. These reports were based on information supplied by EUMC National Focal Points forming the European Information Network on Racism and Xenophobia (RAXEN). In Lithuania, the functions of the EUMC National Focal Point are carried out by the Centre of Ethnic Studies of the Institute of Social Research. In 2004–2005, the Centre of Ethnic Studies of the Institute of Social Research as the EUMC National Focal Point has reviewed a study of the national strategy of education of minorities, with particular focus on the status of the Roma in the system of education, analysed the system of police response to racial crimes, and performed a survey of manifestations of Islamophobia.

32. As from 1 March 2007, the EUMC was reorganized into the EU Agency for Fundamental Rights. Although the Agency's main task is to monitor the situation with regard to the fundamental rights in the EU, the Agency focuses much on the issues of racism and xenophobia. In November 2007, the annual report for the year 2006 was published. The report gives an analysis of the efficiency of implementation of the EU Racial Equality Directive in the EU Member States, and of racism and discrimination in five thematic areas – legal issues, employment, housing, education, and racist violence and crime.

## **D. New and amended national legislation**

33. In the period of 2004–2007, a number of national legal acts were passed and/or amended to implement articles 2 to 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

### **Law Amending and Supplementing the Criminal Code**

34. On 28 June 2007, the Seimas passed the Law Amending and Supplementing Articles 7, 38, 47, 63, 66, 70, 75, 82, 93, 129, 166, 167, 172, 178, 180, 181, 182, 183, 184, 185, 189, 194, 196, 197, 198, 198<sup>1</sup>, 198<sup>2</sup>, 199, 202, 213, 214, 215, 225, 227, 228, 231, 233, 235, 252, 256, 257, 262, 284, 285, and 312, and the Annex of, Amending the Titles of Chapters XXVI and XXX of, and Adding Articles 256<sup>1</sup> and 257<sup>1</sup> to, the Criminal Code of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No 81-3309), which came into force on 21 July 2007. The Law extended the scope of crime covered in Article 312 (*desecration of a grave or any other site of public respect*). i.e. criminal liability was imposed on desecration of not only a grave but also of any other site of public respect on racial, national or religious grounds.

**Law on Equal Treatment**

35. On 1 January 2005, the Law on Equal Treatment (*Valstybės žinios* (Official Gazette) No 114-5115, 2003) adopted on 18 November 2003 came into force in Lithuania. The Law prohibits any direct or indirect discrimination on the grounds of age, sexual orientation, disability, race, ethnic origin, religion or opinions and provides instruments for implementing the principle of equal treatment.

36. Pursuant to the Law on Equal Treatment, the following entities have the duty to ensure equal treatment:

- Central and local government institutions
- Educational, science and studies institutions (when admitting people to study, assessing their attainment, selecting curricula, etc.)
- All employers whatever the form of ownership (when recruiting employees, setting working conditions, setting the conditions for in-service training, setting the salary, etc.)
- Suppliers of goods, providers of services, producers and distributors of advertising material (the Law sets a duty on sellers and manufactures of goods and providers of services to implement equal treatment for all consumers regardless of age, sexual orientation, disability, racial or ethnic origin, religion or beliefs)

37. The Law also sets certain requirements on job and training advertisements: it is prohibited to specify in such advertisements requirements giving priority to persons of a certain age, certain sexual orientation, healthy persons, persons of a certain race or ethnic origin and persons professing a certain religion or having certain beliefs.

38. A person who thinks the principle of equal treatment has been violated with respect to him/her has the right to appeal to the Equal Opportunities Ombudsman. Appeal to the Equal Opportunities Ombudsman does not prejudice the right to seek remedies in courts.

**Law on the Provision of Information to the Public**

39. The Law Amending the Law of the Republic of Lithuania on the Provision of Information to the Public (*Valstybės žinios* (Official Gazette) No. 82-3254, 2006) was passed on 11 July 2006 and came into force on 1 September 2006. This new version of the Law lays down the same principles regarding the provision of information to the public as the previous version of the Law. The Law requires that producers and disseminators of public information as well as journalists and publishers act in accordance with the Constitution and laws as well as international agreements of the Republic of Lithuania, also with the principles of humanism, equality, tolerance, and respect for an individual person; respect freedoms of speech, creativity, religion, and conscience, variety of opinion, support the development of democracy and public openness, cherish the official language, national culture and morality. Any attempt to degrade a person or a group of persons of a different ethnic origin or different religion is deemed a violation of these principles. The new Law extends the definition of prohibition to publish information that incites racial hatred. It is prohibited to publish information that instigates war or hatred, sneer, scorn, discrimination, violence, harsh treatment of a group of persons or a person belonging to a certain group of persons on the basis of gender, sexual orientation, race, nationality, language, origins, social status, religion, beliefs or opinions (art. 19(1)(3)).

**Law on the Legal Status of Aliens**

40. Amendments to the Law on the Legal Status of Aliens made in 2004–2007 were principally inspired by Lithuania's aspirations for the EU membership and integration into

the Schengen area (the latter goal was achieved on 21 December 2007). A new law, the Law on the Legal Status of Aliens (*Valstybės žinios* (Official Gazette) No 73-2539, 2004), came into force on 30 April 2004, followed by a number of implementing legislation adopted or amended on the basis of this Law. The main novelty introduced by the Law was a more favourable status granted to a new group of aliens, i.e. citizens of the EU and EFTA Member States (hereinafter referred to as EU citizens) and their family members. Persons of this group were given the right to exercise the freedom of movement in the Republic of Lithuania (no visa or work permit requirements in the Republic of Lithuania).

41. Later amendments to this Law were passed to transpose EU legislation and a part of the Schengen *acquis* on migration. The Law Amending articles 2, 6, 7, 8, 11, 17, 18, 21, 15, 26, 28, 33, 34, 35, 40, 43, 46, 50, 51, 53, 54, 55, 56, 64, 79, 88, 90, 93, 97, 99, 100, 101, 102, 104, 106, 113, 115, 127, 130, 131, 132, 136, 138 and 140 of, Adding articles 49<sup>1</sup>, 101<sup>1</sup> and 140<sup>1</sup> to, Repealing articles 30 and 105 of, Amending the Title of Chapter X of, and Amending and Supplementing the Annex to, the Law on the Legal Status of Aliens (*Valstybės žinios* (Official Gazette) No. 137-5199, 2006) that came into force on 16 December 2006 has transposed the following legal acts of the EU:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC; and
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities EEC

#### **Law Amending and Supplementing the Law on Equal Opportunities for Women and Men**

42. The procedure for investigation of complaints concerning racial discrimination is laid down in the Law of the Republic of Lithuania on Equal Opportunities for Women and men (*Valstybės žinios* (Official Gazette) No. 112-3100, 1998). The Law Amending and Supplementing Articles 14, 23 and 24 of, and Adding Article 14<sup>1</sup> to, the Law on Equal Opportunities for Women and Men (*Valstybės žinios* (Official Gazette) No. 57-2026, 2006) that was adopted on 4 May 2006 and came into force on 20 May 2006 has given new powers to the Equal Opportunities Ombudsman, i.e. to address issues of dissemination of discriminatory advertisements. The Ombudsman has the power to ban, on a temporary basis pending the final decision, the advertisement if there is sufficient evidence that the advertisement, already published or still to be published, might be deemed as inciting ethnic, racial or religious hatred or hatred on the grounds of gender, sexual orientation, disability, beliefs or age, or as seriously affecting public interests, human honour and dignity, and moral principles of the public. The Ombudsman also has the right to impose an obligation on the advertisers to remove such prohibited advertisements, and to establish the deadlines and the conditions for the discharge of this obligation.

### **III. Information on the implementation of individual articles of the Convention**

#### **Article 2**

43. Lithuania takes all possible measures to eliminate racial discrimination and to promote understanding between all races. A set of legal acts have been passed and are improved further to combat racial discrimination, and the principle of racial non-discrimination is mainstreamed through legal acts in other fields (such as employment, social protection, education, culture, etc.). National legislation is being amended to transpose EU legal provisions concerning racial discrimination (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service). A number of amendments have been drafted to tighten liability for racial acts and to guarantee higher legal protection for victims of racial discrimination. Every effort is being made to implement legal provisions as efficiently as possible so that equality of persons regardless of race or ethnic background is ensured not only *de jure* but also *de facto* in every area.

44. The national policy vis-à-vis national minorities is being shaped in the form of long-term strategies and implemented through various national minorities' integration programmes. Efforts are made to promote further cooperation with non-governmental organizations and conduct social research into the problems faced by national minorities.

#### **Proposal to supplement the Criminal Code**

45. The Criminal Code of the Republic of Lithuania is to be supplemented in the near future with a provision that racial motives behind a crime shall be treated as an aggravating circumstance. A draft Law Supplementing the Criminal Code to tighten criminal liability for the so-called 'hatred crimes', i.e. criminal acts committed on the basis of a person's belonging to a certain social group (age, gender, sexual orientation, disability, race, ethnic background, language, origin, social status, religion, beliefs or opinions), has been drafted and submitted to the Seimas of the Republic of Lithuania for deliberation, following approval by the Government of the Republic of Lithuania on 29 January 2008. This shows a clear political commitment to fight against racial discrimination by the strongest means available, by tightening liability for gross violation of particularly sensitive values. Once passed, the proposed amendments would not only help to prevent criminal activity and implement the principle of justice but also promote public tolerance.

#### **Amendments to the Law on Equal Treatment**

46. On 6 December 2007, a draft Law Amending the Law on Equal Treatment was registered in the Seimas for deliberation. The amendments provide for more guarantees for victims of discrimination. They transpose the provisions of the 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. The Law on Equal Treatment is also supplemented with important provisions concerning racial discrimination, which prohibit discrimination in the field of social protection on the grounds of race or belonging to an ethnic group and grant more procedural guarantees for victims of discrimination, including racial. The burden of proof

in discrimination matters will be shifted over onto the defendant, i.e. in the hearing of a discrimination case in a court or other competent authority, the defendant will have to prove that neither direct nor indirect discrimination occurred. The plaintiff will only have to indicate the facts leading to the presumption that the principle of equal treatment has been violated with respect to him/her. Another important amendment concerns the award of efficient, proportional and dissuasive damages for violation of the principle of equal opportunities. Victims of discrimination, including racial, will be given the right to claim financial and moral damages from the guilty persons. With a view to ensuring efficient legal protection for victims of discrimination, associations and other legal persons will be given the right to represent the victim in judicial or administrative proceedings subject to the victim's written consent.

#### **Draft Law on First Names and Surnames**

47. On 8 June 2007, a draft Law on First Names and Surnames was registered in the Seimas for deliberation. The Law lays down the principle that any document bearing a person's name must preserve the identity of the person officially marked by first name and surname, and not create a new one. It also creates the right for persons identified in other States to preserve their authentic name.

48. The draft Law sets a general rule that first names and surnames may be written in Lithuanian characters or other Latin characters including non-Lithuanian letters q, x and w. The possibility to use Latin characters in personal names would eliminate the problem of transcribing foreign surnames, e.g. surnames adopted by citizens of the Republic of Lithuania married to foreigners, also surnames of their children and foreign nationals. Such persons would preserve their authentic names, i.e. their names would not be transcribed into Lithuanian characters. It should be noted that other citizens of the Republic of Lithuania would have their first names and surnames written in Lithuanian characters as before.

49. It should also be mentioned that the draft Law does not specify whether diacritic characters of the Latin alphabet should or should not be used in writing the names of Lithuanians who have married foreigners and adopted their surnames, also their children and foreign nationals. This should be detailed in the implementing legislation to be adopted once the draft Law is passed, depending on the technical possibilities and available financial resources.

#### **Draft new version of the Law on National Minorities**

50. The Law of the Republic of Lithuania on National Minorities was passed on 23 November 1989, when Lithuania was still a part of the Soviet Union. After restoration of Lithuania's independence in 1990, the Law was declared applicable in the Republic of Lithuania. The Seimas of the Republic of Lithuania is now deliberating on the draft new version of the Law on Protection of the Rights and Freedoms of National Minorities and Persons Belonging to Them (No. XP-518(2)) (hereinafter referred to as the Law on National Minorities). However, discussions are still ongoing about the need for a new version of the Law at all. Even some members of national minorities argue that the present Law ensures adequate legal protection.

51. The new draft Law on National Minorities principally repeats the present Law and only supplements or spells out its certain provisions in more detail. The new draft Law places more emphasis on a person's right to attribute him/herself to one or another national minority. It gives definitions of the concepts "national minority" and "person belonging to national minority": national minority means a group of persons who reside, on a permanent basis, in the Republic of Lithuania and who have freely chosen, with reference to the ethnic background of their parents or one of the parents, to be attributed to a national group other than Lithuanian; person belonging to national minority means a person who has freely

chosen, with reference to the ethnic background of their parents or one of the parents, to be attributed to national minority and who seeks to safeguard his/her ethnic culture – language, traditions, customs, ethnic self-awareness. The new Law seeks to implement the principle that nobody can be forced to prove, declare publicly or deny his/her own nationality, and every person belonging to national minority can choose freely to be treated or not as a person belonging to national minority and may not be disadvantaged because of this choice or because of exercising the rights associated with this choice.

52. In response to the request in the Committee's concluding observations (para. 9) to clarify the distinction between the "national" and "ethnic" minorities as used in the draft Law, we would like to note that the final version of the Law only uses the concept "national minority".

53. The draft new Law on National Minorities does not abridge the rights granted to national minorities by the currently applicable law. On the contrary, the list of the rights and freedoms guaranteed to national minorities will be extended by such rights as the right to use publicly the language of the national minority, the right to use one's own personal name in the language of the national minority, the right to use one's own national symbols and celebrate national holidays. The list of the rights and freedoms guaranteed to persons belonging to national minorities will not be exhaustive.

54. The draft Law also defines the conditions for the use of languages of national minorities. A national minority living compactly in a residential area is given the right to address local authorities and organizations in the language of that national minority at a request of persons belonging to that national minority and subject to such request being in line with the actual need, and information signs in this case may be written in the language of the national minority in addition to the official language of the State. The Law also explicates the right to learn the language or study in the language of the national minority concerned by laying down the cases when pre-school establishments and general education schools in which the language of a national minority is taught shall be established, extra classes organized or Sunday schools opened.

55. Resolution No. 1007 of the Government of the Republic of Lithuania of 8 August 2007 "On the Draft Law Amending the Law of the Republic of Lithuania on National Minorities No. XP-518(2)" (*Valstybės žinios* (Official Gazette) No. 102-4166, 2007) has in principle given the approval to the draft Law Amending the Law of the Republic of Lithuania on National Minorities prepared by the Seimas of the Republic of Lithuania, which creates yet more favourable conditions for persons belonging to national minorities to cherish their culture, traditions and customs, to practice their religion, and to learn their native language. Once approved, the Law will ensure continuity and further development of national minorities policy, and create equal opportunities for persons belonging to national minorities to fully integrate into the Lithuanian community.

#### **National Anti-Discrimination Programme 2006–2008**

56. Lithuanian legislation is principally in line with the requirements of international legal acts concerning non-discrimination on the grounds of race or nationality. Thus, legal conditions to ensure equality and protection against inequality and discrimination exist in the country. With a view to ensuring as efficient implementation of these requirements as possible, efforts are being made to involve not only governmental but also non-governmental institutions in the fight against racial discrimination and other related intolerance. Moreover, the success of the legal system in the field of non-discrimination depends on the degree of public support received. It is therefore very important to educate the society and promote its tolerance.

57. To achieve this goal, the Government of the Republic of Lithuania has approved, by Resolution No. 907 of 19 September 2006 (*Valstybės žinios* (Official Gazette) No. 100-3872, 2006), the National Anti-Discrimination Programme 2006–2008. The measures under the Programme are implemented by public authorities, sometimes in cooperation with non-governmental organizations. The Programme has a budget of LTL 1.05 million (about EUR 290 thousand).

58. The Programme takes into account the recommendations made by the Committee in its concluding observations and lays down specific measures to implement the relevant recommendations. For instance, as part of the Programme a study of the situation of women and men belonging to ethnic and national minorities will be conducted, statistical data about the ethnic composition of Lithuania's population will be collected, information about racial discrimination and about remedies available to the affected people will be prepared and published. Employers, police officers and relevant public authorities will be trained to apply international, EU and national legal acts that prohibit discrimination. There are also plans to organize training for judges and lawyers to ensure wider application of the International Convention on the Elimination of All Forms of Racial Discrimination in judicial practice.

### **Legislation on the integration of national minorities**

59. With a view to ensuring effective integration of national minorities into the Lithuanian community, a number of programmes targeted at national minorities are being implemented on the central and local levels. One of them is the Programme of Integration of National Minorities into the Lithuanian Community for 2005–2010 approved by Resolution No. 703 of 8 June 2004 of the Government of the Republic of Lithuania. However, a need for a long-term policy document with respect to national minorities arose eventually, as this Programme did not address all the areas which became relevant to national minorities after Lithuania's accession to the EU and NATO (such as emigration and increasing ethnic diversity). Therefore, the Government of the Republic of Lithuania has approved, by Resolution No. 1132 of 17 October 2007 (*Valstybės žinios* (Official Gazette) No. 112-4574, 2007), the National Minorities Policy Development Strategy until 2015.

60. The purpose of the Strategy is to create a sustainable environment for a smooth integration of Lithuania's national minorities into the Lithuanian community and for the use of their cultural potential for the benefit of the State in its new stage of development following accession to the EU and NATO. Principally, the Strategy pursues the following three main goals:

(a) To ensure integration of national minorities by creating adequate conditions for persons belonging to national minorities to live, work and study in Lithuania;

(b) To preserve the identity of national minorities by supporting their education and their efforts to preserve their language, customs, traditions and their tangible cultural heritage;

(c) To ensure harmony of interethnic relations by promoting mutual trust and understanding between persons belonging to different ethnic groups, by educating the entire society to be tolerant to other nationalities, and by improving the policy of the fight against racism and ethnic discrimination. The Strategy has a budget of LTL 7.9 million (about EUR 2.3 million), allocated for the period of 2007–2010.

### **Roma integration programmes**

61. The Roma national minority is considered one of the most socially disadvantaged groups in Lithuania. Due to their isolated way of living, poor literacy and low level of

education, the Roma are not always capable of defending their rights themselves, recognising discrimination, and making use of remedies laid down in laws of the Republic of Lithuania and international agreements. Therefore, Lithuania's national minorities policy places relatively more focus on the Roma minorities.

62. The Government of the Republic of Lithuania has approved the Programme for the Integration of Roma into Lithuanian Society 2000–2004, by Resolution No. 759 of 1 July 2000 (*Valstybės žinios* (Official Gazette) No. 54-1580, 2000). As part of implementation of this Programme, a Roma Community Centre was built in the Kirtimai settlement in Vilnius, in 2001. The Centre is funded from the State budget of the Republic of Lithuania. The same year, a public institution Roma Community Centre was founded by the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania (hereinafter referred to as the Department of National Minorities and Lithuanians Living Abroad), Vilnius City Municipality, Children's Fund of Lithuania, and Lithuanian Gypsy Community "Čigonų laužas" (*Gypsy Fire*). The institution serves the purpose of integrating fully the Roma minority into the life of Lithuanian community and preserving the Roma identity. Although the Programme covered the period of 2000–2004, certain measures envisaged under it (particularly in the field of education) were continued until a new programme was adopted.

63. The Government of the Republic of Lithuania has approved, by Resolution No 309 of 26 March 2008 (*Valstybės žinios* (Official Gazette) No 42-1555, 2008), the Programme for the Integration of Roma into Lithuanian Society 2008–2010, which will be implemented in the following three directions:

- (a) Full integration of Roma people into Lithuanian community and reduction of their social exclusion;
- (b) Preservation of their ethnic identity, taking into account their specific living conditions;
- (c) Promotion of public tolerance and confidence in the Roma minority.

64. The second Roma Integration Programme takes account of the recommendations made by the Committee on the Elimination of Racial Discrimination concerning the Lithuania's combined second and third periodic report, the third report on Lithuania by the European Commission against Racism and Intolerance (ECRI), recommendations made by the Advisory Committee of the Committee of Ministers of the Council of Europe concerning Lithuania's first report on the Council of Europe Framework Convention for the Protection of National Minorities, and the recommendations made in the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area. The Programme envisages concrete measures for the implementation of the above-mentioned recommendations. The implementation of social and economic measures provided for in the Programme are described below in this report in the chapter on the implementation of individual articles of the Convention.

65. Efforts to reduce Roma exclusion are taken not only on the central, but also on the local level. Whereas most Roma live in Vilnius county, with the only urban area where Roma live compactly being the Kirtimai settlement in the territory of Vilnius City Municipality, Vilnius City Municipal Council approved, in May 2005, the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Tabor and for Reduction of Roma Segregation for 2005–2010. The Programme has a budget of LTL 1530725 (about EUR 444 thousand) for 2006, and LTL 6193525 (about EUR 180 thousand) for the period of 2007–2010, annually. The Programme covers the following areas: education and training; health-care and social services and assistance; housing; territorial surveillance; and application of security measures and drug prevention.



Information on the implementation of the concrete measures under the Programme is given below.

### **Asylum and refugee policy**

66. The granting of asylum in the Republic of Lithuania is basically governed by two legal acts: the Law of the Republic of Lithuania on the Legal Status of Aliens, and the Procedure for the Examination of Applications for Asylum, and for the Adoption and Implementation of Decisions, approved by Order No. 1V-361 of 15 November 2004 of the Minister of the Interior (*Valstybės žinios* (Official Gazette) No. 168-6196, 2004).

67. According to the applicable legislation, asylum in the Republic of Lithuania can be granted in one of the following three forms:

- (a) Refugee status;
- (b) Subsidiary protection;
- (c) Temporary protection.

68. Refugee status may be granted to an alien (a citizen of a foreign State or a stateless person) who, due to persecution in the State of origin or owing to the fear of such persecution, is unable to avail himself of the protection of his country of origin. Such persecution must be related to race, religion, nationality, belonging to a certain social group, or political views. Subsidiary protection may be granted to an alien who does not qualify for refugee status and is unable to return to his country of origin owing to the fear of torture, cruel or inhuman or degrading treatment or punishment; or if there is a threat that his human rights and fundamental freedoms will be violated; or if his life, health, safety or freedom is under threat as a result of endemic violence which has spread in an armed conflict or which has placed him at serious risk of systematic violation of his human rights. The decision to grant or refuse refugee status or subsidiary protection is taken by the Migration Department under the Ministry of the Interior. Temporary protection to aliens is granted by a decision of the Government of the Republic of Lithuania if there is a mass influx of aliens. The alien himself does not have the right to apply for such protection. Temporary protection is granted for one-year period, and may be extended maximally for another one-year period. An alien who has been granted refugee status is issued a permanent residence permit, and an alien who has been granted subsidiary or temporary protection is issued a temporary residence permit which may be changed after a lapse of one year provided that the alien still qualifies for asylum.

69. Lithuania has been a host country since 1997 when it ratified the Geneva Convention of 1951 Relating to the Status of Refugees and its Protocol of 1967 and when the Law on the Refugee Status came into force in July 1997 (as replaced by the Law on the Legal Status of Aliens which has been governing the granting of asylum since April 2004). Over the past 10 years, the Migration Department under the Ministry of the Interior has examined over four thousand applications for asylum in Lithuania; over a half of the applications were satisfied. 115 persons were granted refugee status in the Republic of Lithuania and a permanent residence permit. At the time of preparation of this present Report, over 400 persons were covered by subsidiary protection (see tables 5 and 6 in the annex).

70. Pending decision concerning their application for asylum in the Republic of Lithuania, asylum-seekers are entitled to accommodation in the Foreigners' Registration Centre or the Refugee Reception Centre (the latter is available only to unaccompanied asylum-seeking minors), to the services provided therein, including free-of-charge first medical aid and social services. Asylum-seekers are also entitled to public legal assistance and free-of-charge interpretation services. They are also paid monthly monetary allowance.

71. Below is information on the possibility for asylum-seekers to be granted refugee status under the new version of the Law of the Republic of Lithuania on the Legal Status of Aliens, in response to the concern voiced by the Committee on the Elimination of Racial Discrimination in paragraph 14 of its concluding observations. Pursuant to article 86 of the said Law, refugee status is granted to the asylum-seeker who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, unless there are conditions specified in article 88 of this Law. Article 88 of the Law provides that the asylum-seeker who meets the criteria set in article 86 of this Law for the granting of refugee status shall not be granted refugee status if:

(a) The alien is receiving protection or assistance from organs or agencies of the United Nations (other than the Office of the UNHCR);

(b) The alien is recognized by the competent authorities of the country in which he has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country;

(c) There are serious grounds to believe that the alien has committed a serious non-political crime prior to his arrival in the Republic of Lithuania or has been accused of the commission of acts contrary to the purpose and principles of the United Nations;

(d) There are serious grounds to believe that the alien has committed a crime against peace, a war crime or a crime against humanity or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international agreements and other sources of international law;

(e) There are serious grounds to believe that the alien's presence in the Republic of Lithuania may pose a threat to national security or public order or he has been recognized by an effective court sentence guilty of commission of a grave or very grave crime.

72. Decisions taken by the Migration Department under the Ministry of the Interior to refuse refugee status may be appealed against with Vilnius District Administrative Court. For statistical data on the decisions taken by Vilnius District Administrative Court in such cases in 2004–2007 (see table 7 in the annex).

**Social guarantees for persons who have been granted asylum: education, social services, health care, housing, other assistance**

73. Aliens who have been granted asylum in the Republic of Lithuania enjoy the rights and freedoms guaranteed by the Constitution of the Republic of Lithuania, international agreements, laws of the Republic of Lithuania, and the EU legal acts. They are equal before the law irrespective of their gender, race, nationality, language, origin, social status, religion, beliefs or opinions. Aliens who have been granted asylum and who have permanent residence permits in Lithuania are entitled to all social and other guarantees established by laws for the country's permanent residents: social assistance benefits, compensation of heating expenses (residential), compensation of cold and hot water supply expenses, funeral benefit, etc. Moreover, such aliens are also entitled to support for social inclusion.

74. State aid for the integration of aliens who have been granted asylum is granted pursuant to the Procedure for Granting State Aid for the Integration of Aliens Who Have Been Granted Asylum in the Republic of Lithuania, approved by Order No. A1-238 of 21

October 2004 of the Minister of Social Security and Labour (*Valstybės žinios* (Official Gazette) No. 157-5741, 2004).

75. State aid for integration can take the following forms:

(a) Temporary lodging (rent a housing for the period of integration, and organize acquisition of the necessary pieces of furniture and utensils using a one-off allowance (in the amount from LTL 1250 per single person up to LTL 3125 per family) (1 euro = 3.4528 litas));

(b) Education (official language training courses of 190–290 hours for adults, education for children of pre-school and school age);

(c) Employment (employment assistance, re-training, etc.);

(d) Social protection (allowance of LTL 256.5 for basic needs, monthly allowance of LTL 97.5 for children under three years of age (who do not attend pre-school establishments));

(e) Health care (allocations from the State budget of the Republic of Lithuania, under the heading for social integration of refugees, for the mandatory health insurance of unemployed adult aliens; allocations from health insurance funds for health-care services to minors and vulnerable groups);

(f) Public awareness about the aliens who have been granted asylum, with a view to preventing their isolation and xenophobic attitudes towards them and supporting tolerance in the society.

76. The Refugee Reception Centre plays an important role in preparing asylum-seekers for integration into the Lithuanian society, with one of its main functions being the provision of accommodation to aliens who have been granted asylum, refugee status or subsidiary protection. For the data on the composition of the Refugee Reception Centre residents (see table 8 in the annex).

77. The Refugee Reception Centre provides State aid to aliens who have been granted asylum, for their integration within the Centre, and has been taking care, since 2006, of their further integration within the relevant municipal area. State aid for aliens who have been granted asylum is provided on the basis of cooperation agreements with municipalities and non-governmental organizations.

78. Support in the Refugee Reception Centre is available for up to six months. If the vulnerable groups are not prepared for integration in the relevant municipal area during the fixed period, the period of support may be extended to up to 18 months. Upon expiry of the period of integration within the Centre, support for integration is provided in the relevant municipal area (for the period of 12 months from the date of abandonment of the Refugee Reception Centre but no longer than for the period of validity of the temporary residence permit in the Republic of Lithuania or until the person concerned leaves the Republic of Lithuania).

79. If the vulnerable groups fail to integrate within the fixed period, the integration period may be extended but for no longer than the period of validity of the residence permit in the Republic of Lithuania. The cumulative period of integration in the Centre and the municipal area may not be longer than 60 months.

80. By the data as of 1 January 2008, 250 aliens who have been granted asylum participated in the integration programme. 78 persons were supported in Kaunas, 43 in Klaipėda, 8 in Alytus, 5 in Ukmergė, 39 in Elektrėnai, 7 in Marijampolė, 10 in Pabradė, 30 in Vilnius, 15 in Jonava, and 15 in Lentvaris.

81. It has been estimated that social integration in the Centre of one alien who has been granted asylum costs LTL 500 or more a month on the average. More information on allocations for social integration and participation in integration programmes is given in tables 9, 10 and 11 in the annex.

### **Sociological research**

82. In the period of 2004–2007, quite a number of sociological and anthropological research has been carried out into the history, culture, the current situation and interethnic relations of national minorities living in Lithuania.

83. The Centre of Ethnic Studies of the Institute of Social Research, member of the European Information Network on Racism and Xenophobia (RAXEN) since 2004, has been conducting studies of ethnicity and modern nationalism, ethnic composition, ethnic adaptation, diasporas, ethnic intolerance and ethnic inequality, including racism and xenophobia, for a couple of years already. Research is focussed on the following three dimensions: ethnic composition of the society; equal opportunities in Lithuania's ethnic dimension; and ethnic intolerance.

84. One of the studies carried out in 2002–2004 was “Ethnic Structure, Inequality and Governance of the Public Sector”. This project was coordinated by the United Nations Research Institute for Social Development. It was initiated to analyse Lithuania's policy of prevention of ethnic and racial discrimination in the public sector. The most focus was on public policy issues: possible reforms to improve management of political competitiveness and to promote pluralism in the public sector. As part of this project, a report was drawn up and reviewed, findings presented in an international conference, and an article published in a comparative study.

85. Another project implemented in 2004–2005 was about ethnic minorities of the Baltic region. The project conducted an overview of the legal and social situation of ethnic minorities in Baltic States, analysed the process of signature and ratification of the Framework Convention for the Protection of National Minorities, and assessed the impact of international agreements on the situation of individual ethnic minorities in the Baltic States. The information collected was presented in an international seminar in 2004, and an article was published in a scientific monograph in 2006.

86. Another ongoing project is “Russians in the society of the Republic of Lithuania in 1918–1940: construction of historical retrospection” covering the period of 2007–2008. The project aims at studying, from the historical and sociological perspective, the specific situation of Russians as a part of the society of the Republic of Lithuania in the period of 1918–1940, particularly their social, educational, cultural and religious life. Two scientific monographs are to be written and published in 2008.

87. One of the areas of focus of the Centre of Ethnic Studies is ethnic intolerance. In 2004–2005, the Centre conducted a study “Prevention of Ethnic Hatred and Xenophobia. Civic Response in the Mass Media”. The study involved media monitoring (a review of articles on most frequently mentioned ethnic groups, published in most popular dailies, weeklies and internet portals), production of a series of 7 articles on tolerance and intolerance to national minorities and other related topics, organization of an on-line conference, presentation of findings of the study to the public through radio and TV and electronic media, organization of a number of seminars such as “Trends of ethnic intolerance and xenophobia in Lithuania's media” in the Vytautas Magnus University, “Preconditions of discrimination and prospects of legal assistance to the Roma” in the Roma Community Centre, “Prevention of ethnic intolerance and xenophobia: analysis of the situation and recommendations” in the Open Society Fund Lithuania.

88. In the end of 2007, as part of the campaign “All Different – All Equal”, the Centre of Ethnic Studies, in cooperation with other partners, conducted a study of youth awareness and attitudes, seeking to find out the position of young people towards various social groups. From among various ethnic groups, young people were found to be better disposed towards black people, Muslims, refugees, and Chechens. Quite a number of the respondents were negative about the ethnic groups which were a part of Lithuania’s history and the contemporary society: Jews (32 per cent), Poles (23 per cent), and Russians (14 per cent).

89. The Centre of Ethnic Studies also looks into the problems of integration of national minorities into the Lithuanian society. It has conducted a study “Attitudes of Roma and Employers towards Integration into Labour Market”, as part of implementing the project “Development and Testing of Support Mechanism for the Integration of Roma into Labour Market” under the European Communities’ EQUAL initiative (aimed at testing and promoting innovative methods of combating all forms of discrimination and inequality in the labour market). The same year, the Centre completed the project “The Possibilities of Roma Community Social Integration”. The results of these studies were taken into account in developing the second national programme of Roma integration.

90. To address the problems faced by national minorities on their way to the labour market, another project under the EQUAL initiative was implemented, “Development and Testing of Support Mechanism for the Integration of National Minorities into Labour Market”, which included a study into the possibilities of national minorities to integrate into the labour market. A sociological survey was conducted in March-July of 2006 in Šalčininkai and Vilnius region, to find out the situation of national minorities in the labour market. 606 unemployed persons belonging to national minorities, mostly Polish (70.3 per cent), living in Šalčininkai and Vilnius participated in the survey.

91. The Lithuanian Centre for Studies of Jewish Culture established within the Institute of Culture, Philosophy and Art in 2006 also implements many projects related to history, culture and interrelations of Lithuania’s national minorities. In 2007, the Centre produced an international rainbow document about cultural dialogue, and implemented projects “Cultural Traditions of Lithuanian Jews and Modern Developments” and “Unity of the Lithuanian Nation: History, Present Day, Future Challenges”. On 14 September 2007, the Centre organized a conference “Identity of the Lithuanian nation: in-between the Reality and utopia”, to discuss the problems encountered by national minorities living in Lithuania, to talk about Lithuanians’ relations with other nationalities, to analyse cultural and historical data, and to present the relevant studies into national stereotypes.

92. The Lithuanian Institute of History is implementing research programmes “Modernisation of the Lithuanian Society and Ethnic Conflicts (Non-Dominating Ethnic Communities in Lithuania, from XIX c. – first half of XX c. to 1940)” and “Lithuania in the Second World War”, which look into the history of Lithuania’s national groups. In 2004, a Centre for Studies of the Culture and History of East European Jews was established. Each year, the Centre organizes, together with the Lithuanian Institute of History, international scientific conferences on the history of Jews in the Central and Eastern Europe.

### Article 3

93. There is no racial segregation or apartheid in Lithuania. Pursuant to Lithuanian legislation, racial segregation and apartheid are considered crimes against humanity. The Criminal Code of the Republic of Lithuania imposes criminal liability for the crimes of genocide and treatment of humans prohibited by international law carry (arts. 99 and 100, respectively). In the period of 2005–2007, Lithuanian courts have examined one case under article. 99 of the Criminal Code of the Republic of Lithuania concerning criminal acts

committed against participants of resistance to the soviet regime. The Kaunas District Court passed a judgement on 25 January 2008 convicting two persons of genocide.

## Article 4

### Article 4 (a)

#### **Criminal and administrative liability for incitement and promotion of racial and ethnic hatred**

94. Under Lithuanian legislation, incitement and promotion of racial, ethnic or any other hatred carry criminal and administrative liability. Criminal liability is imposed for the following acts of racial or any other form of discrimination:

(a) Sneering, expressing contempt, inciting hatred or encouraging discrimination against a person or a group of persons on the grounds of gender, sexual orientation, race, ethnic background, language, origin, social status, religion, beliefs or opinions, where these acts are committed by making public statements, oral or written, or through mass media (art. 170(1) of the Criminal Code of the Republic of Lithuania);

(b) Public incitement to commit acts of violence or use physical force against a person or a group of persons on the grounds of gender, sexual orientation, race, ethnic background, language, origin, social status, religion, beliefs or opinions, and provision of financial or any other support for such activities (art. 170(2) of the Criminal Code of the Republic of Lithuania);

(c) Acts against a person or a group of persons aimed at interfering with their right to participate as equals in political, economic, social, cultural or labour activity or restricting their human rights or freedoms on the grounds of race, nationality, language, origin, religion, beliefs or opinions (art. 169 of the Criminal Code of the Republic of Lithuania);

(d) Desecration of a grave or any other site of public respect on racial, national or religious grounds (art. 312 of the Criminal Code of the Republic of Lithuania).

95. Administrative liability is imposed for the following acts:

(a) Production, possession, dissemination or public demonstration of information products propagating national, racial or religious discord (art. 214<sup>12</sup> of the Code of Administrative Offences of the Republic of Lithuania);

(b) Establishment or participation in an organization propagating national, racial or religious discord (art. 214<sup>13</sup> of the Code of Administrative Offences of the Republic of Lithuania).

96. No changes were introduced in the period of 2004–2007 to articles 169 and 170 of the Criminal Code or articles 214<sup>12</sup> and 214<sup>13</sup> of the Code of Administrative Offences of the Republic of Lithuania with respect to sanctions or definitions of punishable acts. Only article 312 of the Criminal Code was amended to extend criminal liability for desecration of not only a grave but also of any other site of public respect on racial, national or religious grounds (the amendment was adopted on 28 June 2007). Because the acts defined in the Code of Administrative Offences of the Republic of Lithuania should be treated, by virtue of their intent, as crimes rather than administrative offences and because the criminal liability policy of the State with respect to incitement of racial, ethnic and other forms of hatred and provision of discriminatory information must be strengthened, a proposal was made to the Seimas of the Republic of Lithuania in February 2006 to shift the acts defined in articles 214<sup>12</sup> and 214<sup>13</sup> of the Code of Administrative Offences to the Criminal Code so

that these acts carry criminal, not administrative, liability. At the time of preparation of this present Report, the proposal was with the Seimas of the Republic of Lithuania.

### **Prohibition to publish information instigating racial or ethnic discrimination in mass media**

97. Lithuanian laws prohibit the publication of information instigating racial or ethnic discrimination in mass media. Article 19(1)(3) of the Law of the Republic of Lithuania on the Provision of Information to the Public (*Valstybės žinios* (Official Gazette) No. 71-1706, 1996, No. 82-3254, 2006) specifically prohibits the publication of information that instigates war or hatred, sneer, scorn, discrimination, violence, or use of physical force against a person or a group of persons on the grounds of gender, sexual orientation, race, ethnic background, language, origin, social status, religion, beliefs or opinions.

98. Instigation of racial or ethnic hatred is also prohibited by the Code of Ethics of Public Information Producers and Journalists. On 1996, a Code of Ethics of Journalists and Publishers came into force in Lithuania. On 15 April 2005, a new version of the Code was approved by a meeting of journalists and publishers. Articles 54 and 55 of the Code prohibit public information producers and journalists to instigate, directly and indirectly, hatred for, or humiliate, a person or a group of persons on the grounds of surname, race, nationality, ethnicity, religion, age, gender, sexual orientation, disability or physical shortcomings even if that person is found guilty of any act. Moreover, the norms of professional ethics require that a journalist or a producer of public information do not relate the belonging of a person suspected, accused or convicted of having committed a criminal act to a certain ethnic or social group with such act, or emphasise this relation.

99. The adherence to the requirements of laws prohibiting instigation of ethnic, racial, religious, social or gender-based hatred in the dissemination of public information is monitored by the Ethics Commission of Journalists and Publishers as an independent institution of producers and disseminators of public information. The Commission also investigates acts of violation of professional ethics committed by journalists, producers of public information or their designated agents in providing information to the public. The Commission may be appealed to by any person. Of all complaints received by the Commission Ethics Commission of Journalists and Publishers in a year, complaints concerning violations of the requirements of the Law of the Republic of Lithuania on the Provision of Information to the Public prohibiting instigation of ethnic, racial, religious, social or gender-based hatred account for only 2 per cent . Overall, the Commission investigated seven complaints of this kind in 2004, two complaints in 2005, five complaints in 2006, and four complaints in 2007. In two cases in 2006 and 3 cases in 2007, the Commission has made positive decisions about the alleged instigation of racial or ethnic discord. Two of them were reported to prosecutors.

100. Apart from the Commission, the adherence to the requirements of the Law of the Republic of Lithuania on the Provision of Information to the Public is also monitored by another supervisory authority for producers and disseminators of public information, the Inspector of Journalist Ethics. The Inspector investigates complaints and claims filed by persons about violation of their honour and dignity, as well as violation of their right to protection of personal privacy in mass media. The Inspector of Journalist Ethics monitors, within the scope of his competence, the adherence to the principles laid down in laws governing the provision of information to the public and makes proposals to public authorities concerning the improvement of implementation of these principles. The Inspector is also charged with the task of monitoring public information in mass media, except radio and television broadcasts. For this task, a Public Information Monitoring and Analysis Division was established within the Office of the Inspector of Journalist Ethics in the end of 2006 to monitor, inter alia, the contents of information published on the Internet.

101. Much more sensitive is the issue of dissemination of discriminatory information in the electronic media, the Internet, especially in the readers' feedback section. The possibility to post information anonymously and the fact that it is really difficult to identify who has posted information stimulate the publication of information of illegal contents. Since 2006, the issue of responsibility for the contents of information published on the Internet has been regulated by the Law of the Republic of Lithuania on the Provision of Information to the Public and the newly adopted Law of the Republic of Lithuania on Information Society Services. Pursuant to the applicable legislation, responsibility for information published in mass media rests with that media or the person which/who was or should have been aware of the information not to be published, i.e. information of illegal or harmful contents. Thus, responsibility for the information published in a website, also in other electronic mass media, rests with the creator or administrator of the website who was or should have been aware of the publication of information of illegal contents in the electronic media administrated by him, or with the service provider who failed to take timely measures to ban access to such information. Legal liability arises on the above-mentioned subjects in every case when the information has been published on the initiative of their employees, also when the information has been posted anonymously and the administrator or creator of the website concerned or the provider of services refuse to disclose the person who has posted this information, i.e. to disclose the source of information. In all other cases, liability for the information posted in websites arises on the posting person.

102. In the end of 2006, the Inspector of Journalist Ethics received requests from the Office of the Prosecutor General of the Republic of Lithuania and the Crime Investigation Board of Lithuanian Criminal Police Bureau to evaluate readers' feedback posted on the Internet news portal [www.delfi.lt](http://www.delfi.lt). Following an investigation, the Inspector of Journalist Ethics has made a decision, dated 9 February 2007, that the readers' feedback on "A.M.Dailidė Convicted for Crimes against Jews Saved from Prison by His Old Age" ([www.delfi.lt](http://www.delfi.lt), 27 March 2006) and "Thousands in Fines on M.Murza and His Associates" ([www.delfi.lt](http://www.delfi.lt), 10 November 2006) provoke discrimination on the grounds of ethnic background, segregating Jews as an ethnic group to be targeted with violence. The Inspector has issued a warning to the chief editor of the portal [www.delfi.lt](http://www.delfi.lt) for the disclosed violations of laws.

#### **Article 4 (b)**

103. In 2004–2007, a number of amendments to legal acts on the legal status of political and other types of organizations were introduced without affecting the applicable prohibition to found racist organizations.

104. The Law of the Republic on Associations (*Valstybės žinios* (Official Gazette) No 25-745, 2004) adopted on 22 January 2004 and effective from 14 February 2004 lays down the same prohibition to form and operate associations as did the previously applicable Law of the Republic of Lithuania on Public Organisations. Article 3(2) of the Law of the Republic of Lithuania on Associations prohibits the establishment and operation in the Republic of Lithuania of associations whose aim or manner of actions aiming is to change the Constitutional order of the Republic of Lithuania by force or to violate the territorial integrity of the Republic of Lithuania, to propagate war and violence, authoritarian or totalitarian regime, to instigate racial, religious, social discord, to restrict human rights and freedoms, to violate public order, and to perform other actions contrary to the laws of the Republic of Lithuania and generally accepted international legal principles, or to act in the interest of other States if this runs counter to the interests of the State of Lithuania. Article 4(3) of the new version of the Law of the Republic of Lithuania on Political Parties and Political Organisations adopted on 23 March 2004 and effective from 15 April 2004



(*Valstybės žinios* (Official Gazette) No 54-1831, 2004) prohibits the establishment and operation of political parties which propagate, in their constitutive or programme documents, or which promote, in their activities, racial, ethnic, religious, or social 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, violation of public order, or other ideas or actions in conflict with the Constitution and laws of the Republic of Lithuania and incompatible with generally accepted international legal principles.

105. Legal persons are subject to registration in the Republic of Lithuania with the Register of Legal Persons maintained by the public enterprise Centre of Registers. Pursuant to article 2.68 of the Civil Code of the Republic of Lithuania, the administrator of the Register of Legal Persons has the right to refuse to register a legal person, or documents and amendments to documents of a legal person, if, inter alia, the form or content of the documents do not conform to laws. By the data of the Department of the Register of Legal Persons maintained by the Centre of Registers, there were no cases of refusal of registration to a legal person, or documents and amendments to documents of a legal person, for racial or similar reasons in 2004–2007.

#### Article 4 (c)

106. The Constitution of the Republic of Lithuania enshrines the principle of equality of all persons before State institutions and officials (art. 29). Human rights may not be restricted, nor may any privileges be granted, on the grounds of race or nationality. Article 3(2) of the Law on Public Administration of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No. 77-2975, 2006) lays down the principle of objectivity which means that official actions of an entity of public administration must be unbiased and objective; Article 4(9) of the Law on Local Self-Government of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No. 55-1049, 1994; No. 91-2832, 2000) lays down the principle of enforcement of and respect for human rights and freedoms. The public service of the Republic of Lithuania is based on the principles of respect for a person and the State, justice, and impartiality. A public servant shall respect every human being and fundamental human rights and freedoms, serve all people regardless of their nationality, race, gender, language, origin, social status, religion, or political views, and take decisions impartially.

107. With a view to ensuring implementation of the principles of ethics applicable to public servants, trainings for public servants are regularly organized on the issue of anti-discrimination. The Lithuanian Institute of Public Administration has developed three training modules for public servants on the topics related to the elimination of all forms of discrimination: practice of interpretation and application of the European Convention on Human Rights; women, men and management of the system of public administration; and application of the European Union *acquis* and national legislation against discrimination. Training under these three modules has been given since 2005.

108. Training for public servants is also organized by the Department of National Minorities and Lithuanians Living Abroad and by the Office of the Equal Opportunities Ombudsman. Public servants are trained to apply international and national legal acts governing the principles of non-discrimination. In 2006–2007, a series of seminars “Protection of the Rights of National Minorities and Relevance of Anti-Discrimination Measures” were organized for public servants to deepen their knowledge on discrimination, its genesis, legal acts, and anti-discrimination measures.

## Article 5

### Article 5 (a)

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

109. Laws of the Republic of Lithuania guarantee equal right to all persons without distinction as to their race, colour, language, beliefs, gender, etc., to apply to courts to have their rights and freedoms protected. The constitutional right to appeal to courts enshrined in the Constitution of the Republic of Lithuania is explicated further in the legal acts on legal proceedings, such as the Code of Civil Procedure of the Republic of Lithuania, the Code of Criminal Procedure of the Republic of Lithuania, the Law of the Republic of Lithuania on Administrative Proceedings (*Valstybės žinios* (Official Gazette) No. 13-308, 1999; No. 85-2566, 2000), and other laws and legal acts. However, the effectiveness of the principle of equality depends not only on the setting of relevant requirements in legal acts but also on its actual implementation. Therefore, the State gives much attention to training judges, lawyers and law enforcement officers on the issue of racial discrimination and on the legal acts that prohibit such discrimination.

#### **Training of judges, lawyers and law enforcement officers**

110. In paragraph 10 of its concluding observations, the Committee on the Elimination of Racial Discrimination voices a concern that courts have never applied the Convention in practice, and recommends organising relevant training for judges and other lawyers as soon as possible, to ensure that they know the contents of the Convention and are able to apply it directly. In response to this recommendation, we provide herein information about trainings organized for judges, lawyers and law enforcement officers on the Convention and other legal acts prohibiting racial discrimination.

111. In 2004–2007, a number of trainings on legal acts prohibiting racial discrimination were organized for judges, lawyers and police officers. The Training Centre of the Ministry of the Interior has organized several seminars for judges and prosecutors, assistant judges, and advisers to chairpersons of courts and court divisions on the issue of protection of human rights and principles of non-discrimination: “European Convention on Human Rights as a set of general principles of the EU law: Relevant aspects of application”, and “Application of the European Convention on Human Rights and Fundamental Freedoms in criminal proceedings”. Seeking to implement the principle of equal treatment of persons regardless of their race, ethnic origin, religion, age, sexual orientation and other aspects, the Training Centre has arranged, in cooperation with the Academy of European Law (ERA), for the participation of Lithuanian judges in the seminar “The Fight Against Discrimination” in Trier, Germany, on 5–6 November and 26–27 November 2007. As part of implementing the National Anti-Discrimination Programme 2006–2008, a three-day training course was organized for 20 young lawyers, “Anti-discrimination law of the European Union: implementation of directives on equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC) and on the general framework for equal treatment in employment and occupation (2000/78/EC)”.

112. Police officers are also regularly trained on the issue of protection of human rights. Lithuanian Police Training Centre gives a training course of eight academic hours for police officers, “Protection of human rights and ethnics of a police officer”. This course covers the notion of human rights, a survey of the activities of the key international human rights organizations and international legal acts, the implementation of the principles of the European Convention on Human Rights and Freedoms, case studies, etc. With a view to integrating such aspects as implementation of fundamental human rights, adherence to the

principles of the European Code of Police Ethics, improvement of police communication with the public and enhancement of police image, into one whole, the training course was supplemented with a new topic, "Activity and professional ethics of the police officer in the democratic society". In 2004, 10 training courses "Human rights in police activities. Prohibition of discrimination" were organized for police officers in cooperation with the non-governmental organization the Centre of Human Rights. In the second half of 2007, the Lithuanian Police Training Centre organized a seminar for senior officials of police units on the application of international, European and national legal acts on the prohibition of discrimination.

113. Training of judges, lawyers and law enforcement officers will be continued in the future. Pursuant to the National Anti-Discrimination Programme 2006–2008, judges, lawyers and police officers will also be trained, in 2008, to apply legal acts that prohibit discrimination. The Programme for the Integration of Roma into Lithuanian Society 2008–2010 envisages annual training for police officers on ensuring protection of human rights and implementing the principle of non-discrimination and investigating criminal acts that affect the principle of equality of persons. On the initiative of the Office of the Prosecutor General, concrete measures were taken to improve the skills of prosecutors who lead investigations of cases of discrimination and instigation of racial or other forms of hatred, and to enhance capacities in this area. The training programme developed for prosecutors for 2008 includes the issue of application, in pretrial investigations, of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as relevant legal acts of the Republic of Lithuania and the European Union.

114. In response to the additional inquiry made by the Committee, we hereby inform that 5499 police officers received training in the Lithuanian Police Training Centre on matters related to the protection of human rights in the period of 2001 to 2007. It should also be noted that the introductory training given to all police officers includes a course on the fundamental principles of protection of human rights.

#### **Information on the investigation of police actions**

115. In paragraph 17 of its concluding observations, the Committee expresses concern about allegations of discriminatory behaviour of the police towards members of minority groups and recommends establishing an independent monitoring mechanism to carry out investigations into allegations of police misconduct. In response to this recommendation, we would like to note that the current mechanism of investigation of police actions laid down in legal acts of the Republic of Lithuania does ensure objective, impartial and full investigation of allegations of police misconduct as it provides for various appeal procedures.

116. Acting in accordance with the law of the Republic of Lithuania, the police itself carries out investigations of police actions in response to complaints received directly about police misconduct or on its own initiative. In such cases, an in-house inspection is performed and, if features of a criminal act are disclosed, a pretrial investigation is initiated. Pursuant to laws of the Republic of Lithuania, a pretrial investigation carried out by the police must be monitored by a prosecutor. The prosecutor has the power to issue binding instructions to investigating police officers, and to cancel their decisions found illegal or unjustified. The prosecutor also has the right to conduct full pretrial investigation or individual steps of the investigation himself. Only the prosecutor and the court, not the police officer who conducts the pretrial investigation or officer of any other pretrial investigation institution, has the right to drop the pretrial investigation, and only the prosecutor has the right to make a decision to refer the pretrial investigation case to the court.

117. In-house inspections carried out by the police are monitored by the Inspector General's Division of the Ministry of the Interior, ordered so by the management of the Ministry of the Interior. This Division investigates claims and complaints about completed in-house inspections; ordered so by the management of the Ministry, assesses the objectivity and soundness of conclusions of completed in-house inspections; or, ordered so by the Minister, conducts in-house inspections of alleged illegal conduct by police officers on its own.

118. In 2006, the Inspector General's Division of the Ministry of the Interior received and investigated 28 complaints and claims about police actions, and assessed the objectivity and soundness of conclusions of 41 in-house inspections conducted by police institutions; in 2007, these figures were 10 and 52, respectively.

119. Moreover, Lithuanian laws provide for a possibility to lodge a complaint against police actions with relevant independent public authorities. Complaints about misconduct by police officers or police institutions may be lodged with the following institutions:

(a) Office of the Prosecutor General. The Prosecutor General is authorised to initiate a pretrial investigation following receipt of a complaint, claim or report on alleged criminal act or on his own initiative if he has found features of a criminal act, and has the right to conduct full pretrial investigation or individual steps of the investigation himself. The prosecutor is also an institution with which a complaint about procedural actions and decisions performed/taken by the police officer who conducts a pretrial investigation can be lodged. The prosecutor's procedural actions and decisions may be appealed against to a higher-ranking prosecutor. If the higher-ranking prosecutor dismisses the appeal, this decision may be further appealed to a pretrial investigation judge;

(b) Ombudsman of the Seimas of the Republic of Lithuania. Ombudsmen of the Seimas of the Republic of Lithuania are appointed by the Seimas. They investigate complaints about officers' abuse of power, bureaucracy or other forms of violation of human rights and freedoms in the field of public administration, including complaints about police actions that violate human rights and freedoms. Seimas Ombudsmen have the right to refer the investigation to a pretrial investigation body or a prosecutor when features of a criminal act are found; to address to courts with a request to dismiss officers found guilty of abuse of power or bureaucracy, from office; to recommend to the institution concerned to impose disciplinary sanctions on the guilty officers;

(c) Equal Opportunities Ombudsman. The Equal Opportunities Ombudsman is appointed by the Seimas of the Republic of Lithuania. The Ombudsman investigates complaints about direct and indirect discrimination and harassment on the grounds of gender, age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. Complaints may be lodged with the Equal Opportunities Ombudsmen by any natural or legal person. During or after the investigation, the Equal Opportunities Ombudsman may adopt a decision to refer the case to a pretrial investigation institution or a prosecutor if features of a criminal act are found; he may also investigate administrative offences and impose administrative sanctions;

(d) Administrative courts. Administrative courts investigate the legality of legal acts adopted or actions taken by public administration entities (public authorities, their officials and public servants responsible for public administration), the legality and justifiability of refusal or undue delay by such entities to perform actions that fall within their competence, and appeals against decisions taken in cases of administrative offences.

120. Having examined Lithuania's follow-up report (CERD/C/LTU/CO/3/Add.1), the Committee asked to provide additional information on pretrial investigations of police misconduct carried out in 2006. Below is information on the results of these investigations.

121. One of the investigations mentioned was an investigation of alleged abuse of power by police officers, i.e. the legality of actions taken by the police officers, patrols of the mobile squad of the Public Order Service of Vilnius City Public Police, when they detained and injured a Roma suspected of having committed a criminal act (drug trafficking). The pretrial investigation was started on 26 January 2006 at the decision of the police institution itself (Crime Investigation Service of the Criminal Police of Vilnius Central Police Commissariat) on the basis of the claim by the injured person, invoking article 228(1) of the Criminal Code of the Republic of Lithuania (abuse/misuse of official powers). The investigation was conducted by an investigator of the Crime Investigation Service of the Criminal Police of Vilnius Central Police Commissariat, under leadership of a prosecutor of the Criminal Investigations Division of Vilnius Regional Prosecution Office. Having heard the detainee, witnesses and the involved police officers and having examined medical conclusions regarding the status of health of the detainee and injuries inflicted on him, the leading prosecutor issued a reasoned decision, dated 2 March 2006, to drop the pretrial investigation, as no evidence of features of a criminal act under article 228(1) of the Criminal Code of the Republic of Lithuania were found in the actions performed by the police. The claimant was notified in writing, in accordance with the procedure laid down in the Code of Criminal Procedure of the Republic of Lithuania, of his right to appeal against the prosecutor's decision, but he did not exercise this procedural right.

122. The other pretrial investigation mentioned in the additional questions of the Committee on the Elimination of Racial Discrimination concerned a Chechen woman who was not given medical aid during her detention and temporary custody, resulting in a miscarriage. The pretrial investigation was started by the Office of the Prosecutor General of the Republic of Lithuania, having found features of a criminal act under article 229(1) of the Criminal Code of the Republic of Lithuania (omission in performing one's official duties), in response to the claim lodged by the injured party of 21 June 2006. The task to organize the investigation was assigned to Vilnius Regional Prosecution Office; the investigation was conducted by the Crime Investigation Service of the Criminal Police of Vilnius Central Police Commissariat, under leadership of a prosecutor of the Criminal Investigations Division of Vilnius Regional Prosecution Office. The pretrial investigation revealed the following facts: the woman was detained at the international border and customs control post in Lazdijai, Republic of Lithuania, together with a group of other persons trying to cross the State border of the Republic of Lithuania illegally. While officers of the State Border Guard Service were taking the woman, in their official car, to a temporary custody institution in Vilnius and placing her in a temporary custody cell, she did not tell anybody she was pregnant. This was confirmed by other State border guards and police officers questioned as witnesses who worked at that time in the house of detention where the woman was placed into custody for 48 hours.

123. Moreover, it was found that medical staff of the house of detention did examine the woman during her temporary detention but the woman had no complaints and no signs of physical impact were found on her body. The forensic medical conclusions received during this pretrial investigation also contained no medical evidence of pregnancy. Nor there was any medical evidence that the woman had a miscarriage during her temporary custody on 9–11 February 2006. The examination of all above-mentioned data collected during the pretrial investigation, except for the oral testimony of the detained woman herself, did not reveal any objective factual circumstances or data proving the fact of pregnancy and miscarriage during the pretrial investigation. Therefore, the leading prosecutor, having made a conclusion that the information on the basis of which the pretrial investigation was started did not prove out and no features of a criminal act were found, issued a ruling, dated 24 October 2006, to drop the investigation into allegations of a criminal act under article 229(1) of the Criminal Code of the Republic of Lithuania (omission in performing one's official duties). As provided for in the Code of Criminal Procedure of the Republic of

Lithuania, the claimant was notified in writing of her procedural right to appeal against the prosecutor's decision, but she did not exercise this right.

### **Article 5 (b)**

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

##### **Information on pretrial investigations of acts related to racial discrimination**

124. In 2004–2007, 54 pretrial investigations of alleged instigation against any national, racial, ethnic or religious group (art. 170 of the Criminal Code of the Republic of Lithuania) were started, three of which concerned discrimination on these grounds (art. 169 of the Criminal Code of the Republic of Lithuania). Of these 54 investigations, 48 were initiated by prosecutors, five by police institutions, and one by institutions of the State Security Department. Pursuant to the law of the Republic of Lithuania, pretrial investigations may be launched in response to complaints, claims or reports made by persons or on the initiative of officers when features of criminal acts are detected. It should be noted that more than half of the investigations mentioned were started on the initiative of officers.

125. Most of the pretrial investigations were about public dissemination of racist and xenophobic ideas in the public internet space, also statements in the national media (daily newspapers) or actions in public sites (e.g. actions targeted against the Jewish ethnic group committed by M. Murza and his like-minded fellows publicly in front of many people; another case – alleged instigation on racial grounds against black people during an international football match with the French national team in Kaunas).

126. The number of criminal acts of this kind grows every year: five pretrial investigations of instigation on ethnic or racial grounds were launched in 2004, 1 in 2005, 20 in 2006, and 28 in 2007. The reasons behind this growing number of criminal acts recorded and investigated is not only higher criminal activity but also consistent, active and targeted efforts by law enforcement institutions to focus more on this issue and to respond, in the timely and proper procedural manner, to the facts of perpetration of such acts (sometimes law enforcement officers find the facts of perpetration of an act themselves), especially to manifestations of instigation against any national, racial, ethnic, religious or other groups of persons.

127. Twenty-one out of all pretrial investigations launched in 2007 were about violation of human rights on the grounds of national origin, and 4 about racial discrimination. As regards the offences on the grounds of national origin, 18 were committed against Jews, and 1 against Poles, Roma and Chechens, each. No pretrial investigations were launched for providing support, including financial, to racist organizations or for activities of racist organizations in 2004–2007.

##### **Information on the hearing of cases of instigation of racial hatred or racial discrimination in courts**

128. In 2004–2007, Lithuanian courts decided 36 cases of instigation of racial hatred or racial discrimination: 16 cases under article 170 of the Criminal Code of the Republic of Lithuania, and 20 cases under article 312; no cases under article 169 were brought to courts. In 2007, nine persons in nine cases were adjudged guilty of criminal acts under article 170 of the Criminal Code of the Republic of Lithuania, and punished with pecuniary penalties.

## **Article 5 (c)**

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

#### **Legal acts**

129. The Republic of Lithuania has a number of legal acts guaranteeing equal participation of all citizens in public life (Law on Political Parties, Law on Associations, Law on the Equal Treatment, etc.). All citizens, and — in certain cases — permanent residents of the Republic of Lithuania, have the right to vote, be elected, found political parties, and exercise other rights.

130. Laws of the Republic of Lithuania guarantee a universal, equal and direct suffrage. All citizens of the Republic of Lithuania who, on the day of election, are 18 years of age have the right to vote in elections to the Seimas of the Republic of Lithuania, to the President of the Republic, and to municipal councils. Certain restrictions are imposed on citizens as regards their standing for elections to the Seimas, the President, and municipal councils; however, any direct or indirect abridgements of suffrage of the citizens on the grounds of gender, race, nationality, language, origin, social status, religion, beliefs or opinions are prohibited. Following the amendment of the Constitution of the Republic of Lithuania in 2002, the right to elect members of municipal councils or to stand for elections to municipal councils is guaranteed not only to citizens of the Republic of Lithuania but also to other permanent residents of administrative units, i.e. citizens of foreign States and stateless persons.

131. Since Lithuania's accession to the EU in 2004, Lithuanian citizens participate in elections to the European Parliament. Citizens of the Republic of Lithuania as well as citizens of other EU Member States permanently residing in Lithuania, who, on the day of elections, are 18 years of age have the right to vote in elections to the European Parliament.

#### **Elections in 2004–2007**

132. Three elections were held in Lithuania in the period of 2004–2007: elections to the Seimas (2004), elections to municipal councils (2007), and — for the first time — elections to the European Parliament (2004).

133. By the data of the Central Electoral Commission, 188 persons belonging to national minorities stood for elections to the Seimas of the Republic of Lithuania in 2004, mostly Poles (129) and Russians (42) (legal acts of the Republic of Lithuania do not require candidates to indicate their nationality; therefore, these figures refer to those only who have indicated their nationality of their own free will). Representatives of national minorities accounted for 15 per cent of the total number of candidates to the Seimas of the Republic of Lithuania. Seven were elected: three Russians, two Belarusians, one Jew, and one Pole).

134. Candidates to municipal councils may only be put forward by political parties registered in the Republic of Lithuania. There are no restrictions for persons who are not members of political parties to appear on the lists of candidates. In 2007, 25 persons other than citizens the Republic of Lithuania stood for elections to municipal councils. None of them were eventually elected. 14456 out of 2694909 voters in the electoral rolls were citizens of other States. 1006 persons out of 13422 who stood for elections to municipal councils indicated other than Lithuanian nationality. 104 of them were elected: 63 Poles, 34 Russians, 4 Ukrainians, 1 Belarusian, 1 Latvian, and 1 German). From among the candidates to municipal councils, the largest number of Poles were elected in Šalčininkai (21), Vilnius (17), and Trakai (11), and Russians in Visaginas (12), Klaipėda (4), and Zarasai (4).

**Article 5 (d)**  
**Other civil rights**

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

135. All persons lawfully residing in Lithuania or aliens temporarily staying here are guaranteed, by law, the right to move, choose a place of residence and leave Lithuania freely. Pursuant to the Constitution of the Republic of Lithuania, this right may not be restricted in any manner whatsoever except as provided by law and if it is necessary for the purpose of protecting national security or the health of people or administering justice.

136. The new Law of the Republic of Lithuania on the Legal Status of Aliens effective from 30 April 2004 governing the legal status of foreigners in the Republic of Lithuania has not introduced any novelties on this issue. Persons who have been granted asylum and a residence permit in the Republic of Lithuania have the right to settle in any place of the country.

137. Pending the examination of their applications for asylum in the Republic of Lithuania, asylum-seekers who have been granted provisional territorial asylum in the Republic of Lithuania are accommodated in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior, without any restrictions on their right to free movement. Asylum-seekers who have entered the territory of Lithuania lawfully may be allowed to stay elsewhere, if they wish.

138. Persons who have been granted refugee status in the Republic of Lithuania have the right to leave the Republic of Lithuania or return freely to their country of origin. When such person returns, of his own free will, to the country which he has left or outside which he stayed in the fear of persecution, he loses the refugee status of the Republic of Lithuania, but if such person moves to another foreign State, his refugee status remains.

139. Asylum-seekers who are not subject to any restrictions of the freedom of movement and who hold valid travel documents have the right to leave the Republic of Lithuania or to return freely to their country of origin.

140. A foreigner's passport is issued to a citizen of a foreign State who has a residence permit in the Republic of Lithuania but does not have a passport of that foreign State or an equivalent travel document and who cannot obtain such document, for objective reasons, from the competent authorities of his country of origin. A foreigner's passport gives the right to a citizen of a foreign State to travel outside the territory of the Republic of Lithuania and to return to the Republic of Lithuania during the period of validity of the passport. 45 foreigner's passports were issued in 2007 for the first time.

141. Pursuant to the provisions of the 1954 Convention relating to the Status of Stateless Persons (*Valstybės žinios* (Official Gazette) No. 59-1761, 2000), a travel document of a stateless person is issued to a person who does not have citizenship of a foreign State but who has a document giving him the right to live in the Republic of Lithuania; this travel document gives him the right to travel outside the territory of the Republic of Lithuania and to return to the Republic of Lithuania during the period of validity of this document. Eight-three travel documents of a stateless person were issued in 2007 for the first time.

142. A refugee who has lawfully obtained a permanent residence permit in the Republic of Lithuania may be issued, at his own request, a travel document for travelling abroad. Such travel document gives the right to the refugee to travel outside the territory of the Republic of Lithuania and to return to the Republic of Lithuania during the period of validity of this document. Six travel documents were issued and 10 replaced to refugees in 2007. Persons who have been granted subsidiary protection but who do not possess valid



travel documents of their country of origin are issued foreigner's passports for travelling to other States. In 2007, the Migration Department took 102 decisions to issue foreigner's passports to aliens covered by subsidiary protection.

143. Regarding the concern raised in paragraph 15 of the concluding observations of the Committee about detainment of asylum-seekers, we would like to note that article 113 of the Law of the Republic of Lithuania on the Legal Status of Aliens provides that an asylum-seeker may be detained in the following three cases only: when the alien is suspected of using forged documents; in order to stop the spread of dangerous and especially dangerous communicable diseases; or when the alien's stay in the Republic of Lithuania constitutes a threat to national security, public order or public health. An alien may be detained by police or any other law enforcement institution officer for a period of up to 48 hours; an alien may be detained at the Foreigners' Registration Centre for a period of over 48 hours on a court's order. An alien under the age of 18 years may be detained only in extreme cases when the alien's best interests are the main consideration. An alien has the right to appeal against the court's decision to detain him, to the Supreme Administrative Court of Lithuania which must pass a decision within 10 days from the date of acceptance of the appeal.

144. In 2007, 145 aliens were detained at the Foreigners' Registration Centre. Pursuant to article 115 of the Law on the Republic of Lithuania on the Legal Status of Aliens, an asylum-seeker may be subject to an alternative measure to detention, i.e. accommodation in the Foreigner's Registration Centre without his freedom of movement being restricted.

### **The right to nationality**

145. In paragraph 23 of its concluding observations, the Committee voices concern over article 18(1) of the Law of the Republic of Lithuania on Citizenship (*Valstybės žinios* (Official Gazette) No. 95-4087, 2002), which provides that the acquisition of citizenship of another State results in the loss of Lithuanian citizenship, only applies to persons who are not of Lithuanian origin. The Committee asked to furnish detailed information on the decision of the Constitutional Court in this matter. In response to this request, below we provide information about the said decision of the Constitutional Court and about actions taken by public authorities after this decision was taken.

146. On 13 November 2006, the Constitutional Court of the Republic of Lithuania issued a ruling (*Valstybės žinios* (Official Gazette) No. 123-4650, 2006) concerning constitutional compliance of the provisions the Law of the Republic of Lithuania on Citizenship and of the Law on the Implementation of the Law on Citizenship. The Court ruled that 23 provisions of the two above-mentioned Laws were constitutionally incompliant. It should be noted that in this case the Court examined the constitutionality of not only article 18 of the Law on Citizenship but also of its other articles. Many aspects examined were related to the institute of dual citizenship. Some provisions of the Law on Citizenship were looked at from the perspective of article 12(2) of the Constitution ("With the exception of individual cases provided for by law, no one may be a citizen of both the Republic of Lithuania and another State at the same time"), and some, of article 29 of the Constitution ("All persons shall be equal before the law, the court, and other State institutions and officials").

147. The constitutionality of article 18(2) of the Law on Citizenship was looked at by the Constitutional Court only from the perspective of article 12(2) of the Constitution, which provides that "with the exception of individual cases provided for by law, no one may be a citizen of both the Republic of Lithuania and another State at the same time". The same provision was laid down in the Law of the Republic of Lithuania on Citizenship adopted on 17 September 2002 (effective from 1 January 2003) which, however, provided for several cases when a citizen of another State could acquire citizenship of the Republic of Lithuania. The exception, i.e. to have citizenship of another State in addition to Lithuanian citizenship, was laid down, apart from other articles of the Law, in article 18(2) which provided that

persons who held citizenship of the Republic of Lithuania prior to 15 June 1940, their children, grandchildren and great-grandchildren (provided that the said persons, their children, grandchildren or great-grandchildren did not repatriate), also persons of Lithuanian descent whose parents or grandparents are or were or one of parents or grandparents is or was Lithuanian and the person considers himself Lithuanian, retained Lithuanian citizenship even if they had acquired citizenship of another State.

148. It should be noted that these provisions applied from the effective date of the Law on Citizenship until the effective date of the Ruling of the Constitutional Court of the Republic of Lithuania, i.e. until 16 November 2006, when the Constitutional Court ruled that such legal regulation created preconditions for dual citizenship to be a widespread phenomenon rather than a particularly rare exception and was therefore incompliant with the above-quoted provision of article 12(2) of the Constitution of the Republic of Lithuania. Having ruled so, the Constitutional Court did not study further whether the provision of article 18(2) of the Law on Citizenship which provides that “Subparagraph 2 of paragraph 1 of this article shall not be applicable to: <...> 2) persons of Lithuanian descent whose parents or grandparents are or were or one of parents or grandparents is or was Lithuanian and the person considers himself Lithuanian” was compliant with article 29 of the Constitution of the Republic of Lithuania which enshrines the principle of equality of all persons.

149. Other conclusions concerning legal acts on citizenship relations made by the Constitutional Court in the said Ruling are also worth mentioning. The Constitutional Court has ruled that the definition of “repatriation” in the Law on the Implementation of the Law on Citizenship, which the Law on Citizenship mentions in relation to the retention of citizenship, is incompliant with article 29 of the Constitution and with the constitutional principle of the rule of law. Pursuant to article 2(2) of the Law of the Republic of Lithuania on the Implementation of the Law on Citizenship, repatriation means “departure for one’s ethnic homeland and residence in the ethnic homeland”. In this case, Lithuanian citizenship could be acquired by persons, or their children, grandchildren or great-grandchildren, who proved that they had held Lithuanian citizenship before 15 June 1940 but, being citizens of another State and residing abroad, could not return to their ethnic homeland and take up residence there. Moreover, the provision concerning repatriation was applicable on a case-by-case basis and after all individual circumstances have been examined: for instance, it was not applied to prisoners of concentration camps deported for forced labour during the war, and the like. The Constitutional Court of the Republic of Lithuania has held that the definition of repatriation, as regards its purpose in the Law on Citizenship and the context of usage, departs from all the imperatives of article 29 of the Constitution which enshrines the principle of equality of all persons, in that it restricts the right of persons of other than Lithuanian descent who have returned to their ethnic homeland and who have possessed Lithuanian citizenship before 15 June 1940, also of their children, to retain their Lithuanian citizenship. The retention of the right to Lithuanian citizenship becomes largely dependent on the ethnic origin of the person and on which State — ethnic homeland or other — the person has left Lithuania for. Thus, the relevant provisions of the Law of the Republic of Lithuania on Citizenship and the Law on the Implementation of the Law on Citizenship have been declared as constitutionally incompliant.

150. The above-mentioned Ruling of the Constitutional Court of the Republic of Lithuania is also important from another perspective. The Constitutional Court held in the Ruling that the legal regulation laid down in the Law on Citizenship is not constitutionally justifiable as it results in large numbers of Lithuanian citizens simultaneously holding citizenship of other States. The Constitutional Court has underlined that the legislator must respect the constitutional requirement that a person may hold citizenship of the Republic of Lithuania and, simultaneously, of another State only in exceptional cases laid down by law; such cases must be very rare and exceptional, not widespread.

151. Pursuant to article 72 of the Law on the Constitutional Court of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No. 6-120, 1993), provisions of legal acts declared constitutional by the Constitutional Court may not be applied as from the date of official publication of the relevant ruling of the Constitutional Court. Thus, the anti-constitutional provisions of the Law of the Republic of Lithuania on Citizenship, including its article 18(2), are not applicable from 16 November 2006. The Ruling also underlines that the fact that many provisions on dual citizenship of the Law on Citizenship have been declared incompatible with the Constitution of the Republic of Lithuania may not be invoked to question the rights of persons who have acquired Lithuanian citizenship without renouncing their other citizenship; such persons retain their Lithuanian citizenship. However, as the Constitutional Court concluded that the legal regulation laid down in the Law on Citizenship was very controversial, inconsistent and confusing; the Law will have to be amended in principle. In this particular case, the Constitutional Court ruled: no matter how the legal regulation of Lithuanian citizenship relations is reformed in the future, the principles of the Constitution of the Republic of Lithuania, including those on the equality of all persons and non-discrimination on the grounds of ethnic origin, must be respected.

152. Following the adoption of the said Ruling by the Constitutional Court of the Republic of Lithuania, the Prime Minister of the Republic of Lithuania issued Ordinance No. 418, dated 20 December 2006, to set up a working group to deal with matters related to the conception of Lithuanian citizenship under the current conditions of evolution of Lithuanian Statehood. The working group has issued a set of recommendations as to how the State should regulate citizenship-related matters in the light of the current global trends (such as globalisation, regional integration, and migration). The working group suggested, in line with citizenship institutes laid down in the Constitution of the Republic of Lithuania, drafting an integrative law on citizenship and the related relations which would govern different types of relations between a person and the State of Lithuania: the institute of citizenship, the institute of preservation of special bonds with the State of Lithuania (with the right of reintegration), and the institute of preservation of the right to Lithuanian citizenship.

153. Recommendations of the above-mentioned working group relate, first of all, to the drafting of an entirely new law on citizenship. However, pending the preparation and adoption of the new law on citizenship, a draft Law Amending articles 1, 9, 16, 17, 18, 20, 21, 22, 26, 28, 29, and 30, Repealing article 6, and Adding article 9<sup>1</sup> to the Law on Citizenship (No. XP-2501), drafted in line with the Ruling of the Constitutional Court of the Republic of Lithuania of 13 November 2006, was registered in the Seimas of the Republic of Lithuania on 7 September 2007, to make urgent amendments to the currently applicable Law on Citizenship and ensure implementation of its relevant provisions. The proposed amendments to the Law of the Republic of Lithuania on Citizenship include the deletion of article 18(2) of the Law which provided that Lithuanian citizenship could only be retained, in parallel with citizenship of another State, by persons who held Lithuanian citizenship before 15 June 1940, their children, grandchildren and great-grandchildren (provided that the said persons, their children, grandchildren or great-grandchildren did not repatriate), also by persons of Lithuanian descent.

154. The Board of the Seimas of the Republic of Lithuania issued Decision No 1856 of 17 October 2007 to set up a working group for the drafting of legal acts necessary for the implementation of the above-mentioned Ruling of the Constitutional Court of the Republic of Lithuania. On 1 April 2008, this working group registered, in the Seimas, a draft Law on Citizenship No. XP-2952 which implements the provisions of the said Ruling of the Constitutional Court, consolidates substantive and procedural principles governing Lithuanian citizenship relations into a single document, repeals the Law on the Implementation of the Law on Citizenship, and moves its certain provisions into the Law on Citizenship. Once passed, the Law will be a single document laying down the bases both

for the acquisition and the loss of Lithuanian citizenship, make the application of the provisions of the Law on Citizenship more uniform, more clearly define who can be a citizen of the Republic of Lithuania, set the cases when a person having acquired citizenship of another State could retain his Lithuanian citizenship, remove the requirement of non-repatriation for a person to retain his Lithuanian citizenship, be in line with the provisions of the Criminal Code and the Civil Code of the Republic of Lithuania, re-introduce the conditions for the acquisition of Lithuanian citizenship by birth as provided for in article 12(1) of the Constitution of the Republic of Lithuania, and set that a child who has acquired, by birth, citizenship of not only Lithuania but also of another State, retains his Lithuanian citizenship, i.e. may have more than one citizenship. In addition to the above-mentioned provisions, the draft Law also clarifies and explicates other clauses on citizenship relations.

### **The right to freedom of thought, conscience and religion**

155. Lithuania's legislation guarantees unrestricted freedom of thought, conscience and religion to all persons. Every individual in the Republic of Lithuania has the right to choose freely any religion or faith, also change his choice individually or with others, profess it privately or publicly, perform religious rites, practice his faith and teach others; believers have the right to freely join religious communities and associations, and also establish religious organizations. Persons belonging to national minorities have the right to profess any or no religion, and perform religious or national observances in their mother tongue. In 2007, 131 religious communities of national minorities operated in Lithuania (see table 12 in the annex).

156. In Lithuania, the religious communities of the Orthodox, Old Believers, Sunni Muslims (Tartars), Jews, Greek Catholics and Karaites are considered traditional religious communities forming a part of social, cultural and historical heritage of Lithuania (art. 5 of the Law of the Republic of Lithuania on Religious Communities and Associations). Moreover, article 6 of the Law on Religious Communities and Associations provides that other religious associations may be granted State recognition as being a part of Lithuania's historical, spiritual and social heritage, provided, however, that they enjoy support of the general public and that their teaching and rites are not contrary to the law and morality. State recognition means that the State supports spiritual, cultural and social heritage of the religious communities. So far, not a single ethno-confessional community has approached the Seimas of the Republic of Lithuania for the status of State-recognized religious association.

157. Once registered, a religious association acquires legal personality; even so, religious associations do not necessarily need registration to operate in Lithuania. Religious associations, both registered and non-registered, are not subject to any restrictions of their right to practice their religion or faith.

158. By to the data of the 2001 population and housing census, the largest share of Lithuania's population were Roman Catholics (79 per cent). 93 per cent Poles, 85 per cent Lithuanians, 13 per cent Ukrainians, and 47 per cent Belarusians attributed themselves to the Roma Catholic community, and 11 per cent Russians to the community of Old Believers. For more information on religious communities of national minorities operating in Lithuania. (see table 13 in the annex).

159. In accordance with laws, traditional religious communities of Lithuania may be granted financial assistance. For information on financial assistance allocated from the State budget of the Republic of Lithuania in 2004–2007. (see table 14 in the annex).

### **The right to freedom of opinion and expression**

160. Laws of the Republic of Lithuania guarantee equally to all persons the right to have their own opinions and express them freely. Freedom to express opinions as well as to obtain and disseminate information may not be restricted in any way other than established by law when it is necessary for the protection of health, honour and dignity, private life or morals of a person, or for the protection of constitutional order. Persons belonging to national minorities, like any other persons, have the freedom of provision of information to the public, i.e. the right to run one's own mass media and have access to mass media in one's mother tongue.

161. At the time of preparation of this present report, periodicals in Lithuania were published in Russian, Polish, German and Yiddish languages. Lithuanian Tartars and Greeks publish their newspapers in Lithuanian or Russian languages with inserts in their mother tongue. National communities also have access to the National Communities Information Bulletin published jointly by the Department of National Minorities and Lithuanians Living Abroad and by the House of National Communities, in which they provide information on their activities. For a list of periodicals published for national minorities (see table 15 in the annex).

162. Pursuant to the Law of the Republic of Lithuania on the National Radio and Television (*Valstybės žinios* (Official Gazette) No. 102-2319, 1996; No. 153-5639, 2005), the public broadcaster, Lithuanian Radio and Television, must ensure that its programmes serve persons of different nationalities and beliefs. To implement this requirement, the National Radio broadcasts special informational programmes of different duration, for Russian, Belarusian, Tartar, Ukrainian, Jewish and other national minorities. The First Channel of the Lithuanian Radio broadcasts a daily informational programme of thirty minutes in the Russian language. The Second Channel of the Lithuanian Radio, "Klasika", has a daily one-hour broadcast of cultural-educative character "Santara", specially designed for Lithuania's national minorities, and a daily thirty-minute broadcast in the Polish language (see table 16 in the annex).

163. Lithuania also has private radio stations broadcasting programmes in the languages of national minorities such as "Russkoje radijo" (broadcasts in Russian round the clock), "Znad Wili" (broadcasts in Polish round the clock), and "Baltijos bangos" (many programmes broadcasted in Belarusian). Programmes in Russian are also broadcasted by local radio stations in Visaginas and Klaipėda.

164. Lithuanian Television also has many programmes broadcasted for Lithuania's national minorities (see table 17 in the annex). The number of programmes produced for national minorities did not decrease in 2004–2007, but they are not being repeated from June 2007.

165. According to laws of the Republic of Lithuania, financial support may be granted to cultural and educative projects. Pursuant to the Law of the Republic of Lithuania on the Provision of Information to the Public, the public institution "Media Support Foundation" launches tenders for co-financing by the State, with a view to promoting national and regional projects of significance to the national culture and of a lasting value, guaranteeing their continuity, and ensuring minimal support for public expression, for prevention programmes and for moral education of children and youth.

166. In 2004–2007, the Foundation granted support to 24 press and electronic media projects in the languages of Lithuania's national minorities. LTL 354900 was allocated for this purpose. The above-mentioned projects contribute to the development of the identity of Lithuania's national minorities, to the promotion of Lithuanian and European public integration, and to the encouragement of inter-lingual dialogue.

### The right to freedom of peaceful assembly and association

167. Laws of the Republic of Lithuania guarantee to all persons, regardless of race or nationality, the right to peaceful assembly and the freedom of association. A new Law on Associations came into force in the Republic of Lithuania on 14 February 2004. The Law governs the establishment and the activities of associations formed as public legal persons with the aim of coordinating the activities of their members, representing and defending the interests of their members, and serving other public interests. The name of an association may include such words *asociacija* (association),  *visuomeninė organizacija* (public organization),  *susivienijimas* (pool),  *konfederacija* (confederation),  *sąjunga* (union),  *draugija* (society), or other. Associations and public organizations, also branch offices of public organizations, registered as legal persons prior to the entry into force of this Law are considered legal persons formed as associations, without being required to be re-registered.

168. The Law of the Republic of Lithuania on National Minorities also serves as the legal basis for exercising the freedom of associations. This Law guarantees the right to national minorities to form national cultural organisations. In 2007, 300 associations and cultural centres of national minorities operated in Lithuania (see table 18 in the annex).

169. A network of centres of national communities has been set up and is financed and further developed by efforts of the State. Within this network, national minorities' NGOs successfully develop their activities. One of such organizations is the House of National Communities actively working in Vilnius. The House works to help preserve cultural and ethnic identity of Lithuania's national minorities as they integrate into the community life of the country. The House of National Minorities houses the Azerbaijani community of Lithuania, the association of Lithuanian Belarusian public organizations, the Belarusian club "Siabryna", Lithuanian Estonians' society, the association of Lithuanian Greek public organizations, Greek community in Lithuania "Pontos", the coordinative council of Lithuanian Latvian public organizations, Latvian society of Vilnius, Lithuanian Romanian cultural society "Dačija", Ukrainian society of Vilnius, German community of Vilnius (*Deutsche Gemeinschaft*), and Lithuanian Orthodox educational society "Živoj Kolos".

170. Another successfully working organization is the Roma Community Centre established in 2001. Moreover, a number of new public organizations were established: Kaunas Cultural Centre of Various Nations in 2004, the Ethnographic and Folklore Centre of Lithuania's National Minorities in 2005 and the Centre of National Cultures of Visaginas in 2006. These organizations contribute to full integration of national minorities into the society, help preserve their cultural and ethnic identity, and promote ethnic tolerance of the public.

171. Organizational and administrative capacities of leaders of national minorities' NGOs are being continuously strengthened. Special seminars and conferences are organized for them. In 2005–2006, the Department of National Minorities and Lithuanians Living Abroad, organized seminars "Cultural Project: from Idea to Report" and "Support Funds for Lithuanian Non-Governmental Organisations", for NGO leaders. NGO leaders were given a theoretic and practical training on how to prepare proper applications for financing, and information on support programmes available to non-governmental organizations.

172. With the view of encouraging more active integration by national minorities into the civil society, an international conference "Participation of National Minorities in the Civil Society" was organized on 11 April 2007. The conference was organized by the Department of National Minorities and Lithuanians Living Abroad in cooperation with the non-governmental organization Centre of Human Rights and Mykolas Romeris University. Participants of the conference analysed the experience of foreign States in this field and the existing weaknesses of the legal system precluding national minorities from integrating actively into the civil society.

173. Internet websites were created for the cultural centres of national minorities. In 2005, Kaunas Cultural Centre of Various Nations launched a website [www.minority.lt](http://www.minority.lt), in which it posts and regularly updates information about non-governmental organizations of Kaunas national minorities. In 2005, the House of National Communities renewed its website ([www.tbn.lt](http://www.tbn.lt)) where it posts information about Russian, Belarusians, Azerbaijani and other non-governmental organizations housed in the House of National Communities.

## **Article 5 (e)**

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

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

##### *Statistics*

174. In the period of 2004–2007, Lithuanian labour market saw a drop in labour supply and a growth of labour demand, resulting from the rapid economic development, creation of new jobs, and emigration.

175. By the data of the Department of Statistics, an overall growth of employment among people aged 15–64 was recorded in the past four years in Lithuania: average annual level of employment of 61.1 per cent in 2004, 62.2 per cent in 2005, 63.3 per cent in 2006, and 64.9 per cent in 2007. Men employment was higher than that of women. In 2007, employment of men aged 15–64 was 67.9 per cent, and that of women 62.2 per cent. Employment in the private sector was three times higher than in the public sector. In 2007, 26.2 per cent of the total population were employed in the public sector, and 73.8 per cent in the private sector. Over the past four years, unemployment has shrunk by almost three times, to 4.3% in 2007 (see table 19 in the annex)

176. Employment by nationality was last estimated in 2002. At that time, overall unemployment was 13.8 per cent, while unemployment among national minorities was higher than average: 20.3 per cent among Russians (20.6 per cent men and 19.9 per cent women), 17.8 per cent among Poles (15.5 per cent men and 19.9 per cent women), and 17.4 per cent among other nationalities (19.1 per cent men and 15.8 per cent women). Since then, no studies of this kind were performed.

##### **Legal acts**

177. The basic legal act governing labour relations, the Labour Code of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No. 64-2569, 2002), lays down the principle of equality of subjects of labour law irrespective of gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, membership in a political party or public organization, and factors unrelated to the employee's professional qualities. The employer's duty to ensure equal treatment at work is also set in the Law of the Republic of Lithuania on Equal Treatment. The employer must, regardless of the person's age, sexual orientation, disability, racial or ethnic origin, religion or opinions, apply equal recruitment criteria and employment conditions when employing a person or recruiting to the public service except in the cases set forth in the Law; provide equal conditions in employment and in public service; provide opportunities for in-service training, more advanced vocational training, re-training, practical work experience; grant equal benefits; use equal criteria in evaluating performance results in employment and public service; apply equal criteria of dismissal from work and from public service; provide equal pay for equal work or for work of equal

value; perform other obligations laid down in the Law. Pursuant to the Law of the Republic of Lithuania on Safety and Health at Work, the employer must ensure safety and health of workers at work in all aspects related to work.

### **Employment of aliens**

178. Since accession to the EU, the legal status of aliens in the Republic of Lithuania is regulated by the Law on the Legal Status of Aliens passed in 2004. The Law has removed the employment quota and made the issuance of work permits to aliens conditional on the demands in the labour market of Lithuania. Also, an alien must obtain a work permit before arrival in the Republic of Lithuania.

179. The Minister of Social Security and Labour has approved, by Order No. A1-118 of 24 April 2006, the Conditions and the Procedure for the Issuance of Work Permits to Aliens applicable to aliens who come to the Republic of Lithuania to work under an employment contract or who are seconded to the Republic of Lithuania for a limited period of time with their principal workplace being abroad. A separate procedure for the issuance of work permits is applied to aliens who are already lawfully present in the Republic of Lithuania. This procedure is laid down in the Conditions and Procedures for the Issuance of Work Permits to Aliens Who are Already Present in the Republic of Lithuania as approved by Order No. A1-223/IV-310 of 28 September 2004 of the Minister of Social Security and Labour and the Minister of the Interior (*Valstybės žinios* (Official Gazette) No. 149-5435, 2004). Pursuant to these Conditions and Procedures, a work permit may be issued, *inter alia*, to an alien who is already present in the Republic of Lithuania if the alien is engaged in the economic activity which has a shortage of workforce of certain professions and this shortage limits business opportunities of the company for which the alien works. From 2007, the Minister of Social Security and Labour approves biannually the list of wanted professions grouped by types of economic activities.

180. A work permit to an alien may be issued for a period of up to two years; a work permit specifies the job (position title) and the enterprise, institution or organization where the alien will be employed. Citizens of the EU Member States, and their family members, are not required to have a work permit.

181. In the past four years, Lithuania's Labour Exchanges have received increasingly more applications for employing aliens and issued increasingly more work permits. In 2007, almost twice as many (90 per cent more) work permits were issued to aliens than in 2006 (see table 20 in the annex).

182. In 2006, the highest numbers of work permits were issued to aliens from Belarus (37 per cent), Ukraine (32 per cent), and Romania (14 per cent); and in 2007, to aliens from Belarus (38 per cent), Ukraine (36 per cent) and Turkey (7 per cent) (see table 21 in the annex). In 2007, 42 per cent of the employed aliens were drivers, 12 per cent bricklayers, 8 per cent welders, 7 per cent assemblers, 5 per cent concrete-layers, and 26 per cent of other professions.

### **Employment policy**

183. The Law of the Republic of Lithuania on Support to the Unemployed effective before 1 September 2006 was applicable to all persons, including citizens of other States and stateless persons, except for the cases regulated by separate laws or international agreements. The Law on Support for Employment (*Valstybės žinios* (Official Gazette) No. 73-2762, 2006) which replaced the above-mentioned Law and which was applicable at the time of preparation of this present Report is equally applicable to citizens of the Republic of Lithuania and to aliens lawfully present in the Republic of Lithuania. This Law together with other legislation in the field of support for employment guarantee equal rights to all



persons lawfully residing in the Republic of Lithuania, providing that the tasks of the employment support system are fulfilled and employment support measures are implemented in line with the principles of equal opportunities for men and women and non-discrimination. However, because certain national minorities (e.g. Roma) are more disadvantaged in the field of employment than other groups, additional measures are implemented to eliminate this exclusion and to ensure successful integration of such persons into the labour market. Additional actions are also necessary in the light of the upcoming closure of Ignalina Nuclear Power Plant, which will mostly affect the social and economic situation in Visaginas where almost 85% of residents are other than Lithuanians.

### **Support for Roma integration into the labour market**

184. Participation in the labour market is a prerequisite for successful integration, but Roma, who are often undereducated, do not have a profession, and are unfavourably viewed by employers, have difficulties in integrating into the labour market not only in Vilnius but also elsewhere in the country. By the data of a study conducted in 2001, about 50 per cent men and 70 per cent women did not have any job and only 5 per cent men and 0.7 per cent women had a regular job. Nearly half of the interviewed Roma living in the Kirtimai area in Vilnius said they would take any job; even so, proposals to take up public works are inefficient in the light of large social exclusion.

185. Particularly much attention is given to the goal of reducing unemployment among the Roma. The Programme for the Integration of Roma into Lithuanian Society 2000–2004 approved by the Government of the Republic of Lithuania by Resolution No. 759 of 1 July 2000 (*Valstybės žinios* (Official Gazette) No 54-1580, 2000) had provided a set of measures aimed at solving social and economic problems faced by the Roma. Even after expiry of the period of implementation of this Programme, the Department of National Minorities and Lithuanians Living Abroad was allocating annually the amount of LTL 265 thousand for the implementation of Roma integration measures and continued implementing measures under the said Programme. One of the most important measures was to sustain activities of the public body Roma Community Centre which provides social services and gives advice on various employment-related issues. A wide range of assistance is offered to job-seeking Roma: search for job offers, help to get prepared for the interview and to submit the necessary documents, etc. With the growth of economic migration, more vacancies appear in the labour market; these may be filled even by unskilled workers, meaning more employment possibilities for the Roma.

186. Promotion of Roma employment is one of the main tasks of the new Programme for the Integration of Roma into Lithuanian Society 2008–2010 approved by the Government of the Republic of Lithuania by Resolution No. 309 of 28 March 2008 (*Valstybės žinios* (Official Gazette) No 42-1555, 2008). Under this Programme, a feasibility study of Roma integration into the labour market will be conducted first of all, followed by a set of recommendations for the implementation of such integration. In addition, vocational training programmes will be adapted to unemployed Roma. Once a quarter, the Roma Community Centre will organize “labour market days”, during which members of the Roma community will be given information on their opportunities to get a job or participate in vocational training programmes, and on other labour-related issues of interest to them. As part of the Programme, an information-search point will be set up in the Roma Community Centre and will be given methodological and practical support. There are plans to prepare and publish an informational booklet for the Roma community about services provided by labour exchanges, active labour market measures, and employment opportunities, to train personnel to provide employment mediation services and to train professional guidance and training staff to work with job-seeking Roma. The issue of Roma employment is also tackled by implementing a project under the EQUAL initiative (see information below).

**EQUAL**

187. Accession to the EU has opened up a possibility for Lithuania to participate in the EQUAL initiative of the European Communities, which tests and promotes new methods of the fight against all forms of discrimination and inequality encountered both by employed persons and job-seekers in the labour market.

188. In 2004–2007, a project “Development and Testing of Support Mechanism for the Integration of Roma into Labour Market” under the EQUAL initiative was implemented. The project aimed at preparing the Roma for the labour market, and forming a more favourable public attitude to the Roma and vice versa. The project pursued two goals: first, to train Roma as assistant social workers, and second, to improve professional qualifications of individual members of Roma community and to enhance their employability. The project was innovative in that the development of the mechanism for the integration of Roma into the labour market was built on a social partnership between the professional social worker and his Roma assistant. In integrating Roma, the main focus was on this new social partnership, the main task of which was to help individual Roma acquire the desirable qualifications and professional skills and find a job.

189. The project also involved a number of public authorities such as the Department of National Minorities and Lithuanians Living Abroad, Social Workers’ Training Centre under the Ministry of Social Security and Labour, Ukmergė Labour Exchange, municipal administrations of Vilnius city and Ukmergė district, non-governmental organizations – Children’s Fund of Lithuania, Roma Community Centre, and Lithuanian Gypsy Community “Čigonų laužas”. The mechanism of Roma integration into the labour market was tested in Vilnius city and in Ukmergė and Šalčininkai districts where Roma live in larger communities.

190. Another project implemented under the EQUAL initiative since 2004 is the “Development and Testing of Support Mechanism for the Integration of National Minorities into Labour Market”. As part of this project, cooperation networks are being created to bring together public authorities, non-governmental organizations, private sector organizations, also local labour exchanges and municipalities. These networks are being created with the help of persons – leaders, who are mostly representatives of national minorities’ NGOs, specially selected for the purpose in Vilnius city and in Šalčininkai and Vilnius districts. Other participants of the project, the patrons, help members of national minorities to strengthen their positions in their new jobs. They monitor, encourage and support the unemployed who fail to get a job for one reason or another. At the time of preparation of this present Report, the project is on its third stage of implementation.

**Decommissioning of the Ignalina Nuclear Power Plant and situation of national minorities**

191. The gradual decommissioning of the State enterprise Ignalina Nuclear Power Plant (hereinafter referred to as Ignalina NPP) to be completed by 31 December 2009 is a new challenge because Ignalina NPP workers might face difficulties in integrating into the labour market as most Visaginas residents (85 per cent of whom are other than Lithuanians) work in the Power Plant or related companies, or in companies or institutions providing services to the Plant’s workers.

192. On the initiative of the Ministry of Social Security and Labour, a socio-economic monitoring programme for the Ignalina NPP region was developed in 2001, together with the implementing methodology for monitoring socio-economic processes in the region and for identifying the need for and the impact of measures being taken. The programme is implemented and the methodology is applied in practise by outsourced experts financed from the allocations for the decommissioning of Ignalina NPP. The programme has been

implemented since 2002. It performs annual assessments of the situation in the region. Monitoring results are made publicly available to the civil society of the Ignalina NPP region and to the public authorities concerned.

193. With a view to mitigating social and economic consequences of the closure of Ignalina NPP, the Government of the Republic of Lithuania has undertaken to implement relevant labour market policy measures. Among them is the continuous enhancement of institutional capacities of Ignalina Labour Exchange. Since 2001, Ignalina NPP premises house a mini labour exchange which provides information to all interested persons on vacant jobs, situation in the labour market, re-training opportunities, or employment possibilities abroad. Particular focus is on counselling related to the closure of Ignalina NPP.

194. In 2002, Ignalina Labour Exchange and Visaginas Municipality supported by the International Organization for Migration established an Information and Counselling Centre in Visaginas which has been operating since then. The Centre offers free access for Visaginas residents, through the use of modern information technologies, to information on the situation in the labour market, vocational training opportunities and conditions, and other employment-related information. Because most visitors of the Centre do not know the official language well enough, the main information (legal, employment-related and on training opportunities) is also given in the Russian language.

195. To strengthen the capacities of Ignalina Labour Exchange to address challenges on the labour market if there should be many redundancies, the Swedish National Labour Exchange and Lithuanian Labour Exchange implemented a joint project “Active Labour Market Policy in the Ignalina NPP region” in 2003–2006. Drawing on the Swedish experience, a steering committee and a working group have been set up to coordinate actions and disseminate information to the institutions concerned: Ignalina NPP administration, trade unions, regional labour exchanges, municipalities, Ignalina NPP Development Agency. Representatives of these institutions take part in the activities of decision-making management bodies when they address regional development and unemployment problems. Drawing on the Swedish experience, capacities of labour exchanges of the Ignalina NPP region have been strengthened; also, informational material has been published for Ignalina NPP redundancies already made and still to be made.

196. Inadequate command of the official language could be one of the largest obstacles for some redundant workers of Ignalina NPP to integrate into the labour market of the country. As all technical documentation of this strategic object was in the Russian language (certified by the International Atomic Energy Agency as one of the languages that could be used for technical documentation), the technical personnel of Ignalina NPP did not need to use the official language at their workplace. Therefore, a number of Ignalina NPP workers do not know and do not use the official language, and this might preclude them from competing successfully in the labour market in the future.

197. To tackle this problem and thus improve the competitiveness of national minorities on the labour market, the Official Language Centre operating in Visaginas municipality organizes language courses structured according to the students’ needs and the level of knowledge (beginners, advanced, etc.). In 2006, the Ignalina NPP Regional Development Agency implemented a project “Capacity-building of Visaginas national minorities in view of integration into the labour market”. Visaginas national minorities were given a high-quality theoretical and practical training and vocational guidance.

198. Guarantees set in the Law of the Republic of Lithuania on Additional Employment and Social Guarantees for the Employees of the State Enterprise Ignalina Nuclear Power Plant (*Valstybės žinios* (Official Gazette) No. 48-2106, 2003) were further implemented in 2004–2007. Pursuant to this Law, workers of Ignalina NPP “who are being or have been

dismissed from work as a result of decommissioning” of Ignalina NPP as well as their family members are entitled to additional employment support guarantees. In 2004–2007, Ignalina Labour Exchange extended additional social guarantees to 377 redundancies of Ignalina NPP (376 persons received supplementary severance pay, 11 persons were granted monthly pre-retirement employment allowance, 28 persons received relocation allowance).

199. People in the region are quite positive about social and economic development prospects in the region – as many as one-third of people living in Ignalina and Zarasai, neighbourhood of Ignalina NPP, believe things will get better. This indicator has grown almost twice compared to the findings of the survey conducted in 2001. Visaginas residents, too, are increasingly positive about the future, although there are only half as many optimists there. Compared to the data of the 2001 survey, 2.5 times more residents of Visaginas said their living had improved over the past two years.

### **The right to housing**

#### *Statistics*

200. According to the data of the 2001 population and housing census, there were 371 dwellings per 1000 people in 2001. The most prevalent forms of housing were flats (61.2 per cent of the total number of dwellings), followed by private houses and parts thereof (37.4 per cent), and hostels (1.3 per cent). 99.8 per cent of all dwellings had electricity, running water was supplied to 79.9 per cent and hot water to 67.8 per cent dwellings, and 77.3 per cent had sewage collection system. Central heating was the most popular form of heating: heating from the central heating system was supplied to 52.9 per cent dwellings, 25.6 per cent dwellings had their own, local, source of heating, 25.2 per cent used other types of heating sources and 0.2 per cent had no heating at all (used several methods of heating).

### **Roma housing problem**

201. Of all national minorities living in Lithuania, Roma have most housing-related problems. There are no country-wide data about the quality of their homes; such data is collected only about the Kirtimai Tabor in Vilnius City Municipality. Roma still live here in problematic conditions. Their houses and huts (approximately 70) in the Kirtimai Tabor have been constructed without any authorisation, are in a poor condition and lack basic sanitation. Only one house in the Tabor has been legally registered (Dariaus ir Girėno Street 185); others do not have legal registration, although some of them meet the requirements and could be legally registered.

202. By the data of a sociological survey, one-third of the Roma in the Kirtimai Tabor were not satisfied with their living environment, especially those living in the lower part of the Tabor (they viewed their situation as particularly bad), and only about 6 per cent of the Roma interviewed said they would like to stay there. The main problems in the Kirtimai area are the poor condition of streets and lack of lighting, lack of drinking water, poor living conditions, and absence of a long-term territorial development plan and housing policy measures.

203. In recent years, Lithuanian public authorities and institutions of Vilnius City Municipality have made many efforts to address housing problems in the Kirtimai area. Major improvements in the territory can be made only after Kirtimai territory is legally registered. To be able to tackle Roma housing problems, an analysis of legal registration of Roma housings and of the quality of their living environment and a feasibility study into acquisition and improvement of Roma housing must be performed first. According to the Programme for the Integration of Roma into Lithuanian Society for 2008–2010, this study is scheduled in 2008–2009.

204. Pending final decision regarding the Kirtimai area, efforts are being made continuously to improve at least living conditions for this community. In 2004–2007, quite a number of improvements were made in the Kirtimai Tabor: administration of Vilnius City Municipality has asphalted a sports-ground and the approach road to the Roma living area; constructed a playground for children, a sidewalk along the Roma Community Centre, a rainwater collector; fitted road guardrails; renewed 1500 square meters of gravel road; fitted 20 new streetlamps.

205. Electricity is supplied to the Roma living in the Kirtimai Tabor, like to all other residents, for a charge. Those Roma who make payments regularly (about 10 houses) have an uninterrupted supply of electricity. In contrast, no electricity is supplied to those who have arrears. There are 4 drinking water hydrants in the Kirtimai area, equipped with filtering wells with ladders. There is also a public-financed sanitary and hygiene centre with a public bath and washing machines. Roma also receive annual allocations for the acquisition of solid fuel: LTL 9625 were allocated in 2004 (the amount was shared by 76 families), LTL 9875 in 2005 (79 families), LTL 10000 in 2006 (92 families), and LTL 21200 in 2007 (101 families). There are also several public transport lines from the Kirtimai area to the centre of Vilnius. Having said all this, it must be noted however that the rest of the general public negatively views the application of additional reservations and privileges to the Roma, arguing that the Roma should enjoy the same privileges as any other Lithuania's residents.

206. The Roma housing problem is partially solved by providing them with a social housing. Social housing is let to the Roma, like to other citizens of the Republic of Lithuania who apply for social housing, on the basis of the Law of the Republic of Lithuania on State Support for the Acquisition or Rent of a Housing and for the Modernisation of Blocks of Flats (*Valstybės žinios* (Official Gazette) No. 14-378, 1992; No 116-5188, 2002), which is implemented by municipal executive authorities. To this end, Vilnius City Municipality has prepared information on the possibilities to rent a social housing and distributed this information to the staff of the Roma Community Centre. Thus, it was explained, both in writing and orally, what documents need to be furnished in order to be entered in the waiting list for social housing.

207. Eleven Roma families (persons) were newly entered on the waiting list for social housing in 2004, 40 families (persons) in 2005, and another 40 families in 2006. Pursuant to the Law on State Support for the Acquisition or Rent of a Housing and for the Modernisation of Blocks of Flats, flats were let, under a fixed-term rental agreement, to 18 families with underage children, who furnished the necessary documents and declared their residence in the town of Vilnius. One person (single) was provided with a room in a hostel.

208. Unauthorized constructions and poor condition of buildings give rise to disputes between Vilnius City Municipality and the Roma community of the Kirtimai Tabor. On 2–3 December 2004, 5 residential houses and one non-residential building were pulled down in the Kirtimai Tabor territory on the initiative of administration of Vilnius City Municipality. Municipal officers, initiators of the demolition, claimed that the buildings were constructed without authorisation and without respecting the requirements of fire-protection, hygiene, safety to health, environmental safety and safe usage, and were therefore dangerous for human health and lives. The demolitions were soon stopped when other public authorities, including the Children's Rights Ombudsman and the Equal Opportunities Ombudsman, interfered. The affected members of the Tabor applied to the courts for financial and moral damages. By decision of 18 December of 2007, Vilnius District Administrative Court adjudged LTL 100000 in moral damages (in favour of 20 Roma people).

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

209. Pursuant to currently applicable legal acts, health-care services are provided to citizens, aliens and stateless persons in accordance with the principle of the place of residence. Article 6 of the Law of the Republic of Lithuania on Health Insurance (*Valstybės žinios* (Official Gazette) No. 55-1287, 1996; No 123-5512, 2002) provides that persons covered by compulsory health insurance shall not be distinguished according to nationality, race or gender. All persons residing permanently in the Republic of Lithuania are covered by compulsory health insurance. Moreover, compulsory health insurance coverage is also ensured to aliens who live in the Republic of Lithuania on a temporary basis and work lawfully here, also their underage family members. Once insurance contributions have been paid by (or to their benefit of) the above-mentioned persons in accordance with the Law on Health Insurance, these persons become insured and are eligible to health-care services, medicines and medical aid financed from the budget of the Compulsory Health Insurance Fund. Health-care services provided to aliens who have applied for asylum in the Republic of Lithuania, also aliens who have been granted subsidiary or temporary protection in the Republic of Lithuania, are financed from the State budget of the Republic of Lithuania (art. 6(5) of the Law on Health Insurance).

210. With the adoption of the Law Amending Article 6 of the Law on Health Insurance in April 2005, compulsory health insurance coverage is granted to unaccompanied underage aliens and to the most vulnerable aliens who have been granted subsidiary and temporary protection (persons under the age of 18; persons with a disease or health status included in the relevant list approved by the Ministry of Health; single parents with underage children; pregnant women, for the period covering 70 days before and 56 day after the delivery; persons of pensionable age). These persons are covered by compulsory health insurance financed with public funds. This amendment was initiated to fill the gap in the Law whereby aliens who have been granted asylum in Lithuania but who, after expiry of the period of their individual social integration, did not have the status of a permanent resident of the Republic of Lithuania yet and could not get a job, were consequently not eligible to health-care services financed from the budget of the Compulsory Health Insurance Fund.

211. Before adoption of the above-mentioned Law Amending Article 6 of the Law on Health Insurance, the issue of the provision of health-care services to ineligible persons was being addressed on a case-by-case basis. One of such cases was the case of Mariam Kamahwal, an Afghan citizen, who was not eligible, under the then-applicable legislation (the Law on Health Insurance effective before 2005), to free-of-charge health-care services as she and her mother did not have permanent residence permits in Lithuania and her mother's individual social integration period (during which health-care is ensured) had expired by that moment. To settle this problem, the Government of the Republic of Lithuania passed an express Resolution No. 1122 of 2 September 2004 (*Valstybės žinios* (Official Gazette) No 136-4949, 2004) to finance medical treatment for the said Afghan citizen from the Government Reserve.

### **Information about the provision of free-of-charge basic medical aid**

212. In response to the concern expressed in paragraph 22 of the concluding observations of the Committee and the request, in the additional questions, to explain what is considered "basic health care", we herein provide information on the provision of basic medical aid in Lithuania.

213. Pursuant to the national legislation, persons covered by compulsory health insurance are entitled to the following free-of-charge health-care services:

- Preventive medical aid:

- Medical aid (primary, secondary, tertiary personal health-care services; compensation of expenses on prostheses of limbs, joints and other organs; statutory compensations of expenses on medicines and medical aids; State support for the acquisition of orthopaedic aids)
- Medical rehabilitation
- Nursing services
- Social services and other services attributable to personal health-care
- Expert examination of personal health

214. Persons not covered by compulsory health insurance are only entitled to free-of-charge basic medical aid; other health-care services to such persons are provided for a charge.

215. Basic medical aid and basic medical aid services are provided in accordance with the procedure approved by Order No. V-208 of 8 April 2004 of the Minister of Health (*Valstybės žinios* (Official Gazette) No. 55-1915, 2004). Basic medical aid includes first medical aid and emergency medical aid provided by health-care institutions (which provide out-patient and/or in-patient services).

216. First medical aid is defined as minimum actions targeted at securing one's own or somebody else's health or saving life with the use of available medical and/or other aids and materials until institutional emergency medical aid can be provided to the injured person or until his/her health status is restored to normal or until death is verified.

217. Emergency medical aid is defined as immediate medical aid provided to prevent danger to life of the patient and/or the people around caused by acute clinical conditions or when failure to provide such aid on time might result in severe health complications. Emergency medical aid is provided until the patient's condition is stabilised and this condition may not be attributed any more to any of the four categories specified in the Table of Degrees of Emergency Medical Aid, or until sustained maintenance of the patient's vital functions is started and the condition is verified by a concilium of at least three doctors of different fields together with a representative of administration of the personal health-care institution concerned. Death is verified by a doctor or other personal health-care professional.

218. The degree of emergency medical aid is determined by the doctor who has examined the patient, guided by his professional competence and in accordance with the Procedure for the Provision of Basic Medical Aid and Basic Medical Aid Services approved by Order of the Minister of Health, and other legal acts governing the provision of basic medical aid.

219. Although personal health-care services provided to women at childbirth are not considered emergency medical aid, personal health-care institutions must provide the necessary medical assistance.

220. Sustained maintenance of the vital functions (artificial ventilation of lungs, haemodialysis, artificial heart, artificial liver) and transplantation of organs and tissues are not attributed to emergency medical aid.

#### **Accessibility of primary and secondary health-care services to persons belonging to Roma national minority**

221. In response to the concern about health situation of Roma minorities expressed in paragraph 22 of the concluding observations of the Committee, below is information on the accessibility of primary and secondary health-care services to Roma national minority and

on the additional measures taken by central and local public authorities to address this issue.

222. Pursuant to the Law on Health Insurance, persons belonging to Roma national minority are entitled to health-care services equally with all other residents of the country. Primary medical aid (as defined in the section above) is accessible to everybody, whether covered by health insurance or not, whereas secondary health-care services are only accessible to the insured. Thus, only uninsured Roma have problems in receiving health-care services.

223. The second National Roma Integration Programme, like the preceding one, provides for a set of health-care measures aimed at promoting healthy lifestyles among Roma. The Programme envisages implementing healthy lifestyle promotion projects, organising healthy lifestyle promotion events in the territory predominantly resided by Roma and in educational establishments, organising medical examinations by family doctors and presenting summarised results of such examinations. Special measures have been developed for Roma women and girls. They will be given a series of lectures on sanitation and hygiene. Responsibility for the implementation of these measures lies with Vilnius District Public Health Centre, the Department of National Minorities and Lithuanians Living Abroad, and the Ministry of Health. One of the planned measures to promote healthy lifestyles among Roma is a construction of a gym in the Kirtimai area.

224. Seeking to ensure access to health-care services for Vilnius Roma not covered by compulsory health insurance (there are 640 Roma in Vilnius, 450 of them living in the Kirtimai settlement), Vilnius City Municipality finances the costs of such services from the budget of the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Tabor and for Reduction of Roma Segregation for 2005–2010 approved by Vilnius City Municipal Council in May 2005.

225. The costs of out-patient personal health-care services not included in the list of basic medical aid services, provided to Vilnius residents (including Roma) who are not covered by compulsory health insurance, are financed by the Department of Health and Social Protection.

226. Poor living conditions and easy access to narcotic and psychotropic substances have an impact on health situation and life expectancy of Roma. By the data of Vilnius Centre for Addictive Disorders, 30 users of narcotic and psychotropic substances were recorded in Vilnius municipal ward of Naujininkai (Kirtimai) in 2003, and 43 in 2006. As can be seen from this data, more Roma use narcotic and psychotropic substances. Therefore, drug prevention is among the top priorities of various Roma integration programmes. Drug prevention and treatment of addiction were a part of the Programme for the Integration of Roma into Lithuanian Society for 2000–2004; the second Roma integration programme also envisages organising competitions for Roma for the prevention of use of psychoactive substances, and measures to reduce the supply and the demand for narcotic and psychotropic substances in the Roma community.

227. Vilnius City Municipality also contributes to the elimination of this problem. In 2004, it allocated LTL 100000 for the implementation of the project “Blue Bus – HIV Prevention among Drug Users”. The Blue Bus visited drug users’ gathering places, including the Roma Tabor in Kirtimai, to replace syringes and needles and distribute condoms, disinfecting tissues, bandages, etc. Efforts were made to come into contacts with active injecting drug users and providers of sex services, also with new targets of the Programme. Attempts were made to ensure quality and variety of services. Other measures taken included the identification of the needs of persons targeted by the Programme, assessment of the services being provided, organization of provision of medical services (surgical, gynaecological, dermatological-venereological) to injecting drug users and



providers of sex services not covered by health insurance. A system of medical referrals was set up. Cooperation agreements were signed with three polyclinics (in Lazdynai, Šeškinė and Naujininkai) and the Centre for Skin and Venereal Diseases. Those who wish may be tested for HIV and hepatitis C and may receive medical consultation after test results arrive.

228. In December 2004, Vilnius Centre for Addictive Disorders started the programme “Mobile Health Services in Roma Community” which ran several months. The Programme had a budget of LTL 15000. Under the Programme, simple health-care services were provided in the Kirtimai Tabor, and methadone was dispensed to drug-addicted Roma. From March 2005, members of the Tabor were advised to continue the substitution treatment with methadone in Naujininkai polyclinics (those covered by compulsory health insurance) and Vilnius Centre for Addictive Disorders.

### **Social support for the Roma**

229. The Law of the Republic of Lithuania on the Principles of the State Social Security System (*Valstybės žinios* (Official Gazette) No. 32-761, 1990) provides that citizens of the Republic of Lithuania, foreign citizens permanently residing in the Republic of Lithuania, and stateless persons shall enjoy equal social security rights, unless other laws of the Republic of Lithuania and international agreements provide otherwise. Persons belonging to Roma national minority are classified as persons who need every type of social support.

230. In 2004–2007, Vilnius City Municipality was further providing social support (various social services and allowances) to members of the Roma community. These were one-off allowances to compensate for fire losses (the aggregate of LTL 8930 was disbursed to 6 families) and for the acquisition of learning aids for children (LTL 32780 to 159 families), also a contribution in clothes, footwear, and household appliances (worth of LTL 13644), and compensations of the costs of issuance of ID documents.

231. The Roma Community Centre also provides social services to the Roma. For several successive years, the Centre has participated in the social campaign “Food Bank”. Several times a year, the Roma in the Kirtimai Tabor receive most necessary food products free of charge. Social workers of the Roma Community Centre help Roma to prepare documents for social support and social housing and provide consultations on social issues.

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

232. Lithuania’s educational system ensures equality of persons regardless of gender, race, nationality, language, origin, social status, religion, beliefs or opinions. For every person it guarantees access to general education and the first profession and creates conditions to improve one’s professional skills or to acquire a new profession.

233. Pursuant to laws of the Republic of Lithuania, in localities where a national minority traditionally constitutes a substantial part of the population, the municipality ensures, at that community’s request, the possibility to learn in the language of the national minority. When general education and non-formal education schools provide in their regulations — in response to parents’ and students’ requests — that students shall be taught in the language of a national minority and that the school shall foster the culture of the national minority, the teaching process is conducted or certain subjects are taught in the language of the national minority concerned.

234. The teaching process in national minorities’ schools is organized in accordance with general educational plans approved by the Ministry of Education and Science; these plans require that native languages be taught in addition to Lithuanian as the official language (the number of teaching hours is the same as for Lithuanian language classes in Lithuanian-speaking schools: seven lessons a week for grades 1 to 4, five lessons a week for grades 5

to 7, four lessons a week for grades 9 and 10, and three to four lessons a week for grades 11 and 12; these are minimum numbers and a school is free to allocate additional teaching hours for native language instruction out of their discretionary number of teaching hours); other subjects may be expanded to cover ethno-cultural elements.

235. In the past year, 26 original textbooks of the Russian and Polish native languages, each, were prepared and published by efforts of the national minorities themselves (university lecturers and best teachers). Textbooks are regularly renewed or replaced by alternative ones. Textbooks of mathematics, history and other subjects are translated from Lithuanian to Russian and Polish.

236. Pursuant to Article 30(3) of the Law of the Republic of Lithuania on Education (*Valstybės žinios* (Official Gazette) No. 23-593, 1991; No 63-2853, 2003), efforts were started in the past year to create conditions for national minorities to learn their native languages wherever the main teaching language of the school is other than the native language of the student concerned. Thus, persons belonging to national minorities can learn their native languages not only in schools where Polish, Russian or Belarusian is traditionally used in teaching but also in any other school in Lithuania. General education plans followed by general education schools provide that native language instruction can be organized when at least 5 children wish so and the school has a teacher of the subject. This is especially important for small groups of national minorities which could until now study their native languages only in non-formal education institutions, the most popular of which were Saturday/Sunday schools.

237. The allocation from the State budget of the Republic of Lithuania to general education schools founded by municipalities is calculated by applying the methodology for calculating the number of conventional students. This methodology determines the level of funding needed per student per year which also depends on the type of school (primary, basic, secondary, other), the stage (grades 1–4, 5–8, 9–10, or 11–12), locality (urban or rural), and students with special needs, national minorities, and other aspects. The methodology applies a 10 per cent higher coefficient per student of a general education school of a national minority so as to cover higher expenses of teaching related to higher educational needs of national minorities (more teaching hours a week are allocated in the teaching plans of schools of national minorities because children there study their native languages in addition to the subjects taught in regular schools). 10 per cent more funds are allocated in the so-called student's basket for the acquisition of textbooks. With the larger student's basket, more funds can be allocated to finance education in national minorities' schools. As of 1 January 2008, the basic student's basket was LTL 2684; as of 1 September 2008, it was already LTL 3059. When calculating the student's basket for national minorities' schools, 20 per cent higher coefficients are applied. At the time of preparation of this present Report, LTL 68.97 of the student's basket was for the acquisition of textbooks for regular schools and LTL 83.4 for national minorities' schools.

238. By the data of the Ministry of Education and Science, there were 1448 general education schools in Lithuania at the start of the 2007/2008 school-year; 157 of them spoke a language of a national minority for teaching purposes (see table 22 in the annex).

239. There are two non-public schools of national minorities which provide education of the public standard in Vilnius: Russian-speaking general education school of Marina Mizhigurskaya and Jewish secondary school "Menachem House".

240. Some national minorities, e.g. Polish, Russian, Ukrainian, German, Jewish, Latvian, Armenian, Karaite, Tartar, Chechen, and Uzbek, have Saturday/Sunday schools. There were 44 Saturday/Sunday schools in the 2007/2008 school-year: 14 Polish, 3 Armenian, 5 Russian, 2 Belarusian, 1 Karaite, 3 Ukrainian, 3 Tartar, 1 Romanian, 4 German, 2 Latvian, 1 Uzbek, 3 Chechen, and 2 Jewish. Saturday/Sunday schools are financially supported from

the State budget of the Republic of Lithuania. Saturday/Sunday schools, also separate classes for sparse and incompactly living national minorities in general education schools, are the opportunity to learn one's mother tongue.

241. Lithuania's higher education schools train teachers to teach native languages in national minorities' schools. Conditions are created for teachers to acquire and improve skills, and to get the necessary training for the work in multilingual educational establishments.

### **Roma education**

242. Roma education tops the list of goals pursued by the new Programme for the Integration of Roma into Lithuanian Society for 2008–2010. The Programme envisages 10 measures aimed at motivating Roma to join public education system: to organize extra pre-school, pre-primary and other non-formal education of Roma children; to develop training materials and methodological guidance for educating Roma children of pre-school, pre-primary and school age; to finance, through tenders, NGO projects aimed at motivating Roma children and youth to engage in non-formal education; to organize in-service trainings for teachers working with Roma children; to grant student grants to socially-disadvantaged Roma in vocational and higher education schools; to organize official language and computer courses; to employ assistant teachers in schools which have Roma children who do not know the official language or who have medium, high or very high special educational needs, etc. Responsibility for the implementation of these measures lies with the Ministry of Education and Science and the Department of National Minorities and Lithuanians Living Abroad. Municipalities resided by Roma are advised to contribute to the organization of pre-school, pre-primary and other non-formal education of Roma children.

243. No official data about the ethnic origin of children in general education schools are collected but the information collected by the Department of National Minorities and Lithuanians Living Abroad from municipal offices of education in 2005 shows that Roma are becoming increasingly involved in education: the number of Roma students in Lithuania's schools has grown from 276 in the 1996/1997 school-year to 597 in the 2004/2005 school-year. Thus, positive trends exist; yet, about 75 per cent of school-attending Roma acquire primary education only, with every eighth of them studying in a special-needs school.

244. The Roma Community Centre in the Kirtimai area in Vilnius gives daily pre-primary education classes, provides free meals to the children, organizes extra-curricular activities such as fine arts, dancing, singing. Here, adolescent and adult Roma can attend computer courses (with a free-of-charge Internet access) and study the official language. Special methodologies and teaching aids have been developed to make language learning easier. In 2004, financial support was given to the release of a compact disk "Afternoon with the Lithuanian language" specially developed for Roma. The Roma Community Centre is financially supported from the State budget of the Republic of Lithuania and from the budget of Vilnius City Municipality. State budget allocations to the Roma Community Centre were LTL 215000 in 2005, LTL 218000 in 2006, and LTL 235000 in 2007. Vilnius City Municipality allocates about LTL 40000 every year.

245. By the data of Vilnius City Municipality, 117 Roma children attended Vilnius schools in 2005. Additional measures are being taken to create favourable conditions for Roma children to attend general education schools according to their age and the level of knowledge (selecting among general, adapted or modified curricula). Vilnius City Municipality has allocated funds for the provision of textbooks to all Roma children free of charge. Children from socially-disadvantaged families are entitled to free meals and holidays in summer camps. In schools, speech therapy, psychology, social pedagogy services are available to Roma children. Roma children are also encouraged to engage in

extra-curricular activities (in their own schools, in sport schools, in the Schoolchildren's Health Centre). Positions of a social pedagogue are being established in schools for working with Roma schoolchildren. Such positions have already been established in Vilnius Saulėtekis Secondary School (67 Roma children), Senamiestis Secondary School (23 Roma children), and Naujininkai Secondary School (16 Roma children) (data of 2005). Social pedagogues cooperate with the staff of the Roma Community Centre. They have organized, by joint effort, a seminar "Roma Educational Needs, Problems and Solutions". They also draw on foreign experience of working with Roma children. Roma parents are regularly informed of the administrative liability for not having their children attend school.

### **The right to equal participation in cultural activities**

246. To support culture and education of national minorities living in Lithuania is one the top tasks of Lithuania's policy of culture. Through their traditions, cultural heritage, customs and lifestyle, national minorities living in Lithuania enrich the culture of the country. By supporting the culture of national minorities, the State seeks to reinforce the cultural rights of Lithuanian citizens belonging to other nations, to create conditions for their integration into the life of the country, and to foster their cultural traditions and heritage.

247. Since 2001, Lithuania has been maintaining and further developing a network of centres of national minorities which helps to preserve cultural and ethnic identity of Lithuania's national minorities (for more information on centres of national minorities, see the chapter on the implementation of article 5(d)(ix)). Every year, a number of cultural and educational projects implemented by national minorities' NGOs are financed, and the activities of centres of national minorities are supported (see tables 23, 24, and 25 in the annex).

248. In 2005, the Department of National Minorities and Lithuanians Living Abroad opened an Ethnographic and Folklore Centre of Lithuania's National Minorities. The Centre has the following main functions: to collect and document intangible heritage and folklore of national minorities, to provide methodological and practical assistance to folklore groups, to release collections and compact discs. This is the only State-financed institution of this kind, which implements efficiently the mission entrusted to it, i.e. to preserve traditional cultures of national minorities.

249. The Centre regularly organizes traditional folklore expeditions in Lithuania's territories resided by national minorities. The information collected during such expeditions is systemised and released for the public in compact discs. One of the compacts discs to be mentioned is "Traditional Music of Lithuania's National Minorities" released in 2007. It is a collection of Polish, Latvian, Russian Old Believers', Karaite, Ukrainian, Tartar, Belarusian, Jewish and Roma folklore and traditional music.

250. The Ethnographic and Folklore Centre of Lithuania's National Minorities also spreads Lithuanian's national minorities' culture in Lithuania and abroad. Every year, it organizes an international festival "Pokrovskije kolokola" and international ethno-music-making and folk crafts' summer courses "Tradition".

251. The Ministry of Culture finances Vilna Gaon Jewish State Museum, the Karaite Museum which is a branch of Trakai Museum of History, and the Lithuanian Russian Drama Theatre, promotes amateur activities by supporting national minorities' artistic groups, and provides financial support to national minorities' cultural programmes. LTL 10000 was allocated in both 2004 and 2005 to Trakai Culture House for organizing Lithuania's national minorities' art festival "This is Our Home".

252. A lot of efforts are made to preserve the unique linguistic and cultural heritage of Roma. On the initiative of the Department of National Minorities and Lithuanians Living

Abroad, a compact disc “Gelem gelem ...” was released in 2004 and a release of a compact disc (“Bango Collective”) with Roma contemporary music was supported in 2007. In 2007, the fourth International Roma Music Festival was organized in cooperation with Lithuanian Gypsy Community “Čigonų laužas” and the Roma Community Centre.

253. The Ministry of Education and Science together with representatives of the Roma community published a bilingual textbook “Romani bukvi” which laid down the foundations of the written Romani language in Lithuania. The textbook is intended not only for Roma children but also for Roma classmates or schoolmates. The textbook contains many authentic songs, fairy tales, proverbs and sayings, both in the Roma and Lithuanian languages. Vilnius University anthropologists have collected a wealth of valuable material: stories of the Lithuanian Roma to be published soon. Allocations for cultural and educational projects implemented by Roma NGOs amounted to LTL 34.7 thousand in 2005, LTL 41 thousand in 2006, and LTL 28 thousand in 2007.

254. Support for cultural activities of national communities is also provided by local municipalities. Klaipėda City Municipality annually supports cultural projects of national minorities’ NGOs. In 2007, a total of LTL 38500 was allocated from the budget of Klaipėda City Municipality for cultural projects implemented by Russian, Latvian, German, Ukrainian, Jewish and Tartar organizations.

255. Alytus City Municipality supports projects implemented by the Russian Cultural Society “Malachit” and Alytus Cultural Centre of National Minorities. Efforts are made to promote civic initiatives, preservation of traditions, and moral education both in Lithuanian and national minorities’ schools. Financial support is given to projects aimed at preserving traditions and promoting civil consciousness, such as “Ruskij souvenir” and “Zimnije posidelki” organized by pre-school establishments, national meals festival organized by the Ukrainian community, poetry nights devoted for Ukrainian poets, etc. For several years already, financial contributions have been made for organising the international child painting competition “Slavų šaltinis” (*Slavonic source*). In 2007, the contribution to all these projects and events totalled LTL 5900.

256. Visaginas City Municipality supports projects of national minorities’ associations. In 2007, the public institution Visaginas Centre of National Cultures housed 10 national folk groups and six Sunday-school classes (Ukrainian, Belarusian, Tartar, Armenian, German, and Polish).

257. For five years now, Vilnius City Municipality has been implementing the Culture Support Programme with a large focus on projects of national minorities and projects of reduction of social exclusion. In 2007, the Municipality allocated LTL 19000 for the implementation of cultural projects proposed by national minorities: Ukrainian culture days, presentation of Tartar cultural heritage, worldwide Polish stage festival, project “Lithuanian Romance Theatre”, project “Russian Folk Traditions in Song and Dance”, project “Photo-art Album *Characteristics of Lithuanian Tartars in Vilnius, Dedicated for the 450<sup>th</sup> Anniversary of Lukiškių Mosque*”, etc.

#### **The right of access to public services**

258. Laws of the Republic of Lithuania guarantee to all persons, regardless of race or nationality, the right to all public services. In 2004–2007, Lithuania’s competent authorities received two complaints about ethnic discrimination in the field of services. Both complaints were investigated by the Office of the Equal Opportunities Ombudsman.

259. One of the complaints was about access to leasing services when the leasing company refused to conclude a leasing agreement with a citizen of the Republic of Lithuania on the grounds that the latter receives pension from the Russian Federation. In response to the complaint, the Office of the Equal Opportunities Ombudsman started an

investigation which was later dropped due to a lack of objective data on the offence committed as the complainant did not provide the necessary additional documents.

260. The other complaint was a request to make an inquiry into whether a museum offering a discount on tickets to Lithuanian citizens did not violate EU legislation and did not discriminate against citizens of other States. As the Office of the Equal Opportunities Ombudsman had already announced via the National TV Channel that such actions were in conflict with the EU law, the administration of the museum discontinued these practices infringing the principle of equal rights on its own initiative. Therefore, the investigation was dropped.

#### **Drug trafficking problem in the Kirtimai settlement in Vilnius**

261. Lithuanian law enforcement institutions give much attention to the problem of drug trafficking in the Kirtimai Tabor and adjacent areas; however, it must be admitted that this fight is not always efficient. Drug trafficking is one of the principal sources of income for the Roma; therefore, the Roma themselves are not interested in combating this problem. Most of the adult Roma of the Kirtimai Tabor have a record of conviction (or more than one conviction) for illegal possession of narcotic and psychotropic substances.

262. The Drug Control Board of the Central Organised Crime Investigation Board of Lithuanian Criminal Police Bureau collects and analyses information related to drug trafficking, monitors the trends, and assesses the results achieved by the police.

263. Seeking to discourage the production and sale of drugs both in the Roma Tabor and in adjacent areas, Vilnius Central Police Commissariat allocates considerable forces for the implementation of integrated measures. Every month, criminal and public police officers of the Commissariat organize two or three targeted measures aimed at identifying persons engaged in drug trafficking in the Kirtimai Tabor. For instance, officers of the Mobile Squad of the Public Order Service launched 42 targeted measures in 2007, and detained 426 persons who were brought to administrative liability under article 44 of the Code of Administrative Offences of the Republic of Lithuania "Illegal Acquisition or Possession of Narcotic or Psychotropic Substances in Small Quantities or Use of Narcotic or Psychotropic Substances without Medical Prescription".

264. In 2007, officers of the Police Commissariat supervising the Tabor territory organized and conducted 37 targeted measures and detained 788 persons who were brought to administrative liability for using narcotic or psychotropic substances without medical prescription. In 2007, as part of implementing targeted public and non-public measures aimed at reducing drug supply, the Drug Control Division of the Crime Investigation Service of the Criminal Police of Vilnius Central Police Commissariat initiated 11 pretrial investigations of criminal acts involving illegal possession of narcotic and psychotropic substances in the Kirtimai Tabor; 10 of these investigations were initiated under Article 260 of the Criminal Code of the Republic of Lithuania "Illegal Possession of Narcotic or Psychotropic Substances for the Purpose of Distribution or Illegal Possession of Narcotic or Psychotropic Substances in Large Quantities".

265. Every year, the police also implement an integrated measure "Aguona" (*Poppy*) which consists of targeted raids in Vilnius Roma Tabor and inspections of summerhouse areas out of town, villages, and woods in order to detect illegal poppy and cannabis crops.

266. In the end of 2006, officers of the Drug Control Division of the Crime Investigation Service of the Criminal Police of Vilnius Central Police Commissariat completed a long-term operation whereby main organizers of the drug trafficking business in the Kirtimai Tabor were identified and detained by applying methods of operational (intelligence) activities. Recently, Roma have been more and more often caught selling narcotic

substances, in groups with people of other nationalities, not in the Tabor but elsewhere in Vilnius.

## **Article 6**

### **Statistics on crimes with racial motives**

267. The Ministry of the Interior maintains an Institutional Registry of Criminal Acts with statistical data on registered criminal acts. Law enforcement officers have to enter information about the objects of the Registry in special statistical cards where, among other things, motives behind the criminal act concerned need to be specified. From 2006, a new field was added both in the statistical card of the results of investigation and in the statistical card of the victim, i.e. the field for marking whether the crime was committed out of intolerance (hatred) for persons of other race, nationality, sexual orientation, social status or belonging to any other type of group. However, at the time of preparation of this present Report, detailed data about investigated criminal acts with racial motives were not available yet. The situation should change radically once amendments to the Criminal Code of the Republic of Lithuania are passed, when racial motives behind a crime will be considered an aggravating circumstance.

### **Police investigations**

268. More and more foreigners come and stay in Lithuania every year; in this light, improvements are being made in the system of collection of information on hatred crimes. In 2007, seeking to analyse offences committed against foreigners by reason of their nationality, origin or race, to predict potential trends, and to identify the need for preventive and other measures, the Police Department under the Ministry of the Interior issued an order to local police institutions to collect information and report regularly on offences committed against foreigners on the grounds of nationality, origin, or race.

269. According to the information received from local police institutions, four cases were registered in the first half of 2007 when foreign citizens were attacked (beaten or abused), allegedly on the grounds of racial or national belonging. All these cases were recorded in Vilnius; and for all of them pretrial investigations were initiated.

### **Prosecution investigations**

270. On the initiative of the Office of the Prosecutor General, concrete measures are being taken to improve efficiency of investigations of discrimination and instigation of racial or other forms of hatred and to ensure prevention of discrimination and racism in Lithuania.

271. To ensure higher efficiency of investigation of criminal acts involving discrimination and instigation of hatred, the competence of the Special Investigations Division of the Prosecutor General's Office was expanded by Order of 8 March 2006 of the Prosecutor General. The Division was charged with a task of coordinating, conducting and leading pretrial investigations of violations of the equality of persons and the freedom of conscience, also forming a uniform practice of pretrial investigations of these criminal acts.

272. In its meeting of 29 September 2006, the Collegiate Council of prosecution offices of the Republic of Lithuania discussed the concluding observations and recommendations of on the Elimination of Racial Discrimination and the European Commission against Racism and Intolerance (ECRI). The Collegiate Council agreed to the proposal to strengthen the role and activities of the prosecution as an institution leading pretrial investigations, in addressing the problems specified in the recommendations. It also agreed to the proposals to enhance prosecutors' qualifications and to improve their theoretical and

practical skills in leading pretrial investigations of criminal acts committed on racial or national grounds or involving discrimination and instigation of hatred against certain groups or members of such groups.

273. The Prosecutor General has circulated a letter dated 11 October 2006 to the leaders of all Lithuanian territorial (regional and district) prosecution offices drawing their attention to the conclusions and recommendation of the United Nations Committee of the Elimination of Racial Discrimination and the ECRI. The Prosecutor General advised leaders and prosecutors of territorial prosecution offices to focus more on higher efficiency of leadership of pretrial investigations initiated under article 169 (“Discrimination on the grounds of nationality, race, gender, origin, religion or belonging to other groups”) and article 170 (“Instigation against a national, racial, ethnic, religious or any other group of people”) of the Criminal Code of the Republic of Lithuania in response to reports, claims or complaints made by individual persons. The Prosecutor General also advised to exercise more extensively the right granted to a prosecutor by Article 166 of the Code of Criminal Procedure of the Republic of Lithuania to detect features of a criminal act directly and to initiate a pretrial investigation. Moreover, prosecutors were advised to deepen their knowledge of international legal acts ratified by the Republic of Lithuania, and to apply them more often and more efficiently in hearing cases of pretrial investigation of criminal acts under articles 169 and 170 of the Criminal Code of the Republic of Lithuania.

274. Addressing leaders and prosecutors of territorial prosecution offices, the Prosecutor General drew their attention to the fact that sometimes pretrial investigators and leading prosecutors investigating acts of violence do not take into consideration racial, national or discriminatory motives claimed by witnesses and victims. In such cases the prosecutors were advised not only to organize an objective and impartial pretrial investigation and ensure that the above-mentioned aspects are taken into consideration but also to take relevant procedural decisions in all instances without exception.

275. The Prosecutor General called on territorial prosecutors in regions to take more often the initiative to monitor regional mass media independently. Once features of discrimination against a certain group of persons or individual persons (art. 169 of the Criminal Code of the Republic of Lithuania), or instigation against them on the grounds of nationality, race, religion or belonging to any other group (art. 170 of the Criminal Code of the Republic of Lithuania) are detected in mass media, prosecutors were advised not to wait until the affected persons address them but to start a pretrial investigation on their own initiative; this applies also to manifestations of racist, xenophobic or other types of intolerance in regional public events (meetings, demonstrations, sport events, exhibitions, etc.) prompted, inter alia, by the nature of the events.

#### **Complaints investigated by the Office of the Equal Opportunities Ombudsman**

276. With the adoption of the Law on Equal Treatment in 2005, the Office of the Equal Opportunities Ombudsman was mandated to investigate complaints about racial or ethnic discrimination. In 2005, the Office investigated 18 complaints about discrimination on ethnic grounds. The absolute majority of the complaints (11) were filed by Roma; 4 of these were about housing (three of them were filed repeatedly), three about ID documents, two about employment relations, one about a decision of the Seimas Ombudsman of the Republic of Lithuania, and one about actions taken by pretrial investigators and the court. Other complaints (seven) were filed by other nationalities on the following issues: Two regarding employment relations, two about discrimination in the field of services, two about actions by pretrial investigators, and 1 about language and disrespectful and insulting behaviour.

277. In 2006, the Office of the Equal Opportunities Ombudsman received 20 complaints about discrimination on ethnic grounds. Three complaints concerned, inter alia, the issue of



citizenship. One of them did not prove out, but in the remaining two direct discrimination was verified and the Office addressed the Government and the Seimas of the Republic of Lithuania with a request to remove the discriminatory provisions. Most complaints were about education. The Office was addressed by three foreigners; 10 complaints were received from legal persons.

278. In 2007, the Office of the Equal Opportunities Ombudsman received 23 complaints about discrimination on ethnic grounds. Most complaints were about actions by government and administration authorities (11) and mistreatment in employment (8); one complaint concerned social protection. No complaints were received concerning housing and education, only that a woman reported that Jewish religious community “Chassidei Chabat Lubavitch” was organising summer holidays for Jewish children. The claim of discrimination was dismissed on the grounds that the summer camp was organized by a religious community. Complaints were received from eight men and eight women, seven legal persons, and four foreigners. One of the latter concerned a black student from Klaipėda who was insulted by a trolleybus ticket controller who called the student “a monkey” in the Russian language. Following an investigation into the case, the ticket controller was found guilty of mistreatment and insult to the passenger; such acts are considered a violation of working discipline and the controller was punished by a disciplinary sanction, a reprimand. In the light of these facts and of the fact that the administration of the municipal enterprise concerned had imposed a disciplinary sanction on the controller, the Office took a decision to drop further investigation and to advise the administration of the municipal enterprise to ensure ethic conduct by its staff so that the Law on Equal Treatment is not violated anymore.

279. For statistical information on the decisions taken by the Equal Opportunities Ombudsman regarding complaints about ethnic discrimination in 2005–2007, see table 26 in the annex.

### **Complaints investigated by the Children’s Rights Ombudsman Institution**

280. The Children’s Right Ombudsman investigates complaints about violation of the rights of the child, also abuse of power and bureaucracy of officials in the field of protection of the rights of the child. Thus, complaints received from national minorities or foreigners about violation of the rights or legitimate interests of children, directly or indirectly related to the origin of the complainant, are investigated exclusively from the angle of enforcement, protection and defence of the rights and legitimate interests of the child.

281. Most of the complaints received by the Office of the Children’ Rights Ombudsman are related to social and economic issues. The bigger part of the complainants are Roma people and Chechen refugees who complain about non-provision of social housing as a violation of the right of the child to decent living conditions (housing). Other complaints mention the problem of the award of guardianship of a child, right to social support, and detainment of underage Roma.

282. In response to complaints lodged by Roma people and to information in mass media, the Children’s Rights Ombudsman initiates and/or participates, within his competence, in the solution of problems affecting Roma children and makes regular inquiries into the situation of foreign children (refugees, asylum-seekers). Staff of the Children’s Rights Ombudsman Institution make annual visits to the Refugee Reception Centre in Rukla and Foreigners’ Registration Centre in Pabradė.

**Complaints investigated by the Seimas Ombudsmen**

283. The Seimas Ombudsmen investigate complaints lodged by citizens concerning abuse of power and bureaucracy of officers or other violations of human rights and freedoms in the field of public administration. The Seimas Ombudsmen can be addressed by any persons regardless of ethnic origin. In 2004–2007, the Office of the Seimas Ombudsmen did not receive any complaints about discrimination on ethnic grounds.

**Injured persons' right to financial and/or moral damages**

284. Legal acts of the Republic of Lithuania guarantee the right to financial and/or moral damages for persons affected by racial or ethnic discrimination. Pursuant to article 6.263 of the Civil Code of the Republic of Lithuania, damage caused to a person or property and, in the cases established by the law, non-pecuniary damage must be fully compensated by the responsible person, i.e. the principle of full compensation is established.

285. Legal acts also provide for a possibility of compensation for damage resulting from a crime. Article 109 of the Code of Criminal Procedure of the Republic of Lithuania establishes that a person who has incurred pecuniary or non-pecuniary damage as a result of a criminal act shall have the right to bring a civil action against the suspect or defendant or against other persons bearing material liability for the acts of the suspect or defendant, in the criminal proceedings. The court shall hear such civil action in combination with the criminal case. Where the defendant or other persons bearing material liability for the defendant's acts do not have funds to compensate for the damage, the damage may be compensated, in the cases and in the manner provided in the law, from the funds earmarked by the State for that purpose.

286. Pursuant to the Law of the Republic of Lithuania on Compensation of Damages Inflicted by Crimes of Violence (*Valstybės žinios* (Official Gazette) No. 85-3140, 2005), applications for damages inflicted by a crime of violence are investigated by the Ministry of Justice. In 2006, the Ministry satisfied 20 such applications for damages; the total amount of LTL 55888 was awarded in compensations, or LTL 2794 per application on the average. In 2007, the Ministry passed 57 decisions to award damages resulting from crimes of violence, with LTL 247382 paid in compensations.

287. At the time of preparation of this present Report, the Seimas of the Republic of Lithuania was deliberating on a draft Law Amending the Law on Equal Treatment which provides for yet more guarantees for victims of discrimination. With a view to ensuring effective, proportional and dissuasive compensations for violations of the principle of equal treatment, the proposed Law on Equal Opportunities provides that persons affected by discrimination, including racial, shall be entitled to claim financial and moral damages from the guilty parties.

**Article 7**

288. Owing to migration, increasingly more persons of other than Lithuanian nationality settle in Lithuania, which means that new ethnic, racial and religious clusters of population will eventually be formed in the larger towns of the country. This will bring new challenges for the civil and democratic society as quite a portion of Lithuanian society do not have experience in dealing with people of other cultures, customs and religions. In this light, public awareness raising and education are a necessary and very important measure of reduction of the threat of ethnic, cultural or religious conflicts and prevention of ethnic exclusion.

## Education

289. Public awareness-raising helps to fight against stereotypes and promote tolerance and mutual understanding. The subject of protection of human rights and tolerance is included both in the teacher training curricula and general education curricula.

290. Much attention is given to democratic society values, tolerance, and human rights in the classes of history, civic education, ethics, religion, geography and other subjects. In primary education (grades 5 to 10), the subjects of human rights and tolerance are a part of moral education (ethics and religion), civic education, history and geography programmes. The integrative programme of civil development contains the following provision: “To recognize the individuality of every culture, to accept and treat cultural diversity with tolerance, to tolerate different values and attitudes”.

291. A number of methodological and teaching kits were published for teachers and pupils: “Žmogaus teisių mokymo integracinės pamokos” (Integrative Lessons on Human Rights) (electronic release, 2005); “Atraskime humanitarinę teisę. Vadovėlis VII–XII klasei” (Discover the Humanitarian Law. Textbook for Grades 7 to 12) (2004). In 1999–2000, UNESCO publication “Tolerance, the Threshold of Peace” was translated and published in Lithuania. The three volumes of this publication are designed respectively for primary education, secondary education and teacher-training colleges. These books contain recommendations for teachers, samples of techniques, other most relevant information, and documents relevant in promoting tolerance such as the Universal Declaration of Human Rights, the Declaration of the Rights of the Child, and an overview of the Convention of the Right of the Child.

292. In 2007, the Ministry of Education and Science, in cooperation with the Ministry of Justice, supplied 50 schools with the textbook “Teisė kiekvienam” (*The Law for Everybody*) (1000 copies). The textbook contains topics related to the promotion of tolerance and human rights.

293. Knowledge of the past is a prerequisite for understanding and tolerating another culture. In this context, particularly much attention is paid to the history of Lithuanian Jews, especially the tragedy of Lithuanian Jews during the years of Nazi occupation. An active player in this field is the International Commission for the Evaluation of the Crimes of Nazi and Soviet Occupation Regimes in Lithuania (hereinafter referred to as the International Commission). Since 2002, The International Commission has been implementing the Teaching about the Crimes of Totalitarian Regimes, Prevention of Crimes against Humanity and Tolerance Education Programme (Tolerance Education Programme) aimed at developing a mature and responsible civic society and promoting tolerance and respect for universal human values. As part of implementing the Tolerance Education Programme, the International Commission has been setting up tolerance education centres in the cooperating schools since 2003. By the data as of September 2007, 46 such centres have been established in Lithuania. As part of the Tolerance Education Programme, the International Commission organizes seminars for teachers, launches short-term and long-term projects for general education schools, and motivates teachers to implement them. Efforts are made to involve not only teachers of history but also teachers of other subjects (ethics, religion, languages, music, arts) into the implementation of the Tolerance Education Programme.

294. The International Commission together with tolerance education centres organize commemoration events on the Day of Jewish Genocide, to which they invite representatives of secondary schools and local communities and Holocaust witnesses.

## Culture

295. One of the goals of the State's policy of culture is to support culture and education of national communities living in Lithuania, with a view to enforcing cultural rights of Lithuanian citizens of other nationalities, fostering their cultural traditions and heritage, and facilitating their integration into the life of the country. Allocations of about LTL 30 thousand are made annually in the State budget of the Republic of Lithuania for NGO projects aimed at promoting cultures of national minorities.

296. A very important role in promoting intercultural dialogue on the regional and local levels is played by organizations active in the fields of national minorities, bilateral cooperation and non-formal education. Today, there are about 300 of such organizations in Lithuania. Youth organizations are also active players in this field. In 2003–2004, Non-Formal Youth Education Association of Lithuania implemented the project “Geltona, žalia, raudona” (*Yellow, Green, Red*), the main idea of which was to publish a visual book of traditional cooking recipes of the various nations living in Lithuania.

297. Recent years saw a growing number of joint initiatives by artists of various fields, aimed at promoting intercultural dialogue. One of them was the project “Involved” launched by an international artist group. Among other examples to be mentioned is the music band “Skamp” successfully engaged in musical activities in Lithuania whose members were born and grew in different cultures (Mali, Lithuania, Ireland), and the band “InCulto” founded by a Columbian of a Lithuanian descent whose songs successfully combine different musical traditions.

## Public awareness-raising

298. To raise public awareness on the issue of discrimination and its likely manifestations and to promote public tolerance to persons of other races or nationalities, anti-discrimination awareness campaigns, seminars and conferences on the issue of the fight against discrimination and promotion of tolerance are organized regularly.

### *Events of the Year of Equal Opportunities for All*

299. In the EU, 2007 was declared the European Year of Equal Opportunities for All. During that Year, Lithuania's public authorities, in cooperation with non-governmental organizations, implemented quite a number of projects aimed at promoting public tolerance, combating manifestations of discrimination, and raising awareness of the public on their rights and on opportunities for assistance in the face of discrimination.

300. During the Year of Equal Opportunities for All, a number of studies were conducted: on discrimination on the ground of age in the public sector, access to employment and studies for persons with disabilities, social exclusion of LGBTs, discrimination on the grounds of religion and opinions, social integration opportunities of the Roma community. Also, a series of documentaries and radio programmes were produced. To reach as many groups of the society as possible, social advertising campaigns was initiated: stands put up in the streets, advertisements broadcasted on TV, cards and booklets on tolerance produced and disseminated. Days of Equality events were organized (March 21 celebrated as the International Day for the Elimination of Racial Discrimination). To involve mass media in the fight against intolerance, an award for diversity was established for a journalist of the year featuring the promotion of tolerance.

### *European youth campaign “All Different – All Equal”*

301. In June 2006 — September 2007, Lithuania's public authorities were actively involved in the European youth campaign “All Different — All Equal”. The campaign was organized by the Council of Europe in cooperation with the European Commission and the

European Youth Forum. The aim of the campaign was to encourage young people to take part in building peaceful communities based on diversity and social inclusion and on respect, tolerance and mutual understanding.

302. A special website was created for the campaign ([www.visiskirtingivisilygus.lt](http://www.visiskirtingivisilygus.lt)); 3750 badges, 35000 stickers, 100 posters, 100 T-shirts, and a flag were produced; radio stations “M-1” and “Lietus” broadcasted information on “The Street of Youth” events organized in different places of Lithuania and on free-of-charge films devoted to the Month of Human Rights. “The Street of Youth” was implemented throughout Lithuania, with 10 youth events organized in different places of Lithuania. To promote positive attitudes towards equality in sports, a graffiti contest was organized under the slogan “All Different — All Equal in Sports”.

303. The last event of the campaign was a concluding conference held on 19 October 2007, following which the participants, having overviewed the activities and outcomes of the campaign in Lithuania, expressed the desire to have the values of the campaign promoted further. They passed a resolution in which they stated that human rights awareness was insufficient and incomplete in Lithuania and gave recommendations as to how education on human rights and the culture of communication should be improved.

#### *The Action Week against Racism*

304. The week of 18–26 March 2007 was declared the European-Wide Action Week against Racism. The Department of National Minorities and Lithuanians Living Abroad together with partners organized a round-table discussion “Price of Racial Discrimination: Efficiency of Equal Opportunities Policy in Lithuania” followed by a press conference involving a presentation of the Second Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities (in the Lithuanian, English, and Russian languages) released by the Department of National Minorities and Lithuanians Living Abroad; together with the Lithuanian Centre for Human Rights, the Department has also produced and published a book in the English language “Human Rights, Minority Rights”. Moreover, the Department has organized, in cooperation with the Human Rights Monitoring Institute, an exhibition of photos by a famous photo-artist Andrew Mikšys, on the life of Lithuanian Roma, and a presentation of his photo-album “Baxt”. The event was enlivened by dances performed by the Roma Community Centre women dance-group. Also, a demonstration of films and a concert of popular music groups devoted to the fight against racial discrimination were organized in the club INTRO.

#### *Dissemination of information on the concluding documents of the Durban Conference*

305. In 2007, the Ministry of Foreign Affairs issued a translation of the concluding documents of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Declaration and the Programme of Actions. The publication was distributed among central and local public authorities, diplomatic missions of the Republic of Lithuania in foreign States, non-governmental organizations, and tolerance education centres.

#### *Promotion of tolerance via mass media*

306. In 2006, the Department of National Minorities and Lithuanians Living Abroad allocated LTL 7 thousand to support a series of broadcasts aimed at promoting public tolerance. The series were broadcasted on the radio station “Znad Willi”. In 2006–2007, four articles were published in the daily “Lietuvos žinios” and the weeklies “Veidas” and “Ekstra”, about the policy of ensuring harmony in inter-ethnic relations.

307. To draw the society's attention to the lack of pluralism in Lithuania's mass media, two seminars were organized for representatives of regional mass media: "Improving the Image of Media Pluralism, Civic Society and National Minorities in Lithuania" and "Media Pluralism and Equal Opportunities in Lithuania". The seminar was attended by 20 regional media representatives from Klaipėda, Ukmergė, Širvintos, Mažeikiai, Kretinga, Kupiškis and other towns of Lithuania.

308. On 12–13 December 2007, a conference-workshop entitled "Ethnic Tolerance: Present Day and Future Challenges" was held in Klaipėda. The conference was attended by representatives of Klaipėda City Municipality, regional mass media, non-governmental organizations, police, and students. The participants of the conference have come to the conclusion that the problem of ethnic intolerance does exist in Lithuania, especially in its major towns of Vilnius and Klaipėda which are ethnically and racially diverse and multicultural.

309. In 2006, the rules for the yearly award "For Ethnic Tolerance" were developed. The award will be presented for the promotion of ethnic tolerance in mass media. The award was first presented in 2007 to the most tolerant representative of mass media.

310. In 2006, the Department of National Minorities and Lithuanians Living Abroad initiated the production of the first short film (from the series "Lithuania's National Minorities") about Lithuanian Jewish history and culture.

#### **Information on the situation of people trafficking in Lithuania**

311. In paragraph 24 of its concluding observations, the Committee voices concern that Lithuania is a country of transit for the trafficking of women and girls, and recommends to strengthen actions to combat trafficking in human beings, provide support and assistance to victims and undertake prompt and impartial investigations with a view to prosecuting the perpetrators. In response to this recommendation, below is information about the situation in the field of trafficking in human beings in Lithuania, and about actions taken to prevent and combat this problem.

312. Legal acts of the Republic of Lithuania are principally in line with the requirements concerning control and prevention of trafficking in human beings and prostitution laid down in international legal acts, i.e. of the United Nations, the EU, the Council of Europe and other international institutions. Nonetheless, with a view to strengthening the system of social support to victims of trafficking in human beings and contributing to the international efforts to combat trafficking in human beings, the Republic of Lithuania signed, in February 2008, the Council of Europe Convention on Action against Trafficking in Human Beings. It should be noted that the U.S. Department of State acting pursuant to the Victims of Trafficking and Violence Protection Act of 2000 annually assesses efforts made by the governments world-wide to combat trafficking in people. In these ratings, Lithuania with its national measures of the fight against trafficking in people was listed as "Tier 1" country, a country whose government fully complies with the minimum standards for the elimination of trafficking, for five years running.

313. The Criminal Code of the Republic of Lithuania defines the crimes of trafficking in human beings (art. 147) and the buying and sale of a child (art. 157) and lays down harsh sanctions for these crimes, i.e. imprisonment of up to 12 years for trafficking in human beings and imprisonment of up to 15 years for buying or selling a child. Legal persons are also subject to criminal liability for the said crimes. This is particularly important when it comes to criminal prosecution of top managers of model, employment or tourist agencies who are suspected of being involved in trafficking in human beings. In line with international and EU legal acts against slavery, trafficking in human beings and other economic exploitation, the Criminal Code of the Republic of Lithuania was supplemented,

in 2005, by a new article imposing criminal liability for exploitation for forced labour (art. 471<sup>1</sup>).

314. In 2005, the Code of Administrative Offences of the Republic of Lithuania laid down administrative liability for the use of prostitution services for a payment. The Code was supplemented by the provision that administrative liability shall not be imposed on a person engaged in prostitution who was enticed into prostitution by another person because of his/her being financially, job-wise or otherwise dependent or through the use of physical or mental coercion or by fraud or being a minor and/or who was a victim of trafficking in human beings and has been acknowledged victim in criminal proceedings.

315. In 2006, the Law of the Republic of Lithuania on the Legal Status of Aliens was supplemented by article 49<sup>1</sup> "Issue of a Temporary Residence Permit to an Alien who Cooperates with the Pre-trial Investigation Body or the Court, Combating Trafficking in Human Beings or Crimes Linked to Trafficking in Human Beings" which provides that the alien for whom the pretrial investigation body or the court mediates in issuing the temporary residence permit, the temporary residence permit shall be issued for six months. The Law was also supplemented by the provision that the alien shall not be expelled from the Republic of Lithuania or repatriated to the foreign State if he has been granted the cooling-off period, during which he, as the present or former victim of human trafficking, has to take a decision to cooperate or not with the pretrial investigation body or the court (art. 130(4)).

316. By the data of various institutions of Lithuania, non-governmental and international organizations, consular offices and diplomatic missions, the number of known victims of trafficking in human beings has been decreasing every year, from 800–1000 victims in 2002 to 50–70 victims in 2007 (see tables 27 and 28 in the annex).

317. The Government of the Republic of Lithuania gives much attention to the trafficking problem. With a view to improving radically the prevention and control of human trafficking and assistance to the victims, the Government of the Republic of Lithuania approved, by Resolution No. 62 of 17 January 2002, an integrated Programme of Control and Prevention of Trafficking in Human Beings and Prostitution 2002–2004 (*Valstybės žinios* (Official Gazette) No. 6-231, 2002) which was successfully implemented. This was the first special programme with a complete set of educational, socio-economic, medical, national and international legal, scientific, informational, financial and other measures, in the Baltic region.

318. To continue with actions started under the Programme of Control and Prevention of Trafficking in Human Beings and Prostitution 2002–2004, the Government of the Republic of Lithuania passed Resolution No. 558 of 19 May 2005 (*Valstybės žinios* (Official Gazette) No. 65-2333, 2005) whereby the Programme of Prevention and Control of Trafficking in Human Beings was approved for the period of 2005–2008.

319. As part of the said Programme, a system of law enforcement institutions for the fight against trafficking in human beings was set up: a specialized division for the investigation of cases of trafficking in human beings established within the Criminal Police Bureau in 2006; by Order of the Prosecutor General, 32 prosecutors of the general, regional and some district prosecution offices specially designated to coordinate, organize and lead investigations of criminal acts involving trafficking in human beings. To strengthen this system, 10 positions were established in 10 higher-level police commissariats to act in the field of trafficking in human beings in 2007. As a result, prevention and control of trafficking in human beings has been decentralised and better coordinated.

320. Specialists of various fields regularly enhance their skills of working with victims of trafficking. In 2005, an in-service training course under the training programme "Peculiarities of Working with Victims of Trafficking in Human Beings and Ways of

Assistance” was organized. The course was aimed at social workers, social pedagogues, police officers and other social partners and covered the concept of trafficking in human beings, the evolution of this activity, and ways of assistance. The methodological tool for social workers “Trafficking in Women: Problems, Prevention and Assistance to Victims” produced by the International Organization for Migration in cooperation with the University of Vilnius was updated and re-published. In 2006, a training/workshop “Specifics of Investigation of Trafficking in Human Beings” was organized for police officers, and “Prevention and Control of Trafficking in Human Beings and Prostitution” for State border guard officers. In 2007, a training course was organized in the Health Education Department of Vilnius Pedagogical University, with presentations on the peculiarities of working with victims of human trafficking and prostitution.

321. Increasingly more assistance is provided to victims of trafficking. Pursuant to the Law of the Republic of Lithuania on the Support for Employment effective from 1 August 2006, victims of trafficking in human beings who have completed psycho-social and/or vocational rehabilitation programmes are entitled to additional support in the labour market. Such persons, subject to having a certificate confirming completion of the said programmes, are entitled to benefit from supported employment measures financed by the Employment Fund. Provisions of the Law are being implemented in cooperation with labour exchanges, institutions and non-governmental organizations engaged in providing social assistance to the victim.

322. Annual allocations are made in the State budget of the Republic of Lithuania to support projects by public authorities and non-governmental organizations aimed at providing social assistance to victims of trafficking in human beings, their protection and reintegration into the society. In 2005, for instance, support from the State budget was allocated to 11 projects, which provided assistance to 287 potential and existing victims of trafficking (all women), 73 of whom were provided with accommodation, and the remaining with counselling and information services. Out of the 287 victims of trafficking targeted by the projects, 76 acquired general and/or vocational education, 63 integrated into the labour market, and 107 reintegrated into the society. Most of these victims were relatively young women: nearly 70 per cent were under 26 years of age.

323. In 2006, support from the State budget of the Republic of Lithuania was allocated to 13 projects, which provided assistance to 402 potential and existing victims of trafficking: Three men and 399 women (111 of them mothers). 83 victims (35 mothers) were provided with accommodation, and 319 victims (76 mothers) with counselling and information services. Out of the 402 victims of trafficking targeted by the projects, 90 acquired general and/or vocational education, 122 integrated into the labour market, 149 reintegrated into the society, and 245 attended re-training and/or computer courses, resumed studies, or attended various lectures and consultations.

324. In 2007, as part of implementing the Programme of Prevention and Control of Trafficking in Human Beings 2005–2008, support from the State budget of the Republic of Lithuania was allocated to 13 projects which involved 438 people. Of this number, 137 victims of forced prostitution or existing or potential trafficking in human beings reintegrated into the society, 79 integrated into the labour market, 48 acquired general and/or vocational education, and 174 were provided with other social assistance. Annual allocations in the State budget of the Republic of Lithuania for such projects total LTL 400000.

325. Improvements are being made in the collection of data on victims of human trafficking. In 2006, a depersonalised general database for victims of trafficking was developed and launched for the use by social assistance institutions. The database enables non-governmental organizations to exchange the available information about victims of trafficking. The statistical and analytical information which is updated biannually can also



be accessed by public authorities. The database is a collection of not only quantitative data about victims of trafficking, such as age, level of education, destination country and the like, but also of qualitative data about methods of recruiting, assistance already provided to the victim by non-governmental organizations, and the like. By the data of 2007 of the IT and Communications Department under the Ministry of the Interior, one of the victims of trafficking in human beings was a citizen of a foreign State.

326. Active measures are being taken to prevent human trafficking. One of them is annual awareness-raising campaigns on the issue. In 2006, a video clip was produced and broadcasted on the National TV and an audio clip aired on a radio station most popular among the youth. Special informational campaigns are also organized in nightclubs. Posters with a slogan “Tell Life from Illusion. Don’t Become a Commodity” were displayed in public transport stops, special stands and newspapers; 10000 posters, 10000 calendars, 4000 pens, 60000 cards, 40000 stickers and other items with information about the threat posed by trafficking in human beings and the sources of assistance once in the hands of traffickers were distributed to all schools of Lithuania. Moreover, about 10000 schoolchildren were shown, free of charge, a feature film “Lilija Forever” based on a true story of a girl who was sold.

327. Lithuania actively contributes to international and regional cooperation for combating trafficking in human beings. It is also an active participator in the activities of the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings, also in the activities of the European Police Office (Europol) Working Group against Trafficking in Human Beings, and the Operational Expert Group for Combating Trafficking in Human Beings of the CBSS Task Force against Trafficking in Human Beings. Lithuania also actively participated in the activities of the Nordic Baltic Task Force against Trafficking in Human Beings operating on a high political level, which was operational before June 2006. Moreover, a training programme on the issue of trafficking in human beings was developed, for the European Police College (CEPOL), by an international working group led by a representative of Lithuanian Police.

328. Vilnius has hosted an international seminar “Prevention of Trafficking in Human Beings in Lithuania: Problems and Solutions” organized on 26 April 2005 and an international scientific-practical conference “International Cooperation to Combat Trafficking in Human Beings” organized on 14–15 December 2006. Lithuania also hosted Vilnius Conference “Prevention of Trafficking in Human Beings: Challenges and Solutions” organized jointly by the Government of the Republic of Lithuania, the Organization for Security and Cooperation in Europe (OSCE), and the Office for Drug Control and Crime Prevention on 25–26 October 2007. The Conference was devoted to discussions on the reduction of the demand for trafficking in human beings and the role of businesses, mass media and education in preventing trafficking in human beings; the first independent report on the situation in the field of trafficking in human beings in Lithuania was presented there.

## Annex

Table 1  
Lithuania's population as of 1 January 2007

	Population		Men		Women	
	Total, thousands	%	Total, thousands	%	Total, thousands	%
Urban	2 260.2	66.77	1 031.6	45.64	1 228.6	54.36
Rural	1 124.7	33.23	545.4	48.49	579.3	51.51
<b>Total</b>	<b>3 384.9</b>	<b>100</b>	<b>1 577</b>	<b>46.59</b>	<b>1 807.9</b>	<b>53.41</b>

Source: Data of the Department of Statistics.

Table 2  
Composition by nationality

Nationality	1979		1989		2001	
	Total	%	Total	%	Total	%
Lithuanian	2 712 233	80	2 924 251	79.6	2 907 293	83.5
Russian	303 493	8.9	344 455	9.4	219 789	6.3
Polish	247 022	7.3	257 994	7	234 989	6.7
Belarusian	57 584	1.7	63 169	1.7	42 866	1.2
Ukrainian	31 982	1	44 789	1.2	22 488	0.7
Jewish	14 697	0.4	12 392	0.3	4 007	0.1
Latvian	4 354	0.1	4 229	0.1	2 955	0.1
Tartar	4 006	0.1	5 188	0.1	3 235	0.1
Roma	2 306	0.1	2 718	0.1	2 571	0.1
Other	13 813	0.4	15 617	0.5	10 858	0.3
<b>Total</b>	<b>3 391 490</b>	<b>100</b>	<b>3 674 802</b>	<b>100</b>	<b>3 483 972</b>	<b>100</b>

Source: Data of the Department of Statistics.

Table 3  
Composition by citizenship\*

Citizenship	Number of people	Percentage of people
One citizenship	3 469 553	99.6
Citizenship of the Republic of Lithuania	3 448 878	99
Russian citizenship	13 376	0.4
Citizenship of other States	7 299	0.2

<i>Citizenship</i>	<i>Number of people</i>	<i>Percentage of people</i>
Dual citizenship	659	0
No citizenship	10 531	0.3
Citizenship not indicated	3 229	0.1
<b>Total</b>	<b>3 483 972</b>	<b>100</b>

*Source:* Data of the Department of Statistics.

\* Data of the 2001 population and housing census.

Table 4

**Citizens of other States and stateless persons residing in the Republic of Lithuania**

<i>Citizenship</i>	<i>Temporary residence permit in the Republic of Lithuania</i>	<i>Temporary residence permit in the European Community</i>	<i>Permanent residence permit in the Republic of Lithuania</i>	<i>Permanent residence permit in the European Community</i>	<i>Total</i>
Afghanistan	20		1		<b>21</b>
Ireland	15	11			<b>26</b>
Albania	10	1	2		<b>13</b>
Algeria	6		4		<b>10</b>
Argentina	3		2		<b>5</b>
Armenia	92		168		<b>260</b>
Australia	5		5		<b>10</b>
Austria	15	11	4	1	<b>31</b>
Azerbaijan	53	1	63		<b>117</b>
Belarus	1 888	4	1 929		<b>3 821</b>
Bangladesh	1				<b>1</b>
Belgium	25	23	2	2	<b>52</b>
Belize	1				<b>1</b>
Bolivia	1		1		<b>2</b>
Bosnia and Herzegovina	2				<b>2</b>
Brazil	8		3		<b>11</b>
Bulgarian	104	103	13		<b>220</b>
Czech Republic	10	8	4		<b>22</b>
Chile			1		<b>1</b>
Denmark	131	99	9	5	<b>244</b>
Great Britain	106	85	6	4	<b>201</b>
Egypt	19		3		<b>22</b>

<i>Citizenship</i>	<i>Temporary residence permit in the Republic of Lithuania</i>	<i>Temporary residence permit in the European Community</i>	<i>Permanent residence permit in the Republic of Lithuania</i>	<i>Permanent residence permit in the European Community</i>	<i>Total</i>
Ecuador	1				<b>1</b>
Eritrea			3		<b>3</b>
Estonia	51	44	21	7	<b>123</b>
Ethiopia	3				<b>3</b>
Philippines	3		2		<b>5</b>
Ghana	2				<b>2</b>
Greece	13	13	2	2	<b>30</b>
Grenada	1				<b>1</b>
Georgia	48		82		<b>130</b>
Honduras	1				<b>1</b>
India	63		6		<b>69</b>
Iraq	3				<b>3</b>
Iran	7		2		<b>9</b>
Iceland	12	12	1	1	<b>26</b>
Spain	51	46	4	4	<b>105</b>
Italy	93	89	10	6	<b>198</b>
Israel	194		133		<b>327</b>
United Arab Emirates			1		<b>1</b>
Japan	11		6		<b>17</b>
United States of America	205		187		<b>392</b>
Jordan	8		2		<b>10</b>
Yugoslavia	2		5		<b>7</b>
Cambodia	1				<b>1</b>
Cameroon	3				<b>3</b>
Canada	28	1	8		<b>37</b>
Kazakhstan	53		180		<b>233</b>
Kenya	1				<b>1</b>
China	186		49		<b>235</b>
Kyrgyzstan	9		13		<b>22</b>
Columbia	2		3		<b>5</b>
Congo	1				<b>1</b>

<i>Citizenship</i>	<i>Temporary residence permit in the Republic of Lithuania</i>	<i>Temporary residence permit in the European Community</i>	<i>Permanent residence permit in the Republic of Lithuania</i>	<i>Permanent residence permit in the European Community</i>	<i>Total</i>
Costa Rica	2				<b>2</b>
Croatia	2		1		<b>3</b>
Cuba	1				<b>1</b>
Latvia	269	255	130	59	<b>713</b>
Poland	273	226	206	148	<b>853</b>
Lebanon	100		27		<b>127</b>
Luxembourg			1	1	<b>2</b>
Macedonia	7		2		<b>9</b>
Malaysia	1				<b>1</b>
Malta	2	1			<b>3</b>
Mauritania			1		<b>1</b>
Mexico	8		3		<b>11</b>
Moldova	126	1	55		<b>182</b>
Mongolia			1		<b>1</b>
New Zealand	3	1	2		<b>6</b>
Namibia			1		<b>1</b>
Nepal	1				<b>1</b>
Netherlands	46	43	3	2	<b>94</b>
Nigeria	15		6		<b>21</b>
Norway	79	75	4	3	<b>161</b>
Pakistan	37	3	3		<b>43</b>
South African Republic			3		<b>3</b>
Peru	6		2		<b>8</b>
South Korea	18	1	4		<b>23</b>
Portugal	6	6	2	2	<b>16</b>
France	88	72	12	9	<b>181</b>
Romania	10	10	1		<b>21</b>
Russia	1 705	12	10 244	1	<b>11 962</b>
Saudi Arabia	1				<b>1</b>
Salvador	1				<b>1</b>
Senegal	1				<b>1</b>
Serbia	6				<b>6</b>

<i>Citizenship</i>	<i>Temporary residence permit in the Republic of Lithuania</i>	<i>Temporary residence permit in the European Community</i>	<i>Permanent residence permit in the Republic of Lithuania</i>	<i>Permanent residence permit in the European Community</i>	<i>Total</i>
Serbia and Montenegro	10	1	1		<b>12</b>
Syria	7		4		<b>11</b>
Slovakia	8	8			<b>16</b>
Slovenia	6	6			<b>12</b>
Somalia	1		2		<b>3</b>
Finland	63	54	6	5	<b>128</b>
Suriname			1		<b>1</b>
Sri Lanka	9		4		<b>13</b>
Sweden	74	69	9	7	<b>159</b>
Switzerland	11	10	1	1	<b>23</b>
Tajikistan	3		3		<b>6</b>
Thailand	8	1			<b>9</b>
Togo	1				<b>1</b>
Tunisia	5				<b>5</b>
Turkey	99		14		<b>113</b>
Turkmenistan	5		3		<b>8</b>
Ukraine	1 093	8	1 236		<b>2 337</b>
Uruguay			1		<b>1</b>
Uzbekistan	26		42		<b>68</b>
Venezuela	2				<b>2</b>
Hungary	2	2	2		<b>6</b>
Vietnam	11		92		<b>103</b>
Germany	349	307	62	41	<b>759</b>
No citizenship	100	29	4 795	5	<b>4 929</b>
<b>Total</b>	<b>8 278</b>	<b>1 752</b>	<b>19 932</b>	<b>316</b>	<b>30 278</b>

*Source:* Data of the Population Register.

**Table 5**  
**Aliens who have applied for and been granted asylum**

<i>Year</i>	<i>Number of applications for asylum</i>	<i>Refugee status granted</i>	<i>Subsidiary protection granted</i>
1997	242	6	0
1998	159	28	0

<i>Year</i>	<i>Number of applications for asylum</i>	<i>Refugee status granted</i>	<i>Subsidiary protection granted</i>
1999	143	11	0
2000	303	15	80
2001	425	3	266
2002	546	1	287
2003	644	3	485
2004	458	12	407
2005	410	15	328
2006	459	12	385
2007	480	9	393
<b>Total</b>	<b>4 269</b>	<b>115</b>	<b>2 631</b>

*Source:* Data of the Migration Department under the Ministry of the Interior.

Table 6  
**Aliens who have applied for and been granted asylum, by gender**

<i>Year</i>	<i>Number of applications for asylum</i>		<i>Refugee status granted</i>		<i>Subsidiary protection granted</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
2004	280	178	–	–	–	–
2005	251	159	12	3	–	–
2006	269	190	8	4	–	–
2007	297	183	6	3	224	169

*Source:* Data of the Migration Department under the Ministry of the Interior.

Table 7  
**Decisions of Vilnius District Administrative Court in the cases of refusal of refugee status**

<i>Year</i>	<i>Total cases heard</i>	<i>Decisions to uphold a decision of the Migration Department</i>	<i>Decisions to reverse a decision of the Migration Department</i>	<i>Decisions to drop administrative proceedings and dismiss an appeal</i>
2004	70	47	13	10
2005	29	20	5	2
2006	49	32	13	2
2007	78	58	8	9/3*

\* Proceedings dropped by a decision of Vilnius District Administrative Court.

Table 8  
**Composition of the Refugee Reception Centre residents, 2004–2007**

<i>Year</i>	<i>Men (%)</i>	<i>Women (%)</i>	<i>Children (%)</i>
2004	49	18	33
2005	45.5	19	35.5
2006	30	26	44
2007	35	24	41

*Source:* Data of the Ministry of Social Security and Labour.

Table 9  
**Funds allocated for social integration of aliens who have been granted asylum**

<i>Year</i>	<i>No. of aliens who have been granted asylum and who have participated in social integration programmes</i>	<i>Funds allocated from the State budget of the Republic of Lithuania for social integration programmes (LTL thousands)</i>
1999	29	742
2000	51	529
2001	129	346
2002	186	914
2003	361	1 569
2004	404	1 464
2005	279	1 107
2006	269	1 014
2007	297	1 200

*Source:* Data of the Ministry of Social Security and Labour.

Table 10  
**Aliens granted asylum, who have been given State aid for integration, by the country of origin**

<i>Country of origin</i>	<i>No. of aliens who have been given State aid for integration</i>						
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Afghanistan	33	16	15	13	18	21	14
Russian Federation	67	150	339	385	250	244	268
Iran	6	0	0	0	0	0	0
Iraq	0	1	0	0	1	1	2
Somalia	13	10	2	1	0	0	0
Sri Lanka	4	3	3	0	0	0	0
Pakistan	4	4	0	0	0	1	2



<i>Country of origin</i>	<i>No. of aliens who have been given State aid for integration</i>						
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Congo	0	1	1	0	0	0	0
Nigeria	0	0	1	1	4	0	0
Togo	0	0	0	0	0	1	1
No citizenship	0	0	0	0	0	1	0
Ethiopia	0	0	0	0	0	0	3
Eritrea	0	0	0	0	0	0	3
Cameroon	0	0	0	0	0	0	2
Zimbabwe	0	0	0	0	0	0	1
Syria	0	0	0	0	0	0	1
Other	2	1	0	4	5	0	0
<b>Total</b>	<b>129</b>	<b>186</b>	<b>361</b>	<b>404</b>	<b>279</b>	<b>269</b>	<b>297</b>

*Source:* Data of the Ministry of Social Security and Labour.

Table 11

**Aliens granted asylum, who have been given State aid for integration, by gender**

<i>Country of origin</i>	<i>No. of aliens who have been given State aid for integration</i>					
	<i>2006</i>			<i>2007</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Afghanistan	16	5	21	9	5	<b>14</b>
Russian Federation	123	121	244	137	131	<b>268</b>
Iran	0	0	0	0	0	<b>0</b>
Iraq	1	0	1	2	0	<b>2</b>
Somalia	0	0	0	0	0	<b>0</b>
Sri Lanka	0	0	0	0	0	<b>0</b>
Pakistan	1	0	1	2	0	<b>2</b>
Congo	0	0	0	0	0	<b>0</b>
Nigeria	0	0	0	0	0	<b>0</b>
Togo	1	0	1	1	0	<b>1</b>
No citizenship	1	0	1	0	0	<b>0</b>
Ethiopia	0	0	0	1	2	<b>3</b>
Eritrea	0	0	0	2	1	<b>3</b>
Cameroon	0	0	0	2	0	<b>2</b>
Zimbabwe	0	0	0	1	0	<b>1</b>

<i>Country of origin</i>	<i>No. of aliens who have been given State aid for integration</i>					
	<i>2006</i>			<i>2007</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Syria	0	0	0	1	0	1
Other	0	0	0	0	0	0
<b>Total</b>			<b>269</b>			<b>297</b>

*Source:* Data of the Ministry of Social Security and Labour.

Table 12

**Religious communities of national minorities in Lithuania**

<i>Religious communities</i>	<i>Number</i>	
	<i>2001</i>	<i>2007</i>
Orthodox (mostly Russians)	46	51
Old Believers (mostly Russians)	27	58
Sunni Muslims (mostly Tartars)	5	7
Judaists (Jews)	3	8
Greek Catholics (mostly Ukrainians)	4	2
Karaites	1	1
Armenian Apostolic Church (mostly Armenians)	—	2
Romanian Orthodox Church (Romanians)	—	1
Ukrainian Autocephalous Orthodox Church (Ukrainians)	—	1

*Source:* Data of the 2001 population and housing census, and 2007 data from the Register of Legal Persons.

Table 13

**Religious communities of national minorities in Lithuania, by number of believers**

<i>Religious communities</i>	<i>No. of believers</i>	
	<i>Total</i>	<i>% of population</i>
Orthodox (Russian)	141 821	4.07
Old Believers (Russian)	27 073	0.78
Sunni Muslim (Tartars)	2 860	0.08
Judaists (Jews)	1 272	0.04
Greek Catholics (Ukrainians)	364	0.01
Karaites	258	0.01
Armenian Apostolic Church (Armenians)	30	<0.01

<i>Religious communities</i>	<i>No. of believers</i>	
	<i>Total</i>	<i>% of population</i>
Romanian Orthodox Church (Romanians)	–	–
Ukrainian Autocephalous Orthodox Church (Ukrainians)	–	–

*Source:* Data of the 2001 population and housing census.

Table 14

**Allocations for religious communities, 2004–2007 (in LTL thousands)**

<i>Religious communities</i>	<i>Allocations</i>			
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Lithuanian Bishops' Conference	2 609.7	2 609.7	2 982.6	2 982.6
Lithuania's Russian Orthodox Diocese	144	144	163.2	163.2
Supreme Council of Lithuania's Church of Old Believers	35.6	35.6	39.2	39.2
Consistory of Evangelical Lutheran Church of Lithuania	28.6	28.6	31.2	31.2
College of Lithuanian Evangelical Reformed Church Synod	12.7	11.6	12.3	11.1
Synod of the Evangelical Reformed Church – Unitas Lithuaniae	4	5.1	5.3	6.5
Spiritual centre of Lithuania's Sunni Muslims – Muftiate	12.7	12.7	13.1	13.1
Jewish religious community of Lithuania	9.1	9.1	9.4	8.4
Jewish religious community of Kaunas	1.1	1.1	1	2
Jewish religious community of Vilnius "Chassidie Chabad Lubavitch"	1	1	1	1
Lithuania's Greek Catholic Church (centre and management – Vilnius Monastery of the Basilian Order of St. Josaphat)	10.3	10.3	10.4	10.4
Lithuania's Karaite religious community	10.2	10.2	10.3	10.3
<b>Total</b>	<b>2 879</b>	<b>2 879</b>	<b>3 279</b>	<b>3 279</b>

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

Table 15

**Periodicals for national minorities**

<i>Title of the periodical</i>	<i>Language</i>	<i>Periodicity</i>	<i>Area of distribution</i>
"Ekspress-nedelia"	Russian	Weekly	Vilnius
"Fan (Fakty i Novosti)"	Russian	Weekly	Visaginas

<i>Title of the periodical</i>	<i>Language</i>	<i>Periodicity</i>	<i>Area of distribution</i>
“Klaipėda”	Russian	Daily	Klaipėda
“Kurier Wilenski”	Polish	Daily, 5 times a week	Vilnius
“Lietuvos Jeruzalė”	Lithuanian, Russian, English, Yiddish	Monthly	Vilnius
“Lietuvos totoriai”	Lithuanian, Russian	Monthly	Kaunas
“Litovskij kurjer”	Russian	Weekly	Vilnius
“Magazyn Wilenski”	Polish	Monthly magazine	Vilnius
“Spotkania”	Polish	Monthly	Vilnius
“Nasz Czas”	Polish	Weekly	Vilnius
“Obzor”	Russian	Weekly	Vilnius
“Respublika”	Russian	Daily	Vilnius
“Sugardas”	Russian, Lithuanian	Weekly	Visaginas
“Vilniaus krašto savaitraštis” (“Tygodnik Wilenszczyzny”)	Lithuanian, Polish	Weekly	Vilnius
“V každij dom”	Russian	Weekly	Visaginas

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

Table 16

**“Santara” broadcasts for national minorities**

<i>Broadcast</i>	<i>Periodicity</i>
Broadcast for different national minorities living in Lithuania	Mondays
Broadcast for Belarusians	Tuesdays and Saturdays
Broadcast in the Russian language	Wednesdays and Sundays; and the first and the third Thursday and Friday of a month
Broadcast for Jews	The second and the forth Thursday of a month
Broadcast for Ukrainians	The second and the forth Friday of a month

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

Table 17  
**National TV broadcasts for national minorities**

<i>Title of the broadcast</i>	<i>National minority targeted</i>	<i>Periodicity</i>	<i>Duration</i>
Album Wilenski ( <i>Album of Vilnius</i> )	Polish	Weekly	15 min.
Vilenskij sšytak ( <i>Notebook of Vilnius</i> )	Belarusian	Weekly	15 min.
“Menora”	Jewish	Weekly	10 min.
Russkaja ulica ( <i>Russian street</i> )	Russian	Weekly	15 min.
“Trembita”	Ukrainian	Weekly	10 min.
Labas ( <i>Hello</i> )	All national minorities	Weekly	10 min.

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

Table 18  
**Associations and cultural centres of national minorities, 2007**

<i>Nationality</i>	<i>Number of organizations</i>
Armenians	8
Azerbaijani	1
Belarusians	23
Bulgarians	1
Chechens	1
Estonians	1
Greeks	9
Georgians	1
Karaites	1
Koreans	1
Latvians	8
Poles	56
Lebanese	1
French	1
Roma	15
Romanians	1
Russians	68
Tadjiks	1
Tartars	19
Ukrainians	19
Uzbeks	3

<i>Nationality</i>	<i>Number of organizations</i>
Hungarians	1
Germans	31
Jews	24
National minorities' cultural centres	5
<b>Total</b>	<b>300</b>

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

Table 19  
**Unemployment in Lithuania, 2004–2007**

<i>Indicator</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Unemployed population (thousands)	184.4	132.9	89.3	69
Unemployment rate (%)				
Women	11.8	8.3	5.4	4.3
Men	11	8.2	5.8	4.3
Youth (aged 15–24)	22.5	15.7	9.8	8.2
<b>Total</b>	<b>11.4</b>	<b>8.3</b>	<b>5.6</b>	<b>4.3</b>

*Source:* Data of the Department of Statistics.

Table 20  
**Applications to employ aliens and work permits issued**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Applications received	1 013	1 777	3 342	6 542
Permits issued	877	1 565	2 982	5 686
To men	758	1 490	2 927	5 594
To women	119	75	55	92

*Source:* Data of the Ministry of Social Security and Labour.

Table 21  
**Aliens temporarily working in Lithuania, by country (%)**

<i>Country</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Belarus	22	29	37	38
Ukraine	32	31	32	36
Russia	12	11	4	5
Other CIS States	5	4	3	5
Other States	8	6	5	5

<i>Country</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Turkey	–	–	–	7
Romania	–	10	14	–
Bulgaria	4	–	–	–
China	11	7	4	4
United States of America	6	2	1	–

*Source:* Data of the Ministry of Social Security and Labour.

Table 22

**General education schools and their pupils by the language of teaching, school-years 2004/05 and 2007/08**

<i>Type of school/language of teaching</i>	<i>2004/05 school year</i>		<i>2007/08 school year</i>	
	<i>No. of schools</i>	<i>No. of pupils</i>	<i>No. of schools</i>	<i>No. of pupils</i>
Lithuanian-speaking schools	1 348	481 210	1 272	448 718
Russian-speaking schools	54	22 880	41	15 978
Polish-speaking schools	64	13 231	62	11 338
Belarusian-speaking schools	1	138	1	134
Lithuanian- and Belarusian-speaking schools	16	5 498 (3 637 Lithuanians and 1 061 Russians)	19	2 698 (study in the Russian language)
Lithuanian- and Polish-speaking schools	13	3 243 (2 397 Lithuanians and 846 Poles)	16	1 035 (study in the Polish language)
Russian- and Polish-speaking schools	17	6 466 (2 122 Russians and 4 344 Poles)	12	1 386 (study in the Russian language), 3 019 (study in the Polish language)
Lithuanian-, Russian- and Polish-speaking schools	6	2 919 (1 670 Lithuanians, 163 Russians and 1 086 Poles)	6	222 (study in the Russian language), 764 (study in the Polish language)
Jewish-speaking schools	1	240	1	266
German-speaking schools	1	500	1	540
Lithuanian-, Russian- and Belarusian-speaking schools	–	–	1	606 (589 Russians, 6 Belarusians, 11 Lithuanians)

*Source:* Data of the Ministry of Education and Science.

Table 23  
**Cultural and educational projects in 2004–2007**

	2004	2005	2006	2007
Number of projects	260	270	289	303

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

Table 24  
**Allocations for cultural and educational projects, 2004–2007 (in LTL)**

<i>Recipient</i>	<i>Allocations</i>			
	2004	2005	2006	2007
Non-governmental organizations of national communities	207 840	267 300	326 580	347 980
Sunday schools	55 100	48 400	56 430	59 500

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

Table 25  
**Allocations for centres of national communities, 2004–2007 (in LTL thousands)**

<i>Recipient</i>	<i>Allocations</i>			
	2004	2005	2006	2007
House of National Communities	250	252.7	265	295
Kaunas Cultural Centre of Various Nations	116.85	170.9	1 930	137
Roma Community Centre	210	212	218	235
Visaginas Official Language Centre	2 000	200	200	200
Ethnographic and Folklore Centre of Lithuania's National Minorities	–	–	17.17	85
Visaginas Centre of National Cultures	–	–	31	32

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

Table 26  
**Decisions of the Equal Opportunities Ombudsman in complaints about ethnic discrimination**

<i>Decisions</i>	2005	2006	2007
To refer the case to a pretrial investigation institution or prosecutor, if features of a criminal act are established	–	–	–
To address the relevant person or institution to advise to discontinue actions which violate equal rights or repeal the related act	2	7	1



<i>Decisions</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
To investigate the administrative offence and impose administrative sanctions	–	–	–
To reject the complaint if the alleged offences are not confirmed	6	2	4
To drop the investigation if the complainant takes the complaint back or due to a lack of objective data on the offence committed, or if the complainant and the perpetrator come to an agreement, or if the actions which violate equal rights are discontinued, or if the act which violates equal rights is repealed	6	6	10
To warn concerning the offence committed	1	–	–
To suspend the investigation if the person whose complaint or whose actions complained about is/are being investigated is ill or out of country	–	–	–
To ban, on a temporary basis pending the final decision, the advertisement if there is sufficient evidence that the advertisement, already published or still to be published, might be deemed as inciting ethnic, racial or religious hatred or hatred on the grounds of gender, sexual orientation, disability, beliefs or age, or as seriously affecting public interests, human honour and dignity, and moral principles of the public	–	–	–
To impose an obligation on the advertiser to remove the prohibited advertisement, and to establish the deadlines and the conditions for the discharge of this obligation	–	–	–
To refuse to investigate the complaint on the grounds that the investigation of such kind of complaints is beyond the scope of competence of the Equal Opportunities Ombudsman	3	5	5

*Source:* Data of the Office of the Equal Opportunities Ombudsman.

*Note:* Three complaints are still pending decision.

Table 27

**Statistical information on the investigation of crimes under article 147 “Trafficking in human beings” of the Criminal Code of the Republic of Lithuania**

<i>Year</i>	<i>Pretrial investigations started</i>	<i>Cases referred to courts</i>	<i>Cases heard in courts</i>	<i>Suspects</i>	<i>Victims</i>	<i>Convicted persons</i>
2004	22	13	4	25	23	14
2005	32	18	7	21	25	15
2006	26	21	7	19	27	10
2007	15	4	3	6	9	1

*Source:* Data of the Ministry of the Interior.

Table 28  
**Statistical information on crimes related to prostitution**

<i>Articles of the Criminal Code of the Republic of Lithuania</i>	<i>Pretrial investigations started</i>			<i>Cases referred to courts</i>		
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Art. 307 "Deriving profit from another person's prostitution"	24	33	30	18	29	26
Art. 308 "Engaging another person into prostitution"	6	17	14	5	14	16

*Source:* Data of the Ministry of the Interior.