



european network against racism

# ENAR Shadow Report 2010-2011

## ENAR SHADOW REPORT

### **Racism and related discriminatory practices in Lithuania**

**Birutė Sabatauskaitė, Gediminas Andriukaitis,  
Lithuanian Centre for Human Rights**

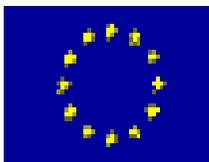
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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## I. Executive summary

Although the general Census took place in July 2011, the detailed results of it will only become available in 2013. Hence, at the moment the only reliable data on the composition of Lithuanian society remains the 2001 census which, mostly due to significant emigration numbers to other EU countries, is no longer accurate. The lack of equality data remains a significant obstacle to assessing the situation of minorities and vulnerable groups.

- The establishment of a equality data collection, management, and research system should be one of the main tasks of the competent institutions.

The situation of the Roma community living in the outskirts of the capital city has been emphasised many times. In spite of that, approximately 500 members of the Roma community (20-25% of the whole population of Lithuanian Roma) continue to live in precarious conditions, below the poverty line, facing extreme social exclusion. This was once again highlighted in March, 2011, when the UN Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations.<sup>1</sup>

- The housing problems of Kirtimai Roma community must be addressed by the government and Vilnius city municipality in the first place, solving the legal status of the territory as soon as possible.

Roma childrens' access to education remains one of the most sensitive issues within the Roma community. The percentage of illiterate Roma or those who have not graduated from primary school is much higher than it is among other national minorities and it remains one of the most serious problems within the Roma community.

- Lithuanian authorities have to make sure that the Law on Ethnic Minorities is adopted and in general that the issues of ethnic minority integration are addressed systematically, as well as ensuring inter-institutional cooperation.
- The issue of Roma education has to be addressed by the inter-institutional Roma group to ensure the access to education for Roma children, by taking extra measures other than ensuring the mere possibility to enter the school system, and involving in the process NGOs that have experience in it already.
- Education reforms in separate minority schools have to be implemented and must ensure the communities themselves can participate in the reforms. A sufficient transitional period must also be foreseen.

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<sup>1</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination, Lithuania, Committee on the Elimination of Racial Discrimination, Seventy-eighth session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

Due to a malfunctioning pre-trial investigation data collection system<sup>2</sup> it is impossible to estimate the actual amount of all crimes, which have been committed with racist motivations (crimes other than incitement to hatred or discrimination). In many cases racist violence is recorded as mere hooliganism, non-severe health impairment, or a violation of public order.

- An effective system of data collection on all hate crimes, committed with racist motivation, should be established, pre-trial investigation officers should be instructed to exercise data collection in their everyday work.
- Awareness raising and competence trainings should be provided to the pre-trial investigation institutions (police particularly) dealing with hate crimes and racist violence.

The tendency of the mainstream media to use explicitly xenophobic statements or general and negative terminology in articles on minorities and migration has been decreasing in recent years. However, general or more sophisticated xenophobic tones are still rather wide-spread, the media continues to place emphasis on ethnicity or emphasise racial features when covering criminal cases. Unfortunately, there is no permanent media monitoring mechanism (NGO or state) in place.

- The Inspector of Journalist Ethics should be given sufficient human and financial resources to implement its functions, prescribed by law: monitor whether particular information provided in the media instigates hatred against groups of persons (on the grounds of *inter alia* religion, ethnicity, nationality or race) and respond to pre-trial investigation inquiries with expert findings.

National anti-racism and anti-discrimination policies largely remained paper based declarations without proper financial support during reporting period. The fact that budgetary cuts for programs tackling racism and discrimination, which followed the economic crisis, were disproportionate, was also emphasised by CERD in March 2011.

- Appropriate financial resources should be allocated to existing governmental programs on anti-discrimination, social integration, awareness raising on anti-racism;
- Roma integration programme has to be prepared ensuring the inter-institutional cooperation while drafting and implementing it.

According to recent Migrant Integration Policy index (MIPEX) research Lithuania was 27<sup>th</sup> out of 31 analysed countries. The outcomes of MIPEX indicated that even though conditions for family reunion in Lithuania are not complicated, they are rather strict and due to that reason family reunion takes a long time especially for those from non-EU countries; voting rights are limited; conditions to

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<sup>2</sup> For more on this see chapter ix.ii of this report.

apply for citizenship are one of the worst in all MIPeX countries. Even though the definition of anti-discrimination is rather broad, the implementation of the anti-discrimination policy is rather limited. The integration/inclusion of minorities is not one of the priorities of the political agenda in Lithuania.

- The new Law on Ethnic minorities should be adopted as soon as possible.
- The current Ethnic minorities integration programme should be reviewed and concrete action plans should be implemented before adopting a new programme and when having it adopted, ensuring it is sufficiently financed.

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### III. Introduction

The main goal of this report is to provide a brief overview of the situation of racism and discrimination in Lithuania during the period from March 2010 to March 2011. It provides insight into Lithuanian society and an overview of the main legal and political developments from an NGO perspective. The report starts with a general overview, providing information on racist incidents and discriminatory practices, and also investigates the responses of authorities. The report concludes with a number of recommendations on policy and legislation.

Unfortunately, the area of non-discrimination and racism continued to suffer from a lack of attention from the government, drastic budget cuts, and a national failure to implement policies in reality. During the reporting period the national anti-discrimination programme was heavily underfinanced, most of its measures that were planned for the year, remained only on paper. There was no governmental policy, addressing social integration of the Roma whatsoever, the Law on National Minorities is no longer valid since January 1<sup>st</sup> 2010, although a new version of the law was not adopted during reporting period. In March 2011 CERD emphasised the fact that budgetary cuts for programs tackling racism and discrimination, which followed the economic crisis, were disproportionate.

It seems that the amount of racist violence slightly decreased during the reporting period. However, most of the NGO's working in the field believe that the closure of the Special Investigation Department of the Prosecution Office, in January 2011, was a mistake and a significant step backwards. It is hard to estimate how the change will affect the prosecution of hate crimes, since in the past the department was the main institution initiating the prosecution of hate crimes.

## IV. Communities vulnerable to racism and discrimination

During reporting period the lack of statistical data remained a significant obstacle to assessing the situation of minorities and vulnerable groups. Although the general Census took place in July 2011, the detailed results of it will only become available in 2013. Hence, at the moment the only reliable data still remains of the 2001 census<sup>3</sup> which, mostly due to significant emigration numbers to other EU countries, is no longer accurate. However, it does help to understand that Lithuania is a rather homogenous country, where Lithuanians comprise more than 80% of the population. The biggest minority groups are Poles and Russians. Poles make up more than 6%, Russians up to 5%, of the overall population. There are only 29 foreign nationalities that are represented by a hundred or more people in the country. However, exceptionally, in some regions ethnic minorities form a majority of the regional population.<sup>4</sup> The same general homogeneity applies to religion and beliefs. 79% of the population consider themselves to be Roman Catholics, 9.5% are non-believers, 4% are Orthodox and 7.5 % belong to other religious communities.

The potential vulnerability of particular communities can be estimated through analysing the data from annual surveys of the public opinion towards various minority groups. These surveys are not organised systematically, the methodology used in the surveys differs depending on the institution implementing it, and therefore this must be taken into account. Nonetheless, public opinion surveys reveal that the “hierarchy of intolerance” remains the same - Roma, Chechens, refugees and Muslims are the least tolerated and thus the most vulnerable groups to discrimination in Lithuania.<sup>5</sup> In 2011, the Institute of Ethnic Studies (Centre for Social Research) carried out a public opinion survey, which identified that more than half of the Lithuanians surveyed would not want to live near Roma. A large part of the Lithuanian population did not want their neighbours to be Chechen (40%), Muslims (38%) or refugees (38%). Although it seems that the social gap is gradually decreasing in comparison to data from 2005,<sup>6</sup> the general level of xenophobia towards particular groups remains quite high.

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<sup>3</sup> Statistikos departamentas prie Lietuvos Respublikos Vyriausybės, 2001 gyventojų surašymo duomenys, <http://www.stat.gov.lt/lt/pages/view/?id=11988>, accessed 15 August, 2011.

<sup>4</sup> As exceptions to this statement: the Vilnius region municipality must be mentioned (76,5 per cent of the population are not Lithuanians, 61,3 per cent of the population are Polish), Salcininkai region municipality (88,6 per cent of the population are not Lithuanians), Visaginas city (79 per cent of the population are not Lithuanians, 52,4 per cent of them are Russians), Vilnius city (57,8 per cent of the population are Lithuanians, 18,7 per cent are Poles and 14 per cent – Russians).

<sup>5</sup> Lietuvos socialinių tyrimų centro, Etninių tyrimų instituto užsakymu 2010 m. liepos-rugpjūčio mėn. atlikta visuomenės nuomonės apklausa. Available in Lithuanian at <http://www.ces.lt/tyrimai/etninis-nepakantumas/>, accessed 10 August, 2011.

<sup>6</sup> Ibid.

The same can be said about public attitude towards migrants.<sup>7</sup> Almost all immigrants coming from non-EU countries are regarded more negatively than positively by society. This can be said particularly about the Chinese and Turkish immigrants (46% of respondents consider them negatively) or even more so about immigrants from Pakistan or Lebanon (57% negative responses). When it comes to people of African descent, it has to be said, that this community is very small in Lithuania, since most of the migrants coming to Lithuania arrive from post-soviet space (Russia, Belarus, Ukraine).

Historically, it is the Jewish and Roma minorities, each representing less than 0,4% of the population, who, in different ways, have been the most vulnerable to prejudice and discrimination. Anti-Semitism remains an issue, although the Jewish community consists of only about 3,000 members. No violent anti-Semitic attacks against individuals were reported over the year, however, anti-Semitism was widely evidenced on the Internet and some vandalism attacks on buildings and/or cemeteries. Lithuanian Roma, in comparison to other ethnic groups, are more visible in Lithuania. Certain segments of Roma suffer exclusion from public life and the labour market as well as experiencing problems in housing, health, and education. A significant proportion of the Roma community is under 15 years of age. This can be attributed to their migration patterns and their short life expectancy, which is because of their quality of living. Their integration into society remains complicated due to the fact that 40% do not know the state language, only a few possess higher education and, most importantly, less than 1/10 are legally employed.<sup>8</sup>

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<sup>7</sup> Socialinių tyrimų centras, Etninių tyrimų institutas. Visuomenės nuostatos į Lietuvą atvykstančių ir Lietuvoje gyvenančių imigrantų atžvilgiu, 2010 m. Available in Lithuanian at <http://www.ces.lt/tyrimai/etninis-nepakantumas/>, accessed 10 August, 2011.

<sup>8</sup> Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialinių tyrimų instituto etninių tyrimų centras, 2008 gruodis.

## V. Racism and related discrimination in employment

### VII.i Manifestations of racism and related discrimination in employment

The Statistic Department does not collect unemployment data specifying ethnicity since the end of 2003. Therefore, there is a lack of accurate data which would be necessary to be able to evaluate the situation of different minorities. Besides that, the Department of National Minorities and Lithuanians Living abroad ceased to exist, and the Centre of Ethnic Studies has not carried out any research in 2010-2011.

In general the situation of migrants and national, ethnic minorities has not changed a lot since 2008 when the last research on the situation of labour migrants and national, ethnic minorities was carried out by the Department of National Minorities and Lithuanians living abroad, as there were no new means adopted to ensure their effective integration into Lithuanian society or the labour market. However, the economic situation has changed, therefore the outcomes of the research carried out at that time must be evaluated accordingly. The last research which focused on the attitude towards labour migrants in Lithuania, was carried out in 2010 by the International Migration Organisation Vilnius Office<sup>9</sup> and the Ethnic Research Institute.<sup>10</sup>

According to the data collected by the Department of National Minorities and Lithuanians Living Abroad in 2008 through a survey that questioned national and ethnic minorities, almost 30% of respondents indicated social support, pensions and regular support from other people as main sources of income. Even though, as the report states, half of people interviewed had quite high professional training (high, higher or special secondary education). 69,8% of ethnic and national minorities had a paid job. Their salaries corresponded with the average salary of the country.<sup>11</sup>

It has to be taken into account that almost an absolute majority of Polish and Russians and 2/3 of other ethnic and/or national minority respondents worked in the sector of services, therefore it is hard to estimate whether the situation remains the same as the research was carried out before the economic crisis. 20,1% of inhabitants in the cities and 22.7% in the suburbs were unemployed in 2008. “3.6% of men and 2.4% women indicated that they left their jobs due to

<sup>9</sup> Lietuvos gyventojų požiūris į imigraciją ir darbo migrantus, Dr. Sipavičienė Audra, Dr. Gaidys Vladas, Jeršovas Mantas, Tarptautinės migracijos organizacijos (TMO) Vilniaus biuras, 2010, available in Lithuanian at: <http://www.iom.lt/lt/publikacijos/>, accessed July 13, 2011.

<sup>10</sup> Visuomenės nuostatos Lietuvoje gyvenančių ir į Lietuvą atvykstančių imigrantų atžvilgiu, Lietuvos socialinių tyrimų centro Etninių tyrimų instituto užsakymu atliktos visuomenės nuomonės apklausos rezultatų apžvalga, 2010 m. liepos 15 – rugpjūčio 2 d. apklausa, <http://www.ces.lt/2010/09/lietuvos-gyventoju-nuomones-apklauso-2010-m-liepos-15-d-rugpjucio-2-d-rezultatai/>, accessed August 19, 2011.

<sup>11</sup> Vyrų ir moterų, priklausančių tautinėms mažumoms, padėties darbo rinkoje tyrimas, Tautinių mažumų ir išeivijos departamentas prie Lietuvos Respublikos Vyriausybės, 2008 m., Vilnius.

insults related to their ethnicity or nationality. Therefore this data indicates that discrimination on the basis of ethnicity or nationality, exists in Lithuanian labour market, even if it is not wide-spread. “20.3% of respondents, 22% of men and 22.9 % of women, 19.4 % of youth, 23.1% of Russians, 19.7% of Polish and 29.5% of respondents of other ethnicities or nationalities indicated that they were discriminated against either in the labour market, educational or by vocational training institutions. Russians and Polish felt discriminated against, mostly while trying to get a job or trying to pursue their professional career.”<sup>12</sup>

According to the data presented by the Office of Equal Opportunities Ombudsperson, out of all the complaints submitted due to discrimination on account of race, ethnicity, nationality, or language, only 5% were submitted due to discrimination in the labour market.<sup>13</sup> The Equal Opportunities Ombudsperson notes that the number of discriminatory job announcements on the Internet has increased during the economic crisis. Besides, the number of situations when people consult with the Office, but do not complain, has increased. Often people do not to file an official complaint due to fear of losing their job. During the present times of economic crisis, people tend to safeguard their job, therefore human rights abuses remain unaddressed. “Often, the person who files a complaint becomes the primary target for dismissal, thus the number of complaints regarding discrimination decreases because of fear of losing the job. In many situations people chose to emigrate instead of filing a complaint, as in the regions complaining is still considered to be disgraceful.” “Most of the complaints are submitted by the inhabitants of big cities, most active are inhabitants of Vilnius, half as active are inhabitants of Kaunas. In 2010 there were no complaints filed from Taurage district. Stereotypical prejudice that small town problems should be solved at a local level is still very relevant”<sup>14</sup>.

**Migrants in labour market:** Even though according to the 2001 public census data immigrants/foreigners comprise only 1% of population – that is 2-3 immigrants per 1000 inhabitants, the number of labour migrants is symbolic and has largely decreased because of the crisis (foreigners occupy only 0,2-0,5% of Lithuanian labour force), however almost 1/3 of Lithuanian citizens think that this number is significantly larger.<sup>15</sup> Labour migrants are perceived differently depending on which countries they come from: migrants from the EU countries are evaluated favourably by 54.6% of respondents and only 21.9% of respondents favourably value migrants from other countries. Most of the respondents indicated reasons for their negative attitude towards migrants to be: “fear of competition”, and the perceptions that “they force Lithuanians to emigrate”, they cause “decreases in salaries”, they “abuse social security

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<sup>12</sup> Ibid.

<sup>13</sup> Lygių galimybių kontrolieriaus tarnybos 2010 m. ataskaita, Vilnius, 2011, <http://www.lygybe.lt/?pageid=7>, accessed August 19, 2011.

<sup>14</sup> Ibid.

<sup>15</sup> Vyrų ir moterų, priklausančių tautinėms mažumoms, padėties darbo rinkoje tyrimas, Tautinių mažumų ir išsvijijos departamentas prie Lietuvos Respublikos Vyriausybės, 2008 m., Vilnius.

system”, and “are a threat to Lithuanian ethnicity.”<sup>16</sup> An important observation was made by the International Migration Organisation, namely, that despite the negative attitude towards migrants a large proportion of society realises that migrants are discriminated against and their rights are often violated and that they receive lower salaries, work longer hours, are unprotected and often discriminated against.

The issues raised in the public survey can also be confirmed by a Fundamental Rights Agency report, which indicated that Lithuania is one of the countries where cases of extreme exploitation of migrant Moldavian and Ukrainian citizens have been registered.<sup>17</sup>

### **Examples of NGO Good Practice**

#### **Consulting Centre “Plus” for Migrants (Tolerant Youth Association)**

The Centre was established in the framework of the European Fund for the Third-country Nationals. Consultations provided to the third-country nationals include: social worker, lawyer, a specialist consulting how to establish and/or organise business, consultant on employment, Lithuanian language specialist.<sup>18</sup>

#### **Project “Turn to the Roma people”, Roma Community Center, NGO “SOPA”, Vilnius municipality Social Assistance Center**

“The project seeks to develop and test a multifaceted approach for inclusion of Roma into labour market as well as motivating and supporting them in keeping their job positions, elaboration and application of methodologies for participation in the social life. Case management approach through the personal assistance, coaching and mentoring, on the job training, team building, formation of social skills will be applied to each target group member. Project will also target employers to promote tolerant attitude towards Roma employees.”<sup>19</sup>

## **VII.ii The political and legal context**

There were no significant developments in political and legal context in relation to employment. In the legal context, the principle of equal opportunities is

<sup>16</sup> Lietuvos gyventojų požiūris į imigraciją ir darbo migrantus, Dr. Sipavičienė Audra, Dr. Gaidys Vladas, Jeršovas Mantas, Tarptautinės migracijos organizacijos (TMO) Vilniaus biuras, 2010, available in Lithuanian at: <http://www.iom.lt/lt/publikacijos/>, accessed July 13, 2011.

<sup>17</sup> European Union Agency for Fundamental Rights Annual Report 2010, Media Memo, June 10, 2010 <http://fra.europa.eu/fraWebsite/attachments/FRA-AR-2010-Media-Memo-EN.pdf>, accessed July 11, 2010.

<sup>18</sup> Konsultavimo ir informavimo centras PLIUS, Tolerantiško jaunimo asociacija, <http://www.tja.lt/index.php/projektai/projektai-lietuvoje/247-konsultavimo-ir-informavimo-centras-PLUS>, accessed 19 August, 2011.

<sup>19</sup> Projektas “Atsigręšk į Romus”, <http://www.atsigrezkiromus.lt/>, accessed 6 August 2011.

established in the labour relations, however most of the problems arise in its' implementation in practice.

The Labour Code includes the principle of equal opportunities: the following principles shall apply to labour relations: "equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities."<sup>20</sup>

The procedure of complaints submission to the Ombudsperson on Equal Opportunities is established by the Law on Equal Treatment<sup>21</sup> as well as the Law on Equal Opportunities for Men and Women.<sup>22</sup> There were no complaints received by the Ombudsperson regarding discrimination in employment. Nevertheless the political trends remain the same, as the Report of the Equal Opportunities Ombudsperson stated "In 2010 the Government did not allocate any money for the implementation of the anti-discrimination programme. During the time of the economic crisis, the budgets of all institutions responsible for implementation of human rights were cut. The status of the Government's anti-discrimination programmes remains unclear."<sup>23</sup>

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<sup>20</sup> Lietuvos Respublikos Darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas, Official publication, *Valstybės žinios*, Žin., 2002, Nr. [64-2569](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=412950&p_query=&p_tr2=2), [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=412950&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=412950&p_query=&p_tr2=2), accessed September 10, 2011.

<sup>21</sup> Lietuvos Respublikos Lygių galimybių įstatymas, Official publication, *Valstybės žinios*, Nr. [X-1602](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324132), 2008-06-17, Žin., 2008, Nr. 76-2998, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=324132](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324132), accessed 6 August 2011.

<sup>22</sup> Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas. Official publication, *Valstybės Žinios*, 1998, Nr. 112-3100. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=312549](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549), accessed 6 August 2011.

<sup>23</sup> Lygių galimybių kontrolieriaus tarnybos 2010 m. ataskaita, Vilnius, 2011, <http://www.lygybe.lt/?pageid=7>, accessed August 10, 2011.

## VI. Racism and related discrimination in housing

### VI.i Manifestations of racism and related discrimination in housing

The lack of research on discrimination in the area of housing makes it difficult to draw explicit conclusions on whether minorities in the country have more difficulties in accessing housing or face lower living standards in general. Neither new case-law nor decisions of the equality body have been issued concerning discrimination in housing. However, when it comes to particular ethnic groups, some problematic areas, which have been unsolved for decades, continued to remain unaddressed during the reporting period.

The situation of Roma community living in Kirtimai suburb of Vilnius (the outskirts of the capital city) has been emphasised many times in both former ENAR<sup>24</sup> (and other NGOs) and international community reports<sup>25</sup>. In spite of that, approximately 500 members of the Roma community (20-25% of the whole population of Lithuanian Roma) continue to live in precarious conditions, below the poverty line, and facing extreme social exclusion. This was once again highlighted in March, 2011, when the UN Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations.<sup>26</sup>

A couple of years ago Lithuanian Parliament Ombudsperson completed an investigation of a complaint lodged by the chairman and 70 representatives of the Roma community living in Kirtimai settlement (“gypsy” encampment) in Vilnius.<sup>27</sup> The complainants requested help in solving primary problems such as payment for public services, housing, legitimisation of the land of their settlement and other problems that had not been solved for many years. The Ombudsperson initiated a survey, which confirmed shocking living conditions of the Roma community in Kirtimai such as: a lack of electricity, all dwellings were heated by solid fuel stoves, there were only a few field water tanks being used by all the inhabitants of Kirtimai settlement, and there was no urban drainage system or local sewage system, etc.

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<sup>24</sup> ENAR Shadow reports on racism in Lithuania 2007-2010, available at [http://www.enar.eu.org/Page\\_Generale.asp?DocID=15294&la=1&langue=EN](http://www.enar.eu.org/Page_Generale.asp?DocID=15294&la=1&langue=EN), accessed July 5, 2011.

<sup>25</sup> UN Committee on the Elimination of Racial Discrimination (CERD), concluding observations CERD/C/LTU/CO/4-5 on the combined fourth and fifth periodic report of Lithuania, 11 March, 2011; European Commission against Racism and Intolerance (ECRI), Council of Europe. Third Report on Lithuania, adopted on 24 of June 2005, etc.

<sup>26</sup> UN Committee on the Elimination of Racial Discrimination (CERD), concluding observations CERD/C/LTU/CO/4-5 on the combined fourth and fifth periodic report of Lithuania, 11 March, 2011. Available at <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>, accessed July 5, 2011.

<sup>27</sup> Seimas Ombudsmen’s Office, Human Rights Protection: Roma’s Rights, 2009, [www.lrski.lt/index.php?n=362&l=LT](http://www.lrski.lt/index.php?n=362&l=LT), accessed August 2, 2011.

Kirtimai Roma community housing problems are closely related to the legal status of the dwellings. Roma were forced to settle in Kirtimai half a century ago, during the times of Soviet occupation. Huts were built on state-owned land and were not legalised i.e. *de jure*. Roma people have lived on that land illegally until the present day. However, *de facto* funds are being invested into the improvement of their living conditions in this territory and their buildings. There are 139 buildings out of which only 43 are registered. According to various experts, the only solution to the problem of housing in Kirtimai is to solve the legal status of the territory as soon as possible and then to proceed with legalising the buildings and a combination of social housing projects.

Unfortunately, none of these problems were properly addressed by the municipal or state institutions during the reporting period. On the contrary, in spite of the recent ruling of the Court in favour of residents of Kirtimai whose housing had been demolished by the municipality of Vilnius,<sup>28</sup> and in spite of the lagging social housing system which does not address the needs of the socially disadvantaged within the population,<sup>29</sup> officials of Vilnius city municipality continue to use populist rhetoric and suggest demolition of the Kirtimai settlement as the real “solution” for complicated housing situation of Kirtimai Roma minority.<sup>30</sup>

Despite the lack of case-law or decisions of Equal Opportunities Ombudsperson, unofficial information indicates,<sup>31</sup> that migrants, particularly those coming from Afghanistan, Pakistan or African countries, face discrimination on a regular basis while trying to rent private apartments. This usually happens, when migrants are trying to access cheaper, more affordable accommodation. The owners of such premises tend to rescind their offer when they meet migrants or minorities in person, or even to tell them in advance that they do not rent apartments for foreigners. In addition to this, a lot of owners rent flats illegally, without paying taxes. In such cases it is impossible for migrants or asylum seekers to rent the accommodation because they need to officially register their place of stay.

Interviews of the migrants’ centres and migrants themselves indicated a few problems in migrants’ access to housing.<sup>32</sup> The people interviewed highlighted the difficulty of migrants’ experiences, especially for “people of colour”, in finding a flat to rent. African migrants (mostly Egyptian and Nigerian) indicated that even

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<sup>28</sup> See next section for more information.

<sup>29</sup> Lapinskas, A. *Savivaldybės turi užtikrinti žmogaus teisę į būstą*. Published at DELFI, 2011-01-27., available at <http://www.delfi.lt/news/ringas/lit/alapinskas-savivaldybes-turi-uztikrinti-zmogaus-teise-i-busta.d?id=41319487>, accessed July 6, 2011.

<sup>30</sup> Miknevičius, L. *Vilniaus čigonų tabore buldozeriai vėl griaus trobas*. Published at Diena.lt, 2010-08-20, available at <http://www.diena.lt/naujienos/miestas/vilniaus-cigonu-tabore-buldozeriai-vel-griaus-trobas-294562/psl-1>, accessed July 6, 2011.

<sup>31</sup> Unofficial information was gathered while drafting this report from organisation, directly working with migrants (RedCross consultative centre for migrants and others.).

<sup>32</sup> Information received from the Consultation Centre for Migrants, Red Cross Society; Consultation and Information Centre PLIUS, Tolerant Youth Association, interviews held August 25 and 26, 2011.

if flat owners agreed regarding the rent on the phone, they would then refuse to rent apartments once they met with people face to face.

Refugees and asylum seekers still face difficulties in accessing private accommodation. As according to the law In Lithuania after one year of the state supported integration programme, refugees start taking care of themselves, and therefore have to pay for the living premises at their own expense. Usually it is difficult for a refugee to find an apartment to rent. Lithuanian citizens do not want to rent accommodation to refugees. Another common problem is that even if a refugee succeeds in renting an apartment, the owner does not want a refugee to make an official declaration that he/she lives in that apartment. However, such cases are not registered and there is no relevant statistical data.<sup>33</sup>

#### **Examples of NGO Good Practice**

No good practice examples can be identified in the field of housing.

### **VI.ii The political and legal context**

In February, 2011, municipal elections took place in Lithuania, thus the work of newly elected municipal councils does not fall under the scope of this report. However, it has to be added that housing was not widely discussed during the election campaign. Generally, the demand for social housing is growing each year,<sup>34</sup> while the supply remains extremely limited. For instance, in 2008 more than 5000 persons were registered in line for social housing, while only 16 apartments were rented during that year.<sup>35</sup> Hence it is unrealistic, that Roma housing problems in Kirtimai (Vilnius suburb) can possibly be solved through provision of social housing in the nearest future.

Although no new laws have been passed in the field of housing during the reporting period, an important precedent was set by the Supreme Administrative Court of Lithuania. September, 2010 it issued a final verdict<sup>36</sup> in the notorious case of December 2004, when Vilnius city municipality officials demolished a number of illegally built Roma houses in the Kirtimai suburb. The court confirmed that the actions of the municipality were arbitrary, disproportionate and illegal, causing non-pecuniary damages to victims, awarding the victims a total sum of 44700 Litas (almost 13 000 EUR).

<sup>33</sup> ENAR Shadow Report 2009/2010. Racism and discrimination in Lithuania, Gediminas Andriukaitis, Nerijus Kliukas, Lithuanian Centre for Human Rights, [http://www.enar.eu.org/Page\\_Generale.asp?DocID=15294&la=1&langue=EN](http://www.enar.eu.org/Page_Generale.asp?DocID=15294&la=1&langue=EN), accessed March 21, 2011

<sup>34</sup> Data of the Department of Statistics, <http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3100201&PLanguage=0&TableStyle=&Buttons=&PXSID=6365&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>. accessed July 7, 2011.

<sup>35</sup> Data of Vilnius city municipality, <http://www.vilnius.lt/newvilniusweb/index.php/101/?itemID=92013> , accessed July 7, 2011.

<sup>36</sup> The decision of the Supreme Administrative Court of Lithuania of September 23, 2010, case no. A<sup>444</sup>-1003/2010.

## VII. Racism and related discrimination in education

### IX.i Manifestations of racism and related discrimination in education

There is lack of comprehensive data on racism and discrimination in education, most of the research that can be found focuses on the education of Roma children. Compared to other years, in 2010 the Ombudsperson on Equal Opportunities received more complaints regarding discrimination in education than in previous years. The data identifies some problematic areas and serious disadvantages for minorities<sup>37</sup>. This chapter will further present the summarised data regarding racism and discrimination in education: mostly from pre-primary education and education in secondary schools.

The outcomes of the report published by the Children's Rights Ombudsman in 2009 on the children of foreign citizens who migrated to Lithuania and their integration in Lithuanian schools, are still valid.<sup>38</sup> The biggest challenges for the integration of migrant children in schools are a lack of attention from the competent institutions, a lack of necessary funding, a lack of methodology for evaluating students' abilities, and insufficient funding for additional Lithuanian language classes and other subjects.<sup>39</sup> The governmental policies regarding the integration of migrant children have not been changed since this report was researched.

**Pre-primary education:** Out of all 24 complaints submitted to the Equal Opportunities Ombudsperson, on the grounds of discrimination on the basis of race, ethnic background, ethnicity and language, nine of them were complaints regarding the activity of the educational institutions. All of them were stressed the issue of pre-primary education in Polish language, submitted by different applicants as well as a member of the European Parliament: "The complaints indicated that pre-primary education in Polish was not ensured in three Vilnius city sub-districts. The Vilnius city administration submitted explanations that the children need to learn Polish in all the Vilnius pre-primary education institutions. From September 1, 2010 there were two supplementary pre-primary education classes established in two schools, and in 2009 three pre-primary education classes, and in 2010 one class with Polish as the main language was established in a kindergarten-school in Vilnius. It was found during the investigation of the complaint, that there were 30 unfilled places in pre-primary education classes that taught in Polish. Despite these circumstances, the Equal Opportunities Ombudsperson decided to recommend the Vilnius Municipality Administration to pay attention and adopt the necessary measures in order to ensure that pre-

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<sup>37</sup> Lygių galimybių kontrolieriaus tarnybos 2010 m. ataskaita, Vilnius, 2011, <http://www.lygybe.lt/?pageid=7>, accessed August 10, 2011.

<sup>38</sup> The outcomes of this report have been mentioned in the ENAR Shadow report "Racism and discrimination in Lithuania 2009/2010".

<sup>39</sup> Children's Rights Ombudsperson Institution of the Republic of Lithuania, Report on the Integration in Lithuanian Schools of Children of Lithuanian and Foreign Citizens who (re)immigrated to Lithuania, 2009.

primary education is accessible to all the inhabitants of the city, as well as solve the problems raised by the people regarding accessibility of pre-primary education in Polish language”.

Another investigation that was carried out by the Equal Opportunities Ombudsperson was regarding the discriminatory nature of songs that children are taught to sing in one of the pre-primary schools.<sup>40 41</sup> The Equal Opportunities Ombudsperson noted that these kinds of songs should not be part of the pre-primary education curriculum, especially at that age. The Equal Opportunities Ombudsperson recommended that the Director of the Department of Education of Vilnius city municipality ensure that the provisions of the Law on Equal Opportunities is implemented in the preparation of the school curricula.<sup>42</sup>

Roma childrens' access to education remains one of the most sensitive issues within the Roma community. As the research has indicated, “the percentage of illiterate Roma or those who have not graduated from primary school is much higher than it is among other national minorities and it remains one of the most serious problems within the Roma community. According to the 2001 public census data around 34 Roma people per 1000 inhabitants are illiterate, whereas the country's average is 3,4 illiterate persons per every 1000 inhabitants over ten years old.”<sup>43</sup> The latest report on Roma education states that the main reasons that influence learning difficulties among the Roma are a lack of social skills, linguistic barriers, and poor school attendance. “Therefore special attention should be paid to assist primary school children that have low competences in the language of instruction. Achievements of Roma children attending school barely differ from the average. There is a lack of responsible attitude from various institutions and lack of cooperation between them.”<sup>44</sup>

Even though the number of Roma living in Lithuania is rather small,<sup>45</sup> the problems that the community face rarely receive sufficient attention. The Department of National Minorities and Lithuanians living abroad was closed down in 2010 and the Roma integration programme was cancelled due to insufficient funding. Since then the integration programme has not been adopted or even drafted and the Government's attention to the problems of Roma Community is rather poor. Educational activities are carried out in the Roma

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<sup>40</sup> Unofficial translation of the song: “The little gypsy is whipped severely, When he cuts a lamb, Whipped and whipped again, when he cuts a lamb. Oh, the little gypsy will be beaten, beaten, While being tied to the fence. For stealing chickens, For strangling piglets...”

<sup>41</sup> Jackevičius Mindaugas, Vaikų darželyje Užgavėnėms mokoma daina sukėlė pasipiktinimą, Delfi.lt, February 9, 2010, <http://www.delfi.lt/news/daily/lithuania/article.php?id=28769757&rsslink=true>, accessed April 15, 2011.

<sup>42</sup> The Office of Equal Opportunities Ombudsperson Annual Activity Report 2010, <http://www.lygybe.lt/?pageid=7>, accessed April 15, 2011.

<sup>43</sup> Leončikas Tadas, “Romų švietimo iššūkiai”/“Challenges for Roma education”, in Etniškumo studijos: Etninis nepakantumas / Ethnicity studies: Ethnic Intolerance 2006/1, (Vilnius, Socialinių tyrimų institutas Etninių tyrimų centras, Vilnius, Eugrimas), 2006.

<sup>44</sup> Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Tyrimo ataskaita, Socialinių tyrimų instituto etninių tyrimų centras, 2008 m. gruodis, Vilnius.

<sup>45</sup> There are around 2500 Roma people living in Lithuania, the biggest concentration of them (around 500) live in the Roma settlement in Kirtimai, Vilnius.

Community Centre with the support of the Ministry of Culture. Nevertheless, most of the problems at school remain unaddressed or are addressed by non-governmental organisations, whose success largely depends on limited resources.

In general “until 2008, the prevention of early school leaving has not been considered an important political issue in Lithuania”. In 2008 a strategy on how to tackle the problem was adopted, nevertheless it did not address the issue of the Roma children separately.<sup>46</sup> Findings of the most recent research, for which teachers working with Roma children were interviewed, “conform with the statement of the national “Programme for returning children that do not attend schools back to education” (2008) that no system for the prevention of early school drop-outs or returning children to schools exists in Lithuania.”<sup>47</sup>

The National Educational Strategy for 2003-2012, which was adopted in 2003, stated that in order to ensure that the strategic educational aims are met, there is a need to ensure accessibility, continuity and social justice: socially just learning and study conditions should be ensured and the learning and study conditions for children of national minorities should be improved. Additional attention should be paid to the learning needs of the small national communities.<sup>48</sup>

According to a study on Roma education that was published in 2006:

The Lithuanian education system has illustrated that it can take into account groups with specific needs. E.g. following the Council Directive 77/486/EEC on the education of children of migrant workers adopted July 25, 1997, the Lithuanian Ministry of Education and Science has adopted a document, regulating the details of the organisation of education for foreign and migrant groups... Roma people have not received similar attention; a clear and specified vision on Roma education does not exist in Lithuania.<sup>49</sup>

The United Nations Committee on the Elimination of Racial Discrimination (further – CERD) stressed the education of Roma as one of the main issues to be addressed by Lithuania: “recommends that the State party increases its efforts to ensure that Roma children integrate in the mainstream schools, to

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<sup>46</sup> Lietuvos Respublikos Vyriausybės nutarimas dėl mokyklos nelankančių vaikų sugrąžinimo į mokyklas programos patvirtinimo, Official publication, Valstybės žinios, 2008-12-06, No. 140-5558, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=332342&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=332342&p_query=&p_tr2=) accessed March 15, 2011.

<sup>47</sup> Petrušauskaitė Vita, “Dropping Out of School – an Issue of Disaffection, Non-participation or Social Exclusion? Analysing School Policies towards Roma Schoolchildren in Lithuania” in Ethnicity Studies 2010/1-2, Institute for Ethnic Studies, Lithuanian Social Research Centre, Eugrimas, Vilnius, 2010.

<sup>48</sup> Lietuvos Respublikos Seimo nutarimas dėl valstybinės švietimo strategijos 2003-2012 metų nuostatų, 2003 m. liepos 4 d., Nr. IX-1700, Official publication, Valstybės žinios, 2003-07-18, Nr. 71-3216, [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=214370](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=214370), p. 11.2.2. part 5, accessed March 15, 2011.

<sup>49</sup> Leončikas Tadas, “Romų švietimo iššūkiai”/“Challenges for Roma education”, in Etniškumo studijos: Etninis nepakantumas / Ethnicity studies: Ethnic Intolerance 2006/1, (Vilnius, Socialinių tyrimų institutas Etninių tyrimų centras, Vilnius, Eugrimas), 2006.

resolutely address the problem of Roma children dropping out of school and to promote Roma language in the school system; and to establish a mechanism to accurately assess the number of Roma children pursuing education at the secondary level and above.”<sup>50</sup>

The issue of segregation, mentioned by the Committee, was addressed by the Equal Opportunities Ombudsperson who initiated the investigation after an article about a separate class for Roma children of various ages was printed in a newspaper.<sup>51</sup> The Equal Opportunities Ombudsperson decided to take a rather soft position and recommended that the director of the school in question should “integrate the Roma children into other classes, and if possible, make the educational activity checks more effective, and, if needed, decide on the special needs assessment of the pupils.”<sup>52</sup> There was no decision made, whether the school had violated laws by segregating Roma children into a separate classroom, even though the CERD recommended Lithuania to “monitor any form of racial segregation in light of its general recommendation No. 19 (1995) on racial segregation and apartheid (article 3 of the Convention) bearing in mind that conditions of racial segregation are not created only by governmental policies but may arise as an unintended by-product of the actions of private persons such as ghetto-like housing and other forms of social isolation.”<sup>53</sup> The reasons for the high level of early school drop-out among Roma children named in this Equal Opportunities Ombudsperson investigation, were very similar to those collected in the most recent research:

Participation in the education systems was seen to be compulsory, important and rewarding for all children, ignoring possible value conflicts within or at the margins of the system. Even when the existence of such conflicts were acknowledged (“parents do not value the education a school can provide”), schools were not held responsible for addressing this issue... Instead parents were accused of failing... Yet, such framing of the issue ignores decades of debate on symbolic violence in education and issues

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<sup>50</sup> Consideration of reports submitted by States parties under article 9 of the convention Concluding observations of the Committee on the Elimination of Racial Discrimination, Lithuania, Committee on the Elimination of Racial Discrimination, Seventy-eighth session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

<sup>51</sup> Jablonskaitė Dovilė, Netolerancija: čigonų vaikams mokykla suformavo atskirą 3 Č klasę, *Diena.lt*, March, 3, 2011, <http://www.diena.lt/dienrastis/tema/netolerancija-cigonu-vaikams-mokykla-suformavo-atskira-3c-klase-337271/psl-3, March>, accessed March 15, 2011.

<sup>52</sup> Lygių galimybių kontrolieriaus tarnybos pažyma dėl tyrimo savo iniciatyva, 2011-05-20 d., Nr.(11-SN-131), Vilnius.

<sup>53</sup> Consideration of reports submitted by States parties under article 9 of the convention Concluding observations of the Committee on the Elimination of Racial Discrimination, Lithuania, Committee on the Elimination of Racial Discrimination, Seventy-eighth session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

transmitting selected knowledge and dominant cultural norms to all social groups.<sup>54</sup>

In regard to the education of migrants: the MIPEX results on the analysis of the access to educational possibilities for foreign children, outlined that Lithuanian schools are the least prepared to accept migrant children and also do not have sufficient basic infrastructure to do it. The authors of the research report indicated that potential schoolchildren cannot use all the educational opportunities of compulsory education due to the fact that specific purposive means of integration policy do not exist.<sup>55</sup>

### **Examples of NGO Good Practice**

#### **Roma Community Centre and Lithuanian Young Falcon Union project**

This project “**Social Dialogue**” was developed as a result of long lasting cooperation between the two organisations. The joint project aims at creating a new long-term solution for the problem of early school drop-out among Roma children through creating a system based on cooperation between adult volunteers and Roma children as well as their families, built on friendship and solidarity, while increasing the motivation of Roma children to attend school and their possibilities to successfully become part of the school community.<sup>56</sup>

## **IX.ii The political and legal context**

The main legal acts regulating the provisions regarding the education of ethnic, national minorities and/or migrants are the Constitution of the Republic of Lithuania, the Law on Education, and the Provisions on Education for Ethnic Minorities.

The amended and supplemented Law on Ethnic Minorities that was adopted by the Soviet Socialist Republic of Lithuania was still valid up until December 31, 2009, when its validity ceased. However, the new law on ethnic minorities has not been adopted yet.

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<sup>54</sup> Petrušauskaitė Vita, “Dropping Out of School – an Issue of Disaffection, Non-participation or Social Exclusion? Analysing School Policies towards Roma Schoolchildren in Lithuania” in Ethnicity Studies 2010/1-2, Institute for Ethnic Studies, Lithuanian Social Research Centre, Eugrimas, Vilnius, 2010.

<sup>55</sup> Imigrantų integracija: naujoji studija vertina ir lygina Lietuvą su kitomis Europos šalimis bei Šiaurės Amerika, „Migrantų integracijos politikos indeksas“ (MIPEX III), 2011 m. vasario 28 d., [www.ces.lt/wp-content/.../05/MIPEX-III\\_tyrimo-rezultatu-santrauka.pdf](http://www.ces.lt/wp-content/.../05/MIPEX-III_tyrimo-rezultatu-santrauka.pdf), accessed 21 August, 2011.

<sup>56</sup> Apie projektą “Padėk pritapti: pirmi žingsniai mokykloje”, Romų visuomenės centro svetainė, <http://www.roma.lt/v2/index.php?apie-projekta>, accessed May 20, 2011.

Most discussions that arose recently were due to the newest version of the Law on Education which was adopted on 17<sup>th</sup> March, 2011.<sup>57</sup> The new version of the Law on Education has introduced some changes not only to the education system as a whole, but also particularly targeted areas of the education system which the biggest ethnic minorities were part of. It was decided that from the 1<sup>st</sup> of September 2011, in compulsory education and non-formal education in extra-curriculum schools which teach in one of the minority languages, the Lithuanian language will be taught for the same amount of time as the native language. The law specifies that the educational process should be organised using two languages. Furthermore, the law supports the promotion of Lithuanian language among Lithuanians living abroad, and support activities for Lithuanian minorities abroad, people of Lithuanian origin, and those foreigners who study or learn Lithuanian.<sup>58</sup>

The Polish minority organisations and parties in Lithuania have submitted a lot of complaints and carried out many advocacy actions, and politicians representing the Polish minority in the EU Parliament as well as others are complaining that according to the current version of the Law on Education more subjects in Polish schools are going to be taught in Lithuanian.<sup>59</sup>

The Equal Opportunities Ombudsperson followed the preparation of the draft law, and, when the discussions arose, requested more information on it from the Ministry of Education and Science. The Ministry has informed the Ombudsperson that the situation of the schools in Eastern part of Lithuania (which is densely inhabited by the Polish minority) would be taken into account. The Ombudsperson proposed to the Vilnius district municipality to carry out consultations with the school communities, NGOs regarding any future reforms. and to the Ministry of Education and Science to pay attention to the school situation in Eastern Lithuania when preparing the Provisions for the Creation of the School Network, engaged in the formal education.<sup>60</sup> According to the opinion of the Office of the Ombudsperson on Equal Opportunities “the legal regulation existing up to the current version of the Law on Education has been discriminative as all the school graduates should be evaluated in the same manner, regardless of which school they graduated from. At the moment, students have Lithuanian language graduation exams based on different curriculums. The Ministry of Education and Science has taken action in order to

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<sup>57</sup> Priimtas naujos redakcijos Švietimo įstatymas, 2011 m. kovo 17 d. pranešimas (iš plenarinio posėdžio), [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=4445&p\\_k=1&p\\_d=108612](http://www3.lrs.lt/pls/inter/w5_show?p_r=4445&p_k=1&p_d=108612), accessed March 17, 2011.

<sup>58</sup> Lietuvos Respublikos švietimo įstatymo pakeitimo įstatymas, 2011 m. kovo 17 d., Nr. XI-1281, Official publication: *Valstybės žinios*, 2011-03-31, Nr. 38-1804, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=395105](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=395105), accessed April 3, 2011.

<sup>59</sup> Lietuvos Respublikos Švietimo ir mokslo ministro įsakymas dėl tautinių mažumų švietimo nuostatų, 2002 m. sausio 16 d. Nr. 56, Official publication: *Valstybės žinios*, 2002-01-26, Nr. 9-337, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=159045&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=159045&p_query=&p_tr2=), accessed August 10, 2011.

<sup>60</sup> Lygių galimybių kontrolieriaus tarnybos 2010 m. ataskaita, Vilnius, 2011, <http://www.lygybe.lt/?pageid=7>, accessed August 10, 2011.

insure that the Lithuanian language exam would be prepared based on a unified curriculum.”<sup>61</sup>

Some representatives of the Polish minority hold the opinion that the “provisions of the Law on Education introducing the new reform is a possible violation of the European Convention of Human Rights and Freedoms. Because it is a threat to the existence of the ethnic minority schools, as some of the subjects are foreseen to be taught in Lithuanian. In this way, giving the priority to Lithuanian schools.”<sup>62</sup> The Lithuanian Polish Union says that their expectations for the education system, the public use of their native language with due respect to the state language and their participation in the political life have an aim – to preserve the ethnic identity and at the same time put emphasis on state’s cultural heritage”. The Law on Education caused a lot of negative reactions from the Polish government and has resulted in tension between the two states.<sup>63</sup>

The representatives of the Polish minority ask for either a change in the law or a longer implementation period. The Law on Education as it is would be implemented in schools starting from the 1<sup>st</sup> of September 2011, some of the lessons are already supposed to be taught in Lithuanian in Polish schools, and graduates of Polish schools would have to pass the same exams as Lithuanians by 2013, without proper preparation or adaptations to the school programme.<sup>64 65</sup>

It is hard to draw any conclusions regarding this issue as it is an ongoing discussion and it also has to be noted that the issue is beginning to be solved by a bilateral Lithuanian-Polish group. Nevertheless, it might indicate one very important issue – that coherent ethnic minority policy does not exist in Lithuania and there is lack of consultation with civil society regarding its needs.

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<sup>61</sup> Kontrolierė: naujasis Švietimo įstatymas ne sukuria, o panaikina diskriminaciją, *Alfa.lt, BNS*, April 16, 2011, [http://www.alfa.lt/straipsnis/11620160/Kontroliere..naujasis.Svietimo.istatymas.ne.sukuria..o.panaikina.diskriminacija=2011-06-14\\_11-01/](http://www.alfa.lt/straipsnis/11620160/Kontroliere..naujasis.Svietimo.istatymas.ne.sukuria..o.panaikina.diskriminacija=2011-06-14_11-01/), accessed April 16, 2011.

<sup>62</sup> Švietimo reforma nepatenkinti lenkai sieks pasmerkti Lietuvą Europos Taryboje, *BNS ir Irytas.lt*, July 31, 2010, <http://www.irytas.lt/-12805810821278808121-%C5%A1vietimo-reforma-nepatenkinti-lenkai-sieks-pasmerkti-lietuv%C4%85-europos-taryboje.htm>, accessed August 10, 2011.

<sup>63</sup> Lietuvos lenkų sąjunga pasveikino grupės intelektualų raginimą ieškoti susitarimo su Lietuvos lenkais, *BNS, Alfa.lt*, April 18, 2011, <http://www.15min.lt/naujiena/aktualu/lietuva/lietuvos-lenku-sajunga-pasveikino-grupes-intelektualu-raginima-ieskoti-sutarimo-su-lietuvos-lenkais-56-146732>, accessed August 10, 2011.

<sup>64</sup> Samoškaitė Eglė, Sociologas: Lietuva imasi mažumų diskriminavimo, lenkai – istorinio lietuvių žeminimo, August 26, 2011, <http://www.delfi.lt/news/daily/lithuania/sociologas-lietuva-imasi-mazumu-diskriminavimo-lenkai-istorinio-lietuviu-zeminimo.d?id=48944444>, accessed August 26, 2011.

<sup>65</sup> ŠMM apklausa: permainas mokykloje tautinės mažumos kalba lydi metodinė ir finansinė parama, *Delfi.lt*, April 20, 2011, <http://www.delfi.lt/news/daily/education/smm-apklausa-permainas-mokyklose-tautines-mazumos-kalba-lydi-metodine-ir-finansine-parama.d?id=44617613>, accessed April 20, 2011.

## VIII. Racism and related discrimination in health

### VIII.i Manifestations of racism and related discrimination in health

There is a lack of information regarding discrimination towards ethnic minorities in the field of healthcare in Lithuania. There were no court cases or complaints filed at the Office of the Equal Opportunities Ombudsman during 2010. However, unofficial information indicates that migrants face difficulties in accessing health care due to a lack of knowledge of state language. State-owned health service employees have little knowledge of English and no translation is provided, hence accessing health care becomes problematic. In addition to this, according to unofficial data, there were a few cases of mistreatment (racist comments, jokes, etc.), when people of African descent attempted to access health institutions and were harassed.<sup>66</sup>

Although the national legislation does not discriminate against ethnic or religious minorities in the sphere of healthcare, certain communities are vulnerable to discrimination. This concerns the Roma in particular, since the absolute majority of the Roma community are unemployed. According to the Law on Health Insurance, people who do not pay mandatory social insurance payments can not apply for free health care services (except for emergencies).<sup>67</sup> In the case of illness, people who are not insured by the obligatory social insurance can only expect free services for first aid. Additionally, a number of Roma do not have any identification papers. Thus in such situations, accessing health services is very difficult. This is alarming, bearing in mind that the Roma of the Kirtimai settlement live in an environment where drug production and distribution is easily accessible.

**Examples of NGO Good Practice:** No particular good examples in the field of health could be identified in the reporting period.

### VIII.ii The political and legal context

No political or legal developments in the field of health took place in the reporting period.

Considering the national legislation, asylum seekers and foreigners as well as people without the citizenship, especially those who do not have a permanent residence permit, face difficulties in accessing healthcare.

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<sup>66</sup> Information received from the Consultation Centre for Migrants, Red Cross Society; Consultation and Information Centre PLIUS, Tolerant Youth Association, interviews held August 25 and 26, 2011.

<sup>67</sup> 21 May 1996 the Law on Health Insurance No I-1343.

According to the Law on the Legal Status of Aliens “Unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, shall have the following rights: ...to be provided with free basic medical aid in the manner prescribed by the Minister of Health”, but the Law does not regulate how the healthcare should be ensured for any other asylum seekers. Other provisions can be found in the Law on Health Insurance: “Health care of ... foreign nationals who have submitted an application for granting of asylum to them in the Republic of Lithuania, as well as foreign nationals for whom additional or temporary protection is granted in the Republic of Lithuania ... shall be covered with the National Budget funds in accordance with the procedure laid down by the Government of the Republic of Lithuania or an institution authorised by it.”<sup>68</sup>. Nevertheless this procedure is not regulated by any Governmental acts. Therefore problems can arise in practice.

According to the legal acts the Foreigners registration centre provides asylum seekers with pre-hospital care and emergency medical assistance,<sup>69 70</sup> though “sometimes asylum seekers face problems receiving further treatment (not the emergency medical assistance, as in practice they are very rarely sent for the specialists’ consultations.”<sup>71</sup>

Similar problems arise to the foreign nationals, who do not have a permanent residence permit, as the law states: “The following persons shall be considered as the persons insured with State funds: ... foreign nationals and stateless persons permanently residing in the Republic of Lithuania, who are full-time students of schools of higher education of the member states of the European Union.” According to unofficial data received from the students residing in Lithuania, who pay for their studies and only have a temporary residence permits, they face difficulties in accessing the healthcare as they have to pay for every visit to the doctor which is not considered to be an emergency visit.

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<sup>68</sup> Lietuvos Respublikos sveikatos draudimo įstatymas // *Valstybės žinios*. 1996, Nr. 55-1287.

<sup>69</sup> Lietuvos Respublikos vidaus reikalų ministro įsakymas dėl laikinojo užsieniečių apgyvendinimo Užsieniečių registracijos centre sąlygų ir tvarkos aprašo patvirtinimo // *Valstybės žinios*. 2007, Nr. 105-4326.

<sup>70</sup> Būtiniosios medicininės pagalbos ir būtiniosios medicinos pagalbos paslaugų teikimo tvarka bei mastu, patvirtintais Lietuvos Respublikos sveikatos apsaugos ministro 2004 m. balandžio 8 d. įsakymu Nr. V-208 (Žin., 2004, Nr. 55-1915).

Lietuvos Respublikos žmonių užkrečiamųjų ligų profilaktikos ir kontrolės įstatymas (Žin., 1996, Nr. 104-2363; 2001, Nr. 112-4069).

<sup>71</sup> L.Jakulevičienė, L.Biekša. Prieglobsčio prašytojų priėmimo sąlygų direktyvos perkėlimo į Lietuvos teisę ir įgyvendinimo problemos // *Jurisprudencija*. 2009, Nr. 1 (115), P.324.

## IX. Racism and related discrimination in criminal justice

### IX.i Manifestations of racism and related discrimination in criminal justice

Due to a malfunctioning pre-trial investigation data collection system,<sup>72</sup> it is impossible to estimate the actual amount of all crimes, which have been committed with racist motivations (crimes other than Incitement of hatred or discrimination). In many cases racist violence is recorded as mere hooliganism, non-severe health impairment or a violation of public order.

The only available official data concerns a limited number of crimes – discrimination and/or incitement of hatred (Articles 169 and 170 of the Criminal Code). Every year the General Prosecution Service issues a report on the number of criminal investigations as well as cases brought to the court with regard to these articles of the Criminal Code. In 2010 prosecutors initiated 168 investigations regarding incitement to hatred and forwarded 24 cases to the courts for trial, of which the courts completed 14 and convicted six persons, imposing fines of 260 to 3,250 Litas (75 – 941 EUR).<sup>73</sup> It must be said, that out of all of these investigations only 21 were related to crimes committed with racist motivation.<sup>74</sup> Even if there is a provision imposing “racist motivation” as an aggravating circumstance, these crimes are not properly registered, which might be due to a lack of knowledge of this area among investigators.

#### IX.i.i Policing and ethnic profiling<sup>75</sup>

It is difficult to evaluate whether the competent institutions are using racial profiling, no official complaints of this are known to the authors of this report. Nonetheless, it is very likely that the police, in some instances, racially profiles Roma, migrants of African descent, refugees and asylum seekers from Chechnya or Afghanistan. Since Roma are the most criminalised minority in the Lithuanian media, they may be treated as suspects more often just because of their ethnic origin (especially in cases related to drug dealing). On the other hand, some unofficial data indicates<sup>76</sup> that every year a few cases of racial profiling do occur. This especially concerns the arrival procedure of third country

<sup>72</sup> For more on this see chapter ix.ii of this report.

<sup>73</sup> Generalinės prokuratūros specialiuųjų tyrimų skyriaus 2010 m. veiklos ataskaita, 2011-01-28 Nr. 17.9.-234. Available in Lithuanian at

<http://www.prokuraturos.lt/LinkClick.aspx?fileticket=xyZjtZntKeo=&tabid=221>, accessed August 8, 2010.

<sup>74</sup> Most of the incitement was directed against homosexuals and LGBT community.

<sup>75</sup> The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity” .

<sup>76</sup> Information received from interviews with migrant consultation centre employees, migrants themselves.

nationals (sometimes EU citizens as well) on entering Lithuania, as well as persons coming from countries, where Islam is one of the main religions. In addition to this, the authors of this report are aware of the case, when student of Vilnius University Institute of International relations was questioned by the State Security Department as to why he had chosen the Islamic theme for his graduation paper.

#### **Examples of NGO Good Practice**

No NGO good practices could be identified in the sphere of racial profiling.

#### **IX.i.ii Racist violence and crime**

In addition to the lack of official data, the authors of this report are un-aware of particular cases of violence that might have occurred during reporting period. The Lithuanian Centre for Human Rights received a complaint from a woman of African descent claiming that verbal violence had been used against her by the police-officers because of her skin colour. The woman later filed a complaint to the police,<sup>77</sup> nevertheless it is difficult to draw conclusions as the authors do not have any further knowledge of the investigation of the case. No violent anti-Semitic attacks against individuals were reported during the year either.<sup>78</sup> The number of reports of vandalism of Jewish and other cemeteries, anti-Semitic activities, and other manifestations of intolerance declined during the year, however, some of the notorious cases should be highlighted.

In January, 2010, a statue of a Jewish political figure of the early 20th century, was defaced with paint. On June 22, the path leading to a Holocaust memorial, was vandalised in Kaušėnai. Plaques were smashed, torn off their stands, covered in mud, and scattered about; the stands were broken and pulled out of the ground.<sup>79</sup> In August 2010, a pigs' head with a hat and fake hair (side curls) was dropped into the closed yard of the Kaunas city synagogue.<sup>80</sup> No suspects were identified.

National celebrations are constantly being used for manifestations of xenophobia and military style parades of power of right-wing extremists. On the 16<sup>th</sup> of February (Independence day) 2010, a couple of hundred right-wing youth from the Lithuanian National Youth Union<sup>81</sup> marched the streets of Kaunas, the second

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<sup>77</sup> The authors of the report have all the official information regarding the complaints and the beginning of the investigation, nevertheless the names will not be revealed due to the safety of the complainants.

<sup>78</sup> US State Department Country Report on Human Rights Practices in Lithuania 2010. Available at <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154435.htm> accessed August 8, 2011.

<sup>79</sup> Ibid.

<sup>80</sup> Delfi, Antisemitinis išpuolis Kaune – prie sinagogos numesta kiaulė galva. *DELFI*, 2010-08-21, available in Lithuanian at <http://www.delfi.lt/news/daily/crime/antisemitinis-ispuolis-kaune-prie-sinagogos-numesta-kiaules-galva.d?id=35683875> accessed August 7, 2011.

<sup>81</sup> Website of Lithuanian National Youth Union is <http://www.tautosjaunimas.lt/page.php?16>

biggest city, chanting slogans “Lithuania for Lithuanians!”, “White brothers we are!”, etc. After the march a conflict between some participants of the march and a Pakistani national was reported.<sup>82</sup>

The 11<sup>th</sup> of March (Day of Restoration of Independence) became the day of notorious “patriotic” marches, organised yearly by a right-wing organisation. Both 2010 and 2011 were no exceptions and nationalists marched in the main avenue of the capital city of Vilnius. In 2010, approximately 500 people, young right wing extremists, including skinheads, marched in the central avenue of the capital of Vilnius, shouting racist slogans, such as “Lithuania for Lithuanians!”<sup>83</sup> The march was organised by the Lithuanian National Centre. Permission was obtained from the Vilnius municipality by the member of Lithuanian Parliament Kazimieras Uoka (Homeland Union - Lithuanian Christian Democrats party), who led the march. The police did not try to halt the marching and only passively observed the manifestation. The publication of videos of the marching raised little public outrage and media coverage and most of the Lithuanian political elite stood still. A year later, the same march with over 600 people took place once again, this time with the speeches of guest “comrades” from a German right-wing organisation.<sup>84</sup> On the positive side of things, this time the march received much more attention both from the general society and major political figures (including Prime Minister of the country), who condemned the rhetoric of the march.

On 31st of March 2010, there was another manifestation of racism during a football game in Marijampole against Panevezys “Ekranas” and FBK “Kaunas”. After a dark-skinned Canadian player Stephen Ademolu from the “Ekranas” team was tackled in the penalty area, “Kaunas” fans started shouting “Zigger, zigger, zigger shoot the fucking nigger!”<sup>85</sup> Two days later the Lithuanian Football federation released a statement, that racist behaviour will not be tolerated and issued a fine of 2000 Litas (580 EUR) to the FBK “Kaunas” club also forbidding its fans to attend the following match in Panevezys.<sup>86</sup>

According to the information collected by the Lithuanian Centre for Human Rights, members of ethnic minorities who suffer discrimination or violence do not complain due to a lack of confidence in the law enforcement institutions

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<sup>82</sup> BNS. Kaune surengtose eitynėse skambėjo šūkiai „Lietuva – lietuviams!“, po jų nukentėjo Pakistano pilietis. *DELFI*, 2010-02-17, available in Lithuanian at <http://www.delfi.lt/news/daily/lithuania/kaune-surengtose-eitynese-skambejo-sukiai-lietuva-lietuviams-po-ju-sumustas-pakistano-pilietis.d?id=42096967>, accessed August 7, 2011.

<sup>83</sup> BNS, Kovo 11-ąją eitynėmis Vilniuje pažymėjo ir nacionalistinis jaunimas, *Bernardinai.lt*, March 12, 2010, <http://www.bernardinai.lt/straipsnis/2010-03-12-kovo-11-aja-eitynemis-vilniuje-pazymejo-ir-nacionalistinis-jaunimas/41806>, accessed August 7, 2011.

<sup>84</sup> BNS. Nacionalistų eitynėse policijai užkliuvo protestuotojai. *Alfa.lt*, 2011-03-11, available in Lithuanian at [http://www.alfa.lt/straipsnis/10750192/?Nacionalistu.eitynese.policijai.uzkliuvo.protestuotojai=2011-03-11\\_16-31](http://www.alfa.lt/straipsnis/10750192/?Nacionalistu.eitynese.policijai.uzkliuvo.protestuotojai=2011-03-11_16-31) accessed August 5, 2011.

<sup>85</sup> Alfa, Ademolu rasistiniai išpuoliai sukėlė šypsena, *Alfa.lt*, April 1, 2010, [http://www.alfa.lt/straipsnis/10338961/?Ademolu.rasistiniai.ispuoliai.sukele.sypsena=2010-04-01\\_14-55](http://www.alfa.lt/straipsnis/10338961/?Ademolu.rasistiniai.ispuoliai.sukele.sypsena=2010-04-01_14-55), accessed August 5, 2011.

<sup>86</sup> Delfi.lt. LFF Nubaudė „Kauno“ klubą. *DELFI*, 2010-04-01m available in Lithuanian at <http://sportas.delfi.lt/abroad/lff-nubaudė-kauno-klubą.d?id=30652253> accesses August 5, 2011.

(especially police) and judicial authorities. The situation of the Roma is particularly grave because of discriminatory behaviour of the police towards them, which does not exclude acts of violence. Almost none of those incidents are reported since Roma also fear the lack of impartiality of the law enforcement agencies and judicial authorities.

**Examples of NGO Good Practice**

No particular good practices can be identified in the reporting period.

**IX.i.iii Counter terrorism**

The Government of the Republic of Lithuania implements a national programme against terrorism, where certain counter terrorism measures, as well as measures to tackle violent radicalisation, are foreseen. As the programme is classified, non-governmental organisations or civil society in general do not have access to it. Thus, it is not known whether any measures related to counter terrorism may affect minorities, third country nationals or society in general. No complaints or unofficial information is available in this respect.

**Examples of NGO Good Practice**

No best practice examples in the field of counter terrorism can be identified.

**IX.ii The political and legal context**

Probably the most important development in the reporting period was the closure of the Special Investigation Department of the Prosecution Office in January, 2011, due to restructuring. Its functions were allocated to other units of the Prosecution Service. It is important not to underestimate the very important work which was done by this department. In the past, almost all criminal investigations related to incitement of ethnic hatred, intolerance, discrimination on the background of race, ethnic origin and religious belief were launched by prosecutors of the Special Investigation Department of the Prosecution Office. Neither the police, nor regional Prosecution offices ever started pre-trial investigations of such crimes. Although a lot of investigations were initiated by various NGO's, however, the role of the Special Investigation Department of the Prosecution Office was extremely important, since there was a separate unit of the Prosecution office, responsible for the matter. It is hard to estimate how the change will affect the prosecution of hate crimes, however, most of the NGO's working in the field believe this will be a significant step backwards.

During the reporting period no particular changes in the realm of criminal legislation took place. Since June 2009 (after the transposition of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law into national law) motivation, based on hate towards persons due to their race, nationality, language, ethnicity (among other grounds) have been included on the list of aggravating circumstances of crimes.<sup>87</sup> Moreover, in addition to the general clause, which provides a list of aggravating circumstances, the provision is repeated in Articles that foresee liability for particular crimes: murder (Article 129), intentional grievous bodily injury (Articles 135) and intentional slight bodily injury (Article 138). Thus, motivation based on hate is considered a qualifying feature for these crimes, which results in more severe punishment.

However, it is hard to estimate how these changes affected prosecution in 2010 mostly due to the main problem – the lack of accurate statistical information. In spite of existing clauses in statistical cards,<sup>88</sup> which are used in the national pre-trial investigation data management system,<sup>89</sup> the information on motivation or the features of a victim is not available in on-line criminal statistics databases.<sup>90</sup> The data of the crime registry is not accurate, to say the least. The number of hate crimes registered from statistical cards does not correspond to the actual number of crimes committed that are motivated by hatred towards a particular group of persons (instigation of hatred, desecration of graves, etc.). There is no information on the motivation of crimes in the databases at all, not to mention any detailed, comprehensive or systemised information on all hate crimes. Thus, such data is not accessible to the public.<sup>91</sup>

The need to improve data collection in Lithuania has been emphasised by NGO's, the international community as well as state institutions. The General Prosecution Service recognises that there are significant disparities between data administered by the IT and Communications Department under the Ministry of Interior and by the General Prosecution Service itself.<sup>92</sup> There is a possibility,

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<sup>87</sup> Lithuania / Lietuvos Respublikos Baudžiamojo kodekso 60, 129, 135 ir 138 straipsnių papildymo ĮSTATYMAS, 2009 m. birželio 16 d. Nr. XI-303, Available in Lithuanian at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=347281](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=347281) accessed August 5, 2011.

<sup>88</sup> Statistical cards are special forms, which every pre-trial investigation institution should fill-in when investigation is started, and later submit for the purpose of data collection and data management.

<sup>89</sup> Currently the system is supervised by the Ministry of the Interior, while the main administrative role of the collected data falls on the IT and Communications Department under the Ministry of Interior.

<sup>90</sup> Statistical information data base of IT Department under the Ministry of Interior, [http://www.vrm.lt/fileadmin/Image\\_Archive/IRD/Statistika/index2.phtml?id=198](http://www.vrm.lt/fileadmin/Image_Archive/IRD/Statistika/index2.phtml?id=198) (accessed August 5, 2011); Centre for Crime prevention, Automated statistical information system (ASIS) <http://www.nplc.lt:8000/asis/> accessed August 5, 2011;

<sup>91</sup> m However, the data extracted from the registry can be obtained if a written request is submitted directly to the IT and Communications Department under the Ministry of Interior

<sup>92</sup> Lithuania / Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41, available in Lithuanian at <http://www.prokuraturos.lt/nbspnbspNusikalstamai%C5%BEmoni%C5%A1kumui/STSapibendrinimai2008m/ta/bid/430/Default.aspx> accessed August 5, 2011.

that regional and local police offices as well as other pre-trial investigation bodies do not take the obligation to provide accurate and timely data to the registry seriously.<sup>93</sup> The lack of supervision and control over the data collection system, as well as the current regulation which does not clearly define the functions and role of the data providers and data managing bodies, are the main issues to be blamed for an inadequate and malfunctioning data collection system.

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<sup>93</sup> Lietuvos Respublikos Generalinės prokuratūros Specialiųjų tyrimų skyriaus veiklos 2009 m. ataskaita 2010-01-29, Nr. 17.9.-212 ( Annual report for 2009 of the Special Investigation department of General Prosecution service). Available in Lithuanian at: <http://www.prokuraturos.lt/nbspnbspNusikaltimai%C5%BEmoni%C5%A1kumui/tabid/221/Default.aspx> accessed August 5, 2011.

## X. Racism and related discrimination in access to goods and services

### X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

It is difficult to highlight the main problems and areas in relation to the access of goods and services as no research has been carried out on this topic. Most of the information collected for the report comes from interviews with the workers of the centres for migrants and a few migrants themselves. Therefore they cannot be proven by any official statistics or research.

Most of the problems arise in the public service, such as access to healthcare, education, housing, which are previously highlighted in this report.

#### Examples of NGO Good Practice

**The Consulting Centre for Migrants (Red Cross, Lithuania)<sup>94</sup>:** 2011 January, the Lithuanian Red Cross Society launched the European Fund for Third-country Nationals- a funded project, **the Consulting Centre for migrants**, whose main objective – facilitating non-European nationals' access to public and private services, providing them with a range of information and facilities.

### X.ii The political and legal context

There have not been any major developments in case law or in legislation regarding racism and discrimination in access to goods and services.

The Law on Consumer Protection “establishes and guarantees the rights of the population as the consumers of goods and services, and protects their economic and social interests. The Law shall regulate the relations between consumers and sellers or service suppliers that have been registered in the established manner if the relations are not regulated by other laws currently in effect. The Law shall not regulate services related to health care.”<sup>95</sup> The Law on Consumer Protection does not include provisions on the implementation of the principle of equal opportunities in the Law itself, nevertheless the legal provisions

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<sup>95</sup> ENAR Shadow Report 2009/2010. Racism and discrimination in Lithuania, Gediminas Andriukaitis, Nerijus Kliukas, Lithuanian Centre for Human Rights, [http://www.enar.eu/Page\\_Generale.asp?DocID=15294&la=1&langue=EN](http://www.enar.eu/Page_Generale.asp?DocID=15294&la=1&langue=EN), accessed March 21, 2011.

establishing the implementation of principle of equal opportunities in consumer related affairs in the Law on Equal Treatment.<sup>96</sup> "When implementing equal treatment, a seller or producer of goods or a service provider, without regard to gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, must:

1. provide consumers with equal access to the same products, goods and services, including housing, as well as apply equal conditions of payment and guarantees for the same products, goods and services or for products, goods and services of equal value;
2. when providing consumers with information about products, goods and services or advertising them, ensure that such information does not convey humiliation, contempt or restriction of rights or extension of privileges on" any of the grounds "and that it does not form public opinion that these qualities make a person superior or inferior to another."

Accordingly similar provisions are regulated in the Law on Equal Opportunities for Women and Men.<sup>97</sup> The latter law goes into more detail on actions of a seller or producer of goods or a provider of services that violate the rights of women and men, those actions are considered to be the same as violating the rights of people regarding any other grounds: 1) different conditions of payment for goods, services or products or different opportunities to select them; 2) while publicising or making a commercial about goods or services or products the opinion is formed that one gender is superior to the other; 3) persecution of a person that has filed a complaint.<sup>98</sup>

Every person or company who considers that their rights have been violated has a right to file a complaint. There were some complaints regarding racist commercials and/or racism and related discrimination in access to goods and services in previous years, which were detailed in previous ENAR reports. No such complaints were received by the Ombudsperson on Equal Opportunities in 2010, except those mentioned in the chapters about discrimination in education and housing. The Report on activities of the Equal Opportunities Ombudsman states that a very small number of complaints are submitted by foreigners. "During the entire activity period of the Office (author – since 1999) they were 17% of complaints from all the complaints submitted regarding discrimination because of ethnic origin. They complained regarding discrimination in pre-trial

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<sup>96</sup> Article 8, Lietuvos Respublikos Lygių galimybių įstatymas, Official publication, *Valstybės žinios*, Nr. X-1602, 2008-06-17, Žin., 2008, Nr. 76-2998, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=324132](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324132), accessed 6 August 2011.

<sup>97</sup> Article 5<sup>(1)</sup>, Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas. Official publication, *Valstybės žinios*, 1998, Nr. 112-3100. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=312549](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549), accessed 6 August 2011.

<sup>98</sup> Article 7<sup>(1)</sup>, Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas. Official publication, *Valstybės žinios*, 1998, Nr. 112-3100. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=312549](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549), accessed 6 August 2011.

investigation... A few complaints submitted by refugees were investigated.”<sup>99</sup> The report does not elaborate what kind of complaints.

According to the data collected during the direct contact with the organisations representing the interest of different national and ethnic groups, as well migrants and refugees, the trends are that people complain very rarely either due to the lack of information or most of the time lack of trust and fear for their safety.

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<sup>99</sup> Equal Opportunities Ombudsamn website [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=805&p\\_k=1](http://www3.lrs.lt/pls/inter/w5_show?p_r=805&p_k=1), accessed 6 August 2011.

## XI. Racism and related discrimination in the media

### XI.i Manifestations of racism and related discrimination in the media, including the Internet

The tendency of the mainstream media to use explicitly xenophobic statements or general and negative terminology in articles on minorities and migration has been decreasing in recent years. However, general or more sophisticated xenophobic tones are still rather wide-spread. The media continues to place emphasis on ethnicity or emphasise racial features when covering criminal cases. Unfortunately, there is no permanent media monitoring mechanism (NGO or state) in place, thus it is hardly possible to provide accurate data about the dynamics of manifestations of racism in the media. Although, according to the Law on the Provision of Information to the Public,<sup>100</sup> the Inspector of Journalist Ethics does have an obligation to constantly monitor the information, provided in the media, however, racism, xenophobia or discriminatory practices in the media have not been the focus of the Inspector in recent years.<sup>101</sup>

However, when it comes to general discourse on issues of minorities in the media, the period of 2010 - 2011 has been slightly different than in previous years. Due to a number of legal developments and ongoing debates, concerning the rights of the Lithuanian Polish minority<sup>102</sup> to use their language and the Latin alphabet, there was a visible increase of articles in the media with “us v. them” rhetoric or general anti-Polish sentiment. As usual, such articles (particularly on the Internet news portals) sparked a wave of anti-Polish comments, balancing on the verge of hate-speech. According to the report of the General Prosecution service,<sup>103</sup> the absolute majority of the incitement to hatred investigations in 2010 were initiated concerning comments in internet news portals. When it comes to anti-Semitism, internet comments of this type remain wide-spread.<sup>104</sup> Some of the media groups (for instance “Respublika” media group) continue to publish articles with an anti-Semitic tone, especially when the issue of restitution of Jewish property is covered.

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<sup>100</sup> Lithuania / Lietuvos Respublikos visuomenės informavimo įstatymas. Available in Lithuanian at [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=404196](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=404196) accessed August 7, 2011.

<sup>101</sup> Žurnalistų etikos inspektoriatas 2009 -2010 metų analitinė apžvalga (2010 m. veiklos ataskaita). Available in Lithuanian at [http://www3.lrs.lt/pls/inter/zetika?r\\_id=2564&k\\_id=1](http://www3.lrs.lt/pls/inter/zetika?r_id=2564&k_id=1) accessed, August 8, 2011.

<sup>102</sup> Particularly of the Vilnius region, where Polish represent majority of the population.

<sup>103</sup> Generalinės prokuratūros specialiųjų tyrimų skyriaus 2010 m. veiklos ataskaita, 2011-01-28 Nr. 17.9.-234. Available in Lithuanian at <http://www.prokuraturos.lt/LinkClick.aspx?fileticket=xyZjiZNtKeo=&tabid=221>, accessed August 8, 2010.

<sup>104</sup> US State Department Country Report on Human Rights Practices in Lithuania 2010. Available at <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154435.htm> accessed August 8, 2011.

One of the most notorious “highlights” of the reporting period was a publication in the national weekly magazine “Veidas”,<sup>105</sup> in November 2010. The author of the article on the Nürnberg Tribunal, stated (among other things) that the “Nürnberg process provided a legal basis to the legend about the six million supposedly murdered Jews, although the court didn’t have even a single document signed by Hitler on the extermination of Jews (no one has found this document to this day, if it even exists, although a million dollar prize has been promised).” It must be added, that the author of the article was also working as a specialist in the Ministry of Interior.

#### **Example of NGO Good Practice**

For a couple of weeks the article did not receive significant attention. However, the situation changed, when NGOs (members of ENAR national coordination were also involved) learned about it and raised the issue of responsibility of the publisher and the author. Following the outrageous reaction of the NGOs, ambassadors of different states sent inquiries to the competent institutions about their reaction. As a result, the investigations were started at the Inspector of Journalists ethics and the Ministry, the author of the article was dismissed from the service at the Ministry of Interior, the NGOs also initiated the criminal procedure on the ground of Holocaust denial. However, eventually the criminal investigation was terminated as the prosecutors did not find sufficient grounds for prosecution.

Following the reaction of NGO’s and foreign ambassadors, both the publisher<sup>106</sup> and the editor of national weekly magazine apologised for the article. However, as a result of this scandal a number of additional articles appeared in various media sources defending the author of the article, claiming for the violation of freedom of speech by the “mind police”<sup>107</sup> of “Soros funded NGO’s”<sup>108</sup>.

## **XI.ii The political and legal context**

Since January 1<sup>st</sup>, 2010 the competence of the Inspector of Journalist Ethics has been broadened through an additional function and an amendment of the Law on the Provision of Information to the Public. The Inspector must now use its expertise to evaluate whether particular information in the media instigates

<sup>105</sup> It must be mentioned, that this particular national weekly had a reputation of rather credible analytical media.

<sup>106</sup> Šindeikis, A. Dėl Petro Stankero straipsnio. 2010-11-26, *Veidas.lt*, available in Lithuanian at <http://www.veidas.lt/del-petro-stankero-straipsnio-%E2%80%99Eniurnbergo-karo-nusikaltimu-tribunolas-%E2%80%93-didziausias-juridinis-farsas-istorijoje%E2%80%9C>, accessed August 7, 2011.

<sup>107</sup> Čekutis R. Atsakymas minčių policijai, 2011-06-29, *Tautos balsas*, available at <http://tautos-balsas.lt/straipsniai/aktualijos/82-ricardas-cekutis-atsakymas-minciu-policijai>, accessed July 5, 2011.

<sup>108</sup> Varanauskas R. Liberalai kyla į kovą prieš „fašistą“ R. Čekutį, 2011-06-29, *alfa.lt*, available at: [http://www.alfa.lt/straipsnis/11760173/Liberalai-pakilo.i.kova.pries.fasista.Cekuti=2011-06-29\\_15-44/](http://www.alfa.lt/straipsnis/11760173/Liberalai-pakilo.i.kova.pries.fasista.Cekuti=2011-06-29_15-44/) accessed June 20, 2011.

hatred against groups of persons on the grounds of *inter alia* religion, ethnicity, nationality or race, and must also publish its findings. This function was transferred to the Inspector from the self-governing body of Publishers and Journalists Ethics. However, in its annual report the Inspector admits, that it was unable to fully implement this function, due to the fact that no additional funds were allocated for the implementation of the new field of competence.<sup>109</sup> Out of 77 requests to provide its expertise regarding the instigation of hatred by the prosecution service, the Inspector was only able to address 17. Thus, not surprisingly, a significant amount of pre-trial investigations had to be halted or eventually terminated due to the lack of expert findings. The Inspector highlighted that without the allocation of proper funds, additional expertise work simply cannot be done and this certainly causes a negative impact on pre-trial investigations.<sup>110</sup>

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<sup>109</sup> Žurnalistų etikos inspektorius 2009 - 2010 metų analitinė apžvalga (2010 m. veiklos ataskaita). Available in Lithuanian at [http://www3.lrs.lt/pls/inter/zetika?r\\_id=2564&k\\_id=1](http://www3.lrs.lt/pls/inter/zetika?r_id=2564&k_id=1) accessed, August 8, 2011

<sup>110</sup> Ibid.

## XII. Political and legal developments in anti-racism and anti-discrimination

Unfortunately, it has to be admitted, that few political or legal developments took place during reporting period. The former version of the Law on National Minorities is no longer valid since January 1<sup>st</sup> 2010, however, while a new version of the law has not been adopted. During the year, there have been many discussions concerning the new version of the law, mostly related to the status of minority language. This particularly concerned the Polish minority, a high proportion of whom live in the Vilnius region, their rights to use Latin alphabet signs in the Vilnius region as well as the right to have their names written in personal identification documents using the Latin alphabet. In 2010 the Ministry of Culture was responsible for drafting the new law, however, it remained under consideration in 2010-2011. The absence of the law was one of the main concerns outlined by CERD.<sup>111</sup>

National anti-racism and anti-discrimination policies largely remained paper based declarations without proper financial support during reporting period. The fact that budgetary cuts for programs tackling racism and discrimination, which followed the economic crisis, were disproportionate, was also emphasised by CERD in March 2011.<sup>112</sup>

The programme of the Integration of Roma in Lithuanian Society for 2008 – 2010<sup>113</sup> was formally discontinued in June 2010<sup>114</sup> although it was meant to last until the end of the year, receiving only 1/10 of all funding in 2010.<sup>115</sup> Since June, 2010, no governmental programs or other policy documents addressing the discrimination against or integration of Roma exist at national level. It can be openly stated, that during the period of 2010 – 2011 Lithuania did not have any Roma integration or anti-racism policy whatsoever.

The situation with general anti-discrimination policy also remained disappointing, to say the least. According to the Ministry of Social Affairs and Labour, which is the coordinating institution of the National Anti-discrimination Programme for

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<sup>111</sup> n UN Committee on the Elimination of Racial Discrimination (CERD), concluding observations CERD/C/LTU/CO/4-5 on the combined fourth and fifth periodic report of Lithuania, 11 March, 2011. Available at <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm> , accessed July 5, 2011

<sup>112</sup> Ibid.

<sup>113</sup> Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309.

<sup>114</sup> Lietuvos Respublikos Vyriausybės 2010 m. birželio 2 d. nutarimas nr. 692 Dėl 2008 m. kovo 26 d. Nutarimo Nr. 309 „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309 pripažinimo netekusiu galios.

<sup>115</sup> Lietuvos Respublikos Kultūros ministerijos 2010 m. veiklos ataskaita, 2011 m. balandžio 11 d. nr. Available in Lithuanian at <http://www.lrkmlt/go.php/lit/Ataskaitos/223/3/188>, accessed August 10, 2011.

2009 – 2011,<sup>116</sup> the programme received 33000 LTL (9557 EUR) in 2010.<sup>117</sup> This is less than 1% of the funding which was initially planned for the year.<sup>118</sup> The report does not include the allocated budget for the Equal Opportunities Ombudsperson activities,<sup>119</sup> but even including that the maximum amount allocated to the programme would definitely not exceed 10% of the initial plan. Hence, it is rather obvious, that none of its aims<sup>120</sup> could be reached during 2010 because of a clearly evident reason – lack of funds. Neither new research in the field, nor developments in the national legal system, took place as extremely limited funding affected NGOs working in the field of anti-discrimination. The Office of the Equal Opportunities Ombudsperson received most of the allocated funds, therefore its activities were slightly more visible, although the scale was also very limited.

The Equal Opportunities Ombudsperson is the main national anti-discrimination body, founded in order to fulfil the requirements of the Racial Equality Directive. When the Law on Equal Treatment came in force in 2005, it expanded the mandate of the previous Ombudsman of Equal Opportunities for Men and Women. However, as an equality body the Ombudsperson still lacks particular features that are foreseen by the Racial Equality directive. According to the law, providing independent assistance to victims of discrimination in pursuing their complaints on discrimination is foreseen by Article 13 of the Racial Equality Directive, however, bringing discrimination complaints or intervening in legal cases does not fall under the competence of the Ombudsperson. These activities are also not exercised in practice. In July 2009 the remit of the Ombudsperson was expanded to include: carrying out independent research related to complaints of discrimination, drafting independent reports, and providing an overview on discrimination in general. Due to a lack of expertise and additional funding, this particular field of competence remains unrealised.

According to the opinion of the authors of this report, national continues to not be fully in-line with EU Anti-discrimination directives (particularly Race Equality

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<sup>116</sup> The draft of the programme was approved in 2009. Lietuvos Respublikos Vyriausybės nutarimas "Dėl Nacionalinės antidiskriminacinės 2009-2011 m. programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=342654&p\\_query=durbano&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342654&p_query=durbano&p_tr2=2), accessed August 10, 2011.

<sup>117</sup> Lietuvos Respublikos Socialinės apsaugos ir darbo ministerijos 2010 m. veiklos ataskaita. 2011 m. kovo 7 d. Nr. D1-3. Available in Lithuanian at: <http://www.socmin.lt/index.php?2021157222>, accessed August 15, 2011.

<sup>118</sup> Lietuvos Respublikos Vyriausybės nutarimas "Dėl Nacionalinės antidiskriminacinės 2009-2011 m. programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=342654&p\\_query=durbano&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342654&p_query=durbano&p_tr2=2), accessed August 10, 2011.

<sup>119</sup> Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2010 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas", 2010 m. sausio 20 d. Nr. 70

<sup>120</sup> The program aimed to carry out new research in the field of discrimination, to raise awareness among society, to organise social-campaigns and trainings aimed at tackling discrimination, to support the activities of non-governmental organisations, who are dealing with discrimination and to review and amend (if necessary) existing legislation on anti-discrimination, etc.

Directive 2000/43/EC).<sup>121</sup> First of all, the requirement of the Race Equality Directive regarding the engagement of associations in judicial proceedings on behalf of or in support of the victim has not been sufficiently transposed in Lithuania. This provision of the Directive was formally included into the Law on Equal Treatment in June 2008. However, it cannot be considered effective in practice, bearing in mind the legal gaps in procedural legislation – the Code of Civil Procedure does not mention the right for associations to engage in the judicial process. Secondly, one of the major issues for victims of discrimination – the effectiveness of sanctions – remains unsolved. The right to claim compensation for racial discrimination was introduced in the Law on Equal Opportunities of Women and Men only in June 2008. This is the only provision, which, if properly applied, could be considered effective and compensatory. There are no other provisions of this character in national anti-discrimination law. Legally, the Ombudsperson has the competence to investigate complaints on discrimination, but its decisions do not have a compensatory effect for the victim.

#### **Example of NGO Good Practice**

A positive legal development the jurisprudence was achieved by a group of national human rights NGO's – the **Human Rights Monitoring Institute and the Centre for Equality Advancement**.<sup>122</sup> On April 4<sup>th</sup>, 2011 the Supreme Court of Lithuania issued the final ruling in the case of several NGO's v. the municipality of Vilnius.<sup>123</sup> In March 2009 Vilnius city municipality did not issue a permit for several organisations to hold a demonstration “Against racism and xenophobia – for tolerance and understanding”, which was planned as a contra-demonstration against notorious yearly right-wing marches taking place in the main street of the capital. The municipality claimed that they would not be able to ensure safety for the event and that there was a risk of riots because the opposing march was already given permission and also that police would not be able to ensure safety of participants. The Supreme Court overruled the decisions of previous courts and stated that the decision of the municipality was unfounded, and thus illegal. The Court also emphasised the positive obligation of the state institutions to make serious efforts to ensure the freedom of assembly, stating that only in rare cases where there is a real, extreme and unavoidable threat to public safety, could assemblies be not permitted.

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<sup>121</sup> Council Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal of the European Communities, L 180/22.

<sup>122</sup> Including members of ENAR Lithuanian national coordination.

<sup>123</sup> Lietuvos Aukščiausiojo teismo 2011 m. Balandžio 4 d. Nutartis civilinėje byloje Nr. 3K-3-144/2011.

### XIII. Migration and integration

As was noted in previous ENAR reports, Lithuania does not have a coherent migration policy. According to the data submitted by the Migration Office the number of immigrants is almost eighteen times smaller than of those emigrating. It is important to note that only 1060 people immigrated to Lithuania in 2010, therefore the level of immigration keeps decreasing since the year 2008 (in 2008 – 3641, in 2009 – 1666). It also has to be noted that three times more foreigners leave the country than come to live here. The number of people that requested refugee status and/or subsidiary protection was 503 in 2010 (in 2009 – 449, 2008 – 540), and only 1 received refugee status (in 2009 – 11, in 2010 – 14), 110 received subsidiary protection (in 2009 – 221, in 2008 – 350). Therefore it can be concluded that the number of immigrants arriving in Lithuania, as well as the number of people who seek refuge and/or temporary international protection, is smaller than the number of foreigners leaving the country.<sup>124</sup>

However, surveys revealed that this did not have a significant effect on the general public opinion towards migration and refugees. The opinions seemed to grow more negative since 2009 towards third country nationals according to the public opinion poll carried out by the Ethnic Research Institute. The most negative attitudes are towards Pakistani and Lebanese, and the most positive are towards EU country nationals and US citizens. More negative attitudes exist towards immigrants from non-EU countries such as Africa, Asia, etc. 72,9% of people think that immigrants come to Lithuania to seek work, study or seek refuge. It has to be noted that around 30% of respondents have never directly met any migrants and most of them receive information indirectly – through media. 57.5 % of respondents think that immigrants live on the money paid by tax payers and 51.4% believe that immigrants can cause social unrest in Lithuania. Less than a half of the people interviewed think that migrants can contribute to the cultural life of Lithuania (41.2%), that working immigrants can contribute economically (37.4%) or would want their children to go to the same school as migrant children (32.8%). Only 30.8% of respondents agree that the state should pay more attention to the integration of migrants.<sup>125</sup>

A few amendments were made to the legal acts related to migration, asylum and integration of refugees in 2010: in relation to the creation of Common European

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<sup>124</sup> Visuomenės nuostatos Lietuvoje gyvenančių ir į Lietuvą atvykstančių imigrantų atžvilgiu, Lietuvos socialinių tyrimų centro Etninių tyrimų instituto užsakymu atliktos visuomenės nuomonės apklausos rezultatų apžvalga, 2010 m. liepos 15 – rugpjūčio 2 d. apklausa, <http://www.ces.lt/2010/09/lietuvos-gyventoju-nuomones-apklauso-2010-m-liepos-15-d-rugpjucio-2-d-rezultatai/>, accessed August 19, 2011.

<sup>125</sup> Ibid.

Asylum System the responsible persons were appointed.<sup>126</sup>

According to Migrant Integration Policy index Lithuania is 27<sup>th</sup> out of 31 analysed countries. It is one of the worst results of all the countries evaluated.<sup>127</sup> The policy areas that were analysed were: labour market mobility, family reunion, education, political participation, permanent residence, access to nationality and the implementation of the anti-discrimination policy.<sup>128</sup> “Summarising the situation of non-EU country nationals in relation to their participation in the labour market, family reunion circumstances and the situation of permanent immigrants in Lithuania, the conclusions reached were that the status of labour migrants, their family members and permanent residents is one of the most vulnerable in the whole of Europe.”<sup>129</sup> The outcomes of MIPEX indicated that even though conditions for family reunion in Lithuania are not complicated, they are rather strict and due to that reason family reunion takes a long time especially for those from non-EU countries; voting rights are limited; conditions to apply for citizenship are one of the worst in all MIPEX countries. Even though the definition of anti-discrimination is rather broad, the implementation of the anti-discrimination policy is rather limited.

The integration/inclusion of minorities is still not one of the priorities of the political agenda in Lithuania. The Strategy on Ethnic Minority Policy Development until 2015<sup>130</sup> (hereafter referred to as – Strategy), has been adopted but it still has not received sufficient funding. Even though the programme foresees a significant number of measures, it has to be mentioned that one of the main institutions that was supposed to implement the strategy – the Department of National Minorities and Lithuanians Living Abroad – ceased to exist at the beginning of 2010. Its functions were transferred to the Cultural Affairs Ministry.

Besides, according the provisions of the document, its implementation was supposed to be carried out in two stages, by adopting plans of action for 2007-2010 and 2011-2015. Nevertheless, the action plan for 2011-2015 was never adopted. The budgetary cuts affected the implementation of the Strategy in 2010 – the Cultural Affairs Ministry stressed that the funding for the implementation of

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<sup>127</sup> Lietuva yra viena blogiausiai imigrantus pasitinkančių Europos šalių, *BNS*, April, 22, 2011, <http://www.delfi.lt/news/daily/lithuania/lietuva-yra-viena-blogiausiai-imigrantus-pasitinkanciu-europos-saliu.d?id=44692571>, accessed April 23, 2011.

<sup>128</sup> Imigrantų integracija: naujoji studija vertina ir lygina Lietuvą su kitomis Europos šalimis bei Šiaurės Amerika, „Migrantų integracijos politikos indeksas“ (MIPEX III), 2011 m. vasario 28 d., [www.ces.lt/wp-content/.../05/MIPEX-III\\_tyrimo-rezultatu-santrauka.pdf](http://www.ces.lt/wp-content/.../05/MIPEX-III_tyrimo-rezultatu-santrauka.pdf), accessed 21 August, 2011.

<sup>129</sup> *Ibid.*

<sup>130</sup> Lietuvos Respublikos Vyriausybės 2010 m. balandžio 7 d. nutarimas Nr. 386 „Dėl Lietuvos Respublikos Vyriausybės 2007 m. spalio 17 d. nutarimo Nr. 1132 „Dėl Tautinių mažumų politikos plėtros iki 2015 metų strategijos patvirtinimo“ pakeitimo“, Official publication, *Valstybės žinios*, 2010-04-10, Nr. 41-1980, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=369132&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=369132&p_query=&p_tr2=), accessed March 15, 2011.

the Strategy significantly decreased in 2010, compared to 2009.<sup>131</sup> According to the decision of the Government, the Strategy received 30% less than initially planned.<sup>132</sup> Whereas the initial allocation for 2011 was supposed to be almost 39% higher than that of 2010.<sup>133</sup>

In general according to the data presented by the Cultural Affairs Ministry, the implementation of the Strategy has received 6.7% less money than planned in 2010, and 64% of the whole sum was allocated from EU funding.

The Report on the Implementation of the Strategy on Ethnic Minority Policy Development was prepared by the Cultural Affairs Ministry in March, 2011. The Cultural Affairs Ministry states: "it has to be noted that due to the lack of funding only part of the foreseen measures were implemented".<sup>134</sup>

The Ministry of Cultural Affairs prepared a draft strategy for 2011-2019 at the beginning of 2011 and submitted it for remarks to other institutions in February, 2011.<sup>135</sup> The Draft Strategy on Ethnic Minority Policy Development is now under discussion for the years 2013-2021. Nevertheless, most of the organisations working in the field of the anti-discrimination have not received any information about the submission of comments regarding it. Therefore the conclusion that can be drawn is that the only existing strategy that specifically sets the norms of the social inclusion and integration of ethnic minorities is not valid anymore and there is no plan for new measures to be implemented until 2013.

The issues of overcoming discrimination, tackling social exclusion, and enhancing the integration of ethnic minorities and immigrants, were not priorities of national policies of social inclusion in 2010. According to The National Action Programme (NAP) report on Social Inclusion policies the priorities were: eradication of child poverty, increasing support for families, encouraging participation in the labour market, and improving access to quality services, other areas remained untargeted. It is difficult to assess whether the integration of

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<sup>131</sup> Lietuvos Respublikos kultūros ministerijos 2010 metų veiklos ataskaita, 2011 m. balandžio 8 d., Vilnius, <http://www.lrkmlt/go.php/lit/Ataskaitos/223/3/188>, accessed June 23, 2011.

<sup>132</sup> Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2010 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas", Official publication, *Valstybės žinios*, 2010-01-20, Nr. 11-525, 2010-12-14 Nr.146-7487, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=388627](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=388627), accessed August 19, 2011.

<sup>133</sup> The sum allocated in 2010 is 629 million, the initially allocated sum for 2011 is 1029 million. Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2011 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas, Official publication, *Valstybės žinios*, 2011-02-10, Nr. 17-802, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=392202&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=392202&p_query=&p_tr2=), accessed 19 August, 2011.

<sup>134</sup> Lietuvos Respublikos kultūros ministerijos 2010 metų veiklos ataskaita, 2011 m. balandžio 8 d., Vilnius, <http://www.lrkmlt/go.php/lit/Ataskaitos/223/3/188>, accessed June 23, 2011.

<sup>135</sup> Lietuvos Respublikos Kultūros ministerijos Derinimo pažyma dėl Lietuvos Respublikos Vyriausybės nutarimo "Dėl tautinių mažumų politikis plėtros 2013-2021 metų programos patvirtinimo" projekto, 2011-06-29, Nr. 11-485-02, [http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=94502&p\\_fix=y&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=94502&p_fix=y&p_gov=n), accessed August 19, 2011.

migrants and ethnic minorities will be strategically assessed and implemented by the Government in 2011.

According to the public opinion poll carried out by the Ethnic Research Institute, the Roma minority remain one of the most disliked groups. More than half of the inhabitants interviewed would not like to live next to, work with or rent a place to Roma people.<sup>136</sup>

Thus it has to be noted that the social inclusion of minorities (particularly Roma) was severely hit by the Government's decision to cut the funding. Lithuania does not have a policy on integration of Roma people. The Roma integration programme 2008-2010 was not fully implemented as it received only 1/3 of the budget planned for it in 2008 and 2009, and in January 2010 it was cancelled altogether, due to lack of results and lack of funding. The Ministry of Culture of the Republic of Lithuania was responsible for drafting the Roma integration programme for 2010-2012, but the National Strategy for the Integration of Roma has neither been adopted nor drafted. The last meetings held regarding the draft of the programme were in July, 2010.<sup>137</sup> No measures were taken since then despite the recommendations of non-governmental organisations, the CERD<sup>138</sup> and other institutions. Non-governmental organisations have reported it on various occasions – submitting reports to the CERD and subsequently sending a joint report to the United Nations Universal Periodic Review. According to the Human Rights Monitoring Institute the situation of Roma people has not changed and the fundamental problems remain unsolved. The Seimas Ombudsperson also encouraged the adoption of a new integration programme in their findings.<sup>139</sup>

#### **Examples of NGO Good Practice**

**Project "Invisible. Between us" (LNK TV), "Different" (from 2010)**<sup>140</sup> The project started in January 2010 and has been an effective way to deliver information about third-country nationals residing in Lithuania to the public. The project aims to illustrate the cultural experience of third-country nationals in objective manner, while encouraging a more favourable opinion towards the integration of third-country nationals and immigrations, as well as encouraging understanding between society and the migrant.

<sup>136</sup> Lietuvos socialinių tyrimų centro Etninių tyrimų instituto užsakymu atliktos visuomenės nuomonės apklausos rezultatų apžvalga, 2010 m. liepos 15 - rugpjūčio mėn. 2 d., <http://www.ces.lt/2010/09/lietuvos-gyventoju-nuomones-apklauso-2010-m-liepos-15-d-rugpjucio-2-d-rezultatai/>, accessed October 1, 2010.

<sup>137</sup> Information received from the Roma Community Centre, interviews held June 23, 2010, August 22, 2011.

<sup>138</sup> Consideration of reports submitted by States parties under article 9 of the convention Concluding observations of the Committee on the Elimination of Racial Discrimination, Lithuania, Committee on the Elimination of Racial Discrimination, Seventy-eighth session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

<sup>139</sup> Žmogaus teisių įgyvendinimas Lietuvoje 2009-2010, Apžvalga, Žmogaus teisių stebėjimo institutas, Vilnius, 2011, <http://www.hrmi.lt/leidinys/14/>, accessed August 21, 2011.

<sup>140</sup> Europos fondo trečiųjų šalių piliečių integracijai metinės 2010 m. programos finansuotų projektų santraukų suvestinė, 2011-03-03, EIF/2010/4, <http://www.epf-eif.lt/eif/node/74>, videos can be found at: <http://www.lnk.lt>, <http://www.alfa.lt>, accessed August 19, 2011.

## **XIV. National recommendations**

### **Employment**

- After the Department of National Minorities and Lithuanians Living abroad ceased to exist, there was no research carried out regarding the employment of the minorities. Therefore in order to advance the sphere the real situation has to be assessed, what the levels of the employment are, whether national, ethnic, religious minorities, migrants and refugees, face any kind of differentiated treatment in labour market, if they are what are the main reasons for not defending their right;
- Measures have to be taken to protect victims of discriminated and assist them in filing complaints against their employees and other perpetrators.

### **Housing**

- The housing problems of Kirtimai Roma community must be addressed by the government and Vilnius city municipality, solving the legal status of the territory as soon as possible.

### **Education**

- Lithuanian authorities have to make sure that the Law on Ethnic Minorities Adopted and in general the issues of ethnic minority integration are address systematically, as well as ensuring inter-institutional cooperation. The level of the Roma school drop-outs remain pretty high, there is a case of possible segregated classes being created for Roma children, the issue has to be addressed by the inter-institutional Roma group to ensure the access to education for Roma children, by taking extra measures than ensuring a mere possibility to enter the school system, and involving in the process NGOs that have experience in it already.
- The issue of children learning in schools not using their native language has to be addressed by the school system, as the issue remains unsolved.
- Education reforms in separate minority schools have to be implemented only ensuring the communities themselves can participate in the reforms as well as foreseeing sufficient transitional period.
- School curricula have to be reviewed in order to ensure it promotes diversity and does not promote discrimination, bullying and/or hatred.

### **Health**

- Public health care institutions should be given sufficient resources to be able to assist and provide quality services for people, who have limited knowledge of official language; discrimination awareness raising trainings should be provided to the staff of these institutions.

## **Criminal justice**

- An effective system of data collection on all hate crimes, committed with racist motivation, should be established, pre-trial investigation officers should be instructed to exercise data collection in their everyday work.
- Awareness raising and competence trainings should be provided to the pre-trial investigation institutions (police particularly) dealing with hate crimes and racist violence.

## **Access to goods and services**

- More precise data needs to be collected in relation to the access to goods and services.

## **Media**

- The Inspector of Journalist Ethics should be given sufficient human and financial resources to implement its functions, prescribed by law: monitor whether particular information provided in the media instigates hatred against groups of persons (on the grounds of *inter alia* religion, ethnicity, nationality or race) and respond to pre-trial investigation inquiries with expert findings.

## **General**

### **Anti-discrimination**

- Significant financial resources should be allocated for awareness raising on racism and discrimination, tackling prejudice and stereotypes widespread in society;
- A comprehensive human rights education curriculum should be introduced in schools;
  - The competence of the Equal Opportunities Ombudsman should be expanded by law, to include assistance to victims of discrimination.
  - An elaborate and detailed system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.

### **Migration and integration**

- Ethnic Minority Policy Development is now being under discussion for the years 2013-2021, nevertheless even before that the Law on Ethnic minorities should be adopted.
- The current Ethnic minorities integration programme should be reviewed and concrete action plans should be implemented before adopting a new programme and when having it adopted, ensuring it is sufficiently financed;
- Roma integration programme has to be prepared ensuring the inter-institutional cooperation while drafting and implementing it.

## XV. Conclusion

The area of anti-discrimination and anti-racism continued to suffer from the lack of attention from the government, drastic budget cuts, and failure to implement policies in reality. During the reporting period the national anti-discrimination programme was heavily underfinanced, most of its measures, foreseen for the year remained only on paper. The fact, that budgetary cuts for programs, tackling racism and discrimination, which followed the economic crisis, were disproportionate, was also emphasised by CERD in March 2011.

National celebrations are constantly being used for manifestations of xenophobia and military style show-off parades of power of right-wing extremists. 11<sup>th</sup> of March (Day of Restoration of Independence) became the day of notorious “patriotic” marches, yearly organised by right-wing organisation. Both 2010 and 2011 were no exceptions and nationalists marched the main avenue of the capital city of Vilnius. On the positive side of things, this year the march received much more opposition, both from general society, and civil society organisations protesting against it. In addition to this, a number of human rights NGO’s, willing to protest against xenophobic marches (and not given permission to) eventually defended their right to assembly in the Supreme Court of Lithuania, setting an important precedent for the future.<sup>141</sup>

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<sup>141</sup> *Supreme Court protects the Right to Peaceful Assembly*, <http://www.hrmi.lt/en/new/631/>, accessed 15 December 2011.

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## **Annex 1: List of abbreviations and terminology**

CERD – International Convention on Elimination of All Forms of Racial Discrimination.

CES - Centre of Ethnic Studies.

ECRI – European Commission against Racism and Intolerance.

LCHR – Lithuanian Centre for Human Rights

MIPEX – Migration Integration Policy Index

NGO – non-governmental organisation.

UNHCR - the United Nations High Commissioner for Refugees.



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