



european network against racism

# ENAR Shadow Report 2011-2012

## ENAR SHADOW REPORT

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

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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 in 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 racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, March 2013, with the support of the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013), the Open Society Foundations, and the ENAR Foundation.

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## 1. Executive summary

The annual ENAR Shadow Report in Lithuania aims to present the general situation relating to racism and discrimination in Lithuania, while representing the NGO and victim perspective on these issues.

The special focus of this year's report is on Muslim communities and the prevalence of Islamophobia.

This report is based on analysis of legal acts, policy documents, activity reports from State institutions, research carried out at national, EU and international level, as well as information collected during interviews with 11 civil society organisations that represent or work with ethnic and national minorities.

The main legal developments during the period under review include:

- The Lithuanian Parliament has passed the Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities;
- The concept of the Law on National Minorities was prepared, but the Law has not adopted since it ceased to be valid in 2010;
- The Law on the Legal Status of Aliens was amended in order to harmonise its provisions with the EU 'Returns Directive'.

Some positive political developments included:

- The United Nations Human Rights Council reviewed Lithuania for the first time<sup>1</sup> and submitted concluding observations, prompted the Government to review the situation and to enter into dialogue with the Human rights coalition;
- The other international institutions, such as the Human Rights Committee<sup>2</sup>, the United Nations Committee for Elimination of Racial Discrimination (UN CERD)<sup>3</sup> and the Fundamental Rights Agency<sup>4</sup> also reviewed the situation relating to human rights in Lithuania. Lithuania has submitted its response regarding the implementation of the UN CERD in 2012, one year after the review.
- The Roma Integration to the Lithuanian Society Action Plan 2012-2014 and the Inter-Institutional Action Plan of Anti-discrimination for 2012-2014.

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lithuania, UN GA, A/HRC/19/15, Nineteenth session, Agenda item 6, 19 December 2011.

<sup>2</sup> Concluding observations adopted by the Human Rights Committee at its 105<sup>th</sup> session on Lithuania, 9-27 July 2012.

<sup>3</sup> Committee on the Elimination of Racial Discrimination, Seventy-eighth session, CERD/C/LTU/CO/4-5, 14 February – 11 March 2011.

<sup>4</sup> European Union Agency's for Fundamental Rights, 'Fundamental Rights: challenges and achievements in 2011', Annual Report, Luxembourg: Publications Office of the European Union, 2012.

The Roma Integration to the Lithuanian Society Action Plan 2012-2014 does not correspond with the provisions of the EU Communication and its requirements for structure, aims, financing, monitoring and coordination. The Inter-Institutional Action Plan of Anti-discrimination was adopted without involvement of relevant civil society organizations.

Negative attitudes towards certain social groups have become stronger during the reporting period, according to research by the Institute for Ethnic Studies. It also revealed a correlation between attitudes towards certain groups and economic and security issues.

Migrants in Lithuania still face restrictive measures in obtaining a residence permit and/or working permit, even in cases of family-reunion. Those who have not found work under the list of professions that are required in Lithuania, must obtain a working permit before entering the country. Current requirements concerning family-reunion are unduly restrictive and are exercised in an ineffective and disproportionate manner.

There is no infrastructure or systematic measures in place to ensure the integration of migrant children and those children learning through a language other than their mother-tongue into education system.

Victims of racial discrimination often do not complain because they fear reprisals, including loss of their employment or they do not believe that they will receive proper assistance from the law enforcement officials, based on past experiences or on the experiences of their friends.

Insufficient attention has been paid to the issue of hate speech. Political hate speech is generally tolerated and the authorities have not taken a firm stand against this problem. It is argued that the lack of a proactive approach to the prosecution of hate crime has resulted in increasing rates of assault and vandalism.

Based on the findings of the report following recommendations are provided:

- The State should consult broadly with civil society and non-governmental organisations when making decisions which affect socially vulnerable groups.
- Allocate sufficient funding to the integration and anti-discrimination programmes in order to implement them effectively.
- Fully transpose the provisions of the Racial Equality Directive regarding the engagement of associations in judicial proceedings on behalf or in support of victims of discrimination.
- Evaluate the issue of stateless persons in Lithuania, their composition, the numbers and their possibilities to integrate.
- Adopt the Law on Minorities that has ceased to exist since 2010.

- Review the family reunification procedures in order to ensure full rights of migrant families to reunification.
- Evaluate the possibilities for women belonging to ethnic minority groups and migrant women to access employment, education, healthcare, access to housing and identify possible expressions of multiple discrimination.

### **Special Focus: Muslim Communities**

- Ensure the right of the Muslim Community in Vilnius to practice their religion by returning land to the Community, in a similar location and of a similar value to that of the Mosque that was destroyed during the Soviet era.
- Involve journalists in pro-active discussions about the promotion of diversity and the responsibility of the media in the formation of negative attitudes towards the Muslim community.

### **Employment**

- Measures must be taken to protect victims of discrimination and to assist them in filing complaints against their employers and other perpetrators.
- Organise work experience placements and supported employment, offering individual support for clients using the methods of job coaching.
- Use existing good practices identified by different NGOs and implement the model of supported employment developed.
- In order to address the issue of unemployment, this model should be systematically expanded. Further developing an established model would require less investment to sustain it.
- Ratify the Convention of Migrant Workers as recommended in the meeting with the government after the UPR.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) as recommended in the CERD concluding remarks on Lithuania.

### **Education**

- Ratify the UNESCO Convention against Discrimination in Education (1960).
- Consider postponing the implementation of the Law on Education, which is causing tensions with the Polish minority in Lithuania and provide sufficient assistance to ensure transitional measures for the full implementation of the Law.
- Ensure that systematic, strategic and inter-institutional measures are taken to target the problem of the early school dropouts of Roma children.

- Establish infrastructure and ensure the measures are taken to integrate children of migrant backgrounds, Lithuanian emigrants returning to Lithuania, as well as children who learn in a language other than their mother tongue, into the education system.

### **Housing**

- Create a special commission to prepare a concrete, long-term strategy for Roma housing in co-operation and consultation with Roma community representatives and relevant organisations. Involve the municipalities in the preparation and implementation of such a strategy.
- Develop a detailed plan for using the European Structural Funds for the implementation of this strategy;
- Ensure that EU funded projects allow cross-funding, which would allow the application of a holistic solution to the social, economic, housing and other problems of Roma community;
- Prepare short-term solutions for housing problem (as the housing issues in Kirtimai need urgent solutions) as well as the long-term (which would take into account the distinct needs of the Roma communities).
- Take special measures to ensure that housing is available to migrants without fear of discrimination, e.g. awareness raising activities for tenants.

### **Health**

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

### **Access to goods and services**

- Public and private sectors should be prepared to assist and provide quality services for people who have limited knowledge of the official language.

### **Criminal justice**

- An effective system of data collection for all hate crimes, committed with racist motivation, should be established. Pre-trial investigation officers should be instructed to conduct data collection in their everyday work.
- Awareness raising and competence training should be provided to the pre-trial investigation institutions (particularly the police) dealing with hate crimes and racist violence.
- Ensure that effective support and assistance are provided to the victims of hate crime, including legal assistance.

**Media**

- The Inspector of Journalist Ethics should be given sufficient human and financial resources to monitor whether media reporting incites 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.

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### 3. 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 2011 to March 2012. The overview covers a wide range of topics where discrimination and racism appear. It also provides insight into Lithuanian society and an overview of the main legal and political developments from an NGO perspective in the last year.

This year was important to Lithuania as United Nations Human Rights Council reviewed Lithuania for the first time<sup>5</sup>. Other international organisations such as Human Rights Committee<sup>6</sup>, the United Nations Committee for Elimination of Racial Discrimination (further – UN CERD)<sup>7</sup>, Fundamental Rights Agency<sup>8</sup> also reviewed the situation of human rights in Lithuania.

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>9</sup> which, mostly due to significant emigration numbers to other EU countries, is no longer accurate. 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>10</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.

According to a survey carried out by the Institute of Ethnic Studies, the Roma community remain the most vulnerable to racism and related discrimination.<sup>11</sup> Anti-Semitism is also a concern and Islamophobia is on the rise (despite the

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<sup>5</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lithuania, UN GA, A/HRC/19/15, Nineteenth session, Agenda item 6, 19 December 2011.

<sup>6</sup> Concluding observations adopted by the Human Rights Committee at its 105<sup>th</sup> session on Lithuania, 9-27 July 2012.

<sup>7</sup> Committee on the Elimination of Racial Discrimination, Seventy-eighth session, CERD/C/LTU/CO/4-5, 14 February – 11 March 2011.

<sup>8</sup> European Union Agency's for Fundamental Rights, 'Fundamental Rights: challenges and achievements in 2011', Annual Report, Luxembourg: Publications Office of the European Union, 2012.

<sup>9</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>10</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>11</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155.

fact that Lithuania has only a very small Muslim population) due to worldwide tendencies in media coverage.

The opinion polls carried out by the Ethnic Research Institute showed a rise in negative attitudes towards the Polish minority<sup>12</sup>. Following the media coverage and the public and political developments it might be related to on-going discussions among the state institutions, Polish language schools, Polish party, and civil society organisations about the Educational reforms as well as amendments of the Law on Education that came into force on September 1, 2011.

During the reporting period, the Government adopted the new Inter-institutional Action Plan on Promotion of Anti-discrimination for 2012 – 2014. The strategy on Roma integration was not adopted; the Minister of Culture introduced the Roma integration to the Lithuanian Society Action Plan for 2012 – 2014. The Action Plan does not cover all the areas as indicated in the European Commission Communication 'The EU Framework for National Roma Integration Strategies up to 2020'<sup>13</sup>, for example, problems relating to housing are not addressed.

On the other hand, important awareness campaigns were carried out. A number of NGOs carried out training on different aspects of discrimination to enhance the competences of those working with vulnerable groups. During the reporting period, two consultation and information centres for migrants were opened.

It appears there was a slight increase in racist violence during the period covered by this report. The closure of the Special Investigation Division of the Prosecutor General's Office in January 2011 did not make the process of racial crimes investigation easier. Hate crimes remain difficult to prove in Lithuania.

The report begins by providing an overview of significant developments in the country during the period under review. It then provides an insight into racist incidents and discriminatory practices in a number of areas of collective society, and also investigates the responses of authorities. The report concludes with a number of recommendations on policy and legislation.

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<sup>12</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) p. 139, 144.

<sup>13</sup> An EU Framework for National Roma Integration Strategies up to 2020, COM (2011) 173, Brussels, 5.4.2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:HTML>, accessed 28 February 2012.

#### 4. Significant developments in the country during the period under review

This section provides the overview of significant developments which have occurred in Lithuania during 2011 – 2012. This includes updates on legal, social, and political trends, and highlights areas in which further change is needed.

There were a number of major political and legal developments during the period under review.

##### 1.1 Changes in regard to the communities most vulnerable to racism or related discrimination in the national context

According to opinion polls carried out by the Institute for Ethnic Studies in October 2011,<sup>14</sup> 'the attitudes of Lithuanian inhabitants towards different social groups indicate that the negative attitudes have become stronger. This year (2011) negative attitudes towards people who came out of prison, homosexuals, Roma (Gypsies), refugees, Chechens, Jehovah witnesses and Muslims have grown compared to earlier years. It has been observed that the attitudes towards the Polish ethnic minority have significantly worsened, this group was evaluated more positively than negatively up until now'. These trends can be related to major public debates about the amendments of the Law on Education, discussed in detail in the chapter on 'Racism and related discrimination in Education'.

According to the activity report of the Equal Opportunities Ombudsperson for 2011, even though the Law on Equal Treatment provides protection against discrimination on grounds of race, ethnic origin, nationality, origin and language, few complaints have been brought under this law. Compared to 2010 the number of cases have decreased and constituted 13.5% of all the complaints. Seven complains concerning language were closely related to ethnic origin<sup>15</sup>. The number of complaints initiated by the Office on the grounds of religion has decreased in 2009 – 2011<sup>16</sup>.

Sixteen cases on the grounds of race and ethnic origin have constituted 9% of all investigations in 2011 (2010 – 25 investigations, 15%; 2009 – 16 investigations, 10%, 2008 – 28 investigations, 13%)<sup>17</sup>.

UNCERD has expressed its concern 'regarding the high number of stateless persons in the country. The Committee has requested information on

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<sup>14</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) p. 144.

<sup>15</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012, p. 58.

<sup>16</sup> Ibid. p. 8.

<sup>17</sup> Ibid. p. 9.

measures and actions taken by the State to reduce statelessness bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens'.<sup>18</sup> There is no official information available on the stateless people, no analysis of their living conditions, their ethnic composition and/or profile. According to the official data of the Statistics department there are 3 500 stateless persons residing in Lithuania. Nevertheless, the numbers are from the 2001 public census, adjusted to the changes in the population, and may not reflect the current situation<sup>19</sup>.

The results of the public census of 2011 are not yet publicly available. According to the information received by the authors of the report, more thorough data on the stateless persons should be available in 2013 because the United Nations High Commissioner for Refugees is researching this issue.

## **1.2 Changes in legal developments regarding discrimination and equality legislation from the previous year**

The Law on Equal Treatment remains unchanged since 2009, when amendments were last introduced. As indicated in the ENAR Shadow Report on Racism and Discrimination in Lithuania 2010-2011:

'According to the opinion of the authors of this report, national legislation is still not fully harmonised with EU Anti-discrimination directives (particularly Race Equality Directive 2000/43/EC).<sup>20</sup> Firstly, 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 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.

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<sup>18</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.

<sup>19</sup> Statistical Yearbook of Lithuania 2011, Statistics Department, Vilnius, 2011, p. 44.

<sup>20</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.

The Lithuanian Parliament has passed a Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities.<sup>21</sup> The Parliament by adopting this law admitted the contribution of the Lithuanian Jewish Community to the culture and development of Lithuania up until the Second World War. According to the Lithuanian Jewish Community, it is one of the biggest achievements of the last years. Nevertheless, the Law does not regulate the compensation of the private property to the persons, only to the religious communities. 'The compensations will be paid from 1 January 2013 until 1 March 2023. It was decided to pay the compensations in parts, considering the financial capacities of the State'.<sup>22</sup>

The fate of the Law on National Minorities, which is no longer valid since 1 January 2010, remains unknown. Discussions continue concerning the new version of the law. The Government has prepared a new concept of the Law on Ethnic Minorities and the Parliamentary Human Rights Committee organised a discussion with the Council of Ethnic Minorities about the Concept<sup>23</sup>.

Both the UN CERD and the Human Rights Council emphasised the importance of the adoption of the law. The UN CERD 'encourages the State party to adopt this law as soon as possible, giving effect to the relevant provisions of the Convention'.<sup>24</sup>

There are a number of legal obstacles to the integration of migrants in Lithuania. There are strict procedures in place regulating the issue of temporary residence permits and working permits. There are restrictions on the right to employment for those migrants who are studying in Lithuania. Many migrant communities (African, Turkish, Chinese, Russians, and Belarusians) have also noted that it is very difficult to carry out the family unification procedure. In their research the Institute for Ethnic Studies emphasise that 'policy analysis evidences the absence of a long-term-based approach towards immigration policy and the lack of migrant integration measures, on the other hand the majority of respondents emphasised strict administrative regulations with regards to family reunion, issuance of

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<sup>21</sup> Republic of Lithuania Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities of the Republic of Lithuania, 21 June 2011, No. XI-1470, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=406297](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=406297), accessed 14 August 2012.

<sup>22</sup> Seimas priėmė įstatymą dėl kompensacijų žydų religinėms bendruomenėms, 2011 m. birželio 21 d. pranešimas VIR, [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=4445&p\\_k=1&p\\_d=113114](http://www3.lrs.lt/pls/inter/w5_show?p_r=4445&p_k=1&p_d=113114), accessed 14 August 2012.

<sup>23</sup> Žmogaus teisių komiteto pirmininkas A.Lydeka: tautinių mažumų politika turi būti lojali Lietuvos valstybei ir atvira tautinėms bendrijoms, Lietuvos Respublikos Seimo Žmogaus teisių komitetas Viešųjų ryšių poskyriui, 27 March 2012, [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=6278&p\\_d=123145&p\\_k=1](http://www3.lrs.lt/pls/inter/w5_show?p_r=6278&p_d=123145&p_k=1), accessed 27 March 2012.

<sup>24</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-eight session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed 22 March 2011, p. 2.

residence permits and strict rules for establishing a business (for foreigners)'.<sup>25</sup>

### **1.3 Changes in migration, asylum and integration policies**

The Law on the Legal Status of Aliens was amended in 2011 in order to harmonise its provisions with the EU Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (so called 'Returns Directive')<sup>26</sup>. The directive provides for a complex procedure, which gives preference to voluntary repatriation over forced returns. However, the majority of irregular migrants in Lithuania are still being detained.

On 11 November 2011, the Government adopted the new Inter-institutional Action Plan on Promotion of Anti-discrimination for 2012 – 2014.<sup>27</sup> According to the information received from eight Human Rights Coalition non-governmental organisations, none of them were approached regarding the measures in the Action Plan. None of the organisations who were interviewed for the report were consulted.

### **1.4. Changes in public perceptions, political discourse or attitudes from the previous year in regard to most vulnerable groups**

There have been positive changes regarding the involvement of civil society organisations in the decision making process after the recommendations both by the UN Human Rights Council and the UN CERD discrimination.

In March 2011, CERD has submitted its concluding observations<sup>28</sup> after consideration of combined fourth and fifth reports of Lithuania. The Prime Minister formed a working group on 21 July 2011. The group consisted of various governmental representatives as well as two non-governmental organisations that submitted their shadow reports to the CERD – Lithuanian

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<sup>25</sup> Žibas, Karolis, *Immigration Processes in Lithuania: Social developments of Chinese and Turkish immigrant groups*, [www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/](http://www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/), accessed 20 August 2012, p.48.

<sup>26</sup> Lietuvos Respublikos įstatymo 'Dėl užsieniečių teisinės padėties' 2, 19, 77, 113, 114, 125, 126, 127, 128, 129, 132, 133, 139 straipsnių ir įstatymo priedo pakeitimo ir papildymo įstatymas, 2011 m. gruodžio 22 d., Nr. XI-1786, [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=414120](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=414120), accessed 14 August 2012.

<sup>27</sup> Lietuvos Respublikos Vyriausybės nutarimas dėl Nediskriminavimo skatinimo 2012-2014 metų tarpinstitucinio veiklos plano patvirtinimo, 2011 m. lapkričio 2 d. Nr. 1281, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=410523&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=410523&p_query=&p_tr2=2), accessed 10 July 2012.

<sup>28</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 22 March 2011.

Centre for Human Rights and the Human Rights Monitoring Institute<sup>29</sup>. The working group prepared the comments regarding the implementation of recommendations and submitted them to CERD on March 2012.

The Human Rights Council reviewed Lithuania in October 2011. The Human Rights Council established a Working Group on the Universal Periodic Review, which submitted 119 recommendations and conclusions to Lithuania<sup>30</sup>. The Universal Periodic Review was an excellent opportunity for Lithuania to analyse the effectiveness of existing policies. After the Review, the State must specify which of the recommendations they agree to implement. The State has refused to implement some of the recommendations related to:

- the ratification of the International Convention on the Protection of the rights of all Migrant workers and members of their families;
- joining the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights that introduces the right of individual complaints;
- the accession to the European Charter for Regional or Minority Languages;
- the procedure for individual petitions under the International Convention on the Elimination of all Forms of Racial Discrimination;
- ensuring full compliance of the Lithuanian legislation and practice with international law which guarantees every person belonging to minority the right to have his or her name in official documents written in minority language;
- the easing of procedure for obtaining citizenship; 'to abandon the practice of narrowing down the rights and freedoms of the members of national minorities, as it believes that the rights and freedoms of the persons belonging to national minorities are not being narrowed down in Lithuania';
- to consider granting the right to work to asylum seekers, as the right to work in Lithuania is granted to persons who have been granted asylum, while the extension of this right to asylum seekers might encourage the abuse of the asylum seeking system<sup>31</sup>.

The Human Rights Coalition, composed of nine non-governmental organisations, requested that a meeting be organised with the representatives of different ministries in February 2012 to analyse which recommendations

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<sup>29</sup> Lietuvos Respublikos Ministro Pirmininko potvarkis dėl darbo grupės sudarymo, 2011 m. liepos 15 d. Nr. 177.

<sup>30</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review Lithuania, Universal Periodic Review, UN GA, A/HRC/19/15, December 19, 2011, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LTSession12.aspx>, accessed 20 November, 2012.

<sup>31</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review Lithuania, Universal Periodic Review, UN GA, A/HRC/19/15/Add.1, March 6, 2012, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LTSession12.aspx>, accessed 20 November, 2012.

should be prioritized. The Ministry of Justice prepared the Evaluations of the State and presented them to the Government. On 23 February 2012 these were officially submitted to the Human Rights Council.<sup>32</sup> The Ministry of Justice organised the meeting on 16 April 2012. The Human Rights Coalition proposed that the Ministry of Foreign Affairs should hold further meetings to ensure a follow-up of the recommendations submitted by the Human Rights Council. The representatives at the meeting agreed to do so.

### **1.5 Developments addressing social aspects, i.e. integration/inclusion of migrants and ethnic and religious minorities, including changes in National Reform Programmes, National Roma Integration Strategies, local action plans, and the involvement of NGOs in this process**

The Roma integration to the Lithuanian Society Action Plan for 2012 – 2014 was adopted on 20 March 2012 and submitted to the European Commission in accordance with the provisions of the European Commission Communication 'The EU Framework for National Roma Integration Strategies up to 2020'.<sup>33</sup> Civil society representatives noted that the plan was presented to the Roma community but without offering them the possibility to influence the content. Officially, the draft Action Plan was opened for consultations on 27 February 2012. Seven non-governmental organisations submitted remarks and proposals on 15 March. Nevertheless, according to their information the plan was passed to the Minister for signature even before analysing the remarks. A Resolution by the seven NGOs states: 'Roma Integration to the Lithuanian Society Action Plan 2012 – 2014' does not correspond with the provisions of the European Commission Communication 'The EU Framework for National Roma Integration Strategies up to 2020' adopted on 5 April 2011 (Further – EC Communication) – its requirements for structure, aims, financing, monitoring, coordination, etc<sup>34</sup>.'

Some integration programmes were adopted in the reporting period. Their success is dependent on political will to implement them and to allocate sufficient funding. As stated in previous ENAR reports lack of funding has prevented the effective implementation of anti-discrimination and Roma integration programmes in the past. This was also stressed by CERD: 'The Committee notes with concern that due to the financial crisis, the State party's programmes aimed at addressing racial discrimination, mainly discrimination against Roma, have suffered from disproportionate budget cuts (art. 5). The Committee invites the State party to strengthen its policies and programmes for the integration of minority groups, in particular the integration of Roma into

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<sup>32</sup> Jungtinių Tautų Žmogaus teisių tarybos visuotinės periodinės peržiūros metu Lietuvos Respublikai pateiktų rekomendacijų vertinimas. Lietuvos Respublikos teisingumo ministerija, 2012 m. vasario 23 d., Nr. 12-587-01, [http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=128743&p\\_query=&p\\_tr2=&p\\_org=&p\\_fx=n&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=128743&p_query=&p_tr2=&p_org=&p_fx=n&p_gov=n), accessed 25 February 2012.

<sup>33</sup> An EU Framework for National Roma Integration Strategies up to 2020, COM (2011) 173, Brussels, 5.4.2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>, accessed 28 February 2012.

<sup>34</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania, 21 March 2012, Vilnius.

Lithuanian society, in light of its general recommendation No. 27 (2000) on discrimination against Roma. It encourages the State party to participate in collective European initiatives for Roma and to allocate sufficient resources to existing programmes on Roma<sup>35</sup>.

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<sup>35</sup> Committee on the Elimination of Racial Discrimination, Seventy-eighth session, CERD/C/LTU/CO/4-5, 14 February – 11 March 2011.

## 5. Special focus: Islamophobia

Sunni Muslims are recognised as a traditional religion in Lithuania according to the Law on Religious Communities and Associations<sup>36</sup>. The number of Muslim communities living in Lithuania is relatively small. According to the official data of the Statistic department from the national public census there are 2 900 Muslims in Lithuania, that is 0.1 % of the whole population<sup>37</sup>. This includes only Sunni Muslims. According to the organisation, representing Sunni Muslims, there are around 10 000 Muslims living in Lithuania, but the census represents only those who clearly indicate their religion.

According to the information from the Ministry of Justice, most of the Muslims in Lithuania are Tatar Sunni Hanifites<sup>38</sup>. The first Tatar communities established themselves in the Grand Duchy of Lithuania in 14<sup>th</sup> century. There were five religious communities and four mosques as well as a house of prayer.

According to the official data there are seven different Muslim communities active in Lithuania<sup>39</sup>. These are united by an umbrella organisation – the Spiritual Centre of Sunni Muslims in Lithuania – Muftiate, established in 1998<sup>40</sup>.

Many Muslims who arrived in Lithuania after independence are of Turkish origin. The Turks in Lithuania tend to have connections through which they integrate themselves: 'Turks manage to elaborate themselves on both external and internal ties. On the one hand each Friday they are going to the Mosque (after that they usually have informal meetings) and have other places in which to meet each other'.<sup>41</sup>

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<sup>36</sup> Article 5. Traditional Religious Communities and Associations of Lithuania: The State shall recognize nine traditional religious communities and associations existing in Lithuania, which comprise a part of Lithuania's historical, spiritual and social heritage: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaist, Sunni Muslim and Karaite (Žin., 1995, Nr. 89-1985; 2010, Nr. 1-12).

<sup>37</sup> Statistics Department, 2001 m. surašymas: Romos katalikų daugiausiai, <http://www.stat.gov.lt/lt/pages/view/?id=2815>, accessed 20 August 2012.

<sup>38</sup> Ministry of Justice webpage, information prepared by Rasa Pranskevičiūtė, 2007, [http://www.tm.lt/rel\\_static/rel\\_zinynas/1\\_006.html](http://www.tm.lt/rel_static/rel_zinynas/1_006.html), accessed 20 November, 2012.

<sup>39</sup> Statistics Department, *Traditional religious associations and communities at the beginning of the year by community, statistical indicator and year*, 2012, <http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3190101&PLanguage=1&TableStyle=&Buttons=&PXId=13429&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>, accessed July 15, 2012

<sup>40</sup> Pranskevičiūtė, Rasa, *Musulmonai Sunitai*, [http://www.tm.lt/rel\\_static/rel\\_zinynas/3423.html](http://www.tm.lt/rel_static/rel_zinynas/3423.html), accessed August 20, 2012.

<sup>41</sup> Žibas, Karolis, *Immigration Processes in Lithuania: Social developments of Chinese and Turkish immigrant groups*, [www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/](http://www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/), accessed 20 August 2012, p. 44.

All organisations interviewed in August and September 2012 stated that everyday Islamophobia<sup>42</sup> is not widespread in Lithuania. However, they noted that the media play a major role in spreading Islamophobia as the only articles published in the media relate either to the negative perception of Muslims, to terrorist attacks or news from the conflict zones. Others indicate that the majority of people do not have any knowledge of Islam and are unaware of the long history of the Muslim community in Lithuania.

According to the information presented by the Institute for Ethnic Studies, the general public in Lithuania have developed negative attitudes towards the Muslim community: 'This year (2011) negative attitudes towards people who came out of prison, homosexuals, Roma (Gypsies), refugees, Chechens, Jehovah witnesses and Muslims have grown compared to earlier years'.<sup>43</sup> According to members of both the African and Arabic Communities, while discrimination is prevalent many people are reluctant to lodge official complaints either because they do not believe that any thorough investigation would be carried out or because they start to react to discriminatory behaviour as normal<sup>44</sup>. Many representatives indicated that most people have little or no awareness of Islam and Muslim culture.

According to the Civil Code of the Republic of Lithuania, 'a religious marriage is formed in accordance with the procedures established by the internal law (canons) of the respective religion. The formation of a marriage in accordance with the procedures established by the Church (confessions) shall entail the same legal consequences as those entailed by the formation of a marriage in the Register Office<sup>45</sup>'. As indicated by the Mufti interviewed, the State only recognises the marriage, but not the divorce, which is not allowed by the Catholic Church, but is allowed in Islam<sup>46</sup>.

There are four mosques in Lithuania.<sup>47</sup> The biggest Muslim community in Vilnius - the Arab Community, the Turkish Community and the African Community- do not have a special house of prayer. Therefore they meet in a house of prayers in a regular flat that is too small for the community. One of the main aims of the Vilnius Muslim Community was to rebuild their Mosque,

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<sup>42</sup> From the Interview with the leader of the Spiritual Centre of Sunni Muslims in Lithuania Romas Jakubauskas, leader of the African Community Chijioke Nkemka, and President of Turkish community 'Balturka'.

<sup>43</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155, p. 144.

<sup>44</sup> From the interviews with the leader of the African Community and the leader of Arab Community.

<sup>45</sup> Article 3.24, Lietuvos Respublikos Civilinio kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas, Official publication, *Valstybės žinios*, Žin., 2000, Nr. 74-2262, [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=430479](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=430479), accessed November 20, 2012.

<sup>46</sup> From the interview with the leader of the Spiritual Centre of Sunni Muslims in Lithuania Romas Jakubauskas.

<sup>47</sup> Bairašauskaitė, Tamara, *Totorių paveldas Lietuvoje*, <http://www.kpd.lt/epd2009/index.php/lt/kitoks-pveldas/totoriu-paveldas>, accessed 5 August 2012.

which was destroyed during the Soviet era. The Muftiate have requested that the Vilnius municipality return the land that belonged to the Muslims in Vilnius in order to rebuild the mosque. The process has been on-going for almost twenty years.<sup>48</sup> The Muftiate provides the same information. During the interview, the Muftiate indicated that the Mosque had been standing in the very centre of Vilnius for centuries. Nevertheless, the land proposed by the Vilnius municipality is far away from the centre in the industrial part of the city, on land. In addition, the community does not want to have the mosque in the place where, according to their sources, a former cemetery existed. The official proof of the Mosque can be found in historical sources<sup>49</sup>, the current proof of it is the memorial plate with the writing: 'Since XVI century this place was Lithuanian Tatar house of prayers – a mosque and cemetery. In 1968 the Soviet government adopted a decision to demolish the mosque and the graveyard'.<sup>50</sup> Due to on-going negotiations, the rebuilding of the Vilnius Mosque has been delayed indefinitely.

According to the Muftiate, the African and the Turkish community in Lithuania, Muslim women are not treated differently. The Tatar Muslim women do not differ from the general public, although some of the Turkish women wear hijabs. Those who study have reported feeling more welcome in universities than in Turkey where wearing hijabs in universities is forbidden.<sup>51</sup>

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<sup>48</sup> Kupriščenkaitė, L., *Vilniuje atsiras mečetė*, Diena.lt, 12 August, 2010, <http://www.balsas.lt/naujiena/497542/vilniuje-atsiras-mecete/rubrika:naujienos-lietuva>, accessed 5 August, 2012.

<sup>49</sup> Kanapackaja Z., *Mečetės – etnokonfesinės totorių kultūros centrai Baltarusijoje, Lietuvoje ir Lenkijoje*, Lietuvos Totoriai, 2003 m. gruodžio mėn. Nr. 9 (71), [http://www.tbn.lt/web\\_doc/Laikra71.pdf](http://www.tbn.lt/web_doc/Laikra71.pdf), accessed 5 August, 2012, p. 4.

<sup>50</sup> Rumša, J., *Totorių mečetės vietą Vilniuje nuo šiol primins memorialinė lenta*, Tautinių bendrijų naujienos, 2009, Nr. 3 (30), [http://www.tbn.lt/web\\_doc/Zurnalas%20Tautines%20bendrijos%20-%2030-%20web.pdf](http://www.tbn.lt/web_doc/Zurnalas%20Tautines%20bendrijos%20-%2030-%20web.pdf), accessed 5 August 2012.

<sup>51</sup> Information received from the interview with the President and other members of the Turkish Community 'Balturka'.

## 6. Access and full participation in all collective areas of society

This section provides an overview racism and related discrimination in areas such as employment, education, housing, health, access to goods and services, political participation (including citizenship and nationalisation options, double citizenship, voting rights in country of destination), media (including protection from cyber-hate and representation in the media), and criminal justice (including racist violence and crime, and counter-terrorism).

Social research is to be conducted in accordance with the National Anti-Discrimination Programme<sup>52</sup>. The research aims to evaluate the opportunities for women, including migrants and those who belong to ethnic minority to access employment, education, including lifelong-learning, healthcare and access to housing. The research also compared women living in the cities to women in rural areas and identified the expressions of multiple discrimination. According to the programme, this research had to be carried out in 2010 by the Ministry of Social Security and Labour.

The Ministry of Social Security and Labour has informed the Working group established by the Prime Minister regarding the implementation of the Concluding Observations submitted by CERD that the research was not carried out due to the economic crisis. The budget allocated to programmes coordinated by the Ministry, was reduced, including funding for the National Anti-Discrimination Programme. Only measures that did not require additional funds from the State budget were implemented. Nevertheless, the above mentioned research is expected to go ahead. It is foreseen that the measure will be implemented in 2014 as part of the newly adopted Inter-institutional Action Plan on Promotion of Anti-discrimination for 2012-2014 – to ‘carry out a research evaluating reasons for changes in public opinion’.<sup>53</sup>

The UN Human Rights Council Working group on Universal Periodic Review (Mexico) includes a recommendation in its concluding report to implement policies and actions aimed at the effective integration of the Roma community which would include the employment, education, security, social and health sectors, emphasis on the promotion of the Roma language, and the regularisation of their identity documents<sup>54</sup>.

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<sup>52</sup> Lietuvos Respublikos Vyriausybės nutarimas dėl nacionalinės antidiskriminacinės 2009-2011 metų programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317

<sup>53</sup> Lietuvos Respublikos Vyriausybės nutarimas dėl Nediskriminavimo skatinimo 2012-2014 metų tarpinstitucinio veiklos plano patvirtinimo, 2011 m. lapkričio 2 d. Nr. 1281, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=410523&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=410523&p_query=&p_tr2=2), accessed 10 July, 2012.

<sup>54</sup> Report of the Working Group on the Universal Periodic Review, Lithuania, Human Rights Council, Nineteenth session, Agenda item 6, Universal Periodic Review, 19 December, 2011, No. A/HRC/19/15, p. 17.

## 6.1 Racism and related discrimination in employment

### 6.1.1 Manifestations of racism and related discrimination in employment

Ethnic minorities comprise approximately 17% of entire population living in Lithuania,<sup>55</sup> whereas immigrants comprise less than one per cent.<sup>56</sup> The Lithuanian Labour Exchange under the Ministry of Social Security and Labour is responsible for granting work permits to foreigners who live in Lithuania with temporary work permits (people who live in the country with permanent residence permit do not require a work permit). According to Labour Exchange data, 3 743 work permits were issued to foreigners since 2010<sup>57</sup>. Therefore, foreigners with work permits comprise merely 0.12% of Lithuanian labour market.<sup>58</sup>

According to Labour Exchange 1 208 foreigners were unemployed<sup>59</sup>. There are no official statistical data collected countrywide on employment rates, disaggregated by ethnicity or nationality.

In the review of a public poll carried out by the Institute for Ethnic Studies at Lithuanian Social Research Centre,<sup>60</sup> it was observed that people tend to disagree with the fact that working immigrants bring additional value to the economy of the country (more than 1/3 agreed in 2011). Social distance towards co-workers of a different ethnicity or religion is less significant than the social distance towards a neighbour, i.e. respondents generally stated that they would rather work with someone from a different ethnicity or religion than live near them.

Public poll showed an increase in the number of people who would agree to work with Pakistani, Hindu and Buddhists, members of African community or Chinese compared to previous years. Nonetheless, little less than half of respondents (42 – 47%) would not agree to work with Roma people, 1/4 – 1/5 with Chechens, Muslims or refugees.

During an interview with a Roma Community Centre representative, it was stated that Roma people often state having been unsuccessful in job seeking

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<sup>55</sup> The Lithuanian Department of Statistics, *Population Composition*, <http://www.stat.gov.lt/en/pages/view/?id=3038>, accessed 19 August 2012.

<sup>56</sup> 0.91 – 0.98% of entire population. Migration Department under the Ministry of Interior of the Republic of Lithuania, *Užsieniečiai Lietuvoje*, <http://www.migracija.lt/index.php?313509904>, accessed 19 August 2012.

<sup>57</sup> The Lithuanian Labour Exchange under the Ministry of Social Security and Labour, Answer to the inquiry for clarification, 14 November 2012: “According to Lithuanian Labour Exchange data 3 743 work permits were issued to foreigners i.e. 119 work permits in 2010, 1664 in 2011 and 1960 in 2012. Work permits are granted up to two years”.

<sup>58</sup> The Lithuanian Labour Exchange under the Ministry of Social Security and Labour, Answer No. Ds-2405 to the inquiry, 17 August 2012.

<sup>59</sup> Ibid.

<sup>60</sup> 1 009 residents of Lithuania of age between 15 and 74 were personally interviewed. Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, ‘Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita’, *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155.

due to their ethnicity. However, the director of the Roma Community Centre regretted that without testing methods it is difficult to identify and prove discrimination. Around 15 – 20 people per year turn to the Centre in order to search for a job.<sup>61</sup>

Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania released a resolution in reaction to the Roma Integration to the Lithuanian Society Action Plan 2012 – 2014. In the resolution, discrimination was identified as one of the main causes of Roma unemployment as often the Roma encounter discrimination based on ethnic origin by the (potential) employer and/or the colleagues.<sup>62</sup>

As concerns religion, the least welcome groups in the workplace are the Muslim community together with Jehovah's Witnesses, Hindu and Buddhists. Meanwhile the Tatar community, which traces its history in Lithuania to the 13<sup>th</sup> – 14<sup>th</sup> century, and which is predominantly Muslim, is perceived positively; merely 7 people out of 100 would not want to work with Tatar people<sup>63</sup> (compared to Muslim community – 24.2%).<sup>64</sup>

On the other hand, in the long-term, negativity towards mentioned Muslim community appears to be declining. 8.1% less respondents stated that they did not want to work with Muslims in 2011 than previous surveys since 2009. Other social groups are beginning to be viewed slightly more favourable: Afro community (–11.1%), Chechen (–8.3%), and Roma (–3.1%).<sup>65</sup>

The Equal Opportunities Ombudsperson has stated that 13.5% i.e. 23 complaints in total were related to race, ethnicity, nationality and language in 2011<sup>66</sup>. Nine per cent of these cases concerned employment. However, discrimination was not proven in any of these cases.

The inhabitants of the two largest cities in Lithuania – Vilnius and Kaunas – accounted for  $\frac{3}{4}$  of complaints. There were no complaints received from two regions – Tauragė and Alytus. Inhabitants from regions, smaller towns are less likely to complain for various reasons including disappointment, disbelief, uncertainty, etc.<sup>67</sup>

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<sup>61</sup> Total population is approx. 2 900 as of 2001 Population census.

<sup>62</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania, 21 March 2012, Vilnius.

<sup>63</sup> Etninių tyrimų institutas, Lietuvos mokslo taryba, 'Lietuvos socialinių tyrimų centro Etninių tyrimų instituto užsakymu atliktos visuomenės nuostatų apklausos 2012 m. rezultatai', press release.

<sup>64</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155.

<sup>65</sup> Ibid.

<sup>66</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

<sup>67</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

Individuals often consult with the Office but then decide not to pursue a complaint. Many people do not file an official complaint due to fear of losing their job. In light of the economic crisis, people are increasingly reluctant to put their employment in jeopardy. Therefore, human rights abuses remain unaddressed: 'During the time of crisis people keep feeling unsafe and explain that their fear of losing the job keeps them from filing the complaint on discrimination at work as this is how they could draw negative attitude from both their employers and co-workers'.<sup>68</sup>

This issue was also addressed in the UN CERD report, which expressed concern that some victims of racial discrimination do not complain because they fear reprisals, including loss of their employment. In order to change this negative perspective of fear and reprisals, the Committee recommended that the State party established appropriate education programmes for both law enforcement officials and minority groups and that the State took measures in order to ensure the representation of persons belonging to minority groups in the police and the judiciary.<sup>69</sup>

The Ombudsperson noted that during the economic crisis, as was the case last year, the number of discriminatory job announcements on the internet has continued to increase: 'There was a notable increase of discriminatory job offers in the internet in the year of 2011. Such job offers usually stated that particular age or gender was needed for positions of cleaners, drivers, managers, administrators, security'.<sup>70</sup>

In closing remarks of social survey on society's attitudes towards ethnic groups and changes of such attitudes<sup>71</sup> was concluded that "there is a clear correlation between attitudes towards certain groups of people and economic and security issues". Sociologists explain this outcome as it may be the result of competition between the majority of the population and immigrants, i.e. people see immigrants as potential competitors for economical and other recourses. On the other hand, negative attitude might originate from the popular myth in many populations that immigrants will 'steal' their work jobs.<sup>72</sup>

On the contrary, third country nationals who do not obtain the permanent residence permit must go through a long and complicated procedure to be entitled to work due to safeguards in place to protect Lithuanian nationals and EU citizens. Majority of respondents in the research on immigration processes

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<sup>68</sup> Ibid.

<sup>69</sup> Committee on the Elimination of Racial Discrimination, Seventy-eighth session, CERD/C/LTU/CO/4-5, 14 February – 11 March 2011.

<sup>70</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

<sup>71</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155.

<sup>72</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155.

in Lithuania<sup>73</sup> emphasised strict administrative regulations concerning, inter alia, issuance of residence permits and strict rules for establishing a business (for foreigners).

Third country nationals are allowed to be employed in vacancies where there are no other candidates available who are either Lithuanian or EU citizens. They must register in the Labour Exchange at least one month before the employer announces the vacancy. Meanwhile, employer must announce the vacancy publicly and wait for at least one month. Where there are no suitable candidates, the employer can submit an application to Labour Exchange to hire a third country national. In case person is hired, they obtain work permit specifically for that position. Most work permits were issued to long-distance drivers, cooks and construction workers.<sup>74</sup>

Students from outside the EU face similar difficulties when they apply for a work permit. In addition to existing procedure, students can obtain a work permit starting from the second year of studies. Students can work if they study part-time but no more than 20 hours per week<sup>75</sup>.

### **6.1.2 Facilitating factors or protective measures to combat employment challenges**

As the Roma community remains the most isolated from the labour market, special attention was brought to this issue by UN Human Rights Committee. While noting the continuation of the National Programme for the Integration of the Roma into Lithuanian Society (2012 – 2014), the Committee stated that Roma continue to suffer from discrimination, poverty, low educational attainment, large-scale unemployment, and inadequate standards of living, in particular as regards housing. Therefore, it was recommended that Lithuania should evaluate the implementation of existing policies and programmes in order to assess the extent to which they have effectively contributed to an improvement of the social and economic conditions of Roma.<sup>76</sup> CERD's report on Lithuania also expressed the same concern.

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<sup>73</sup> Žibas, Karolis, *Immigration Processes in Lithuania: Social developments of Chinese and Turkish immigrant groups*, [www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/](http://www.erstestiftung.org/social-research/immigration-processes-in-lithuania-social-developments-of-chinese-and-turkish-immigrant-groups/), accessed 20 August 2012.

<sup>74</sup> International Organisation for Migration Vilnius office, *Migracija Lietuvoje: faktai ir skaičiai*, [http://www.emn.lt/uploads/documents/migration\\_profile\\_r1.pdf](http://www.emn.lt/uploads/documents/migration_profile_r1.pdf), accessed 19 August 2012.

<sup>75</sup> The Lithuanian Labour Exchange under the Ministry of Social Security and Labour, Answer No. Ds-2405 to the inquiry, 17 August 2012.

<sup>76</sup> Human Rights Committee. Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations adopted by the Human Rights Committee at its 105<sup>th</sup> session, 9-27 July 2012.

Lithuania explained this issue, as requested in CERD's report.<sup>77</sup> The state officially stated that there are special integration measures in place to help the Roma community fully access education and employment areas.

The Employment Support Law<sup>78</sup> provides active labour market policy measures for unemployed persons who are registered in the Labour Exchange. The government explained that due to the lack of motivation and low education level, members of the Roma community face difficulties in finding a job and that the unemployed among the Roma community do not face any barriers other than those encountered by the rest of the unemployed population<sup>79</sup>. Many Roma individuals do not have identity documents and they do not register in the Labour Exchange, which makes employment difficult. Labour Exchange has opened an information stand in the Roma community centre to announce their newest job openings as well as an information research centre.

The National Programme for the Integration of the Roma was due to be approved in February 2012. One of the tasks was to encourage the Roma community's involvement into labour market. This would be achieved through EU funded projects. The programme was to be coordinated by a special inter-institutional working group comprised of state, municipality and NGO representatives. The Ministry of Culture was to organise a group to ensure the implementation of the Programme. The group was formed but does not have any political power to implement all the measures; nonetheless, instead of a National Programme for Integration of the Roma, The Action Plan for Roma Integration into the Lithuanian Society for 2012-2014 was signed by the Minister of Culture on 20 March 2012.

In the above-mentioned resolution of Roma organisations and non-governmental organisations working with Roma regarding the Action Plan, organisations suggested building upon the existing good practice used by different NGOs and implementing the model of employment developed<sup>80</sup>. The activities implemented have achieved positive results.

In addition, the organisations suggested organising work experience placements and mediation in employment, which would provide individual attention for each client and provide both mediation and social assistance.

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<sup>77</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

<sup>78</sup> Lietuvos Respublikos užimtumo rėmimo įstatymas (Žin., 2006, Nr. 73-2762; 2009, Nr. 86-3638).

<sup>79</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

<sup>80</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania submitted to the European Commission, 21 March 2012, Vilnius.

UNDP Lithuania, SOPA (a non-profit organisation working on the integration of socially excluded groups into the labour market), the Roma community centre and the Social support centre at Vilnius municipality continued to implement a joint project 'Face Roma: Innovative Ways of Roma Integration into the Labour Market'<sup>81</sup>. The project ran from 2009 to 2012 and was designed to combat Roma social exclusion and boost their participation in the labour market as well as their interaction with the local community. By the end of the reporting period, 105 members of the Roma community had participated in the project.

Seventeen Roma persons succeeded in finding employment between January and September 2011. This illustrates the on-going problems faced by Roma in the employment sector. Successful participants found jobs in construction, at a circus, in fast food restaurants and in the agricultural sector.<sup>82</sup>

The Government passed Guidelines for the immigration policy in the Republic of Lithuania in 2008.<sup>83</sup> These guidelines aim to strengthen the economic situation and social development, as well as public finance, in the time of growing emigration and an ageing society. These guidelines set the direction of the immigration policy. Special measures were taken to facilitate the issue of certain work permit regulations.

Work permits must be obtained before arriving in Lithuania. Following the publication of the guidelines, Ministry of Social Security and Labour and Ministry of Interior Affairs<sup>84</sup> issued a joint order on the list of professions which are lacking in the Lithuanian labour market.<sup>85</sup> Ministry of Social Security and Labour renew the Order every six months. This is the means of obtaining a work permit for those already residing in Lithuania.

Arrival procedures for labour migrants were simplified in 2011. All work migrants can now enter the country with a national visa<sup>86</sup>. Therefore, they do

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<sup>81</sup> UNDP Lithuania, *Face Roma: Innovative Ways of Roma Integration into the Labour Market*, [http://www.undp.lt/index.php?page=FACE-ROMA&hl=en\\_US](http://www.undp.lt/index.php?page=FACE-ROMA&hl=en_US), accessed 15 November 2012.

<sup>82</sup> European Union Agency's for Fundamental Rights, 'Fundamental Rights: challenges and achievements in 2011', Annual Report, Luxembourg: Publications Office of the European Union, 2012.

<sup>83</sup> Lietuvos Respublikos Vyriausybės 2008 m. gruodžio 3 d. nutarimas dėl Lietuvos imigracijos politikos gairių patvirtinimo Nr. 1317 (Žin., 2008, Nr. 143-5706).

<sup>84</sup> Leidimo dirbti užsieniečiui, jam esant Lietuvos Respublikoje, išdavimo sąlygų ir tvarkos aprašas, patvirtintas Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2004 m. rugsėjo 28 d. įsakymu Nr. A1-223 / 1V-310 (Žin., 2004, Nr. 149-5435; 2006, Nr. 135-5126).

<sup>85</sup> According to the Order of Ministry of Social Security and Labour, released on 21 December 2010, which endeavours to optimise the conditions for employers to hire qualified workers from foreign countries, a List of professions that Lithuanian Republic lack was approved. The list was composed according to the type of economic activities. It was last renewed on 27 June 2011.

<sup>86</sup> National visa (D) – the holder of national visa can stay in the country for more the 3 months. National visa can be onetime or multiplex. Require health insurance. Lietuvos Respublikos įstatymas dėl užsieniečių teisinės padėties (Žin., 2004, Nr. 73-2539), article 17.

not require visa every time they come to work (though they still need a work permit). Work migrants can apply for residence permit while already residing in Lithuania. Before these changes came into force, only people with occupations that Lithuanian labour market lacked could come to Lithuania.

The EU standards (directives) were transposed into the national law to simplify arrival procedures for certain third countries nationals (students, scientists, highly qualified workers). Highly qualified workers now benefit from a simpler family reunification procedure. The previous position allowed them to bring their families to Lithuania only after two years of work.<sup>87</sup> Nonetheless, this simplified procedure is available only to exceptional groups, not entire immigrant population.

The UN CERD report<sup>88</sup> positively evaluated the Law on Equal Treatment (2005) which prohibits direct or indirect discrimination on the grounds of, inter alia, race and ethnic origin. The Committee also welcomed the amendment of legislation aimed at addressing discrimination such as the amendment of the Law on Equal Treatment (June 2008) which provides support for victims of racial discrimination by shifting the burden of proof in discrimination cases to the respondent, except in criminal cases.

**Internal employment policies.** Few companies have any specific internal policies or regulations which aim to promote diversity in employment. Where such policies exist they usually relate to people with disabilities or unemployment in general, but not ethnic origin or nationality. National funding and subsidising are based on similar grounds, i.e. employers receive a subsidy if they hire an unemployed person via Labour Exchange.

Many foreign nationals state that language requirements are a major barrier to employment. International companies are more inclined to hire foreign nationals than Lithuanian companies. Labour Exchange provides its services equally to all employers, independently to the services they provide, their size or their specific internal policies. Therefore, companies with specific recruitment policies based on diversity principle are not distinguished in any way.<sup>89</sup>

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<sup>87</sup> International Organisation for Migration Vilnius Office, *Migracija Lietuvoje: faktai ir skaičiai*, [http://www.emn.lt/uploads/documents/migration\\_profile\\_r1.pdf](http://www.emn.lt/uploads/documents/migration_profile_r1.pdf), accessed 31 August 2012.

<sup>88</sup> Committee on the Elimination of Racial Discrimination, Seventy-eighth session, CERD/C/LTU/CO/4-5, 14 February – 11 March 2011.

<sup>89</sup> The Lithuanian Labour Exchange under the Ministry of Social Security and Labour, Answer No. Ds-2405 to the inquiry, 17 August 2012.

## 6.2 Racism and related discrimination in education

### 6.2.1 Manifestations of racism and related discrimination in education

There is a lack of comprehensive data on discrimination and racism in education, i.e. access to education based on ethnic background, nationality, skin colour, etc. As indicated in previous reports most of the recent research focuses on Roma education, and to a lesser extent, on multicultural education in a more diverse Vilnius region. Research was carried out in 2006<sup>90</sup>, 2007<sup>91</sup> and 2008<sup>92</sup>.

However, the opinion polls carried out by the Ethnic Research Institute show a rise in negative attitudes towards the Polish minority<sup>93</sup>. Following the media coverage and the public and political developments it might be related to on-going discussions among the state institutions, Polish language schools, Polish party, and civil society organisations about the Educational reforms as well as amendments of the Law on Education<sup>94</sup>.

*'The Equal Opportunities Ombudsperson as it was already indicated has received a bigger amount of complaints regarding discrimination in the field of education. In 2011, there were 30% of complaints (in 2010 – 38%). The absolute majority of the complaints were regarding the provisions of the Law on Education, complaining that it discriminates people studying in Polish.*

<sup>90</sup> Leončikas Tadas, "Romų švietimo iššūkiai"/"Challenges for Roma education", in Etniškumo studijos: Etninis nepakantumas / Ethnicity studies: Ethnic Intolerance 2006/1, Socialinių tyrimų institutas Etninių tyrimų centras, Eugrimas, Vilnius, 2006, <http://www.ces.lt/tyrimai/etniniis-nepakantumas/>, accessed 10 August, 2011.

<sup>91</sup> Leončikas Tadas, "Asimiliacija šiuolaikinėje Lietuvos visuomenėje: švietimo sektoriaus pasirinkimas", in Etniškumo studijos / Ethnicity studies, 2007/1, Socialinių tyrimų instituto etninių tyrimų centras, 2007, Eugrimas, Vilnius.

<sup>92</sup> Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Tyrimo ataskaita, Socialinių tyrimų instituto etninių tyrimų centras, 2008 m. gruodis, Vilnius.

<sup>93</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) p. 139, 144.

<sup>94</sup> E.g. *Švenčionyse išteplioti lenkų kapų paminklai*, Lžinios.lt, 27 October 2011, <http://www.lzinios.lt/Lietuvoje/Kriminalines-parastes/Svencionyse-isteplioti-lenku-kapu-paminklai-atnaujinta>, accessed on 6 January 2012

Kriminalai.com, *Vilniuje vaikas sumuštas už tai, kad kalbėjo lenkiškai?*, 2012 m. sausio 25 d. <http://kriminalai.com/vilniuje-vaikas-sumustas-uz-tai-kad-kalbejo-lenkiskai/>

Černiauskas, Š. *E. Trusevičius: dėl išpuolio prieš lenkų kapus kalta ir Vyriausybė*, DELFI, 27 October 2011, <http://www.delfi.lt/news/daily/lithuania/etrusevicius-del-ispuolio-pries-lenku-kapus-kalta-ir-vyriausybe.d?id=51133247>, accessed on 6

January 2012

*Ažubalis: lenkų kapų niekinimas – išpuolis prieš žmogiškumą*, Valstietis.lt, 2011-10-27, <http://www.valstietis.lt/Pradzia/Naujienos/Kriminalai-nelaimes/A.-Azubalis-lenku-kapu-niekinimas-ispuolis-pries-zmogiskuma>, accessed on 6 January 2012

15min.lt, *Lenkijos švietimo ekspertai pareiškė, kad Lietuvos įstatymas diskriminuoja lenkų moksleivius, ir paragino jį keisti*, BNS, 28 November 2011, <http://www.15min.lt/naujiena/aktualu/lietuva/lenkijos-svietimo-ekspertai-pareiske-kad-lietuvos-istatymas-diskriminuoja-lenku-moksleivius-ir-paragino-ji-keisti-56-182249>, accessed 6 January, 2012.

*Discriminatory practices were not determined, but the Equal Opportunities Ombudsperson has recommended the Ministry on Education and Science to address the issue by considering the possibility of postponing the term of implementation of the law. This would be useful for teachers and pupils to get sufficiently prepared for the amendments foreseen by the Law. In order to foster mutual understanding the Ministry on Education and Science should carry out a continuous monitoring of the implementation of provisions, as well as provide teachers of ethnic minority schools the possibility to raise their qualifications and when necessary ensure re-qualification. Two complaints addressed the uneven situation of students learning in Lithuanian in the Vilnius region<sup>95</sup>.*

The Office of the Equal Opportunities Ombudsperson reports that ‘two complaints in 2011 have referred to the unequal status of the schoolchildren taught in Lithuanian language in Vilnius region’.<sup>96</sup>

The Polish government has been involved in attempts to resolve the conflict between the Lithuanian government and the Polish minority regarding the provisions of the Law on Education. Experts met in November upon the initiative of the Prime Ministers of the Republic of Lithuania and the Republic of Poland. The first meeting ended without resolution. The Ministry of National Education of the Republic of Poland issued a statement that the provisions of the Law on Education are discriminatory.<sup>97</sup>

The main conflict arose regarding the provisions that came into force on 1 September 2011. These made it obligatory for preschool students to be taught in Lithuanian for not less than 4 hours per week starting from the 1<sup>st</sup> September. Primary, secondary and high school education should be carried out bilingually – in Lithuanian and the language of ethnic minority. The Lithuanian Parliament considered the latest amendments to the Law on Education on 26 April 2012, prompted by representatives of the Electoral Action of Poles in Lithuania. The main amendment was to prolong the transitional period regarding the language of education until 2015.<sup>98</sup> Provisions were introduced guaranteeing classes and/or schools where education is provided in the language of the dominant ethnic minority in the region.<sup>99</sup>

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<sup>95</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012, p. 59.

<sup>96</sup> Ibid.

<sup>97</sup> BNS, *Lenkijos švietimo ekspertai pareiškė, kad Lietuvos įstatymas diskriminuoja lenkų moksleivius, ir paragino jį keisti*, 15min.lt, 2011 m. lapkričio 28 d., <http://www.15min.lt/naujiena/aktualu/lietuva/lenkijos-svietimo-ekspertai-pareiske-kad-lietuvos-istatymas-diskriminuoja-lenku-moksleivius-ir-paragino-ji-keisti-56-182249>, accessed 6 January 2012.

<sup>98</sup> Lietuvos Respublikos švietimo įstatymo 3 straipsnio 2 dalies pakeitimo įstatymo projektas, 2011-09-13, Nr. XIP-3576; [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=406160](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=406160), accessed 27 May 2012.

<sup>99</sup> Lietuvos Respublikos švietimo įstatymo 30 straipsnio 8 dalies papildymo įstatymo projektas, Nr. XIP-3577, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=406157](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=406157), accessed 27 May 2012.

Article 38 – which foresees the evaluation of the achievements of the students in spite of language difficulties – has been amended such that the evaluation should be done in accordance with the principle of equal opportunities and other international and national legal acts, regulating the education of ethnic minorities. All secondary schools guarantee the knowledge of Lithuanian according to the Lithuanian state language programmes adopted by the Minister of Education and Science, taking into consideration different usage and learning conditions of the language.<sup>100</sup>

It remains uncertain whether the changes will be adopted. Nevertheless the Parliamentary Committee on Education and Science expressed its disapproval of the amendments on 16 May 2012<sup>101</sup>.

Interesting outcomes of the research were noted in 2007 in relation to education in Vilnius region. In the course of a research project entitled 'Access to education of Vilnius district inhabitants' it was acknowledged that the Vilnius district has perfect conditions to implement democratic multicultural and multilingual education. Nevertheless, ethnocentrism and ethnic intolerance (among the different ethnic groups living in the district and supported by various civil society organisations as well as municipal institutions) are a serious barrier.<sup>102</sup>

The investigation carried out by the Equal Opportunities Ombudsperson regarding the segregation of Roma children in one of the Vilnius schools has already been addressed in the ENAR Shadow report for 2010 – 2011<sup>103</sup>. The Ombudsperson initiated the investigation after an article about a separate class for Roma children of various ages was printed in a newspaper.<sup>104</sup> The Equal Opportunities Ombudsperson recommended that the director of the school 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>105</sup> According to the information received from the Roma Community Centre, the Lithuanian Young Falcon

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<sup>100</sup> Lietuvos Respublikos švietimo įstatymo 38 straipsnio 4 dalies pakeitimo įstatymo projektas, Nr. XIP-3578, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=406154](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=406154), accessed 27 May 2012.

<sup>101</sup> Pagrindinio komiteto išvada Švietimo įstatymo 38 straipsnio 4 dalies pakeitimo įstatymo projektui, Lietuvos Respublikos Seimas, Švietimo, mokslo ir kultūros komitetas, 2012 m. gegužės 16 d. Nr. 106-P-19, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=425401](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=425401), accessed 22 November, 2012.

<sup>102</sup> Balžekienė A., Lapienienė, A., Merkys, G. and Telešienė A., 'Daugiakultūrio ir daugiakalbio ugdymo prielaidos bei problemos etniškai mišriame regione', *Etniškumo studijos*, 2008/1-2 (2008), p. 164.

<sup>103</sup> ENAR Shadow Report 2010/2011. Racism and related discriminatory practices in Lithuania, Birutė Sabatauskaitė, Gediminas Andriukaitis, 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 22 November, 2012.

<sup>104</sup> Jablonskaitė, Dovilė, *Netolerancija: čigonų vaikams mokykla suformavo atskirą 3 Č klasę*, Diena.lt, 3 March 2011, [http://www.diena.lt/dienrastis/tema/netolerancija-cigonu-vaikams-mokykla-suformavo-atskira-3c-klase-337271/psl-3\\_March](http://www.diena.lt/dienrastis/tema/netolerancija-cigonu-vaikams-mokykla-suformavo-atskira-3c-klase-337271/psl-3_March), accessed March 15, 2011.

<sup>105</sup> Lygių galimybių kontrolieriaus tarnybos pažyma dėl tyrimo savo iniciatyva, 2011-05-20, Nr. (11-SN-131), Vilnius.

Union and the media<sup>106</sup>, the class was redistributed. Nevertheless, according to the non-governmental organisations the ignorance of the educational needs of many Roma children remains an issue and children are often transferred to upper classes without the ability to read and/or write<sup>107</sup>.

The UN CERD stressed that the education of Roma is one of the main issues to be addressed by Lithuania. The government should increase its efforts to ensure that Roma children integrate in the mainstream schools, to resolutely address the problem of Roma children dropping out of school and to promote Roma language within 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>108</sup>

The UN Human Rights Council Working group on Universal Periodic Review has made five recommendations regarding the problem of Roma children dropping out of school (Iran, Uruguay), development of close dialogue with minorities regarding language education issues (Norway) and educational programmes and institutions for national minorities (Russia)<sup>109</sup>.

One of the main objectives in the 'Roma Integration to the Lithuanian Society Action Plan 2012-2014' developed by the Ministry of Culture was 'to develop the education of Roma children and adults'. The measures foreseen were '*to organise non-formal education; to organise education activities for Roma children in the Roma Community Centre; to establish two job positions of teaching assistants; to prepare a review on the integration of Roma children in education system; to include adult Roma in non-formal education programmes; to organise Lithuanian language courses for Roma representatives; to develop computer literacy skills of Roma; to organise professional qualification seminars of general education teachers who work with Roma*'.<sup>110</sup> According to the information received from the non-governmental organisations one of the most effective measures foreseen is the introduction of the Roma teaching assistants, nevertheless the

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<sup>106</sup> Jablonskaitė, D. *Romų vaikų diskriminacijos era baigėsi*, Diena.lt, 9 September 2011, <http://www.diena.lt/dienrastis/miestas/romu-vaiku-diskriminacijos-era-baigesi-375336#axzz26gGmwuyM>, accessed 16 January, 2012.

<sup>107</sup> Information received from the interview with the director of the Roma Community Centre Svetlana Novopolskaja, interviewed 30 July 2012.

<sup>108</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-eight 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>109</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review Lithuania, Universal Periodic Review, UN GA, A/HRC/19/15, December 19, 2011, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LTSession12.aspx>, accessed 20 November, 2012.

<sup>110</sup> Lietuvos Respublikos Kultūros ministro įsakymas dėl romų integracijos į Lietuvos visuomenę 2012-2014 metų veiklos plano patvirtinimo, 2012 m. kovo 20 d. Nr. ĮV-196, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=420934&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=420934&p_query=&p_tr2=2), accessed 25 March, 2012.

organisations indicated that the required funding is provided for in only two schools in Vilnius city, and only until November 2012<sup>111</sup>.

Non-governmental organisations proposed in their Resolution to form systematic goals and objectives and clear steps to ensure access to education for children and adult Roma. Measures proposed regarding children in education include: *'Ensuring Roma children do not face discrimination in the general educational system; paying extraordinary attention to the pre-school activities of Roma children; preparing specific methodologies for pre-school education that are applicable for bilingual children; foreseeing concrete measures for supporting different aged children who are early school drop-outs; organising social skills development activities for different age groups, establishing teachers' assistants positions'*.<sup>112</sup>

The above mentioned proposals regarding the education of bilingual children and/or children that learning through a language other than their mother-tongue are also relevant for the children of migrant background. Information received from the Turkish and African communities underlined that there is a lack of systematic assistance for such children<sup>113</sup>.

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 lack basic infrastructure to do so. The authors of the research report indicated migrant schoolchildren could not from all educational opportunities provided due to the lack of a purposive integration policy.<sup>114</sup>

One more complaint investigated by the Equal Opportunities Ombudsperson concerned a requirement by the Šiauliai town municipality for directors of kindergartens to collect money for religious ceremonies and a request to bring children to one specific Catholic Church. The Ombudsperson declared this to be a violation of freedom of consciousness, freedom to private life and noted that a decision to participate in religious ceremonies must be voluntary.<sup>115</sup>

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<sup>111</sup> Information received from the interview with the representatives of the Roma Community Centre, interviewed 30 July 2012.

<sup>112</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania submitted to the European Commission, 21 March 2012.

<sup>113</sup> From the Interview with the leader of the African Community Chijioke Nkemka and President of Turkish community 'Balturka'.

<sup>114</sup> Imigrantų integracija: naujoji studija vertina ir lygina Lietuvą su kitomis Europos šalimis bei Šiaurės Amerika, „Migrantų integracijos politikos indeksas“ (MIPEX III), [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>115</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012, p. 53.

## 6.2.2 Facilitating factors or protective measures to combat education challenges

According to information submitted to the CERD regarding the Roma education: 'the State is undertaking measures to integrate Roma by preparing the special programmes in education and employment'. The government has stated that 'special needs' as described in the Law on Education, will be interpreted broadly to include the need for assistance due to adverse environmental factors. These changes came into force on 1 July 2011.<sup>116</sup>

According to the amended Law on Education, the special needs of children should be addressed by the Child welfare commission, which should coordinate the adoption of education programme for children with special educational needs.

Measures have been adopted by the Minister of Education and Science regarding the integration into the education system of children of foreign nationals who have come to work or live in Lithuania. According to the Order of the Minister of Education, schools should evaluate the level of the education programme that the child has already undergone and then, if needed, liquidate the differences between the different learning programmes and gaps of education, after evaluating the educational achievements<sup>117</sup>. Nevertheless, schoolteachers argue that there are very few schools with sufficient funding to employ teachers' assistants etc. in order to assist the integration of migrant children or children of returned Lithuanian emigrants. The above mentioned document does not apply to those Lithuanian citizens who do not speak Lithuanian as their mother tongue (eg Roma, Polish and Russian children). The special educational requirements of these pupils are thus neglected.

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<sup>116</sup> Article 2.24: '**Special educational needs** – need for assistance and services in the course of the training process, arising from person's exceptional capabilities, congenital or acquired disorders, adverse environmental factors', Republic of Lithuania Law Amending the Law on Education, 17 March 2011, No. XI-1281,

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=407836](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836), accessed 5 June 2012.

<sup>117</sup> Lietuvos Respublikos švietimo ir mokslo ministro 2003 m. birželio 4 d. įsakymas Nr. ISAK-789 „Dėl užsieniečių, atvykusių dirbti arba gyventi į Lietuvos Respubliką, vaikų ugdymo bendrojo lavinimo mokyklose įgyvendinimo“, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=212821&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=212821&p_query=&p_tr2=2), accessed 22 November, 2012.

## 6.3 Racism and related discrimination in housing

### 6.3.1 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 as to whether minorities in the country have more difficulties in accessing housing or face lower living standards in general. However, the information below is presented according to the newly investigated complaints in 2011. Complaints concerned expulsion and demolition of Roma houses and the information received from various non-governmental organisations working with ethnic minorities, migrant organisations or organisations working with migrants. A number of problems in this area have gone unresolved for decades.

According to opinion polls carried out by the Institute for Ethnic Studies in October 2011 *'evaluating various social groups, most of the negative attitudes are expressed, when answering the question about which the groups of people Lithuanian residents would not want to rent housing. More than 60% of respondents said they would not rent housing to Roma (Gypsies) or to former prisoners, more than a half would not rent housing to the mentally disabled or to homosexuals. A significant proportion of inhabitants (39 – 40%) would not want to rent housing to Chechens, refugees, Muslims. 1/3 would not want Jehovah witnesses and Pakistanis as their tenants. ¼ – 1/5 of respondents would not want to rent housing to black people, Hindus, Chinese, people who do not speak Lithuanian and Jews.*

*Lithuanian inhabitants are mostly in favour of renting housing to the traditional ethnic groups (Russians, Ukrainians, and Polish), people of higher social status and followers of traditional Christian religions'.<sup>118</sup>*

A few organisations<sup>119</sup> working with migrants indicated migrants face difficulties in renting a flat. A lease and the owner's permission to be registered at a place of residence are required in order to obtain both a temporary and a permanent residence permit<sup>120, 121</sup>. The organisations stress

<sup>118</sup> Pilinkaitė Sotirovič, Vilana and Žibas, Karolis, 'Etninės ir socialinės grupės Lietuvoje: visuomenės nuostatos ir jų kaita', *Etniškumo studijos*, 2011/1-2 (2011) pp. 136-155, p. 138.

<sup>119</sup> Interviews with the African Community, Consultation Centre 'PLUS', Arab Community, Turkish community 'Balturka', Redcross Consultation and Information Centre for Migrants.

<sup>120</sup> Ibid.

<sup>121</sup> Lietuvos Respublikos Vidaus reikalų ministro 2005 m. gruodžio 21 d. įsakymas Nr. 1V-445 „Dėl leidimų nuolat gyventi Lietuvos Respublikoje užsieniečiams išdavimo bei fiktyvios santuokos sudarymo įvertinimo taisyklių patvirtinimo“, *Žin.*, 2006, Nr.5-157, [http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc\\_l?p\\_id=269276&p\\_query=&p\\_tr2=/t\\_blank](http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=269276&p_query=&p_tr2=/t_blank), accessed 22 November, 2012.

Lietuvos Respublikos vidaus reikalų ministro įsakymas „Dėl dokumentų leidimui laikinai gyventi Lietuvos Respublikoje gauti pateikimo ir leidimų laikinai gyventi Lietuvos Respublikoje užsieniečiams išdavimo, keitimo, panaikinimo, taip pat įvertinimo, ar santuoka arba registruotos partnerystės sutartis buvo sudaryta arba vaikas buvo įvaikintas, kad užsienietis

that there might be two main reasons for not renting the apartment to the foreigners: 1) negative attitudes to the people of a different skin colour, ethnic origin, nationality, religion; 2) because house/flat owners do not want to declare the rent officially as they will then have to pay tax on the income.

The situation of Roma community living in Vilnius suburb Kirtimai (the outskirts of the capital city) has been brought to public attention many times. Unfortunately, the Roma integration action plan for 2012 – 2014 does not foresee any measures to resolve the issue of Roma housing. As indicated in previous ENAR reports the whole Kirtimai settlement, except one house, is considered to be officially illegal, even though some of the houses there date from the fifties, sixties and seventies<sup>122</sup>.

The UN CERD expressed its concern that the Roma continue to be marginalized and live in precarious housing conditions [...] and are considered to be stateless despite the fact that many of them were born in the country<sup>123</sup>.

The European Commission against Racism and Intolerance has consistently expressed concerns regarding the segregation and poor living conditions of the Roma in Lithuania<sup>124</sup>. The European Social Committee in its Conclusions for Lithuania in 2011 expressed that housing is a key priorities which should be resolved as promptly as possible.<sup>125</sup>

The year 2012 was again marked by the demolition of four houses in the Roma Kirtimai encampment. People living in houses that were declared to be illegal by the decisions of the court back in 2009 and 2010 were informed on 27 January 2012 that their house would be demolished on 13 February 2012<sup>126</sup>. As these people did not have anywhere to move to, they requested help from Roma Community Centre at least to delay the demolition until

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gautų leidimą laikinai gyventi Lietuvos Respublikoje, tvarkos aprašo patvirtinimo“, Žin., 2005, Nr. 126-4509; 2009, 62-2501.

<sup>122</sup> From the interview with the Roma Community Centre director Svetlana Novopolskaja.

<sup>123</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.

<sup>124</sup> CoE European Commission against Racism and Intolerance, Report: 2002, 28 of June Strasbourg, 2003, p. 21:

‘ECRI in its reports consistently express its concern regarding the segregation of Roma in Lithuania, especially in the sphere of housing, and particularly in Vilnius Roma settlement called Kirtimai, the population of which is left ‘behind the system of communal services and is getting no insurance which belong to them as citizens of Lithuania and inhabitants of Vilnius’.

<sup>125</sup> CoE ESC Conclusions for Lithuania, 2011 on article 31 on housing ([http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Lithuania2011\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Lithuania2011_en.pdf)):

‘Lithuania was not entirely observing its housing obligations during the reference period, among others – regarding paragraph (1) – due to the poor measures to improve the situation of the Roma.’

<sup>126</sup> Copies of the bailiff’s notes given to the Lithuanian Centre for Human Rights by the people against whom the decisions were carried out, the copies are kept in the Lithuanian Centre for Human Rights.

warmer weather. Therefore, the Roma Community Centre in cooperation with the Lithuanian Centre for Human Rights requested the bailiff and the State Territorial Planning and Construction Inspectorate to postpone the demolition. Despite the pressure and request, the bailiff adopted a decision and sent it to the Roma Community Centre right after the end of official working hours on 10 February 2012, stating that the demolition would take place at eight in the morning (therefore not leaving any possibility to appeal the decision).

The Roma Community Centre, Gypsy Association 'Gypsy Fire' and the European Roma Rights Centre also tried to address Seimas Ombudsperson regarding the decision to demolish houses.

The Seimas Ombudsperson declared that the eviction was legal if the material and procedural conditions were followed and disregarded the submissions stating that there had been no alternative housing offered to those whose houses were demolished.<sup>127</sup>

Three NGOs – Roma Community Centre, Lithuanian Centre for Human Rights and National Social Integration Institute – have observed the procedure of eviction and demolition. During the process, the State Territorial Planning and Construction Inspectorate registered several other houses for the list of possible evictions. The criteria according to which houses were registered were unclear, because some of the houses registered were built as recently as the seventies.

The Human Rights Coalition has requested official information from the Vilnius municipality regarding any possible strategic moves, after an announcement by the Vilnius mayor that 'Vilnius city municipality is carrying out Roma integration programme, as well as preparing the programme – the municipality will aim to receive European fund in order to start quick Roma eviction from the encampment in 2014'.<sup>128</sup> According to the official response from the Municipality, the integration programme was not adopted by the Vilnius Municipality and the National Action plan adopted later in 2012 does not foresee any measures on housing.

The non-governmental organisations expressed their concerns regarding the Roma housing situation: 'The Action Plan does not address the issue of housing at all and does not describe the involvement of municipalities in it. Roma NGOs and NGOs working with Roma are concerned that neither the Government, nor the Municipality of Vilnius have a common housing strategy,

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<sup>127</sup> Lietuvos Respublikos Seimo kontrolieriaus tarpininkavimo pažyma dėl Gitos Rinkevič, Stepan Soročinskij, Viktor Adomaičio ir Valentinios Rumiancevos skundo ir dėl Europos romų teisių centro (European Roma Rights Centre), viešosios įstaigos Romų visuomenės centro ir Lietuvos čigonų bendrijos 'Čigonų laužas' skundo prieš Vilniaus miesto savivaldybę, Valstybinę teritorijų planavimo ir statybos inspekciją prie aplinkos ministerijos ir antstolį Valda Čegliką, 2012-02-10, Nr. 4d-2012/4-193,220.

<sup>128</sup> DELFI, A. Zuokas 2014 m. Nori pradėti 'spartų romų iškeldinimą iš taboro', 2012 m. vasario 13 d., <http://www.delfi.lt/news/daily/lithuania/azuokas-2014-m-nori-pradeti-spartu-romu-iskeldinima-is-taboro.d?id=55437701>, accessed 13 February, 2012.

especially bearing in mind events of 13 February 2012<sup>129</sup> and the illegal evictions in 2004 as well as the plans expressed by the Mayor of Vilnius to dismantle the encampment by 2014'.<sup>130</sup>

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<sup>129</sup> Three houses in Kirtimai settlement were demolished in the temperature of -20C, that forced two families to ask for housing from their relatives and putting them even in more difficult conditions, e.g. nine persons have to stay in one room. Municipality proposed social housing to families only 1 working day before the eviction and the place was a well known as drug-trafficking spot. Hence, one of the families refused to move, as they do not want to be affiliated with drugs due to the public attitude towards Roma people.

<sup>130</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania submitted to the European Commission, 21 March 2012.

## 6.4 Racism and related discrimination in health

### 6.4.1 Manifestations of racism and related discrimination in health

Racism and related discrimination are prohibited in healthcare by a number of legal instruments – at international, EU and national levels. Nonetheless, personal prejudice on the part of healthcare personnel can be a problem for ethnic, national, religious minorities and migrants living in Lithuania.

The UN CERD also expressed its concern that the Roma (around 2 900 people in Lithuania) continue to be marginalized and live in precarious conditions in terms of, inter alia, access to adequate health facilities.<sup>131</sup>

The Committee has recommended that the government should take special measures regarding the Roma; to allocate sufficient resources for programmes targeting the Roma community and to involve Roma representatives and civil society organisations in the implementation of these programmes.

The Lithuanian government responded to the recommendations by the UN CERD. It explained that in the field of healthcare, there are no specific restrictions for the Roma people and they have the same healthcare rights as other Lithuanian citizens<sup>132</sup>. However, a significant number of Roma people are considered to be stateless. These people, according to the law, are entitled only to first aid and emergency assistance as this is guaranteed to any other person in Lithuania<sup>133</sup>.

Under article 6 of Lithuanian Law on Health Insurance<sup>134</sup>, the Roma community is entitled to free healthcare if they are registered in the Labour Exchange. Nonetheless, many Roma people do not register with the Labour Exchange.

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<sup>131</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-eight session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/418/19/PDF/G1141819.pdf?OpenElement>, accessed March 22, 2011.

<sup>132</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

<sup>133</sup> Lietuvos Respublikos sveikatos apsaugos ministro 2004 m. balandžio 8 d. įsakymas Nr. V-208 dėl būtiniosios medicinos pagalbos ir būtiniosios medicinos pagalbos paslaugų teikimo tvarkos bei masto patvirtinimo (Žin., 2004, Nr. 55-1915).

<sup>134</sup> Lietuvos Respublikos sveikatos draudimo įstatymas (Žin., 1996, Nr. 55-1287; 2002, Nr. 123-5512; 2011, Nr. 160-7564).

The Office of Equal Opportunities Ombudsperson did not receive any complaints or verbal inquiries concerning discrimination in healthcare based on ethnicity or religious belief during the period under review.

No research was conducted on discrimination or racism in the healthcare sector during the period under review.

A number of interviews were conducted with representatives of various ethnic and religious groups in Lithuania<sup>135</sup>, as well as representatives of centres for migrants.<sup>136</sup> Interviewees stated that they did not feel discriminated against in the healthcare sector. Neither Muslim men nor women reported problems in this sector.

However, there were instances where individuals did experience negative attitudes on the part of medical personnel. For example, one physician told a Lithuanian woman that she should not live with an Egyptian Muslim (her husband). This case was not officially reported.

The main issues in the healthcare sector highlighted by interviewees were the language barrier and negative attitudes on the part of personnel.

Students from outside the EU are not entitled to state funded health services if they hold a temporary residence permit and they do not work. These students must use private insurance companies unless they hold a permanent residence permit. In this case they are entitled to state funded health services.<sup>137</sup> Some of these students obtain health insurance in their home countries. This may not cover all medical expenses (only emergency services) in Lithuania.

#### **6.4.2 Facilitating factors or protective measures to combat health inequalities**

Roma organisations and non-governmental organisations working with Roma have released a resolution regarding the Roma integration strategy in Lithuania (further – Resolution). Organisations have released this Resolution in response to a Ministry of Culture, which led Action Plan of Roma Integration<sup>138</sup>. Resolution was also sent to European Commission.

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<sup>135</sup> African community of Vilnius, Arab community, Human Rights House Belarus, Jewish community of Lithuania, Polish community, Roma community centre, Tartar community, Turkish community 'Balturka'.

<sup>136</sup> Consultation and Information Centre PLUS and Red Cross Consulting centre for migrants.

<sup>137</sup> Answer of the National Health Insurance Fund under the Ministry of Health to the inquiry, 24 August 2012.

<sup>138</sup> Action plan for Roma Integration into Lithuanian Society for 2012-2014, Approved by the Order No. JV-196 of the Minister of Culture of the Republic of Lithuania of 20 March 2012.

Among other things, Ministry's Action Plan addressed healthcare issues. Non-governmental organisations in their Resolution noted that the Action Plan did not take into account the connection between the health issues, living conditions (for example, the majority of the houses do not have clean water), and discrimination in the areas of health, education, housing and employment. Organisations stated remarks and six specific proposals in the Resolution:

1. Initiate analysis of health conditions of Roma in Lithuania, which would help to identify the main health problems and the needed services;
2. Make the procurement procedures on addiction prevention campaigns accessible for the Roma NGOs;
3. Prioritise the prevention of drug-use and other addictions in Roma settlements, especially in Kirtimai settlement in Vilnius;
4. Make the health services accessible and understandable for the Roma taking into consideration the low literacy level, e.g. by explaining the necessary procedures orally;
5. Set up health contact points working with the Roma population in not only Vilnius, but also other regions. This should include not only the hygiene issues, but also essential knowledge and skills on vaccination, using health insurance, etc.
6. Put topics of AIDS and other infectious diseases among Roma on the specialists' agenda in order to prevent it from becoming another reason for segregation and discrimination<sup>139</sup>.

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<sup>139</sup> Resolution of Roma organisations and non-governmental organisations working with Roma regarding the Roma integration strategy in Lithuania submitted to the European Commission, 21 March 2012.

## 6.5 Racism and related discrimination in access to goods and services

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

The Equal Opportunities Ombudsperson report stated there was an increase in complaints on the ground of racial, ethnic discrimination or discrimination because of the language or religion in the sector of accessibility to goods and services during the period under review.<sup>140</sup> In fact, complaints concerning the service sector comprised 30% of all cases in the racial/ethnic discrimination field. Two complaints were concerning a driving exam. One of the cases was recognised to be discriminatory. This case challenged the rule that Russian is the only foreign language, which can be used while taking a driving exam with no additional charges<sup>141</sup>.

After investigation, the Office of the Equal Opportunities Ombudsperson stated that people who spoke Russian were at an advantage compared to those who spoke other foreign languages. It was possible to take the exam in Lithuanian or Russian but for other languages the exam-taker had to pay for the services of an interpreter. Therefore, Russian-speakers had an opportunity to take the exam without an interpreter's service. As they did not have to pay the additional charge, it placed all others in a more difficult position. The Office suggested that the Exam Centre – State enterprise 'Regitra' – should change this regulation. The recommendation was accepted and the exam can now be taken in English as well.

13% of complaints concerned the work of governmental institutions. The total number was lower than in previous years. Discrimination was not established in any of these cases<sup>142</sup>.

The Office also reported a case where discrimination on the grounds of religion was investigated. The Ministry of Social Security and Labour had announced a call No. VP1-1.3-SADM-02-K-03 for project applications through the EU funded measure 'Integration of social risk and social exclusion groups into the labour market'. Funding for the measure was approved on 20 January 2011 by the Minister's order No. A1-29<sup>143</sup>. The call for applications explicitly stated that applicants, inter alia, could be traditional religious communities and associations. The Law on Religious Communities and Associations defines

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<sup>140</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Dėl 2007-2013 m. Žmogiškųjų išteklių plėtros veiksnių programos 1 prioriteto 'Kokybiškas užimtumas ir socialinė aprėptis' VP1-1.3-SADM-02-K priemonės 'Socialinės rizikos ir socialinę atskirtį patiriančių asmenų integracija į darbo rinką' projektų finansavimo sąlygų aprašo patvirtinimo (Žin., 2011, Nr. 11-498).

traditional religious communities and associations.<sup>144</sup> Inquiry by the Office of Equal Opportunities Ombudsperson found that religious communities and associations that are not 'traditional' (e.g. Shiite Muslim) were in a worse position compared to the traditional communities and associations, as they did not have the right to submit applications.

The Ombudsperson recommended that the Ministry evaluate all grounds stated in the Equal Opportunities Law when announcing any calls for submitting applications for obtaining EU structural grants<sup>145</sup>.

Interviews were conducted with representatives of ethnic minorities regarding access to goods and services. Interviewees stated that private sector is better prepared for foreign consumers than the public sector. They stressed the language barrier in public sector, as well as the fact that English versions of institutions' websites are often less informative than Lithuanian version.

A permanent residence permit is required in order to open a bank account. Where a person has a temporary residence permit, several filters are applied, mostly in connection to Money Laundering and Security requirements.

Representatives from the two largest banks in Lithuania, i.e. 'Swedbank' and 'SEB' bank, stated, 'any individual, inter alia, foreigner from a third country can open a bank account. Person has to present personal identification document and a statement with the reason for opening an account. E.g., note from the employer with the assertion that account is needed to transfer the salary. This data is needed to meet money laundering and security requirements. After individual has submitted required documents, bank provides an answer on possibility of opening account in few working days time'<sup>146</sup>. 'SEB' bank also stated that special attention could be brought to citizens of states that are not members of the Financial Action Task Force on Money Laundering (FATF)<sup>147</sup> and as required by the prevention of money laundering and terrorist financing laws of Lithuania<sup>148</sup>.

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<sup>144</sup> Article 5. Traditional Religious Communities and Associations of Lithuania: The State shall recognize nine traditional religious communities and associations existing in Lithuania, which comprise a part of Lithuania's historical, spiritual and social heritage: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaist, Sunni Muslim and Karaite (Žin., 1995, Nr. 89-1985; 2010, Nr. 1-12).

<sup>145</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

<sup>146</sup> Answer from 'Swedbank' to the inquiry, 28 August 2012.

<sup>147</sup> The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a 'policy-making body' which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.

<sup>148</sup> Lietuvos Respublikos pinigų plovimo ir teroristų finansavimo prevencijos įstatymas (Žin., 1997, Nr. 64-1502; 2008, Nr. 10-335), article 9:

Some individuals from countries which face strict international sanctions encounter certain difficulties. If the person can explain their socio-economic interest in opening an account in Lithuania, supported by relevant documentation, the account is opened. Representatives of 'SEB' bank explained: 'As third country nationals have to present required documents, it might seem it is harder for them to open a bank account. Nonetheless, the main problem banks face is that such people cannot explain why they need bank account, refuse to identify their main financial source or what financial operations they plan to operate using bank account, etc.'<sup>149</sup> Hence, the bank cannot fulfil its obligations under national, EU and international law.

On the other hand, the African Community of Vilnius informed us that as a legal entity their request to open of a bank account in one of major Lithuanian banks 'Swedbank' was rejected with no comprehensive explanation. The bank required a lot of additional information and explanations before providing a bank account for a legal person. Meanwhile the other bank, 'SEB' bank had no difficulties with this issue and opened a bank account. However, African Community of Vilnius did not submit any official complaint for Equal Opportunities Ombudsperson or other competent institution regarding this possibly discriminatory behaviour.

No cases were reported concerning racism or related discrimination on entry into shops, access to transport, clubs, and bars.

### **6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services**

The UN CERD in the report welcomed the Draft Law on National Minorities that gives a right to those living in residential areas with a high density of national minorities to address local authorities and organisations in their own language. Provisions in the draft law also allow for signs and information to be provided in the languages of national minorities in addition to the official language.<sup>150</sup> However, the draft has yet to be adopted by Parliament. The formation of the working group and the drafting of the law were overseen by the Ministry of Culture.

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7. In all cases when the identity of the customer and the beneficial owner is established, financial institutions and other entities must obtain from the customer information on the purpose and intended nature of the customer's business relationships.

8. In all cases when the identity of the customer and the beneficial owner is established, financial institutions and other entities must verify the customer's and beneficial owner's identity on the basis of documents, data or information obtained from a reliable and independent source.

<sup>149</sup> Answer from 'SEB' bank to the inquiry, 28 August 2012.

<sup>150</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-eight session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

## 6.6 Racism and related discrimination in political participation

### 6.6.1. Manifestations of racism and related discrimination in the realm of political participation

This chapter will discuss the exercise of active and passive voting rights by migrants, national and ethnic minorities. It will provide an overview of the political party programmes and their attitude towards anti-discrimination as well as a proactive approach to implementing diversity measures within their parties. Furthermore, this chapter will discuss the procedure of naturalisation since active and passive voting rights depend very much on whether or not person is a citizen.

**Voting rights:** In short, no foreigner living in Lithuania who is not a citizen can exercise passive and active voting rights in the general elections.

Foreigners who have a permanent residence permit can participate in the European Parliament and Municipal elections. As it is stated in the overview on Lithuania by British Council and Migration Policy Group, 'beyond limited voting rights Lithuania does not value active migrant civic participation, a problem across Central Europe. Non-EU permanent residents can vote and stand in local elections, with Lithuania leading the region on this European trend towards best practice'<sup>151</sup>. Temporary residents do not have this right.

**The Parliament:** the Republic of Lithuania Law on Election to the Seimas (Lithuanian Parliament) governs voting and candidate eligibility. Article two provision 1 states that citizens who are of 18 years-old and over and have no court restraints due to mental incapacity can vote. Therefore persons with permanent residence permits or citizens of EU living permanently in Lithuania cannot vote. Acquiring Lithuanian citizenship is a complicated and demanding procedure (more about further in this chapter). Requirements to stand as a candidate in the Parliament are higher. Article 2 provision 2 states that to be eligible as a candidate a citizen cannot hold an allegiance to any other state and must have a permanent place of residence in Lithuania.

**The President:** Election of the President of Lithuania is governed by Republic of Lithuania Law on Presidential Elections. Article 4 of the Law states that only citizens shall participate in the election of the President. Conditions that are more stringent apply for those who wish to stand as candidates. A candidate must have lived in Lithuania for at least last 3 years and must be a citizen by birth. This means that those received their citizenship through ordinary naturalisation cannot vote.

**The European Parliament:** The European Parliament election procedure is laid down in the Republic of Lithuania Law on Elections to the European

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<sup>151</sup> Migrant Integration Policy Index, Lithuania Overview, Political Participation <http://www.mipex.eu/lithuania>, accessed 16 November 2012.

Parliament. The requirements for the voter are practically mirrored by those of the Lithuanian Parliament elections with one main exception: a citizen of another Member State of the EU who is permanently resident in Lithuania can vote (not only the citizens of Lithuania)<sup>152</sup>. To stand as a candidate in the EP elections an individual must satisfy the following requirements: she or he must be of Lithuanian citizenship or citizen of any other EU Member State, permanently resident in Lithuania and must not stand as a candidate in another Member State<sup>153</sup>.

**Local Government:** the election of local governments is regulated by Republic of Lithuania Law on Municipal Council Elections. Every person who permanently resides in certain municipality has a passive and active right to vote. The legislation further specifies who is regarded as permanently resident. Permanent residents Lithuanian citizens who have declared their permanent residence in that municipality (Article 2 provision 3) Persons who have a permanent residence permit to live in Lithuania and who are registered as permanently resident in certain municipality are also permanent residents under this law.

## **Residence and Citizenship**

There are various ways in which a person may lawfully reside in Lithuania, including citizenship, temporary residence permits and permanent residence permits.

### **Citizenship**

Citizenship is very important in Lithuania since many civic rights are derived from it. Citizenship is dealt with under the Republic of Lithuania Citizenship Law. There are three main ways to obtain Lithuanian citizenship: citizenship by birth, by naturalisation process or by marriage<sup>154</sup>.

Citizenship by birth is relatively straightforward. Article 8 provision 1 states that if both parents are Lithuanians, the child will also be Lithuanian irrespective of the place of birth. Provision 2 further explains that if both parents lose citizenship so do their children under eighteen, unless this would result in children becoming stateless. A child acquires Lithuanian citizenship if one of his parents is a Lithuanian citizen. Article 10 provides that all children born in Lithuania to people who permanently live in Lithuania are entitled to citizenship. Dual citizenship is not permitted in Lithuania. Article 18 of the Law provides that a Lithuanian citizen loses his Lithuanian citizenship upon acquisition of the citizenship of another country.

### **Naturalisation process**

Naturalisation process is the most important way of acquiring citizenship for those who come to settle in Lithuania from other countries. Article 12 specifies

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<sup>152</sup> Republic of Lithuania Law on Elections to the European Parliament Article 3 provision 1.

<sup>153</sup> Ibid., provision 4.

<sup>154</sup> Republic of Lithuania Citizenship Law Article 7.

the requirements for acquiring citizenship. The requirements for citizenship are the following: pass a language test, have a permanent residence permit, person must have lived in Lithuania for the last 10 years, have a lawful means of subsistence, must pass a Constitution examination, is stateless or would instantly lose his current citizenship upon acquisition of Lithuanian citizenship<sup>155</sup>.

Citizenship may also be acquired through marriage. This is provided for in Article 14 and it basically duplicates the Article 12 requirements with some exceptions. First, there is no need to have a lawful means of subsistence and second the time requirement is shorter: instead of 10 years continuous residence the person must have lived in Lithuania for 7 years.

It must be stressed that a foreign national living in Lithuania, like in other Baltic countries, must overcome long and quite complex procedures to obtain citizenship. Status of 'new' citizens is very vulnerable and citizenship can be refused even if all requirements have been met. Because of the difficulties faced by those seeking citizenship, many foreign nationals in Lithuania are disenfranchised. The situation is particularly poor by European Union standards.<sup>156</sup>

### ***Temporary Residence***

A temporary residence permit may be granted if a person meets the requirements laid down in the Republic of Lithuania Law on Legal Status of Aliens article 40. The grounds for granting temporary residence permit are the following: the foreigner has retained the possibility of obtaining Lithuanian citizenship, there is a family reunion (but only with closest relatives, namely parents, children, spouse), person is seeking a job, person is to take up a lawful undertaking, person is to enrol in educational activity, person is a legal guardian (Art. 43-47).

### ***Permanent Residence***

The grounds under which permanent residence permit may be issued are contained in Article 53 of the Law. Such grounds are the following: person has retained right to obtain Lithuanian citizenship, the person is of Lithuanian descent, the person came to Lithuania as a family member of the citizen, the person lost their Lithuanian citizenship but continues to reside in Lithuania, the person is a child under eighteen years of age whose parents or one of the parents are citizens or have a residence permit and are registered as living in Lithuania, the person is an asylum seeker, the person has legally resided in Lithuania for 5 years.

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<sup>155</sup> Ibid, 12 provisions 1-6 respectively.

<sup>156</sup> Migration Integration Policy Index

[http://www.mipex.eu/play/bar.php?chart\\_type=bar&countries=3,26&objects=106,180&periods=2010&group\\_by=country](http://www.mipex.eu/play/bar.php?chart_type=bar&countries=3,26&objects=106,180&periods=2010&group_by=country), accessed on 1 August 2012.

It has to be noted that nominally the law on permanent and temporary residence seems to be in line with European standards.<sup>157</sup> However, on one instance, on the event of a family reunion a permanent and temporary residence was denied and a person was deported back to Belarus.<sup>158</sup> This example raises doubts as to the effectiveness of this seemingly good law.

Furthermore, during a talk with a Human Rights House Belarus representative, it has become known that many third country nationals who come to study in Lithuania complain that the time they spent studying in universities (or other higher education establishments) was not counted towards the period necessary to get a permanent residence permit. This again indicates that law is not being properly enforced.

#### **6.6.2. Facilitating factor or protective measures to promote equality political participation**

***Diversity in the political parties.*** So far, to the knowledge of authors, none of the political parties have made issues concerning ethnic minorities integral to their political agenda (except those political programmes that were prepared for upcoming Parliamentary elections). As far as we are aware, the MPG toolkit to leverage diversity has not been used.

There is no information to indicate that trade unions try to involve people based on diversity criteria.

***Differences between Participation in Private and Public sectors.*** There is no statistical data in Lithuania that tracks racial, religion, nationality characteristics of workers. Lithuanian Department of Statistics is conducting a data collection of dispersion of men and women in both private and public sectors.

There is no specific information regarding access to political participation for minority women. According to Department's data, 38.1% of women work in public sector and 61.9% are employed in the private sector. Fewer men work in the public sector (19.8%)<sup>159</sup>. The ratio changes in relation to Lithuanian Parliament. In the current Parliament (elected for 2008-2012), 18.4% are women. This may be contrasted to 1992-1996 session where women comprised only 7.1% of Parliament members<sup>160</sup>.

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<sup>157</sup> Ibid.

<sup>158</sup> Information gathered from the interview with the Roma Community Center representatives, interviewed 30 July 2012.

<sup>159</sup> Lithuanian Department of Statistics <http://www.stat.gov.lt/lt/pages/view/?id=1303>, accessed on 25 July 2012.

<sup>160</sup> Lithuanian Department of Statistics <http://www.stat.gov.lt/lt/pages/view/?id=1306>, accessed on 22 July 2012.

## 6.7 Racism and related discrimination in media

### 6.7.1 Manifestations of racism and related discrimination in the media, including the internet

The media play an extremely powerful role in shaping public opinion regarding certain groups of people. It is also capable of fostering diversity and respect for human rights. A large proportion of hate crimes now is being committed in cyberspace. Lithuania, in its answer to the recommendations of the UN CERD, stated that 95% of all racial discrimination acts are carried out on internet, i.e. commenting on articles on the internet, news portals, blogs, forums, social networks<sup>161</sup>. So-called 'cyber hate crimes' remain very difficult to prove in Lithuania. Both the lack of experience, competence or financing of the relevant authorities and the clash of different rights and freedoms are obstacles in investigation of such crimes.

The Equal Opportunities Ombudsperson's Office has reported that the lack of information on equal opportunities and non-discrimination in regional media remains one of the reasons why residents of regions are less aware of the principle of equal treatment, non-discrimination policy.<sup>162</sup>

The UN CERD stressed the importance of this problem in Lithuania in their report. The Committee has set special recommendations to Lithuania on the media and its deliberate negative profiling of certain groups of people<sup>163</sup>.

Despite legislative and institutional efforts to combat racial prejudice and xenophobic stereotyping in sports, media and internet, the Committee noted that racist and xenophobic incidents continue to occur. The Committee recommended that:

- The government should ensure that racist and xenophobic incidents and discriminatory behaviour are effectively prosecuted.
- In addition, those perpetrators should be punished and effective remedies should be made available to victims.
- The committee recommended that the State party investigated cases of hate crimes in accordance with national legislation and the Convention.

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<sup>161</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

<sup>162</sup> Lygių galimybių kontrolieriaus tarnybos 2011 m. ataskaita, <http://www.lygybe.lt/?pageid=7>, accessed 5 August 2012.

<sup>163</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-eight session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed March 22, 2011.

- Furthermore, the Committee recommended that the government carried out awareness-raising campaigns to sensitize the public and prevent the occurrence of similar acts in the future.

The Government responded to CERD's recommendations stating that the Constitution and national laws provide legal protection for vulnerable groups against incitement to racial hatred in the mass media. Incitement to hatred does not comply with freedom of self-expression and principle of public information<sup>164</sup>.

Article 19 of the Law on the Provision of Information to the Public<sup>165</sup> states that 'it shall be prohibited to publish in the media information which: instigates war or hatred, ridicule, humiliation, instigates discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on grounds of [...] ethnic origin, race, nationality, citizenship, language, origin, social status, belief, convictions, views or religion'.

The Office of the Inspector of Journalist Ethics monitors the application of this law. The Inspector considers the defence of human rights to be an important part of its mandate and this was established in Office's long-term strategy (for 2012-2014)<sup>166</sup>. One of the main goals is to reorganise Inspector's Office to Ombudsperson's Office for Human Rights Protection in Public Media.

Since 1 January 2010, the competence of the Office of the Inspector of Journalist Ethics has been broadened through the addition of another function and an amendment of the Law on the Provision of Information to the Public. Since the amendment, the Inspector must use its expertise to evaluate whether particular information in the media instigates 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-regulatory body of Publishers and Journalists Ethics. Like last year, in its annual report the Inspector admits that the Office 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>167</sup> Out of 59 requests from the prosecution service to provide its expertise regarding the incitement of hatred, the Inspector was able to address six. Others were carried out late in 2011. Thus, unsurprisingly, a significant number of pre-trial investigations had to be halted due to the lack of expert findings. The Inspector highlighted that without the allocation of proper funds, additional

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<sup>164</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

<sup>165</sup> Žin., 2006, Nr. 82-3254

<sup>166</sup> Žurnalistų etikos inspektoriatas 2011 metų veiklos ataskaita, Vilnius, 2012. Available in Lithuanian at [www3.lrs.lt/docs2/YYZSVDAF.PDF](http://www3.lrs.lt/docs2/YYZSVDAF.PDF), accessed August 28, 2012.

<sup>167</sup> *ibid.*

work simply cannot be done and this certainly causes a negative impact on pre-trial investigations.<sup>168</sup>

An ENAR Lithuania member, the Lithuanian Centre for Human Rights, has also sent an official inquiry requesting the Inspector's Office to investigate and provide an expert opinion. The case concerned a two-volume historical book entitled 'Black pages of Lithuanian History; History of injustice by Polish to Lithuanians'<sup>169</sup> and a brochure 'Overview of the history of Polish's harm to Lithuanians'<sup>170</sup>. The Lithuanian Centre for Human Rights asked the Inspector to provide an expert opinion on whether public information in the book incites hatred based on nationality, origin and social status. The Office responded that due to lack of funding, it is only investigating requests received from pre-trial investigation institutions. Priority was given to ongoing pre-trial investigations. Therefore, the inquiry was not examined. Lithuanian Centre for Human Rights then submitted a request to launch a pre-trial investigation to the Prosecutor General's Office<sup>171</sup>. Vilnius County Prosecutor's Office was responsible for investigating the case. They refused to launch an investigation on the grounds the Criminal Code had not been violated. The prosecutor stated that the book is a work of literature, where the author expressed his opinion.

During the reporting period, the Journalists Ethics Inspector's Office also had to discontinue its work in monitoring the internet due to lack of resources. 24% of all cases investigated by the Inspector's Office concerned incitement of discrimination on the grounds of ethnic origin and nationality grounds. Discrimination, incitement to hatred, calls for physical violence were observed in the mainstream news portals on the internet. In light of this, a live conference-discussion was organised on 11 October 2011. A conference entitled 'About words and their meaning while expressing hatred'<sup>172</sup> was organised in cooperation with one of the biggest news portals 'Delfi'. The main goal of this event was to raise awareness on the issue and to reduce the number of cases where hatred was incited on the internet, especially in comments after articles ('Delfi' holds a high proportion of such comments).<sup>173</sup>

Anti-Semitism continued to feature in the mass media. Few cases were submitted to the self-regulatory body – the Publishers and Journalists Ethics Commission. Commission examined whether publishers or journalists followed the Ethics Code of Journalists and Publishers. Nearly all anti-Semitic cases were related to the same media group. The cases were related to the

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<sup>168</sup> Ibid.

<sup>169</sup> Liekis A. *Juodieji Lietuvos istorijos puslapiai. T.1. Lenkų skriaudų lietuviams istorija (iki 1921 m.)* (Kaunas: Aušra, 2011)

<sup>170</sup> Liekis A. *Lenkų skriaudų lietuviams istorijos apžvalga: [leidinio] „Juodieji Lietuvos istorijos puslapiai“ [t.] I-II (iki 1939 m.) [baigiamieji pamąstymai]* (Vilnius: Mokslo tyros institutas, 2011)

<sup>171</sup> Request sent 15 February 2012

<sup>172</sup> DELFI, <http://conference.delfi.lt/web/conference.show.sym?id=125>, accessed 2012-08-29

<sup>173</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

tendentious and biased content of some articles that libelled the Jews community in Lithuania, attacking their religion and inciting hatred<sup>174</sup>.

The outcomes of the above mentioned cases were poor; violation of the Ethics Code was not proven in any case. Commission informed the editorial office that the article headlines did not reflect its content.

Visual materials were also the subject of complaints. The Lithuanian Centre for Human Rights has submitted a complaint concerning a photo in an entertainment portal 'demotyvacija.lt'. The photo depicted dead Jewish people during the WWII (during the mass killings). The title underneath photo stated 'Lazy Jews'. The Commission noted it was a clear act of straightforward mocking of dead people. Commission transferred the complaint to the Journalist Ethics Inspector's Office, as this is their competence<sup>175</sup>. Picture is no longer available in the website.

### 6.7.2 Facilitating factor or protective measures in the media

Lithuania was ranked thirtieth<sup>176</sup> in the world in the Press Freedom Index compiled by Reporters without Borders and classified as a free country in terms of the press freedom by Freedom House. On the other hand, Lithuania has dropped by more than 10 positions. In 2010, Lithuania was ranked as 11<sup>th</sup>.

Awareness rising tools in the media supported the integration of vulnerable ethnic groups into society during 2011.

**Television.** National and commercial television channels broadcasted two different television programmes weekly: '*Europos vidury*' ('In a Middle of Europe') and '*Nematomi. Tarp mūsų*' ('The invisible. Between us'). These programmes covered topics as migration, multiculturalism, intercultural dialogue, ethnic minorities in Lithuania, etc. These programmes aired as part of European Union funded projects.

**Internet.** The third largest news portal '15min.lt' organised an online contest for foreigners<sup>177</sup>. This contest aimed to promote successful stories of foreigners, who now live in Lithuania. Contest was organised by European

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<sup>174</sup> Publishers and Journalists Ethics Commission's decisions of cases attacking Semitism: <http://www.lzlek.lt/index.php?lang=1&sid=371&tid=394>, accessed 16 November 2012.

<sup>175</sup> Ibid., 2011-12-05 No. 19

<sup>176</sup> Reporters without borders, *World Press Freedom Index*, [http://en.rsf.org/IMG/CLASSEMENT\\_2012/CLASSEMENT\\_ANG.pdf](http://en.rsf.org/IMG/CLASSEMENT_2012/CLASSEMENT_ANG.pdf), accessed 20 August 2012.

<sup>177</sup> 15min.lt, <http://www.15min.lt/naujiena/aktualu/uzsienietislt/konkursas-lietuvoje-gyvenanciu-uzsienieciu-sekmes-istorijos-620-237487>, accessed 16 November 2012

Refugee Fund, European Fund for Integration of Third Country Nationals and Ministry of Social Security and Labour of Republic of Lithuania.

Articles in the newspapers were published about the migration issues, ethnicity, people, and culture. Equal Opportunities Ombudsperson's Office initiated the social anti-discrimination campaign, which included three different TV commercials and outdoor advertisements on anti-discrimination and equality. TV commercials were aired daily from 24 November 2011 to 30 December 2011 and these advertisements prompted a wide public debate on whether it was appropriate and effective<sup>178</sup>. Campaign was funded by European Commission's PROGRESS programme – Social inclusion and social protection (2007-2013). The funded project was entitled 'Educating skills and competence for combating discrimination'.

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<sup>178</sup> LGKT: Jau geriau... / Diskriminacija kenkia visiems, <http://www.nomoshiti.jp/blog/lgkt-jau-geriau-diskriminacija-kenkia-visiems/#more-1097>, accessed 18 August 2012.

## 6.8 Racism and related discrimination in criminal justice

### 6.8.1 Policing and ethnic profiling<sup>179</sup>

On the 17 February 2011, the special investigations division of the Prosecutor General's Office, which dealt with racist, hate crimes and crimes against humanity, was abolished. Its functions have been transferred to the Criminal Prosecution Department. This department has yet to issue an official report. The annual report of General Prosecutor's Office does not include racist or ethnic profiling cases. It was also observed that due to inadequate pre-trial data collection, it is difficult to evaluate the number of cases where crimes were motivated by racial hatred. Therefore, it is difficult to evaluate whether the relevant institutions are using racial profiling. The authors of this report are not aware of any official complaints.

Nonetheless, similarly to last year, it is very likely that the police, in some instances, racially profile Roma, migrants of African descent, refugees and asylum seekers from Chechnya or Afghanistan. Some unofficial data indicates that every year a few cases of racial profiling do occur<sup>180</sup>. This especially concerns the arrival procedure of third country nationals on entering Lithuania, as well as persons coming from countries where Islam is one of the main religions.

There is no official or state level monitoring carried out, but some non-governmental organisations carry out unofficial non-systematic observation. The Centre for Human Rights monitored the largest online news portals. They observed that the Roma remain the most criminalised minority in the Lithuanian media; a number of articles, explicitly stating ethnicity of the suspect were found, where the suspect was Roma. Articles referred to drug dealing<sup>181</sup>, theft cases<sup>182</sup>, other criminal<sup>183</sup> and administrative violations<sup>184</sup>. In

<sup>179</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>180</sup> Interviews with various ethnic communities in Lithuania and representatives of centres for migrants.

<sup>181</sup> E.g. Alfa.lt, *Narkotikų išgarsinti romai reikalauja nesikišti į jų gyvenimą*, 26 May 2011, <http://www.alfa.lt/straipsnis/11457651/Narkotiku.isgarsinti.romai.reikalauja.nesikisti.i.ju.gyveni> ma=2011-05-26\_18-29/, accessed on 10 January 2012.

<sup>182</sup> E.g. 15min.lt, *Trys čigonės Vilniuje iš senolės pavogė santaupas*, 15 November 2011, <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/trys-cigones-vilniuje-is-senoles-pavoge-santaupas-59-179847#axzz1iwtrIOdH>, accessed on 9 January 2012.

<sup>183</sup> E.g. Gurevičius, A. *Čigonai dvi paras mušė ir laikė uždarę vyrą, reikalaujami atiduoti jiems mišką*, DELFI, 26 July 2011, <http://www.delfi.lt/news/daily/crime/cigonai-dvi-paras-muse-ir-laike-uzdare-vyra-reikalaujami-atiduoti-jiems-miska.d?id=47965649>, accessed on 10 January 2012; 15min.lt, *Už buvusio Klaipėdos policijos mokyklos vadovo Viktoro Liaudansko nužudymą – 17 metų laisvės atėmimo bausmė*, 2 November 2011, <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/uz-buvusio-klaipedos-policijos-mokyklos-vadovo-viktoro-liaudansko-nuzudyma-17-metu-laisves-atemimo-bausme-59-182988#axzz1iwtrIOdH>, accessed on 9 January 2012.

most cases the terms 'Gypsy', and 'Roma' were used next to 'stealing', 'drug dealing', and other criminal offences. Such media coverage creates and perpetuates ethnic stereotypes which in turn lead to discrimination against the Roma community. In fact, Roma people may be treated as suspects more often just because of their ethnic origin (especially in cases related to drug dealing).

Despite legislative and institutional efforts made to combat racial prejudice and xenophobic stereotyping (which often leads to ethnic profiling) in sports, media and internet, the UN CERD noted that racist and xenophobic incidents continue to occur<sup>185</sup>. The Committee recommended that the government ensure that racist and xenophobic incidents and discriminatory behaviour were effectively prosecuted.

### 6.8.2 Racist violence and crime

While there is a lack of official data, the authors of this report are aware of racist violence and crime cases either from conducting interviews or from press announcements. According to the data of the Lithuanian Centre for Human Rights, there has been an increase of racist violence cases:

1. A person of Nigerian origin was called a 'monkey' and beaten in the street in a small town of Mažeikiai. The victim of the crime complained to the police,<sup>186</sup> who launched an investigation. The suspect of the case was found guilty for causing severe injuries to the victim and threatening to kill him because of his race<sup>187</sup>.
2. The press reported that a person of Italian origin was beaten and stabbed in Vilnius. However, there was no coverage about the outcomes of the investigation during the reporting period, therefore it is

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<sup>184</sup> E.g. LietuvosValstybė.com, *Policijos nubausti romai paliko Grabučiškes*, 5 July 2011, <http://www.lietuovsvalstybe.com/lt/kriminalai/item/1289-policijos-nubausti-romai-paliko-grabuciskes>, accessed on January 9; DELFI, *Čigonai iš Rumunijos stovyklauja Trakų paežerėse ir pykdo nacionalinio parko lankytojus*, 13 July 2011, <http://www.delfi.lt/news/daily/lithuania/cigonai-is-rumunijos-stovyklauja-traku-paezerese-ir-pykdo-nacionalinio-parko-lankytojus.d?id=47565293>, accessed on 12 January 2012.

<sup>185</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-eight session, 11 March 2011, No. CERD/C/LTU/CO/4-5, <http://daccess-ods.un.org/TMP/19134.7114741802.html>, accessed 22 March 2011.

<sup>186</sup> Vitkus, R. *Galvėje sutiktą juodaodį beždžione išvadinęs ir apspardęs mažeikiškis už rasistinį išpuolį turės atsakyti teisme*, Irytas.lt, 4 November 2011, <http://www1.irytas.lt/-13204080121319125099-gatv%C4%97je-sutikt%C4%85-juodaod%C4%AF-be%C5%BEd%C5%BEione-i%C5%A1vadin%C4%99s-ir-apspard%C4%99s-ma%C5%BEEiki%C5%A1kis-u%C5%BE-rasistin%C4%AF-i%C5%A1puol%C4%AF-tur%C4%97s-atsakyti-teisme.htm>, accessed on 5 January 2012

<sup>187</sup> DELFI, *Nuteistas mažeikiškis, grasinęs nužudyti Nigerijos pilietį*, 2012 m. kovo 19 d., <http://www.delfi.lt/news/daily/crime/nuteistas-mazeikiskis-grasines-nuzudyti-nigerijos-pilieti.d?id=56932653>, accessed on 15 July, 2012.

difficult to state whether the attack was motivated by the person's nationality, language etc.<sup>188</sup>

3. An investigation is underway as to whether a Polish teenager was beaten because he spoke Polish on the street. The police carrying out the investigation have not revealed whether or not it was a hate crime. Parents of the victim stated in the press that the group of teenagers were first insulted by the perpetrators who used a derogatory term for Polish language minority ('*pšekai*') before assaulting one of them.<sup>189</sup> According to publicly available information the perpetrators have yet to be found, therefore the police are regarding it as a crime of non-severe health impairment (Article 138 of the Criminal Code)<sup>190</sup>.
4. According to the various announcements by the press, a few dozen of people with baseball bats attacked some Roma men in the small town of Švenčionėliai and afterwards kidnapped one Roma person. The remaining Roma families ran away from the town fearing persecution. The Roma people lodged complaints with the police regarding their constant persecution after the incident. The situation is still under investigation.<sup>191</sup>

There have been a number of reports of vandalism of Jewish and other cemeteries. While the anti-Semitic activities which occurred during the year will not be described in detail, some of the most notorious cases should be highlighted;

- The Paneriai memorial, a historical place where thousands of Jews, Poles and Lithuanians were killed during the Nazi occupation, was

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<sup>188</sup> BNS, *Vilniuje naktį sumuštas italas atsidūrė ligoninėje*, Diena.lt, 21 November 2011, <http://www.diena.lt/naujienos/miestas/vilniuje-nakti-sumustas-italas-atsidure-ligonineje-390705>, accessed on 10 January 2012

<sup>189</sup> Kriminalai.com, *Vilniuje vaikas sumuštas už tai, kad kalbėjo lenkiškai?*, 2012 m. sausio 25 d. <http://kriminalai.com/vilniuje-vaikas-sumustas-uz-tai-kad-kalbejo-lenkiskai/>

<sup>190</sup> 15min.lt, *Vilniuje policija muštynių prie Lenkų kultūros namų neskuba vadinti neapykantos išpuoliu*, 2012 m. sausio 26 d., <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/vilniaus-policija-mustyniu-prie-lenku-kulturos-namu-neskuba-vadinti-neapykantos-ispuoliu-59-192283>, accessed 15 July 2012.

<sup>191</sup> Pauliukevičienė I., *Persekiojami ir iš namų vejami romai kreipėsi pagalbos į Generalinį prokurorą ir rajono merą*, [http://svencioniu.krastas.w3.lt/v2/index.php?option=com\\_content&view=article&id=496:persekiojami-ir-i-nam-vejami-romai-kreipsi-pagalbos--generalin-prokuror-ir-rajono-mer&catid=102:2012-m-sausio-14-d-etadienis-nr4-1147](http://svencioniu.krastas.w3.lt/v2/index.php?option=com_content&view=article&id=496:persekiojami-ir-i-nam-vejami-romai-kreipsi-pagalbos--generalin-prokuror-ir-rajono-mer&catid=102:2012-m-sausio-14-d-etadienis-nr4-1147), accessed on 16 January 2012, related articles: Pauliukevičienė, I., *Kiek asmenų Švenčionėliuose vaikšto į parduotuvę su beisbolo ar golfo lazdomis?*, [http://svencioniu.krastas.w3.lt/v2/index.php?option=com\\_content&view=article&id=514:kiek-asmen-venionliuose-vaikto--parduotuv-su-beisbolo-ar-golfo-lazdomis&catid=104:2012-m-sausio-21-d-etadienis-nr6-1149](http://svencioniu.krastas.w3.lt/v2/index.php?option=com_content&view=article&id=514:kiek-asmen-venionliuose-vaikto--parduotuv-su-beisbolo-ar-golfo-lazdomis&catid=104:2012-m-sausio-21-d-etadienis-nr6-1149), accessed on 13 July 2012; Švenčionių RPK, *Nelaimės, kriminalai*, [http://svencioniu.krastas.w3.lt/v2/index.php?option=com\\_content&view=article&id=502:nelaims-kriminalai-gaisrai&catid=103:2012-m-sausio-18-d-treidienis-nr5-1148](http://svencioniu.krastas.w3.lt/v2/index.php?option=com_content&view=article&id=502:nelaims-kriminalai-gaisrai&catid=103:2012-m-sausio-18-d-treidienis-nr5-1148), accessed on 13 July 2012; Pancerovas, D. *Smurto protrūkis Švenčionėliuose: dešimtys vyrų talžė romus, vieną pagrobė, miestelis įbaugintas*, lrytas.lt, 26 January 2012, <http://www.lrytas.lt/13275073951325520328-smurto-protr%C5%ABkis-%C5%A1ven%C4%8Dion%C4%97liuose-de%C5%A1imtys-vyr%C5%B3-tal%C5%BE%C4%97-romus-vien%C4%85-pagrob%C4%97-miestelis-%C4%AFbaugintas.htm>, accessed on 13 July 2012.

vandalised. Graffiti in the Russian language said: 'Špygą jums (direct meaning – to give somebody a fig, expression meaning – to give nothing), not 128 million', 'Hitler was right'<sup>192</sup>.

- A Polish cemetery was vandalised. The attack is seen as being related to the protracted discussions between the Polish minority and the Government regarding the provisions of the Law on Education, described in the chapter on Racism and Discrimination in Education. Around 20 gravestones were vandalised with red paint. On one of them, a red swastika was drawn<sup>193</sup>.

The number of anti-Semitic attacks has increased compared to previous years. The lack of a firm political stand and a proactive approach of the prosecution offices towards hate crimes have resulted in growing numbers of assaults and vandalism.

As discussed in previous ENAR reports, national celebrations are often used for manifestations of xenophobia and military style parades of power by right-wing extremists. On the 16<sup>th</sup> of February (Independence Day) 2011, a couple of hundreds of right-wing youth from the Lithuanian National Youth Union marched the streets of Kaunas, the second biggest city, chanting slogans such as 'Lithuania for Lithuanians!', etc.

The 11<sup>th</sup> of March (Day of Restoration of Independence) is marked by notorious 'patriotic' marches, organised annually by an extreme right-wing organisation. Both 2011 and 2012 were no exceptions and nationalists marched in the main avenue of the capital city of Vilnius. In March 2011 over 600 people marched once again, this time with speeches by guest 'comrades' from a German right-wing organisation.<sup>194</sup> On the positive side, 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. In March 2012 it is estimated that there were around 800-900 participants, together with viewers – totalling 3000 attendees<sup>195</sup>. The march was organised by the Lithuanian National Centre.

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<sup>192</sup> Chadasevičius, S., *Sekmadienį Vilniuje išniekintas Panerių memorialas*, 15min.lt, 10 July 2011, <http://www.15min.lt/naujiena/aktualu/nusikaltimairnelaimes/sekmadieni-vilniuje-isniekintas-paneriu-memorialas-59-159703#axzz1iwtrlOdH>, accessed on 10 January 2012

<sup>193</sup> Lžinios.lt, *Švenčionyse išteplioti lenkų kapų paminklai*, 27 October 2011, <http://www.lzinios.lt/Lietuvoje/Kriminalines-parastes/Svencionyse-isteplioti-lenku-kapu-paminklai-atnaujinta>, accessed on 6 January 2012; *Ažubalis: lenkų kapų niekinimas – išpuolis prieš žmogiškumą*, Valstietis.lt, 2011-10-27, <http://www.valstietis.lt/Pradzia/Naujienos/Kriminalai-nelaimes/A.-Azubalis-lenku-kapu-niekinimas-ispuolis-pries-zmogiskuma>, accessed on 6 January 2012; Černiauskas, Š. *E.Trusevičius: dėl išpuolio prieš lenkų kapus kalta ir Vyriausybė*, DELFI, 27 October 2011, <http://www.delfi.lt/news/daily/lithuania/etrusevicius-del-ispuolio-pries-lenku-kapus-kalta-ir-vyriausybe.d?id=51133247>, accessed on 6 January 2012.

<sup>194</sup> BNS, *Nacionalistų eitynėse policijai užkliuvo protestuotojai*, Alfa.lt, 2011-03-11, [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>195</sup> Fuks, E. *Nepaisant incidentų, eitynės 'Lietuva – lietuviams, lietuviai – Lietuvai!' buvo taikios*, Delfi.lt, 11 March, 2011, <http://www.delfi.lt/news/daily/lithuania/nepaisant-incidentu->

According to the information collected by the Lithuanian Centre for Human Rights, members of ethnic minorities and migrants who suffer discrimination or violence often do not complain due to a lack of confidence in the law enforcement institutions (especially police) and judicial authorities<sup>196</sup>. 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.

### 6.8.3 Hate speech

According to data received from the Criminal Prosecution Department of the Prosecutor General's Office, the number of registered crimes and misdemeanours against the right to equality and freedom of conscience have increased during the past years<sup>197</sup>. According to the official statistics provided by Ministry of Internal Affairs on the level of crimes in the country, the number of the criminal acts in this category increased significantly in 2011. There were 335 registered criminal acts (123 criminal cases were transferred to the courts).<sup>198</sup>

'It has to be noted that the absolute majority of cases (90-95%) are hate speech cases in virtual space – Internet, when people write comments in the news, media portals, personal blogs, forums, social networks. These activities are usually carried out by hiding the personal identity, very often limiting the possibilities to operatively identify the persons and after identifying, receive the information about the user of services, IP address, if the server is established in another country'.<sup>199</sup>

Provisions of the Criminal Code of Lithuania punish hate speech. Nevertheless, according to the information received from non-governmental organisation the prosecution offices, police offices and courts are not sufficiently trained to investigate the crimes of incitement of hatred. According to the information received from the Jewish Community of Lithuania, Human Rights Coalition, very often the prosecution officers prosecute those individuals who comment under articles in the internet media, but do not recognise the seriousness of similar crimes committed by political parties

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[citynes-lietuva-lietuviams-lietuviai-lietuvai-buvo-taikios.d?id=56567307](http://citynes-lietuva-lietuviams-lietuviai-lietuvai-buvo-taikios.d?id=56567307), accessed 12 March, 2012; VE, *Kovo 11-ajai skirtų eitynių dalyviams kelią pastojo provokatoriai*, ve.lt, 13 March, 2012, <http://www.ve.lt/naujienos/lietuva/lietuvos-naujienos/kovo-11-ajai-skirtu-eityniu-dalyviams-kelia-pastojo-provokatoriai-701249/>, accessed 13 March, 2012.

<sup>196</sup> Interviews with various ethnic communities in Lithuania and representatives of centres for migrants.

<sup>197</sup> Lietuvos Respublikos Generalinės prokuratūros apibendrinimas dėl prokurorų specializacijos nusikalstamų veikų asmens lygiateisiškumui ir sąžinės laisvei srityje 2011 m. teritorinėse prokuratūrose, 2012-03-14.

<sup>198</sup> Ibid, p. 3.

<sup>199</sup> Ibid, p. 3.

and/or organisations that incite hatred, which have a wider impact on the public<sup>200</sup>.

Non-governmental organisations state that the initiation of the pre-trial investigation is a duty of the prosecution offices and/or police offices, but every time there is an alleged case of the incitement of hatred, the prosecution offices seek a written request from the victim to launch a pre-trial investigation before they initiate it. This practice does not ensure the effective investigation of cases.

NGOs have been particularly critical on the handling of 'swastika cases'. The Klaipėda County Court has discontinued an administrative case involving four persons who were accused of displaying placards with Nazi-Germany swastika signs. Individuals, who were carrying modified Nazi swastikas on the day of Independence of the Republic of Lithuania, were initially acquitted in May 2010 by the District Court of Klaipėda City. The Court held that "the symbol on the poster in question, even though similar, but not identical to the swastika sign. The Court after analysing all the evidence evaluated the symbol as a part of Lithuanian historical heritage, not as the symbol of Nazi Germany."<sup>201</sup> The Supreme Administrative Court has revoked the decision of the District Court of Klaipėda City and returned the case back to the District Court to hear the case again. It has also ruled that: "The symbols assigned are not only official symbols of Nazi Germany, USSR, Lithuanian SSR, attributes of Nazi or communist organisations, but also their modifications. The jury noted that the symbol cannot exist without a purpose, it always reflects a certain idea, definition, etc., that is given to it by the person. It has to be noted, that the history has clearly changed the meaning of swastika as a positive symbol. Therefore the application of the swastika of Nazi Germany (turning clockwise) in flags and other signs (because it is a recent Lithuanian historical experience) is associated with those ideas, thoughts, that were attributed to it by the Nazi regime. Therefore it was essential to evaluate all main circumstances of the act and the context of the use of the poster when evaluating whether the poster used by D. Č. (one of the accused) can be held as used based on the Nazi swastika, which was not done by the District Court."<sup>202</sup>

The District Court of Klaipėda City has ruled once again in January 2012. The Court ruled that while the signs captured in pictures visually evoke Nazi symbol, they cannot be held as Nazi swastikas because the images on the posters also resembled the Baltic symbol of fire and were shown from a different angle and in a differently shaped form and colour than the

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<sup>200</sup> From the interview with the vice-chair of the Jewish community of Lithuania Faina Kukliansky.

<sup>201</sup> Lietuvos Vyriausiojo Administracinio Teismo nutaris Lietuvos Respublikos vardu, Administracinė byla Nr. N<sup>62</sup>-1318/2011, Teisminio proceso Nr.4-06-3-00818-2010-3, 9 September, 2011

<sup>202</sup> *ibid.*

background of Nazi swastika. Therefore it cannot be held to be a modified version of the Nazi Germany swastika.<sup>203</sup>

The case was appealed again and further decisions that are not covered by reporting period were taken on 31 August 2012 by the Supreme Administrative Court to again revoke the decision of the District Court. The District Court of Klaipėda took last decisions regarding the actions of all four persons in question in October and November 2012. The Court did not decide on the liability and the evidence, but instead dismissed the case because the term to impose administrative penalty has expired<sup>204</sup>.

The UN CERD 'recommended that the State party made full use of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system including by developing appropriate education programmes for both law enforcement officials and minority groups. The Committee recommended that the State party took measures in order to ensure the representation of persons belonging to minority groups in the police and the judiciary'.<sup>205</sup>

#### 6.8.4 Counter terrorism

The Ministry of Foreign Affairs has announced that Lithuania currently has the lowest possible level of threat of a terrorist act<sup>206</sup>. The Government of the Republic of Lithuania implements a National programme against terrorism, in which certain counter terrorism measures, as well as measures to tackle violent radicalisation, are foreseen<sup>207</sup>. As the programme is classified, non-governmental organisations or civil society have no 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.

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<sup>203</sup> BNS, *Teismas nustatė, kad Klaipėdiečiai nacistinių svastikų nedemonstravo*, 15min.lt, 26 January 2012, <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/teismas-nustate-kad-klaipiedieciai-nacistiniu-svastiku-nedemonstravo-59-192224#axzz1kY99pfm9>, accessed on 17 July 2012;

<sup>204</sup> Klaipėdos miesto apylinkės teismo nutarimai: 2012 m. spalio 5 d., Administracinė byla Nr. A2.11-4025-642/2012 (Proceso Nr.4-06-3-00820-2010-6), 2012 m. lapkričio 14 d., Administracinė byla Nr. A2.11-4022-606/2012 (Proceso Nr. 4-06-3-00819-2010-4), 2012 m. lapkričio 26 d., Administracinė byla Nr. A2.11-4024-108-2012 (Proceso Nr. 4-06-3-00818-2010-3), Administracinė byla Nr. A2.11-4023-108-2012 (Proceso Nr. 4-06-3-02522-2010-7).

<sup>205</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 22 March 2011.

<sup>206</sup> Ministry of Foreign Affairs information, <http://www.urm.lt/index.php?4011992416>, accessed 16 November 2012.

<sup>207</sup> Andriukaitis G., Sabatauskaitė B., ENAR Shadow Report 2010-2011. Racism and related discriminatory practices in Lithuania, [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 on 16 November 2012.

As per inquiry to State Security Department<sup>208</sup> authors of this report received information that Long-term programme of preventive action to combat terrorism by Lithuanian police was adopted on 20 December 2010<sup>209</sup>. The aim of this programme is to improve the system of preventive actions to combat terrorism<sup>210</sup>. The programme specifies that political, social, cultural and other local conditions do not lead to threats that network of local terrorist organisations could appear. Threats are more likely to occur involving foreign terrorist organisations. Among other things, it is specified that increased threat come from Lithuania's habitants and people arriving to Lithuania, who are professing and practicing radical ideologies such as radical Islam, racism, fascism etc.<sup>211</sup>

National Security and Defence Committee of Parliament of Lithuania proposed updating National Security Strategy in 2011. The project of updating the Strategy began to be analysed in late 2011 and was adopted in mid-2012.

The Human Rights Committee of Parliament and certain members of Seimas<sup>212</sup> criticised a provision in the Strategy, which claimed that a '*crisis of values*' as internal risk factor and threat could be an influence to the national security for Republic of Lithuania. Crises of values include, inter alia, devaluation of Christian values<sup>213</sup>. This provision was criticised as it discriminates against all other religions and is in violation of the Constitution of Lithuania according to which there is no state religion in the Republic of Lithuania.

#### **6.8.5 Facilitating factor or protective measures in criminal justice**

In response to the UN CERD concluding recommendations, the government highlighted the fact that racial and xenophobic incidents as well as other discriminatory acts are investigated effectively.<sup>214</sup> The number of pre-trial investigations of incitement to hatred during 2011 increased. 328 cases were registered and 123 of them were passed to the court.

On the other hand, NGOs working in the areas of criminal justice and hate crimes, do not agree with the assertion that police institutions react properly to the above-mentioned crimes. In their opinion, the law enforcement officials

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<sup>208</sup> Answer No. (75)-18-2845 to the inquiry, information received 11 December 2012.

<sup>209</sup> Lietuvos policijos generalinio komisaro 2010 m. gruodžio 20 d. įsakymas Nr. 5-V-967 dėl Lietuvos policijos prevencinių kovos su terorizmu veiksmų ilgalaikės programos ir jos įgyvendinimo priemonių plano.

<sup>210</sup> Ibid. art. 3

<sup>211</sup> Ibid. art. 5

<sup>212</sup> Pavilionienė, M. A., *Seimo narės M. A. Pavilionienės pranešimas: esi grėsmė nacionaliniam saugumui, jei neesi krikščionis*, 26 June 2012, [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_r=618&p\\_d=126780&p\\_k=1](http://www3.lrs.lt/pls/inter/w5_show?p_r=618&p_d=126780&p_k=1), accessed on 17 July 2012.

<sup>213</sup> Lietuvos Respublikos Seimo nutarimas dėl nacionalinio saugumo strategijos patvirtinimo (Žin., 2002, Nr. 56-2233; Žin., 2012, Nr. 76-3945) art. 13.6.

<sup>214</sup> Papildoma informacija, teikiama pagal Rasinės diskriminacijos panaikinimo komiteto baigiamųjų pastabų dėl Lietuvos Respublikos ketvirtojo ir penktojo periodinio pranešimo (CERD/C/LTU/CO/4-5) 30 punktą, Vilnius, 13 February 2012.

almost never exercise their right to initiate pre-trial investigations in cases of hate speech; even when they are aware of allegations, a written request from victims and/or non-governmental organisations is required. According to the recommendations of Prosecutor General's Office, the written request should not be required given the seriousness of these crimes.

NGOs also note that hate speech committed by people who have greater influence, such as leaders of political parties and/or non-governmental organisation are rarely recognised as violations and their freedom of expression is interpreted broadly.

Police Commissioner-General on 28 April 2011 approved special instruction No. 5-N-6 for police institutions on police practice in preventing vandalism and other illegal activities associated with the Nazi or Communist symbols<sup>215</sup>. Police representatives are also arranging meetings with Lithuanian Jewish Community to exchange information on ongoing investigations and preventive measures for combating hatred crimes.

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<sup>215</sup> Lietuvos policijos generalinio komisaro 2011 m. balandžio 28 d. nurodymas Nr. 5-N-6 dėl policijos veiklos užkardant vandališkus veiksmus ir kitas neteisėtas veiklas, susijusias su nacistinių ar komunistinių simbolių naudojimu. Can be found in Police Department website: <http://www.policija.lt/index.php?id=2797>, accessed 16 November 2012.

## 7. Civil society assessment and critique in ensuring protection of fundamental rights

Civil society and non-governmental organisations seek a more proactive dialogue with the State institutions when making decision concerning socially vulnerable groups and developing integration programmes.

Many organisations mention the lack of a firm political stand as well as proactive approach of the prosecution offices towards hate crimes, and believe that this results in rising levels of assault and vandalism.

One of the examples of the case that is largely criticised by the non-governmental organisations is the case of swastikas. The Klaipėda County Court has stopped an administrative case for four persons that were accused of demonstrating placards with Nazi-Germany swastika signs. The first time persons were acquitted in 2010, but the Supreme Administrative Court has returned the case. The Court has decided that there is no formal composition of the administrative act, because even though the signs captured in pictures visually remind of Nazi symbol, they cannot be held as Nazi swastikas<sup>216</sup>.

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<sup>216</sup> BNS, *Teismas nustatė, kad Klaipėdiečiai nacistinių svastikų nedemonstravo*, 15min.lt, 26 January 2012, <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/teismas-nustate-kad-klaipedieciai-nacistiniu-svastiku-nedemonstravo-59-192224#axzz1kY99pfm9>, accessed on 17 July 2012;

## 8. Good practices

### **Example of NGO Good Practice in Employment**

UNDP Lithuania, SOPA (a non-profit organisation working on the integration of socially excluded groups into the labour market), the Roma community centre and the Social support centre at the Vilnius municipality continue to implement a joint project 'Face Roma: Innovative Ways of Roma Integration into the Labour Market'. The project ran from 2009 to 2012 and was designed to combat Roma social exclusion and boost their participation in the labour market and interaction with the local community. By the end of the reporting period, 105 Roma persons had participated in the project.

Seventeen Roma persons found employment between January and September 2011. This illustrates the on-going problems faced by Roma in the employment sector

### **Example of NGO Good Practice in Housing**

The consultation centre for migrants 'Centre PLUS' provides assistance to migrants in finding a place to live, as migrants very often face discrimination when trying to find housing to rent.

### **Example of NGO Good Practice in Health**

Roma organisations and non-governmental organisations working with Roma, i.e. UNDP Lithuania, Lithuanian Roma Community 'Gypsy fire', Lithuanian Young Falcon Union, Lithuanian Centre for Human Rights, Lithuanian Children's Fund, National Social Integration Institute, Roma Integration House, Roma Community Centre, Social Employment Centre 'SOPA', released a resolution regarding the Roma integration strategy in Lithuania. Organisations released it in response to the Ministry of Culture led Action Plan of Roma integration into society. The Action Plan addressed issues in healthcare, among others.

NGOs in their Resolution noted that the Action Plan did not take into account the connection between the health issues, living conditions (for example, the majority of the houses do not have clean water), and discrimination in the areas of health, education, housing and employment.

Organisations stated specific remarks and proposals concerning analysis of health conditions of Roma, making the health services accessible and understandable for the Roma taking into consideration the low literacy level, involving Roma NGOs in anti-drug campaigns as well as prioritising the prevention of drug-use and other addictions, awareness rising about AIDS and other infectious diseases among Roma.

**Example of NGO Good Practice in Access to Goods and Services**

Two centres for migrants were launched and operated during the reporting period: Red Cross Consultation Centre, which now has now been moved to Klaipėda and Centre PLUS in Vilnius. These two centres provide information, language courses and a platform for third countries migrants to communicate and to integrate into Lithuanian society.

Websites:

[http://www.redcross.lt/?page\\_id=1433&preview=true](http://www.redcross.lt/?page_id=1433&preview=true)

<https://www.facebook.com/centrasplius>

**Example of NGO Good Practice in Promoting Political Participation**

Seven non-governmental organisations have united in order to respond to the newly drafted 'Roma Integration to the Lithuanian Society Action Plan 2012-2014', i.e. United Nations Development Programme in Lithuania, Lithuanian Roma Community 'Gypsy fire', Lithuanian Young Falcon Union, Lithuanian Centre for Human Rights, Lithuanian Children's Fund, National Social Integration Institute, Roma Integration House, Roma Community Centre, Social Employment Centre 'SOPA'.

The Action Plan was announced publicly and opened for consultations on 27<sup>th</sup> February. The organisations have submitted remarks and proposals on 15<sup>th</sup> March. We have been informed that the Action Plan was presented to the Minister for signature even before analysing the remarks. However, should be noted that after a Resolution was produced by these seven organisations, the Ministry of Cultural Affairs organised meetings with different institutions regarding the implementation of the Action Plan and has continued to organise meetings in order to prepare a more thorough integration strategy for 2014.

**Example of NGO Good Practice in Media**

The Journalism Education Programme is the first programme in Lithuania, where the implementation does not focus on individual training. Educational programme for young publishers identifies talented young journalists, motivates and supports them and provides information to enable them to act in a socially responsible manner.

Even during the formation of the future journalists' writing skills, objective information is provided based on the experience of the Lithuanian NGOs, vulnerable groups of the society, media experts working in the social field. Young journalists have the opportunity to interact directly with vulnerable groups of the society and thus learn more and overcome prejudices.

The unique structure of the programme helps to reach the essence of social problems; to understand them from the inside, to maintain an objective position in the public life news. The programme is designed to help create a generation of socially responsible journalists.

National educational programme for young writers, journalists seeks to change the portrayal of vulnerable groups of the society and contribute to the objective, ethical and competent media education.

The programme was initiated and coordinated by the National Institute for Social Integration. So far, more than 100 participants have been involved in the programme.

Website: <http://jauniejiuzurnalistai.lt/>

## 9. National recommendations

- The State should consult broadly with civil society and non-governmental organisations when making decisions which affect socially vulnerable groups.
- Allocate sufficient funding to the integration and anti-discrimination programmes in order to implement them effectively.
- Fully transpose the provisions of the Racial Equality Directive regarding the engagement of associations in judicial proceedings on behalf or in support of victims of discrimination.
- Evaluate the issue of stateless persons in Lithuania, their composition, the numbers and their possibilities to integrate.
- Adopt the Law on Minorities that has ceased to exist since 2010.
- Review the family reunification procedures in order to ensure full rights of migrant families to reunification.
- Evaluate the possibilities of women belonging to ethnic minority groups and migrant women to access employment, education, healthcare, access to housing and identify possible expressions of multiple discrimination.

### Special Focus: Muslim Communities

- Ensure the right of the Muslim Community in Vilnius to practice their religion by returning land to the Community, in a similar location and of a similar value to that of the Mosque which was destroyed during the Soviet era
- Involve journalists in pro-active discussions about the promotion of diversity and the responsibility of the media in the formation of negative attitudes towards the Muslim community.

### Employment

- Measures must be taken to protect victims of discrimination and to assist them in filling complaints against their employees and other perpetrators.
- Organise work experience placements and supported employment, offering individual support for clients using the methods of job coaching.
- Use existing good practices identified by different NGOs and implement the model of employment developed.
- In order to address the issue of unemployment, this model should be systematically expanded. Further developing an established model would require less investment to sustain it.
- Ratify the Convention of Migrant Workers as recommended in the meeting with the government after the UPR.

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) as recommended in the CERD concluding remarks on Lithuania.

### **Education**

- Ratify the UNESCO Convention against Discrimination in Education (1960).
- Consider postponing the implementation of the Law on Education, which is causing tensions with the Polish minority in Lithuania and provide sufficient assistance to ensure transitional measures for the full implementation of the Law.
- Ensure systematic, strategic and inter-institutional measures are taken to target the problem of the early school drop-outs of Roma children.
- Establish infrastructure and ensure the measures are taken to integrate children of migrant backgrounds, Lithuanian emigrants returning to Lithuania, as well as children who learn in a language other than their mother-tongue, into the education system.

### **Housing**

- Create a special commission to prepare a concrete, long-term strategy for Roma housing in co-operation and consultation with Roma community representatives and relevant organisations. Involve the municipalities in the preparation and implementation of such a strategy.
- Develop a detailed plan for using the European Structural Funds for the implementation of this strategy;
- Ensure that EU funded projects allow cross-funding, which would allow the application of a holistic solution to the social, economic, housing and other problems of Roma community;
- Prepare short-term solutions for housing problem (as the housing issues in Kirtimai need urgent solutions) as well as the long-term (which would take into account the distinct needs of the Roma communities).
- Take special measures to ensure that housing is available to migrants without fear of discrimination, e.g. awareness raising activities for tenants.

### **Health**

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

### **Access to goods and services**

- Public and private sectors should be prepared to assist and provide quality services for people who have limited knowledge of the official language.

### **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 conduct data collection in their everyday work.
- Awareness raising and competence training should be provided to the pre-trial investigation institutions (particularly the police) dealing with hate crimes and racist violence.
- Ensure effective support and assistance are provided to the victims of hate crime, including legal assistance.
- Specific religion should not be outlined in policy/legal documents, even though talking about counter terrorism measures and the threats that might be caused by radical groups. General radicalisation should be addressed instead.

### **Media**

- The Inspector of Journalist Ethics should be given sufficient human and financial resources to monitor whether media reporting incites 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.

## 10. Conclusion

The area of anti-discrimination and anti-racism has become more widely discussed by the Government due to the recent consideration of Lithuania by the United Nations institutions – the UN CERD in March 2011, and the Human Rights Council in October 2011. During the reporting period a new National Anti-discrimination action plan was adopted as well as the Roma integration to the Lithuanian Society Action Plan 2012-2014. However, there is still a lack of political will to involve the civil society in drafting governmental policies and strategic plans as well as lack of funds for implementation of integration plans.

Important hate speech cases did not receive significant public attention and investigators lacked knowledge of the European and International legislation in the field. There is a lack of will from the Prosecution Office to initiate the pre-trial investigations of hate, especially speech, crimes.

The number hate crimes has increased compared to previous years. It also seems that the amount of racist violence slightly decreased during the year. However, the Special Investigation Division of the Prosecution Office was closed in January 2011. Its functions were transferred to Prosecution Department. Hate crimes remain difficult to prove.

On the other hand, a number of awareness rising campaigns were carried out. Thanks to NGOs, training on different aspects of discrimination were provided to raise the competence of personnel working with vulnerable groups. During the reporting period, two centres were opened which are dedicated to the needs of migrants.

National celebrations are still used for manifestations of xenophobia and ultra nationalist parades by right-wing extremists. 11 March (Day of Restoration of Independence) was once again a day of notorious radical marches. On the other hand, this year a group of human rights NGOs, willing to protest against xenophobic marches had organised a separate event on Independence Day. It was called 'Celebrate Freedom' and public reaction and media coverage were positive. Even though the budget of the event was low, it demonstrated that uniting for a good cause can produce successful results.

In a positive development, governmental institutions are increasingly trying to involve civil society organisations in the follow-up of the United Nations recommendations, e.g. CERD, UN Human Rights Council Universal Periodic Review. The non-governmental organisations are increasingly cooperating by submitting reports to the national and international institutions and by organising public action.

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

CERD – Committee on Elimination of Racial Discrimination

CES – Centre of Ethnic Studies

ECRI – European Commission against Racism and Intolerance

EU – European Union

MIPEX – Migration Integration Policy Index

NGO – non-governmental organisation

UN – United Nations

UNDP – United Nations Development Programme

UNESCO – United Nations Educational, Scientific and Cultural Organisation



european network against racism

ENAR Shadow Report 2011-2012