



European network against racism

# ENAR Shadow Report 2009-2010

## **ENAR SHADOW REPORT 2009/2010**

### **Racism and Discrimination in Lithuania**

**Gediminas Andriukaitis & Nerijus Kliukas  
Lithuanian Centre for Human Rights**

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

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

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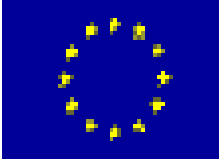
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## I. Executive summary

The lack of comprehensive equality data on the composition of Lithuanian society and the situation of communities vulnerable to discrimination in Lithuania remains a barrier to assess the real situation of particular minorities. The establishment of a data collection, management and research system should be one of the main tasks of competent institutions. An action plan for equality data collection was drafted; however, it has not been implemented in practice.

Although fighting racism and discrimination had never been a priority in the governments' political agenda, due to pressure from international organisations, it was at least present. However, due to the economical down-turn, which dramatically hit the country in the second half of 2008, it affected governments' social policies in the worst possible way. Thus, it is not surprising, that rather modest policy measures, tackling racism, discrimination and social exclusion became almost invisible. Drastic budgetary cuts halted any progress, reached in previous years.

Important positive changes in the realm of criminal law took place in 2009, particularly the inclusion of motivation, based on hate towards persons due to their race, nationality, language, ethnicity (among other grounds) to the list of aggravating circumstances of crime. However, additional improvements are crucial. There is no effective data collection system on hate crimes, the data of the crime registry in this respect remains scarce, inaccessible and completely inaccurate. The lack of supervision and control over the data collection system as well as current regulation, are the main reasons for the lack of data in relation to hate crimes.

Nevertheless, there are improvements in the work of the prosecution service. The capacity of the Prosecution to bring cases to the court is increasing every year. However, in most cases it is only due to the General Prosecution service, and vigilant NGOs, that perpetrators are being brought to justice. Neither territorial prosecution institutions, nor the Police are active in this respect.

The area of social inclusion of minorities (particularly Roma) was severely hit by the government's decision to cut funding. It seems, that progress previously made was forgotten about and most of the achievements remained only on paper. One of the main policy developments regarding social inclusion in the previous year was the adoption of the Programme of the Integration of Roma in Lithuanian Society for 2008 – 2010. However 2009, was marked with a complete failure to implement the programme in reality and its eventual cancellation.

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### III. Introduction

The period from January 2009 to June 2010, covered in this report, was marked with both positive and negative developments in Lithuania. The main goal of this research is to provide a brief overview of situation of racism and discrimination in Lithuania, from an NGO perspective. The first part of the report provides information on racist incidents and discriminatory practices, while the second part focuses on legal as well as policy developments. The report is finalised with a number of recommendations for policy and law.

It is not uncommon, that in a country, hit by recession and economical downturn, that the field of social policy suffers the most. Lithuania, a country severely affected by the financial crisis is not an exception. The changes, that took place in anti-discrimination and minority integration policy areas are disappointing, to say the least. Drastic budgetary cuts for governments' anti-discrimination programme, severe under financing and eventual cancellation of the Roma integration programme halted progress, reached in previous years.

Some important legal developments in criminal law slightly brightened the overall gloomy picture of anti-discrimination and anti-racism activities in the country. After years of failed attempts, the concept of hate crime was finally introduced into the Criminal Code. The capacity of the Prosecution to bring cases to the court is increasing with every year and the introduction of racism as aggravating circumstance to the law will hopefully put racist incidents in the focus of law enforcement institutions. In addition, it might serve as a pretext to start improving the national hate-crime data collection system, which, as was proven in this report, does not provide for any use. On the contrary, its data is misleading.

Although due to the lack of funds, only minor research was conducted in 2009 and the first half of 2010, it is sufficient to confirm that the situation of particular minorities is not improving. The "hierarchy of intolerance" remains the same - Roma, Chechens, refugees and immigrants remain the least tolerated thus the most vulnerable groups to discrimination in Lithuania. However, the events of 2009 have made it apparent that visibly different minorities, still few in numbers, are more exposed to the most violent forms of racism.

## IV. Communities vulnerable to racism and discrimination

The lack of comprehensive data on the composition of society and communities vulnerable to discrimination in Lithuania remains a barrier to assess the real situation of particular minorities. The Committee on the Elimination of Racial Discrimination (CERD) also raised this issue in its latest observations as an obstacle to the assessment of progress towards the elimination of discrimination based on race, colour, descent, national or ethnic origin. In 2009, the Equal Opportunities Ombudsperson prepared a national action plan for the management of equality data. Hopefully, if the plan is implemented, the situation with equality statistics will improve in the near future.

Thus at the moment the most reliable equality data still remains the 2001 census<sup>1</sup> which, due to significant emigration numbers to other EU countries<sup>2</sup>, is no longer accurate. However, it does help to understand Lithuania as a homogenous country, where Lithuanians account for more than 80% of the population, while only 29 nationalities account for one hundred or more people. The biggest minority groups are Poles and Russians. Poles make up 6.7%, Russians 6.3%, although there are some regional exceptions<sup>3</sup>, where ethnic minorities form a majority of the population. The same applies to religion and beliefs. 79% of the population consider themselves as Roman Catholics, 9.5% are non-believers, 4% are Orthodox and 7.5 % belong to other religious communities.

Stereotypes and prejudice are particularly persistent with some minority groups. The potential vulnerability of particular communities can be estimated while analyzing the data from yearly surveys in the opinion of society towards various minority groups. These public opinion surveys are not organised systematically, the methodology used in the surveys differs depending on the institution implementing it, thus it must be taken into account while applying it in practice. Nonetheless, public opinion surveys reveal that the “hierarchy of intolerance” remains the same - Roma, Chechens and refugees are the least tolerated thus the most vulnerable groups to discrimination in Lithuania. In 2010, the Centre of Ethnic Studies (Institute for Social Research) carried out a public opinion survey, which showed that more than half of Lithuanians would not want to live near Roma. A large part of the Lithuanian population did not want their neighbours to

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<sup>1</sup>Statistikos departamentas prie Lietuvos Respublikos Vyriausybės, 2001 gyventojų surašymo duomenys, <http://www.stat.gov.lt/lt/pages/view/?id=11988>, accessed 15 June, 2010

<sup>2</sup>Statistics of Lithuania, based on the data of the declaration of the place of residence and results of the survey on undeclared emigration, has estimated the number of residents of the Republic of Lithuania who emigrated in 2009. Last year, 34.7 thousand residents of the country emigrated, which is 1.5 times more than in 2008. Over the past nine years, 253.6 thousand residents emigrated from Lithuania.

<sup>3</sup>As exceptions to this statement must be mentioned Vilnius region municipality (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, 18,7per cent are Poles and 14per cent – Russians).

be Jehovah's Witnesses (43.2%), Chechen (40.5%), Muslims (38.8%) or refugees (38.3%). One-third of survey respondents tend to avoid neighbourhoods with Pakistanis, Hindus, Buddhists, dark skinned people and Chinese. Every fourth Lithuanian citizen did not want to live near Jewish, Kazakh, Turkish or other ethnicities<sup>4</sup>.

In Lithuania, various persons belonging to different national, ethnic or religious groups face unfavourable treatment. Historically it is the Jewish and Roma minorities, each representing less than 0,4% of the population, who have in different ways been the most vulnerable to prejudice and discrimination. Anti-Semitism remains an issue, although the Jewish community consists of only about 3,000 members. No violent anti-Semitic attacks against individuals were reported during the year; however, anti-Semitism was widely manifested on the Internet.

Lithuanian Roma, in comparison to other ethnic groups, are more visible in Lithuania. Certain segments of Roma suffer exclusion from public life and the labour market as well as experiencing housing and health problems. 46% of the Roma community are under 15 years of age. This can be attributed to their migration patterns and due to their short life expectancy because of their quality of living. Their integration into society is complicated due to the fact that 40% do not know the state language, only 17% possess higher education and, most importantly, only 8.7% are legally employed<sup>5</sup>.

Roma clearly experience discrimination. However, recent events have made it apparent that the visibly different minorities, still few in numbers, are more exposed to most violent forms of racism.

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<sup>4</sup>Centre of Ethnic Studies of Lithuanian Social Research Centre, Public opinion survey 2010, [http://www.ces.lt/wp-content/uploads/2010/09/LSTC\\_ETI\\_2010\\_LT-gyvent\\_apklausa\\_socdinstanc.pdf](http://www.ces.lt/wp-content/uploads/2010/09/LSTC_ETI_2010_LT-gyvent_apklausa_socdinstanc.pdf), accessed September 29, 2010.

<sup>5</sup>Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialnių tyrimų instituto etninių tyrimų centras, 2008 gruodis.



## V. Manifestations of racism and religious discrimination

It is not easy to establish a very clear picture of racist practice in Lithuania. Neither governmental bodies, nor NGO's have permanent monitoring mechanisms. Thus one has to rely on various sources and criteria.

In 2009 in Lithuania, there was only one court/tribunal case, explicitly addressing a racist attack<sup>6</sup> and the Office of Equal Opportunities Ombudsman received 19 complaints of discrimination based on racial or ethnic origin, which was slightly less than the cases received in 2007 or 2008. It must be noted that when the Law on Equal Treatment entered into force, this category of complaints steadily increased. In 2005, there were 18 cases investigated of possible discrimination based on race or ethnicity, this constituted 14% of all investigations of that year. In 2006 20 cases were investigated, accounting for 15%, 23 investigations in 2007 – 14% of all complaints received and 28 cases in 2008 amounting to 13% of all cases investigated.

Firstly, the decrease of this category of complaints in 2009 may be explained by the difficult economic situation in the country. Secondly, persons that have complained of discrimination in difficult times are often at risk of dismissal from work, therefore complaints about discrimination in general decline because of the fear of losing their job. It must be noted that the same applies to the complainants, concerning ethnic origin. Moreover, it should be mentioned that in recent years employers are willing to consult with the Equal Opportunities Ombudsman before taking action<sup>7</sup>.

In this context, the report of the European Union Agency's of Fundamental Rights on racism and xenophobia for Lithuania in 2007 should be taken into account. They stated: "The very low number of recorded complaints in some Member States, despite NGO reports and independent research surveys pointing towards the existence of ethnic discrimination in these countries (including Lithuania), could indicate a lack of awareness of the existence and functioning of these specialised bodies"<sup>8</sup>.

### V.i Employment

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<sup>6</sup>On May 27, 2009 a court convicted V. Iljinych for her part in an April 2008 assault against a South African singer of Indian descent.

<sup>7</sup>The Office of Equal Opportunities Ombudsman Annual report of 2009. [http://www.lygybe.lt/assets/LGKT%20ataskaita%202009\\_kovo\\_15.doc](http://www.lygybe.lt/assets/LGKT%20ataskaita%202009_kovo_15.doc) , accessed April 18, 2010

<sup>8</sup>The European Union agency of fundamental rights, Report on racism and xenophobia in the Member States of the EU, 2007, <http://infoportal.fra.europa.eu/InfoPortal/publicationsFrontEndAccess.do?id=11016>, accessed July 6, 2010.

Unemployment data by ethnicity stopped being collected by the Statistic Department at the end of 2003. Therefore, there is a lack of comprehensive and accurate data on the subject. Moreover, since the end of 2008, the Centre of Ethnic Studies, Institute for Social Research, Institute of Labour and Social Studies suffers from a lack of finance and the Department of National Minorities and Lithuanians Living Abroad closed at the beginning of 2010. Thus during 2009-2010 there was little research carried out in this field.

However, previous research and polls indicate that in general, ethnic minorities tend to suffer higher unemployment<sup>9</sup> and specific ethnic minorities suffer extreme abusiveness<sup>10</sup>. According to the latest available poll (2008), almost 70% of the surveyed ethnic minorities were employed, on a contractual basis<sup>11</sup>. Nevertheless, only half of them understand Lithuanian, even less can speak it (1/3) or write it (1/5). Earlier research on unemployed minorities revealed that a substantial percentage of unemployed minorities suffer from long-term unemployment<sup>12</sup>, although most of them have basic or higher education.

The lack of language knowledge as well as computer illiteracy were identified as the biggest obstacles for successful integration into the labour market. In Lithuania 42% of ethnic minority survey respondents indicated that they were experiencing problems in the labour market due to poor language skills<sup>13</sup>. Most of the unemployed representatives indicated a willingness to improve their language skills (61%), however most claimed that there are no possibilities to do that.

However, prejudice and intolerance also play a big role. In a Lithuanian phone survey almost 60% of employers stated they would give priority to hiring local citizens rather than refugees<sup>14</sup>. Moreover, 10% of minorities believe that their employers' negative attitude regarding their ethnicity cause difficulties in searching for work and in the working environment. Almost every fifth representative of the latest survey claimed to have experienced discrimination on the grounds of ethnicity in the employment field.

Data from the Centre of Ethnic Studies confirms that negative attitudes towards colleagues of other ethnicities exist in society and is especially unfavourable to Roma – almost 40% of the population would not like to work with Roma people.

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<sup>9</sup>Beresnevičiūtė, Vida, "Etninių grupių socialinės integracijos dimensijos šiuolaikinėje Lietuvos visuomenėje", in Etniškumo studijos / Ethnicity Studies 2005, (Vilnius: Socialinių tyrimų institutas, Eugrimas).

<sup>10</sup>European Union Agency for Fundamental Rights Annual Report 2010, Media Memo, June 10, 2010 <http://fra.europa.eu/fraWebsite/attachments/FRA-AR-2010-Media-Memo-EN.pdf>, accessed August 18, 2010.

<sup>11</sup>Vyrų ir moterų, priklausančių tautinėms mažumoms padėties darbo rinkoje tyrimas, Tautinių mažumų ir išeivijos departamentas, 2009.

<sup>12</sup>Tautinių mažumų namai, Tautinių mažumų integracijos į darbo rinką galimybių tyrimas, Available in Lithuanian at: [http://www.tbn.lt/web\\_doc/informacija.doc](http://www.tbn.lt/web_doc/informacija.doc), accessed April 29, 2010.

<sup>13</sup>Vyrų ir moterų, priklausančių etninėms mažumoms, padėtis darbo rinkoje, tyrimo ataskaita, Darbo ir socialinių tyrimų institutas, 2008, report of the study conducted by the request of the Department of National Minorities and Lithuanians Living Abroad, 2009.

<sup>14</sup>Lithuanian Centre for Adult Education and Information at the request of Rukla Refugee Reception Centre in February 2009 and included a sample of 404 Lithuanian companies.

The situation of Roma employment is particularly adverse. Although Lithuania adapted its vocational training programme for unemployed Roma in 2008 and set up a job search centre targeted at Roma,<sup>15</sup> more than 50% of Roma community identified themselves as jobless<sup>16</sup>. Less than 10% are legally employed. Other surveys indicated their very low professional competences<sup>17</sup>. Most Roma earn income through temporary work (collecting scrap, work in the market, etc.) or even through criminal activities. More than one third of Roma have no knowledge of Lithuanian and the level of illiteracy among Roma is very high. Many Roma do not have identification papers and there are those who do not have Lithuanian citizenship.

In spite of that, research also revealed that the myth of Roma being lazy and not willing to work is unfounded – 73% of surveyed Roma were willing to work or are looking for a job. Despite their lack of professional competences, surveyed Roma were realistic about their possible careers – most of them indicated jobs that do not require particular professional skills (cleaners, housekeepers, dishwashers, etc.)<sup>18</sup>. Research revealed, that most Roma lack education and professional skills - every fifth person, who participated in the survey had no education at all, 17,6% had basic education, 83% had no profession at all.

However, 8 out of 10 surveyed Roma identified prejudice and negative attitudes of employers as one of the main reasons of their unemployment. A survey of employers' attitude towards Roma proved this reason to be well founded. Almost half of surveyed employers (47%) stated that Roma probably would not be employed by their company.

There was one anonymous complaint submitted to The Office of Equal Opportunities Ombudsman against a company, of which an employment advertisement was put on internet. The advertisement noted that priority will be given to candidates whose mother-tongue is Russian. It violated Equal Opportunities laws and the Constitution, but the company officially apologized and changed their advertisement to be in accordance with the law. The investigation was subsequently terminated<sup>19</sup>.

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<sup>15</sup>European Commission, Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010, <http://ec.europa.eu/social/BlobServlet?docId=4823&langId=en>, accessed 20 April, 2010.

<sup>16</sup>Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialinių tyrimų instituto etninių tyrimų centras, 2008 gruodis.

<sup>17</sup>Žmogaus teisių stebėjimo institutas, Romai: situacijos apžvalga, 2007. Accessed April 20, 2010.

<sup>18</sup>Socialinių tyrimų institutas, Etninių tyrimų centras, Romų ir darbdavių nuostatos dėl Romų integracijos į darbo rinką 2007, <http://www.ces.lt/downloads/structure/files/>, accessed May 16, 2010.

<sup>19</sup>The Office of Equal Opportunities Ombudsman Annual report of 2009, [http://www.lygybe.lt/assets/LGKT%20ataskaita%202009\\_kovo\\_15.doc](http://www.lygybe.lt/assets/LGKT%20ataskaita%202009_kovo_15.doc), accessed 18 April, 2010.

There were also cases reported during 2009 of the extreme exploitation of migrant workers, often made possible by their legal vulnerability. Such workers were predominately Moldavian and Ukrainian citizens in Lithuania<sup>20</sup>.

## V. ii Housing

There is an obvious lack of data, regarding access to housing and possible discrimination in this field. Department of Statistics provides annual data on household-dwelling units and housing conditions.

Lithuania has taken obligations to support each person's right to have a habitation of a certain standard and to prevent the spread of homelessness as well as try to gradually eliminate it completely. However, the economic situation of the country as well as the shortage of social housing prevents the implementation of standards set forth by the international legal acts. The difference between those standards and the living conditions of many people is significant. It is particularly striking, when speaking about the Roma community, particularly the 500 inhabitants of Kirtimai settlement (20–25% of all Roma people living in Lithuania).

In 2009 the Lithuanian Parliament Ombudsman completed an investigation of a complaint lodged by the chairman and 70 representatives of the Roma community living in the Kirtimai settlement (gypsy encampment) in Vilnius<sup>21</sup>. The complainants requested help in solving burning problems such as payment for public services, housing, legitimisation of the land of their settlement and other problems that have not been solved for years.

### **Best Practice Example**

With an aim to clarify the situation of Roma persons living conditions as well as to discuss possible ways of solving existing problems at the end of 2008 the Parliament Ombudsman organised a round table discussion, together with NGOs. In the course of discussion, a large segment was devoted to the housing problem. It was unanimously agreed that Roma persons have to be interested and to put efforts into solving their problems; however, they should be assisted in doing that and this assistance could be provided by developing a social work network, raising the education level of Roma persons, integrating this ethnic minority into the society, etc. In addition, a meeting was organised and attended by executive officers of Vilnius Municipality and Vilnius County Governor's Administration. As a result of the meeting, a survey of Roma people was

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<sup>20</sup>All information provided by the Embassy of the Republic of Moldova to the Republic of Lithuania and the association of trade unions Solidarumas. Communication of the NFP-Lithuania (Centre of Ethnic Studies at the Institute for Social Research) with the association of trade unions Solidarumas, 2009.

<sup>21</sup>Seimas Ombudsmen's Office, Human Rights Protection: Roma's Rights, 2009, [www.lrski.lt/index.php?n=362&l=LT](http://www.lrski.lt/index.php?n=362&l=LT), accessed August 2, 2010.

organised. The aim was to find out the educational level of Roma people, their occupation and profession, monthly income, living conditions as well as their opinion regarding possible movement to social housing in other areas.

The results of the survey once again highlighted the shocking living conditions of the Kirtimai Roma community: the lack of electricity, all dwellings are heated by solid fuel stoves and there is only one field water tank, which is being used by all the inhabitants of the Kirtimai settlement. Moreover, there is no urban drainage system or a local sewage system. 53 inhabitants are using local toilets, and only some dwellings are equipped with gas cylinders. 80% of respondents, who are the owners of the dwellings and 72% of other Roma nationality persons living in these dwellings did not want to leave the Kirtimai settlement. Four respondents-owners of the dwellings; however, are waiting for social housing.

The same problems were shown in a recent Amnesty International Report 2009 on Lithuania: “Unemployment rates among Roma remained several times higher than among ethnic Lithuanians, and living conditions in Roma settlements were sometimes below minimum standards, lacking electricity and heating as well as drinking water and sanitation facilities”<sup>22</sup>.

Kirtimai Roma housing problems are closely related to the legality of the dwellings. The Roma were forced to settle in Kirtimai 50 years ago during Soviet occupation. Buildings were built on state-owned land and were not legalised i.e. *de jure* Roma people live on that land illegally. However, *de facto* funds are being invested into the improvement of their living conditions in the mentioned territory and their buildings (all in all 139, out of this number 43) are registered. According to various experts, the only solution to the problem of housing in Kirtimai is to solve the legal status of the territory as soon as possible.

It is worth mentioning that in other cities, for example, Marijampolė – after successful cooperation between the Office of Equal Opportunities Ombudsman and City Municipality housing conditions were significantly improved for a Roma woman, who was living with her disabled child.<sup>23</sup>

Moreover, at the end of 2009 the Vilnius Regional Court had not reached a decision on its reconsideration of claims for compensation by the residents of a Roma neighbourhood for the destruction of their housing in 2004. The court initially awarded 100,000 litas (\$41,700) to the inhabitants, but this is now under appeal before the Supreme Administrative Court<sup>24</sup>.

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<sup>22</sup>Amnesty International Annual Report 2009: Lithuania, <http://www.amnesty.org/en/region/lithuania/report-2009>, accessed June 1, 2010.

<sup>23</sup>The Office of Equal Opportunities Ombudsman Annual report of 2009. [http://www.lygybe.lt/assets/LGKT%20ataskaita%202009\\_kovo\\_15.doc](http://www.lygybe.lt/assets/LGKT%20ataskaita%202009_kovo_15.doc), accessed 18 April, 2010.

<sup>24</sup><http://www.lvat.lt/naujienos/2010/rugs%C4%97jis/u%C5%BE-rom%C5%B3-taboro-statini%C5%B3-nugriovim%C4%85-turi-b%C5%ABti-atlyginta-%C5%BEala.aspx>

### V.iii Education

There is a lack of comprehensive data on racism and discrimination in education. There is a variety of schools in the Vilnius region: trilingual (Polish-Lithuanian-Russian), bilingual schools (Polish-Lithuanian or Russian-Lithuanian), however the monolingual model still dominates. The model of having schools with different language comes from the soviet times. Earlier reports indicated that minority schools were somewhat lagging behind majority schools in achieving greater variety in school types and curriculum development<sup>25</sup>. Although the latest in-depth report on education in the Vilnius region did not prove significant disparities or structural discrimination, some problematic areas and disadvantageous to minorities, can be identified.

According to the Ministry of education, in recent years Lithuania's population has been decreasing, therefore the numbers of students were decreasing accordingly. These processes (as well as school reform measures) are related to a general decline in the number of schools. However, the decrease of schools where minority languages are taught was mild. Over the past four years, 10 monolingual Russian language schools were replaced by bilingual schools. The number of Polish language schools remained relatively stable (over a period of four years, 2 schools closed)<sup>26</sup>.

Most schools, where children are not taught in Lithuanian, are located in areas with abundant minority populations. Schools of Polish language are mostly located in Vilnius district (30), Salcininkai district (17), Vilnius city (11) municipalities, in Russian language – Vilnius city (20) and Klaipeda city (8) municipalities.

There is a variety of schools in the Vilnius region: trilingual (Polish – Lithuanian - Russian), bilingual schools, however the monolingual model clearly dominates<sup>27</sup>. Among these, the density of monolingual Polish schools is the highest. The qualification of all teachers in the Vilnius region is similar to the country average. However, the percentage of extra-qualified teachers (experts and supervisors) in schools of Vilnius region is significantly lower, – only 15% (in comparison to 30% state average)<sup>28</sup>. Additionally, the number of teachers-experts is particularly low in Polish language schools, although the number of these schools is the highest

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<sup>25</sup>Centre for Ethnic Studies Institute for Social Research, RAXEN NFP, National Annual Report 2004 – Lithuania, [http://www.ces.lt/downloads/structure/files/Nat%20Rep%202004%20Exe%20summary\\_Eng.pdf](http://www.ces.lt/downloads/structure/files/Nat%20Rep%202004%20Exe%20summary_Eng.pdf) , accessed August 4, 2010.

<sup>26</sup>LR Švietimo ir mokslo ministerija, Lietuvos švietimas. Tik faktai, Metinis pranešimas, 2010, [http://www.smm.lt/svietimo\\_bukle/docs/apzvalgos/Lietuvos%20svietimas%202010.pdf](http://www.smm.lt/svietimo_bukle/docs/apzvalgos/Lietuvos%20svietimas%202010.pdf) , accessed July 5, 2010.

<sup>27</sup>Romų bendruomenės socialinės integracijos galimybių tyrimas, Etninių tyrimų centras, tyrimo vadovas dr. Tadas Leončikas, 2007 m., <http://www.lygybe.lt/ci.admin/Editor/assets/Romu%20integrac%20galimybes%20ataskaita.pdf> , accessed December 19, 2010.

<sup>28</sup>Mokymosi prieinamumas Vilniaus rajono gyventojams, LR Švietimo ir mokslo ministerija, [http://www.smm.lt/svietimo\\_bukle/docs/tyrimai/sb/Mokymosi\\_prieinamumas.pdf](http://www.smm.lt/svietimo_bukle/docs/tyrimai/sb/Mokymosi_prieinamumas.pdf) , accessed May 4, 2009.



in the region. Moreover, the size of Vilnius region schools may also contribute to the quality of education. According to the national scheme, where financing is allocated to schools depending on the number of pupils, slightly bigger schools are in a more favourable position. Vilnius region schools are significantly smaller, in comparison to other regions<sup>29</sup>, the smallest being the Polish monolingual schools.

However, it must be added, that the system of education in a culturally diverse Vilnius region is a sensitive issue. A survey revealed, that although multilingual schools are considered more efficient by the majority of respondents (parents, teachers, school administration), the monolingual model remains the dominating one. The need to have a monolingual school for minorities (particularly the Polish minority) remains more a question of preservation of ethnical identity, rather than a will to increasing the efficiency of education. Thus although there is a rational need for more efficient, bigger and more multilingual schools, the sense of ethnical belonging and willingness to preserve community, language and cultural identity maintains the dominating system of small, but less efficient monolingual schools<sup>30</sup>.

According to data of 2008, access to education remained the most pressing issue for the Roma minority. The Roma had the highest rate of illiteracy according to the latest Census – as many as 31 illiterate persons per every 1,000 Roma aged ten and over. Although compared to other minorities it is much more common that the knowledge of the state language is less among the older generation, the situation with the Roma community is the opposite. This raises serious concerns, since 46% of Roma are persons under age of 15 (comparing to 27% of state average<sup>29</sup>)<sup>31</sup>. The latest report on Roma education states, that the main reasons influencing Romas' learning difficulties are related to the lack of social skills, linguistic barriers and poor school attendance<sup>32</sup>.

In 2009, the Children's Rights Ombudsman Institution published a report on the integration in Lithuanian schools of children of foreign citizens who migrated to Lithuania. Many practical challenges to the integration of migrants' children in schools were noted, clearly pointing to the lack of attention by the competent institutions as well as the lack of necessary funding: 1) lack of methodology to evaluate a student's ability, 2) insufficient preparation of teachers, and 3) in some cases, insufficient financing of the Lithuanian language and other additional classes<sup>33</sup>.

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<sup>29</sup>The average number of pupils is 167, which is more than two times less than in Lithuanian dominated Kaunas region.

<sup>30</sup>There process of consolidation of schools takes place very slowly. In 2008, however, 4 bilingual gymnasiums (mostly Polish-Lithuanian) were established in the region.

<sup>31</sup>Data of 2001 Census.

<sup>32</sup>Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialinių tyrimų instituto etninių tyrimų centras, 2008 m.

<sup>33</sup>Children's Rights Ombudsman Institution of the Republic of Lithuania, Report on the Integration in Lithuanian Schools of Children of Lithuanian and Foreign Citizens, who (re)immigrated to Lithuania, 2009.

A few complaints regarding discrimination in education were received at the Office of Equal Opportunities Ombudsman. An anonymous person complained that although the 43<sup>rd</sup> Article of the Lithuanian Constitution states that “There is no national religion in Lithuania”, the Christian religion is taught in national schools as a mandatory class and the only alternative for it is an ethics class. The complainant states that if the Christian religion class is chosen, then student becomes ineligible to receive education on ethics in Lithuanian national schools. The Vice-Minister of the Ministry of Education and Science explained that the Ministry inspected the complaint and declared (with references to Article 40 of the Constitution) that national and municipal education institutions are secular. They stated that it is only at the request of parents that the Christian religious is taught. Furthermore, Article 31 of the Education Law states, “religion is an optional part of moral education”. After the investigation, the Office of Equal Opportunities Ombudsman declared that there is no objective evidence to state that equal opportunities are not preserved in the Lithuanian education system. Parents are eligible to choose the moral education subject over the religious class<sup>34</sup>.

A second complaint was addressed to the Office of Equal Opportunities Ombudsman regarding the Jewish Vilnius Šalom Aleichum secondary school. This school’s internal rules stated that the “School is formed by the principle that one of the parents or grandparents has to be of a Jewish origin. Priority is set to a child whose parents belong to Vilnius Jewish community. If there is space then children of other nationalities are accepted. Education is secular.” The school subsequently discarded the discriminatory requirements of admission<sup>35</sup>.

#### **V.iv Health**

There is a lack of information regarding discrimination of ethnic minorities in the field of health care in Lithuania. There were no court cases or filed complaints at the Office of the Equal Opportunities Ombudsman during 2009.

Although the national legislation does not discriminate against ethnic or religious minorities in the sphere of health care, certain communities are vulnerable to discrimination. This particularly concerns Roma, since the absolute majority of the Roma community are unemployed. According to the Law on Health Insurance, persons who do not pay mandatory social insurance payments can not apply for free health care services (except for emergencies)<sup>36</sup>. In case of illness, people who are not insured by the obligatory social insurance can only expect free services for first aid. Additionally, a number of Roma do not have any

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<sup>34</sup>The Office of Equal Opportunities Ombudsman Annual report of 2009. [http://www.lygybe.lt/assets/LGKT%20ataskaita%202009\\_kovo\\_15.doc](http://www.lygybe.lt/assets/LGKT%20ataskaita%202009_kovo_15.doc), accessed April 18, 2010.

<sup>35</sup>The Office of Equal Opportunities Ombudsman Annual report of 2009. [http://www.lygybe.lt/assets/LGKT%20ataskaita%202009\\_kovo\\_15.doc](http://www.lygybe.lt/assets/LGKT%20ataskaita%202009_kovo_15.doc), accessed April 18, 2010.

<sup>36</sup>21 May 1996 the Law on Health Insurance No I-1343.



identification papers. Thus in such situations, accessing health services is very difficult. This is alarming, bearing in mind that Roma of Kirtimai settlement live in an environment where drug production and distribution is easily accessible. Some Roma are addicted to drugs and this seems to be an increasing problem. However, one of the positive actions in a sphere of health care towards Roma was that during 2009 – 2010 State has been focusing on an information campaign on the sanitation and hygiene of Roma women and girls.<sup>37</sup>

As there were no significant legal amendments related to the rights of asylum seekers and refugees, problems related to their social guarantees remain the same as the year before. After the expiry of the period of integration<sup>38</sup> foreigners with refugee status are insured by the compulsory health insurance company as permanent residents of the Republic of Lithuania. However, the situation is different for those who are granted subsidiary protection (absolute majority of asylum seekers do not get refugee status in Lithuania) and temporal residence permits. If they do not manage to find a job, they are excluded from the social support system and health care. According to Article 4 (5) of the Health Insurance Legislation<sup>39</sup> the Government undertakes to adopt an order concerning funding their health care, but no by-laws have been adopted yet. Thus there are gaps in national legislation. According to the Law on Health Insurance minorities which are granted subsidiary protection have to be insured by the State. Nevertheless, there is a common practice for doctors to require a note certifying the insurance, although it is unnecessary.

## **V.v Policing and ethnic profiling**

The usage of racial profiling by the law enforcement institutions in Lithuania remained latent in 2009-2010. It is almost impossible to estimate the scale of racial profiling, since no official complaints were registered in this respect. Nonetheless, it is very likely that Roma and in some instances Chechens were racially profiled by the police. Since Roma are the most criminalised minority in Lithuanian media, they may be treated as suspects more often just because of their ethnic origin (especially in cases related to drug dealing). According to the data collected by the Human Rights Monitoring Institute, there were at least 11

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<sup>37</sup> European Commission, Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010, <http://ec.europa.eu/social/BlobServlet?docId=4823&langId=en>, accessed 20 April, 2010.

<sup>38</sup> Support for asylum seekers and refugees is provided in Refugee Reception Centre in Rukla for 8 months (the integration period may be extended up to 12 months and for vulnerable groups - up to 18 months). After the integration of refugee in Refugee Reception Center, the support is given to integrate by the municipality, which lasts until 12 months after the foreigners (who has got granted asylum) departure of the Refugee Reception Centre (the period may be extended for the vulnerable groups of foreigners), but not longer than the temporary residence permit is issued by the Lithuanian Republic or until the person's departure from the Republic of Lithuania

<sup>39</sup> 21 May 1996 the Law on Health Insurance No I-1343.

cases reported by the police and in 2008 the media revealed that the suspects were of Roma ethnic origin<sup>40</sup>.

On the other hand, some unofficial data indicates that every year a few cases of racial profiling occur. This especially concerns the arrival procedure of third country nationals (sometimes EU citizens as well) to Lithuania as well as persons coming from particular countries.

## **V.vi Racist violence and crime**

Lithuania was qualified as one of the countries having 'limited' official data collection mechanisms in place, which either tended to focus on a limited number of investigations and court cases or collected information more generally on discrimination rather than, specifically, on racist violence and crime. It would seem to indicate that the problem is neglected<sup>41</sup>.

In a lot of cases racist violence crimes are recorded as mere hooliganism, which is officially qualified as Non-Severe Health Impairment (Art. 138 of the Criminal Code), Causing Physical Pain or a Negligible Health Impairment (Art. 140) or Violation of Public Order (Art. 284). This can even be considered an administrative offence such as Minor Hooliganism (Art. 174 of the Administrative Code). In some cases, such crimes are qualified as minor offences without paying particular attention and without commencing a pre-trial investigation, even if direct or indirect evidence of racist motivation exists<sup>42</sup>.

Almost all criminal investigations related to incitement of ethnic hatred, intolerance, discrimination on the background of race, ethnic origin and religious belief are launched by prosecutors of the Special Investigation Department of the Prosecution Office. The Police, which are the main pre-trial institution, rarely start pre-trial investigations. The role of the Special Investigation Department of the Prosecution Office is undeniable in investigating racist crimes but nevertheless it is closely linked to the amount of complaints submitted by the NGOs and persons<sup>43</sup>, most of which cover the discrimination and/or incitement of hatred in media (Article 169 and 170). According to the data received from NGOs, the decrease of such crimes recorded by the Prosecution office does not indicate that the amount of such crimes has decreased in reality. It indicates how active

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<sup>40</sup>Mickevičius Henrikas, Radvilaitė Asta, Samuolytė Jolanta, ed. board, Žmogaus teisių stebėjimo institutas, Žmogaus teisių įgyvendinimas Lietuvoje 2006 Apžvalga, (Vilnius: Eugrimas, 2007).

<sup>41</sup>European Monitoring Centre on Racism and Xenophobia, The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU, Summary, 2006. [http://fra.europa.eu/fraWebsite/attachments/ar06p2\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/ar06p2_en.pdf), accessed June 6, 2010.

<sup>42</sup>Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41 <http://www.prokuraturos.lt/nbspnbspnusikalstam%C5%BEmoni%C5%A1kumui/STSapibendrinimai2008m/ta/bid/430/Default.aspx>, accessed May 15, 2010.

<sup>43</sup>Data collected by Birute Sabatauskaite from Lithuanian Centre for Human Rights during the interviews carried out during this research.

the NGOs were in writing complaints to the Prosecution Office and the active role of the Prosecution Office in commencing investigations. According to the data collected from NGOs there should be an increase in pre-trial investigations in 2010.

According to the information collected by the Lithuanian Centre for Human Rights, members of ethnic minorities who suffer discrimination or violent attacks do not complain due to a lack of confidence in the law enforcement institutions (especially police) and judicial authorities. They have already experienced the ineffectiveness of the investigations, and/or fear reprisals. Amnesty International note racist attacks and discrimination are carried out against non-European migrants and the Roma minority in Lithuania<sup>44</sup>. The situation of the Roma is particularly alarming because of the violent and discriminatory behaviour of the police towards them, including acts of violence. Almost none of them are reported to the police, even in cases where they suffered severe injuries due to their fear of reprisals against them or their family members. They also fear the lack of impartiality of the law enforcement agencies and judicial authorities.

Some of the notorious expressions of racism took place in spring of 2010. On 11th of March (National Independence day), a group of approximately 500 people, young right wing extremists, including skinheads, marched in the central avenue of the capital of Vilnius, shouting racist slogans, such as “Lithuania for Lithuanians!”<sup>45</sup>. The march was organized by the Lithuanian National Centre. Permission was obtained from the Vilnius municipality by the member of Lithuanian Parliament Kazimieras Uoka (Homeland Union - Lithuanian Christian Democrats party), who led the march. The police did not try to halt the marching and only passively observed the manifestation of hatred. The publication of videos of the marching raised little public outrage and media coverage and most of the Lithuanian elite stood still. A week later, the Norwegian ambassador in Lithuania expressed that this particular manifestation and public’s reaction was a shock not only to him, but also to all foreigners in Lithuania<sup>46</sup>. However, no criminal investigation under the Criminal Code of the Republic of Lithuania was initiated. In 2008, a criminal investigation was started for the same kind of hatred manifestation, but it was not successful<sup>47</sup>.

On 31st of March 2010, there was another racial manifestation during a football game in Marijampole against Panevezys “Ekranas” and FBK “Kaunas”. After a dark-skinned Canadian player Stephen Ademolu from the “Ekranas” team was

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<sup>44</sup>Amnesty International Annual Report 2009: Lithuania, <http://www.amnesty.org/en/region/lithuania/report-2009>, accessed June 1, 2010.

<sup>45</sup>BNS, Kovo 11-ąją eitynėmis Vilniuje pažymėjo ir nacionalistinis jaunimas, *Bernardinai.lt*, March 12, 2010, <http://www.bernardinai.lt/straipsnis/2010-03-12-kovo-11-aja-eitynemis-vilniuje-pazymejo-ir-nacionalistinis-jaunimas/41806>, accessed April 3, 2010.

<sup>46</sup>Digrytė Eglė, Norvegijos ambasadorius: eitynės „Lietuva – lietuviams!“ šokiravo, *Delfi.lt*, March 19, 2010, <http://www.delfi.lt/news/daily/lithuania/norvegijos-ambasadorius-eitynes-lietuva--lietuviams-sokiravo.d?id=30166409>, accessed April 3, 2010.

<sup>47</sup>Vaiseta Tomas, Lietuva – lietuviams!, *LRytas.lt*, February 2, 2009, <http://www.lrytas.lt/12331593921231598236-lietuva-lietuviams-2-video.htm>, accessed April 5, 2010.

tackled in the penalty area, “Kaunas” fans started shouting “Zigger, zigger, zigger shoot the fucking nigger!”<sup>48</sup> After the game S. Ademolu made a joke about the racial chant, but no criminal investigation was started against “Kaunas” fans. However, in 2009, the same football team Panevezys “Ekranas” were given a 20,000 EUR fine after the international game with the Azerbaijan team “Baku”. On July 19, 2009, UEFA Champions League second qualifying round first match was played between Panevezys “Ekranas” and Azerbaijan’s “Baku” at Panevezys stadium. The match ended in a draw (2:2) and referee Sascha Klever, after the match noted in protocol, that in the 56minute of the match, when the referee awarded the 11 meters penalty to "Baku" goal, the team's black-skinned goalkeeper Khalidou Sissoko (who is Senegalese) came close to the referee and protested his decision. After this event, part of local audience in the stadium started to imitate the howling of a monkey. According to UEFA, the sound was directed against the Azerbaijani team’s goalkeeper in an insulting manner. The referee stopped the match and asked the organizers of the match to inform the public not to repeat discriminatory terms. Although both team’s players and coaches tried to ignore the racial motivated incident against dark skinned players from Azerbaijan, the Union of European Football Association (UEFA) imposed a (minimal) fine.

Anti-Semitic incidents remained an issue in 2009-2010. During this period, quite a few Anti-Semitic incidents occurred in Lithuania. Although the police investigated the incidents, there was a lack of a prompt reaction and clear public statements of condemnation. There were also a few Anti-Semitic incidents in Lithuania on April 20, 2009, the 120th birthday of Adolph Hitler. A Jewish cemetery in Klaipeda region was vandalized with anti-Semitic symbols and language. The Klaipeda police failed to identify any suspects for the vandalism. That day a huge red banner with a swastika appeared on a wall of an abandoned house in Klaipeda. Firemen removed the banner<sup>49</sup>. Police also started an investigation concerning an Israeli company which received a delivery of lumber from Lithuania on April 20 that had been defaced with drawings of swastikas and a long-nosed figure. The supplier said that the racist gesture was done by a local employee at the factory in Lithuania; he apologized and promised to fire the employee and send a formal letter of apology. The next day Lithuania’s Charge d’Affaires to Israel met with the head of the Israeli company and expressed regret for the vandalism. She also said that the Lithuanian Government "has no tolerance for and condemns anti-Semitic acts."<sup>50</sup>

On March 8, 2009, the Roman Catholic Bernadine cemetery in Vilnius was vandalized. The Police started an investigation, but no suspects were identified

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<sup>48</sup> Ademolu rasistiniai išpuoliai sukėlė šypsena, *Alfa.lt*, April 1, 2010, [http://www.alfa.lt/straipsnis/10338961/?Ademolu.rasistiniai.ispuoliai.sukele.sypsena=2010-04-01\\_14-55](http://www.alfa.lt/straipsnis/10338961/?Ademolu.rasistiniai.ispuoliai.sukele.sypsena=2010-04-01_14-55), accessed April 20, 2010.

<sup>49</sup>U.S. Department of State, Lithuania: International Religious Freedom Report 2009, <http://www.state.gov/g/drl/rls/irf/2009/127321.htm>, accessed May 1, 2010.

<sup>50</sup>U.S. Department of State, Lithuania: International Religious Freedom Report 2009, <http://www.state.gov/g/drl/rls/irf/2009/127321.htm>, accessed May 1, 2010.

during the reporting period. In addition, three acts of vandalism (on December 31, 2008, January 13, 2009, and February 2, 2009) were committed in a Lutheran cemetery in the northern city of Mazeikiai. Vandals damaged approximately 40 tombs, including those of persons of Russian and Latvian origin. The Police began an investigation<sup>51</sup>.

There were also developments related to earlier racially motivated incidents. On May 27, 2009 Vilnius district administrative court convicted Violeta Iljinych for her part in an April 2008 assault against a South African singer of Indian descent. On December 10 2009, the Appeal Court stated that Violeta Iljinych was sentenced correctly, but her punishment for this crime – imprisonment for a half of year was disproportionate measure. Therefore, her imprisonment was suspended for a year and a half<sup>52</sup>. At every hearing, she was supported by right-wing nationalists who were positioned near the courthouse.

No developments were reported in connection with a number of notorious incidents that occurred in previous years, including: assaults on several foreign students of the Lithuanian Christian College in Klaipeda; a fight in Vilnius between Lithuanian and Nigerian youths and an attack on a man from Ghana two days later, also in Vilnius. Similarly no developments occurred regarding an August attack on an Italian exchange student by assailants who apparently thought he was a Muslim; and the 2007 December death in Vilnius of a former Somali student at Kaunas Medical University after he was beaten in October, allegedly because he spoke on television about racial violence he had experienced in the country<sup>53</sup>.

### **V.vii Access to goods and services in the public and private sector**

There is lack of reliable statistical data and research in the area of access to goods and services that would show the scale of discrimination. On the other hand, unofficial information alleges that Roma face discrimination in accessing services or goods in their everyday life. Over the past few years there were some cases when dark-skinned Erasmus exchange programme students faced difficulties renting accommodation.

Refugees and asylum seekers face difficulties in this field as well. In Lithuania after one year of the state supported integration programme<sup>54</sup>, refugees start to

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<sup>51</sup>U.S. Department of State, Lithuania: International Religious Freedom Report 2009, <http://www.state.gov/g/drl/rls/irf/2009/127321.htm>, accessed May 1, 2010.

<sup>52</sup>Chadasevičius Paulius, Teismas paskelbė: Violeta Iljinych nenusipelnė sėdėti kalėjime!, 15 min., December 10, 2009, <http://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/apeliacinis-teismas-violeta-iljinych-nenusipelne-sedeti-kalejime-59-75029>, accessed June 15, 2010.

<sup>53</sup>U.S. Department of State, 2009 Human Rights Report: Lithuania, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136042.htm>, accessed May 7, 2010.

<sup>54</sup>Support for asylum seekers and refugees is provided in Refugee Reception Centre in Rukla for 8 months (the integration period may be extended up to 12 months and for vulnerable groups - up to 18 months). After the integration of refugee in Refugee Reception Center, the support is given to integrate by the municipality, which lasts until 12 months after the foreigners (who has got granted asylum) departure of the Refugee

live on their own, and have to pay for the living premises at their own expense. Usually it is difficult for a refugee to find an apartment to rent. Lithuanian citizens do not want to rent a living place to refugees. Another common problem is that even if a refugee succeeds in renting an apartment, the owner does not want a refugee to make an official declaration that he/she lives in that apartment. However, such cases are not registered and there is no relevant statistical data.

A widely covered case of racism in the field of goods and services was registered at the Ombudsman's Office of Equal Opportunities. The Office received a request to inquire whether the word "piccaninny" or "little nigger" came within the scope of tolerance and ethics. It was claimed that a store was selling cacao pies called "piccaninny" (or "little nigger"). The Ombudsman decided, that the word "piccaninny" (according to the situation it is used) in many particular cases may lead to an insult, humiliation and contempt of race. Therefore, the Ombudsman assumed that the usage of "piccaninny" in the public sphere was not recommended. Promoting and ensuring equal opportunities in society, that word can form negative stereotyped attitudes about black –skinned people. Keeping all in mind, the potential negative meaning of the word "nigger" in a social context and in compliance with Article 12 (2) of the Law on Equal Opportunities for Women and Men, it was proposed for the food store withdraw its usage of the word "piccaninny"<sup>55</sup>.

#### **V.viii Media, including the internet**

The tendency of the media to use sensational rhetoric and negative terminology in articles on minorities and migration has been decreasing significantly since 2008. A few notorious racist incidents received extensive coverage by the media but others were not reported upon.

The Lithuanian Consumer Institute's analysis of the refugee image in the media in 2009 concluded, that there was a relatively low number of articles on refugees in Lithuania which shows that this is not a popular topic and lacks attention from the media and society in general. The survey revealed that most of the articles related to refugees were positive and talking about their integration into Lithuanian society. In addition, special events, such as one the opening of Chechen bakeries and World Refugee Day have a lot of positive media coverage<sup>56</sup>.

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Reception Centre (the period may be extended for the vulnerable groups of foreigners), but not longer than the temporary residence permit is issued by the Lithuanian Republic or until the person's departure from the Republic of Lithuania.

<sup>55</sup>Tautinių bendrijų naujienos, Nr.2(33),2010 [http://www.tbn.lt/web\\_doc/Zurnalas%202\(33\).pdf](http://www.tbn.lt/web_doc/Zurnalas%202(33).pdf) , accessed September 5, 2010.

<sup>56</sup>Lietuvos vartotojų institutas, Pabėgėlių įvaizdis respublikinėje ir regioninėje spaudoje, 2009, [http://www.vartotojai.lt/public/file/tyrimai/spaudos\\_tyrimas.pdf](http://www.vartotojai.lt/public/file/tyrimai/spaudos_tyrimas.pdf) , accessed July 25, 2010.



Nonetheless, one of the biggest notorious media group “Respublika” contentiously publishes articles with anti-Semitic sentiments. The Period of 2009-2010 was no exception. Although this material was not evaluated as material, which could instigate hatred or discriminatory behaviour, by competent institutions.

However, one of the main problems in 2009-2010 remained the commentaries on internet news portals. Most of the criminal cases on instigation of hatred concerned anonymous commentaries on the web. The Special Investigations Division of the Prosecutor General’s Office of the Republic of Lithuania states, that 88% of all cases that are investigated by this particular division, are made in the public sphere (media, internet)<sup>57</sup>. As in previous periods, there is reason to believe that as continuous monitoring of the public information is not appropriately regulated (legally and institutionally), the number of unregistered and unsolved discrimination offences remains high.

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<sup>57</sup> Special Investigations Division of Prosecutor General’s Office of the Republic of Lithuania, Annual Report 2009, <http://www.prokuraturos.lt/LinkClick.aspx?fileticket=Hios4sR7sXk=&tabid=221> , accessed August 9, 2010.

## VI. Political and legal context

Although fighting racism and discrimination has never been a priority in the governments' political agenda, due to pressure from the EU as well as other international organisations, some action was taken. However, due to the economical downturn, which dramatically hit the country during the second half of 2008, the governments' social policies were severely affected. Thus, it is not surprising, that rather modest policy measures, tackling racism, discrimination and social exclusion almost became invisible. Drastic cuts to budgets halted any progress reached in previous years. This section of the report will highlight some of these consequences.

### VI.i Anti discrimination

At the beginning of 2009, the government adopted a National Anti-discrimination Programme for 2009 – 2011<sup>58</sup>, which is the continuation of the previous programme, aimed at tackling discrimination. Although the programme does identify a lot of major issues, concerning discrimination on various grounds (including ethnicity and race), the scope of the programme was very modest. It aimed to carry out new research in the field of discrimination, to raise awareness among society, to organise social-campaigns and trainings aimed at tackling discrimination, to support the activities of non-governmental organisations, who are dealing with discrimination and to review and amend (if necessary) existing legislation on anti-discrimination.

It is rather obvious, that none of the previously mentioned aims could be reached during 2009, because of the obvious reason – only slightly more than 10% of the initial budget, planned for 2009, was actually allocated to the programme.<sup>59</sup> Thus it is not surprising, that neither new research in the field, nor developments in the national legal system took place. No funding reached NGOs working in the field of anti-discrimination. The Office of the Equal Opportunities Ombudsperson received most of the allocated funds, thus its activities were slightly more visible, although the scale was also very limited.

It is not known what exact steps were taken, to review existing anti-discrimination law. However, bearing in mind no funding was allocated, the authors of this

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<sup>58</sup>The draft of the programme was approved in 2009. Lietuvos Respublikos Vyriausybės nutarimas "Dėl Nacionalinės antidiskriminacinės 2009-2011 m. programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=342654&p\\_query=durbano&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342654&p_query=durbano&p_tr2=2), accessed May 15, 2010.

<sup>59</sup>Koordinuojančios institucijos ataskaita apie tarpinstitucinės programos įgyvendinimą, pagal gautą informaciją per 2009 m. ataskaitinį laikotarpį, Nacionalinė anti-diskriminacinė 2009-2011 m. programa. (Report on the implementation of National anti-discrimination programme for 2009). Available in Lithuanian at <http://www.socmin.lt/index.php?2021157222>



report believe, that no action in this respect was taken. The Law on Equal Treatment came into force on 1 January 2005 and was designed to implement the EU Anti-discrimination directives (Race Equality Directive 2000/43/EC, Employment Equality Directive 2000/78/EC) into the national legislation. The period to implement the Race Equality Directive 2000/43/EC<sup>60</sup> passed for Lithuania in 2005, however, it can be argued whether the current wording of the national legislation fully implements the requirements of the EU anti-discrimination law.

First of all, the requirement of the Race Equality Directive regarding the engagement of associations in judicial proceedings on behalf of or in support of the victim has not been sufficiently transposed in Lithuania. This provision of the Directive was formally included into the Law on Equal Treatment in June 2008. However, it cannot be considered effective in practice, bearing in mind the legal gaps in procedural legislation – the Code of Civil Procedure does not mention the right for associations to engage in judicial process. The current law also limits the number of NGOs, which in theory could engage in legal proceedings on behalf of the victim to those associations who have a provision in their founding documents, that the representation of victims of racial or ethnic discrimination at courts is their field of work<sup>61</sup>. It is doubtful, that at present there are such NGOs at national level that could fully match the criteria.

Secondly, one of the major issues for victims of discrimination – the effectiveness of sanctions – remains unsolved. The right to claim compensation for racial discrimination was introduced in the Law on Equal Opportunities of Women and Men only in June 2008. This is the only provision, which, if properly applied, could be considered effective and compensatory. There are no other provisions of this character in national anti-discrimination law. Legally, the Ombudsperson has the competence to investigate complaints on discrimination, but its decisions do not have a compensatory effect to the victim. The Ombudsman has a right to impose administrative sanctions (according to Administrative Violations Code), however they can hardly be considered to be of an effective, proportionate and dissuasive character. Additionally, the Ombudsman rarely issues fines as an administrative sanction<sup>62</sup>. Mostly the decisions of the Ombudsman are warnings of a recommendatory character<sup>63</sup>. This issue was also stressed by the EU Fundamental Rights Agency<sup>64</sup>.

The Equal Opportunities Ombudsperson is the main national anti-discrimination body, founded in order to fulfil the requirements of the Racial Equality Directive.

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<sup>60</sup>Council Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal of the European Communities, L 180/22.

<sup>61</sup>Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas. Official publication, *Valstybės Žinios*, 1998, Nr. 112-3100. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=312549](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549), accessed August 6, 2010.

<sup>62</sup>In 2008 no decisions to issue a fine as an administrative sanction were taken by the Ombudsman.

<sup>63</sup>However perpetrators tend to observe it and usually stop discriminatory actions or behaviour.

<sup>64</sup>European Union Agency of Fundamental Rights Annual Report 2008, p. 7, 17, 18, [http://fra.europa.eu/fra/material/pub/ar08/ar08\\_en.pdf](http://fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf), accessed August 10, 2010.

When the Law on Equal Treatment came in force in 2005, it expanded the mandate of the previous Ombudsman of Equal Opportunities for Men and Women. Thus a new institution – the Equal Opportunities Ombudsperson – covering all grounds of discrimination, embodied in directives 2000/43/EC, 2000/78/EC and gender ground, came into being on 1 January 2005. However, as an equality body the Ombudsperson still lacks particular features that are foreseen by the Racial Equality directive.

According to the law, providing independent assistance to victims of discrimination in pursuing their complaints on discrimination, as foreseen by Article 13 of the Racial Equality Directive, bringing discrimination complaints or intervening in legal cases does not fall under the competence of the Ombudsperson. These activities are also not exercised in practice. In July 2009 the competence of the Ombudsperson was expanded to include the implementation of independent research, related to complaints of discrimination, drafting of independent reports and providing an overview on discrimination in general. Thus, this particular field of competence is rather new and not well developed (no theme-specific or any other reports were drafted by the Ombudsperson before, since the national law did not oblige the Ombudsperson to report on other occasions).

Although awareness raising research, surveying or other functions do not officially fall under the competences of the Ombudsperson, in practice, the Ombudsperson is involved in these activities. The government considers the Ombudsperson as the key institution for the promotion of equal opportunities, thus it is involved in many awareness raising activities, outlined in the governmental programmes on social inclusion and anti-discrimination. For example, it was involved in the Governmental programme for the Integration of Roma 2008 – 2010<sup>65</sup>, the Strategy on the Development of the National Minority Policy until 2015<sup>66</sup> and the National Anti-discrimination Programme for 2009 – 2011<sup>67</sup>.

One of the positive initiatives of the Ombudsperson in 2009 was the establishment of a draft national action plan for equality data collection. It identified a need for such data as well as clearly stated, that current statistical data, which is available, is very limited. The Ombudsperson recommended the

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<sup>65</sup>Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=317530&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=317530&p_query=&p_tr2=), accessed May 15, 2010.

<sup>66</sup>Lietuvos Respublikos Vyriausybės nutarimas „Dėl Tautinių mažumų politikos plėtros iki 2015 m. strategijos patvirtinimo“, 2007 m. spalio 17 d. Nr. 1132. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=307551&p\\_query=&p\\_tr2=](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=307551&p_query=&p_tr2=), accessed August 10, 2010.

<sup>67</sup>The draft of the programme was approved in 2009. Lietuvos Respublikos Vyriausybės nutarimas "Dėl Nacionalinės antidiskriminacinės 2009-2011 m. programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317. [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=342654&p\\_query=durbano&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342654&p_query=durbano&p_tr2=2), accessed May 15, 2010.

government to set up a national action plan for the collection of equality data 2011-2014<sup>68</sup>. Whether the plan will be implemented in practice, remains to be seen.

### **Best Practice Example**

September 2009 Lithuanian Center for Human Rights, organised a national round table on positive action. The event, named “Positive action as a tool against discrimination: theory and practice” was mostly attended by government officials and NGO workers who are working in the field of anti-discrimination and equal opportunities. Participants of the event were also high-profile policy makers of various Lithuania institutions and organisations, amongst governmental officials there were two members of Lithuanian Parliament (Seimas), Seimas Ombudsperson (also gave a presentation in the event), Ombudsperson of Equal opportunities, etc..

## **VI.ii Migration and integration**

The budget cuts in 2009 also affected the structure of the Ministry of Interior Affairs (the main institution responsible for the national migration and asylum policy). Its Department of Migration Policy was disbanded, and its functions were transferred to a newly established Division of Migration Affairs, within the Department of Public Security Policy. The human resources of the new division were reduced on a number of occasions<sup>69</sup>. As Lithuania does not have a coherent migration policy, such changes in the structure of the main governmental body responsible for these matters seems to be the opposite of what needs to be done.

A number of amendments to the main pieces of legislation related to migration, asylum and integration of refugees were adopted in 2009: the Law on the Legal Status of Aliens was amended and the Order of the State Support for Integration of Foreigners Granted Asylum were amended in July. However, these amendments dealt exclusively with procedural matters and had no significant influence on the scope of rights of foreign nationals in Lithuania.

Last year immigration, which had been increasing over the past five years, decreased. However, surveys revealed, that this did not have a significant effect on the general public opinion towards migration and refugees. December 2009, the Lithuanian Institute of Consumer Protection published the findings of a study on the tolerance of refugees within Lithuanian society. The study analysed the

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<sup>68</sup>Equal Opportunities Ombudsperson, Annual report for 2009, available in Lithuanian at [www.lygybe.lt](http://www.lygybe.lt).

<sup>69</sup>Vidaus reikalų ministerijos Valdymo tobulinimo komisijos veiklos rezultatai, available in Lithuanian at: [http://www.vrm.lt/fileadmin/Padaliniu\\_failai/Rysiu\\_su\\_visuomene\\_sk/visokie/pasiulymai/rezultatai-VTK-2009.doc](http://www.vrm.lt/fileadmin/Padaliniu_failai/Rysiu_su_visuomene_sk/visokie/pasiulymai/rezultatai-VTK-2009.doc) (15.09.2010)

portrayal of refugees by the media and presented the findings of a representative survey of Lithuanian citizens. The respondents of the survey, when asked to evaluate the impact of refugees for the future of Lithuania, were mostly negative. 75 % of them claimed that the increase in the number of refugees might lead to increased crime. More than 70% stated that it would cause a rise in taxes because more money would be needed to support refugees. Only 25% of respondents agreed that refugees could enrich our culture with their own customs and ideas; and only 16 % believed that refugees could start business in Lithuania and thus create new workplaces.<sup>70</sup>

### **Best Practice Example**

June 2010, the UNHCR Regional Representative for Nordic and Baltic Countries, the State Border Guard Service and the Lithuanian Red Cross Society signed a tripartite memorandum of understanding on modalities of mutual cooperation to support the access of asylum seekers to the territory and the asylum procedures of the Republic of Lithuania. The parties agreed to organise trainings for border officers, to allow regular visits by lawyers to border crossing points, Vilnius International Airport and the Foreigners' Registration Centre in Pabrade, and the distribution of information about the right to asylum and the asylum procedure in the abovementioned locations.<sup>71</sup>

## **VI.iii Criminal justice**

### **VI.iii.i Racism as a crime**

A few important positive changes in the realm of Criminal Law took place in 2009, mostly because of the transposition of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law into national law. One of the major developments in criminal law was the inclusion of motivation, based on hate towards persons due to their race, nationality, language, ethnicity (among other grounds) to the list of aggravating circumstances of crime in June 2009<sup>72</sup>. As a result, the concept of hate crimes was introduced into national law. Before this law entered into force the concept of hate crimes was not taken into account by the national legal system. Moreover, in addition to the general clause, which provides a list of aggravating circumstances (Article 60 of the Criminal Code), the provision is repeated in Articles that foresee liability for particular crimes: murder (Article 129), intentional grievous bodily injury (Articles 135) and

<sup>70</sup>Lietuvos vartotojų institutas (2009), *Pabėgėliai: tolerancijos atspindys tyrimuose*

<sup>71</sup>Memorandum available at: [http://www.unhcr.se/Pdf/MOU-lithuania/MoU\\_State\\_Border\\_Guard\\_2010\\_Eng.pdf](http://www.unhcr.se/Pdf/MOU-lithuania/MoU_State_Border_Guard_2010_Eng.pdf), accessed August 5, 2010.

<sup>72</sup>Lithuania / Lietuvos Respublikos Baudžiamojo kodekso 60, 129, 135 ir 138 straipsnių papildymo ĮSTATYMAS, 2009 m. birželio 16 d. Nr. XI-303, Available in Lithuanian at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=347281](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=347281) accessed August 1, 2010.

intentional slight bodily injury (Article 138). Thus, motivation based on hate is considered a qualifying feature for these crimes, which results in a more severe punishment.

Although the Criminal Code does not provide a definition of hate crimes, the General Prosecution Service issued recommendations regarding pre-trial investigations of such crimes, considering that all crimes that are motivated with hate towards persons are hate crimes.<sup>73</sup> In reality, these provisions of the Criminal Code of the Republic of Lithuania<sup>74</sup>, usually (but not necessarily) concern racist behaviour: severe discriminatory behaviour on the basis of various grounds including nationality, ethnicity, racial belonging or religion (Article 169 of the Criminal Code of the Republic of Lithuania); hate speech and incitement against national, racial, ethnic, religious or other groups of residents as well as production, distribution or possession (with a purpose of inciting hatred) of any materials that incite hatred or urges for violence (Article 170 of the Criminal Code); the foundation, financing or other material support of as well as participation in organisations, organised groups or groups of accomplices, whose goal is to discriminate persons on account of their race, nationality, language, ethnicity, as well as other grounds. (Article 170 (1); Article 312 Part 2 of the Criminal Code provides criminal liability for the desecration of graves for reason of race, ethnic background or religion (among other features).

As it was already mentioned, the lack of statistical data remains a significant barrier to assess to real scale of racist crime. In spite of existing clauses in statistical cards<sup>75</sup>, used in the national pre-trial investigation data management system<sup>76</sup>, the information on motivation or the features of a victim is not available in on-line criminal statistics databases<sup>77</sup>. There is no information on motivation of crimes at the databases at all, not to mention any detailed, comprehensive or systemised information on hate crimes. Thus, such data is not accessible to the public. However, the data extracted from the registry can be obtained if a written request is submitted directly to the IT and Communications Department under the Ministry of Interior.

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<sup>73</sup>Lithuania / Generalinės prokuratūros Metodinės rekomendacijos dėl nusikalstamų veiku, padarytu rasiniais, nacionalistiniais, ksenofobiniais, homofobiniais ar kitais diskriminacinio pobūdžio motyvais, ikiteisminio tyrimo organizavimo, vadovavimo jam ir atlikimo ypatumų, 2009-12-23 Nr.12.14-40. Available in Lithuanian at:

<http://www.prokuraturos.lt/nbspnbspnusikalstamai%C5%BEmoni%C5%A1kumui/tabid/221/Default.aspx> (accessed August 1, 2010).

<sup>74</sup>Lithuania/Lietuvos Respublikos Baudžiamojo kodekso patvirtinimo ir įsigaliojimo įstatymas. Baudžiamasis Kodeksas. Official publication *Valstybės Žinios*, 2000, Nr. 89-2741. Available in Lithuanian at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=314141](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=314141) (accessed August 1, 2010).

<sup>75</sup>Statistical cards are special forms, which every pre-trial investigation institution should fill-in when investigation is started, and later submit for the purpose of data collection and data management.

<sup>76</sup>Currently the system is supervised by the Ministry of the Interior, while the main administrative role of the collected data falls on the IT and Communications Department under the Ministry of Interior.

<sup>77</sup>Statistical information data base of IT Department under the Ministry of Interior, [http://www.vrm.lt/fileadmin/Image\\_Archive/IRD/Statistika/index2.phtml?id=198](http://www.vrm.lt/fileadmin/Image_Archive/IRD/Statistika/index2.phtml?id=198) (accessed July 29, 2010); Centre for Crime prevention, Automated statistical information system (ASIS) <http://www.nplc.lt:8000/asis/> (accessed July 29, 2010);



In addition, the data of the crime registry is not accurate, to say the least. The number of hate crimes registered from statistical cards does not correspond to the actual number of committed crimes that are usually motivated with hatred towards particular group of persons (instigation of hatred, desecration of graves, etc.). For example, according to the information of the crime registry, provided by IT Department under the Ministry of Interior<sup>78</sup>, during the period of 2007 – 2009, no racially motivated crimes were registered, five crimes were motivated with hatred towards persons of a particular nationality, five crimes were motivated with religious hatred. However, according to the General Prosecution office<sup>79</sup>, at least 52 racist violence crimes (Article 170 of the Criminal Code) or severe discrimination (Article 169 of the Criminal Code) were brought to the court during the same period. Another example is even more convincing: according to registry data, no person suffered damage from crime due to their race during the period of December 2007 – June 2010<sup>80</sup>. Such information does not correspond to data from NGOs as well as cases of racist violence, reported in the media.

The need to improve data collection in Lithuania has been emphasised by NGO's, the international community as well as state institutions. The General Prosecution Service recognises that there are significant disparities between data, administered by the IT and Communications Department under the Ministry of Interior and by the General Prosecution Service itself<sup>81</sup>. The IT and Communications Department under the Ministry of Interior, while administering data on victims only takes into account the 3 major ethnicities of the country, ignoring other ethnic backgrounds as well as other features<sup>82</sup>. There is a possibility, that regional and local police offices as well as other pre-trial investigation bodies do not take the obligation to provide accurate and timely data to the registry seriously<sup>83</sup>. The lack of supervision and control over the data collection system as well as the current regulation, which does not clearly define the functions and role of the data providers and data managing bodies are the main issues to be blamed for an insufficient functioning of data collection system.

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<sup>78</sup>Official letter of response from the IT and Communications Department under the Ministry of Interior to the Inquiry of the Lithuanian Centre for Human Rights, 2010-07-30, No. (6-2) 9R-7559.

<sup>79</sup>Lietuvos Respublikos Generalinės prokuratūros Specialiųjų tyrimų skyriaus veiklos 2009 m. ataskaita 2010-01-29, Nr. 17.9.-212 ( Annual report for 2009 of the Special Investigation department of General Prosecution service). Available in Lithuanian at: <http://www.prokuraturos.lt/nbspnbspNusikaltimai%C5%BEmoni%C5%A1kumui/tabid/221/Default.aspx> (accessed August 2, 2010).

<sup>80</sup>Official letter of response from the IT and Communications Department under the Ministry of Interior to the Inquiry of the Lithuanian Centre for Human Rights, 2010-07-30, No. (6-2) 9R-7559.

<sup>81</sup>Lithuania / Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41, available in Lithuanian at <http://www.prokuraturos.lt/nbspnbspNusikaltimai%C5%BEmoni%C5%A1kumui/STSapibendrinimai2008m/tabid/430/Default.aspx> (accessed August 1, 2010).

<sup>82</sup> Ibid.

<sup>83</sup>Lietuvos Respublikos Generalinės prokuratūros Specialiųjų tyrimų skyriaus veiklos 2009 m. ataskaita 2010-01-29, Nr. 17.9.-212 ( Annual report for 2009 of the Special Investigation department of General Prosecution service). Available in Lithuanian at: <http://www.prokuraturos.lt/nbspnbspNusikaltimai%C5%BEmoni%C5%A1kumui/tabid/221/Default.aspx> (accessed August 2, 2010).

In spite of this,, there are improvements in the work of the prosecution service. The capacity of the Prosecution to bring cases to the court is increasing every year. In 2009, the number of ongoing investigations regarding violations of equality laws (these involve racist crimes as well) was up by 12% on 2008<sup>84</sup>. This is mostly due to the commitment of the Special Investigation Department of the General Prosecution Service, which is, unfortunately, the only body, initiating criminal investigations on racist crimes. The prosecutors of Regional or District Prosecution offices are passive in this respect. Thus, there is a need for awareness raising as well as trainings for lower officials of criminal justice system<sup>85</sup>.

#### **VI.iii.ii Counter terrorism**

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

#### **VI.iii.iii Ethnic profiling**

There is no information available on the usage of racial profiling. No complaints have been registered in this respect. No discussions are taking place among either civil society actors, or state officials.

#### **VI.iv Social inclusion**

The social inclusion of minorities (particularly Roma) was severely hit by the government's decision to cut funding. It seems, that progress, made in previous years was completely neglected and most of the achievements remained only on paper.

One of the main policy developments regarding social inclusion in 2008 was the adoption of the Programme of the Integration of Roma in Lithuanian Society for 2008 – 2010 in March 2008<sup>86</sup>. However, there was a complete failure to implement the programme in reality and it was eventually cancelled. It seems

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<sup>84</sup>Prokuratūros veiklos 2009 m. ataskaita (Prosecution activity report for 2009), available in Lithuanian at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=366232&p\\_query=%22PROKURAT%DBROS%20VEIKLOS%202009%20M.%22&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366232&p_query=%22PROKURAT%DBROS%20VEIKLOS%202009%20M.%22&p_tr2=2) , accessed August 5, 2010.

<sup>85</sup>It must be mentioned, that ECRI recommended that the Lithuanian authorities raise the awareness of all public servants involved in the criminal justice system of the need to take all manifestations of these phenomena seriously

<sup>86</sup>Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309.

that in 2009 only 1/5 of the planned budget was actually allocated<sup>87</sup>. The programme was not given any funds in the beginning of 2010<sup>88</sup> and was formally discontinued in June 2010<sup>89</sup>. The main institution responsible for its implementation – The Department of National Minorities under the Government of Lithuania – was dissolved and ceased to exist.

The adoption of the aforementioned programme in 2008 was thought to be a very positive step forward by many. The programme, contrary to its previous version was mainly aimed at improving Roma unemployment and education, reduction of poverty and fighting social exclusion. It reflected the actual needs of the community as well as the actual current situation. However, due to significant lack of funding the programme remained a paper-based declaration, it is not possible to evaluate actual results, no evaluation of the programme was ever conducted. This is not surprising, because throughout the period of its existence, it did not receive 84% of its 'initial budget.

A thorough report, written by the Seimas Ombudsman<sup>90</sup> in 2009 indicated, that the same can be said about Vilnius city municipality's policy for Roma integration – policies were underfinanced, mismanaged, there was no control on the results of the programme and lack of evaluation.

Although the Strategy on Ethnic Minority Policy Development until 2015<sup>91</sup>, takes into account the situation of minorities in the labour market and foresees a significant number of measures, directly aimed at social inclusion, it also suffered from lack of funds in 2009. It seems that budgetary cuts will continue in 2010 - according to the decision of the Government of January 2010, the programme will get 30% less than initially planned<sup>92</sup>.

Overcoming discrimination, tackling social exclusion or enhancing the integration of ethnic minorities and immigrants were not priorities of national policies of social inclusion<sup>93</sup>. According to The National Action Programme (NAP) report on Social Inclusion policies there are no other priorities, except the eradication of child poverty, increasing the support for the family, encouraging participation in

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<sup>87</sup>Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2009 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas", 2009 m. sausio 21 d. Nr. 32.

<sup>88</sup>Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2010 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas", 2010 m. sausio 20 d. Nr. 70.

<sup>89</sup>Lietuvos Respublikos Vyriausybės 2010 m. birželio 2 d. nutarimas nr. 692 Dėl 2008 m. kovo 26 d. Nutarimo Nr. 309 „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309 pripažinimo netekusiu galios.

<sup>90</sup>Seimas Ombudsmen's Office, Human Rights Protection: Roma's Rights, 2009, [www.lrski.lt/index.php?n=362&l=LT](http://www.lrski.lt/index.php?n=362&l=LT), accessed August 2, 2010.

<sup>91</sup>Lietuvos Respublikos Vyriausybės nutarimas „Dėl tautinių mažumų politikos plėtros iki 2015 metų strategijos patvirtinimo“, 2007 m. spalio 17 d. Nr. 1132.

<sup>92</sup>Lietuvos Respublikos Vyriausybės nutarimas "Dėl 2010 metų Lietuvos Respublikos biudžeto patvirtintų asignavimų paskirstymo pagal programas", 2010 m. sausio 20 d. Nr. 70.

<sup>93</sup>National Report of Lithuania on Social Protection and Social Inclusion Strategies 2008 – 2010, [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2008/nap/lithuania\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/lithuania_en.pdf), accessed May 6, 2009.



the labour market, improving access to quality services. There will be no particular emphasis on ethnic minorities or migrants in 2010.

## **VII. National recommendations**

### **VII.i General**

- Significant financial resources should be allocated for awareness raising on racism and discrimination, tackling prejudice and stereotypes widespread in society; a comprehensive human rights education curriculum should be introduced in schools;
- Statistics on the ethnic composition of society and the situation of minorities in the spheres of employment, education, housing and access to goods and services should be collected and managed by competent institutions;

### **VII.ii Anti discrimination**

- The competence of the Equal Opportunities Ombudsman should be expanded by law, to include assistance to victims of discrimination.
- An elaborate and detailed system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.

### **VII.iii Migration and integration**

- The policy of social integration of foreigners, granted subsidiary protection should be reviewed to improve the quality of social rights after the period of integration is over.
- The situation of migrants (particularly third country nationals, entering the labour market) should be put at the political agenda on social inclusion.

### **VII.iv Criminal justice**

#### **VII.iv.i Racism as a crime**

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

### **VII.v Social inclusion**

- Proper financial resources should be allocated for national minority integration policies and governmental programmes.
- A new governmental programme on social integration of Roma should be urgently established, with sufficient financing and monitoring mechanisms available.

## VIII. Conclusion

It is not unusual, that in a country, hit by recession and economical downturn, the field of social policy suffers the most. Lithuania, severely affected by the financial crisis is not an exception to that. However due to the economical downturn, which dramatically hit the country in the second half of 2008 it affected governments' social policies in the worst possible way.

Drastic budgetary cuts halted any progress, reached in previous years. The overall sense of recession and the general gloomy picture of governments' approach to anti-racism, social integration and anti-discrimination can be counter-acted with a few initiatives by NGOs. On the other hand, if the financial crisis continues the non-governmental sector of Lithuania, which was weak before the recession, will soon become non-existent. Below is just one illustrative example of many efforts, done by local NGO's.

In autumn, 2009 LCHR, the leading organisation of ENAR national coordination in Lithuanian organised a large scale human rights awareness raising event – the human rights film festival “Ad Hoc: Inconvenient Films”. With a wide range of accompanying events, the festival took place in seven cities of Lithuania from the end of October until the end of November 2009. A total number of 176 non-profit human rights film screenings were held during the festival, it was visited by 12,500 viewers thus becoming one of the biggest cinema event of the year in the country.

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

CEDAW - Convention on Elimination of All Forms of Discrimination Against Women.

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

CES - Centre of Ethnic Studies.

ECRI – European Commission against Racism and Intolerance.

LCHR – Lithuanian Centre for Human Rights

NGO – non-governmental organisation.

UNHCR - the United Nations High Commissioner for Refugees.

VWP – the United States of America Visa Waiver Programme.



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