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EUROPEAN FOUNDATION OF HUMAN RIGHTS  
ЕВРОПЕЙСКИЙ ФОНД ПРАВ ЧЕЛОВЕКА

# **Analysis of the Comments of the Republic of Lithuania to the Third Opinion of the Council of Europe on the Third State Report by Lithuania**



**EFHR 2015**

## **Analysis of the Comments of the Republic of Lithuania to the Third Opinion of the Council of Europe on the Third State Report by Lithuania**

Lithuania is a multi-ethnic Baltic state: 15,8 % of its population belong to Polish (6,6%), Russian (5,8%), Belarusian (1,2%), Ukrainian (0,5 %) and other (Roma, Jewish, Tatar etc.) minorities<sup>1</sup>. As a member of the Council of Europe since 1993, Lithuania ratified the *Framework Convention for the Protection of National Minorities* (FCNM) without any reservation on 23 March 2000. By the ratification of the *Convention*, the Government committed itself to submit a State Report every five years in which it presents how much improvement the authorities made to comply with the FCNM. It still has not however ratified the European Charter for Regional or Minority Languages.

The latest country report – which provides information on the situation of national minorities and minority policies between 2006 and 2011 - was submitted to the Council of Europe in September 2011. The Advisory Committee adopted its Opinion on the Third State Report by Lithuania in November 2013; it was however only released publicly in October 2014.

After three monitoring cycles, the Advisory Committee (hereinafter referred to as „*Committee*” or „*AC*”) found that while overall progress continues in Lithuania with regard to the protection and promotion of human rights and the protection from discrimination, particular issues remain unaddressed and perceived as sensitive and highly politicized. The absence of legal provisions regulating the use of minority languages (such as the spelling of names and topographic information) is two of these issues. In addition, public and media debates on minority rights are often instrumentalized for political purposes and demonstrate a „*lack of understanding of international commitments for the protection of national minorities*”<sup>2</sup>. According to the AC, „*no comprehensive governmental strategy*” *has been developed to elaborate a more balanced and rights-based approach*”<sup>3</sup> in relevant decision-making. Therefore, the Third Opinion urges Lithuania to „*adopt without delay and in close consultations with minority representatives*”<sup>4</sup> a coherent legal framework for the protection of national minority rights, in particular regarding language rights. Furthermore, the AC calls upon Lithuania to ensure that national minority schools<sup>5</sup> are adequately prepared for the education reform adopted in 2011<sup>6</sup> and implement a coherent strategy to combat discrimination and social exclusion towards the Roma.

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<sup>1</sup> [http://statistics.bookdesign.lt/dalis\\_04.pdf](http://statistics.bookdesign.lt/dalis_04.pdf), figure 16.

<sup>2</sup> Third Opinion on Lithuania, Advisory Committee on the Framework Convention for the Protection of National Minorities, 10 October 2014, Strasbourg, available at [http://www.efhr.eu/download/3rd\\_OP\\_Lithuania\\_public\\_en.doc.pdf](http://www.efhr.eu/download/3rd_OP_Lithuania_public_en.doc.pdf), page 5.

<sup>3</sup> Ibidem, page 5.

<sup>4</sup> Ibidem, page 5.

<sup>5</sup> These are not private schools, but are in fact public schools which mainly use minority languages as languages of instruction.

<sup>6</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=407836](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=407836)

Having received the Opinion of the AC, the Government of Lithuania expressed its disagreement towards the criticisms in the document and submitted its Comments in October 2014. In their reply, the Government of Lithuania pointed out that the conclusions made by the AC were not true regarding a number of matters. It provided clarifications on a number of problems raised by the AC and presented information demonstrating in Lithuania's view that the issues had been addressed satisfactorily.

For example, the AC Opinion regretted that minority representatives appeared not to have been comprehensively consulted in the course of the preparation of the Third State Report by Lithuania, since the process of gathering information for the report constitutes a useful opportunity to discuss the views and concerns of national minority communities and to jointly identify adequate steps to address them.

The Government of Lithuania claimed for its part that the draft Third State Report was sent to NGOs dealing with human rights such as the Lithuanian Centre for Human Rights (*Lietuvos žmogaus teisių centras*) and the Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*). The Government also claimed that comments received from these NGOs were taken into account as far as possible.

The European Foundation of Human Rights (EFHR) would like to underline that the mentioned NGOs are not specialized in national minority related issues or minority rights. Human Rights Monitoring Institute (HRMI) and the Lithuanian Centre for Human Rights (LCHR) are non-governmental organisations founded and working in the field of human rights in Lithuania. Both organisations use the combination of tools to advocate for full compliance of national laws, policies and practises with international human rights obligations as well as to encourage people to exercise their rights. Although HRMI and LCHR play a unique role in the local human rights movement, it must be pointed out that none of those organisations specialise in or are particularly involved with issues surrounding the protection of national minorities' rights in Lithuania. The EFHR is the main Lithuanian NGO which scope of activity mainly focuses on discrimination and other issues of national minorities in Lithuania. Despite this fact, the Government did not consult the EFHR regarding the Third State Report.

The EFHR would like to recall that Lithuanian authorities are obliged to inform the public on the state of implementation of the FCNM. According to Lithuania's Third State Report, the Second State Report by Lithuania was released in Lithuanian, Russian and English and published on the website of the Department of National Minorities and Lithuanians living Abroad (*Tautinių mažumų ir išeivijos departamentas*), which functions were passed to the current Ministry of Culture (*Lietuvos Respublikos Kultūros Ministerija*) in 2010, as well as on the website of the Ministry of Foreign Affairs (*Lietuvos Respublikos Užsienio reikalų ministerija*)<sup>7</sup>. One may wonder why the document is not published in Polish while the Polish minority is the largest

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<sup>7</sup> Third State Report by Lithuania,  
[http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Lithuania\\_rev\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Lithuania_rev_en.pdf), page 4.

national minority community in Lithuania. However, it is even more surprising that the Second Report (together with the First Report) can be found only on the website of the Ministry of Foreign Affairs and exclusively in Lithuanian language (*Annex II*).<sup>8</sup> No translation is available in minority languages. In addition, neither the opinions of the Advisory Committee, the comments or resolutions nor the Third State Report by Lithuania are available on this page. The same is true for the website of the Ministry of Culture<sup>9</sup> (*Annex III*) where no information or document can be found on the State Reports. According to this institution, the closure of the Department of National Minorities and Lithuanians Living Abroad (which may have published them) explains why the State Report is unavailable (*Annex IV*). EFHR believes however that other institutions have the obligation to ensure that such important documents are available for the public.

By not involving national minorities in the preparation of the Third State Report by Lithuania, the Government gives at least an impression of being unwilling to confront national minority related policies and issues with representatives of these communities. Moreover, the absence of translation of the State Reports is not an unusual phenomenon in Lithuania. The 2013 OSCE Report on Lithuania<sup>10</sup> criticized the Government for the lack of electoral materials in minority languages during the 2012 parliamentary elections campaign. In 2014, the Central Electoral Commission of the Republic of Lithuania (*Vyriausioji rinkimų komisija*) promised to implement recommendations regarding the translation of informational materials in national minority languages in elections in the 2016<sup>11</sup>. It should be pointed out however that official information during the 2015 spring local elections was available again only in the State language<sup>12</sup>.

Having thoroughly analyzed the Comments by the Government, the EFHR found that that document, together with the Third State Report by Lithuania, was unfortunately misleading as concerned information on the factual situation of minority rights protection in the country. The Foundation believes strongly that providing factual information on the real state of affairs regarding the implementation of the FCNM by Lithuania is crucial to understand to what extent the Government respects (or not) its international commitments, and at the same time also important for state institutions to understand that there is still a lot to be done regarding the protection of minority rights in Lithuania. Therefore, in this document the EFHR attempts to provide clarifications on the actual state of affairs related to the implementation of the FCNM by the Lithuanian Government.

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<sup>8</sup><http://www.urm.lt/default/lt/uzsienio-politika/uzsienio-politikos-prioritetai/zmogaus-teises/zmogaus-teisiu-konvencijos-ir-pranesimu-rengimas> (*Annex II*).

<sup>9</sup> <http://www.lrkmlt.lt/index.php?3797292939>

<sup>10</sup> <http://www.osce.org/odihr/98586>

<sup>11</sup> <http://www.vrk.lt/naujienos/-/content/10180/1/esbo-vrk-pristate-2012-m-seimo-rinkimu-rekomendaciju-igyvendinima>

<sup>12</sup> <http://www.vrk.lt/informaciniai-leidiniai-2015sav>

### Article 3 – Scope of application of the Framework Convention

Under Article 3, Lithuania has the obligation to establish a coherent legal framework or a consistent national strategy for the protection of their national minorities. However, despite promises of the Lithuanian Government, no specific law or „*comprehensive governmental strategy was adopted which could replace the law of National minorities of 1989 which expired in 2010*”<sup>13</sup>. State institutions repeatedly reject draft laws as they include what are claimed to be ‘highly politicized issues’ (such as the right to use minority languages in relation with public authorities etc.).

In its Comments, the Government claims that the Ministry of Culture has drafted a *Law on National Minorities* which is in line with the provisions of the FCNM. Other alternative drafts were registered with the Seimas as well. However, this is misleading. While there has been a number of drafts, no legislation has so far been adopted by the Seimas (as of June 2015). There is in fact currently no legislation for the protection of the rights of minorities in Lithuania.

With regard to the protection of minority rights in what are described as programs rather than laws, EFHR would like to refer to the following programs on minorities that are mentioned in the Third State Report:

- Program of Integration of National Minorities into the Lithuanian Society 2005-2010;<sup>14</sup>
- National Minority Policy Development Strategy until 2015 (long-term document on the planning of national minority policy, adopted in 2007);<sup>15</sup>
- National Minority Policy Development Program for 2013-2021 (drafted in 2011 by the Ministry of Culture)<sup>16</sup>.

EFHR would like to point out that these programs are not legally binding, in contrast to the previously existing *Law on National Minorities* (which is no longer in force and which protected national minorities by regulating the use of minority languages in relation with public authorities, ensured rights to education in the mother tongue and allowed bilingual street signs etc.). Therefore, they do not provide legally protect minority communities in the country. Moreover, none of these programs can be regarded as concrete, full-fledged programs. They are more in the nature of policy statements since none of them are backed up with financial resources, planning

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<sup>13</sup> Third Opinion on Lithuania, p.36.

<sup>14</sup>Tautinių mažumų integracijos į Lietuvos visuomenę 2005–2010 metų programą (Žin. 2004, Nr. 93-3403): [http://webcache.googleusercontent.com/search?q=cache:lQv9cthzgkUJ:www.lrv.lt/bylos/Teises\\_aktai/2004/06/2889.doc+&cd=1&hl=pl&ct=clnk&gl=lt](http://webcache.googleusercontent.com/search?q=cache:lQv9cthzgkUJ:www.lrv.lt/bylos/Teises_aktai/2004/06/2889.doc+&cd=1&hl=pl&ct=clnk&gl=lt)

<sup>15</sup>Tautinių mažumų politikos plėtros iki 2015 metų strategija (Žin., 2007, Nr. 112-4574): [https://www.e-tar.lt/portal/lt/legalAct/TAR.2B31702E8070/TAIS\\_369476](https://www.e-tar.lt/portal/lt/legalAct/TAR.2B31702E8070/TAIS_369476)

<sup>16</sup>Tautinių mažumų politikos plėtros 2013–2021 m. programos (Nr. 11-0637-01-N) (11-485-02) [http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=94502&p\\_fix=y&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=94502&p_fix=y&p_gov=n)

and implementation structures, deadlines for specific initiatives, etc. In addition, EFHR was informed by an e-mail sent on 21 May 2015 by the Ministry of Culture (*Annex V*) that only the „*National Minority Policy Development Strategy until 2015*“ was approved. In other words, contrary to what the Third State Report by Lithuania indicates, most of these programs are not in fact operational.

As correctly pointed out in the Third State Report by Lithuania, legislative initiatives require 50.000 valid signatures. The report claims that Seimas member Jarosław Narkiewicz (Electoral Action of Lithuanian Poles) (*Lietuvos lenkų rinkimų akcija* (LT) or *Akcja Wyborcza Polaków na Litwie* (PL)) exercised his civil right and collected signatures to introduce a draft law on national minorities in 2009. EFHR informs that the statement by the Government is not accurate. The deputy did not submit a draft in 2009, but in 2010, as a Parliament member<sup>17</sup>. Additional draft laws on national minorities were registered also by other members of the Seimas<sup>18</sup>. In any event, it must be repeated that this initiative did not become legally binding legislation.

In relation to legislative initiatives, it is worth mentioning that the threshold for these kind of democratic tools is extremely high in Lithuania. EFHR believes that the requirement regarding the number of signatures is not proportional in light of the size of the country's population. Lithuania has only 2,9 million citizens<sup>19</sup> and a legislative initiative requires 50 000 signatures while in Poland where the size of the population equals 38.4 million citizens, initiative requires only 100 000 signatures<sup>20</sup>. In result it is clear that Lithuanian threshold is excessive and impossible to meet for representatives of national minorities.

In the view of the EFHR, the main obstacle for the elaboration and adoption of a new law on minorities is the lack of understanding of the binding nature of the FCNM in international law. As EFHR has already pointed out in its *Alternative NGO Report on Lithuania's Implementation of the Framework Convention for the Protection of National Minorities* in 2013, Lithuanian Minister of Culture Šarūnas Birutis in 2013 refused to sign a draft presented by his own task force claiming that it contained „*too many gaps*“<sup>21</sup> (although the document was the result of extensive consultations and discussions). Moreover, members of the Lithuanian political elite of all parties do not understand the urgent need to adopt a law on national minorities. Surprisingly, political leaders openly claim that „*right now the law [on national minorities] is not a priority*“<sup>22</sup>. The previously existing National Minority Law expired in Lithuania in 2010 and, despite criticism from many international organisations, has not been restored so far. The

<sup>17</sup>[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=363451&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363451&p_tr2=2)

<sup>18</sup>[http://www3.lrs.lt/pls/inter3/dokpaieska.rezult\\_l?p\\_nr=&p\\_nuo=&p\\_iki=&p\\_org=&p\\_drus=2&p\\_kalb\\_id=1&p\\_title=tautini%F8%20ma%FEum%F8&p\\_text=&p\\_pub=&p\\_met=&p\\_lnr=&p\\_denr=&p\\_es=0&p\\_tid=&p\\_tkid=&p\\_t=0&p\\_tr1=2&p\\_tr2=2&p\\_gal=&p\\_rus=1](http://www3.lrs.lt/pls/inter3/dokpaieska.rezult_l?p_nr=&p_nuo=&p_iki=&p_org=&p_drus=2&p_kalb_id=1&p_title=tautini%F8%20ma%FEum%F8&p_text=&p_pub=&p_met=&p_lnr=&p_denr=&p_es=0&p_tid=&p_tkid=&p_t=0&p_tr1=2&p_tr2=2&p_gal=&p_rus=1)

<sup>19</sup><http://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=ed31cbb8-93dd-4677-92f4-8c2c620b8111>

<sup>20</sup> <http://www.sejm.gov.pl/prawo/konst/polski/kon1.htm>

<sup>21</sup> <http://www.delfi.lt/news/daily/lithuania/s-birutis-atsisake-pasirasyti-tautiniu-mazumu-istatymo-projekta.d?id=61333685>

<sup>22</sup> <http://media.efhr.eu/2014/09/04/loreta-grauziniene-the-law-on-national-minorities-is-not-only-for-the-poles/>

discussion on a draft Legislation to protect national minorities has been repeatedly moved from one parliament's session to another. In the meantime, discussion and disagreement between different political parties continues. Nor have MPs yet reached a consensus on the issue of spelling of first names and surnames in official and other documents, or bilingual street and location signs. This leads to the conclusion that Lithuania is simply not complying with its legal obligations by refusing to implement a law on minority rights – and not committed to doing so. This situation and the fact that Lithuania has been delayed for many years is contrary to statements made to the AC for many years now.

#### **Article 4 - Protection against discrimination and promotion of full and effective equality**

The Third Opinion notes that representation of victims in court is still problematic for NGOs as a procedure for this type of representation is not foreseen in relevant procedural codes. The Office of the Equal Opportunities Ombudsman (*Lygių galimybių kontrolieriaus tarnyba*)<sup>23</sup> still only receives a few cases on discrimination as representatives of national minorities do not feel confident of their chances to obtain redress.

On the first issue, the Government in its Third State Report claims that Article 12(2) of the *Law on Equal Treatment*<sup>24</sup> stipulates that „associations and other legal persons, which have in accordance with the legal act, the defence and representation in court of persons discriminated against on a particular ground as one of their activities may, on behalf of the person discriminated against, represent him in judicial or administrative procedures in the manner prescribed by laws”<sup>25</sup>. The EFHR would like to underline, however, that this is inaccurate, since NGOs often cannot stand on their own in Lithuanian courts. EFHR has expertise in this field, as since 2012 we have been addressing the Office of the Equal Opportunities Ombudsman with complaints of discrimination in relation to job advertisements. However, the Office of the Equal Opportunities' Ombudsman has repeatedly discontinued investigations on the basis that EFHR as a legal person can only represent actual physical victims, an interpretation confirmed by Lithuanian courts<sup>26</sup>. These judgments has led the Office of the Equal Opportunities' Ombudsman to ignore the complaints of NGOs. EFHR faces the same problem when lodging complaints or trying to initiate legal action in relation to hate speech. Following the Independence Day of March 2011 where young nationalist were shouting racist and xenophobic comments, the Foundation attempted lodged a case with the Prosecutor's Office. However, the claim was rejected as there was „no real victim”.

On the second issue, EFHR can provide precise data. In 2014, the Office of the Equal Opportunities Ombudsman examined 279 cases on discrimination: 35% (88 investigations)

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<sup>23</sup> <http://www.lygybe.lt>

<sup>24</sup> [http://www.lygybe.lt/download/343/law%20on%20equal%20treatment\\_no.%20ix-1826.pdf](http://www.lygybe.lt/download/343/law%20on%20equal%20treatment_no.%20ix-1826.pdf)

<sup>25</sup> *Ibidem*, page 8.

<sup>26</sup> <http://eteismai.lt/byla/142888090148571/A-492-2078-13?word=lygiu%20galimybi%20kontrolieriaus%20europos%20mogaus%20teisi%20fondas>

related to discrimination on the basis of gender, 25% (63 investigations) to social situation, 12% (30 cases) to age, 10% (25 cases) to disability, while 7% (18 cases) of the cases were related to religion and beliefs. EFHR notes that only 3% (8 cases) of claims were related to discrimination on basis of nationality, 3% (7 cases) on basis of language and 1% (2 cases) to ethnicity<sup>27</sup>.

The percentage of cases launched on the basis of discrimination on ethnicity and nationality was the same in 2014 as in 2013. EFHR agrees with the 2012-2013 Shadow Report of the Centre for Human Rights (entitled „*Racism and related discriminatory practices in employment in Lithuania*”) <sup>28</sup> and the Concluding observations on the fifth periodic report of Lithuania prepared by the Committee on the Elimination of Discrimination against Women<sup>29</sup> which argue that this low percentage can be explained by a lack of knowledge or a lack of trust toward this institution. The Government as well as Lithuanian courts consider that the Office of the Equal Opportunities Ombudsman „has a right, not an obligation, to hear administrative cases” and „refusal to hear an administrative case may not be treated as failure to exercise his competence”<sup>30</sup>.

**Table 1. Cases examined by the Ombudsman on discrimination<sup>31</sup>**

	2014	2013
<b>Gender</b>	88 (35%)	37 (14%)
<b>Social situation</b>	63 (25%)	143 (53%)
<b>Age</b>	30 (12%)	24 (9%)
<b>Disability</b>	25 (10%)	32 (12%)
<b>Religion</b>	18 (7%)	5 (2%)
<b>Nationality</b>	8 (3%)	10 (4%)
<b>Language</b>	7 (3%)	1% <sup>32</sup>
<b>Ethnicity</b>	2 (1%)	No information

With regard to the promotion of equality, the AC invited Lithuania to pay special attention to the region of Visaginas inhabited by over 13 000 of people, where over 50% of the population belong mainly to the Russian speaking national minority. The Third State Report by Lithuania argues that from 2006 through 2007, the Ignalina Labour Exchange implemented the project “Integration of national minorities into the labour market to prevent social exclusion” which

<sup>27</sup> <http://www.lygybe.lt/lt/naujienos/archive/p10/skelbiami-2014-m.-k6hq.html>

<sup>28</sup> [http://www.efhr.eu/download/rozne/ENAR\\_SHADOW\\_REPORT\\_2012-2013\\_EN.PDF](http://www.efhr.eu/download/rozne/ENAR_SHADOW_REPORT_2012-2013_EN.PDF)

<sup>29</sup> <http://www.efhr.eu/download/Concluding%20observations%20on%20the%20fifth%20periodic%20report%20of%20Lithuania.pdf>

<sup>30</sup> Case A-662-665-10, 2010-04-19, The Supreme Administrative Court of Lithuania [http://eteismai.lt/byla/73202923993426/A-662-665-](http://eteismai.lt/byla/73202923993426/A-662-665-10?word=2008%20m.%20lapkri%C4%8Dio%207%20d.%20parei%C5%A1k%C4%97jas%20skundu%20kreip%C4%97si%20%C4%AF%20atsakov%C4%85%20kuriuo%20%20pra%C5%A1%C4%97%20vadovaujantis%20Lygi%C5%B3%20galimybi%C5%B3%20%C4%AFstatymo%2014%20straips)

[10?word=2008%20m.%20lapkri%C4%8Dio%207%20d.%20parei%C5%A1k%C4%97jas%20skundu%20kreip%C4%97si%20%C4%AF%20atsakov%C4%85%20kuriuo%20%20pra%C5%A1%C4%97%20vadovaujantis%20Lygi%C5%B3%20galimybi%C5%B3%20%C4%AFstatymo%2014%20straips](http://eteismai.lt/byla/73202923993426/A-662-665-10?word=2008%20m.%20lapkri%C4%8Dio%207%20d.%20parei%C5%A1k%C4%97jas%20skundu%20kreip%C4%97si%20%C4%AF%20atsakov%C4%85%20kuriuo%20%20pra%C5%A1%C4%97%20vadovaujantis%20Lygi%C5%B3%20galimybi%C5%B3%20%C4%AFstatymo%2014%20straips)

<sup>31</sup> <http://www.lygybe.lt/lt/metines-tarnybos-ataskaitos.html?backlink=%252Flt%252Fpaieska%252Fresults%252Fp0.html>

<sup>32</sup> Report does not provide the information about the exact number of cases.



involved 110 persons belonging to national minorities and documentation governing the activities was translated into Russian. EFHR points out that this initiative was not effective regarding the relationship between the number of participants and the number of people belonging to national minorities in the region of Visaginas. EFHR also regrets that program was not available in other minority languages such as Belarusian, Polish (Belorussians constitute 1.87 % and Polish people constitutes 7.05% of the local population in Ignalina)<sup>33</sup>.

This attitude is also reflected in government websites, where e.g. a website of Ministry of Foreign Affairs of the Republic of Lithuania has only Lithuanian, Russian, English and French versions, while with the Ministry of Culture which is most related now to national minorities, information is only available in Lithuanian and English.

It is also noteworthy that during the Lithuanian municipality elections in 2015, over 26,95% of the surveyed individuals didn't want to identify their nationality. From this result, one can understand that people wish not to expose their ethnicity because they are afraid of being targeted due to the prevailing discrimination and intolerance towards non-Lithuanian citizens<sup>34</sup>.

### **Article 5 – Support to minority cultures and languages**

The Third Opinion notes that State support allocated for the cultural activities of minorities is insufficient. Moreover, since the replacement of the Department of National Minorities and Lithuanians Living Abroad by the Ministry of Culture, the attention of officials toward minority issues has decreased according to representatives of national minorities.

As a result, in November 2014 the Government decided to establish the Department of National Minorities from 1 July 2015. In EFHR's view, this example shows an inadequate state of affairs towards national minorities since 2010 when the Department of National Minorities and Lithuanians Living Abroad by the Ministry of Culture was dissolved. Moreover, representatives of national minorities hold the view that the Ministry of Culture has limited capacity to deal with minority related issues. The Prime Minister of Lithuania admitted as well that the government made a mistake when it dissolved the department which existed before 2010<sup>35</sup>.

With regard to state support for cultural activities, EFHR would like to point out that the Ministry of Culture (which is currently responsible for the promotion of national minority rights and cultures) supports only projects aiming at promoting the cultures of national minorities – and not minority rights. Legal entities working in a cultural field in Lithuania might receive partial

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<sup>33</sup> [http://www.osp.stat.gov.lt/documents/10180/217110/Gyventojai\\_pagal\\_tautybe\\_savivaldybese.xls/3b346c37-b28f-4dcc-9836-874b6ea951f7](http://www.osp.stat.gov.lt/documents/10180/217110/Gyventojai_pagal_tautybe_savivaldybese.xls/3b346c37-b28f-4dcc-9836-874b6ea951f7)

<sup>34</sup> [http://www.vrk.lt/statiniai/puslapiai/2015\\_savivaldybiu\\_tarybu\\_rinkimai/output\\_lt/rinkimu\\_diena/stat2.html](http://www.vrk.lt/statiniai/puslapiai/2015_savivaldybiu_tarybu_rinkimai/output_lt/rinkimu_diena/stat2.html)

<sup>35</sup> <http://en.delfi.lt/lithuania/politics/national-minorities-department-will-give-more-powers-to-communities-lithuanian-pm-says.d?id=66490360>

financial support (up to 80%)<sup>36</sup>. In 2013 as well as in 2014, the Ministry of Culture provided 288 000 LTL (83 500 EUR), whereas in 2015 this was only 52 000 EUR<sup>37</sup>. EFHR believes that the decrease of financial support perfectly reflects the attitude of the Government regarding national minority issues.

**Table 2: Grants for cultural projects of national minorities<sup>38</sup> (*Annex VI*)**

<b>Year</b>	<b>Number of submitted projects</b>	<b>Value of submitted grants (LTL)</b>	<b>Value of submitted grants (EUR)</b>	<b>Number of granted projects</b>	<b>Funds for projects (LTL)</b>	<b>Funds for projects (EUR)</b>
<b>2007</b>	323	2 345 670	679 991	218	577 150	167 289
<b>2008</b>	326	2 612 900	757 362	265	610 700	177 014
<b>2009</b>	340	2 453 150	711 058	197	550 000	159 420
<b>2010</b>	0	0	0	0	0	0
<b>2011</b>	152	1 736 590	503 359	99	270 000	78 260
<b>2012</b>	180	2 096 316	607 627	100	270 000	78 260
<b>2013</b>	180	2 310 675	669 760	94	288 000	83 478
<b>2014</b>	182	2 341 673	678 745	76	288 000	83 478
<b>2015</b>	143	1 784 409	517 220	57	52 000 EUR	52 000

In 2014, the Ministry of Culture of Lithuania announced a competition for partial public funding of cultural projects for organisations operating in the cultural sphere. The projects were also supposed to be available to support the development of the culture of national minorities. Out of all submitted projects the Ministry selected 76, for which 288 000 LT (83 478 EUR) were allocated from the state budget (in 2013 it was 288 000 or 83 478 EUR for 94 projects; in 2012 270 000 or 78 260 EUR for 100 projects). It must also be mentioned that between 2007 and 2013, the number of propounded projects as well as value of grants has decreased twice (2007-218 projects; 2008-265; 2009-197).

The reduction of funding for the cultural development of national minorities is unfortunate and difficult to understand in light of Lithuania's legal obligations under Article 5, especially when one considers the significant amounts which were supposed to be allocated to support educational projects and for cultural media.

EFHR also notes that according to the Third State Report, the draft of the Law on National

<sup>36</sup> Financial grants can be allocated for projects related to promotion of national minority's culture in Lithuania and abroad, support for their children and youth activity and preservation of minorities' cultural heritage. The projects might also refer to enhancement of national tolerance, supporting Saturday and Sunday schools of minorities, eradication of racism and discrimination, integration of Roma and fostering national identity.

<sup>37</sup> <http://www.lrkm.lt/go.php/lit/Tautines-mazumos>

<sup>38</sup> Document included an e-mail sent by the Ministry of Culture to EFHR in July 2014 (*Annex V*)

Minorities „intends to stipulate a prohibition on forced assimilation“. In view of EFHR, this means that forced assimilation is currently not prohibited at present and State authorities can freely assimilate national minorities. EFHR would like to refer to a number of articles and speeches where Lithuanian politicians and academics agreed that Lithuania is not “integrating” national minorities, where the claims appear to reflect attitudes of intolerance favouring discrimination and assimilation rather than respectful integration of minorities<sup>39</sup> - as well as a complete disregard for the country’s legal obligations under the FCNM.

## **Article 6 – Tolerance and intercultural dialogue**

The Third Opinion concludes that racism and intolerance have become more frequent in Lithuania (especially toward the Polish minority and immigrants) on the internet. The abolishment of administrative liability for hate crimes by the Government in 2009 unfortunately reduced the possibility of sanctions for the perpetrators of hate crime. The AC also expressed its regrets that the Special Division in the Prosecutor’s Office (dealing with hate crimes) was closed in 2011.

EFHR would like to underline that complaints involving hate speech against minorities are often ignored by public authorities, and for this reason official statistics on hate crimes do not provide an accurate picture. Simply stated, many cases are never reported because of the refusals and attitudes of authorities. Hate crimes are investigated only on the basis of a written request from victims themselves, and most of these often lack trust in competent authorities and are afraid of re-victimization because of the prevailing atmosphere in the relevant government agencies. Official statistics indicate that 278 hate crimes were reported in 2012, while 156 cases were reported in 2013 and 102 claims in 2014<sup>40</sup>. The drop in the number of hate crimes does not mean that fewer such crimes were committed in Lithuania. In reality, the sense of futility of complaining or trying to combat hate crimes have been exacerbated by the legal system in Lithuania itself since the „principle of ultima ratio“ was introduced in 2012 by Supreme Court, which concluded that hate crime related cases can only be presented as a last resort. As a consequence, while between 3 August 2011 and 30 June 2015 EFHR submitted more than 450 complaints to prosecuting officers regarding hate speech crimes, most of them were rejected without any investigation.

EFHR also must highlight that marches of a xenophobic nature regularly take place on Lithuanian Independence Day (11 March) in Vilnius and other cities. In 2008, participants of the march in Vilnius were heard chanting freely and enthusiastically „Lithuania is beautiful without

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<sup>39</sup> <http://www.delfi.lt/news/daily/lithuania/v-tomasevskis-sustiprino-savo-pamatus-vilniuje-kodel.d?id=67315462>

<sup>40</sup> <https://www.hrmi.lt/uploaded/Apzvalgos/Hate%20Crimes%20Victims%20Rights%20Study%20EN%202013.pdf>, p.13

Russians” and „Juden raus”<sup>41</sup>. Unfortunately, judges have treated such shocking cases with little more than a shrug of shoulders. On 28 January 2009 the Second District Court of the City of Vilnius acquitted one of the participants in a public march where similar slogans were shouted, indicating he had only shouted „Lithuania for Lithuanians”<sup>42</sup>. In 2011, more participants joined the march, screaming „for Lithuania, the nation and the race”<sup>43</sup>.

On 11 March 2013, A march took place again on Gedimino Street, Vilnius’ main artery, with participants chanting again „Lithuania for Lithuanians” while wearing Nazi symbols such as the swastika. EFHR lodged a formal complaint since the march had not been authorized<sup>44</sup>. However, the complaint was rejected by the court on the basis that an NGO could only be involved in a complaint if it represented an individual victim. As a consequence, EFHR could not appeal the decision and the organizers<sup>45</sup> of the neo-Nazi march went unpunished. Perhaps even more disturbing in 2013 Dalia Grybauskaitė, President of Lithuania, was quoted as saying „you say nationalists, I would call them patriotic youth”<sup>46</sup>. EFHR believes that this statement is an expression of disregard and expresses a lack of respect towards those members of the society whose ethnicity is non-Lithuanian.

In relation to the xenophobic events described previously, Prime Minister Algirdas Butkevičius has also stated that „we should not be afraid of marches”. He also has been quoted as saying that such events „cannot be banned” because it would result in even more hostility<sup>47</sup>. EFHR believes however, that in order to resist growing manifestations of anti-semiticism, racism and xenophobia in Lithuania, it is imperative for public institutions and the highest State officials to clearly distance themselves from this march and punish xenophobic behaviour.

The comments by the Government claim that Lithuania has taken efforts to enhance tolerance and intercultural dialogue, especially regarding the Roma and their culture. In the framework of the *Action Plan for Roma Integration 2012-2014*, for example, the Ministry of Culture issued a CD entitled “Romani Folkloro”. EFHR was informed that the Ministry of Culture issued 1000 CDs in Lithuanian and in the Romani language. EFHR believes that this amount will reach only a very limited number of citizens – and there is no indication how many were actually circulated or to whom. In addition, EFHR also suggests that considering the advanced level of technology today, it may be more efficient to make the content of the CD available via download. In addition, the Government claims that among the measures for public education on anti-

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<sup>41</sup> <http://tv.lrytas.lt/?id=12052542121204207405&sk=3>

<sup>42</sup> <http://alfa.lt/straipsnis/10256908/teismas-isteisino-skina-kaltinta-skandavus-grazi-lietuva-be-rusu>

<sup>43</sup> <http://www.lithuaniatribune.com/5891/regarding-the-condemnation-of-the-march-of-extreme-right-and-the-spread-of-hatred-in-public-20115891>

<sup>44</sup> <http://www.lithuaniatribune.com/31066/vilnius-authorities-vindicated-about-nationalist-march-court-ruling-201331066/>

<sup>45</sup> <http://www.15min.lt/en/article/in-lithuania/several-thousand-people-took-part-in-unsanctioned-nationalist-independence-day-march-in-central-vilnius-525-314963>

<sup>46</sup> <http://www.delfi.lt/news/daily/lithuania/dgrybauskaite-jus-sakote-nacionalistai-o-as-juos-pavadinciau-tautiniu-jaunimu.d?id=60850015>

<sup>47</sup> <http://www.lithuaniatribune.com/31513/we-should-not-be-afraid-of-marches-bans-lead-to-opposition-pm-says-201331513/>

discrimination between 2006-2008, the Department of National Minorities and Lithuanian Living Abroad issued a booklet on national minorities and their contribution to the country's history. There is no indication if this booklet is available in minority languages, or to whom and in what quantity it may have been circulated.

The Comments from the Lithuania Government claims that in order to foster tolerance and intercultural dialogue, a new professional development module („Protection of human rights and freedoms“) was introduced for police officers in the second half of 2014 and that topics covered subjects such as basic human rights and freedoms, forms of discrimination etc. The training course about the module would be launched in the second half of 2014. EFHR finds it regrettable it must inform the AC that these claims are simply not true. EFHR was advised in an email from the Lithuanian Police School (*Lietuvos policijos mokykla*) on 27 January 2015 (*Annex VII*) that the training – which is presented as an important element to educate law enforcement officers on human rights - was never introduced. The Lithuanian Police School could not provide information on whether the training would be introduced in the future.

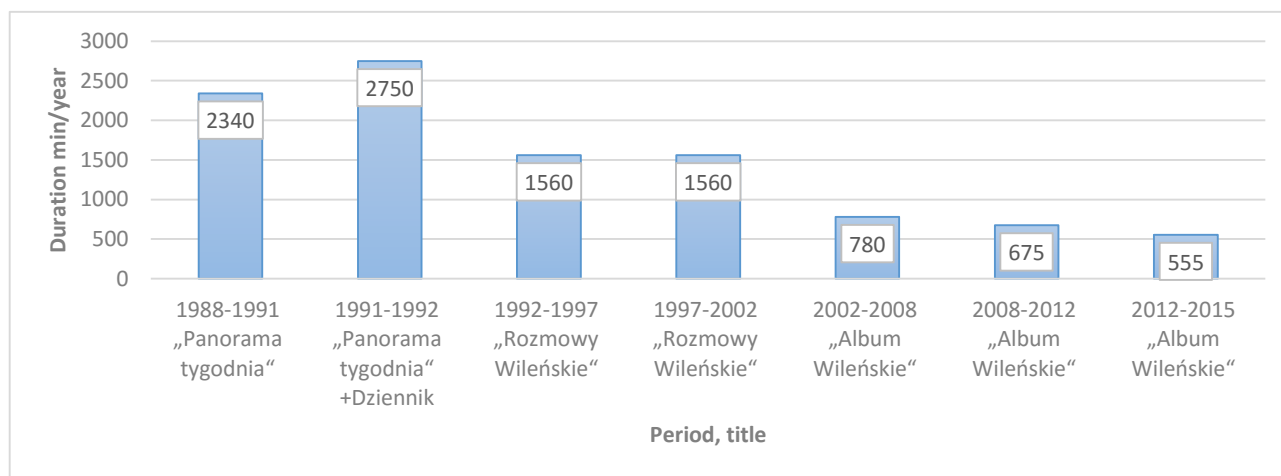
#### **Article 9 – Access of national minorities to the media and their presence in the media**

The AC reprimanded in its Third Opinion the Government of Lithuania for the absence of any substantial improvement with regard to the implementation of Article 9. It pointed out the situation had gone in the opposite direction: there has been a trend to reduce the amount of national minority media programming, as well as to move what little programming there is to less advantageous time slots. In addition, national minorities are simply not involved in the preparation of the few programs which are addressed to them and which treat mostly subjects such as music and culture or religion.

In its own comments, the Government of Lithuania claims that the amount of national minority programming has not changed in recent years. EFHR notes however, that since independence, broadcast time for programs in minority languages (Polish, Russian, Belarusian, Ukrainian, and for members of the Jewish community) has been systematically reduced. This is true especially for programs aimed at the Polish minority, the largest minority community in Lithuania. Since the end of the 1990s, LRT (Lithuanian Radio and Television) began to marginalize Polish broadcasting. This meant that employees involved with Polish minority programming have not received employment contracts, but rather contracts for specific tasks. Other obstacles to the production of high quality, reliable programming include the use of equipment becoming more restrictive for minorities: cameras had to be reserved two weeks in advance, while broadcasting times are changed continuously with the result of discouraging minority viewers. The cost of production of programs for the Polish minority, for example, was cut by 70% in 2007, and many programs were saved only with the support of the Polish State rather than Lithuanian public broadcasting authorities fulfilling their obligations under Article 9.

It must be mentioned as well that the year-on-year total broadcasting time for Polish programs was shortened by more than three-quarters - from 2750 minutes in 1991 to 555 minutes in 2015<sup>48</sup>. Furthermore, while there is only one weekly (except during holiday time), 15 minute edition of the "Album Wileńskie" broadcast in the Polish language on Lithuania state television, the much smaller Russian-speaking minority enjoys weekly three programs: one 5-minute broadcast and two 15-minute broadcasts.

**Diagram 1: Polish programme in national Lithuanian Television  
(LTV, digital LRT since 2012)<sup>49</sup>**



Additionally, Lithuanian Public Television (*Lietuvos nacionalinis radijas ir televizija*, LRT) recently announced that the new season in the network's schedule would see an increase in Russian programming, while the single program in Polish „Album Wileńskie“ would not change. In addition, as from June 2015 „LRT Kultūra“ will start to broadcast a new program in Russian language „Geofactor“. LRT announced it will also search for other ways to enrich Russian language programming<sup>50</sup>. Nothing more is provided for Polish, the largest linguistic minority in the country.

It is also noteworthy that in 2012, LTV (predecessor of the current LRT) introduced the digitalization of television broadcasts in Lithuania. While the reform meant that minority and other programs are available in the whole country, the quality of broadcasting has worsened. Viewers using terrestrial antenna now have problems with the reception quality of programs in outlying areas. Moreover, national minority programs were “demoted” by being moved from the former LRT channel to „LRT Kultūra” - a less popular channel. As Diagram 1 illustrates,

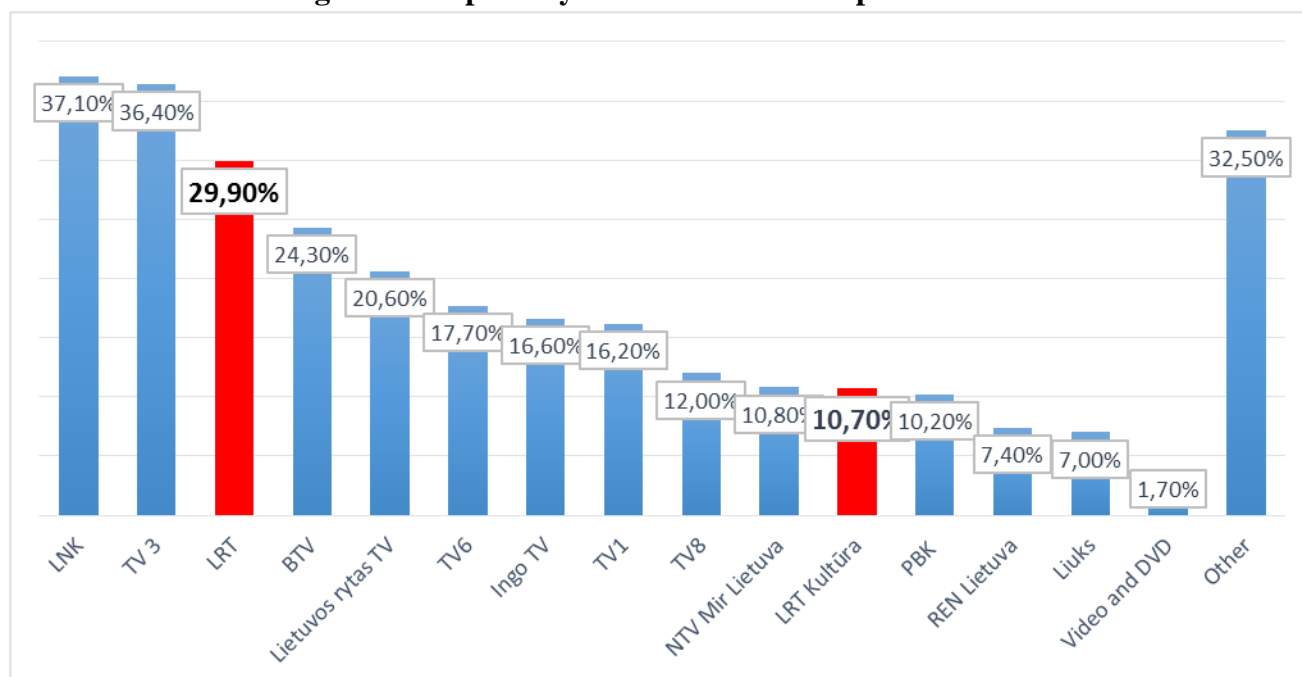
<sup>48</sup> <http://en.efhr.eu/2015/02/26/about-broadcasting-time-for-national-minorities/>

<sup>49</sup> [http://en.efhr.eu/download/Polish%20programme%20in%20national%20Lithuanian%20Television%20\(LTV,%20digital%20LRT%20since%202012\).pdf](http://en.efhr.eu/download/Polish%20programme%20in%20national%20Lithuanian%20Television%20(LTV,%20digital%20LRT%20since%202012).pdf)

<sup>50</sup> <http://en.efhr.eu/2015/02/26/about-broadcasting-time-for-national-minorities/>

only 10,7% of the Lithuanian audience follow LRT Kultūra; according to a recent survey of April 2015, this channel is ranked 11th in popularity among channels in Lithuania. In comparison LTR is followed by 29,9% of Lithuanians. Hence national minorities have less possibility to watch programs in their national languages.

**Diagram 2: Popularity of TV channels in April 2015<sup>51</sup>**



These changes in minority programming have therefore been extremely disadvantageous for the non-Lithuanian audience, particularly members of linguistic minorities. One should also bear in mind that such programs are also supposed to be aimed at introducing the culture and daily life of people belonging to national minorities to a wider public. Government policies in broadcasting has led to the exact opposite, with programs now reaching a smaller audience as the population are not attracted to the „LRT Kultūra” channel.

The results of this lack of interest are actually not arbitrary. The programs offered by this channel are not of interest for national minorities in summer time, for example, because half of the programs are only rebroadcasts of previous shows. Furthermore, Lithuanian authorities do not consult minorities on the subjects treated or in the development or implementation of minority programming. Moreover, „LRT Kultūra” introduced a summer break of three months (from the end of May until September) which was recently extended from 10-12 weeks to 15-17 weeks. Consequently, up-to date editions of "Album of Vilnius" are not produced during that period – in the summer time „LRT Kultūra” provides only reruns of this program.

<sup>51</sup> <http://www.tns.lt/lt/news/tv-auditorijos-tyrimo-rezultatai-2015-m-balandis/>

EFHR also notes that the number of publications aimed at national minorities is decreasing<sup>52</sup>, partially as a consequence of the difficulties of publishers in financing their publications. In Lithuania, financial support from the public budget is available for newspapers, TV and radio programs through the Media Support Fund (*Radio ir televizijos rėmimo fondas*) that organizes yearly competition to support media projects. National minority media usually take part in the competition. In 2014 the only Polish radio in Lithuania, „Znad Wilii”, and the only daily Polish language newspaper, „Kurier Wileński”, received a support of 82 000 LTL (23 748 EUR) in total. „Znad Wilii” was awarded: 18 000 LTL (5213 EUR) for the project “*Kristijonas Donelaitis – artimas ir paslaptingas*”(Christian Donelaitis – allied and mysterious), 18 000 LTL (5213 EUR) for „*Lietuva – daugiakultūrinė valstybė – praeitis ir dabartis*”(Lithuania – multicultural country – past and future), 12 000 LTL (3475 EUR) „*Lietuva lenkų kalba tapyta: tiek širdžių Lietuvai plaka*” (Lithuania painted in Polish: many hearts beating for Lithuania) and 8 000 LTL (2316 EUR for „*Jaunimo erdvė*” (The space of youth).

EFHR notes that in 2011 „Kurier Wileński” did not receive any financial support from nearly 6,3 million LTL (1,83 million EUR) available nationally. The same situation occurred in 2012 and 2013<sup>53</sup>. In 2014, „Kurier Wileński” managed to receive a support of 26 000 LTL (7530 EUR) for the project „*Lenkų kultūra, mokslas ir visuomeninis gyvenimas Lietuvoje*” (Polish culture, education, social life in Lithuania), and in 2015 it received 10 000 EUR for the project “*Tautinių mažumų integracija į Lietuvos visuomeninį gyvenimą*” (Integration of national minorities in public life in Lithuania).

In Lithuania, the bodies responsible for the self-regulation and monitoring of media are, among others, the Commission for the Ethics of Journalists and Publishers (*Lietuvos žurnalistų ir leidėjų etikos komisija*) and the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*). The Third Opinion of the AC noted however that national minorities lack trust in these institutions. The Commission (the institution responsible for surveying the media and screen discriminatory statements) is seen as unable to change negative stereotypes of minorities transmitted in some media. As for the Inspector of Journalist Ethics (the body responsible for the self-regulation and monitoring of media), this institution recently imposed a reprimand on „Tygodnik Wileńszczyzny”<sup>54</sup> (a Polish language weekly newspaper) for publishing an article on the “Repression in Lithuania outraged Brussels” which, according to the Inspector, violated Lithuania’s “democratic system”. The Inspector sought to impose a fine, but this was challenged by the newspaper in court, and the Supreme Court concluded that the Inspector was not competent to issue a reprimand and fine.

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<sup>52</sup> [http://193.219.12.232/uploads/metrastris/1\\_LSM\\_2011\\_en.pdf?PHPSESSID=849408a40334083e5c057d2334a9b5ce](http://193.219.12.232/uploads/metrastris/1_LSM_2011_en.pdf?PHPSESSID=849408a40334083e5c057d2334a9b5ce)

<sup>53</sup> In 2010 „Kurier Wileński” received a support of 4471 LTL, <http://www.srtfondas.lt/index.php?Konkursai>

<sup>54</sup> <http://124.lt/pl/spoleczenstwo/item/52706-zwyciestwo-w-batalii-z-cenzura>



EFHR notes that in 2011, Kazimieras Garšva, the President of “Vilnija” Association<sup>55</sup> complained to the Inspector and accused the web portal *www.wilnoteka.lt* (which targets the Polish minority in Lithuania) of violating journalist ethics by providing “superficial” information on the recent education reform in the country and misleading others about the actual state of Polish medium education in Lithuania<sup>56</sup>. The criticisms were aimed at the web portal publishing earlier an article “In defence of Polish schools in Lithuania” together with an open letter as well as a petition by the Forum of Parents from the Polish schools in Lithuania. The Vilnius County Administrative Court decided however that the Inspector’s decision was unlawful, because of violation of basic procedures. The court held that violation is essential. Similarly to the previous case, a claim was submitted by the same citizen against the newspaper „Kurier Wileński”<sup>57</sup> stating that an article incited hatred and distorted the reality of Polish medium education in Lithuania. The Inspector of Journalist Ethics did not find any violations of journalist ethics by the newspaper.

#### **Article 10 – use of minority languages in relations with local administrative authorities**

The Advisory Committee in its report expresses deep regrets that there is no change in the legislative framework related to the use of minority languages in communication with public authorities and no progress regarding the establishment of an adequate balance between the legitimate aim to promote the state language and the use of minority language by administrative authorities.

According to the Government, this right to use languages other than Lithuanian in relations with public authorities is guaranteed by paragraphs 18, 19.1 of the Resolution No. 875 (on individual requests and service provision in public service administration institutions and agencies and other public administration entities) for those who do not speak the state language.

The claim of the Government of Lithuania is however a complete misrepresentation of the obligations under this provision of the *Framework Convention*. A minority language must be used by administrative authorities where there is a sufficient demand regardless of whether members of the minorities can use the official language or not. EFHR recalls that according to paragraph 39 of the abovementioned Lithuanian resolution, administrative authorities must only respond in the official language (except for foreign or international organizations). In practice, administrative authorities will use English or other “international languages” in addition to Lithuanian – but they will refuse to use minority languages. For example, in Lithuania citizens can pass a driver's license test in Lithuanian, Russian or English, while this is rejected for Polish, the language of the largest minority community.

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<sup>55</sup> The “Vilnija” Association was set up by Lithuanian nationalists and communists in 1988. The association aims at reducing Polish influence in Lithuania. Its members believe that local Polish are Lithuanians who have been „polonised” and they must be turned back to their roots. They also aim at eliminating textbooks, teachers, traditions of national minorities from Lithuania.

<sup>56</sup> <http://en.efhr.eu/2011/12/23/the-court-rescinded-the-inspectors-penalty-for-wilnoteka-lt/#more>

<sup>57</sup> <http://en.efhr.eu/2013/12/18/the-inspector-of-journalist-ethics-has-accepted-efhrs-argumentation-about-the-publication-in-the-newspaper-kurier-wilenski/>

The comments of the Lithuanian Government to the Third Opinion accuse the AC of misinterpreting survey data specified in the latest State Report to the effect that less than 20% of people belonging to national minorities write well in Lithuanian<sup>58</sup>. The Government claimed that the survey entitled „Ethnic minorities in the labour market” - which was carried out in 2008 among representatives of national minorities by the Labour Market Research Institute (Darbo rinkos tyrimų institutas)<sup>59</sup> in Vilnius and Klaipėda showed that the level of knowledge of the Lithuanian language was fairly average in the view of respondents and that „42% of the questioned minority representatives indicated the insufficient knowledge of Lithuanian language as the source of problems they came across on the labour market”. The Government also claimed that only about half of the representatives of minorities had no difficulty to understand Lithuanian, one-third could speak it well, and only one-fifth could write well in the State language. As the result, this misleading data was used as a main argument to change the educational system for national minorities and to strengthen stereotypes about national minorities in Lithuania.

On the issue above, EFHR informs that none of these statements relating to the survey above are accurate. On 24 March 2011, EFHR submitted to the Labour Market Research Institute a request for explaining some of the results in its 2008 survey on ethnic minority groups on labour market. A thorough analysis of these results leads the Foundation to conclude that the Institute misinterpreted or misrepresented its results. The percentage of 42%, for example, only reflected the opinion of respondents, not their own direct experiences of crucial problems encountered by national minorities when applying for a job. The Institute indicated that only 3.9% of members of the Polish minority considered an insufficient knowledge of the Lithuanian language as the cause of their unemployment. As the main cause of unemployment respondents indicated, among others, low remuneration (33.7%). Furthermore, the Institute agreed with the Foundation’s opinion that the older respondents graduated from school before Lithuania regained its independence, which is the reason for their poorer knowledge of the language, while younger generations of national minorities actually have a good command of the State language. Following the intervention of EFHR, the EU Agency of Fundamental Rights decided to change its 2010 report on Lithuania<sup>60</sup> on these issues after it had earlier repeated the inaccurate results of this research.

### **Article 11 – Use of minority languages for personal surnames and first names**

The AC’s Third Opinion concluded that the refusal of state authorities in Lithuania to allow the spelling of names and surnames in minority languages in identity documents is „incompatible with Article 11 of FCNM“. Furthermore, the interpretation of the FCNM by the Supreme Administrative Court of Lithuania as a „document of political and policy-making character

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<sup>58</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c745b>

<sup>59</sup> Until the 1st of December 2014 - Institute of Labour and Social Research

<sup>60</sup> <http://en.efhr.eu/2012/09/19/the-european-union-agency-for-fundamental-rights-will-change-2010-report-on-lithuania/>

which does not include legal obligations “ is strictly speaking from an international legal point of view wrong – according to the AC itself and most outside legal observers.

The EFHR notes that in July 2014, the Seimas accepted, for further consideration, two proposed drafts for legislation for the spelling of surnames in identity documents of citizens.

The objective of the first draft (No. XIIP-1653)<sup>61</sup>, which is also mentioned in the Comments, is only to enable mixed (Lithuanian-foreigner) couples and their children to standardise the spelling of surnames. It would allow the original spelling of names and surnames on the main page of ID or passport using non-Lithuanian characters of the Latin alphabet in case a person submits a source document including such a spelling for both name and surname. The second draft (No. XIIP-1675)<sup>62</sup> provides that names and surnames can be spelled in their original form only as “additional information” on a separate page of a passport.

EFHR notes that the aforementioned projects do not solve the issue of spelling of names and surnames of persons belonging to national minorities as the first draft law requires a source document for original spelling, which national minorities would not have still Lithuanian legislation from the outset does not allow the use of non-Lithuanian language characters in source documents – at least for national minorities<sup>63</sup>. It also has not been adopted, and may never be, so what it presents is simply a theoretical possibility at this point, not a reality for the implementation of the obligations under Article 11. In the view of the Foundation, the second proposal is also not a solution to the spelling of names in minority languages either. This proposal would simply allow a mere addition to a passport (which a person may not possess - as citizens of the European Union are not obliged to possess such document for travelling etc.) with no other legal or practical consequence. Such entries on a separate page of a passport have no official value since persons are identified by administrative and other parties by the name written on the main page of the document – any other entry is merely symbolic. EFHR would like to point out that this draft is modelled on Latvian legislation which the United Nations Human Rights Committee has already deemed to be in breach of Article 17 of the *International Covenant on Civil and Political Rights* in the case of *Raihman v. Latvia*<sup>64</sup>, as a violation of the right private life by forcing a change of name on an individual against his will<sup>65</sup>.

Nevertheless, the EFHR welcomes the first draft and believes that Lithuania is making a first step to solving the issue of the spelling names and first names of minorities in their original form and their own language as required under the FCNM. EFHR also welcomes the latest decision of the Constitutional Court on 27 February 2014<sup>66</sup> on non-Lithuanian spelling of names. The

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<sup>61</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=468317&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=468317&p_tr2=2)

<sup>62</sup> [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=468732&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=468732&p_tr2=2)

<sup>63</sup> <http://en.efhr.eu/2014/04/07/the-bill-liberalizing-the-spelling-of-names-there-is-still-no-solution-to-the-problem/>

<sup>64</sup> [http://www.lhrc.lv/arxiv/Raihman\\_views.pdf](http://www.lhrc.lv/arxiv/Raihman_views.pdf)

<sup>65</sup> <http://en.efhr.eu/2014/04/11/the-next-draft-law-concerning-spelling-of-names-and-surnames-a-big-failure/>

<sup>66</sup> <http://www.lrkt.lt/en/court-acts/search/170/ta1093/content>

current position of the Court is that non-Lithuanian names and surnames can be registered not only by means of Lithuanian characters but also by means of different characters of the Latin alphabet which are consistent with the tradition of Lithuanian language and do not violate the rules of the national language. This new approach must be however endorsed by the State Commission of the Lithuanian Language that is responsible for the language related policies and tends to overprotect the State Language while limiting the use of national minority languages. It may also still not respect the legal obligations under Article 11, because the names of minorities in their own language must be recognised and used by state authorities – and need not follow the rules of the official language.

### **Bilingual topographical indications and other inscriptions**

In relation to Article 11.3, it must be mentioned that the use of bilingual topographic information is an issue in Lithuania as well. Although the Government does not provide information on this question in its most recent *Comments*, EFHR would like to recall that current Lithuanian practice clearly violates Article 11.3 of the *Convention*. The former *Law on National Minorities* (1989-2009) allowed the use of bilingual topographic indications and signs in minority languages in areas where minorities lived in a substantial number. On 21 October 1999, the Constitutional Court ruled however, that the Lithuanian language – established as State language in 1989 - is compulsory in public life: information signs belong to the sphere of public use where the state language must be used. This has been interpreted to mean other languages must be excluded. In the same logic, in November 2007 the State Commission of the Lithuanian Language (*Valstybinė lietuvių kalbos komisija*), which is responsible for language issues, requested formally that officials of the Vilnius municipality take down bilingual signs in areas inhabited by national minorities. In opposition to critics from the Council of Europe, the Supreme Administrative Court stated in July 2011 that the *Framework Convention* did not create legal obligations on the language use for topographic indications – even though this is clearly untrue. In addition, Algirdas Butkevičius, the Prime Minister of Lithuania, publicly stated that „there should be no signs that are spelled in two languages, if we respect our state, our Constitution and laws of our state”<sup>67</sup> In July 2014, the politician also claimed that „I can responsibly say that there will be no bilingualism in the regions, no signs with bilingual writings on them”<sup>68</sup>. EFHR is deeply disappointed with this statement and points out that Lithuania breaches its international obligations by refusing the use of bilingual inscriptions. These statements are also completely contrary to reality – at least for one language in addition to the state language. There are in fact numerous bilingual topographical and other official inscriptions – in Lithuanian and English. So ironically, the Government of Lithuania ignores what are claimed to be illegal bilingual signs when these are in English and Lithuanian, but then argues other bilingual signs required as an international legal obligation under Article 11 are “impossible” in the country.

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<sup>67</sup> <http://media.efhr.eu/2013/09/01/algirdas-butkevicius-bilingual-signposts/>

<sup>68</sup> <http://media.efhr.eu/2014/07/15/butkevicius-no-bilingual-plates/>

## Article 14 – Teaching in and of minority languages and learning of the State language

The Third Opinion noted with concern the education reform of 2011 since it affects negatively the quality of teaching in/of national minority languages. The Committee also pointed out that the teaching of/in national minority languages in the public education system cannot be replaced by alternative schooling (Saturday/ Sunday schools, additional classes) which must be only complementary. Furthermore, the financial support provided for these activities is inadequate.

EFHR notes with concern that the law adopted in 2011 on education – which unified requirements for Lithuanian and non-Lithuanian pupils to pass the same State language exam – puts national minority pupils who studied in their own language in an unfavourable situation. EFHR compared 2008-2013 Lithuanian language exam results of the students attending the national minority state schools and those attending Lithuanian schools. The data presented by the National Examinations Center (*Nacionalinis egzaminų centras*) shows that the number of national minorities' students who took and passed the exam in this period years decreased<sup>69</sup>. The systematic decline started in 2009 to reach 25,9 % by 2013. However it must be mentioned that in the last two years the number of students who took the exam marginally increased<sup>70</sup>. After analyzing the data one could come to a clear conclusion that making students take the unified version of the exam when they are taught in a different language and slightly different curriculum resulted in the national minority schools students having worse results than before. In 2015, only 3 students out of 1 840 secondary-schools graduates (0,18% of all graduates of minority state schools) were given the highest number of points possible<sup>71</sup>, while between 2008-2012, 14-20 students achieved the highest scores in minority schools. Simply put, five times more national minority students had reached the highest result before the introduction of the unified Lithuanian exam. It must also be mentioned that in 2013 41,1% of the students attending Lithuanian medium state schools scored more than 50 percent, so the results were slightly worse than in 2012 when 49,9% of the Lithuanian medium students scored more than 50 percent. The result of the State language exam worsened in both minority and Lithuanian schools, which means that the exam became more difficult than in the previous years, and the statistics also show that that the new examination system affects most seriously the non-Lithuanian medium students.

EFHR wishes to express its concerns that pupils belonging to national minorities have serious difficulties in comparison to Lithuanian pupils because of the policies recently put into place by state authorities in education. Following the introduction of so-called reforms in 2011, graduates of minority state schools had to read additional hundreds of compulsory literature within only 2 years before the first unified exam took place in 2013. Schools did not have enough time to make

<sup>69</sup> <http://en.efhr.eu/2014/07/27/the-results-of-the-lithuanian-language-exam-between-2008-2013/>

<sup>70</sup> <http://www.delfi.lt/news/daily/education/paaiskejo-kaip-pakeistas-lietuviu-k-egzaminas-paveike-tautiniu-mazumu-abiturientu-rezultatus.d?id=61766577>

<sup>71</sup> <http://zw.lt/litwa/egzamin-z-jezyka-litewskiego-w-polskich-szkolach-gorszy-wynik-niz-w-litewskich/>

up the curricula differences. In addition, there was the additional burden, which Lithuanian medium students did not have, of passing an identical State language exam in order to get their certificate and enter the Lithuanian higher education system.

The teaching of natural sciences is also an issue at minority state schools. In theory, pupils belonging to national minorities are allowed to learn physics, mathematics and chemistry in their mother tongue, but the final exam will only be held in Lithuanian. As the translation of Lithuanian textbooks (that serve as basis for the translation in minority languages) takes a lot of time, pupils are forced to study from Lithuanian books. This situation endangers the survival of minority states schools as parents are discouraged from choosing such schools for their children in view of the current situation where everyone knows that students might be disadvantaged due to state exams being exclusively in Lithuanian – with no consideration of the impact for minority pupils taught in their own language.

Optimization or the rationalization of the state school network is yet another problem strictly connected with the reform of Lithuanian education system. This reorganization of schools, which has begun several years ago, obliged authorities to reorganize Lithuanian's secondary education due to declining school populations.

In connection with this reform, the impact has been particularly unfavorable towards minority education. 17 schools with Polish and Russian language of instruction were in danger of losing their status from secondary schools (with teaching of class from 1-12) and transformed into primary schools (with teaching of class from 1-10). According to the Polish community in Lithuania, the result of this process has meant a significant decrease in the number of Polish schools. In May and June 2015 a series of protests in defense of the education of national minorities in Lithuania was organized by representatives of national minorities in order to express their disappointment and anxiety<sup>72</sup>.

These protests led to a national debate that resulted in the decision of the Seimas on 30 May 2015 to adopt amendments to the 2011 *Education Act*. This vote can be seen as positive for national minority state schools since the amendments have the effect that minority state schools will be able to continue operating for another two years. They will be permitted to operate until 1 September 2017 to attract more students and adopt to new conditions. This decision of the Seimas was a victory for national minorities in the fight for the preservation of national minorities' schools in Lithuania.

Although these amendments are an important step towards guaranteeing the educational rights of national minorities, it must be pointed out that the Ministry of Education seemed to be inclined to reject the accreditation of national minority state schools even when the numbers of pupils seemed to fulfill the requirements under the 2011 reforms. For example, the Lelewel and

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<sup>72</sup><http://www.tvn24.pl/wiadomosci-ze-swiata,2/strajk-ostzegawczy-w-polskich-szkolach-na-litwie,548128.html>

Syrokomla high schools in Vilnius did not receive accreditation although in the opinion of experts should have already been accredited<sup>73</sup>. The prestigious J. Lelewel High School, from which graduated many famous Vilnius residents including the Noble prize winner Czesław Miłosz, has also recently received a surprising ultimatum from Vilnius authorities that if it were to vacate from its current premises to a new building in Zyrmuny district, state authorities would support its continued status as a secondary school. Parents, teachers and school officials perceived the municipal authorities' proposal as a form of blackmail and argued that one should first focus on resolving the problem of school's accreditation and then decide on the issue of the school's premises<sup>74</sup>. Finally it must be noted that before the amendments were voted minority state schools operated in an uncertain and threatening environment which negatively affects the process of completing classes and accepting applications from future students.

With regard to the financial support provided for alternative schooling, the Government does not refer to the criticism of the Opinion by the Advisory Committee. It argues instead that national minority schools constitute 10.6% of the whole general education system and that therefore Lithuania guarantees adequate conditions for pupils belonging to national minorities to learn (in) the mother tongue: the number of hours allocated for such lessons is the same as for the time allocated to Lithuanian language lectures in schools that teach in Lithuanian. It is noteworthy that following the 2012 electoral campaign, Algirdas Butkevičius, the current Prime Minister of Lithuania, promised to increase the budget for Polish schools and to postpone the introduction of the uniform examination in Lithuanian and minority schools<sup>75</sup>. However, these promises were not fulfilled.

The Comments of the Lithuanian Government also claims that pupils have the opportunity to measure the knowledge of their mother tongue through an optional exam. EFHR recalls however that exam in minority languages was not optional, but compulsory before 2000<sup>76</sup>. Replacement of the compulsory exam by an optional one reflects the concept of the State institutions that considers minority languages less important than the knowledge of the State language – and essentially avoidable. Furthermore, EFHR notes that the Third State Report by Lithuania cited a study initiated<sup>77</sup> by the Ministry of Culture which claims that „the need for schools with Lithuanian, as the language of instruction, will grow along with the ambition to integrate national minorities“. This statement should be an issue of concern as it reflects once again the current approach of the Lithuanian authorities toward the question of integration. It is perceived as a one way by reinforcing the status of the State language and of displacing instruction in minority languages. EFHR recalls that the integration should be a two way process – and is absolutely not about replacing minority languages with a state's official language.

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<sup>73</sup> <http://124.lt/pl/oswiata/item/77376-pozytywna-decyzja-sejmu-wobec-szkol-mniejszosci-narodowych>

<sup>74</sup> <http://124.lt/pl/oswiata/item/78678-sluchaja-polakow-ale-czy-slysza>

<sup>75</sup> <http://www.osw.waw.pl/en/publikacje/analyses/2012-12-19/centre-left-government-takes-power-lithuania>

<sup>76</sup> <http://portalszkolny.org/macierzszkolna/dzialalnosc.html>

<sup>77</sup> „Accessibility of learning to the population of Vilnius District“: survey conducted from November 2006 to January 2007

## Article 15 – Participation in decision-making process

The Third Opinion concludes that national minority political parties have little reach on substantive national minority issues. Attention towards minority issues has further decreased since the replacement of the Department of National Minorities and Lithuanians Living Abroad and the abolishment of the position of the Advisor on Minority issues to the Prime Minister. A recent reorganization of electoral districts reshaped political boundaries and further dilutes the electoral chances of national minorities to elect representatives. In addition, the absence of institutionalized communication channels between the Government and national minorities (living in areas far from the capital) limits opportunities to discuss concerns of minorities with competent government bodies.

Regarding the involvement of national minorities in the decision-making process, the Government admits that the situation must be improved. In its Comments, the Government claims that the Government will intensify the cooperation with those non-governmental organizations which are not involved in the work of the Council of the House of National Communities (*Tautinių bendrijų namai*). It does not detail, however, when and how such cooperation will be established and if there is any strategy being drafted that would aim at promoting the participation of minority communities in the elaboration of policies affecting them.

EFHR also notes that the 2012 OSCE report criticizes Lithuania for establishing a too high electoral threshold (5% for the parliamentary and European Parliament and 4% for local government) for national minority parties. The report indicates that „national minority parties are subject to the same electoral threshold as other political parties“ and „a lower threshold [for minority parties] could (...) enhance the representation of national minorities in the legislature“<sup>78</sup>.

In this context, it is worth mentioning that AWPL could not delegate a member to the Committee of the Regions of the European Union. In 2007, the AWPL scored 5.42% in local government elections while the electoral threshold was set at 5.62%<sup>79</sup>. In the view of EFHR, this threshold is unusually high when compared to the usual electoral threshold of 4% for local elections. In 2011, despite going over the electoral threshold and fulfilling all the other requirements, the Polish party could not delegate representatives to the Committee of Regions.

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<sup>78</sup> <http://www.osce.org/odihr/98586?download=true>, pages 17-18.

<sup>79</sup> [http://en.efhr.eu/download/Raport\\_EFHR\\_2012\\_2013\\_08%2009%202014%20EN.pdf](http://en.efhr.eu/download/Raport_EFHR_2012_2013_08%2009%202014%20EN.pdf)



## **Conclusion**

The present analysis proves that there is still a lot to be done, especially in regard to the protection of minority language rights. EFHR urges the Lithuanian authorities to adopt a coherent legal framework on national minorities, amend discriminatory legislation on education and to ratify the European Charter for Regional or Minority Languages as well as the Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. These documents should provide an additional framework for resolving disputes with national minorities and ensuring the practical protection of their human rights. We believe that such action by the government would improve the situation of national minorities in Lithuania.

There is more fundamentally the need to change the negative mindset in the courts and state institutions, as well as to enhance the role of existing international instruments such as the European Court of Human Rights. EFHR also believes that discrimination of all kind (on the basis of language, ethnicity, religion, etc.) must be eradicated and more efforts must be taken to put an end to the social exclusion of the Roma. EFHR also recommends specific funds be allocated for projects as well as for NGOs working for minority rights protection.

In our view, it is also primordial to promote human rights in the educational system and to disseminate information on methods that protect these rights within society. Tolerance and equality have to be the main and central values of Lithuanian society. New ways of thinking must be promoted to ensure that all Lithuanians embrace diversity and tolerance – and that Lithuania is state of everyone living there and not only the ethnic majority while discrimination and rejection of linguistic or ethnic differences makes Lithuanian democracy vulnerable. As to the issue of the spelling of surnames in non-Lithuanian language, this affects the majority as well as the minority as it raises human rights concerns under the right to private life and other basic standards. EFHR calls upon the Government to ensure that discriminatory regulations be amended, especially in the field of education and the use of minority languages in the public life, and that the rights of all Lithuanian citizens are fully and equally respected.

## Summary

Statement of the Government of Lithuania	Current state of affairs
Report of the latest Third State Report by Lithuania was consulted with NGOs dealing with human rights	None of NGO who deals directly with national minorities was consulted
A number of programs have been developed for the protection of national minorities	These programs are not legally binding in contrast to the Law on National Minorities (still no law on national minorities has been adopted)
Legal persons can take part in judicial or administrative proceedings	Legal persons rights in judicial and administrative proceedings are limited if no concrete victims are represented
The State provides financial support for the cultural activities of national minorities	State support is available only for projects (in 2010, no support was available); the available funding is limited and has decreased continuously
A new professional development module („Protection of human rights and freedoms“) was introduced in the second half of 2014	The module has not been introduced
Public television broadcasts programs for national minorities	Broadcasting time for national minority programs has been reduced continuously and moved to a less popular TV channel
It is possible to use other language than Lithuanian in relation with public authorities	Limited scope on the use of national minority languages results in every day difficulties for persons belonging to national minorities
Draft laws were registered with the Seimas in April 2014 suggesting the spelling of first and surnames in minority languages in official documents	None of the drafts solve the issue of spelling of names and surnames of persons belonging to national minorities
The content of teaching materials are carefully revised and national minorities	According to representatives of national minorities the content of teaching materials has remained unchanged
Facilitating requirement on the State language exam for non-Lithuanian students is discriminatory	The changes rule in relation to the unified state language exam puts minority students in a very disadvantageous situation and lowers their chance to enter higher education system
<i>“The need for schools with Lithuanian (...) will</i>	This statement should be an issue of concern as

<i>grow along with the ambition to integrate national minorities”.</i>	it reflects once again the current approach of the Lithuanian authorities toward the question of integration. It is perceived as a one way by reinforcing the status of the State language. EFHR recalls that the integration should be a two way process
Lithuanian authorities are obligated to inform the public on the state of implementation of the Framework Convention for the Protection on National Minorities (FCNM)	Both Lithuanian’s First and Second State Reports can only be found on the website of the Ministry of Foreign Affairs and neither of them has been translated and published in any minority language. Reports are available only in Lithuanian language. In addition opinions of the Advisory Committee, comments, resolutions and the document of Third State Report cannot be found on website mentioned above.
Legislative initiatives in Lithuania require 50 000 valid signatures	Lithuanian legislative initiatives threshold is too high in accordance with state’s population. In other countries for example Poland, there population reach almost 39 million people 100 000 signatures are required. Lithuanian threshold is excessive and impossible to meet by national minorities.

## Annex

### Annex I

#### Letter to the Human Rights Monitoring Institute



@efhr.eu>

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#### Request of information on the Second State Report on the implementation of FCNM

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To: [info@efhr.eu](mailto:info@efhr.eu)  
Cc: [info@efhr.eu](mailto:info@efhr.eu)

Thu, Feb 5, 2015 at 11:22 AM

Dear Sir, Madam,

I am contacting you on behalf of the European Foundation of Human Rights (EFHR), a Human Rights NGO based in Vilnius, Lithuania. Currently, our foundation prepares a scientific paper on the situation of national minority rights in Lithuania. In this context, we analyze the latest State Report submitted by Lithuania to the Council of Europe regarding the implementation of the Framework Convention for the Protection of National Minorities (FCNM).

In its Comments submitted to the Council of Europe, the Government of Lithuania mentions that

*„The draft Third Report was discussed with members of the Council of National Communities (a consulting body reporting to the Ministry of Culture). **The draft Third Report was sent to NGOs dealing with human rights (the Centre for Human Rights, the Human Rights Monitoring Institute). Comments were received from the Centre for Human Rights and from the Council of National Communities and were taken into account as far as possible.**“*

In relation with this statement, I would like to ask whether you received the aforementioned document and participated in drafting it?

Thank you very much for your answer and cooperation.

Sincerely,

## Answer from the Human Rights Monitoring Institute



[redacted]@efhr.eu>

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### Request of information on the Second State Report on the implementation of FCNM

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To: [redacted]@efhr.eu  
Cc: [redacted]@hrmi.lt>  
[redacted]@nvoprograma.lt

Fri, Feb 6, 2015 at 10:08 AM

Dear [redacted],

We looked through our files and have no record of the e-mail referring to the draft Third Report on implementation of FCNM. However, we might have well removed it from our records as no longer relevant for our activities, thus I would not be 100% positive that we have not received it at all. We have not participated in drafting the report.

Respectfully,

[redacted]

Human Rights Monitoring Institute  
Didzioji 5, 01128 Vilnius  
Ph.: +370 5 2314677  
Fax: +370 5 2314679  
[natalija.bitukova@hrmi.lt](mailto:natalija.bitukova@hrmi.lt)  
[www.hrmi.lt](http://www.hrmi.lt)


Support human rights – make a donation for the Human Rights Monitoring Institute through PayPal, bank transfer or otherwise: <http://www.hrmi.lt/en/donate-hrmi/>

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Please consider the environment before printing this email.

## Annex II

### Website of the Ministry of Foreign Affairs



Lietuvos Respublikos  
užsienio reikalų ministerija

Naujienos

Ministerija

Užsienio politika

Konsulinė  
informacija

Ekonominė  
diplomacija

- Vaikų teisių komiteto išvada dėl LR antrojo pranešimo
- LR jungtinis trečiasis ir ketvirtasis pranešimas
- Vaikų teisių komiteto išvada dėl LR jungtinio trečiojo ir ketvirtojo pranešimo
- LR pranešimas dėl Vaikų teisių konvencijos fakultatyvinio protokolo dėl vaikų pardavimo, vaikų prostitucijos ir vaikų pornografijos (CRC OP SC)
- Vaikų teisių komiteto išvada dėl LR pranešimo dėl Vaikų teisių konvencijos fakultatyvinio protokolo dėl vaikų pardavimo, vaikų prostitucijos ir vaikų pornografijos
- LR pranešimas dėl Vaikų teisių konvencijos fakultatyvinio protokolo dėl vaikų dalyvavimo ginkluotuose konfliktuose (CRC OP AC)
- Vaikų teisių komiteto išvada dėl LR pranešimo dėl Vaikų teisių konvencijos fakultatyvinio protokolo dėl vaikų dalyvavimo ginkluotuose konfliktuose

Neįgaliųjų teisių konvencija (CRPD):

- LR pirmasis pranešimas





Pranešimai pagal Europos Tarybos konvencijas:

Tautinių mažumų apsaugos pagrindų konvencija:

- LR pirmasis pranešimas
- Patariamąjo komiteto nuomonė
- LR antrasis pranešimas

Europos socialinė chartija:

- LR trečiasis pranešimas



Twitter srautas


about an hour ago

RT @UNISdirect: #EuropeDay in DC  
@LTembassyUS sharing spirit of  
#Lithuania #Ukraine brotherhood. Thanks  
@ZygisPavilionis

about an hour ago

In 1944 Crimean Tatars were massively  
deported. Today, after Crimean  
occupation, their rights r seriously  
undermined again. #CrimeaIsUkraine

about 19 hours ago



LIETUVOS RESPUBLIKOS  
SPECIALIŲ TYRIMŲ TARNYBA

PRANEŠKITE APIE KORUPCIJĄ

## Annex III

### Website of the Ministry of Culture:



LIETUVOS RESPUBLIKOS  
KULTŪROS MINISTERIJA



English

Naujienų prenumerata



pranešimas



NAUJIENOSSTRUKTŪRA IR KONTAKTAITEISINĖ INFORMACIJAVEIKLA PASLAUGOS NUORODOS

KULTŪROS MINISTRAS  
ŠARŪNAS BIRUTIS



[Biografija](#)  
[Darbotvarkė](#)

#### PAIEŠKA SVETAINĖJE

Trečiasis pranešimas

☒ Svetainės tekstai  
☒ Darbuotojai  
☒ Svetainės naujienos  
☒ Straipsniai

#### PAIEŠKOS REZULTATAI:

Nieko nebuvo rasta

#### LANKYTOJŲ STATISTIKA

Iš viso apsilankė:	6855074
Šiandien apsilankė:	4683
Dabar naršo:	39

Jei susidūrei su  
KORUPCIJA



 e. pristatymas

SKELBIMAI  
DĖL  
STUDENTŲ

## Annex IV

### Request of information by EFHR on the absence of publication of State Reports on the website of the Ministry of Culture:



@efhr.eu>

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#### Request of information regarding the publication of the Third Report on the implementation of FCNM

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To: @efhr.eu>  
Cc: @lrkm.lt>, ttsd@urm.lt, int.org@urm.lt, @efhr.eu>

Tue, Feb 24, 2015 at 2:04 PM

Dear Sir, Madam,

I am contacting you on behalf of the European Foundation of Human Rights (EFHR), a Human Rights NGO based in Vilnius, Lithuania. Currently, our foundation prepares a research on the situation of national minority rights in Lithuania. In this context, we analyze the latest State Report submitted by Lithuania to the Council of Europe regarding the implementation of the Framework Convention for the Protection of National Minorities (FCNM).

On page 4 of the State Report, Lithuania authorities mention that

*„On 3 November 2006, the Council of Europe Secretariat of the Framework Convention for the Protection of National Minorities received the Second Report of the Government of the Republic of Lithuania on the Implementation of the Framework Convention in the Republic of Lithuania (hereinafter: the Second Report). In view of the recommendations of the Council of Europe Advisory Committee (hereinafter: the Advisory Committee) to inform the public about the implementation of the Framework Convention, the Second Report was released in Lithuanian, English, and Russian and was given publicity at local, national and international level through different seminars and conferences and disseminated to the public authorities in charge of securing the freedoms and rights of national minorities in the country and to the non-governmental organisations (hereinafter: NGOs) of national minorities. **The Second Report was posted on the websites of the Department of National Minorities and Lithuanians Living Abroad** under the Government of the Republic of Lithuania (hereinafter: the Department of National Minorities and Lithuanians Living Abroad) **and the Ministry of Foreign Affairs** of the Republic of Lithuania (hereinafter: the Ministry of Foreign Affairs).“*

Regarding the information above, I would be very grateful if you could provide me with the link mentioned in the Report.

Thank you in advance for your kind answer and cooperation.

Kind regards,



## Explanation of the Ministry of Culture:



[redacted]@efhr.eu>

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### Request of information regarding the publication of the Third Report on the implementation of FCNM

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To: [redacted]@lrmk.lt>  
[redacted]@efhr.eu>

Tue, Feb 24, 2015 at 4:26 PM

Dear Izabelle,

I can not provide you with the link because the internet site of the former Department of National Minorities and Lithuanians Living Abroad [www.tmid.lt](http://www.tmid.lt) is not in operation since 2010.

Best regards,

[redacted]

**From:** [redacted], @efhr.eu]  
**Sent:** Tuesday, February 24, 2015 2:04 PM  
**To:** [redacted]@urm.lt; int.org@urm.lt  
**Cc:** [redacted]  
**Subject:** Request of information regarding the publication of the Third Report on the implementation of FCNM

[Quoted text hidden]

## Annex V

### Letter sent to the Ministry of Culture by EFHR:



\_\_\_\_@efhr.eu>

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#### Request of information

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To: \_\_\_\_\_@efhr.eu>  
Cc: \_\_\_\_\_@lrkm.lt>

Mon, May 18, 2015 at 1:49 PM

Cc: \_\_\_\_\_@efhr.eu>, \_\_\_\_\_@efhr.eu>

Dear Ms. \_\_\_\_\_,

On behalf of EFHR, I am getting back into contact with you regarding the Third Report submitted by Lithuania to the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities (FCNM).

In the report of Lithuania mentions that the following programs were implemented:

- **Programme of Integration of National Minorities into the Lithuanian Society 2005-2010;**
- **National Minority Policy Development Strategy until 2015 (long-term document on the planning of national minority policy, adopted in 2007);**
- **Strategy of Developing the National Minority Policy until 2015 (submitted to the Government in 2011);**
- **National Minority Policy Development Programme for 2013-2021 (drafted in 2011 by the Ministry of Culture).**

Concerning the programs above, I would like to ask :

1. *If these programs have a financial allocation?*
2. *Do they have structural planning?*
3. *There is a deadline for their implementation?*

I thank you in advance for your kind reply and wish you a nice Monday.

Kind regards,

\_\_\_\_\_  
[Signature]

[Quoted text hidden]

## Answer from the Ministry of Culture:



[redacted]@efhr.eu>

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### Request of information

---

[redacted]@lrkm.it>  
To: [redacted]@efhr.eu>

Thu, May 21, 2015 at 1:51 PM

Dear Izabella,

The only adopted document which is in force is National Minority Policy Development Strategy until 2015 (long-term document on the planning of national minority policy, adopted in 2007); this strategy is financed from the state budget until the end of the year.


Best regards,

[redacted]

**From:** [redacted]@efhr.eu]  
**Sent:** Monday, May 18, 2015 1:50 PM  
**To:** [redacted]  
**Cc:** [redacted]

## Annex VI

**Document sent by the Ministry of Culture to EFHR on cultural support for projects aiming at promoting national minority culture:**

  
**LIETUVOS RESPUBLIKOS KULTŪROS MINISTERIJA**  
Biudžetinė įstaiga, J. Basanavičiaus g. 5, LT-01118 Vilnius, tel. (8 5) 219 3400, faks. (8 5) 262 3120, el. p. dnm@lrkm.lt  
Duomenys kaupiami ir saugomi Juridinių asmenų registre, kodas 188683671

VšĮ „Europos žmogaus teisių fondas“  
Liepkalnio g. 103, 02121 Vilnius

2014-07-30 Nr. 52-1965  
[ 2014-07-11 prašymą


**DĖL INFORMACIJOS SUTEIKIMO**

Kultūros ministerija, išnagrinėjusi Jūsų 2014-07-11 raštą, pateikia informaciją apie Tautinių mažumų integracijos į Lietuvos visuomenę, išsaugant jų tapatumą programos vykdomą priemonę, kultūros projektų, skatinančių tautinių mažumų kultūrų plėtotę, finansavimą:

Metai	Pateiktų projektų skaičius	Prašyta suma	Paremtų projektų skaičius	Projektams skirta suma
2007	323	2 345 670	218	577 150
2008	326	2 612 900	265	610 200
2009	340	2 453 150	197	550 000
2010	—	—	—	—
2011	152	1 736 590	99	270 000
2012	180	2 096 316	100	270 000
2013	180	2 310 675	94	288 000

Informuojame, kad vadovaujantis „Tautinių mažumų ir išeivijos departamento prie Lietuvos Respublikos Vyriausybės reorganizavimo išdalijimo būdu, perduodant teises ir pareigas Užsienio reikalų ministerijai, Kultūros ministerijai ir Švietimo ir mokslo ministerijai, sąlygų aprašo“, patvirtinto Lietuvos Respublikos Vyriausybės 2009 m. birželio 10 d. nutarimu Nr. 634 „Dėl Tautinių mažumų ir išeivijos departamento prie Lietuvos Respublikos Vyriausybės ir Lietuvos grįžimo į tėvynę informacijos centro reorganizavimo“ 6 punktu, nuo 2010 m. sausio 1 d. Kultūros ministerijai buvo perduotos tautinių mažumų klausimų koordinavimo srities teisės ir pareigos. Tad informaciją apie finansavimą 2007–2009 metais pateikiame pagal duomenis, kuriuos Kultūros ministerija perėmė iš reorganizuojamo Tautinių mažumų ir išeivijos departamento prie Lietuvos Respublikos Vyriausybės.

2010 m. sumažėjus Tautinių mažumų integracijos į Lietuvos visuomenę, išsaugant jų tapatumą programos finansavimui, priemonei, kultūros projektų, skatinančių tautinių mažumų kultūrų plėtotę, lėšos nebuvo skirtos.

  
[Redacted]  
[Redacted]@lrkm.lt

## Annex VII

### Letter sent to the Lithuanian Police School by EFHR



@efhr.eu>

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#### Request of information

To: @efhr.eu>

Tue, Jan 20, 2015 at 4:33 PM

To: @policija.lt

Cc: @efhr.eu>

Dear Sir, Madam,

I am contacting you on behalf of the European Foundation of Human Rights (EFHR), a Human Rights NGO based in Vilnius, Lithuania. Currently, our foundation prepares a scientific paper on the situation of national minority rights in Lithuania. In this context, we analyze the latest State Report submitted by Lithuania to the Council of Europe regarding the implementation of the Framework Convention for the Protection of National Minorities (FCNM).

In the State Report, Lithuania authorities mention that

1. *"...in order to enhance the professional and specific competence of the law enforcement officers, in 2013, a training programme was approved on the "Enhancement of intercultural competence in the police"*
2. *"...in 2014, 150 police personnel will undergo training in the framework of this programme"*
3. *"...the Lithuanian Police School offers continued professional development programmes for police officers as regards the perception of the problem of discrimination in the work of the police. In 2009-2013, this training was attended by 750 police officers"*
4. *"...The training entitled „Protection of Human Rights and freedoms“ course under the above module is planned to be launched in the Lithuanian Police School as of the second half of 2014"*
5. *"...The Vilnius County Police Headquarters has developed and e-mailed to territorial police officers a-page memo on national minorities in Lithuania, laying down the rules for dealing with representatives of ethnic minorities and different religious denominations."*

In relation with these statements, I would like to ask the following questions:

- 1-2.) Did the training entitled "Enhancement of intercultural competence in the police" take place?  
How many police officers participated in the training?
- 3.) How long was the training? Who hold it? What was the programme of the training?
- 4.) What was the subject of this training?
- 5.) Can you send us this e-mail?

Thank you in advance for your kind reply,

## Answer of the Lithuanian Police School to EFHR:



[redacted]@efhr.eu>

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### Due trainings

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To: [redacted]@policija.lt>  
Cc: [redacted]@efhr.eu  
[redacted]@policija.lt>

Tue, Jan 27, 2015 at 9:39 AM

Dear Madam,

On behalf of Lithuanian Police School, I would like to inform, that trainings "protection of Human Rights and freedom" have not been implemented in the Lithuanian Police School.

According to the fact, we cannot answer to your questions.

Best regards,

Neringa Kacinskienė,

The Head of General Competences Division

Lithuanian Police School

Pagarbiai

[redacted]  
Lietuvos policijos mokyklos

Bendrujų kompetencijų skyriaus

Vedėja

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LT-02121 Vilnius  
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Office hours:

Monday-Thursday: 8:30 am – 5:00 pm

Friday: 8:30 am – 4:00 pm

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