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**REPORT SUBMITTED BY LITHUANIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**REPORT**  
**ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE FRAMEWORK**  
**CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**  
**IN THE REPUBLIC OF LITHUANIA**  
**SUBJECT TO ARTICLE 25 (1) OF THE CONVENTION**

**2001**

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## **PART I**

### **Introduction**

The Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities on November 10, 1994. The Republic of Lithuania signed the Convention on February 1, 1995, and was one of the first European nations to do so. On February 17, 2000, the Seimas of the Republic of Lithuania passed Law No. VIII – 1548 On the Ratification of the Framework Convention for the Protection of National Minorities. On March 23, 2000, Lithuania deposited its accession instruments with the Secretary General of the Council of Europe. The Convention became effective for the Republic of Lithuania on July 1, 2000.

On September 7, 2000, the Government of the Republic of Lithuania, invoking the Law on the Ratification of the Framework Convention for the Protection of National Minorities, adopted Resolution No. 1069 On Setting up a Standing Committee for the Compilation of Information on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Lithuania. The Committee was assigned the task of compiling, on the basis of Article 25 of the Convention, the first communication of information on the legislative and other measures taken by the Republic of Lithuania to give effect to the principles of this Convention. On May 7, 2001, the Government of the Republic of Lithuania adopted Resolution No. 520 On the procedures of the Implementation of the Provisions of the Framework Convention for the Protection of National Minorities of the Council of Europe (“Valstybės žinios”- Official Gazette No 40-1399, 2001). The aim of this Resolution is to provide for the procedures of the implementation of those provisions of the Convention which are not enshrined in the legislation of the Republic of Lithuania so as to ensure the implementation of the Convention.

#### **1. General up-to-date information on the public policy related to the protection of national minorities.**

The national rebirth, which started in 1988, laid the foundation for a new stage in the ethnic policy of the Lithuanian State. Lithuania was the first country in Central and Eastern Europe to adopt a law on national minorities (1989) and to set up the Department of Nationalities, under the authority of the Government. Its main task at that time was to meet the national, social, cultural, and other needs of the national minorities and assist them in preserving their ethnic identity.

One of the most important factors for the preservation of the political stability and social cohesion in the country was the passage of the Law on Citizenship (1989). Lithuania opted for the zero version when obtaining citizenship. Upon request, any non-Lithuanian, irrespective of the time or purpose for his or her arrival to reside in Lithuania, irrespective of the duration of his or her residence, was granted Lithuanian citizenship. A

majority of the population expressed their wish to become Lithuanian citizens, including over 90 per cent of all the inhabitants who were of different nationality.

Upon the restoration of its independence (11 March 1990), Lithuania has undertaken to guarantee human and civil rights, the rights of ethnic communities and to observe the universal norms of international law.

Lithuania acknowledges the close relationship between the development of various ethnic groups residing in the country and the development of the Lithuanian nation as a whole. It recognises the principles of national identity, cultural continuity and fosters national awareness by guaranteeing equal political, economic, social and cultural rights and freedoms of every nationality and every language in its international and national legislation, documents and regulations.

Matters related to national minorities are dealt with at the State level. The Seimas of the Republic of Lithuania set up a standing Committee for Human Rights in 1992 to co-ordinate the drafting and implementation of legislation necessary for the public policy on national minorities. Set up in 1994 under the authority of the Seimas, the Ombudsmen institution investigates abuses and violations of the personal rights of all citizens, including those belonging to national, ethnic, religious and linguistic minorities. The Ombudsman's Office for the Protection of the Children's Rights investigates complaints about breaches of children's rights and lawful interests. The Government pursues its policies concerning national minorities through the Department of National Minorities and Lithuanians Living Abroad, founded in 1989 under the authority of the Government of the Republic of Lithuania. The Department formulates and puts into practice public policy of national and ethnic harmony. Such policy guarantees the possibility for Lithuanian national minorities to preserve their identity and encourages them to participate in public political and cultural life, fosters civil awareness, tolerance, and increases mutual understanding and trust between persons of different nationalities. It also invites respect for different national cultures, customs, traditions and religions existing in Lithuania and eliminates causes for instigating national discord. Various non-governmental organisations, independently or in co-operation with public institutions, propagate the rights and freedoms of national minorities, conduct relevant research and training, and make efforts to strengthen the protection of the rights of national minorities.

To celebrate the 50th anniversary of the European Convention for the Protection of Human Rights and Fundamental Freedoms on November 23, 2000, the Seimas of the Republic of Lithuania adopted Resolution No IX-40 emphasising the significance of this fundamental act of international law as well as of the ratification and publication of other international treaties on human rights for the actual implementation of human rights in Lithuania. The Resolution was instrumental in assisting the Lithuanian Centre of Human Rights to produce a publication dedicated to this special occasion. The publication includes the most important documents of the Council of Europe on human rights, including the Framework Convention for the Protection of National Minorities, and the most recent document of the European Union – The Charter of Fundamental Rights of the

European Union. The anniversary was also marked by a scientific and practical conference at the Seimas in December 2000.

The State ensures the protection of the national identity of every person and optimises the integration of national minorities into the social, political and cultural life of the country. So far, the Government has failed to achieve a full integration of the Roma people into Lithuania's society yet, which is mostly due to their linguistic, cultural and ethnic peculiarities. In 1993, the Parliamentary Assembly of the Council of Europe approved Recommendation No. 1203 On Roma in Europe. It recommended looking for solutions to the challenges of the Roma people at the national level. So far, the projects and steps undertaken by public institutions and non-governmental organisations have been unable to make fundamental changes in the situation of the Roma or to find solutions to the complicated problems of their social protection, education, health care, hygiene, etc. In response to this situation, on July 1, 2000, the Government of the Republic of Lithuania approved a Programme for the Integration of the Roma in Lithuanian Society for 2000 – 2004.

The main objective of the Programme is to create conditions for persons belonging to the Roma ethnic minority to fully integrate into the public life of Lithuania and to provide ways and methods of preserving and fostering the national character of the Roma in the light of their living conditions. With these aims in mind, the construction of a Roma community centre began in the Kirtimai Gypsy Encampment in 2000. LTL 550,000 were provided for the construction of this centre in the State investment programme for 2001 –2003. Construction was completed on August 24, 2001. The centre is to house pre-school educational groups and groups for supplementary teaching for children, Lithuanian language training courses, etc. The Roma Community Centre will function as a public institution. It has been founded by the Department of National Minorities and Lithuanian Living Abroad, the Municipality of the city of Vilnius, the Lithuanian Children's Foundation and the Gypsy Bonfire, a Lithuanian Gypsies' community group. In addition to the Programme, there are a number of other initiatives taking place, including summer vacation programs for Gypsy children across Lithuania, special educational events, measures to improve the living conditions in the Gypsy encampments, prevention and treatment of programs, issuance of proper personal documents, and programs to foster cultural life.

On October 4-5, 2000, the Government of the Republic of Lithuania, the International Commission for the Investigation of Crimes in Lithuania under the Nazi and Soviet Occupation Regimes, founded by the President of the Republic of Lithuania, and the European Institute for Dispersed Ethnic Minorities held an international forum to discuss problems concerning the return of Jewish cultural assets looted during the Holocaust. The conference was attended by representatives of 37 countries. It adopted a resolution on the problem and expressed its attitude to the assets that rightfully had belonged to the victims of the Holocaust.

It is important to note that before the forum, on September 19, 2000, the Seimas of the Republic of Lithuania adopted a Resolution on the Restoration of Certain

Characteristic Parts of the Historical Jewish Ghetto in Vilnius, while on October 3, 2000, it passed the Law on the Transfer of Religious Manuscripts (Torah scrolls copied exclusively for the purposes of religious rites) to Jewish Religious Communities and Partnerships. These acts demonstrate the efforts of the Lithuanian society and State to preserve and perpetuate centuries-old Jewish heritage and highlight the memorials for the victims of the Holocaust in Vilnius.

Shortly after the ratification of the European Convention for the Protection of National Minorities, a book in English entitled, National Minorities in Lithuania, was published. It provides information to other countries about the national minorities in Lithuania, their history, culture and customs. The book was presented to the ambassadors and the employees of the foreign embassies in Lithuania.

The Lithuanian State's policy on matters concerning nationalities seeks to help national minorities preserve their identity, integrate into the economic and cultural life of the country, and to build a civic society dominated by tolerance and respect for various cultures and the spirit of mutual understanding.

In its 2000 Annual Report, the European Commission, while assessing Lithuania's progress in the pre-accession period, noted that "the situation of the national minorities in Lithuania remains to be fairly good. The Government continues to support the economic, social and cultural development of Lithuania's national minorities; noteworthy is the programme for the social and cultural integration of the national minorities, and the programme for fostering the use and skills in the official language, which helps the national minorities to acquire the basics of the Lithuanian language or to improve their skills in the language".

## **2. Information on the place of international treaties in domestic legislation**

The system Lithuania chose for the co-ordination of legislation with international law is based on the following principle: where an international treaty ratified by the Republic of Lithuania contains different provisions from those laid down in the laws and regulations of the Republic of Lithuania effective at the moment of the conclusion of the treaty or later, the provisions of the international treaty shall prevail (Article 11.2 of the Law on International Treaties (1999)). Subject to Article 138.3 of the Constitution, international treaties ratified by the Seimas constitute an integral part of the legal framework of the Republic of Lithuania. Article 1.13 of the Civil Code of the Republic of Lithuania (2000) stipulates that in cases where international treaties of the Republic of Lithuania contain rules different from those provided for in the civil laws of the Republic of Lithuania, the rules of the international treaties shall prevail.

Upon accession to international conventions, the Republic of Lithuania reforms its national legislation so that its domestic laws should be consistent with the conventions. A new law is passed or an existing one amended only after a careful verification of its relation to the conventions on the rights of national minorities and the human rights in general. After Lithuania accedes to any convention, its domestic laws are

amended in line with the international requirements concerning human rights so that there are no obstacles in applying the provisions of those conventions directly.

Article 30 of the Constitution of the Republic of Lithuania stipulates that any person whose constitutional rights or freedoms have been violated has a right to apply to the court. As the international treaties (conventions) ratified by the Seimas of the Republic of Lithuania constitute an integral part of the Lithuania domestic legislation, there are no obstacles for the provisions of such treaties (conventions) to be applied in the legal system of Lithuania.

### **3. Information on the nature of the State**

The Republic of Lithuania is an independent democratic state adhering to the main principles of democracy, the supremacy of human rights and rule of law and free market. Lithuania has a multi-party system and free and independent elections, follows its Constitution and laws, respects the fundamental human rights and freedoms, the rights of persons belonging to national minorities, and it guarantees the right of access to public information.

Under the Constitution adopted in the referendum of the citizens of the Republic of Lithuania held on October 25, 1992, the State is governed by the Seimas, the President of the Republic, the Government, and the Courts.

The legislative power is vested in the Seimas of the Republic of Lithuania consisting of 141 members elected by the nation. The Seimas is elected for a four-year term by universal, equal, direct suffrage and secret ballot. The Seimas deliberates and passes amendments to the Constitution, adopts laws, passes resolutions relating to referendums, announces presidential and municipal elections, sets up state institutions provided for by law, appoints and dismisses their management, approves or rejects the Prime Minister nominated by the President of the Republic, deliberates and approves the programmes of the Government, monitors the activities of the Government and, if necessary, introduces direct rule, state of emergency, or war, orders mobilisation and makes decisions on the use of the armed forces.

The President of the Republic of Lithuania is the head of the State. He represents the State of Lithuania. The President is elected by the citizens of the Republic of Lithuania by universal, equal, direct suffrage and secret ballot. The President may be re-elected for one more successive term of office.

The President of the Republic of Lithuania makes decisions on the main foreign policy issues and, together with the Government, conducts the country's foreign policy. With the approval of the Seimas the President appoints and dismisses the Prime Minister, authorises the Prime Minister to form the Government, approves the composition of the Government, and accepts the resignations of the Prime Minister and ministers. With the input of the Prime Minister the President appoints and removes ministers. In the procedure laid down by the law appoints and dismisses high civil servants and in the

event of an armed attack posing a threat to the sovereignty of the country and its territorial integrity, the President makes decisions concerning defence against the armed aggression, the introduction of the state of war and mobilisation, and submits those decisions to the Seimas for validation. The President makes yearly reports before the Seimas on the state of affairs in the country and the state of domestic and foreign policy of the Republic of Lithuania. While exercising the mandates of the Presidency, the President of the Republic issues decrees, signs and promulgates laws adopted by the Seimas.

The Government of the Republic of Lithuania is composed of the Prime Minister and ministers. The Prime Minister is appointed and removed by the President of the Republic with the approval of the Seimas. Within 15 business days of his or her appointment the Prime Minister presents the composition of the Government approved by the President of the Republic to the Seimas and submits its Programme for deliberation. After the parliamentary elections or after the election of a new President of the Republic, the Government presents its mandates to the President of the Republic. The new Government receives its mandates after the Seimas approves its programme by a majority of votes.

The Government of the Republic of Lithuania is vested with executive powers, it is responsible for the territorial integrity of the country, its security and the public order; the Government implements laws, the resolutions of the Seimas on the implementation of laws, and presidential decrees; the Government co-ordinates the operations of ministries and other governmental agencies, draws up a draft national budget and presents it to the Seimas, implements the national budget, submits reports on the discharge of the budget to the Seimas; plans and lays before the Seimas draft laws; establishes diplomatic relations and maintains relations with foreign countries and international organisations, exercises other functions provided for by the Constitution, laws and regulations of the Republic of Lithuania.

The territory of the Republic of Lithuania is divided into administrative territorial units - districts and municipalities. The administrative territorial units established under law are guaranteed the right of self-government. It is exercised through local councils. Members of the local councils are elected to a term of three years by the population of the territorial administrative unit by universal, equal and direct suffrage and secret ballot. The organisation of municipal institutions and their operations are laid down in the Law on Local Self-Government (2000).

Justice is administered by courts. Courts are independent. The Constitutional Court reviews the constitutionality of laws and other acts passed by the Seimas, it also determines whether presidential decrees and governmental acts are in accord with the Constitution or legislation. The status and powers of the Constitutional Court are governed by the Law on the Constitutional Court of the Republic of Lithuania. The judicial system of the Republic of Lithuania includes the Supreme Court, the Court of Appeals, regional and district courts. Administrative cases are within the jurisdiction of the Chief Administrative Court and regional administrative courts.

State Control has the authority to supervise the management and use of public assets and the implementation of the state budget. Complaints of individuals about bureaucratic abuse by governmental, municipal, military and some other officials are investigated by the Seimas Controllers. Military institutions include the Ministry of National Defence, the Ministry of Internal Affairs, the Department of State Security and their subordinate institutions. The scope of the State Controllers' (ombudsmen's) authority excludes the activities of the President of the Republic, members of the Seimas, the Prime Minister, the Cabinet of Ministers (as a collective body), the State Controller, judges of the Constitutional Court and other courts, as well as the legality or validity of the procedural decisions of prosecutors and investigators. State Controllers do not investigate complaints arising in legal labour relations; they are under the Court jurisdiction, State Controllers do not review the validity or legality of judicial decisions, sentences, or rulings either.

#### **4. Summary of the development of Lithuanian statehood**

Lithuania's name was first mentioned in historical records in 1009. In the 13th century Lithuania could be regarded as a centralised medieval state. In 1385, Lithuania adopted Christianity officially and formed a dynastic union with Poland. In 1569 Lithuania and Poland formed a confederation – the Republic of Both Nations – with one elected head of the State, a seimas and a common foreign policy. Lithuania retained its separate laws, separate authorities, an army, and separate finances, which guaranteed considerable autonomy for the country in the joint state. After long-lasting wars, the Lithuanian-Polish State was subjected to partitioning three times among the Russian, Austro-Hungarian and Prussian Empires. As a result, nearly the entire ethnic Lithuanian lands of the Republic were included into the Russian Empire.

During World War I Lithuania was occupied by the Germans (1915-18). Lithuania regained independence after the defeat of Germany in World War I when both Germany and, in particular, Russia were ruined by revolutions and coup d'états. On February 16 (Independence Day), 1918, the Council of Lithuania proclaimed the Republic of Lithuania. During the two decades of its independence, Lithuania undertook an active development of its economy, education and culture. Lithuania was recognised by the international community and became a full member of the League of Nations.

In 1939, by the secret protocols to the Molotov-Ribbentrop Pact, Stalin and Hitler divided Central Europe into spheres of influence. In 1940, the Soviet Union occupied and annexed Lithuania declaring it to be the Lithuanian Soviet Socialist Republic. During World War II, Lithuania was occupied by Germany. In 1944, it was occupied by the Soviet Union for a second time and mass deportations of the Lithuanian population, which started back in 1940, were resumed. Approximately 250,000 Lithuanian inhabitants were deported to Siberia and circumpolar regions.

The Soviet occupation authorities destroyed the traditional market structures, expropriated private property, and centralised the economy--incorporating it into the

single economic space of the Soviet Union. Political democracy was abolished, the Communist Party and KGB controlled the society and held the cultural life of the country under strict censorship.

Most democratic states of the world never recognised the legitimacy of incorporation of Lithuania into the Soviet Union.

On March 11, 1990, the Supreme Council of Lithuania passed the Act on the Restoration of the Independent State of Lithuania. In its efforts to stem the liberation movement of Lithuania, the USSR imposed an economic embargo on the country, and in January 1991 made an abortive attempt to seize power by force of arms.

On February 11, 1991, the Republic of Lithuania was recognised de jure by the first foreign country – Iceland. After the abortive coup d'état in Moscow, on September 6, 1991, the Republic of Lithuania was recognised by the Soviet Union. On September 17, 1991, Lithuania became a member of the United Nations Organisation. On October 15, 1991, Lithuania signed the Final Act of the European Conference on Security and Co-operation. On May 14, 1993, the Republic of Lithuania became a member of the Council of Europe; on August 31, 1993, the last military unit of the former Soviet Army left the territory of Lithuania. In early 1994, the Republic of Lithuania joined the NATO Partnership-for-Peace Programme; on June 12, 1995, Lithuania signed the Association Agreement with the European Union. Membership in NATO and the European Union are the two most important priorities of Lithuanian foreign policy.

## **5. Information on the demographic situation in the country**

In early 2001, the population of Lithuania was 3,692,600. The population density is not very great – 57 inhabitant per square kilometre. The majority of the population is Lithuanian: Lithuanians account for over 80 percent of the total population.

After a steady increase in population, which lasted for several decades, 1990 witnessed the beginning of fundamental changes when the annual growth of population decreased to 0.76 per cent. In 1992, the number of the population went into decline for the first time after World War II. The peak rate of decrease occurred in 1993 (by 0.33 per cent), later the rates of decrease slowed down and in 2000 stood at 0.16 per cent. In 1992-93, the decrease in the number of population was determined by emigration. Since 1994, the major factor for the declining numbers of population has been the negative trend in the natural replacement of population: on average the death rate exceeds the birth rate by 4,000 per annum.

The aging of the Lithuanian population is a fast process. In recent years low fertility has caused a decrease in the number of children and an increase in the percentage of senior citizens. At the beginning of 2001, children of up to 14 years of age accounted for 19.1 per cent of the total population, while persons of 60 and over accounted for 18.8 per cent. Although demographic aging is characteristic of both the male and female part of the population, the rates of aging are considerably different. The age structure of the

male part of the population is more youthful: men of 60 and over account for 14.6 per cent of their total number, while women of the same age account respectively for 22.5 per cent.

In the period between 1960-80, the immigration flows in Lithuania were rather stable, coming mostly from the former Soviet republics. Since 1990, the situation has changed. In 1990-93, the number of immigrants from the Commonwealth of Independent States (CIS) declined from 12,031 to 2302, while the number of emigrants to CIS, mostly to Russia, Belarus and Ukraine, increased: in 1992, emigration to CIS reached its peak and stood at 26,948. In 1996-99, Lithuania received, on the average, 2000 immigrants from CIS, while emigration to those states was steadily declining. Last year, 1,436 persons emigrated to CIS and 1,121 persons immigrated from there. In 2000, Lithuania had more emigration to other foreign countries than immigration: 1,190 and 389 respectively.

Ethnic composition of the population (data of population census)

	Number of population in thousand				Percentage of the total number of the population			
	1970	1979	1989	1997*	1970	1979	1989	1997*
<b>Total</b>	<b>3128.2</b>	<b>3391.5</b>	<b>3674.8</b>	<b>3707.2</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Lithuanians	2506.8	2712.2	2924.3	3024.3	80.1	80.0	79.6	81.6
Russians	268.0	303.5	344.5	304.8	8.6	8.9	9.4	8.2
Poles	240.2	247.0	258.0	256.6	7.7	7.3	7.0	9.9
Belarussians	45.4	57.6	63.2	54.5	1.5	1.7	1.7	1.5
Ukrainians	25.1	32.0	44.8	36.9	0.8	1.0	1.2	1.0
Jews	23.6	14.7	12.4	5.2	0.8	0.4	0.3	0.1
Latvians	5.1	4.4	4.2	-	0.1	0.1	0.1	-
Tartars	3.5	4.0	5.2	-	0.1	0.1	0.1	-
Gypsies	1.9	2.3	2.7	-	0.1	0.1	0.1	-
Other	8.6	13.8	15.5	24.9	0.2	0.4	0.5	0.7

\* Vital statistics estimations of the Department of Statistics under the authority of the Government of the Republic of Lithuania.

## 6. Information on whether there are minorities within minorities

There are traditional minorities within minorities in Eastern Lithuania. One of the distinctive features of Eastern Lithuania is the multi-ethnic composition of its population one half of which is Lithuanian and one third is Polish. One fifth of the total number of Lithuanian Belarussians and one tenth of the Lithuanian Russians are concentrated in Eastern Lithuania. Poles constitute an absolute majority in the districts of Šalčininkai and Vilnius. Russians live mostly in the Districts of Zarasai, Švenčionys, Trakai, but nowhere do they constitute a majority. Lithuanians are a minority in the districts of Šalčininkai, Vilnius, Švenčionys and the Town of Visaginas. Poles have lived in these districts from olden times. The phenomenon of Lithuanian minority emerged several decades ago with the development of atomic energy when large numbers of specialists arrived from

different places in the former Soviet Union. The majority of the population in the Town of Visaginas is Russian speaking.

The data of the 1989 census show that Lithuanians account for the following percentage in Eastern Lithuania:

District of Šalčininkai:	9.4 per cent
Town of Visaginas:	15.0 per cent
District of Vilnius:	20.8 per cent
District of Švenčionys:	47.4 per cent

## **7. Main economic indices**

In its Programme for 2001-2004, approved on July 12, 2001, by Resolution No. IX-455 of the Seimas, the Government of the Republic of Lithuania undertook to accelerate the economic development of the country, create new jobs, increase the competitive possibilities of the country on the global market. It pledged to create a system facilitating the development of a long-range national strategy (for 10-15 years) on the basis of which it should be possible to develop short-range programmes (for 3 – 5 years) (as well as Government programmes). The Programme provides for the equal treatment of domestic and foreign investors, a flexible taxation policy and specific economic advantages to encourage investments, particularly in the districts of structural unemployment, enhance market surveillance and introduce stricter anti-trust measures, restrain the emergence of new monopolies and oversee more strictly the existing ones. The Government outlined a national reform of industrial and agricultural structures to serve as the basis for the development, approval and implementation of the national investment programme. The investment programme should provide for the expansion and concentration of state support to problem regions not only by supporting certain business projects through soft loans, loan guarantees, exemption from taxes, financial and other subsidies, but also through financing the selected infrastructure and social projects.

In order to ensure a sustained and enduring economic growth and a successful preparation for the penetration into the EU internal market, the Government will implement measures in three directions – macro-economic stability, acceleration of structural reforms (including the reduction of the State's role in the economy) and employment growth.

The main economic indices for this year show that the Lithuanian economy is bouncing back after the recession, which is evidenced by the growing exports, intensifying activities in manufacturing, increases in hauling and transportation, and positive changes in the balance of payments.

According to the figures released by the Department of Statistics under the authority of the Government of the Republic of Lithuania, the Gross Domestic Product (GDP) in 2000 was LTL 44.93 billion at actual prices (LTL 28.25 billion at comparative prices of 1995). In 2000, GDP grew by 3.3 per cent as compared to 1999, which was

determined by the growth in industry, including energy (7.6 per cent), services (4.3 per cent) and value added in agriculture and fisheries (1.9 per cent). The Ministry of Finance projects a 3.7 per cent growth of GDP for 2001.

Income-based projections of GDP indicate that in 2002 the share of wages in GDP will account for 32.6 per cent. According to the figures released by the Department of Statistics, GDP in the 1st quarter of 2001 was LTL 10,684 million, or LTL 2,893 per capita.

The annual inflation rate in 2000 was 1.4 per cent. It was mostly affected by the increase of prices for housing (14.7 per cent), water supply, electricity, gas and solid fuel, communications services (13.6 per cent) and the decrease of prices for clothing and footwear (2.7 per cent), alcoholic drinks and tobacco products (2.1 per cent). Projection for inflation rates in 2001 is about 2 per cent.

As of 1 January 2001, direct foreign investments were LTL 9,337 million, including LTL 1683.4 million in direct long-term and short-term loans by foreign investors. Compared to 1 January 2000, direct foreign investments increased by 13.2 per cent and stood at LTL 2,528 (USD 632) per capita.

According to the data of the State Property Fund, the year 2000 saw 951 sales of state property for LTL 906.8 million, including 694 objects owned by the State (for LTL 864.8 million) and 257 objects owned by local authorities (for LTL 42 million).

According to the information of the Ministry of Finance, in 2000 the fiscal deficit of the national budget of Lithuania was LTL 1.244 billion (USD 311 million) or 2.77 per cent of GDP, while in 1999 the fiscal deficit was LTL 3.23 billion (USD 806.3 million) or 7.6 per cent of GDP. Fiscal policy is conducted in such a way as to achieve the balance of the national budget in a short period of time and limit the public debt. Tax reform is under way, which will include the reduction of the profit tax rate for legal entities from 29 to 24 per cent of taxable profits.

In 2001, the annual real wages (estimated by having regard to price rises) should increase by 2 per cent on the average. The Minimal Monthly Wages (MMW) will not be raised in 2001, but in 2002 the tax-deductible minimum should be raised so that the real MMW should increase.

According to the data of the Lithuanian Labour Exchange, the average number of the unemployed in 2000 was 204,900, the average annual unemployment rate being 11.5 per cent. The minimum unemployment benefit is in the range of LTL 135 – 250. To reduce the unemployment rate, the Government is conducting an active policy in the labour market: LTL 182 million (in 2001) and LTL 184 million (in 2002) will be assigned from the Unemployment Fund for the purposes of the integration of the unemployed into the labour market (including training, community and supported work, implementation of active policy measures in the labour market) as well as for the unemployment benefits and the training benefits for the unemployed.

### Main economic indices of the Republic of Lithuania for 1994 – 2000

Indices	1994	1995	1996	1997	1998	1999	2000
GDP at actual prices, LTL million	16904	24103	31569	38340	42990	42655	44930.
Increase/decrease of GDP (in percentage) at comparative prices of 1995	-9.8	3.3	4.7	7.3	5.1	-3.9	3.3
Current account of balance of payments compared to GDP (percentage)	-2.1	-10.2	-9.2	-10.2	-12.1	-11.2	-6.0
Inflation rate (compared to previous December) in percentage	45.1	35.7	13.1	8.4	2.4	0.3	1.4
Labour force (thousand)	1740.7	1752.6	1783.5	1773.7	1769.8	1796.2	1790.9*
Employed	1675.0	1643.6	1659.0	1669.2	1656.1	1647.5	1586.0
Average monthly gross salary, LTL	325	481	618	778	930	987	1008
Unemployed (thousand)	65.7	109.0	124.5	104.5	116.7	148.7	204.9
Unemployment rate	3.8	6.1	7.1	5.9	6.4	8.4	11.5
Export (LTL million)	8077	10820	13420	15441	14842	12015	15238
Import (LTL million)	9355	14594	18235	22577	23174	19338	21826
Balance (LTL million)	-1278	-3774	-4815	-7136	-8332	-7323	-6588
Direct foreign investments at the end of the period (LTL million)	...	1406	2801	4163	6501	8252	9338

Source: Department of Statistics under the Government of the Republic of Lithuania.

\* Preliminary data

\* \* \*

## **PART II**

### **Article 1**

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Lithuania takes an active part in the activities of international organisations and co-operates with them in the protection of national minorities. After restoration of its independence, the Republic of Lithuania acceded to the Organisation of Security and Co-operation in Europe (10 09 1991); United Nations Organisation (17 09 1991), UN Educational, Scientific and Cultural Organisation (UNESCO) (15 10 1991); the Baltic Assembly (08 11 1991), Council of the Baltic Sea States (05 03 1992); Council of Europe (14 05 1995). On 12 June 1995, Lithuania signed the Association Agreement with the European Union, which became effective on February 1, 1998, and now is conducting successful negotiations for accession to the European Union.

To ensure the stability of democracy and the rights of national minorities, the Republic of Lithuania accords high priority to co-operation with the Council of Europe. Lithuania takes an active part in the activities of the Council of Europe, provides the Council of Europe with information on the ongoing reforms in the country and the implementation of its obligations; disseminates information on human rights, co-ordinates all its efforts for further integration into the system of European treaties; endeavours to adapt the programmes of the Council of Europe for intergovernmental co-operation and democratic stability to the needs of Lithuania; avails itself of the possibilities created by the Council of Europe to find solutions to problems related to bilateral relations important to Lithuania.

Lithuania takes an active part in the conferences organised by the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages; it co-operates with the Committee for the Protection of National Minorities (DH-MIN), The European Commission against Racism and Intolerance (ECRI), the Specialist Group for the Demographic Situation of National Minorities (PO-S-MIN) and the Specialist Group for Roma Affairs (MG-S-ROM).

Representatives of Lithuanian state institutions and national minorities participate in the joint project of the Council of Europe and the European Union, National Minorities in Europe. While participating in the project, they have a possibility of knowing the policies of other European countries on national minorities.

Lithuania has signed 57 documents of the system of European treaties and has ratified 49 of them. Further integration into this system is one of the priority objectives of the State.

The Republic of Lithuania has acceded to the following international conventions related to the protection of national minorities:

*COUNCIL OF EUROPE*

<b>Document</b>	<b>Signed, ratified</b>	<b>Ratified</b>	<b>Came into force</b>
Framework Convention for the Protection of National Minorities (1995)	01 07 2000	17 02 2000	01 07 2000
Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	14 05 1993	27 04 1995	20 06 1995
Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952)	14 05 1993	07 12 1995	24 05 1996
Protocols No. 4 (1963) and No. 7 (1984) to the Convention for the Protection of Human Rights and Fundamental Freedoms	14 05 1993	27 04 1995	Protocol No.4 20 06 1995, Protocol No.7 01 09 1995
Protocol No. 6 concerning the abolition of the death penalty (1983)	18 01 1999	22 06 1999	01 08 1999
Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984)	10 07 1995	-	-
Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)	11 05 1994	27 04 1995	01 11 1998
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)	14 09 1995	15 09 1998	01 03 1999
European Social Charter (revised, 1996)	08 09 1997	15 05 2001	01 08 2001
European Cultural Convention (Paris, 1954)	07 05 1992	05 07 2000	07 05 1992

*UNITED NATIONS ORGANISATION*

<b>Document</b>	<b>Signed, ratified</b>	<b>Ratified</b>	<b>Came into force</b>
Universal Declaration of Human Rights (1954)	12 03 1991	-	-
International Covenant on Economic, Social and Cultural Rights (1966)	12 03 1991	-	20 02 1992
International Covenant on Civil and Political Rights (1966)	12 03 1991	-	20 02 1992
Optional Protocol to the International Covenant on Civil and Political Rights	12 03 1991	-	20 02 1992

(1966)			
Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of Death Penalty (1989)	08 09 2000	-	-
International Convention on the Elimination of All Forms of Racial Discrimination (1966)	08 06 1998	10 11 1998	09 01 1999
Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment (1984)	01 02 1996	-	12 03 1996
Convention on the Rights of the Child (1989)	08 01 1992	03 07 1995	01 03 1992
Convention on the Elimination of all for Forms of Discrimination against Women	10 11 93	10 09 1995	17 02 1994
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1999)	08 09 2000	-	-

The protection of persons belonging to national minorities, as an integral part of the protection of human rights, is guaranteed by the fundamental law of the country – the Constitution of the Republic of Lithuania (1992). Subject to its Article 29, “All persons are equal before law, court and other public institutions or officials. Human rights may not be restricted or accorded any privileges on the basis of a person’s race, nationality, language, origin, social status, religion, convictions or beliefs.” Article 30 stipulates that a person whose constitutional rights or freedoms have been violated has a right to apply to the court. A person alleged to have committed a crime or a defendant has a right to legal defence from the moment of detention or the first interview (Article 31 of the Constitution). Subject to Article 110, in cases where there is ground to believe that a law or any other legal act applicable to the case in hand contradicts the Constitution, the judge must stay the proceedings and apply to the Constitutional Court for determination if the law or any other legal act is consistent with the Constitution.

A complaint to the court or a petition for an explication of the substance of human rights may invoke the Constitution or any other legal act or an international document. Material and moral damages are awarded strictly under law.

The laws and regulations of the Republic of Lithuania prohibit national, racial, religious or social hatred, coercion, instigation or existence of discrimination on the basis of race, nationality, origin, language, religion, or convictions. Further information on these issues is presented in the section on the implementation of Article 4.

## Article 2

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

The Republic of Lithuania shapes and implements its policy of harmonious national relations on the basis of the principles of good neighbourliness, friendly relations and co-operation between states in the spirit of understanding and tolerance. As noted in the Programme of the Government of the Republic of Lithuania for 2001 – 2004 approved by Resolution No. IX-455 of the Seimas on 12 July 2001, Lithuania's aspirations for membership in the European Union and NATO are given the same priority in its foreign policy as its good relations with the neighbouring countries. Lithuania will continue to develop strategic partnership relations with Poland by making use of the potentials of common structures, concentrating on the co-ordination of positions on the main questions of foreign policy and national security as well as on common activities in the region.

Relations with Latvia, Estonia and the Nordic countries are developed both on the bilateral basis and within the framework of the eight Baltic-Nordic countries. Lithuania will strive to retain the support of the Nordic countries to the aspirations related to its European and North Atlantic integration, to continue keeping the "Northern dimension" in the focus of attention, to participate in joint Baltic Sea projects and the activities of the Council of the Baltic Sea States.

The Government bases its relations with Russia on the principles of good neighbourliness, seeks the implementation of the agreements that have been signed, pursues mutual benefit in the co-operation in economic, energy, transport and other matters, seeks to expand cultural relations, social dialogue and contacts between individuals. Lithuania would like to participate in the dialogue concerning the partnership of Russia and the EU, for the relations between Lithuania, as a prospective EU member state, and Russia should be treated as an important element in shaping the partnership. In this context special attention will be devoted to the perspectives of the Kaliningrad Region of the Russian Federation and the initiatives for the development of co-operation with it.

Lithuania intends to continue its pragmatic relations with Belarus in dealing with issues of bilateral co-operation and its efforts to involve this State in the processes of regional co-operation and European integration. The Republic of Lithuania will contribute to the development of relations between the Baltic Sea region and other regions. It will apply its experience to the development of relations with Ukraine in bilateral and trilateral – including Poland – formats; it will continue the development of its relations with Central European states and its co-operation with the countries of the Black Sea Basin and seek the implementation of projects of regional significance in energy, transport, economic co-operation, combating crime and other areas. Lithuania will focus greater attention on

those areas in its co-operation with Kazakhstan, Georgia and other states of the Caucasus and Central Asia.

Lithuania has signed and ratified interstate agreements with Russia, Belarus, Poland, Ukraine and other states. Individual clauses of those agreements define the rights and duties of national minorities and the mutual obligations of the Parties. Further information on these matters will be given in the section on Article 18 of the Convention.

### **Article 3**

**1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights, which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

### **Laws**

All the citizens of the Republic of Lithuania, irrespective of their nationality, are equal before law. The rights of the citizens belonging to national minorities are protected by the Constitution of the Republic of Lithuania (1992). Article 37 of the Constitution stipulates “Citizens belonging to national communities shall have the right to foster their language, culture and customs.” Article 45 emphasises that “The national communities of citizens shall be independent in managing affairs related to their culture, education, charity and mutual assistance. The State shall provide support to national communities.”

Article 1 of the Law on National Minorities (1989) declares: “The Republic of Lithuania, in accordance with the principles of equality between nations and humanism, shall guarantee free development of all the national minorities residing on its territory and respect every nationality and language.”

Lithuanian legislation does not contain any definition of the concept of a national minority or a group of persons recognised to be a national minority. In Lithuania there are no linguistic or ethnic groups which are not considered national minorities.

The legal acts of the Republic of Lithuania guarantee each person belonging to a national minority freedom to choose whether he or she wants to be regarded as a representative of a national minority. In accordance with the Resolution On the Amendment of the Regulations concerning the Passport of a Citizen of the Republic of Lithuania, passed by the Supreme Council in 1991, a citizen’s nationality is recorded in the passport according to the citizen’s written request. As it is declared in the Law on National Minorities, every citizen of the Republic of Lithuania is free to choose his or her nationality to be recorded in the passport on its issuance according to the nationality of

one of his or her parents or ancestors. In accordance with Order No. 111 On the Approval of the Rules on the Change of a Person's Name, Surname or Nationality issued by the Minister of Justice on 20 June 2001, a person has a right to choose another nationality provided it is the nationality he or she has inherited from one of his or her parents or ancestors. The Law on National Minorities also emphasises that no one shall be forced to prove his or her nationality and no one shall be forced to renounce his or her nationality. Thus, on gaining Lithuanian citizenship, any inhabitant of Lithuania has a free choice – to be regarded as belonging to a national minority or not.

The provisions of the Council of Europe Framework Convention for the Protection of National Minorities are applicable to all the national minorities residing in Lithuania. At present, there are over a hundred different nationalities among the population of Lithuania. The size of those nationality groups varies: it may be a group of several hundred thousand, as for example, the Russian and Polish minorities, or several hundred or even several score, as for example, the Armenian, Bulgarian, Greek and other minority groups (further information is presented in Section 5 Part I Information on the Demographic Situation in the State). The largest number of non-Lithuanians reside in the eastern and south-eastern districts of the country, in Vilnius, Klaipėda, Visaginas and other cities.

## **Historical-Demographic Survey of the National Minorities in Lithuania**

### *1. The Russian Minority*

Russians constitute the largest minority group in Lithuania, their number reaching about 300,000. They are dispersed all over the territory of Lithuania, but their greatest concentrations are to be found in Vilnius, Klaipėda, and Visaginas. Until the mid-17th century the immigration of Russians into Lithuania was rather insignificant, but at the end of the 17th century, after the reform of the Russian Orthodox Church, Lithuania experienced a heavy wave of immigration of Russian old believers. After the incorporation of the greater part of Lithuania into the Russian Empire at the end of the 18th century and after the uprisings against Czarist Russia in 1831 and 1863, Lithuania was subjected to the policy of intensive Russification. The participants of the uprisings and their families were deported to remote regions of the Empire and their homes were occupied by new Russian settlers. While in 1857 Russians accounted for 1.4 per cent of the population of the country, in 1897 their percentage jumped to 4.8 points. In 1918-23, Russian immigrants could be considered refugees who fled from the after-effects of the 1917 October Revolution. The Russian-speaking population increased steeply after World War II, in 1945-50, when Lithuania became part of the Soviet Union. The 1959 census showed that Russians accounted for 8.5 per cent of the population at that time. After the restoration of independence in 1990, a certain number of Russians returned to their historical homeland, but the statistical estimates of the Department of Statistics showed in 1999 that Russians remained to be the largest national group in Lithuania, accounting for 8.1 per cent of the population. After the restoration of Lithuania's independence, the situation of the Russian minority in respect of education in their mother tongue and development of their authentic culture and national awareness was

much better than that of the other national minorities. Beginning from the post-war years Russians had pre-schools, primary and secondary schools where the language of instruction was exclusively Russian. In addition, a large number of vocational schools, schools of further education, and institutions of higher education had Russian groups that received instruction in their mother tongue. At present, a large number of towns and district administrative seats have Centres of Russian Culture. Russians have several periodical publications, radio and television shows and publishing houses in Russian.

## 2. *The Polish minority*

Poles are second largest national minority group in Lithuania. They live all over the territory of Lithuania, but their greatest numbers (about 90 per cent) are concentrated in Vilnius and the Districts of Šalčininkai, Trakai, Švenčionys and Vilnius. In 1385, the Kingdom of Poland and the Grand Duchy of Lithuania signed a treaty at Krėva beginning the long-lasting co-operation between the two States and nations. During the existence of the common political entity (Polish-Lithuanian Commonwealth), Poles made a considerable contribution to the political, economic and cultural life of Lithuania. In the 20th century, Lithuanian-Polish relations were sometimes bedevilled by the historical experience of the two nations and the existing circumstances. In 1920-40 Poles made up 3.0 per cent of the total population in Lithuania whereas in Vilnius, occupied by the Poles at the time, the greater part of the population was Polish. After the region of Vilnius was returned to Lithuania (1939), Poles became a minority. The statistics of 1959 show that Poles accounted only for 8.5 per cent there, for the post-war years saw a mass repatriation of the Poles. During the Soviet occupation Soviet authorities conducted a policy of Russification, which caused a considerable change in the demographic situation of the Polish-speaking population in Lithuania. Before World War II, Poles accounted for 15.3 per cent of the total population in Lithuania, in 1959 the percentage dropped to 8.5, in 1989 – to 7 per cent, in 1999 to 6.9 per cent. The restoration of Lithuania's independence has encouraged the Poles residing in Lithuania to intensify their national activities. They join clubs and various societies and have become more concerned with matters relating to their culture, education, mother tongue and traditions.

## 3. *The Jewish minority*

Jews have lived in Lithuania since the 14th century. The Jewish community in Lithuania and Poland was the largest Jewish community in Europe. In the 18th century Vilnius became the most prominent centre of Jewish spiritual culture and was referred to as Lithuanian Jerusalem. The Jewish community on the ethnic and historic territory of Lithuania preserved their national spirit, culture and language better than any were else in Europe. The Yiddish dialect of Lithuanian Jews has become the basis for literary Yiddish language in the world. According to the censuses taken in 1923 and 1925 Jews accounted for 7.1 per cent of the total population of Lithuania. During Lithuania's inter-war independence (1918-40) Jews were accorded cultural autonomy. During World War II, Jews were subjected to genocide. The statistical data of 1959 show that the Jewish population in Lithuania consisted of 24,672 persons (0.9 per cent of the total population), after 30 years (in 1989) their number dwindled to 12,314 (0.3 per cent of the total

population). After the restoration of Lithuania's independence Jewish emigration to the United States, Israel and other countries intensified. In 1989-94, more than 6,000 Jews left Lithuania, mostly young persons of working age, so that the number of Jews have become rather small and their demographic structure has changed. According to the data of the Department of Statistics, there were 4,900 Jews in Lithuania (0.1 per cent) at the beginning of 1999.

On 8 May 1990, the Supreme Council of the Republic of Lithuania adopted a declaration On the Genocide of Jewish People during the Nazi Occupation. September 23 is commemorated as the day of Jewish genocide in Lithuania. The Prosecutor General's Office has a division of special investigations responsible for prosecuting crimes against humanity. An International Commission for the Assessment of Crimes Committed in Lithuania by Nazi and Soviet Occupations was set up in 1998 by a decree of the President of the Republic of Lithuania.

#### 4. *The Belarussian minority*

Belarussians are one of the most numerous national minorities in Lithuania. According to the figures released by the Department of Statistics, there were 52,800 Belarussians in Lithuania at the beginning of 1999 (1.4 per cent of the total population).

Vilnius has long been a prominent centre of Belarussian letters, culture and education. The first printed book in the Belarussian language was published in Vilnius in 1522 by the printer Frantsysk Skaryna. 1915 saw the opening of the first Belarussian schools in Vilnius, 1919 - a gymnasium. There were about 50 periodical publications in the Belarussian language, publishing houses turned out scientific and fiction books, textbooks and dictionaries in the Belarussian language.

The demographic dynamics of the Belarussian minority in Lithuania in the 20th century reveal the intensification of immigration waves after World War II. According to the results of the 1923 census, Belarussians accounted for 0.2 per cent of the population. In 1959, the percentage increased to 1 per cent and in 1989 to 1.7 per cent. In the period 1990-98, the number of the Belarussian population dropped by 17 per cent. The largest number of Belarussians reside in Vilnius, Klaipėda, Visaginas and areas bordering on the Republic of Belarus. Those demographic trends have their roots in the historical development of the Belarussian ethnic group. From the 14th up to the 19th century territories inhabited by the Belarussians were incorporated in the Grand Duchy of Lithuania. From the beginning of the 19th century, those territories, as well as all of Lithuania, became part of the Russian Empire. Later, with the advent of industrialisation after 1945 when Lithuania was incorporated in the Soviet Union, a mass migration of specialists started from Belarus to Lithuania. After the restoration of Lithuania's independence in 1990 and the imposition of restrictions on the free movement of persons to Lithuania from Russia and Belarus, the rates of migration dwindled, but the social and cultural life of the Belarussian minority in Lithuania became much more intense. There are Belarussian organisations, cultural centres that engage in the education of their

members, foster and advertise their traditions and customs, put up concerts, organise soirees and meetings with Belarussian cultural and artistic figures.

#### 5. *The Karaite minority*

The Karaite historical diaspora has a unique history, culture and religion. Karaites have been residing in Lithuania for over 600 years. They came to Lithuania in 1397-98 when Grand Duke Vytautas transferred about 380 Karaite families to Lithuania during his fights with the Golden Horde. Vital statistics after World War II show that the number of Karaites in Lithuania is diminishing. The 1959 census showed that there were 423 Karaites in Lithuania. Now there are about 257 Karaites or 0.01 per cent of the total population. Although the Karaites are not a very numerous minority, during the 600 years of their presence in Lithuania they have managed to preserve their language, customs, unique literary heritage and religion. The basis for the Turkic national identity of the Karaites is their mother tongue, which they still use in everyday life and religious rites. According to the number of speakers the Karaite language is attributed to the group of dying or dead languages of the world. The Karaite religion as part of their ethnic-cultural identity is recognised in Lithuania as one of the traditional living religions.

In spring 1988 the Karaites established the Lithuanian Karaite Society. They have a folk art group and a Sunday school. At the historical museum in Trakai there is a Karaite ethnographic display showing Karaite everyday life chattels, implements and historical documents.

#### 6. *The Tartar minority*

The Tartar ethnic confessional community, peculiar for its unique origin, customs and lifestyle, has been present in Lithuania for over six hundred years. Like the Karaites, the Tartars came to Lithuania from the Crimea in the 14th century. Tartar settlements sprang up in the border areas of the Grand Duchy of Lithuania and to this day they have preserved their significance as the cultural centres of ethnic Tartars. At present the largest number of Tartars reside in Vilnius, Kaunas and Alytus. In the 1897 census taken in the Russian Empire, Tartars were not considered to be a separate population group. They were classified according to the Muslim religion and the language they used. Lithuanian Tartars had lost their mother tongue and used the indigenous languages of the locality where they lived, i. e. the Belarussian, Polish or Russian languages. That is why the statistical information on the Tartar community indicates that at the end of the 19th century there were only about 5,000 Tartars (0.1 per cent of the total population). According to the statistics after World War II, the number of Tartars in Lithuania began to grow from 3,020 in 1959 to 5,188 in 1989, which accounted for 0.1 per cent of the total population. Lithuanian Tartars have preserved rather strong community ties, ethnic and religious identity, traditions and customs.

In recent years the interest in Tartar culture in Lithuania has increased. A Centre of Oriental Studies was opened at Vilnius University in 1992. An international scientific

conference was organised in 1997 to mark the 600th anniversary of the Tartar and Karaites presence in Lithuania.

#### 7. *The Roma (Gypsies) minority*

Roma are one of a few European national minorities which do not have a separate independent State, or their historical homeland. Roma came to Lithuania in the 15th century via Poland and Belarus. For a long time they stuck to the nomadic lifestyle, but the territory of their travelling was not very large and they usually travelled only in summer. In 1956, the Supreme Soviet of the former Soviet Union issued an order prohibiting them from leading a nomadic lifestyle, demanding that they should have jobs and be registered. But as the Roma say themselves, they adopted a settled lifestyle in Lithuania as late as the 1970s. Vital statistics on the Roma community are available only for the Soviet period. In the period from 1959 to 2000 the number of Roma in Lithuania fluctuated from 2,000 to 3,000. Their largest communities are concentrated in the major cities – Vilnius, Kaunas, Panevėžys and some other places. Most Roma refer to themselves as Gypsies, i. e. by the historical name, which is most widely known in Lithuania. After the restoration of Lithuania's independence, the life of Roma underwent a number of qualitative changes. The attention of the State to national minorities and the emergence of new legal and practical possibilities have encouraged the Gypsies to be more active and organise themselves in search of solutions to their own problems and to try to integrate into the public life of the country. Much greater efforts to find solutions to century-long issues of the Gypsies are being made by public institutions and non-governmental organisations.

#### 8. *The German minority*

German roots in Lithuania are to be found in the social and cultural context of several historical epochs. East Prussia and the territory of Klaipėda were colonised with German settlers in the 13th century as a result of the conquests of the Teutonic Order. These lands remained a German territory until 1923 when the territory of Klaipėda was incorporated into the Republic of Lithuania. Throughout history, the number of Germans in Lithuania has never been very large, accounting mostly for about 5 per cent of the total population. The number of Germans was greatly reduced after World War II. In 1959, Germans accounted for 0.4 per cent of the total population, but their number continued to go down and in 1989 accounted for as little as 0.1 per cent of the population.

In 1996, community centres were restored and installed in Klaipėda and Šilutė to help the local Germans maintain their national identity, to foster German traditions and the mutual understanding between Lithuanians and Germans, to disseminate cultural, scientific and economic information about Lithuania.

#### 9. *The Ukrainian minority*

The incorporation of the Kiev, Tchernigov, Peyeroslav territories into the Grand Duchy of Lithuania in the 14th century meant not only the expansion of the State but also

the start of long-lasting relations and co-operation between the Lithuanian and the Ukrainians. In 1596, the union achieved at Brest-Litovsk between the Orthodox and Rome effected a further expansion of the spiritual relations between the Ukrainians and the Lithuanians. The incorporation of Lithuania and Ukraine in the Russian Empire in the 19th century contributed to the consolidation of the cultural relations between the two nations and stimulated migration. Demographic surveys in 1857 and 1897 indicated that the number of Ukrainians in the present territory of Lithuania accounted for 0.1 per cent of the total population (2,500 Ukrainians in absolute numbers). The 1923 census revealed that only 43 Ukrainians lived in Lithuania.

In 1940, the annexation of the Republic of Lithuania by the USSR changed the composition of Lithuania's population. With the heavy waves of immigration from the other Soviet republics, a considerable number of Ukrainians arrived in Lithuania for permanent residence. In the 1970s-1990s, Ukrainians accounted, on the average, for 11 per cent of the total number of immigrants so that, on the one hand, Ukrainians belong to those national minorities that have long been present in Lithuania, on the other hand, their number was constantly increasing after World War II. In 1959, Ukrainians accounted for 0.7 per cent of Lithuania's total population, in 1989 – for 1.2 per cent, in 1999 – for 1 per cent.

### **Other national minorities**

The fates and ways that brought different national minorities to Lithuania were varied. As has already been mentioned, some of the national minorities, such as Poles, Belarussians, are autochthons, i. e. they have lived in the same place from time immemorial. Russians, Karaites, Tartars, Jews and Roma have lived in Lithuania for centuries, whereas Romanians, Georgians, Armenians, Estonians and representatives of some other nationalities found their way to Lithuania after World War II or have settled in this country even more recently as a result of the rapid development of new industries in Lithuania such as the chemical industry, ship building, nuclear energy, mechanical engineering, etc. They were usually specialists in various fields sent to Lithuania from different regions of the former Soviet Union. Other factors responsible for the increasing numbers of non-Lithuanians were mixed families and also the fact that upon retirement, many military officers chose to live in Lithuania permanently. The country attracted people because of the relatively higher living standards compared to those in the rest of the former Soviet Union.

Migration intensified in 1961-70 when many specialists and members of the labour force arrived to work in the new industrial enterprises and construction projects. That was the time when Armenians, Azerbaijanis, Greeks, Ukrainians, Moldavians and representatives of other nationalities came to live in Lithuania for the first time. Due to migration and the natural increase of the non-Lithuanian population, the number of Russians, Poles, Belarussians, Ukrainians, Tartars increased quite considerably in the decade from 1979 to 1989, but at the same time the number of Jews and Latvians decreased. In the period 1980-89, the population of Lithuania increased by 61,000 due to inter-republican migration. After the restoration of independence, the direction of

migration between Lithuania and the CIS was reversed. In 1990-93, 63,000 persons left Lithuania while the number of immigrants was considerably smaller. In that period, the population of Lithuania decreased by 50,000, mainly due to the migration from Lithuania to the CIS.

The 1989 census revealed that the most numerous national minorities in Lithuania were the Russian, Polish, Belarus and Ukrainian minorities. 36 national minorities were represented by more than 100 persons and 54 national minorities included as few as 20 people. There are 21 non-governmental organisations founded by national minorities, including those of Armenians, Azerbaijanis, Belarusians, Bulgarians, Estonians, Greeks, Georgians, Karaites, Koreans, Latvians, Poles, French, Roma (Gypsies), Romanians, Russians, Tartars, Ukrainians, Uzbeks, Hungarians, Germans, and Jews.

### **Collection of demographic data**

The Department of Statistics under the authority of the Government of the Republic of Lithuania is an institution responsible for official statistics, the implementation of the general public policy in statistical methodology and organisation in different areas. Figures on the number of and changes in the population are presented here on the basis of the 1989 census and the statistical annals between the censuses. On 6 April 2001, Lithuania took a general census. That was the first census taken after the restoration of independence. The census questionnaires consisted of two parts – the individual questionnaire (30 questions) and the household questionnaire (15 questions). The individual questionnaire included such questions as name, surname, sex, date of birth, place of birth, civil status, number of children, ethnic group, nationality, citizenship, confession, mother tongue, skills in languages. The first results of the census will be known in 2002.

### **Article 4**

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**
- 3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

## **Paragraph 1**

The Republic of Lithuania ratified the United Nations Convention On the Elimination of All Forms of Racial Discrimination on 10 November 1998. But the main principles of the prohibition and elimination of all forms racial discrimination were enshrined in the legal framework of Lithuania considerably earlier, i. e. during the restoration of the independent Republic of Lithuania. As early as 1989, Lithuania passed a Law on Citizenship defining the status of a citizen and a non-national, and the Law on National Minorities defining the rights of persons belonging to national, ethnic, linguistic and religious minorities. In 1991 both these Laws were amended. The same year saw the passage of two other laws – the Law on Immigration and the Law on the Legal Status of Non-nationals in the Republic of Lithuania.

The commitments and the steps taken by the Lithuanian State were significantly influenced by the 1993 World Conference on Human Rights in Vienna and the Declarations and Action Programmes adopted at the Conference recommending to define the rights of national, ethnic, religious and linguistic minorities in the national legal framework in line with international standards; to guarantee that persons belonging to national minorities could completely and actively exercise all the human rights and fundamental freedoms without any discrimination on the basis of absolute equality before the law; to ensure the rights of citizens and non-nationals irrespective of their ethnicity or nationality; to conduct a steady combat against national, ethnic, religious hatred, to foster respect for human dignity, mutual trust and understanding both among individuals and in inter-state relations.

The basic principles of equality and non-discrimination are enshrined in Section II Individual and the State, the preamble as well as in Sections III, IV and XIII of the Constitution of the Republic of Lithuania (1992). Article 29 of the Constitution proclaims: “human rights may not be limited or given privileges on the basis of a person’s sex, race, nationality, language, origin, social status, religion, convictions or views.” Similar guarantees are enshrined for non-nationals in the Law on the Legal Status of Non-nationals (1998) Article 3 of which states that in the Republic of Lithuania non-nationals are equal before the law irrespective of their race, sex, colour, language, political or other convictions, national or social origin, belonging to a national minority, property, place of birth or any other status.

The rights of Lithuania’s national minorities are enshrined in the Law on National Minorities (1989): “the Republic of Lithuania shall guarantee equal political, economic and social rights and freedoms to all its citizens irrespective of their nationality; shall recognise national identity, cultural continuity and foster national awareness and its expression.”

Lithuania’s national policy on these matters is also formulated in the Declaration On Racism, Xenophobia, anti-Semitism and Intolerance issued by the Seimas on 15 February 1995 where the Seimas of the Republic of Lithuania declares, that it “is against

any ideology that instigates racial hatred, violence and discrimination; it is against any actions contributing to tension and distrust between different racial, ethnic, national, religious or social groups; it categorically condemns racism, xenophobia, anti-Semitism and intolerance, any form of national, religious, racial or any other discrimination; commits itself to intolerance of anti-Semitism in any form whatever including that expressed in mass media, publications, public speeches, educational institutions; it pledges to give a special attention to the improvement and implementation of laws intended to combat those evils; (...) calls on the Government of the Republic of Lithuania to support preventive measures against individual cases of intolerance in all possible ways particularly by fostering mutual understanding and trust; (...) supports in-depth studies of the cultures and languages of other nations so as to ensure a faster knowledge and understanding of the peculiarities of different countries and nations.”

The legal norms of the Republic of Lithuania prohibit national, racial, religious and social hatred, coercion, discrimination or its instigation on the basis of race, nationality, origin, language, religion, convictions. Such provisions are to be found not only in the laws referred to above, but also in a number of other laws of the Republic of Lithuania, such as the Law on Citizenship, Law on Education, Law on the Provision of Information to the Public, Law on non-Governmental Organisations, Law on Political Parties and Political Organisations, Law on Religious Communities, Law on the Employment Contract, Law on the Support of the Unemployed, Law on Trade Unions, Framework Law on the Social Welfare System, Law on Civil Service, Law on the Refugee Status, Law on Presidential Elections, Law on Referendums, Law on Parliamentary Elections and other laws and regulations.

Article 3 Paragraph 2 of the Law on the Provision of Information to the Public states that “Producers, distributors of public information and journalists shall be guided, in their professional activities, by the Constitution and other legislation as well as international treaties of the Republic of Lithuania and by the principles of humanism, equality, tolerance, respect for a human being, the freedom of expression, creation and conscience, diversity of opinions; they shall adhere to the norms of journalists’ professional ethics, contribute to the development of democracy, public openness, encourage the civil awareness of the public and the progress of the State, contribute to the consolidation of the independence of the State, foster national culture and morality.”

Article 30 of the Law on Education (1991) says: “At educational institutions it shall be prohibited to encourage racial, national, religious, social animosity or exclusiveness, to disseminate military and other ideas contrary to the universally recognised legal and humanistic principles.”

Article 4 of the Law on the Protection of the Rights of the Child (1996) stipulates that every child shall have equal rights with other children and may not be discriminated against on the basis of his or her own gender, age, nationality, race, language, religion, views, social, property of civil status, state of health or other circumstances or those of his or her parents and other lawful representatives. Article 9 of the same Law guarantees a child’s right from birth to have a name, surname, nationality, family relations or other

relations related to his or her personality and their preservation. Article 17 guarantees the children belonging to the national minorities of the Republic of Lithuania the right to develop and foster their own language, culture, customs and traditions.

Under the legislation of the Republic of Lithuania persons belonging to national minorities are guaranteed not only equal protection provided by law, but also equality before the law. Article 29 of the Constitution (1992) stipulates that “all persons shall be equal before the law, judiciary, other public institutions and officials.”

The Law on National Minorities (1989) states that the State defends, without any distinction, the citizens of the Republic of Lithuania of any nationality.

Article 2 of the Law on Courts (1994) stipulates that all persons are equal before the law and judiciary. Human rights may not be restricted or given any privileges on the basis on a person’s race, nationality, language, origin, social status, religion, beliefs or views.

Article 6 of the Civil Procedure Code stipulated that justice in civil actions shall be administered only by courts in accordance with the principle of equality of all the persons before the law and judiciary irrespective of his or her gender, race, nationality, language, origin, social status, religion, convictions or views, occupation, domicile or other circumstances.

The same principle is enshrined in Article 12 of the Criminal Procedure Code: “Justice in criminal proceedings shall be administered on the basis of the equality of all the citizens before the law and judiciary irrespective of their origin, social or property status, race or nationality, gender, education, language, relation to religion, the nature of occupation, domicile or other circumstances.”

Article 252 of the Code of Administrative Offences stipulates: “Proceedings related to administrative offences shall be conducted on the basis of the equality of all the citizens before the law and the institution (official) in charge of the proceedings irrespective of the person’s origin, social or property status, race or nationality, gender, education, language, relation to religion, the nature of occupation, domicile or other circumstances.”

## **Paragraph 2**

After the restoration of its independence, the Lithuanian State took certain steps to ensure that all its citizens, without any distinction, could exercise all their rights and freedoms. Human rights and freedoms are inalienable rights and freedoms. Democracy is based on the effect of the freely expressed human will on the political, economic, social and cultural system as well as on a broad and active participation of people in public life.

Article 33 of the Constitution of the Republic of Lithuania (1992) reads: “Citizens shall have the right to participate in the government of their country both directly and

through their democratically elected representatives and to take up civil service in the Republic of Lithuania on an equal basis.” Article 34 of the Constitution, Article 2 of the Law on Parliamentary Elections (1992), Article 3 of the Law on Presidential Elections (1993), the Law on the Elections of Municipal Councils (1994) and Article 2 of the Law on Referendums grant suffrage to the citizens of the Republic of Lithuania who have attained the age of 18 on the election day. Excluded from the elections are citizens declared legally incapacitated by the court. All the laws referred to above provide for an equal treatment of every person’s vote in every election district. It is strictly prohibited to restrict suffrage on the basis of origin, political views, social or property status, national affiliation, gender, education, language, relation to religion, nature and kind of occupation.

The equal right to hold a job in public agencies is enshrined in Article 3 of the Law on Civil Service stipulating that every citizen has an equal rights to take up civil service, whereas the status of a civil servant may not be restricted on the basis of the person’s gender, race, nationality, origin, social status, religion, convictions, political views or other subjected circumstances.

### **Paragraph 3**

Article 48 of the Constitution stipulates that every person shall be free in choosing employment or business and shall have the right to enjoy appropriate, safe and healthy working conditions, receive equitable remuneration for work and social security in the case of unemployment.

Article 2 Paragraph 19 of the Law on Civil Service enshrines the principle of impartiality in the performance of professional duties: “Impartiality shall mean performance of professional duties in good faith without regard to the gender, race, nationality, language, origin, social status, religion, convictions, political views or affiliation to political parties or political organisations of either the civil servant or the client.”

Laws governing social protection provide for and guarantee a person’s equal rights without regard to his or her race, nationality, citizenship, political convictions or other circumstances.

Article 2 Paragraph 6 of the Law on the Employment Contract (1991) regulates the equality of employees without regard to their gender, race, nationality, citizenship, political convictions, views on religion or other circumstances unrelated to the professional characteristics of the employee.

Article 1 Paragraph 2 of the Law on Wages (1991) bars from the reduction of wages on the bases of gender, age, race, nationality or political convictions. Article 3 of the Law on Safety and Health at Work (2000) stipulates that employees have a right to work safely without regard to the kind of business the company conducts, its

profitability, the employee's work place, working environment, nature of work, citizenship, nationality, race, age, gender, social origin, political or religious convictions.

Article 1 of the Law on the Support of the Unemployed (1990) states that the citizens of the Republic of Lithuania have a right to make a free choice of employment or any other business which is not prohibited by law.

## **Article 5**

**1. The parties undertake to promote the conditions for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

## **Paragraph 1**

While implementing the provisions of the framework Convention for the Protection of National Minorities, Lithuania acts to create conditions, as favourable as possible, for the development of the national awareness and culture of its national minorities. Article 37 of the Constitution stipulates: "Citizens belonging to national minorities shall have the right to foster their language, culture and customs." Article 45 states that "national minorities shall be independent in the management of matters of their national culture."

The Law on National Minorities (1989) declares that the Republic of Lithuania recognises the national identity and cultural continuity for all its citizens irrespective of their nationality and encourages national awareness and its expression. Article 2 of this Law indicates that the State, having regard to the interests of national minorities, guarantees in the procedure laid down in the law "the right to receive state support for the development of national culture and education, the right to establish and join national cultural organisations, the right to maintain cultural relations with representatives of their nationality residing outside the Republic." National minorities are free to set up cultural and educational institutions at their own expense. "Historical and cultural monuments significant for the national minorities and Lithuania shall constitute part of the culture of the Republic and shall be subject to the protection of the State." (Article 6).

In order to define the aims, principles and objectives of its cultural policy and the methods of their implementation the Government approved Lithuania's position in the conduct of its cultural policy by passing Resolution No. 542 on 14 May 2001. One of the important objectives of its cultural policy is to support the culture and education of the national communities of Lithuania. The document emphasises that through their

traditions, cultural heritage, customs and lifestyle the national minorities contribute to the enrichment of the culture of the Republic. By supporting the culture of its national minorities, the State seeks to consolidate the cultural rights of its citizens, to create conditions for their participation in the public life of the country, and to foster their cultural traditions and heritage. The document indicates the following objectives to be attained through State support to the culture of national minorities: to support cultural programmes of Lithuania's national minorities, to create conditions for the national minorities to participate in the cultural life of the country, and to stimulate the cultural relations of Lithuania's national minorities.

In its programme approved by Resolution No. IX-455 adopted by Seimas on 12 July 2001, the Government of the Republic of Lithuania undertook "to ensure State support to the cultural development of Lithuania's national minorities; to guarantee the freedom and independence of the cultural activities conducted by cultural partnerships, regions and national communities."

While implementing the Framework Convention for the Protection of National Minorities, the Department for the Protection of Cultural Assets, functioning under the authority of the Ministry of Culture, enters objects of cultural value in the Register of Immovable Cultural Assets of the Republic of Lithuania irrespective of the nationality or religious confession they are associated to.

Lithuania does not have an official religion. This is enshrined in Article 43 of the Constitution. The Article stipulates that the State recognises the traditional Churches and religious organisations of Lithuania; the State recognises other Churches and religious organisations in as much as they have support of the public and their teachings or rites do not contradict the law or morality. Article 5 of the Law on Religious Communities and Partnerships lists the following nine traditional religious communities and partnerships constituting part of Lithuania's historical, spiritual and social heritage: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believers, Judaism, Sunnite Muslims and Karaites."

On its road of democracy and open society Lithuania is confronted with certain dangers in that it is not easy for the language of a small nation to withstand the influence of languages that have a large number of speakers. Therefore a caring attitude of citizens toward the official language of the State is not sufficient by itself, it is necessary to guarantee the legal protection of the official language. On 25 January 1989, before the restoration of Lithuania's independence, the Presidium of the Supreme Soviet issued the ordinance On the Use of the Official Language of the Lithuanian SSR declaring the use of the Lithuanian language to be mandatory for all executives and top managers in the performance of their official duties. Within a two-year period enterprises, agencies and organisations were to start using the Lithuanian language in their official documents and correspondence.

Article 14 of the Constitution of the Republic of Lithuania (1992) declares the Lithuanian language to be the official language of the Lithuanian State. The status of the

official language is given a comprehensive definition in the Law on the Official Language (1995) establishing the most important areas of the public life where the official language must be used, regulating its protection, control and legal responsibility for non-compliance with the provisions of the Law.

## Paragraph 2

Lithuania like the other European countries is a multicultural state. From time immemorial it has been the homeland to people of different cultures, religions and customs. The national policy pursued by the Lithuanian State seeks to help its national minorities to preserve their cultural identity and uniqueness.

After the restoration of the independent State of Lithuania special attention was given to the preservation of the historical and cultural heritage of the communities of national minorities. During World War II and in the immediate post-war years a wealth of priceless assets was destroyed, nationalised or taken out of the country. It is estimated that the Catholics, Old Believers, Lutherans, Reformed Protestants, Muslims, Judaic believers, Karaites and other religious communities lost about 170 temples, monasteries, convents and other assets which were closed down or expropriated. During the war and in the immediate post-war years Vilnius alone lost 5 synagogues, 80 houses of worship of different religious communities and theological seminaries, cemeteries of historic significance. Invoking the principles of ownership continuity enshrined in its legislation, the Republic of Lithuania endeavours, as far as it is feasible, to return the assets that were unlawfully expropriated to their lawful owners. The restitution of the majority of temples to various religious communities has already been completed.

Under a specific programme for 2000 - 2001 the Department for the Protection of Cultural Assets has allocated the following amounts for the restoration and upkeep of the following immovable cultural assets:

<b>Name of the asset</b>	<b>Amount allocated for 2000</b>	<b>Amount allocated for 2001</b>
Synagogue in Marijampolė	LTL 50,000	LTL 25,000
A complex of two synagogues in Kėdainiai	LTL 20,000	LTL 225,000
The Evangelical Lutheran church in Plikiai	LTL 6500	LTL 140,000
The Evangelical Lutheran church in Šilutė	LTL 330,000	-
Feasibility study of the restoration of characteristic details of the historical ghetto in Vilnius	LTL 40,000	-
D. Dolski's grave in the old Jewish cemetery in Žaliakalnis, Kaunas	-	LTL 6500

Under the legislation of the Republic of Lithuania national minorities have a right to set up various cultural organisations. There are over 100 various groups of amateur performers of diverse genres belonging to national minorities. The House of National Communities has been established under the authority of the Department of National Minorities and Lithuanians Living Abroad to promote the cultural and educational activities of national minorities in Lithuania. In 2000, the Lithuanian Polish non-governmental organisations and groups of amateur performers in Vilnius received new accommodation in the Polish House where they organise various cultural events and assemblies of the local Polish community. Similar centres of the Lithuanian Polish culture exist in Eišiškės and Druskininkai. A prominent cultural centre of various national cultures is functioning in Visaginas. The centre is open for the cultural and educational activities of the Belarussian, Polish, Tartar, Armenian, German, and other minorities. A cultural centre of national minorities is operational in Alytus. Vilnius and Šiauliai each have a centre of Russian culture.

The Department of National Minorities and Lithuanians Living Abroad has a special programme for the support of the cultural activities of national communities. In 2001, an amount of approximately LTL 500,000 has been allocated from the State budget for the implementation of the programme. The main criterion for assigning funds is the topicality of the activity.

As part of the implementation of the Framework Convention for the Protection of National Minorities, the Ministry of Culture is financing the activities of the Lithuanian Jewish Museum, the Karaite Museum in Trakai, the Russian Drama Theatre; it also fosters the activities of amateur performers by supporting their various groups and cultural programmes. In 2001, LTL 93,000 were allocated for various cultural projects.

Information on the cultural and historical heritage of national minorities as well as specimens of that heritage can be found and admired in various museums and cultural centres, such as the Pushkin Literary Museum, the Memorial Museum of Adam Mickewicz, the Sirokomle museum-library and the Jewish Museum in Vilnius; the Czeslaw Milosz Cultural Centre in Kėdainiai; the Simon Dach House in Klaipėda; the Thomas Mann Cultural Centre in Nida; the Hermann Sudermann Memorial Museum in Šilutė; the Karaite Ethnographic Exposition in Trakai.

Days of national minorities (Russian, Polish, Belarussian, German and other communities) have become traditional cultural events in Lithuania. Every year Lithuanian Poles hold a festival, Kwiaty Polskie, of traditional songs of the Vilnija territory. The annual art festival Mūza is a children and youth festival dedicated to the preservation and rebirth of Russian national dances and songs as well as Russian classical and contemporary music in children's and youth amateur artistic activities. The International Festival of Russian Orthodox Sacred Music has become a traditional event attracting art groups from the Russian Federation, Belarus, and Latvia.

Lithuania does not have any law or national programme related to the general integration policy. After the restoration of independence, the first concern of the Lithuanian State was faster integration of non-Lithuanian-speaking citizens into the public life of Lithuania. The Resolution On the Time Limits for the Implementation of the Status of the Official Language adopted by the Supreme Council of Lithuania on 29 November 1990 obligated the Government to determine and approve differentiated standards for the linguistic skills of executives and civil servants in the Lithuanian language. The Resolution demonstrated the moderate position of the new Lithuanian authorities toward the national minorities. Until January 1, 1995, in those localities where the non-Lithuanian-speaking population constituted a majority, the executives and civil servants were required to satisfy only the minimum requirements in respect of their skills in Lithuanian; similar minimum requirements were applied to the production of official documents and correspondence so that the introduction of the use of the official language was to be a gradual process in those localities.

By its Resolution No. 314 of April 30, 1992 the Government approved the Programme for the Teaching of the Official Language and the Categories of Proficiency in the Official Language (there are three such categories applicable to employees, actual or prospective, in certain positions). Statistical figures show that the number of non-Lithuanian citizens obliged to take a proficiency test in the Lithuanian language is diminishing and it will continue to diminish because those who graduated from non-Lithuanian educational institutions after 1991 as well as those who took a university or higher educational course in Lithuanian are exempt from the test.

By its Resolution No. 1525 adopted on December 4, 1995, the Government of the Republic of Lithuania approved the programme for the use and fostering of the official language in 1996-2005. The programme provides for special measures and courses of the Lithuanian language intended for non-Lithuanian speakers. This programme provides for measures intended not only for representatives of national minorities. Its aim is to meet the needs of the society as a whole, to develop the linguistic culture of the public and enhance its respect for the official language of the State.

As the efforts to achieve a full integration of the Roma into the social, economic and cultural life of the country have failed so far, by Resolution No. 759 of July 1, 2000, the Government of the Republic of Lithuania adopted a programme for the integration of the Roma in the society of Lithuania in 2000 – 2004. The aims and objectives of the programme were described in Part I Section 1.

The legislation, programmes and documents of the Republic of Lithuania referred to above seek to maintain a balance between the efforts to preserve the national identity of national minorities and to integrate them into the social, political and cultural life the Lithuanian State.

## Article 6

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The Parties undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

Tolerance, intercultural dialogue, mutual trust among various national and ethnic groups is the basis for their peaceful co-existence, which, in its turn, is one of the most important conditions for the successful integration of society, a guarantee that the national, social, cultural and other needs of national minorities will be met. In co-operation with other public institutions and non-governmental organisations, the Department of National Minorities and Lithuanians Living Abroad shapes the policy of harmonious national relations. In implementing that policy the Department analyses the development of national relations in the Republic of Lithuania, makes conclusions about the situation of the national minorities in the country, investigates their needs, organises and co-ordinates sociological, demographic, infrastructural and other kinds of research related to national minorities, conducts various surveys, informs the public about the priorities of the national minorities, their cultural and public activities.

### **Public education**

Education is a priority field in the development of the Republic of Lithuania supported by the State. As indicated in the Law on Education (1991), education is based on the national and global humanistic values, principles of democracy and the universally recognised human rights and freedoms. Education is the decisive factor in the cultural, social and economic progress of the country, it enhances solidarity, tolerance and co-operation among people and nations. The most important objectives of the educational system are the following ones:

1. To foster civil awareness, the understanding of personal rights and duties to the family, society and the Lithuanian State, the need to participate in the cultural, public, economic and political life of the country.

2. To guarantee to the members of traditional religious communities the same rights and conditions for the education of their children in educational institutions according to their beliefs as those of any other inhabitant of Lithuania.

The on-going educational reform is based on the democratic experience of Lithuania and Europe in education. Its documents emphasise the following principles of the reform:

1. National character: commitment to Lithuanian culture, efforts to preserve its identity and to guarantee its historical continuity. Lithuanian education protects and develops its multinational culture enriched by the experience of various national minorities.
2. Renewal: openness based on the preservation of universal norms of morality and the national core.

Lithuanian educational institutions devote a lot of attention to civic education, they may have children's and youth organisations to enhance the moral, civil and cultural maturity of the students, to help meet their needs in self-education and self-expression.

Thus, the Lithuanian educational system is based on the values of European culture: the assertion of the supreme value of a human being, love for one's human fellows, the inalienable equality of all human beings, freedom of conscience, tolerance, and democratic relations in society. The provisions of the laws and regulations on education of the Republic of Lithuania are consistent with the provisions of international legal documents emphasising that education must enhance the mutual understanding and tolerance among all nations, ethnic and religious groups, help persons belonging to national minorities to understand the culture and language of their country and to participate constructively in its public life.

Tolerance is fostered and enhanced by the continuous dialogue between the majority and the minority and by the analysis of xenophobic and discriminatory phenomena. Bearing this in mind, the Department of National Minorities and Lithuanians Living Abroad organised the following discussions and seminars in 2000 - 2001: Europe against racism, xenophobia and intolerance; the situation of national minorities in an open society; dialogue between the national majority and minorities; political participation of national minorities and education of national minorities in Lithuania. The aim of those discussions and seminars was not only to help national communities to preserve their identity and encourage their participation in different areas of public life, but also to mould an open society. The Department publishes a periodical bulletin containing information on various events and problems of general concern to national minorities. To mark the 10th anniversary of the restoration of Lithuania's independence (2000), a documentary film was created and shown on TV about the participation of national minorities in the process of restoration of Lithuania's independence. The film is a contribution to mutual respect and trust between Lithuania's national majority and minorities.

## **Culture**

The cultural policy of Lithuania approved by the Government on May 14, 2001, emphasises that Lithuanian cultural policy must contribute to the moulding and full development of the spiritual and material values of different public groups and national communities; it must also contribute to the guarantees and protection of the fundamental human rights and freedoms, including cultural rights.

The most important objectives of the cultural policy pursued include the following: enhancement of the openness of national culture; development of information society; creating favourable conditions for the public to participate in cultural activities and to use culture. The document emphasises that in order to achieve those objectives it is important to support the culture and education of the national minorities residing in Lithuania; to expand access to national culture and education as well as to the culture and education of other nations; create conditions to acquire better knowledge of the culture of other nations. The document also stipulates that national and municipal institutions, while implementing cultural policy, must adhere to the following principles: democracy (every member of society shall have the right to participate in taking decisions on culture, to conduct cultural activity in accordance with his or her liking and interests, to use cultural services); equivalence (both Lithuanians and the national communities residing in Lithuania shall have the right to protect and foster their national culture); openness (conditions are created to propagate Lithuanian culture in the world and have access to the culture of other nations).

By their traditions, cultural heritage, customs and lifestyle, the national minorities living in Lithuania enrich the culture of the country. The processes of globalisation, European integration, the increasing pressure of the cultures and languages of the major states of the world determine the specific tasks related to the preservation and enhancement of the cultural identity of the majority and minorities. Those tasks are realised through various programmes of cultural development. Information on those programmes has been presented in greater detail in the section on the implementation of Article 5 of the Convention.

## **Mass media**

The right to have one's own convictions and express them freely is guaranteed in Article 25 of the Constitution of the Republic of Lithuania. The Article also stipulates: "Individuals must not be hindered from seeking, obtaining, or disseminating information or ideas. Freedom to express convictions as well as to obtain and disseminate information may not be restricted in any way other than as established by law when it is necessary for the safeguard of the health, honour and dignity, private life or morals of a person or for the protection of constitutional order."

The Law on the National Radio and Television (1996) lays down the principles to be followed in the creation and broadcasting of radio and TV programmes. Radio and

television programmes must acquaint the public with the variety of European and world culture and the basic principles of contemporary civilisation, to foster tolerance and humanism, strengthen public morality and civic awareness. “In preparing and broadcasting its coverage the National Radio and Television of Lithuania must be guided by the principles of objectivity, democracy and impartiality, ensure freedom of speech and creative freedom, must reflect in its broadcasts diverse opinions and convictions, with individuals of various convictions having the right to take part and voice their views in them. Human rights and dignity must be respected in the broadcasts.” In addition, the Law stipulates that radio and television programmes “must be oriented towards the various strata of society and people of different ages, various nationalities and convictions.”

The 1st and 2nd Programmes of the National Radio as well as National Television of Lithuania (broadcast throughout the entire territory of Lithuania) include broadcastings in the languages of the national minorities of Lithuania. The aim of such broadcastings is to inform the national minorities about the political, economic and cultural life of the country, and to disseminate the ideas and principles of an open civil society. Very popular is the daily news show broadcast in Russian by the 1st programme of the National Radio and the news show broadcast in Polish by the 2nd programme of the National Radio. Shows and broadcastings in Polish by the private radio station Znad Wilii are dedicated to the fostering of tolerance and civil solidarity.

The shows and broadcasts of National Television and private television channels in the languages of national minorities popularise both national culture and the cultures and traditions of various national minorities; they also broadcast discussions on problems of universal concern, the most important events in public life.

### **Measures against discrimination, intolerance, hostility and violence**

The legislation of the Republic of Lithuania provides for penalties in order to protect persons who are or may be threatened with discrimination, hostility or violence on the grounds of their ethnic, cultural, linguistic or religious affiliation.

The Law on National Minorities (1989) states that “any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity shall be prohibited and punished under the procedures provided for by the laws of the Republic of Lithuania.”

Article 169 of the Criminal Code of the Republic of Lithuania contains provisions regulating liability for discrimination on the grounds of nationality, race, sex, origin, religion or any other group affiliation: “Any person who commits acts aimed at a certain group of people or a member thereof on account of that group’s nationality, race, sex, sexual orientation, origin or religion with a view to interfering with their right to participate as equals in political, economic, social, cultural or labour activity or to restrict the human rights or freedoms of such a group of people or any of its members, shall be

punished by community service or a fine, detention, or imprisonment for a term of up to three years.”

Article 170 of the Criminal Code provides for liability for inciting hostility against any nation, race, ethnic, religious or any other group of persons: “Any person who, by the use of oral, written or communicated through the mass media public statements, ridicules, expresses contempt towards, incites hatred against or encourages discrimination against a group of people or against an individual person on account of their belonging to a specific national, racial, ethnic, religious or other group, shall be punished by a fine, restriction of liberty, or imprisonment for a period of up to two years. Any person who publicly incites violence or the use of deadly physical force against a group of people or an individual person on account of their belonging to a specific national, racial, ethnic, religious or other group, or who pays for or provides other financial aid for such acts, shall be punished by a fine or restriction of liberty, or imprisonment for a period of up to three years”.

Article 21412 of the Code of Administrative Offences of the Republic of Lithuania establishes responsibility for the production, dissemination or holding with the intent of dissemination any publications, video or audio or any other products propagating national, racial or religious discord.

Article 99 of the Criminal Code of the Republic of Lithuania establishes responsibility for the crime of genocide: “Any person who, in an attempt to destroy in whole or in part, people of a particular national, ethnic, racial, religious social or political group on the grounds of their participation in that group, the membership in, organises, orders or participates in the massacre of a member of such a group, by torturing or injuring members of such a group, hampering of any member’s mental development, by their deportation or creating in any other way for them conditions of life calculated to bring about their physical destruction in whole or in part, the forcible transfer of their children over to other groups or imposing on them of any measures intended to prevent births within such groups, shall be punished by imprisonment for a term from 5 to 20 years or by life imprisonment.” Article 100 of the Criminal Code stipulates: “Any person who, intentionally, in carrying out or supporting the policy of the state or of an organisation, by attacking civilians on a large scale or in a systematic way, commits murder or causes serious bodily harm, inflicts on people conditions of life calculated to bring about their physical destruction; engages in the trafficking in people, commits the deportation of people; tortures or rapes persons, engages persons in sexual slavery, forces them to become engaged in prostitution, forcibly inseminates or sterilises them; persecutes any group or community for political, racial, national, ethnic, cultural, religious, sexual or other motives prohibited by international law, engages in the detention, arrest or any other form of deprivation of liberty of persons without admitting to such a deprivation of liberty and without reporting the fate or whereabouts of those people; or carries out a policy of apartheid, shall be punished by imprisonment for a term from 5 to 20 years or by life imprisonment.”

Since the early days of its restored independence, the Republic of Lithuania has been making every effort to ensure respect for the victims of genocide, to guarantee their rights and any possible kind of care and support by the State.

Xenophobic attitudes can usually be found among small social groups or populist parties anxious to find supporters. But the information provided by the Section of Statistics of the Department of Information and Communications of the Ministry of Internal Affairs indicates that since 1995 no charges have been brought on such counts against anyone.

The policy of the Lithuanian State in combating ethnic, racial, religious hatred, propagation of discrimination and incitement to discriminate was described in the section on the implementation of Article 4 of the Convention.

## **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

The legislation of the Republic of Lithuania provides for the right of the national minorities to found non-governmental or cultural organisations, to form political parties or political organisations in the procedure laid down by the law.

Article 35 of the Constitution of the Republic of Lithuania guarantees the citizens “the right to freely form societies, political parties, and associations, provided that the aims and activities thereof do not contradict the Constitution and laws.” The Fundamental Law of the Republic also stipulates that “no person may be forced to belong to any society, political party, or association.”

Article 2 of the Law on Public Organisations (1995) states: “A public organisation shall be a voluntary association (union, society, foundation, association, etc.), formed in order to satisfy and implement the common needs and goals of members that shall not contradict the Constitution and the laws of the Republic of Lithuania.” The amendment to the Law adopted by the Seimas in 1998 stipulates that not only citizens of the Republic of Lithuania but also non-nationals residing permanently in the Republic may join public organisations provided that they have attained the age of 18.

Article 2 of the Law on Associations (1996) guarantees the right of legal entities and natural persons to form voluntary associations while performing their economic, social, cultural, educational or research tasks or functions.

Under the Law on Charity and Support (1993) representatives of national minorities have a right to set up foundations on the basis of charity for the support of science, culture, education, art, religion, sports, health care, social welfare and other areas.

In 2001, persons belonging to 21 national minorities had 248 non-governmental organisations:

<b>No.</b>	<b>Nationality</b>	<b>Number of organisations</b>
1.	Armenians	2
2.	Azerbaijanis	1
3.	Belarussians	19
4.	Bulgarians	1
5.	Estonians	1
6.	Greeks	8
7.	Georgians	1
8.	Karaites	1
9.	Koreans	1
10.	Latvians	4
11.	Poles	53
12.	French	1
13.	Roma (Gypsies)	12
14.	Romanians	1
15.	Russians	59
16.	Ukrainians	11
17.	Uzbeks	1
18.	Tartars	12
19.	Hungarians	1
20.	Germans	29
21.	Jews	29

The Republic of Lithuania guarantees equal political rights and freedoms to all its citizens regardless of their nationality. Under the Law of Political Parties and Political Organisations (1990) all the citizens of the Republic of Lithuania have the right to join political parties and organisations and participate in their activities. Only a person who is a citizen of the Republic of Lithuania may be a member of a political party or a political organisation. The Law stipulates that no political parties or political organisations of other states or their branches may be established and function on the territory of the Republic of Lithuania. In Lithuania there are three political parties of national minorities: the Election Action of the Lithuanian Poles (established in 1994), the Union of Lithuanian Russians (established in 1995) and the Alliance of Lithuanian Citizens (established in 1996).

It is noteworthy that the Law on Public Organisations (1990) prohibits the establishment and functioning of public organisations whose aim is inciting racial, religious, social discord or to restrict human rights and freedoms.

The Law on Political Parties and Political Organisations (1994) also prohibits the establishment and functioning of political parties and political organisations that practice

or propagate in their programmes racial, religious, social class inequality or hatred, violations of human rights and freedoms.

In 2000, on the eve of the parliamentary elections, the Department of National Minorities and Lithuanians Living Abroad organised a conference on the political involvement of national minorities. The conference was attended by representatives of various parties, political and public organisations of national minorities, scholars, political scientists, members of the Seimas, who discussed the involvement of national minorities in the political life of the country and whether they avail themselves fully of the opportunities to be involved. The conference also discussed various electoral systems in different European countries. Sociologists presented the findings of their investigations and surveys of the opinion of the majority and the minorities on the political involvement of the public and the dominating political choices and analysts presented their opinion on the participation of national minorities in the coming elections. The conference considered the manifestos of various political parties and their positions on the formation of policies in respect of the national minorities. It is noteworthy that the parliamentary elections of 2000 resulted in a greater number of deputies representing national minorities than ever since the restoration of independence.

Lithuania strives to create appropriate conditions for persons belonging to national minorities to participate in the cultural, public and political life of the country in accordance with the provisions of the Framework Convention for the Protection of National Minorities.

## **Article 8**

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

On June 12, 1990, shortly after the restoration of independence, the Supreme Council adopted a resolution On the Act of the Restitution of the Position of the Catholic Church in Lithuania. The Restitution Act stipulated that the State shall recognise the right of the Church to conduct its internal affairs independently in accordance with the rules of the Canon Law and the Republic of Lithuania shall compensate for the losses inflicted on the Church in accordance with mutual agreements. The State shall not restrict religious education conducted by the Church and it shall support religious institutions seeking to promote Christian culture and engaged in charity. The State and the Church shall cooperate on the basis of parity. Later, those principles were regulated and enshrined in various legal acts of the Republic of Lithuania.

Article 26 of the Constitution of the Republic of Lithuania states: "Freedom of thought, conscience, and religion shall not be restricted. Every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice, or teaching. No person may coerce another person or be subject to coercion to adopt or

profess any religion or faith. A person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others."

The Law on Religious Communities and Associations (1995) also guarantees to every individual within the Republic of Lithuania "the right to choose freely any religion or faith, and to also change his choice individually or with others, to profess it privately or publicly, to perform religious rites, to practice his faith and to provide instruction thereof." (Article 2). Article 3 stipulates that "all individuals, regardless of the religion they profess, their religious convictions or their relationship with religion, shall be equal before the law. It shall be prohibited to limit their rights and freedoms directly or indirectly, or to apply privileges."

The Law on National Minorities (1989) "guarantees persons belonging to national minorities the right to profess any or no religion, and to perform religious or folk observances in one's native language."

The State recognises traditional churches and religious organisations of Lithuania as well as other churches and religious organisations if they are supported by society and their instructions and rites are not contrary to laws and morality.

As has been mentioned above, the Constitution enshrines the principle that "there shall be no State religion in Lithuania" (Article 43). The same article states that "Churches and religious organisations shall freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of worship, charity institutions, and educational institutions for the training of priests of their faith. Churches and religious organisations shall function freely according to their canons and statutes."

In accordance with the Constitution and the Law on Religious Communities and Associations (1995) the State recognises nine traditional religious communities and associations existing in Lithuania, which belong to the historical, spiritual and social heritage of Lithuania: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believers, Judaic, Sunnite Muslim and Karaite (Article 5). It is noteworthy that other (non-traditional) religious communities may be recognised by the State as part of Lithuania's historical, spiritual and social heritage provided they have support of the public and their instructions and rites are consistent with law and morality. The recognition by the State means, that the State supports the spiritual, cultural and social heritage of religious communities.

In 2000, Lithuania had 824 religious communities and 827 functional houses of worship.

No.		Number of religious communities	Number of houses of worship	Number of priests
1.	Roman Catholics	673	693	745
2.	Evangelical Lutherans	54	41	23
3.	Evangelical Reformed	12	9	4
4.	Greek Catholics	4	1	3
5.	Judaic	5	3	3
6.	Karaites	1	2	1
7.	Muslims	5	5	10
8.	Old Believers	27	30	16
9.	Russian Orthodox	43	43	41

Religious rites are conducted in Lithuanian, Russian, Polish, Belarussian, Ukrainian, Latvian, German, Hebrew, Armenian, and Romanian. The State supports traditional Lithuanian religious communities by granting them financial assistance: in 2001 LTL 2,623,000 were allocated from the State budget for that purpose.

Invoking Article 26 of the Constitution, parents and legal guardians are free to ensure the religious and moral education of their children in conformity with their own convictions. State and municipal establishments of education are secular. They offer religious instruction at the request of parents (Article 40).

Article 20 of the Law on Education (1991) stipulates the following: “At the request of the parents (or guardians of the child), individuals authorised by church dignitaries shall give religious instruction (of the religious denominations recognised by the State as traditional) at public and municipal educational institutions. Pupils who do not attend classes of religious instruction must attend classes of ethics. In educational institutions established by two founders (the State or local authority and a religious community recognised by the State as traditional), pupils may, at the request of parents (or guardians of the child), not attend classes of religious instruction, but choose classes of ethics or other traditional religion.”

Article 171 of the Criminal Code provides for penalties for disturbing religious rites and ceremonies. Article 43 of the Constitution states: “The teachings proclaimed by churches and other religious organisations, other religious activities, and houses of worship may not be used for purposes which contradict the Constitution and the law.”

Thus, by law the Republic of Lithuania guaranties the universally recognised and unrestricted freedom of thought, conscience and religion, prohibits to restrict human rights or to accord privileges on the grounds of faith. That is in full compliance with the Convention requiring to recognise that any person belonging to a national minority

should have the right to profess his or her religion, to express opinion and set up religious organisations.

## **Article 9**

**1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of Paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

## **Laws**

The right to hold one's own opinions and to freely express them is guaranteed by Article 25 of the Constitution. The article also states that "Individuals must not be hindered from seeking, obtaining, or disseminating information or ideas. Freedom to express convictions, as well as to obtain and disseminate information may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order." In addition, Article 44 of the Constitution stipulates that "the State, political parties, political and public organisations, and other institutions or persons may not monopolise means of mass media." Censorship of mass media is prohibited.

Procedures for obtaining, creating, publishing and disseminating public information, the rights and responsibilities of the creators, disseminators, owners of public information and the rights and responsibilities of journalists are regulated by the Law on the Provision of Information to the Public passed on July 2, 1996. Article 4 of the Law guarantees every person the right to freely express thoughts and convictions. This right also comprises the freedom to hold one's opinion and to collect, receive and disseminate information and ideas in the procedures and conditions laid down by the law.

Paragraph 2 Article 4 of the Law on Mass Media ensures free reception and relay of television programmes broadcast from EU member states and other states that have ratified the European Convention on Transfrontier Television in compliance with the requirements of international agreements signed by Lithuania. That creates a possibility for Poles, Russians, Belarussians, Ukrainians and other persons to watch various programmes of foreign television stations.

The laws of the Republic of Lithuania guarantees the freedom to provide information to the public: “An individual shall have the right to seek, obtain and disseminate information and ideas without any interference, however this right may not restrict the rights and freedoms of other individuals.” The right to express one’s convictions and to obtain and disseminate information may not be restricted by any other means except by law, should that become necessary to protect the human rights, health, honour and dignity, private life and morals or to defend the constitutional order. State officials are held liable for interference in the dissemination of information to mass media and the unlawful refusal to provide information to public information producers and journalists in accordance with the laws of the Republic of Lithuania. The freedom to provide information to the public may not be restricted in any way other than by laws which regulate state secrets, professional, commercial and personal health secrets and their protection, as well as the personal rights and the protection of personal privacy.

Article 34 of the Law on the Provision of Information to the Public requires that all radio and television programmes broadcast in other languages should be translated into Lithuanian or contain Lithuanian subtitles, except for instructive programmes or programmes broadcast on special occasions or relayed from foreign countries as well as programmes for national minorities and created by the broadcaster.

Article 2 of the Law on National Minorities (1989) guarantees the right of the national minorities to freely express their thoughts and to receive information in their mother tongue.

## **Licensing**

Transmission and relaying operations are subject to licensing except for the National Radio and Television. Subject to Article 31 of the Law on the Provision of Information to the Public, licences are issued by the Commission of the National Radio and Television on the basis of tenders. Preference is given to broadcasters that undertake to produce original programmes of cultural, informative and educational nature, to ensure the provision of correct and objective information, to respect human dignity and the right to privacy, to protect minors from the possible adverse influence of public information on their physical, mental and moral development; preference is also given to broadcasters whose programmes are not transmitted by other stations in their reception zone. Having regard to the needs of the national minorities residing in the coverage zone of transmission, the Commission may make the licence subject to certain conditions

indicating what proportion of the programmes should be transmitted in the languages of national minorities.

### **Mass media of the national minorities**

There are two kinds of broadcasters in Lithuania – the public broadcaster (the National Radio and Television) and private broadcasters (private radio and television stations). The public broadcaster is managed by the Council of Radio and Television, and represents the interests of the public and is responsible for the proper performance of its functions in regard to the needs of the public, including those of national minorities. Having regard to the interests of the national minorities, the National Radio and Television broadcasts programmes specifically geared to national minorities.

The freedom of expression and convictions as well as the freedom to receive and impart information is inextricably related to the possibility to have one's own mass media (the press, electronic and other media). The national minorities of Lithuania are guaranteed possibilities to have mass media in their mother tongue.

### *THE PRESS*

There are the following periodicals in **Russian**:

- Klaipėda (a daily)
- Litovskij Kurier (a weekly)
- Obzor (a weekly)
- Nasha kuchnia v Litve (a monthly)
- Druzhba (a weekly)
- Sugardas (a weekly)
- Golos staroverov (irregular publication)
- V kazhdyj dom (a weekly)
- Zhivonosnyj istochnik (a monthly)
- More (Sea) (a quarterly published in Russian, Lithuanian and English)
- Lad (irregular publication)
- Vilnius (a monthly)
- Peremena (a monthly published in Russian and Lithuanian)

In addition, Russian translations are published of the following Lithuanian papers:

- Respublika (a daily)
- Lietuvos Rytas (a weekly)
- Ekspres nedelia (a weekly)
- Golos Litvy (a weekly)
- Šalčia (a weekly)
- Švenčionių kraštas (published twice a week)
- Žeimenos krantai (published twice a week)

Russian translations are published also of the following advertising publications: Reklama (a weekly) and Novaya reklama (twice a week).

Publishing houses publish books (poetry, social and political literature, memoirs, etc.) in Russian by Russian authors. Textbooks for schools where the language of instruction is Russian are published at the expense of the State.

The **Polish** minority has the following publications:

- Kurier Wilenski (a daily)
- Nasza gazeta (a weekly)
- Przyjazn (a weekly)
- Spotkania (twice a month)
- Magazyn Wilenski (a monthly)
- Znad Wilii (a quarterly)
- W kregu kultury (irregular)

Magazyn Wilenski Publishing House publishes books in Polish by Polish authors (poetry, social and political essays, memoirs, etc.). The Polish Scholars' Society publishes the findings of the research conducted by its members. The publication of Polish textbooks for schools where the language of instruction is financed from the State budget.

The following publications are published in the **Belarussian** language:

- Run (a monthly)
- Nasha staronka (a monthly)
- Arche (a monthly)
- Belaruski gistarychny ogliad (a quarterly)
- Fragmenty (a quarterly).

The **German** community has the following publications:

- Baltische Rundschau (a monthly, published in German and Russian)
- Deutsche Nachrichten in Litauen (a monthly, published in German and Lithuanian)
- Miteinander (a quarterly)
- Gyvenimas (irregular)

The **Jewish** community publishes a monthly, Lietuvos Jeruzalè, in Yiddish, Lithuanian, English and Russian.

The **Tartar** community publishes a monthly, Lietuvos totoriai, in Lithuanian.

The **Greek** community publishes a paper, *Patrida*, in Russian, but the publication comes out irregularly.

The **Latvian** community has a magazine, *Dabas speks* (Power of Nature), but the publication is irregular.

Several national minorities publish their newspapers in Lithuanian or Russian with inserts in their mother tongue.

### *RADIO*

Article 4 of the Law on the National Radio and Television (1996) stipulates that the national broadcaster must ensure a variety of topics and genres in its programmes and orient them towards the various strata of society and people of different ages, various nationalities and convictions. The National Radio and Television has a separate unit for the production of broadcasts and programmes for national minorities. Every day the 1st Programme of the Lithuanian Radio includes a news broadcast in Russian (30 minutes). The 2nd Programme of the Lithuanian Radio broadcasts a regular one-and-a-half-hour long show entitled *Vaivorykštė* (the Rainbow) devoted to the cultural, linguistic, educational and every-day problems of all the national communities of Lithuania. The show includes a 30-minute-long broadcast in Polish, a 10-minute-long broadcast in Belarussian. Discussions in this show are conducted in a variety of languages – Lithuanian, Russian, Polish, Belarussian, Yiddish, Ukrainian, Tartar and other languages. Every other week *Vaivorykštė* includes a special broadcast for Lithuanian Jews and Ukrainians. All such shows and broadcasts are produced by journalists who belong to national minorities themselves.

Lithuania has private radio stations that broadcast programmes in the following languages of Lithuania's minorities: *Russkoye radio* (broadcasts in Russian around the clock); *Znad Wilii* (broadcasts in Polish around the clock); and the *Baltic Waves Radio Station* that broadcasts primarily in the Belarussian language. Programmes in Russian are broadcast by local station in *Visaginas* and *Klaipėda*.

### *TELEVISION*

National Television also broadcasts many programs for national minorities.

Every day there is a 10-minute-long news show in Russian, *Vechernij Vestnik* and once a week there is a 15-minute-long broadcast in Russian entitled *Russkaya ulitsa*. Other shows in the languages of national minorities include the following: in Polish – *Rozmowy Wilenskie*, in Ukrainian – *Trembita*, in Belarussian – *Vilenskij shytok*, a bi-weekly show for Jews – *Menora*, a monthly show for other small national minorities – *Labas*, and a broadcast for Russian Orthodox believers – *The Christian Word*.

Some local private television stations operating in areas densely populated by a specific national minority have many programmes broadcast in those languages, for

example, in Vilnius, a regional television station has a broadcast in Russian called Nedelia, in Polish – Co Slychac. Other stations (such as Channel 11, Vilsat, and Sugardas) have news programmes in Russian or Polish. They also relay television programmes from Russia; the private Baltija television station relays Polonia TV Programme from Poland. Cable television operators relay a lot of television programmes from Russia, Belarus, Poland, Ukraine and other countries.

The State supports the cultural and educational activities of mass media. Subject to Article 28 of the Law on the Provision of Information to the Public, financial support to mass media is granted through the Fund for the Support of the Press, Radio and Television on a competitive basis by assessing the programmes presented for the competition. Financial support for book publishing, releases of audio and videocassettes and CDs as well as film industry is granted through the Ministry of Culture and the Ministry of Education and Science.

The Department of National Minorities and Lithuanians Living Abroad together with the Council of National Communities, the Lithuanian Centre of Human Rights, the Open Society Fund – Lithuania, the Centre of Civic Institutions, the Information and Documentation Centre of the Council of Europe, organises annual conferences and seminars on stereotypes related to national minorities in the mass media. The analysis of Lithuanian dailies shows that the Lithuanian mass media are not yet entirely free from cases when national minorities are depicted and represented in a negative way. National minorities are sometimes presented as groups of people who are not integrated in the public life, containing a large number of criminals, socially vulnerable. The issues of people belonging to national minorities are often presented as those closely related to their national affiliation.

In tackling such issues, efforts are made not to reduce the time devoted to the programmes of national minorities on National Radio and Television and, instead, to increase the number of programmes so as to present more material and information on ethnic, linguistic, religious and other groups living in Lithuania. Recently, public institutions and non-governmental organisations have been initiating more projects encouraging journalists and academic community to research the history and culture of ethnic groups and to contribute more to the development of multicultural relations.

Article 20 of the Law on the Provision of Information to the Public prohibits the publishing of information, which instigates national, racial or religious hatred. Article 47 stipulates that the Ethics Commission of Journalists and Publishers shall examine the violations of regulations prohibiting the instigation of national, racial, religious, social or gender hatred, slander or misinformation in the publicly distributed information. The Commission receives complaints from any interested person. In addition, the implementation of the provisions of the Law on the Provision of Information to the Public is monitored by the inspector of journalist ethics. The inspector examines complaints lodged by persons concerning violations of their honour and dignity in the mass media. The inspector of journalist ethics may notify the public information producers and distributors of the violations of the legal acts regulating the provision of

information to the public and demand that the violations should be eliminated. He may also demand that the producer or distributor of public information should deny the false information, which belittles a person's dignity and honour, or give the person a possibility to respond to such information and deny it.

Every person has the right of access to court for any violations of the legal acts regulating the provision of information to the public. Legal liability for such violations is provided for in Article 21412 of the Administrative Code of the Republic of Lithuania (the Production, Holding with Intent of Distribution, and the Distribution of Informational Products Promoting National, Racial or Religious Dissension). Some information in relation thereto has already been given in the context of the implementation of Article 6 of the Convention.

## **Article 10**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private or in public, orally and in writing.**

**2. In area inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of the interpreter.**

### **Paragraph 1**

In Lithuania, every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private or in public, orally and in writing. However, this right shall be exercised without violation of the provisions of laws, which regulate the use of the official language in public life of Lithuania.

According to Article 14 of the Constitution of the Republic of Lithuania, the Lithuanian language is the official language. Constitutional status of the official language means that the use of the Lithuanian language shall only be mandatory in public life of Lithuania (more comprehensive information in relation thereto will be given in paragraph 2). In other spheres of life, persons may use without interference any language acceptable to them.

Article 37 of the Constitution of the Republic of Lithuania provides as follows: "citizens who belong to ethnic communities shall have the right to foster their language...". Article 1 of the Law on the Official Language of the Republic of Lithuania

(1995) states: “The Law shall not regulate unofficial communication of the population and the language of events of religious communities as well as persons, belonging to ethnic communities. Other laws of the Republic of Lithuania and legal acts adopted by the Seimas of the Republic of Lithuania shall guarantee the right of persons, belonging to ethnic communities, to foster their language, culture and customs.” Article 1 of the Law on National Minorities provides that the Republic of Lithuania, adhering to the principles of ethnic equality and humanism, shall respect every nationality and language.

## **Paragraph 2**

In accordance with Article 6 of the Law on the Official Language, heads, employees and officers of public authorities and self-government institutions, agencies and services, as well as heads, employees and officers of other services and bodies must know the official language according to the language knowledge categories established by the Government of the Republic of Lithuania. Article 7 of the same Law provides as follows: “Heads of public authorities and self-government institutions, agencies and organisations, as well as communications, transport, health and social security, police and law enforcement services, trade and other institutions providing services to the population must guarantee that members of the population receive services in the official language”. The requirements of the aforementioned articles shall, without exception, apply to all the aforementioned persons, including citizens belonging to ethnic communities. The citizens belonging to ethnic communities may implement their rights and exercise their freedoms, irrespective of whether they know the official language or not. This complies with the principle of equality of all people, as enshrined in Article 29 of the Constitution of the Republic of Lithuania, which says that a person may not have his or her rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions or opinions.

The State, having regard to the interests of national minorities, has enshrined the following provision in Article 4 of the Law on National Minorities: “In administrative-territorial units with a compact national minority residing therein, alongside the official language the language of that national minority (local language) shall be used in local bodies and organisations”. Consequently, in areas with a compact national minority residing therein, employees and officials of public administration institutions may communicate with the persons who apply to them not only in the official language but also in the language accepted to both parties. If such a need arises, the requests may be translated into the official language.

In September-October 1997, the Department of National Minorities and Lithuanians Living Abroad conducted the survey in the form of questionnaires “Eastern Lithuania and the Official language”. The objective of the survey was to get familiar with the existing linguistic situation in Eastern Lithuania and to clarify the problems relating to the use of the official language and languages of national minorities in this region. 1000 residents of the Švenčionys, Šalčininkai, Ignalina, Trakai and Vilnius districts and the city of Visaginas were surveyed. Lithuanians constitute a minority in the Šalčininkai, Vilnius, Švenčionys districts and the city of Visaginas. (more comprehensive information

on the region of Eastern Lithuania is given in Section 6 of Part I). 34.9 per cent of Lithuanians, 43.0 per cent of Poles, 12.0 per cent of Russians and 6.3 per cent of members of other nationalities were surveyed. Depending on the region, the majority of Poles, i.e. 75.5 per cent and 64.0 per cent, were surveyed in the Šalčininkai and Vilnius districts respectively, and 69,2 per cent of Russians were surveyed in the city of Visaginas. More than half of all the surveyed in eastern districts were born in those areas, with the exception of the city of Visaginas. A quarter of all the surveyed work in education and culture institutions, one seventh – in neighbourhoods and municipalities and one eighth – in trade, food and public catering establishments.

*MAIN RESULTS (in per cent) OF THE SURVEY “EASTERN LITHUANIA AND THE OFFICIAL LANGUAGE”*

**The level of the use of the native language in public places (in per cent)**

Native language	Mostly spoken in public places			
	Lithuanian	Polish	Russian	other
Lithuanian	95.2	1.4	3.4	-
Polish	35.4	48.3	15.3	1.0
Russian	38.2	5.3	55.6	1.0
other	36.6	9.8	53.7	-

The survey results testify to the fact that the native language of a national minority (Polish and Russian) is widely used in public life.

**The use of the native language in communication with visitors at work (in per cent)**

Native language	Mostly spoken with visitors at work			
	Lithuanian	Polish	Russian	other
Lithuanian	77.9	7.3	7.3	-
Polish	26.0	49.0	8.9	-
Russian	31.7	11.5	43.8	-
other	29.3	17.1	34.1	4.9

It is evident that all three languages (Lithuanian, Polish and Russian) are used in communication, depending on the language in which a visitor approaches an employee and the employee’s level of knowledge of that language. In the Šalčininkai and Vilnius districts, where the Poles constitute the majority, all three languages are more often used in communication with visitors than in other districts, however the priority, i.e. 45.8 per cent and 40.9 per cent respectively is given to the Polish language.

Other survey results permit quite a reasoned conclusion that there is no discrimination in Eastern Lithuania on grounds of any knowledge (poor knowledge) of the population of the Lithuanian language.

**Have you ever encountered in recent years the instances of discrimination due to the fact that you do not know (or hardly know) the Lithuanian language (in per cent)?**

	<b>All districts</b>	<b>Vilnius district</b>	<b>Šalčininkai district</b>	<b>Švenčionys district</b>	<b>Trakai district</b>	<b>Ignalina district</b>	<b>Visaginas</b>
1. Yes	3.5	6.8	1.4	0.0	1.1	0.0	10.8
2. More yes	2.1	4.7	0.7	0.0	0.7	0.0	3.1
3. No opinion	5.8	10.6	7.0	0.8	1.9	0.0	9.2
4. More no	7.0	8.4	16.1	0.8	1.1	2.2	20.0
5. No	45.5	52.2	62.9	50.8	33.0	8.7	41.5

**If “yes”, where and under what circumstances:**

	<b>All districts</b>	<b>Vilnius district</b>	<b>Šalčininkai district</b>	<b>Švenčionys district</b>	<b>Trakai district</b>	<b>Ignalina district</b>	<b>Visaginas</b>
1. I was not given employment	2.5	3.1	2.1	0.0	1.5	0.0	10.8
2. I was not promoted	0.6	1.2	0.7	0.0	0.0	0.0	1.5
3. I was not able to settle important issues with the public authorities	2.2	4.0	5.6	0.0	0.0	0.0	0.0
4. In the solution of domestic issues	4.3	7.2	7.0	0.8	1.1	0.0	7.7
5. I was not given proper medical care	0.8	1.6	0.7	0.0	0.7	0.0	0.0
6. Other	0.9	1.2	1.4	0.0	0.4	2.2	1.5

The results of the survey show that a mere 5.6 per cent of respondents claimed to have directly encountered problems as a result of poor knowledge of the Lithuanian language. In a majority of cases, they have encountered such problems in the context of domestic issues. Very likely the reason behind such “conflicts” is not poor or no knowledge of the Lithuanian language but lack of culture of the persons communicating with each other.

**Paragraph 3**

The Constitution of the Republic of Lithuania states that “court trials in the Republic of Lithuania shall be conducted in the official language. Persons who do not speak Lithuanian shall be guaranteed the right to participate in investigation and court proceedings through an interpreter.”

The Law on the Official Language (1995) enshrines the provision that participants in the legal proceedings, who do not speak the official language, are provided by the court with the services of an interpreter free of charge.

Article 9 of the Law on Administrative Proceedings (1999) provides that administrative proceedings shall be conducted, and court decision shall be made and declared in the Lithuanian language. Documents written in other languages shall be

presented and published once translated into the Lithuanian language and approved in the established procedure. With the decision of the judge preparing a case for trial, or if the court hearing the case so decides, a translator may translate the document written in another language at a hearing. Persons who do not know the Lithuanian language shall be guaranteed the right to use the services of an interpreter. The costs of interpreter's services shall be covered from the State budget.

Article 8 of the Law on Courts (1994) also enshrines the provisions that “persons who do not know the Lithuanian language shall be guaranteed the right to participate in court proceedings through an interpreter. This right shall also be guaranteed to persons who do not know the Lithuanian language and wish to speak during court proceedings in their native language or any other language that they know. The costs of interpreter's services shall be covered from the State budget.”

Article 253 of the Code of Administrative Violations of the Republic of Lithuania stipulates that administrative law violation proceedings shall be conducted in the Lithuanian language in the Republic of Lithuania. Participants in the legal proceedings, who do not know the Lithuanian language, are guaranteed the right to speak in their mother tongue or any other language they know, and to use the services of an interpreter.

Article 15 of the Code of Criminal Procedure of the Republic of Lithuania also provides: “Participants in the proceedings, who can not speak Lithuanian, shall be guaranteed the right to make statements, give evidence and explanations, make requests, express complaints and communicate in the native language or in a language which they understand. In all of the aforementioned cases, as well as in familiarising themselves with the case material, participants in the proceedings shall have the right to the free assistance of an interpreter pursuant to the procedure established by this Code.

The documents of interrogation and trial, pursuant to the procedure established by this Code, shall be presented to the accused and other participants in the proceedings when translated either into their mother tongue or into any other language, which they understand.

Thus, both the Constitution and other legal acts of the Republic of Lithuania establish the principle of the official (Lithuanian) language, which obligates to conduct all proceedings in the official – Lithuanian language. Interrogations and other actions are conducted, and all minutes, rulings, orders and sentences are written in the official language. Very often, in the investigation and hearing of criminal cases, proceedings have to be conducted with persons, who do not speak Lithuanian or whose level of knowledge of the Lithuanian language is not sufficient to understand the essence of the proceedings. The principle of the official language is not violated if such persons are permitted to speak and make requests, express complaints, etc. not in the Lithuanian language. However, in this case, as enshrined in the aforementioned documents, an interpreter has to participate in the proceedings. The interpreter has to interpret into Lithuanian everything what participants in the proceedings, who do not know the official language, are saying. Requests, complaints, etc. filed by such participants in the

proceedings in writing must also be translated. The essence of actions conducted in the Lithuanian language must also be translated to the participants in the proceedings, who cannot speak Lithuanian. The suspect or the accused, who do not know the Lithuanian language, must be provided with the services of an interpreter, otherwise the right to defence of such persons would be violated. The services of an interpreter are provided not only at the stages of pre-trial investigation or legal proceedings but also during the appeal and cassation procedure. A person suspected or accused of a crime shall be provided with the free assistance of an interpreter. If the accused was to pay for the services of an interpreter at his or her own expense, the interests of his or her defence for the sake of saving by such a participant in the proceedings could be threatened.

Article 9 of the Code of Civil Procedure of the Republic of Lithuania also provides that persons who do not know the Lithuanian language shall be guaranteed the right to participate in the proceedings through an interpreter. This right shall be also guaranteed to persons whose level of knowledge of Lithuanian is not sufficient and who wish to speak during the proceedings in their mother tongue or in a language that they understand.

Therefore, the Republic of Lithuania, adhering to the provisions of the Council of Europe Framework Convention for the Protection of National Minorities and the European Convention for the Protection of Human Rights and Fundamental Freedoms, establishes that it is the obligation of the State to guarantee the free assistance of an interpreter.

## **Article 11**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

In its Resolution of 31 January 1991 on the Use of Names and Surnames in the Citizen's Passport of the Republic of Lithuania, the Supreme Council of the Republic of Lithuania established that the names and surnames of persons of non-Lithuanian nationality in the issued citizen's passport of the Republic of Lithuania shall be written in

Lithuanian characters. On written request of a citizen, the name and surname shall be written:

1) According to their pronunciation and without adhering to the grammatical norms of the language (without Lithuanian endings), or

2) According to their pronunciation and adhering to the grammatical norms of the language (with Lithuanian endings).

The names and surnames of persons, who had previously had citizenship of any other State, may be written according to the passport of the citizen of that particular State or a document corresponding thereto.

Thus, the procedure for the use of names and surnames, as established by the aforementioned Resolution, conforms to the provision of the Framework Convention for the Protection of National Minorities of the Council of Europe stipulating that “ Parties may use the alphabet of their official language to write the name(s) of a person belonging to a national minority in its phonetic form” (No 68, Paragraph 1 of Article 11 of the Explanatory Report of the Convention).

On 21 October 1999, the Constitutional Court of the Republic of Lithuania confirmed by its decision that the Supreme Council Resolution of 6 February 1991 on the Use of Names and Surname in the Citizen’s Passport of the Republic of Lithuania is in conformity with the Constitution of the Republic of Lithuania (does not violate human rights and freedoms enshrined therein).

In the implementation of the principle of the use of names and surnames in the minority language, as provided for in the Framework Convention for the Protection of National Minorities, countries have the right to take account of the specific circumstances and modalities of their legal systems, and, where appropriate, to sign agreements with other States. Article 14 of the Agreement on Friendly Relations and Good Neighbourly Co-operation between the Republic of Lithuania and the Republic of Poland, which was ratified by the Seimas of the Republic of Lithuania on 10 October 1994, provides that persons belonging to the Lithuanian national minority in the Republic of Poland and persons belonging to the Polish national minority in the Republic of Lithuania have the right “to use their names and surnames as it is pronounced in the language of the national minority; the detailed norms of writing surnames shall be determined in a special agreement”. The Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on the Writing of Names and Surnames of Persons Belonging to the Polish National Minority in the Republic of Lithuania has been drafted and considered on a number of occasions at the meetings between the delegations from both States. Lithuania suggests writing the names and surnames according to the sounding of the language of the national minority in Latin characters. However, Poland has rejected this proposal and holds to its proposal that the names and surnames of persons belonging the Polish national minority in the Republic of Lithuania be written with diacritics that are characteristics to the Polish language.

At the meeting held in Lithuania on 2 August 2001, with a view to signing the Agreement on the Writing of Names and Surnames of Persons Belonging to the Lithuanian National Minority in the Republic of Poland and the Polish National Minority in the Republic of Lithuania to mark the 10th anniversary since the restoration of diplomatic relations between the countries, the Prime Ministers of both States agreed on resuming talks on the said Agreement.

Pursuant to Order No 111 of 20 June 2001 of the Minister of Justice of the Republic of Lithuania on the Approval of the Rules for Changing the Person's Name, Surname or Nationality, citizens of the Republic of Lithuania and stateless persons permanently residing in Lithuania have the right to change their name (names) and surname (surnames) in the following cases:

1) When the choice of a new name or surname instead of the existing ones is determined by the fact that the existing name or surname sounds bad or is difficult to pronounce;

2) When a person wants to have the surname of the spouse or to have back the surname existing before the marriage, provided that the fact has not been notified in dissolution of the marriage;

3) When a person wants to change a double name or surname into one of them, or vice versa;

4) When a person wants to have his or her name or surname written according to the pronunciation and without adhering to the grammatical norms of the language (without Lithuanian endings) or according to the pronunciation and adhering to the grammatical norms of the language (with Lithuanian endings);

5) Upon changing the surname with a view to preserving the surname of the ancestors;

6) When a person participates in the programme for the protection of witnesses.

Display of signs, inscriptions and other information of a private nature visible to the public

Article 18 of the Law on the Official Language (1995) provides as follows: "Names of organisations of ethnic communities, their informational signs may be rendered in other languages along with the official language". The Law on the Implementation of the Law on the Official Language also enshrines the provision that unofficial use of languages of ethnic communities and other languages shall not be regulated. Article 5 of the Law on National Minorities (1989) provides that informational signs in administrative-territorial units with a compact national minority residing therein,

in addition to the Lithuanian language, may also be the language of that national minority (local language).

Furthermore, Resolution No 49 of 25 May 1995 of the Official Language Commission under the Seimas of the Republic of Lithuania Concerning Provisional Regulations for Public Audible Information and Public Notices establishes that traditional languages used in international communication – English, German, French, may be used in addition to the official language, provided that visual or audible information is related to the servicing of foreigners (in hotels, post offices, banks, public catering establishments, etc.), international transport, tourism or international events. The company name and words featured in a trademark or service mark shall not be translated into other languages. According to the said resolution, essential information on a company (nature of activity, goods marketed, services provided, etc.) is recommended to be specified alongside non-Lithuanian names or names saying nothing of the sphere of activity of the Lithuanian company.

### **Local names, street names and other topographical indications**

As it has already been mentioned in the context of the implementation of paragraph 1 of Article 10 and paragraph 2 of this Article of the Convention, Article 4 of the Law on National Minorities provides that in administrative-territorial units with a compact national minority residing therein, alongside the official language the language of that national minority (local language) shall be used in local bodies and organisations, whereas Article 5 of the same Law stipulates that informational signs in administrative-territorial units referred to in Article 4 of the Law, in addition to the Lithuanian language, may also be the language of that national minority (local language).

Article 18 of the Law on the Official Language provides that names of organisations of ethnic communities, their informational signs may also be given in other languages.

In its Resolution No 520 of 7 May 2001 Concerning the Procedure for the Implementation of the Provisions of the Council of Europe Framework Convention for the Protection of National Minorities, the Government of the Republic of Lithuania instructed the Ministry of the Interior of the Republic of Lithuania to prepare, by 15 September 2001, a draft on the amendments to Government Resolution No 1395 of 27 November 1996 on the Procedure for the Allocation, Changing and Registration of Numbers of Buildings and Flats and Procedure for the Allocation and Registration of Names of Streets, Buildings, Constructions and Other Objects (Official Gazette No 116-2723, 1996). Such amendments would help to avoid unregulated translation into other languages, spelling mistakes, etc. in street names, building names, names of constructions and other objects, occurring in informational signs.

## **Article 12**

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

### **Paragraph 1**

There is no special institution in the Republic of Lithuania, which would conduct research in the fields of education and science on the culture, history, language and religion of Lithuania's national minorities and of the majority. An important role in this area is vested in the Ministry of Education and Science, Ministry of the Interior, Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania, Department of Cultural Heritage Protection under the Ministry of Culture, Institute for International Relations and Political Science, Lithuania's Institute for Philosophy and Sociology, History Institute, Vilnius University, Judaic and Centre for Stateless Cultures, Human Rights Centre, Open Society Fund - Lithuania, Education Development Centre and other public authorities, institutions of science and non-governmental organisations. The aforementioned bodies conduct or organise sociological and scientific research, participate in national and international projects, organise conferences, seminars and other events, develop and implement educational programmes in the said area. The said bodies analyse legislation regulating the rights and freedoms of national minorities, accumulate information on their culture, history and religion, provide methodological assistance and consultancy, and muster the potential of scientists, specialists and representatives of the public in this area.

### **Paragraph 2**

#### **Description**

Lithuanian higher educational establishments train teachers for teaching native languages in schools for national minorities. Teachers of the mentioned schools (in accordance with the international agreements) are provided with the conditions to acquire and improve their qualifications, to prepare for work in educational institutions, where different languages are used for instruction. A possibility for the training of teachers for work in schools for national minorities also emerges in implementing agreements on direct co-operation between higher educational establishments of Lithuania and other states, e.g. co-operation agreements between the Vilnius Pedagogical University and the

State University of Linguistics in Moscow (Russian Federation), Minsk M. Tanko University (Republic of Belarus), Riga Pedagogical and Educational Academy (Republic of Latvia), Wrocław University (Republic of Poland).

The improvement of qualifications and attestation of competence of teachers employed in educational institutions for national minorities are organised in accordance with the general procedure for the improvement of qualifications and attestation of competence of teachers, in force in the Lithuanian educational system.

Particular attention is given and considerable resources are allocated to the publication and provision of textbooks in languages of national minorities. Original and translated versions of textbooks are in publication. As a result of the costs of translation of such textbooks and limited editions thereof, their cost price is very high compared to the costs of publication of textbooks in the Lithuanian language. There is a gradual move from the centralised system of the publication and distribution of textbooks to a new one, which has the purpose of developing a democratic system for the commissioning, publication and manufacture of textbooks and other teaching materials, operating according to the market principles and the needs of the schooling communities.

## **Laws**

Article 18 of the Law on Education (1991) provides that teachers for the educational system of Lithuania shall be trained by higher educational establishments and institutions of college education in accordance with the qualification requirements established by the Ministry of Education and Science of the Republic of Lithuania. The number of teachers to be trained at higher educational establishments is specified, taking into account the needs of the State, by the Government of the on the recommendation of the Ministry of Education and Science of the Republic of Lithuania. The number of teachers trained at public institutions of college education is established by the Ministry of Education and Science of the Republic of Lithuania.

Article 44 of the Law on Education provides that foreign nationals and stateless persons shall have the right to engage in the teaching profession and study in the Republic of Lithuania. Conditions for their work and study at the educational establishments of Lithuania are established by appropriate legal acts and international agreements of the Republic of Lithuania.

The attestation of competence of teachers and the assignment of qualifications to them are conducted in accordance with the Regulations for the Attestation of Competence of Teachers, as approved by Order No 331 of the Minister of Education and Science, which are uniformly applied to teachers working in Lithuanian schools and schools for national minorities.

The system for the improvement of qualifications of teachers was restructured following the provisions of the Order No 1555 of the Minister of Education and Science on the Development of the System for the Improvement of Teachers' Qualifications, as

approved by an order of the Minister of Education and Science of 16 December 1998. Acting pursuant to the said decision, the system for the improvement of qualifications has been decentralised, and the establishment of in-service training institutions has been promoted in all the regions of the country. Within a period of three years since the enforcement of the said decision, more than 50 regional in-service training institutions have been set up. Such institutions have also been established in the regions with a compact community of national minorities residing therein.

In Lithuania, the publication and provision of textbooks intended for schools for national minorities are organised in accordance with the general provisions for the publication and provision of textbooks, which are approved by Decision No 52 of 18 December 1997 of the Collegium of the Ministry of Education and Science. It is noteworthy that a new version of the said provisions is being drafted.

A reform of the funding of schools of general education will be carried out pursuant to Resolution No 785 of 27 June 2001 of the Government on the Implementation of the Measures for a Reform of the Funding of Schools of General Education, which approves the methodology for the calculation of a pupil's basket and conventional pupils.

### **State Infrastructure**

In Lithuania, the training of teachers for the profession is essentially concentrated in the Vilnius Pedagogical University, Šiauliai University, and Vilnius University.

The following commissions are formulated to arrange the attestation of competence of teachers: attestation commissions of teachers of educational establishments and qualification commissions under the Teacher Professional Development Centre. The Minister of Education and Science approves the general regulations of the commissions.

The governor of the relevant county provides conditions for heads and teachers of state educational establishments of that county for in-service training, and arranges their attestation of competence in accordance with the procedure established by the Ministry of Education and Science of the Republic of Lithuania.

A municipality creates conditions for heads and teachers of educational establishments under its subordination for in-service training, and arranges their attestation of competence in accordance with the procedure established by the Ministry of Education and Science of the Republic of Lithuania.

A regional in-service training centre for teachers was established in the Vilnius County, and its infrastructure was developed in 1999. This centre provides conditions for in-service training for about 2000 teachers annually. Like all over the country, the activities of the centre and in-service training programmes for teachers are funded on the basis of a competitive tender on the national or regional level. In-service training

programmes of a similar scope are carried out in the educational centres for teachers in Trakai, Širvintos and Molėtai.

### **Policy**

There is a gradual move to a new funding methodology enabling to form the budget of a school of general education through the allocation of funds to education, and to form the so-called pupil's basket. An additional application of coefficients is projected in respect of schools for national minorities, creating conditions for such schools to better meet the needs for the improvement of qualifications of teachers, acquisition of textbooks and teaching aids and other needs ensuring the required quality of education.

### **Facts**

Schools for national minorities are funded in accordance with the same principles as Lithuanian schools. The State allocates more funds to such schools than to Lithuanian ones for the acquisition of textbooks annually. In the 2000-2001 school year, budgetary appropriations for the commissioning of textbooks totalled LTL 15 and LTL 18 per pupil of a Lithuanian school and a school for national minorities, respectively.

In 2000, textbook titles in the following numbers were added to the funds of schools: 18 titles in the Polish language, 24 titles in the Russian language, 10 titles, of which 4 newly published, in the Lithuanian language for Russian and Polish schools. In 2001, the funds of schools were replenished with the following numbers of textbook titles: 18 in the Polish language, 26 in the Russian language and 12 in the Lithuanian language for Russian and Polish schools.

In 1999, the Vilnius University enrolled the following number of students in these specialities:

Russian philology – 20 students, Russian philology for non-Russian school-graduates – 20 students, Polish philology – 14 students, Polish philology for non-Polish school-graduates – 14 students, Lithuanian philology for non-Lithuanian school-graduates – 15 students. The same enrolment of students in Vilnius University remained in the year 2000: Polish philology for non-Polish school-graduates – 14 students, Polish philology – 14 students, Lithuanian philology for non-Lithuanian school-graduates – 15 students, Russian philology – 20 students, Russian philology for non-Russian school-graduates – 20 students.

In 1999 and 2000 each year, the Vilnius Pedagogical University admitted 25 students to studies in Russian philology for Russian schools and 20 students to studies in Polish philology. In 2000 and 2001, 25 and 20 students respectively were enrolled for Russian philology and primary education pedagogy, and 25 and 20 students respectively were enrolled for Polish philology and primary education pedagogy. In 1999, 10 students were enrolled for studies in Belarussian philology, and admission to the same studies was announced for another 25 students in 2000. In 2001, admission of 20 students to studies

in Russian philology (for work in schools were the language of instruction in Russian) and of 17 students for studies in Polish philology was announced.

According to the data of 1 January 2001, 824 teachers teach the Lithuanian language in schools for national minorities. Of the said number, 75 possess the qualification category of a teacher, 356 – of a senior teacher, 52 – of a teacher-specialist and 14 – of a teacher-expert. In 2001, 497 teachers of Lithuanian from schools for national minorities, or, alternatively, 60.3 per cent of the total number thereof, underwent attestation of competence.

The A.P.P.L.E community organises in-service training courses for teachers in the teacher education centre of the Vilnius county on an annual basis, where particular attention is devoted to teachers working in schools for national minorities. Educational experience of the USA is shared during the courses. In 1998-2000, about 600 teachers participated in the courses.

In 2000, the Democratic School Union, under the auspices of the Ministry of Education and Science, organised a seminar on the development of self-governance in schools for national minorities. 30 teachers from schools for national minorities participated in the seminar. A joint project under the name “Training of self-governance consultants” between the Ministry of Education and Science of the Republic of Lithuania and the Ministry of Education of Brandenburg Länder of Germany has been in implementation in 2000-2001; the teams of schools for national minorities also participate in the project.

According to an agreement between the Ministry of Education and Science of the Republic of Lithuania and the Ministry of National Education of the Republic of Poland, 25 teachers of different specialities from Lithuanian schools where the language of instruction is Polish go to the Republic of Poland for the purpose of improving their qualifications on an annual basis.

### **Paragraph 3**

#### **Description**

Education is a state supported priority sphere in the development of the Republic of Lithuania. It is based on the humanistic cultural values of the nation and the world, on the principles of democracy and the universally recognised human rights and freedoms. Education determines the cultural, social and economic progress of the country, consolidates solidarity, tolerance and co-operation among people and nations.

The main provisions describing the place of schools for national minorities in the educational system of Lithuania are laid down in the Provisions for Integrating Schools for National Minorities into the Educational System of the Republic of Lithuania, as approved by Decision No 76 of 22 December 1992 of the Collegium of the Ministry of Culture and Education, which reveal the educational principles of national minorities characteristic to a democratic State, as enshrined in the Constitution of the Republic of

Lithuania, educational conceptual framework of Lithuania, Laws on National Minorities and Education as well as instruments of international law regulating issues in the context of education of national minorities.

Education of national minorities of Lithuania is based on the following principles:

- 1) Civic harmony, integration and solidarity;
- 2) Open society and socio-cultural integration;
- 3) Priority to the educational needs of a person and family;
- 4) Preservation of ethnic cultural identity of Lithuanian nations and their cultural co-operation with a view to promoting joint progress in the Lithuanian culture;
- 5) Harmony with the principles and norms of the Council of Europe and other instruments of international law;
- 6) Universal access to education;
- 7) Continuity of the policy in respect of national minorities.

### **Laws**

Article 41 of the Constitution of the Republic of Lithuania provides that education is compulsory for persons under the age of 16. Education at state and municipal schools of general education, institutions of vocational training and college education is free of charge. Everyone has an equal opportunity to attain higher education according to his or her individual abilities. Citizens who demonstrate suitable academic progress are guaranteed education at higher educational establishments free of charge.

Point 8 of Article 38 of the Law on Education provides that the local authority concerned shall manage an accurate registration of children of school age, compile their lists and ensure that all children under the age of 16, residing in the municipal territory, attend a school of general education or any other school in the formal educational system, and shall take care of the protection of children's rights.

### **State Infrastructure**

The educational system of Lithuania comprises pre-school development, general education of children and young people, vocational training and college education, higher education and adult education, provided at the educational institutions of the following type:

- 1) institutions of pre-school development;
- 2) schools of general education;
- 3) institutions, enterprises of vocational training;
- 4) institutions of college education;
- 5) higher educational establishments;
- 6) institutions of additional and informal education.

A gymnasium and a school of international baccalaureate form separate types of schools of general education. The principle of continuity of education among educational establishments of the relevant type (level) is under implementation in the Lithuanian educational system.

## **Policy**

The following provisions shall be guided with a view to creating uniform conditions for attaining education of all levels by persons belonging to the national minorities in Lithuania:

- 1) When a pupil changes the educational institution, or when the language of instruction in the educational institution changes, conditions shall be provided to make use of the possibilities of additional learning, as provided for in the educational plan, and, thus, to compensate for the differences resulting from the change of the language of instruction.
- 2) Pupils, who study in the Lithuanian language of instruction, however who come from a different linguistic environment, shall be provided with the conditions (where appropriate) to study the Lithuanian language as a non-native language, though the application of the methods for learning non-native languages and teaching materials.
- 3) With a view to ensuring equal opportunities for access to higher educational establishments for all pupils in Lithuania, a general examination in the Lithuanian language literacy is planned to be drawn up.
- 4) The State shall cover all differences in the costs of education in schools where the language of instruction is Lithuanian and schools for national minorities, relating to the satisfaction of the educational needs of national minorities in all public and private schools of general education in accordance with the funding methodology approved by the Government of the Republic of Lithuania.

## **Facts**

The data will be presented in the analysis of the implementation of Article 14 of the Convention.

## **Article 13**

- 1. Within the framework of their educational systems, the Parties shall recognise that persons belonging to national minority have the right to set up and to manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

## **Description**

Lithuania has non-state schools of general education where the language of instruction is not Lithuanian. Some of national minorities such as the Poles, Belarussians, Ukrainians, Germans, Jews, Latvians, Armenians, Karaites, Tartars, and Greeks have their Sunday schools. Sunday schools as well as classes at the schools of general education provide possibilities to study the mother tongue for small national minorities and those living in a disperse way. National minority schools providing the state standard education are registered in the Register of Educational, Research and Study Establishments.

## **Laws**

As it has been already mentioned, Article 45 of the Constitution stipulates “ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, organisations, charity, and mutual assistance. The State shall support ethnic communities”.

Paragraph 3 of Article 41 of the Law on Education states that “non-state educational institutions shall be maintained by their founders. For financing the programmes of non-state educational institutions providing education in accordance with the state standards, allocations from the budget shall be made in the manner established by the Government or an institution authorised by it as to public or municipal educational institutions of the corresponding type (level). The amount of funds shall be established with account of the expenditure set for one child, pupil of state or municipal educational institutions of the corresponding type (level)”.

## **State Infrastructure**

Educational establishments have the status of a legal person and are under the control of the founders. Educational establishments not maintained by the state are established, reorganised, and closed down, subject to a written consent of the Ministry of Education and Science, by legal persons registered in the Republic of Lithuania or by individual citizens of the Republic of Lithuania.

Legal and natural persons of other countries may establish educational establishments or be founders of joint educational establishments subject to a written consent of the Minister of Education and Science.

If upon completion of education, educational establishments (enterprises) that are not maintained by the state grant education certificates recognised by the state, it is permitted to teach in them subject to a license issued by the Ministry of Education and Science.

## **Policy**

While implementing the educational policy for national minorities, the need of every person who belongs to a national minority group to protect the essential elements of ethnic cultural identity is recognised: the language, the cultural heritage, traditions, and religion.

Provisions are made to establish pre-school educational establishments or schools of general education, to set up classes or groups where the educational process is organised in the native language.

## **Facts**

Two national minority schools that are not maintained by the state providing education of the non-state standard operate in Vilnius: the school of general education with the Russian language of instruction of Marina Mizigurskaja, and the Jewish Secondary School Manachem Home. There are four Sunday schools of national minorities: the public organisation - the Polish Sunday aesthetic education studio at the Secondary School of V. Sirokomle "KOGUCIK" (Cock-a-Doodle-Do); the Ukrainian Sunday School in Vilnius; the Sunday School of the Lithuanian Tartar Community in Vilnius and the Sunday School of the Greek Community of Lithuania Pontos.

## **Article 14**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

## **Paragraphs 1 and 2**

### **Description**

The Republic of Lithuania by providing the legal basis for the education of national minorities recognises and adheres to the principles and norms established at the international level.

In accordance with the laws of the Republic of Lithuania, national minorities residing in the country are guaranteed the right to have state or state supported pre-school

educational establishments, schools of general education and classes conducted in the native language. National groups living in a dispersed way may have regular or optional classes as well as Sunday schools in order to learn and improve their native language skills at the schools of general education.

The content of education at national minority schools is set up in accordance with general documents regulating educational contents. The educational plan provides for the same possibilities to study various subjects and to study the native language. The number of teaching hours for the study of the native language is equivalent to the number of teaching hours of the schools with the Lithuanian language as the native language. Authentic textbooks of the Russian, Polish languages are developed and published and textbooks for pupils of primary and basic schools are translated. In accordance with the procedure established by the Ministry of Education and Science, the tasks of the obligatory basic school leaving examinations at national minority schools and the optional tasks of the graduation examination are developed in the centralised way.

## **Laws**

Article 2 of the Law on Ethnic Minorities stipulates that the Republic of Lithuania, taking into account the interests of national minorities, shall guarantee them the right under the law and the procedures thereunder: to obtain aid from the state to develop their culture and education; to have schooling in one's native language, with provision for pre-school education, other classes, elementary and secondary school education, as well as provision for groups, faculties and departments at institutions of higher learning to train teachers and other specialists needed by ethnic minorities.

Article 12 of the Law of Education states that in the localities where a national minority resides or where there are many of its members, they shall be provided facilities for having public, municipal or non-state pre-school establishments, schools of general education and lessons in the mother tongue, if the said individuals so request and if such request corresponds with an actual need. Parents (guardians of the child) shall choose for the children a pre-school establishment or a school of general education with instruction in an appropriate language. The same article also provides that for small ethnic communities, classes or optional courses as well as Sunday schools may be set up at state and municipal schools of general education for the purpose of learning or acquiring a better knowledge of the mother tongue.

In accordance with Article 30 of the Law on Education, the curricula of educational establishments of national minorities may be supplemented by the elements of ethnic culture.

Provisions of Article 10 of the Law on Education entitle state educational establishments to be established together with legal persons of foreign countries subject to a written consent of the Minister of Education and Science

## **State Infrastructure**

State and non-state formal and supplementary educational establishments meet educational needs of persons belonging to national minorities of Lithuania:

1. at schools of national minorities with traditional languages of instruction;
2. at schools of general education with the Lithuanian language of instruction where the mother tongue may be studied as a separate subject;
3. at the educational establishments where the educational process is organised in different languages of instruction;
4. at schools of general education by utilising the possibilities of extracurricular activities;
5. at the vocational training establishments that provide general education where the mother tongue could be studied as a separate subject;
6. at Sunday, Saturday schools.

State educational establishments are established, reorganised and closed down by the Ministry of Education and Science, as well as by county governors subject to a written consent of the Ministry of Education and Science.

Local authority councils, subject to a written consent of the Ministry of Education and Science, establish, reorganise and close down educational establishments of local authorities which provide primary, basic and secondary education, and subject to a written consent of country governors - establishments of pre-school, supplementary training and informal education of adults.

Educational establishments of the Republic of Lithuania function according to teaching plans and the general curriculum framework approved or co-ordinated in the prescribed manner by the Ministry of Education and Science. The contents and methods of teaching must be in accordance with the tasks of the educational establishment and the needs of society. The teaching methods of separate types and levels of schools are co-ordinated among the schools.

## **Policy**

Currently the draft Law on the new version of the Law on Education is under preparation, as well as a new version of the draft Law on National Minorities and a draft of the Guidelines for the Education of National Minorities. The provisions of legislation strive to regulate and legally establish changes that have appeared during the recent decade in the field of education of national minorities and other areas.

In the field of education of national minorities, principal provisions regulating the educational content and process are being implemented in Lithuania:

- 1) In order to meet the educational needs of national minorities, the educational content may include elements of geography, history and ethnoculture of both the historical homeland as well as the existence of the national minority in Lithuania and the multiculturalism of the Lithuanian society should also be revealed;
- 2) In pre-school groups with the Lithuanian language of instruction, the children from other linguistic backgrounds are provided with the possibility to study the language concerned as the non-native language;
- 3) At primary, basic and secondary schools opportunities are afforded for Polish and Russian national minorities to use authentic textbooks of the native language and textbooks of some other subjects translated from the Lithuanian language to promote the usage of the Lithuanian language textbooks at the senior classes of schools of general education;
- 4) It is allowed to use textbooks and other teaching materials published in other countries in accordance with the procedure established by the Ministry of Education and Science or international agreements of Lithuania;
- 5) Upon graduation from the basic national minority school, students must take the school graduation examination of the language of instruction;
- 6) Graduates of the national minority school have the right to choose whether to take the examination of the language of instruction or not. In those schools where school communities decide to make the examination obligatory, exceptions could be made for pupils for whom the language of instruction at the national minority school is not a mother tongue;
- 7) Pupils of the national minority schools at graduation of the primary and secondary school take the Lithuanian language (the official language) examination.

## **Facts**

The data of 2000 show that 2246 schools of general education functioned in the Republic of Lithuania, out of which 74 Polish, 68 Russian and 1 school with the Belarussian language of instruction, as well as 72 mixed schools that had classes with the minority language as the language of instruction. Two schools that are not covered by the above list, should be mentioned in this context - the Jewish School of Solom Aleichem of Vilnius and the Herman Zuderman School in Klaipėda that could be referred to as the German school. The distinction is made due to the fact that those schools do not fully comply with the model of the national minority school currently prevailing in Lithuania since most of the subjects in them are taught in the Lithuanian language, however, they

pay significant attention on the formation of the cultural identity of the pupils. Out of 586,294 pupils of the country, 41,162 study at schools and classes with the Russian language of instruction, 22,303 - Polish, 214 – Belarussian, 202 – Jewish, and 364 – German.

### **Paragraph 3**

#### **Description**

The study of all languages (native, non-native and the official state language) within the educational system of Lithuania is based on the Law on the State Language, the state strategy of language training and the policy of the Council of Europe on language training. One of the languages taught at the national minority schools is the official Lithuanian language, with the requirement that upon graduation, a pupil should have reached the level of language proficiency necessary to continue studies at schools with the Lithuanian language of instruction (as well as to study at the higher educational establishment).

#### **Laws**

The necessity to study and provide training in the official language has been influenced particularly by declaring the Lithuanian language as the official language in 1989. Other laws of the Republic of Lithuania and the Resolutions of the Government of the Republic of Lithuania made an impact on the process and made it more topical, by one or another aspect orientating towards the necessity and the possibility to teach, study and learn the official language (The Law on National Minorities of the Republic of Lithuania (1989); the Law on Citizenship of the Republic of Lithuania (1991); the Law on the State Language (1995)). The teaching of the official language is related to the legal guarantees stipulated in the Law of Informal Adult Education of the Republic of the Republic of Lithuania (1998) to develop one's personality all the life long.

Article 12 of the Law on Education provides that the language of instruction at schools of the Republic of Lithuania shall be Lithuanian (with the exception of schools of ethnic minorities and international baccalaureate). If the parents or children so desire, facilities shall be provided for studying other subjects in the Lithuanian language as well.

All schools of general education must ensure a command of the Lithuanian language in accordance with the standard established by the Ministry of Education and Science. Facilities shall be provided throughout the territory of the Republic of Lithuania to have instruction in the Lithuanian language.

#### **State Infrastructure**

Information is provided in the section “State Infrastructure” of the report dealing with the implementation of the provisions of Article 12 paragraph 3 and Article 13 paragraph 1 of the Convention.

## Policy

Pursuant to the implementation of the objectives of learning or teaching of the Lithuanian language for the representatives of national minorities, provisions of laws and regulations of the Republic of Lithuania that ensure the status of the Lithuanian language as the official language prevail. The teaching of persons who speak other languages than Lithuanian is aimed to assist their professional needs and their integration into the sociocultural context. Specific ways of meeting the educational needs of national minorities are defined on case by case basis having taken into account the wishes of minority communities and in accordance with the criteria set forth by the Ministry of Education and Science. Individual training programmes, teaching materials, textbooks are developed. The training process combines training, professional and cognitive interests.

## Facts

The number of schools of general education according to the language of instruction:

<b>Language of Instruction</b>	<b>Number of Schools</b>
Lithuanian	2031
Polish	74
Russian	68
Russian-Polish	26
Lithuanian-Russian	23
Lithuanian-Polish	11
Lithuanian-Russian-Polish	10
Belarussian	1
Russian-Belarussian	1
Lithuanian-English	1
<b>TOTAL</b>	<b>2246</b>

The dynamics of the number of pupils according to language of instruction:

<b>Academic Year</b>	<b>The Number of Pupils according to the Language of Instruction</b>			<b>Total number of pupils</b>
	<b>Lithuanian</b>	<b>Polish</b>	<b>Russian</b>	
1990/1991	409 295	11 407	76 038	501 740
1991/1992	414 119	12 611	72 762	499 692
1992/1993	415 971	13 881	67 506	497 359
1993/1994	422 216	15 312	58 743	496 387

1994/1995	434 469	16 613	57 655	508 887
1995/1996	446 336	17 898	55 237	519 659
1996/1997	459 799	19 212	52 315	531 480
1997/1998	475 253	20 263	49 347	545 042
1998/1999	490 589	21 038	46 325	558 160
1999/2000	508 373	21 826	44 058	574 486
2000/2001	522 569	22 303	41 162	586 294

## Article 15

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

The participation of persons belonging to national minorities in cultural, social and economic life and in public affairs of the country is ensured by the Constitution and other legal acts.

In compliance with Article 33 of the Constitution “all citizens shall have the right to participate in the government of their State both directly and through their freely elected representatives, and shall have the equal opportunity to serve in a State office”.

Citizens shall be guaranteed the right to freely form societies, political parties, and associations (Art.35). As citizens of the Republic of Lithuania, persons belonging to national minorities have the right to participate in the elections to the Seimas of the Republic of Lithuania and to local authorities. National minority parties as well as all other parties have to comply with the 5 percent (7 percent for coalitions) election threshold (the Law on the Elections to the Seimas, 1996, Art.2).

The Law on National Minorities (1989) stipulates that the Republic of Lithuania, taking into account the interests of all ethnic minorities, shall guarantee them the right under the law and the procedures thereunder: to be represented in government bodies at all levels on the basis of universal, equal, and direct suffrage; and to hold any post in the bodies of state power or government, as well as in enterprises, institutions or organisations.

A special public institution under the Department of National Minorities and Lithuanians Living Abroad that represents national minorities – the Council of National Communities - has been established. The Council, within its competence, assists in the formation and fostering of the national concord in Lithuania and participates in the implementation of the state policy in field of the regulation of national relations as well as co-ordinates the activities of the communities of national minorities.

The key objectives of the Council are the following:

1) to observe how the laws related to the rights of national minorities are enforced in the Republic of Lithuania;

2) to strive for the goal that all citizens of Lithuania belonging to national minorities participate and join cultural and public life of the country;

3) to analyse draft laws and regulations related to national minorities and to submit proposals on their preparation and adoption to the Committees of the Seimas of the Republic of Lithuania, the Government, the Department of National Minorities and Lithuanians Living Abroad, Administrations of County Governors, district and town municipalities and other institutions.

The Council, while implementing the above objectives, has the right to approach public authorities about information on the realisation of laws on national minorities and the solution of other issues related to national minorities, and to form working groups for the examination of specific issues and problems.

In order to better meet the needs of the Polish community, in 2000 an advisory group of the Polish NGOs was established under the Department of National Minorities and Lithuanians Living Abroad. Its meetings are attended by the respective specialists and experts from the public authorities of Lithuania and the topical issues of the Polish national minority are discussed as well as measures to solve the existing problems are envisaged.

### **Representation at the Seimas and Municipalities**

There are three political organisations of national minorities that are established on the basis of ethnicity –the Election Action of Lithuanian Poles, the Union of the Russians of Lithuania and the Alliance of the Lithuanian Citizens.

The Election Action of Lithuanian Poles is a political organisation of the Polish national minority. In the elections of 2000 to the Seimas, its two representatives were elected at the single-member constituencies. They also participated in the ruling coalition.

In the elections to the municipal councils, the Election Action of Lithuanian Poles received 53 mandates in 2000. Their members constitute the majority of the Vilnius and Salcininkai district municipal councils, their representatives have been elected into the municipalities of Vilnius City, Trakai, Švenčionys and Širvintos.

The Union of Russians of Lithuania is a political organisation of Russians. It took part in the elections to the Seimas in 2000 in the joint coalition of Social Democrats led by A. Brazauskas and, as the result, received three mandates of the Seimas in the multi-member constituencies. In 2000, at the elections to the municipal councils the Union of Russians of Lithuania received 7 mandates in the Klaipėda City Council.

Following the restoration of independence of Lithuania, the representatives of national minorities have been elected to the Seimas and municipal councils as members of other political parties (Social Democrats, the New Union, the Union of Liberals of

Lithuania, the Centre Union, the Homeland union (the Conservatives of Lithuania), Christian Democrats, etc.).

## **Article 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

The creation of the independent state, the transition into the free market, the reform of the economic and administrative structures brought about changes of the administrative division of the territory and its administrative management.

Article 4 of the Law on the Territorial Units of the Republic of Lithuania and their Boundaries (Version No. VIII-1492 of 21 December 1999) regulates that during the first phase of the second stage of the reform of the territorial administrative units, five municipalities (Elektrėnai, Kalvarija, Kazlų Rūda, Pagėgiai and Rietavas) will be established and having established the municipalities of Kalvarija and Kazlu Ruda, the municipality of Marijampole district will be dissolved. While implementing the first phase of the second stage of the reform of the territorial administrative units, the territories of towns of Birštonas, Druskininkai, Marijampolė, Vilnius and of districts of Akmenė, Kaišiadorys, Lazdijai, Mažeikiai, Plungė, Šakiai, Šilutė, Trakai, Varėna and Vilkaviškis have been modified and their new boundaries were defined. The implementation of this reform was regulated by the Law on the Implementation of the Supplement to Articles 4, 14 and the Amendment of Article 5 of the Law on the Territorial Units of the Republic of Lithuania and their Boundaries (No VIII-1493, 21 December 1999).

It should be noted that the European Charter of Local Self-Government stresses that the right of citizens to participate in the conduct of public affairs is one of the democratic principles and at the local level this right can be most directly exercised. Article 5 of the Charter also states that changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute. In this light, the Government of the Republic of Lithuania by its Resolution No 1019 of 20 September 1999 On the Approval of the Procedure of the Survey of Local People approved the procedure of the survey of local people that states that the survey shall be conducted in those territories where new administrative units are to be established or eliminated, their boundaries are to be defined or modified. Article 27 of the Resolution states that “survey results should be evaluated and taken into consideration while adopting decisions regarding the reform of the territorial administrative units of the Republic of Lithuania”.

While implementing the above-mentioned reform of the territorial administrative units, a survey of local people has been conducted, modifications to be implemented are

coordinated with municipalities, and proposals of people have been taken into consideration.

The reform of the territorial administrative units of the Republic of Lithuania (the establishment of municipalities and the change of their boundaries) does not alter the proportions of the population in the areas inhabited by persons belonging to national minorities and it does not restrict their rights and freedoms.

The implementation of the reform of the territorial administrative units is related to a more rational distribution of the territorial administrative units, a more convenient provision of public services thus making local authorities to come closer to the people and is not in any way related to the change in the proportion of national minorities.

## **Article 17**

**1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

Firstly, the principles enshrined in the Convention are guaranteed by the Constitution of the Republic of Lithuania. Article 32 of the Constitution states that “citizens may move and choose their place of residence in Lithuania freely, and may leave Lithuania at their own will. A citizen may not be prohibited from returning to Lithuania”.

The Republic of Lithuania with due consideration to the interests of national minorities and principles and procedures prescribed by laws ensures the right to establish cultural contacts beyond the boundaries of the Republic (Law on National Minorities, Art. 2).

Lithuania has signed a few agreements with neighbouring countries on the simplified procedure of crossing the state border for people residing in border areas. The Agreement on the state border crossing points between the Government of the Republic of Lithuania and the Government of the Republic of Belarus was signed on 18 July 1995. A similar agreement was signed with the Republic of Latvia on 9 June 1995. On 10 September 1999, the Government of the Republic of Lithuania and the Government of the Republic of Latvia signed the Agreement on Trans-border Co-operation. The trans-border co-operation agreement was also signed with the Government of the Republic of Poland on 16 September 1995. The Government of the Republic of Lithuania and the

Government of the Republic of Poland referring to the long-standing cultural relations between both countries, taking into consideration the fact that both the Lithuanians and Poles living on their territories have contributed greatly and still contribute to the culture of both countries and the cultural heritage of Europe, striving to develop the cooperation of mutual benefit in the field of culture, education and science, being assured that broad contacts will facilitate a better mutual understanding between the people of both countries, on 17 December 1998 signed the Agreement on the Co-operation in the fields of Culture, Education and Science. Article 9 of the Agreement states that “the Contracting Parties shall provide conditions for persons belonging to the Lithuanian national minority in the Republic of Poland and for the persons belonging to the Polish national minority in the Republic of Lithuania to preserve, develop and express their national, religious and linguistic identity. To this end, each Contracting Party shall support the activities of educational and cultural institutions of national minorities as well as non-governmental organisations and shall facilitate the maintenance of cultural links of those persons with their fellow-countrymen living in the territory of the other State”.

More detailed information on the agreements with other countries will be presented further on, in the description of the implementation of the provisions of Article 18 of the Convention.

National minorities residing in the territory of the Republic of Lithuania have the right to maintain and develop cultural links with their fellow-countrymen living in other countries without any restrictions. There are no obstacles for persons belonging to national minorities to participate in the activities of the national and international non-governmental organisations. The Department of National Minorities and Lithuanians Living Abroad promotes such activities in order to use those links with the relevant public and non-governmental authorities abroad and seeks to involve national minorities living in Lithuania into the projects and national programmes of other countries with similar ethnic, cultural or linguistic background.

It should be also noted that the Department of National Minorities and Lithuanians Living Abroad also sets up and enforces the state policy for the maintenance of links with Lithuanians living abroad. One of the key objectives of this policy is to assist in preserving Lithuanian identity of Lithuanians living in various countries of the world and to strengthen their ties with Lithuania.

## **Article 18**

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**
- 2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

One of the principle aims of Lithuania's foreign policy is good relations with neighbouring countries. The present Government of the Republic of Lithuania supports a more active bilateral dialogue at all levels. Lithuania has concluded and ratified interstate agreements with Russia, Belarus, Poland, and the Ukraine. Individual articles of those instruments also define the rights and duties of national minorities and the mutual obligations of Contracting Parties.

The provisions of the Agreement on the Principles of Interstate Relations, signed on 29 July 1991, and other bilateral and multilateral agreements when both countries are the parties to them, form the basis for the relationship between Lithuania and Russia. The objectives of the Lithuanian policy towards Russia are to ensure equal and mutually beneficial cooperation in the spirit of good neighbourly relations and to strengthen mutual understanding and confidence. In the further development of relations with Russia, Lithuania will seek to maintain positive cooperation since economic and cultural links and the open dialogue between societies is the strongest foundation for mutual understanding and confidence. The countries have obliged themselves to focus on the maintenance and the development of national uniqueness of Russian and Lithuanian national minorities residing in the territories of both countries.

On 29 June 1999, the Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation on the Long-Term Co-operation between the Regions of the Republic of Lithuania and the Kaliningrad Region of the Russian Federation was signed. Following this Agreement, the interregional cooperation programmes should be implemented taking into consideration the lawful interests of persons belonging to national minorities to preserve and develop their national, cultural, linguistic and religious identity.

On 12 May 1990, the Declaration on Concord and Cooperation among the Republic of Lithuania, the Republic of Latvia and the Republic of Estonia was signed. The Baltic Sea Council consisting of the heads of States and Governments was established. The activities of this Council later on have been transformed into regular meetings of Presidents of the three countries.

In 1990, the first joint meeting of the PMs of Lithuania, Latvia and Estonia was held. In 1991, the Baltic Assembly was established consisting of 60 PMs from the Baltic countries.

In 1994, the Baltic Council of Ministries was established. Prime Ministers of Baltic countries meet at least twice a year. The Council has 17 Committees that coordinate the cooperation among countries within their competence.

Within the framework of the activities of all those three forums, issues dealing with education, language, cultural and ethnic identity and other topical issues for national minorities are discussed and measures for solving the existing problems are envisaged.

Lithuania pays great attention to the cooperation with Poland, its strategic partner in the way towards the European Union and NATO. The essential instrument regulating the protection of the rights of national minorities is the Agreement between the Republic of Lithuania and the Republic of Poland on Friendly Relations and Good Neighbourly Co-operation signed on 26 April 1994. The Parties to the Agreement have obliged themselves to provide conditions for persons, belonging to national minorities, to have the right to use the minority language in their private and public life, to have access to information in that language, to have the possibility to develop and exchange the national minority language, to have mass media, to study in the national minority language and to learn it, to establish and maintain mutual undisturbed contacts within the boundaries of their country as well as transfrontier contacts with the citizens of other countries of the similar national background, etc. In addition, the Contracting Parties stated that they refrain from any action that may give rise to assimilation against their will of persons belonging to national minorities.

Joint public institutions of two countries – the Parliamentary Assembly of Lithuania and the Parliamentary Assembly of Poland, the Cooperation Council of the Government of Lithuania and the Government of Poland and the Advisory Committee of the Presidents of Lithuania and Poland – have become new and effective forms of cooperation. All those institutions were established in 1997. Lithuania delegated persons who are responsible for the solving of the problems that national minorities face as well as representatives of the Polish national minority to them. Meeting the needs of national minorities is the constant concern of both countries. Taking this into account, the Commission on National Minorities was established within the Cooperation Council of the Government of Lithuania and Poland, the main objective of the Commission is to focus on the Lithuanian and Polish national minority issues.

Numerous national minority groups of Belarussians and Ukrainians also reside in Lithuania, while Lithuanians live in Belarus and the Ukraine as well. Considering this as well as the importance of good cooperation in Europe at large, the Agreement between the Republic of Lithuania and the Republic of Belarus on Good Neighbourly Relations and Co-operation was signed on 6 February 1995, and the Agreement between the Republic of Lithuania and the Republic of Ukraine on Friendship and Co-operation was signed on 8 February 1994. Each Contracting Party undertakes the obligation to protect national, cultural, linguistic and religious identity of persons belonging to national minorities and to provide conditions for the development of their identity.

Ministries of the Republic of Lithuania, various public authorities have signed many bilateral agreements with neighbouring and other countries where both parties to the Agreement oblige themselves to ensure the protection of persons belonging to national minorities.

## **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations,**

**restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

While ratifying the Framework Convention for the Protection of National Minorities of the Council of Europe, the Republic of Lithuania did not foresee any restrictions, limitations or derogations.

#### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

The Government of the Republic of Lithuania does not possess any information or facts demonstrating that persons belonging to national minorities do not respect the rights of other persons even in the localities where they constitute the majority of the population. However, the Law on National Minorities (1989) stipulates that people of all ethnic groups residing in Lithuania must observe the Constitution of the Republic of Lithuania and other laws, protect Lithuania's state sovereignty and territorial integrity, contribute to the establishment of an independent, democratic state in Lithuania, and respect Lithuania's official language, culture, traditions, and customs.

#### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

Cases when the activities or actions of persons belonging to national minorities are contrary to the fundamental principles of international law and in particular to the sovereign equality, territorial integrity and political independence have not been encountered in Lithuania. The protection of persons belonging to national minorities in the country complies with those principles.

#### **Article 22**

**Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.**

Human rights and fundamental freedoms ensured under the laws of the Republic of Lithuania and in the Framework Convention are not limited or restricted.

### **Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

Rights and freedoms in the Republic of Lithuania are enforced in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms and in its Protocols.

### **Article 30**

**1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply**

**2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**

**3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

When depositing its instrument of accession to the Framework Convention for the Protection of National Minorities of the Council of Europe, the Government did not submit any declaration. The Convention shall be applied to the whole territory of the Republic of Lithuania.