



european network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Lithuania

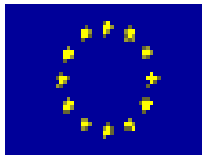
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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

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

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1. Executive summary

The level of intolerance towards the most vulnerable groups such as the Roma, Chechens, refugees and Muslims, has remained high throughout 2007. However, society's attitude towards traditional¹ ethnic groups became even worse. The most alarming signal of 2007 was the growing lack of tolerance, identified among youth, which signifies, that natural transformation to tolerant and open civic society is not taking place.

- Comprehensive human rights education should be introduced in the schools' curriculum, addressing stereotypes of young people;
- The government should continue allocating efforts and financial resources to raising awareness and fighting prejudice in the society in order to stop the increase of intolerance and xenophobia;

Although the capacity of the Prosecution to bring racist cases to court slightly increased comparing to previous years, the rising numbers of violent racist incidents and crimes, as well as remaining gaps in the legislation, raise serious concerns that serious measures in the field of criminal justices must be taken.

- The effectiveness and competence of pre-trial institutions dealing with racist crimes and violence should be improved by providing relevant training for law enforcement officials.
- Committing of an offence with a racist motivation or aim should be introduced as an aggravating circumstance in the Criminal Code.
- Effective system of data collection on racist crimes should be established.

The national Equality body was given competence to investigate complaints on discrimination, but the decisions of the Ombudsman do not have compensatory effect to the victim. The system of effective, proportionate and dissuasive sanctions for discriminatory acts has not been established.

- Equal Opportunities Ombudsman should be given more powers in investigating complaints and use existing more rigorously;
- A system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.
- National anti-discrimination legislation should be put fully in line with the EU equality standards.

The issues of minorities and migrants seem not to be present at the political agenda in the field of social exclusion and fighting poverty.

¹ The term "traditional" refers to minorities, which have been living in the territory of Lithuania for centuries: Russians, Poles, Jews.

- The situation of migrants (particularly third country nationals, entering labour market) should be put at the political agenda on social inclusion.
- A comprehensive assessment of education quality in non-Lithuanian speaking schools should be implemented.

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3. Introduction

Many positive and negative developments have been taking place during the European Year of Equal Opportunities for All in Lithuania. The purpose of this report is to highlight the manifestations of racism as well as the initiatives from the government and civil society to tackle racism during the period of January – December, 2007. However, as some developments at the beginning of 2008 were greatly influenced by the achievements of 2007, they are also mentioned in this report.

Unfortunately, the European Year 2007 did not manage to diminish existing tensions in the society. The level of intolerance towards the most vulnerable groups (Roma, Chechens, refugees and Muslims) remained high. On the contrary, the attitude of society towards traditional ethnic groups became even worse. The most alarming signal of 2007 was the lack of tolerance, identified among youth.

The rising number of racist incidents and crimes received significant attention in 2007 both from the government and civil society. It can be noted, that this year was a turning point for significant part of the population in acknowledging the fact, that racism is an issue in Lithuania. However, a high price had to be paid for that – some of the racist attacks resulted in brutal violence and even death.

The attention of the media, civil society as well as the international community, contributed to the voicing of the messages that stronger efforts to fight racism must be taken. At the end of the year the government made important steps towards developing social inclusion policies for ethnic minorities – a new governmental strategy on the policy of ethnic minority inclusion as well as a new Roma integration programme were passed. Additionally, a competence of pre-trial investigation institutions to deliver racist case to courts slightly improved.

However, there is a number of areas where positive developments are still lacking – further improvement of investigation of racist crimes, the creation of data collection system on racist violence, the involvement of minority NGOs in decision making. Additionally, the development of legal framework must take place (in 2007 racist motivation was still not considered as an aggravating circumstance, antidiscrimination legislation did not comply with the requirements of EU Race directive).

The first part of the report focuses on the situation of vulnerable groups in Lithuania. The data of recent surveys is followed by the analyses of manifestations of racism and discrimination suffered by vulnerable groups in different areas of life. A brief analysis of national policy, legislation and non-governmental initiatives is provided in the second part. The report is finalised by providing recommendations for policy and action at the national level.

4. Communities vulnerable to racism

Although the European Year of Equal Opportunities for All significantly contributed to the public debate on multiculturalism and diversity, and added important research on Roma and religious minorities, accurate and recent data on the composition of Lithuanian society as well as on the communities most vulnerable to racism is still lacking. This issue was also raised by the Committee on the Elimination of Racial Discrimination (CERD) in its latest observations as an obstacle to the assessment of progress towards the elimination of discrimination based on race, colour, descent, or national or ethnic origin².

Thus researchers have to rely on the latest available data of the 2001 Census, which means that significant emigration numbers in the accession period cannot be considered accurate at the moment. According to that data, Lithuanian society can be considered as rather homogeneous (with some regional exceptions)³.

Lithuanians account for 83.5% of the population and only 29 nationalities account for one hundred or more people⁴. The biggest minority groups are Poles (6,7% of the population) and Russians (6,3% of the population). Byelorussians make up 1.2%, and Ukrainians 0.7%. Jews, Germans, Tatars, Latvians, and the Roma make up 0.2%, while 0.9% of the population did not indicate their nationality at all.

The number of stateless persons is low (0,3% of the population) due to zero-option law which was in force during the period of the restoration of independence from the Soviet Union⁵. Citizens of the Republic of Lithuania make up to 99% of the population, citizens of the Russian Federation account for 0.4%, citizens of other countries make up 0.2%.

The same applies to religion and beliefs. 79% of the population consider themselves as Roman Catholics, 9.5% are non-believers, 4% are Orthodox and 7.5 % belong to other religious communities.

In 2007 the Lithuanian Republic received 4% more asylum applications than in previous years – 480 asylum applications (both first and repeated asylum applications are included). In comparison, there were 459 asylum applications

² Committee on Elimination of Racial Discrimination, *Observations on Lithuania*, <http://www.ohchr.org/english/bodies/cerd/>, accessed on March 15, 2006.

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

⁴ Statistikos departamentas prie Lietuvos Respublikos Vyriausybės, 2001 gyventojų surašymo duomenys, <http://www.stat.gov.lt/lt/pages/view?id=1198>, accessed 28 April, 2007.

⁵ Which makes Lithuanian situation distinct from the situation of other Baltic states – Latvia and Estonia, where number of stateless persons is significantly higher.

submitted in 2006. Last year 114 foreigners newly arrived in the Republic of Lithuania and submitted first asylum applications⁶.

The major part of asylum applications (76%) as a general rule was submitted by nationals of the Russian Federation – 366 in total (336 of them received from Chechens). This figure has been stable for three years already. As to the nationality of asylum seekers, beside the majority of Russians, last year 22 asylum applications were lodged by Afghans, 13 – by Georgians⁷.

Potential vulnerability of particular communities to racism and discrimination is well reflected in the public opinion surveys. According to the data of the Centre of Ethnic Studies (CES), which implements yearly surveys on the opinion of society towards various ethnic groups, the European Year 2007 did not manage to diminish existing tensions in the society. On the contrary, the level of intolerance towards particular ethnic groups has even risen.

The dynamics of the public opinion in 2007 towards various ethnic groups can be seen in the latest public opinion survey⁸ (conducted in February 2008), comparing it to the previous one (conducted in February 2007)⁹. Roma, Chechens, refugees and Muslims still remain the least tolerated groups. However the negative attitude towards these groups decreased or remained similar through the year of 2007. Answering the question “With whom would you not like to live with in the neighbourhood?” 69,2 % of the population mentioned Roma (comparing to 68,2% in the beginning of 2007), 48,1% - Chechens (comparing to 59,2%), 42,7% mentioned refugees (comparing to 51%), and 44,5% - Muslims (comparing to 59,5% in the beginning of 2007).

On the contrary, the intolerance towards so-called “traditional” ethnic minorities increased significantly. At the beginning of 2008 Russians were disliked as neighbours by 7,7% of the population (comparing to 3,7% in the beginning of 2007), Poles – by 14,9% (comparing to 9,7%). The biggest rise of intolerance was monitored in the case of Jews – from 18,3% in the beginning of 2007 to 30,6% in the beginning of 2008. Local sociologists find this data difficult to explain, however it is perceived that Lithuanian society is reactive and does not possess, neither strong values of tolerance, nor reasonably grounded negative attitudes. It can be taken as an advantage, because the opinion of the society can be affected in a positive way if necessary measures are applied. Substantial awareness raising activities and human rights education among youth might contribute to the shaping of the society’s attitude in a positive way.

⁶ Statistics provided by the Migration Department under the Ministry of Interior of Lithuanian Republic in the Annual Report 2007. P. 15-16.

⁷ Migration Department under the Ministry of Interior. Annual Report 2007. P. 16.

⁸ Socialinių tyrimų instituto Etninių tyrimų centras, Etninis nepakantumas 2008 http://www.ces.lt/downloads/structure/files/ETC_apklauso%202005-2008_AM_2008%2006%2003.pdf, accessed May 10, 2008.

⁹ Socialinių tyrimų instituto Etninių tyrimų centras, Etninis nepakantumas 2007, <http://www.ces.lt/downloads/structure/files/ETC%202007%2002%2005-19%20apklausa.pdf>, accessed May 10, 2008.

Additional concerns were raised by the survey of youth, implemented in the framework of national "All Different. All Equal" campaign¹⁰. The survey indicated, that although youth are more tolerant towards Muslims, Chechens, refugees or black people, they express more negative attitude than general society to traditional ethnic minorities: 23% would not like to live in a neighbourhood with Poles, 14% - with Russians, 32% with Jews and 71% with Roma. Additionally, the survey identified a deep mistrust among youth towards general society. More than 80% of youth indicated, that one has to be cautious while socializing with other people. Moreover, it seems that youth do not believe in democracy in general – only 19% believe that society has a possibility to influence the government and participate in decision making and slightly less than every fourth respondent (23% of all) believed, that there are enough means to protect human rights in Lithuanian society. The data clearly indicates that natural transformation to democracy with the change of generations is not taking place, as was expected.

However, both youth and general society have the most negative views about the Roma community, which clearly remains the most vulnerable group with regard to multiple discrimination in the fields of employment, education, housing, policing, etc. Extreme poverty, low educational levels, involvement in illegal activities and negative attitudes of the majority keep this group locked in social exclusion. The most common Roma stereotype is that they are inclined to commit offences, dirty, ailing and in general untrustworthy.

The majority of Roma people (more than 46%) are youths¹¹. This fact can be attributed to the latest tendency of migration or even the short life expectancy of Roma people because of their quality of living. Their integration into society is a difficult process because close to 40% of them do not know the state language (although a majority of them do speak Russian) thus the question of their education and later employment is very complicated. The myth of self-isolation of Roma people cannot be noticed evaluating their attempts to change the existing situation.

In this context a Eurobarometer survey "Discrimination in the European Union" conducted in June-July 2006 must be mentioned¹². According to the survey, discrimination based on ethnic origin or religious beliefs is perceived to be much less prevalent in Lithuania than in the EU generally. The survey revealed substantial disparities between Lithuanian and EU25 figures in that relatively small numbers of Lithuanians see being a person of a different ethnic origin (27% for Lithuania and 62% for EU25) or of a different religion (21% vs. 39%) as being a disadvantage.

¹⁰ Kampanijos "Visi skirtingi. Visi lygūs" efektyvumo tyrimas, www.visiskirtingivisilygus.lt, accessed May 10, 2008.

¹¹ Žmogaus teisių stebėjimo institutas, Romų padėties analizė 2005.

http://www.hrmi.lt/downloads/structure//Romu_padeties_analize_20050330.pdf, accessed April 15, 2007.

¹² Eurobarometer, Discrimination in the European Union,

http://ec.europa.eu/public_opinion/archives/eb_special_en.htm, accessed April 18, 2007.

Having in mind the previously quoted national surveys it may be presupposed, that the difference in figures can be the result of the lack of general understanding and knowledge of discrimination in Lithuanian society. However, it must be mentioned that young people are more aware of discrimination on the ground of ethnicity – almost half of the respondents believe, that being of different ethnicity might be disadvantageous in Lithuanian society¹³.

¹³ Kampanijos "Visi skirtingi. Visi lygūs" efektyvumo tyrimas.

5. Manifestations of racism and religious discrimination

5.1 Employment

The lack of comprehensive data on unemployment of ethnic minorities is one of the major obstacles to assess the real situation in the labour market. The Statistics Department under the Government of Lithuania stopped collecting unemployment data by ethnicity at the end of 2003, and data of previous years indicated that ethnic minorities tend to suffer higher unemployment¹⁴. More recently unemployed ethnic minorities were surveyed and the results of the research, although not providing knowledge on the overall situation, identified some of the causes of unemployment of ethnic minorities.

According to the latest research results, a significant percentage of unemployed minorities suffer from long-term unemployment (47,2% indicated being unemployed for more than 25 months)¹⁵, although most (76%) of them had basic or higher education. The biggest obstacle for successful integration into the labour market was indicated as the lack of state language knowledge (55,2%) and computer illiteracy (31,6%). Most of the representatives indicated willingness to improve their language skills (61%), however 69% claimed that there are no possibilities to do that.

The number of cases, brought to the attention of the Equal Opportunities Ombudsman office was also rather low in 2007. Out of 23 complaints on the ground of ethnicity and racial belonging, 8 complaints were submitted regarding discrimination in the employment field¹⁶. Thus it is not easy to evaluate the real scale of ethnic discrimination in the employment field among different ethnic groups.

However, the year of 2007 was different in this respect for the Roma community. Important research on Roma unemployment was conducted, which not only provided significant data, but also contributed to the shaping of the governmental policy in this area. According to previous research on the Roma in the Vilnius region conducted in 2001, 50% of men and 70% of women identified themselves as unemployed; only 7% had a profession¹⁷. Most Roma earn an income through temporarily work (in market, for instance) or even through criminal activities. 38% of Roma have no knowledge of Lithuanian and the level of illiteracy among the

¹⁴ Beresnevičiūtė, Vida, "Etninių grupių socialinės integracijos dimensijos šiuolaikinėje Lietuvos visuomenėje", in Etniškumo studijos / Ethnicity Studies 2005, (Vilnius: Socialinių tyrimų institutas, Eugrimas), 140.

¹⁵ Tautinių mažumų namai, Tautinių mažumų integracijos į darbo rinką galimybių tyrimas, http://www.tbn.lt/web_doc/informacija.doc, accessed 23 March, 2008.

¹⁶ Lygių galimybių kontrolieriaus tarnybos ataskaita 2007 m., <http://www.lygybe.lt/static.php?strid=1499>, accessed April 15, 2008.

¹⁷ Žmogaus teisių stebėjimo institutas, Romai: situacijos apžvalga, http://www.hrmi.lt/downloads/structure/Romu_padeties_analize_20050330.pdf, accessed May 3, 2007. There is no information that the situation has significantly improved since then.

Roma is very high. Many Roma do not have identification papers, and there are those who do not have any citizenship at all.

In 2007 the research focussed particularly on employment and the attitude of employers towards the Roma. The Centre for Ethnic Studies (CES) published a qualitative survey of 119 Roma who would like or had been in one way or another involved in the labour market¹⁸. Research revealed, that most Roma lack education and professional skills - every fifth person, who participated in the survey had no education at all, 17,6% had basic education, 83% had no profession at all.

In spite of that, research also revealed that the myth of the Roma being lazy and not willing to work is not founded – 73% of surveyed Roma were willing to work or were looking for a job. Despite the lack of professional competences, surveyed Roma were realistic about their possible careers – most of them indicated jobs that do not require particular professional skills (cleaners, housekeepers, dishwashers, etc.).

However, 82,4% surveyed Roma identified prejudice and negative attitude of employers as one of the main reasons of their unemployment. A survey of employers' attitude towards the Roma proved this reason to be well-founded. Almost half of surveyed employers (47%) stated that the Roma would probably not be offered a job in their company, and 44% believed that the Roma could hardly adjust to the working environment of their company.

The negative attitude of employers towards the Roma was a major issue in the first discrimination case on the ground of ethnicity ever brought to the court in Lithuania. October 29, 2007, S.M., a Roma by ethnicity, applied for a dishwasher position at a café in Vilnius. She called before arriving and was told, that a dishwasher was needed. S. M. arrived to the café having with her an official recommendation letter from the Vilnius Employment Exchange, since she was registered there since August as unemployed. However, when the administrator of the café saw her, she immediately asked whether S. M. was living in Kirtimai – a notorious Vilnius district where the Roma community live under severe conditions. When S.M. answered positively, the administrator of the café openly expressed her indignation saying loudly to her colleague, that “now they even teach those Roma to speak Lithuanian!” She immediately said that the dishwasher position was taken and that they did not need one anymore. S. M. felt insulted and applied for help to the Roma Community Centre and Human Rights Monitoring Institute.

¹⁸ Socialinių tyrimų institutas, Etninių tyrimų centras, Romų ir darbdavių nuostatos dėl Romų integracijos į darbo rinką 2007, <http://www.ces.lt/downloads/structure/files/>, accessed 23 March, 2008.

On the same day the representative of the Human Rights Monitoring Institute (HRMI), a Vilnius based human rights advocacy non-governmental organisation, decided to exercise a situation testing method¹⁹ to identify possible discrimination. This was the first attempt to use this well-known anti-discrimination case law method in Lithuania. HRMI sent a Lithuanian woman to apply for the job on the same day. The Lithuanian woman was immediately accepted and was also told in a derisive manner by the administrator of the café about a previous visit of a Roma woman. The results of the situation testing were recorded by the bailiff and later used in the court.

The case was brought to the attention of the Equal Opportunities Ombudsman, who decided to start an administrative procedure, however the investigation was halted, because the case was finally brought to court.

Although the ruling has not been issued yet²⁰, the importance of this case cannot be overestimated. Since this is the first discrimination case on the ground of ethnicity in the history of Lithuanian jurisprudence, many provisions of the anti-discrimination legislation will be tested in practice. Additionally, the situation testing method was used as a means to collect evidence for the first time.

Another similar case of discrimination against the Roma was investigated at the Equal Opportunities Ombudsman office. I.A., a Roma woman applied for a dishwasher job at a Chinese restaurant. Although she went to the employer with a recommendation letter from the Vilnius Employment Exchange (VEE) office, she was immediately informed that the place was already taken. The employer made a note to the VEE, that I.A. was not accepted because she lacked the professional competences for a dishwasher job. The Equal Opportunities Ombudsman investigated the complaint and since the owner of the restaurant did not manage to justify discriminatory behaviour, the breach of the Law on Equal Treatment was found. The employer was issued a warning to stop discriminatory actions.

5.2 Housing

In 2007 no significant data on discrimination in the housing area was received, thus the situation in this respect remained similar as in previous years. The lack of case-law and complaints at the Equal Opportunities Ombudsman institution or other institutions, presupposes that access to housing is not an important issue for most ethnic minorities, with exception to the Roma community, living in the Kirtimai suburb in Vilnius.

¹⁹ The situation testing method is used to collect evidence in cases of direct discrimination. The method might be used to prove discrimination on various grounds, however it is mostly applied in cases of discrimination on the grounds of race and ethnicity. However, the method is not acknowledged in all EU members states.

²⁰ The ruling is expected at the end of June, 2008.

Roma living in Vilnius Kirtimai suburb face low living standards. Housing, as well as sanitary conditions are of unsatisfactory standards. In the settlement where approximately half a thousand people live, most houses lack electricity, heating and drinking water. Secondly, most of the Roma's buildings in Kirtimai are illegally built so there are no possibilities to sell their property or change it.

Concerns regarding the unsatisfactory infrastructure and harsh living conditions in the Kirtimai Roma settlement were expressed by the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène. The Special Rapporteur visited Lithuania during his mission on September 16-19, 2007.

In his report on the mission to Lithuania, Special Rapporteur noted the precarity of living conditions, especially housing, to which the Roma community living in Kirtimai is exposed – lack of drinking water, sanitation, heating, overcrowded dwellings, etc²¹.

A small step forward to justice and finding solutions to the issue of housing of Roma settlement in Kirtimai was made by the Vilnius Regional Administrative Court on December 18, 2007. The Court ruled, that demolition of the Roma community houses in 2004 by the Vilnius municipality was illegal. The court also awarded 20 members of the Roma community 100 thousand litas (5000 Litass or approximately 1450 Euros each) in damages²². Although the aggrieved party claimed 5,5 million in damages and were rewarded only a small percentage of that, the ruling of the court might serve as a preventive measure against possible illegal future actions.

Despite the ruling, some members of the City Council of Vilnius openly urged further actions against the Roma settlement, including the demolition of illegally built houses, as well as dispersal of Kirtimai Roma community throughout the country as a means to tackle drug trade in the Roma settlement²³. The member of the City Council many times openly called the Roma settlement as “the biggest drug trade spot in the country”, “mafia”, accusing the whole community of being involved in drug production and trade.

5.3 Education

²¹ The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seventh session of the UN Human Rights Council, February 7, 2008

²² Už nugriautus namus Romai gaus 100 tūkst. Litų, Delfi, December 18, 2007, <http://www.delfi.lt/archive/article.php?id=15347483>, accessed March 30, 2008.

²³ Dėl taboro lūšnų prašoma kreiptis į teismą, Delfi, January 29, 2008 <http://www.delfi.lt/archive/article.php?id=15783112>, accessed March 30, 2008; A. Butkevičius: tabore tęsiasi nelegalios statybos, Delfi, February 2, 2008, <http://www.delfi.lt/archive/article.php?id=15946690>, accessed March 30, 2008.

Lithuania lacks comprehensive statistics on the real situation of discrimination in education²⁴. However, there is no doubt that access to education continues to be one of the most significant obstacles for the integration of the Roma community. The proportion of many young Roma failing to complete basic schooling is much higher than in other minorities. The latest available research indicates that the Roma community suffers from the lowest educational attainment rates²⁵. According to the research conducted in 2007, governmental policy towards the education of Roma was not effective enough. A special approach, encompassing complex means, encouraging participation in education of young Roma must be taken by public authorities²⁶.

There are very few Roma with a diploma, and a high rate of illiteracy prevails. The Roma had the highest rate of illiteracy according to the latest Census (2001) - as many as 31 illiterate persons per every 1,000 Roma aged ten and over. Among other ethnic groups, this index rates that 1.3 to 4.0. 38% of Roma people do not know the state language. Although compared to other minorities it is much more common that the knowledge of state language is less among the older generation, the situation with the Roma community is adverse. The Human Rights Monitoring Institute states that this may indicate that segregation has deepened during the last decade²⁷. This raises serious concerns, since 46% of the Roma are people under the age of 20 (comparing to 27% of state average)²⁸.

There are no precise official statistics on how many Roma pupils attend school, however, data provided by NGOs and schools suggests that there is a positive tendency of more and more Roma attending schools. However, many Roma start attending school late and this is usually the cause of dropping out and low attendance. Dropping out usually occurs at the age of 14-16, while the reasons for that are mostly related to assistance to family members, engagement in profit making activities, and early weddings in the case of girls²⁹. Another important finding from the latest research is the fact that Roma from the Kirtimai settlement in Vilnius suffer from a much higher lack of education, than Roma from other regions of the country, in spite of the fact that a pre-schooling as well as additional courses are organised in the Roma community centre in the Kirtimai settlement. In 2007 25 pupils age four to seven were attending this school³⁰. The Special Rapporteur in his report has also expressed his concern regarding Roma

²⁴ European Union Agency of Fundamental Rights Annual Report 2008, p. 70, http://fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf, accessed June 27, 2008.

²⁵ Department of Ethnic Studies, Institute for Social Research, RAXEN NFP, Roma in Public Education (November 2004), http://www.ces.lt/downloads/structure/files/Roma_Lithuania.pdf, accessed June 3, 2007.

²⁶ Romų bendruomenės socialinės integracijos galimybių tyrimas, Etninių tyrimų centras, tyrimo vadovas dr. Tadas Leončikas, 2007 m.

<http://www.lygybe.lt/ci.admin/Editor/assets/Romu%20integrac%20galimybes%20ataskaita.pdf>, accessed April 15, 2008.

²⁷ Žmogaus teisių stebėjimo institutas, Romai: situacijos apžvalga,

http://www.hrmi.lt/downloads/structure//Romu_padeties_analize_20050330.pdf, accessed May 3, 2007.

²⁸ Data of 2001 Census.

²⁹ Romų bendruomenės socialinės integracijos galimybių tyrimas, Etninių tyrimų centras, tyrimo vadovas dr. Tadas Leončikas, 2007 m.

<http://www.lygybe.lt/ci.admin/Editor/assets/Romu%20integrac%20galimybes%20ataskaita.pdf>, accessed April 15, 2008.

³⁰ Tautinių mažumų ir išeivijos departamento prie Vidaus reikalų ministerijos 2007 m. veiklos ataskaita, <http://www.tmtd.lt/wp-content/uploads/2008/05/2007ataskaita-lrv.pdf>, accessed April 15, 2008.

education, saying that although the existence of such a preparatory school in Kirtimai is seen as a very positive development, Roma children might often be subjected to prejudice once they start regular schools, due to the lack of multicultural training for both teachers and pupils in these schools³¹.

Speaking about other ethnical groups, Lithuania has a relatively well-developed infrastructure for minority education, namely primary and secondary education in minority languages. A number of state supported minority weekend schools are functioning as well. Under the Law on Education, in municipalities with a substantial national minority, upon the community's request, education is granted in the minority language. In 2006-2007, in terms of language instruction, the number of secondary schools was the following: 64 Polish and 17 Polish-Lithuanian; 44 Russian and 20 Lithuanian-Russian; 13 Polish-Russian schools; five Lithuanian-Russian-Polish schools; and one Byelorussian. Additionally, there is a Jewish and a German school that combine instruction in Lithuanian with Jewish or German language courses, history and culture³². However, latest available research indicated that minority schools were lagging behind majority schools in achieving greater variety in school types (regular secondary schools or gymnasiums) and curriculum development³³.

No complaints regarding discrimination in education were submitted to the Equal Opportunities Ombudsman office, or to court. There is also no unofficial information regarding possible discrimination cases in the education field.

5.4 Health

There is no official or unofficial information regarding discrimination of ethnic minorities in the field of health care. No court cases or complaints at the Office of the Equal Opportunities Ombudsman were received during 2007.

However, although national legislation does not discriminate against ethnic or religious minorities in the sphere of health care, certain communities are still vulnerable to discrimination. This particularly concerns the Roma, since a high number of Roma are unemployed, they do not pay social contributions. According to the law, persons who do not pay the obligatory social insurance payments can not apply for free health care services. In case of illness, people who are not insured through the obligatory social insurance can only expect free services for first aid. Additionally, a number of Roma do not have any identification documents. Thus in such a situation it is not possible to access health services.

³¹ The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seventh session of the UN Human Rights Council, February 7, 2008
<http://daccessdds.un.org/doc/UNDOC/GEN/G08/105/24/PDF/G0810524.pdf?OpenElement> accessed March 25, 2008.

³² Ibid.

³³ Centre for Ethnic Studies Institute for Social Research, RAXEN NFP, National Annual Report 2004 - Lithuania
http://www.ces.lt/downloads/structure/files/Nat%20Rep%202004%20Exe%20summary_Eng.pdf, accessed May 23, 2007.

A number of refugees, after the period of integration encounter difficulties accessing health services. After the expiry of the period of integration foreigners granted refugee status are insured by the compulsory health insurance as permanent residents of the Republic of Lithuania. However, those foreigners who are granted subsidiary protection and temporal residence permits and who do not work find themselves out of the system of social and health care. Such practice is common: either they waste the time to insure, or they work illegally. According to Article 4 part 5 of the Law on Health Insurance³⁴ the Government is obliged to adopt an order concerning funding their health care, but no by-laws are adopted yet. According to the Law on Health Insurance, minors who are granted subsidiary protection have to be insured by the state. Nevertheless, there is a common practice that doctors require a note about the insurance, although it is unnecessary.

5.5 Policing and racial profiling

The usage of racial profiling by the law enforcement institutions in Lithuania is difficult to estimate. No official complaints were registered in this respect. However, it is highly possible that Roma or Chechens in some instances may be affected by racial profiling used by the police. Since Roma are the most criminalised minority in press, they may be treated as suspects more often just because of their ethnic origin (particularly in cases related to drug dealing).

The Government of the Republic of Lithuania implements a national programme against terrorism, where certain measures to tackle violent radicalisation, and prevention of terrorism are foreseen. However, the programme is classified, non-governmental organisations or civil society in general does not have access to it. Thus it is not known whether any measures related to racial profiling may be sanctioned by the authorities.

On the other hand, unofficial data indicates that at least a certain number of cases of racial profiling occur every year. Third country nationals (sometimes EU citizens as well) of non-white ethnic origin arriving to Lithuania and persons coming from specific countries occasionally face “special” attention when entering the state by borderline officials, even when they are citizens of an EU country. However it is not clear whether officials are acting in this manner due to specific regulations or recommendations provided by the state or due to the lack of professionalism and prejudice.

5.6 Racist violence and crime

Unfortunately the European Year of Equal Opportunities for All 2007 was marked with the increase of racist violence and crime. Although racist crimes are generally quite rare in Lithuania, the first half of 2007 was distinguished with

³⁴ 21 May 1996 the Law on Health Insurance No I-1343.

racist attacks in Vilnius and Klaipeda – the most ethnically and culturally diverse cities of Lithuania.

Recent research and unofficial data indicated that extreme right-wing movements (skinheads) were gaining strength in recent years³⁵. This is approved by skinheads themselves who claim that the number of persons willing to support their ideas and join their movement is remarkably high and some right-wing movement pioneers speak about the rise of the second generation of skinheads³⁶.

In 2007 the exceptional rise of racist attacks was monitored in Klaipeda. At least four students of the international LCC (Lithuanian Christian College) University in Klaipeda were regularly physically attacked in spring over a period of two months. The administration of the University seriously worried about the rise of violence and took measures to address the situation – a private security company was hired to patrol the outskirts of the University and in the surroundings of the student campus, the rector of the University held a meeting with the mayor of the city to discuss the situation³⁷.

Students visiting the Klaipeda Social Sciences College from Turkey and Portugal were also harassed and attacked. The college later organised an event for international students and guests, however, participants from Turkey and Portugal, living in Vilnius refused to participate in the event fearing for their safety in Klaipeda³⁸.

Although Klaipeda police representatives denied racial motivation of at least two of the crimes, the Embassy of the United States of America took the situation of Klaipeda into account and announced on their website that citizens of the USA should be aware and cautious about possible racist violence in Klaipeda³⁹. Despite inquiries of some members of Parliament to remove the warning⁴⁰, because, according to them, it was inadequate and harmful towards the image of the city, the warning has remained posted ever since⁴¹.

³⁵ Kiaulakis, Giedrius, "Dešinysis ekstremizmas Lietuvoje", in Socialinių tyrimų instituto etninių tyrimu centras, Etniškumo studijos 2006/1 (Vilnius: Eugrimas, 2006), 76.

³⁶ Degutis Gintautas, Skustagalvis garsina smurtas, *DELFI*, December 8th 2007, <http://www.delfi.lt/archive/article.php?id=15255369>, accessed April 15, 2008.

³⁷ Remeika Arnoldas, JAV ambasada Klaipėdą paskelbė kitataučiams pavojingu miestu, *Klaipėda*, published in *DELFI*, June 19th 2007, <http://www.delfi.lt/archive/article.php?id=13557303>, accessed April 30, 2008.

³⁸ Remeika Arnoldas, Kitataučius studentus Klaipėdoje nuo skinų saugo apsaugos tarnybos, *DELFI*, June 18th 2007, <http://www.delfi.lt/archive/article.php?id=12904632>, accessed April 30, 2008.

³⁹ Remeika Arnoldas, JAV ambasada Klaipėdą paskelbė kitataučiams pavojingu miestu, *Klaipėda*, published in *DELFI*, June 19th 2007, <http://www.delfi.lt/archive/article.php?id=13557303>, accessed April 30, 2008.

⁴⁰ Ibid.

⁴¹ Information at the website of the U.S. Department of State, http://travel.state.gov/travel/cis_pa_tw/cis/cis_952.html.

The most severe racist attack occurred in November, 2007. A Somali man, living in Klaipeda for 6 years was beaten in Palanga⁴². The man suffered serious injuries and was hospitalized. It is supposed that he was beaten by right-wing extremists because a few weeks before the accident he had taken part in a TV program focusing on diversity and had mentioned previous attacks on him. After spending about a month in hospital the man died. The crime is still under investigation.

The number of physical attacks on asylum seekers and refugees has increased. Earlier, such incidents were reported in Pabradė and Rukla where two reception centres are situated. Now refugees living in different parts of Lithuania, mostly in cities where there is a noticeable concentration of them experience more and more violence.

Racist violence has also been carried out on famous people. A black basketball player from a famous Vilnius basketball team was insulted, racially harassed and physically assaulted in Vilnius by a group of men in November, 2007⁴³. Before this case another black basketball player of the same team had also been insulted and attacked by a group of men while leaving a shopping centre. The perpetrators were not identified.

At least a few other cases of racist attacks occurred in the capital. In May a group of 15-16 skinheads attacked a black man⁴⁴. He was severely beaten and his mobile phone was stolen. The victim was brought to the police by a famous music star who witnessed the attack and was terrified by the accident.

Racist incidents followed some of the sports events as well. In June 2007, during the football match between teams of Vilnius and Klaipeda, football fans from Klaipeda were chanting racist slogans towards the Vilnius team player from Brazil⁴⁵. In August, during the football match between the city of Panevezys of Lithuania and the Norwegian football club, fans of the Lithuanian football club were shouting racist slogans, urging to kill a black player of the Norwegian club⁴⁶. The Norwegian club informed the Union of the European Football Association (UEFA) about the case.

However, the most well know case of racism in sport took place in March, 2007, during the football match between Lithuania and France. Some of the Lithuanian fans spread a flag during the match which had a picture of the African continent,

⁴² Somaliečiui atkeršyta už viešumą, *Lietuvos rytas*, November 9, 2007, <http://search.lrytas.lt/-11946075291194010328-p1-Lietuvos-diena-Somalie%C4%8Diui-atker%C5%A1yta-u%C5%BE-vie%C5%A1um%C4%85.htm>, accessed April 30, 2008.

⁴³ Pradėtas tyrimas dėl „Lietuvos ryto“ žaidėjo užpuolimo, *DELFI*, November 27, 2007, <http://www.delfi.lt/archive/article.php?id=15131513>, accessed April 30, 2008.

⁴⁴ E. Jennings šokiravo rasistiniai išpuoliai, *Lietuvos rytas*, May 31, 2007, <http://search.lrytas.lt/-11805602341178251927-p1-%C5%BDmon%C4%97s-E-Jennings-%C5%A1okiravo-rasistiniai-i%C5%A1puoliai.htm>, accessed April 25, 2008.

⁴⁵ Per rungtynes – ir rasizmo išpuoliai ir grasinimai užmušti, *DELFI*, June 19, 2007, <http://www.delfi.lt/archive/article.php?id=13558962>, accessed April 25, 2008.

⁴⁶ "Ekranu" fanams – kaltinimai rasizmu, *DELFI*, August 18, 2007, <http://www.delfi.lt/archive/article.php?id=14106212> accessed April 25, 2008.

coloured in the French national colours with slogans saying “Welcome to Europe”. Although the Lithuanian Football Association (LFF) as well as representatives of the fan club denied any racist motivation of this act⁴⁷, naming it as “misunderstanding”, UEFA issued LFF a fine for this event.

After the rise in the number of racist incidents in football, the Lithuanian Football Association was approached by various non-governmental organisations, who were involved in the national “All Different. All Equal” campaign. NGOs in cooperation with LFF organised a series of events against racism in sport (anti-racist graffiti contest in Kaunas football stadium, informational campaign before football matches; players were given T-shirts with anti-racist slogans, etc.)

The rise of racist incidents and crimes is also well reflected in the official statistics on crime. For instance, in 2007 the number of investigations regarding incitement of hatred against a group of persons more than doubled, compared to previous year⁴⁸.

5.7 Access to goods and services in the public and private sector

Reliable statistical data about the situation of discrimination in the area of access to goods and services remained non-existent in 2007. No complaints to the Equal Opportunities Ombudsman were filed regarding this. There is also a lack of research in this area.

On the other hand, according to unofficial information, it is highly possible that Roma do face discrimination in accessing services or goods in everyday life. Additionally, unofficial information also indicates that dark-skinned foreigners occasionally face discrimination in the field of access to goods and services. In 2007, as well as in previous years, some cases when dark-skinned “Erasmus” exchange programme students were discriminated while trying to rent accommodation.

Refugees also encounter discriminatory attitudes while trying to settle. After one year the state supported the integration of refugees to start living on their own. In many instances Lithuanian citizens do not want to rent accommodation to refugees and refuse to rent an apartment. Another common problem is that even if a refugee succeeds in renting an apartment, the owner does not want a refugee to make an official declaration that he lives in the apartment. However, such cases are not registered and there are no relevant statistical data.

Other members of national minorities who do not know the state language may also encounter difficulties. In the area of access to services in the public sector, it is quite common that people who do not know the state language do not obtain

⁴⁷ Garkauskas Paulius, Prisi pažino sirgaliai, per rungtynes išskleidę rasistinio pobūdžio plakata, *DELFI*, May 4 2007, <http://www.delfi.lt/archive/article.php?id=13086648>, accessed April 25, 2008.

⁴⁸ For more information about official statistics on racist crimes see section “Racism as a crime” of this report.

all the necessary information. Translation services are quite expensive. According to the Law on Public Administration⁴⁹, administrative procedures are carried out in the state language. Article 29 of this law obliges the institution which executes the administrative procedure to invite a translator if the person does not know the state language. Additionally, minority languages are widely used in practice in the municipalities, where the Lithuanians constitute a minority (Salcininkai region municipality, Visaginas, Vilnius region municipality) and persons can address the administration as well as municipal council in Russian or Polish.

5.8 Media, including the internet

The number of openly xenophobic articles regarding minorities in the media decreased significantly. The Journalist Ethics Inspector did not mention it as an issue in 2007⁵⁰. According to the Inspector himself, racism is not an issue in Lithuanian media and Lithuanian society⁵¹.

However, in spite of that, latest available research indicated that the media tends to put information about ethnic minorities in a negative context⁵². This is especially true, in the case of the Roma minority, because most articles which provide any information about the Roma focus on criminal activities (mainly drug dealing) or exhaustive images of their everyday life.

There is a tendency to picture minorities in the light of certain political events. Russians for instance are usually mentioned in the context of foreign policy of the Russian Federation, the denial of Soviet crimes in Lithuania, etc. The press usually emphasises the picture of the local Russian minority as politically active and loyal to the Russian state. The issues of Jews are also usually discussed in a political context as well as in the light of restitution of real estate, picturing Jewish people as willing to take over property which do not belong to them.

Articles on migrant issues also receive negative reaction from a part of the society. In the end of 2006 – in the beginning of 2007 two African-American families of asylum seekers from Malta were resettled in Lithuania. Their cases were followed with racist and discriminatory commentaries on the internet. Those commentaries often follow any kind of information related to asylum seekers or refugees.

The issue of comments on the internet received much more attention in 2007. Since racist incidents were widely covered by the media, more articles on this

⁴⁹ Law on Public Administration, Valstybės Žinios No. 60-1945 (1999).

⁵⁰ Žurnalistų etikos inspektorius 2007 m. veiklos ataskaita, <http://www3.lrs.lt/docs2/HESXBRVX.PDF>, accessed May 2, 2008.

⁵¹ The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seventh session of the UN Human Rights Council, February 7, 2008

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/105/24/PDF/G0810524.pdf?OpenElement> accessed March 25, 2008.

⁵² Beresnevičiūtė Vida, Frėjūtė-Rakauskienė Monika, „Etninis nepakantumas Lietuvos žiniasklaidoje: dienraščių analizė“, in Socialinių tyrimų instituto etninių tyrimų centras, Etniškumo studijos 2006/1 (Vilnius: Eugrimas, 2006), 19-43.

appeared on-line. Unfortunately, in a number of cases anonymous commentators urged hatred and expressed racist ideas whilst commenting those articles. The biggest part of criminal investigations, on incitement of hatred started regarding the comments on the internet news portals.

6. Political and legal context

In 2007 the attention from the media, civil society as well as from the international community, contributed to the voicing of the messages that stronger policy measures to fight racism are needed. At the end of the year the government made important steps towards developing social inclusion policies for ethnic minorities – new governmental strategies on the policy of ethnic minority inclusion as well a new Roma integration programme were passed. Additionally, a competence of pre-trial investigation institutions to deliver racist case to courts slightly improved.

However, there is a number of areas where positive developments are still lacking – further improvement of investigation of racist crimes, the creation of data collection system of racist violence, the involvement of minority NGOs in decision making, the development of a legal framework (in 2007 racist motivation was still not considered as an aggravating circumstance, antidiscrimination legislation was incompliant with the requirements of EU Race directive).

6.1 Anti discrimination

The period of transposition of the EU Race directive into national legislation passed in 2005. However, in 2007 Lithuanian anti-discrimination legislation remained incompliant with the EU equality directives in a number of important areas.

The general principle of equality of persons is embodied in the Constitution of the Republic of Lithuania⁵³ and repeated in a number of laws. However, the Law on Equal Treatment⁵⁴, which came into force on 1 January 2005 was designated particularly to ensure the implementation of the EU anti-discrimination law (namely, Directives 2000/43/EC and 2000/78/EC) at national level.

The Law on Equal Treatment covers the prohibition of discrimination on all grounds listed in Directives 2000/78/EC and 2000/43/EC. However, it failed to transpose the requirements of the directives in a significant number of crucial areas⁵⁵.

Firstly, the requirement of the EU anti-discrimination law regarding the engagement of associations in judicial proceedings, on behalf or in support of the victim, have not been properly transposed. No criteria, establishing a list of

⁵³ The official website of Seimas, The Constitution of the Republic of Lithuania <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>, accessed 2 June, 2006.

⁵⁴ The Law on Equal Opportunities, Official Publication Valstybės žinios, 2003, No.114-5115.

⁵⁵ Most of these drawbacks were partially eliminated in June 2008, when Parliament passed an amendment of the Law on Equal Treatment.

possible associations, which could engage in judicial or administrative procedures (having a legitimate interest), were set in national legislation. Under current legislation, legal representation by associations at court is not possible⁵⁶.

Secondly, according to national law, the shift of the burden of proof was legally possible in cases of gender discrimination only. In 2007 individuals did not have this procedural guarantee in courts or other institutions in regard to discrimination on other grounds, including ethnicity, racial belonging or religion. However, it must be mentioned, that the Equal Opportunities Ombudsman institution, investigating complaints on the ground of ethnicity did actually apply the shift of the burden of proof in practice.

Thirdly, the prohibition of victimization did not correspond to the requirements, set by the Race directive. The Law on Equal Treatment formally did not provide protection to other people involved in discrimination cases from victimization on behalf of employer (witnesses, other employees that a person who actually filed a complaint, etc).

Fourthly, the definition of discrimination in national law might not precisely correspond to the wording, provided in the Race directive. The national wording signifies that the law does not cover protection from discrimination in case of assumed characteristics. This might narrow the material scope of the national law, protecting from discrimination, in comparison to the EU law. As there are no other definitions of discrimination in other laws, persons are not protected from assumed or associated discrimination on all grounds, including ethnicity, racial belonging or religion.

Moreover, one of the major issues for victims of discrimination – the effectiveness of sanctions – remained unsolved in 2007. Sanctions, which may comprise the payment of compensation to the victim, must be effective, proportionate and dissuasive. According to the Law on Equal Opportunities of Women and Men, only persons whose rights were violated on the ground of gender have a right to demand for compensation before the court as set by the Civil Code. Other sanctions, which could be considered effective, proportionate and dissuasive, are not applied.

The Equal Opportunities Ombudsman was given competence to investigate complaints on discrimination, but the decisions of the Ombudsman do not have a compensatory effect to the victim. According to the national law, the Ombudsman has a right to impose administrative sanctions (according to Administrative Violations Code), however they can hardly be considered as of effective, proportionate and dissuasive character. Additionally, the Ombudsman rarely exercises the issuance of fines as an administrative sanction in practice⁵⁷. Mostly

⁵⁶ According to article 56 of the Code of Civil Procedure of the Republic of Lithuania, legal representation is exercised strictly by attorneys (with some exceptions only).

⁵⁷ In 2007 no decisions to issue a fine as an administrative sanction were taken by the Ombudsman.

the decisions of the Ombudsman are warnings of recommendatory character⁵⁸. The effectiveness on the national equality body in this respect was doubted by the EU Fundamental Rights Agency as well⁵⁹.

The Law on Equal Treatment established an institution for promotion of equality of persons, not only on the grounds of racial or ethnical origin, but also for other grounds in Lithuania in 2005. The law expanded the mandate of the previous institution (The Ombudsman of Equal Opportunities of Men and Women). The Equal Opportunities Ombudsman supervises the implementation of the Law on Equal Treatment, reports about the implementation of the law and submits recommendations to State government and administration institutions of the Republic of Lithuania. It also promotes equal treatment of persons via educational activities done in cooperation with local and international NGOs.

The national Equality body was fairly active in promoting equality and awareness raising in 2007, since it was the national institution implementing the Year of Equal Opportunities for All in the country. Many educational and awareness raising activities were implemented by the Ombudsman in the framework of the National anti-discrimination programme for 2006-2008. Additionally, a lot of research was conducted with the support of the Ombudsman, which significantly contributed to the change of governmental policies towards ethnic minorities (particularly Roma)⁶⁰.

The ministry of Social Affairs and Labour also contributed to the review of the national anti-discrimination legal framework⁶¹. The review was done while implementing the national Anti-discrimination programme 2006-2008. Some aspects of the review were taken into account in the new wording of the Law on Equal Treatment in 2008.

6.2 Migration and integration

In 2007 many more public discussions on migration were taking place, due to the event of the European Year, as well as the situation of the labour market. The demand for labour force, especially in the construction business, encouraged entrepreneurs to invite more third country nationals (mostly Ukrainians, Byelorussians and Chinese) to work in Lithuania. Many more work permits were issued in 2007 than in previous years. However, public opinion regarding these trends was rather negative. Lithuania remains one of the EU Member States, where only 20% of the society believes that immigrants bring added value to the state (EU 25 average – 40%)⁶². A research, conducted in the beginning of 2008

⁵⁸ However perpetrators tend to observe it and usually stop discriminatory actions or behaviour.

⁵⁹ European Union Agency of Fundamental Rights Annual Report 2008, p. 7, 17, 18, http://fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf, accessed June 27, 2008.

⁶⁰ For more information see section "Social inclusion" of this report.

⁶¹ Lietuvoje galiojančių darbo įstatymų analizė nediskriminacijos požiūriu, Ministry of Social Affairs and Labour, <http://www.socmin.lt/index.php?1606775163>, accessed May 2, 2008.

⁶² Eurobarometer, Discrimination in the European Union, http://ec.europa.eu/public_opinion/archives/eb_special_en.htm, accessed April 18, 2007.

revealed, that 62% of the population believe that immigrants might cause social unrest⁶³.

The number of persons granted refugee status throughout reporting period remained to be low: in 2007 9 persons were granted refugee status (2% of all decisions to grant asylum, 1,8% of all kind decisions); 393 (98% of all decisions to grant asylum) asylum seekers were granted a subsidiary form of protection. 51 persons were refused any form of protection in the Republic of Lithuania. In comparison to the figures following decisions taken in previous years, the percentage of asylum seekers who received any form of asylum in the Lithuanian Republic is almost the same. Majority of asylum seekers are of Chechen origin and with regard to them the *non-refoulement* principle is applied, i. e. they can not be returned to their country of origin due to serious human rights violations and absence of internal flight alternative⁶⁴.

The Foreigners' Registration Centre was previously used mainly as a detention facility for illegal migrants. Now asylum seekers are hosted here for the entire duration of the asylum procedure (in the first instance it may last up to three months; six months in exceptional cases). The Foreigners' Registration Centre lacks professional staff for social and psychological assistance, especially for assisting asylum seekers with special needs, who currently find themselves in a poor social environment, surrounded by uniformed border guards and in the presence of detained illegal migrants.

During the one-year period of integration, refugees are provided with education, medical, social, psychological and other services in accordance with their needs, assisted in joining the local community and the labour market, they are insured by the compulsory health insurance. After twelve months the integration period may be prolonged up to 60 months if a foreigner belongs to a highly vulnerable social group, such as a pregnant woman, a person with mental disorders, a senior person, or a disabled person.

Important legal developments were taking place in the area of migration in 2007, since Lithuania joined the Schengen area on the 21st of December 2007. The amendments of the Law on the Aliens Legal Status (further – Aliens Law) concerning the Schengen area were adopted on the 1st of February 2008 and has come into force on the 23rd of February 2008. However, the amendments of the Aliens Law have not significantly influenced asylum procedures. Firstly, temporary and permanent residents (accordingly, persons who have received subsidiary protection or refugee status) were provided with the right to move to the Schengen area. Also Article 53 was supplemented by subparagraph 8, which states that (1) persons who have reached the age of 75, (2) persons acknowledged to be capable of work by 0-25% and (3) persons to whom the

⁶³ Požiūris į darbo migrantus, STI Etninių tyrimų centro agentūros RAIT atlikta apklausa 2008 vasario 29 – kovo 13 d. <http://www.ces.lt/downloads/structure/files/2008%20Darbo%20migrantai.pdf>, accessed May 2, 2008.

⁶⁴ Migration Department under the Ministry of Interior. Annual Report 2007. P. 19-20.

level of special needs has been established according to the procedure established by legal acts, as well as (4) persons with severe chronic psychic disorders shall be exempt from the requirements to pass an examination in the state language and basic principles of the Constitution of the Republic of Lithuania, when applying for a permanent residence permit.

It is also worth mentioning that in the end of 2007, amendments were made to the Statute⁶⁵ of the Foreigner's Registration Centre, where asylum seekers are accommodated until the final decision in their asylum case, as well as Order⁶⁶ of the conditions of temporal foreigners' accommodation in the Foreigners' Registration Centre. The most important amendments provide social and psychological assistance for vulnerable asylum seekers. If put in practice, the application of new provisions will be a great step forward in implementing the Directive 2003/9/EC⁶⁷. There is a provision in the Order allowing asylum seekers to keep their mobile phones liberalizing living conditions in the Foreigner's Registrations Centre. However, the new Order also provides a temporary opportunity (up to 48 hours) to restrict the movement of asylum seekers who do not keep an order, which seems to be an unnecessary restriction of their right to freedom.

Despite the mentioned amendments in by-laws, no law amendments related to reception system were made in 2007, thus, it should be noted that the reception system still might be characterized as being not in the line with Article 13, 14, 15, 17, 18, 20 and 24 of Directive 2003/9/EC⁶⁸.

The situation of social rights of asylum seekers who are granted subsidiary protection and temporary residence permits, has remained the same: after the one year period of social integration they are left outside of the social security system, which might not be considered to be in compliance with Article 28 of Directive 2004/83/EC⁶⁹ as the State does not guarantee the core benefits and a sufficient period of social integration to the foreigners granted subsidiary protection.

The Lithuanian Red Cross society remains the main organisation working with refugees. In 2007 the Red Cross have implemented a project called "Complex Assistance in the Foreigners' Registration Centre" financed by the European Refugees' Fund. The partners of the project are the Foreigners' Registration Centre and another NGO "Vilniaus Arkivyskupijos Caritas". In the framework of this project, asylum seekers received humanitarian assistance: meals, clothes,

⁶⁵ 29 December 2007 the Statute of the Foreigner's Registration Centre of the State Border Guard Service under the Ministry of Internal Affairs No. 4-1220.

⁶⁶ 4 October 2007 Order of the Conditions of Temporal Foreigner's Accommodation in the Foreigners' Registration Center No. 1V-340.

⁶⁷ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

⁶⁸ Existing drawbacks of the reception system are explained below.

⁶⁹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

and hygiene goods, if necessary medical service was organized. A number of feasts, and excursions were organized for asylum seekers. In 2008 all activities provided in the Foreigners' Registration Centre are transferred to Pabradė Day Centre.

Another project implemented by the Lithuanian Red Cross in cooperation with the Refugees' Reception Centre and Vilnius University Legal Clinics is "Consolidated Assistance to the Persons Granted Asylum II" financed by the European Refugees' Fund. The main idea of the project is to assist refugees during the period of social integration. In the context of this project the Refugees' Day Centre, (established in 2004 in Kaunas) is given financial support. Refugees' Day Centre is visited by at least 40 refugees every day. All activities in the Centre are based on the refugees' initiative. To reduce negative attitude towards refugees there are meetings with the local society that are organized in the Centre.

6.3 Criminal justice

6.3.1 Racism as a crime

The following provisions, tackling racist crimes are embodied in the Criminal Code of the Republic of Lithuania:

- Article 169 of the Criminal Code of the Republic of Lithuania prohibits severe discriminatory behaviour on the basis of various grounds including nationality, ethnicity, racial belonging or religion;
- Article 170 of the Criminal Code prohibits incitement against national, racial, ethnic, religious or other groups of residents;
- Article 312 Part 2 of the Criminal Code provides criminal liability for the desecration of graves for reason of race, ethnic background or religion.

It was already mentioned, that the number of racially motivated incidents and crimes as well as the attention given by the media and civil society organisations towards such acts increased significantly in 2007. However, the committing of an offence with a racist motivation or aim is not yet considered as an aggravating circumstance by the Criminal Code. This legislative gap was also noticed by the UN Special Rapporteur on racism⁷⁰. The government prepared a draft law on this issue. However, the Parliament did not manage to pass it yet.

Official statistics prove the constant growth of racist crimes. According to the general statistics of the Centre for Crime Prevention in Lithuania on criminal

⁷⁰ The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seventh session of the UN Human Rights Council, February 7, 2008 <http://daccessdds.un.org/doc/UNDOC/GEN/G08/105/24/PDF/G0810524.pdf?OpenElement> accessed March 25, 2008.

offences in 2007⁷¹, 2 criminal investigations were started on the basis of Article 169 of the Criminal Code (no investigation regarding this was started in 2006). Additionally, according to the Special Investigation Department of the General Prosecution Service the number of investigations regarding incitement of hatred against a group of persons more than doubled – 36 investigations were started under the Article 170 of the Criminal Code (comparing to 17 in 2006).

Out of these criminal investigations, 25 criminal investigations directly dealt with racist motivations – discrimination or incitement of hatred against a person or a group regarding their ethnicity or racial belonging⁷². In most cases, criminal activities were aimed at Jews (18 investigations) and Roma (4 investigations).

Although the Special Investigation Department is not dealing with cases of desecration of graves for reason of race, ethnic background or religion, these acts are often committed with racist motivation. In 2007 the total number of started investigation regarding desecration of graves (not distinguishing racist motivation) was 93, which is higher than in 2006 (84 investigations). A significant number of such acts are aimed at Jewish cemeteries and memorial places. In March 12 headstones in the Suderve Jewish cemetery in Vilnius were destroyed, in July vandals desecrated the Jewish cemetery in Bajorai village, Rokiskis region, on two separate occasions. On September 23, on the Holocaust Memorial Day in Lithuania, a Jewish cemetery in Panevezys was vandalized⁷³.

The growth of criminal investigation regarding previously mentioned articles of the Criminal Code can be explained not only by the factual growth of crime, but by a more active position on the Prosecution to tackle such crimes as well. Additionally, since most of the crimes concerned incitement of hatred (mostly on the internet), civil society organisations and human rights NGO's became more active in reporting incitement cases to the police.

It must be mentioned that the capacity of the Prosecution to bring cases to court increased comparing to previous years. In total, 10 cases regarding incitement of hatred were brought to court and 10 perpetrators were sentenced (mostly issued fines, in some cases computers of the perpetrators were confiscated). This is a very positive step forward, since in 2006 none of the cases were taken to court.

The Special Investigation Department became much more vigilant in investigating such cases as well as monitoring the criminal investigation in this field. In June 2007 it published an overview of such criminal investigations, identifying problematic aspects of such cases as well as providing

⁷¹ Informatikos ir ryšių departamentas prie Vidaus Reikalų Ministerijos, Duomenys apie padarytas nusikalstamas veikas Lietuvos Respublikoje 2007 sausio – gruodžio mėn.

<http://www.nplc.lt/stat/atas/ird/1g/2007/1g200712w.doc> , accessed May 10, 2008.

⁷² Generalinės prokuratūros Specialiųjų tyrimų skyriaus metinė ataskaita 2007,

<http://www.prokuraturos.lt/nbspnbspnusikaltimaižmoniškumui/tabid/221/Default.aspx> , accessed May 10, 2008.

⁷³ U.S. Department of State Country Report on Human Rights Practices in Lithuania 2007, <http://www.state.gov/g/drl/rls/hrrpt/2007/100569.htm>, accessed April 30, 2008.

recommendations to the police on how to implement investigation more effectively⁷⁴.

However, statistical information regarding racially motivated crimes remained very poor in 2007. Although racial motivation was included into statistical cards, used by the pre-trial criminal investigation institutions at the end of 2006, it did not provide any use. Statistical information, collected from pre-trial statistical cards, is managed by the IT and Communications Department under the Ministry of Interior. However, according to this statistical information only three criminal activities were racially motivated during the period of 2007⁷⁵, what does not correspond to the number of racist crimes.

Taking into account the actual number of cases taken to court regarding incitement (which is obviously done with racist motivation), previously quoted number show that a system of collection of statistical information from pre-trial statistical cards is functioning erroneously or not functioning at all. Thus it is impossible to assess the actual level of racially motivated crimes in the country.

6.3.2 Counter terrorism

The Government of the Republic of Lithuania is implementing a national programme against terrorism, where certain counter terrorism measures as well as measures to tackle violent radicalisation are foreseen. As the programme is classified, non-governmental organisations or civil society in general does not have access to it.

Thus it is not known whether any measures related to counter terrorism may affect minorities, third country nationals or general society. No complaints or unofficial information is available in this respect.

6.3.3 Racial profiling

There is no official information available regarding the usage of racial profiling in national security measures against terrorism. No public political discussions regarding this issue were noticed in 2007 and no official documents indicate that it may be the policy of the state.

6.4 Social inclusion

In 2007 the government continued implementing its social inclusion policies of minorities, embodied in three main policy documents: the Action Programme for

⁷⁴ Nusikalstamų veikų asmens lygiateisiškumui ir sąžinės laisvei ikiteisminio tyrimo apibendrinimas, Generalinės prokuratūros Specialiųjų tyrimų skyrius, 2007-06-26
<http://www.prokuraturos.lt/nbspnbspNusikalstamaismoniskumui/tabid/221/Default.aspx>, accessed April 30, 2008.

⁷⁵ Official letter of the IT and Communication Department under the Ministry of Interior of the Republic of Lithuania to the inquiry of the Lithuanian Centre for Human Rights.

the Integration of National Minorities into Lithuanian Society for 2005–2010, National Anti-discrimination Programme for 2006–2008, Measures to tackle poverty and social exclusion 2007-2008 (approved by the government in January, 2007). The issues of ethnic minorities are rather well taken into account in both programmes; however there is no focus on minorities as well as migrants in the list of measures to tackle poverty and social exclusion. It seems that the issues of minorities and migrants were not at the top of the agenda of Ministry of Social Affairs and Labour in the field of social exclusion and fighting poverty. The action of the ministry was dominated by measures to integrate people with disabilities, as well as elderly, fighting gender discrimination.

The national anti-discrimination programme for 2006-2008 quite objectively identifies the state and the main causes of discrimination of ethnic minorities and foresees a significant number of measures to improve the situation. However, this programme is mainly aimed at awareness raising, education of society and improvement of a legal base to tackle discrimination on all grounds, rather than just social inclusion. No direct measures to tackle unemployment, the lack of education, language barriers of particular minority groups and migrants were foreseen.

The Action Programme for the Integration of National Minorities into Lithuanian Society for 2005–2010 places much more emphasis on securing the identity of minorities, supporting cultural activities. The programme was rather reasonably criticised by local sociologists for lacking direct measures to improve social inclusion of minority groups (particularly the Roma), to diminish higher unemployment rates, etc⁷⁶.

Both governmental programmes lacked attention on economical aspects of integration, placing too much emphasis on preservation of identity of minorities. For instance, although the Roma was mentioned as a group with a risk of social exclusion, it has been treated as an ethnic minority – most measures are aimed at encouraging preservation of cultural identity, rather tackling poverty and poor economical situation of this group⁷⁷.

However, the government took critics into account and made steps to improve its policies towards minorities at the end of 2007. One of the most positive achievements was the adoption of the new Strategy on Ethnic Minority Policy Development until 2015⁷⁸, which changed the previous Programme for the Integration of National Minorities into Lithuanian Society for 2005–2010. The Strategy takes very well into account the situation of minorities in the labour

⁷⁶ Romų bendruomenės socialinės integracijos galimybių tyrimas, Etninių tyrimų centras, tyrimo vadovas dr. Tadas Leončikas, 2007 m.

<http://www.lygybe.lt/ci.admin/Editor/assets/Romu%20integrac%20galimybes%20ataskaita.pdf>, accessed April 15, 2008.

⁷⁷ Ibid.

⁷⁸ Lietuvos Respublikos Vyriausybės nutarimas „Dėl tautinių mažumų politikos plėtros iki 2015 metų strategijos patvirtinimo“, 2007 m. spalio 17 d. Nr 1132.

market and foresees significant number of measures, directly aimed at social inclusion, reduction of poverty and lack of state language.

Additional development, which took into account the research on Roma of 2007, was the adoption of the Programme of the Integration of Roma in Lithuanian Society for 2008 – 2010 in March 2008⁷⁹. Although such a programme according to the plan had to be adopted in 2006, the initial adoption of it in 2008 is still a great achievement. The programme, contrary to its previous version is mainly aimed at improving Roma unemployment and their education. It can be evaluated as a very positive initiative, directly aimed at reducing poverty and fighting social exclusion of the Roma. Hopefully, successful implementation of all measures foreseen in the programme, will contribute to the social inclusion of this vulnerable ethnic minority.

On the other hand, the issues of migrants still lack government attention. As the number of third country nationals entering the country's' labour market grows, a number of people might find themselves trapped in a poor social and working environment if appropriate attention from the government will further be lacking.

⁷⁹ Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309.

7. National recommendations

7.1 General

- Comprehensive human rights education should be introduced in school curriculum, addressing stereotypes of young people;
- Statistics on ethnic composition of society and the situation of vulnerable groups should be collected by competent institutions;
- The government should continue enhancing sound social dialogue with ethnic minorities' organisations and NGOs dealing with anti-discrimination.

7.2 Anti discrimination

- The government should continue allocating efforts and financial resources to raising awareness and fighting prejudice in the society in order to stop the increase of intolerance and xenophobia;
- Equal Opportunities Ombudsman should be given more powers in investigating complaints and use existing more rigorously;
- A system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.
- National anti-discrimination legislation should be put fully in line with the EU equality standards.

7.3 Migration and integration

- The national reception system of refugees and asylum seekers should be put in line with requirements of the Council Directives 2003/9/EC and 2004/83/EC.
- The policy of social integration of foreigners, granted subsidiary protection should be reviewed to improve the quality of social rights after the period of integration is over.
- The social environment and services for the asylum seeker at the Foreigners Registration Center should be improved.

7.4 Criminal justice

7.4.1 Racism as a crime

- Committing an offence with a racist motivation or aim should be introduced as an aggravating circumstance in the Criminal Code.
- An effective data collection system on racist crimes should be established.
- The effectiveness and competence of pre-trial institutions dealing with racist crimes and violence should be improved by providing relevant training for law enforcement officials.

7.5 Social inclusion

- The situation of migrants (particularly third country nationals, entering the labour market) should be in the political agenda on social inclusion.
- A comprehensive assessment of education quality in non-Lithuanian speaking schools should be implemented.

8. Conclusion

The European Year of Equal Opportunities for all 2007 significantly contributed to the public debate about racism and discrimination in Lithuania. The rising number of violent racist incidents and crimes, high level of intolerance towards the most vulnerable groups (Roma, Chechens, refugees and Muslims) and the growing negative attitude of youth towards traditional ethnic minorities induced minorities and human rights non-governmental organisations to voice the messages that stronger efforts to fight racism must be taken.

The efforts of national non-governmental organisations, media and civil society to start a dialogue, significantly contributed to shaping governmental policies. At the end of the year the government made important steps towards developing social inclusion policies for ethnic minorities – new governmental strategies on the policy of ethnic minority inclusion as well a new Roma integration programme were passed.

The vigilance of civil society organisations to the cases of incitement of hatred contributed to the growth of successful cases in courts. For the first time in Lithuanian jurisprudence history a case of discrimination on the ground of ethnicity, initiated mainly by local non-governmental organisations, was challenged in court.

A number of civil society actors were actively involved in an awareness raising campaign throughout the year. In cooperation with the national Equality body many educational and awareness raising activities were implemented in the framework of the National anti-discrimination programme for 2006-2008. Additionally, a lot of research was conducted with the support of the Ombudsman, which significantly contributed to the change of governmental policies towards ethnic minorities.

Although many developments tackling racism and discrimination still have to take place, an active role of civil society organisations in this process that bring hope, that values equality and non-discrimination will anchor in governmental policies and public debate.

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10. Annex 1: List of abbreviations and terminology

CERD Committee on the Elimination of Racial Discrimination

CES Centre of Ethnic Studies

HRMI Human Rights Monitoring Institute

LCC Lithuanian Christian College

VEE Vilnius Employment Exchange

