



european network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

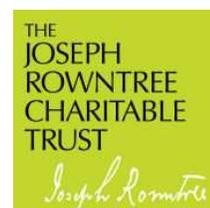
Racism in Lithuania

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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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I. Executive summary

The lack of comprehensive data on the ethnic composition of Lithuanian society, the situation of discrimination in various sectors and the number of hate crimes remains a barrier to assess the real situation of particular ethnic groups.

- Statistics on ethnic composition of society in Lithuania and the situation of minorities in the spheres of employment, education, housing and access to goods and services should be collected by competent institutions;
- Effective system of data collection on hate crimes should be established, pre-trial investigation officials should be trained to exercise data collection in everyday work.

The European Year of Multicultural Dialogue 2008 somehow contributed to minimising social distance regarding particular minorities, however, the general social climate, the lack of human rights understanding and the level of intolerance among youth remains high.

- Significant financial resources should be allocated for awareness raising on racism and discrimination, tackling prejudice and stereotypes, widespread in society;
- Comprehensive human rights education should be officially introduced in the schools curriculum, addressing stereotypes of young people; current methodologies, used in civic education classes must be reviewed and evaluated.

Research and polls indicate, that due to the lack of knowledge of the state language, and computer illiteracy, ethnic minorities tend to suffer higher unemployment, compared to society in general. Prejudice and stereotypes also play a big role – almost every fifth representative of ethnic minorities claimed to have experienced discrimination on the grounds of ethnicity in the employment field. The situation of Roma is particularly alarming

- Much more resources should be allocated to state language education activities for ethnic minorities (particularly Roma);
- The situation of migrants (particularly third country nationals, entering the labour market) should be on the political agenda on social inclusion.

Education of ethnic minorities remains a challenging and sensitive issue in culturally diverse areas of Lithuania and most importantly – in the Vilnius region. While the number of Polish language schools is the biggest in the Vilnius region, their size is the smallest and the number of qualified teachers (experts) is the lowest. This might lead to somewhat lower quality of education, although there is no information that this is due to a discriminatory policy of state institutions.

- The reforms in the education system in culturally diverse regions of the country (particularly Vilnius region) must take place.

The number of officially registered criminal investigations on racist crimes more than doubled in 2008. Although the capacity of the Prosecution to bring racist cases to the court increased greatly, however urgent improvements to legal framework are needed.

- The existing legal framework should be strengthened: committing an offence with a racist motivation or aim should be introduced as an aggravating circumstance in the Criminal Code, relevant provisions of the administrative violations law should be relocated to Criminal Code.
- Awareness raising and competence trainings should be provided to the pre-trial investigation institutions (police particularly) dealing with hate crimes and racist violence.

Although the government considers the Equal Opportunities Ombudsperson as the main institution for the promotion of equality and non-discrimination, awareness raising, research, surveying or other functions do not fall under the competence of the Ombudsperson according to the law.

- The competence of the Equal Opportunities Ombudsperson should be expanded by law, including awareness raising, research, surveying and assistance to victims of discrimination to its activities.
- A unanimous law on antidiscrimination should be established, encompassing two existing major enactments into one.
- An elaborated and detailed system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.
- The Ombudsperson should be given more powers in investigating complaints and use existing data more effectively.

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III. Introduction

Although the implementation of the European Year of Multicultural Dialogue 2008 somehow contributed to minimising social distance regarding particular ethnic minorities and enhancing greater understanding and acceptance, much of the problems highlighted in previous reports have yet to be taken into account by the state.

Surveys¹ reveal that the “hierarchy of intolerance” remains the same - Roma, Chechens, refugees and Muslims are the least tolerated thus most vulnerable groups to racism in Lithuania. The general understanding of human rights, and support for democracy is rather low. The attitude of young people towards traditional ethnic minorities, which lived in the territory of the state for ages also raises concern. Thus enhancing the understanding of human rights and equal opportunities remains a challenge.

In this unwelcoming environment the Roma community clearly remains the most vulnerable group with regard to multiple discrimination in the fields of employment, education, housing, policing, etc. Extreme poverty, low levels of education, involvement in illegal activities and negative attitudes of the majority keep this group locked in social exclusion.

Additionally it is sad that the year was also marked with the instigation of hatred, increase of racial harassment and violent crimes. However, some of the crimes received significant press coverage, what contributed to the public debates about the state of racism in the country, mobilisation of civil society actors and putting racism on the agenda of high officials.

This report looks at the situation of racism and discrimination in Lithuania during the period of January – December 2008. Manifestations of racism and discrimination as well as the response of the state and civil society are taken into consideration.

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.

¹ Socialinių tyrimų instituto Etninių tyrimų centras, Etninis nepakantumas 2008
http://www.ces.lt/downloads/structure/files/ETC_apklausa%202005-2008_AM_2008%2006%2003.pdf,
accessed May 4, 2009

IV. Communities vulnerable to racism

The lack of comprehensive data on the ethnic composition of society and communities vulnerable to racial discrimination in Lithuania remains quite a barrier to assess the real situation of particular ethnic groups. The Committee on the Elimination of Racial Discrimination (CERD) also raised this issue in its latest observations as an obstacle to the assessment of progress towards the elimination of discrimination based on race, colour, descent, national or ethnic origin².

Although a few important researches conducted in 2008 contributed to the understanding of the reality of ethnic minorities, the most accurate data on the composition of Lithuanian society still remains the 2001 Census. Thus researchers still have to rely on it, although it cannot be considered accurate at the moment³. Approximately 200 thousand people left the country since the latest Census took place⁴.

Lithuanians account for 83.5% of the population, while only 29 nationalities account for one hundred or more people⁵. The biggest minority groups are Poles and Russians. Poles make up 6.7%, Russians 6.3%, Byelorussians 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. Citizens of the Republic of Lithuania make up 99% of the population⁶, citizens of the Russian Federation account for 0.4%, citizens of other countries make up 0.2%, and those without citizenship 0.3%, whereas 0.1% of the population did not indicate their citizenship. Thus with some regional exceptions Lithuanian society can be considered as rather homogeneous⁷.

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.

² Committee on Elimination of Racial Discrimination, *Observations on Lithuania*, <http://www.ohchr.org/english/bodies/cerd/>, accessed on March 15, 2009.

³ Due to significant emigration numbers in the EU accession period. In the period from 1990 till 2007, approximately 10% of the population left the country.

⁴ Ekonominės migracijos reguliavimo strategijos efektyvumo įvertinimas, Viešosios politikos ir vadybos institutas, 2008, Tyrimo vadovas Egidijus Barcevičius, <http://www.vpvi.lt/lt/ekonomin-s-migracijos-reguliavimo-strategijos-efektyvumo-vertinimas-2009-m/>, accessed May 3, 2009.

⁵ Statistikos departamentas prie Lietuvos Respublikos Vyriausybės, 2001 gyventojų surašymo duomenys, <http://www.stat.gov.lt/lt/pages/view/?id=11988>, accessed 28 April, 2009.

⁶ Which makes Lithuania very different from other Baltic States (Latvia and Estonia).

⁷ 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).

The situation with regard to migration in 2008 remained similar to that of previous years although a slight increase of 13% with 540 applications for asylum being lodged in 2008 can be identified⁸. If compared with 2007, the number of new applications almost doubled from 116 to 210 (81% increase). Most of these applications (110 new applications) were lodged at state border crossing points (including asylum seekers taken back according to Dublin II Regulation).

Like in previous years the major part of asylum applications was submitted from nationals of the Russian Federation (in total 415 requests (77%), out of which 366 (88%) received from Chechens). In comparison with 2007, the growth tendency has been observed with 366 applications lodged by asylum seekers from the Russian Federation. The majority of asylum seekers in 2008 were young people from 18 to 34 years of age (48%), the second largest group was children up to 13 years of age (28%) and only 0,7% of asylum seekers were older than 65 years.

Potential vulnerability of particular communities can be estimated while analyzing the data from the Centre of Ethnic Studies (CES), which carries out yearly surveys on the opinion of society towards various ethnic groups, the European Year of Multicultural Dialogue 2008 somehow contributed to minimising social distance regarding particular minorities⁹. However, social surveys reveal that the "hierarchy of intolerance" remains the same - Roma, Chechens, refugees and Muslims are the least tolerated thus the most vulnerable groups to racism in Lithuania¹⁰.

A positive change of public opinion regarding particular vulnerable groups was monitored in polls conducted in October 2008. While answering the question "With whom would you not like to live with in the neighbourhood?" 49 % of the population mentioned Roma (compared to 69,2 % in the beginning of 2008¹¹), 32% - Chechens (compared to 48,1%), 32% mentioned refugees (compared to 42,7%), and 31,3% - Muslims (comparing to 44,5% in the beginning of 2008).

However, sociologists do not pay particular attention to a significant change (at some point even 20%) of public opinion, regarding some groups. Lithuanian society is perceived as quite reactive and does not possess neither strong values of tolerance, nor reasonably grounded negative attitudes. This however can be

⁸ Statistics provided by the Migration Department under the Ministry of Interior of Lithuanian Republic in the Annual Report 2008.

⁹ Galimų diskriminacijos apraiškų, naujai numatytų Lietuvos Respublikos lygių galimybių įstatyme, bei visuomenės tolerancijos įvairioms socialinėms grupėms įvertinimas ir lyginamoji analizė, Socialinių tyrimų instituto Etninių tyrimų centras, Darbo ir socialinių tyrimų institutas, Vilnius, 2008. Available in Lithuanian at <http://www.socmin.lt/index.php?1606775163>, accessed May 3, 2009.

¹⁰ Having in mind that Roma represent only 0.07% of the population and Muslims only 0.08% of the population it is likely that most of the society does not have experience of personal encounters with these groups and negative stereotypes towards these groups are mostly formed by the information provided in the media.

¹¹ Socialinių tyrimų instituto Etninių tyrimų centras, Etninis nepakantumas 2008 http://www.ces.lt/downloads/structure/files/ETC_apklausa%202005-2008_AM_2008%2006%2003.pdf, accessed May 4, 2009.

an advantage, because the opinion of the society can be affected in a positive way if necessary measures are applied.

However, an alarming signal from the polls of youth remained unanswered in 2008. The survey of youth, implemented in the framework of national "All Different. All Equal" campaign indicated, that although youth are more tolerant towards Muslims, Chechens, refugees or black people, they express more negative attitudes than general society towards other ethnic minorities, which have commonly lived in the country for ages¹²: 23% would not like to live in the 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 can 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.

The latest data on the opinion of the general public towards democracy also adds dull colours to the picture of social health of the country – at the end of 2008, almost 60% of the population were not satisfied with the performance of democracy in the country¹³.

In this environment Roma community, 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. 46% of Roma community are youths under 15 years of age¹⁴. 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 complicated due to the facts, that 40% of them do not know the state language¹⁵, only 17% possess higher education and, most importantly, only 8,7% are legally employed.

¹² Kampanijos "Visi skirtingi. Visi lygūs" efektyvumo tyrimas, www.visiskirtingivisilygus.lt, accessed May 4, 2009.

¹³ ELTA, Nusivylimas demokratija didėja, Delfi, January 9, 2009, <http://www.delfi.lt/news/daily/lithuania/article.php?id=19939980>, accessed April 10, 2009.

¹⁴ Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialnių tyrimų instituto etninių tyrimų centras, 2008 gruodis, http://www.tmid.lt/wp-content/uploads/2009/05/sti_tmid_romu-padeties-tyrimas-2008_ataskaita.doc accessed May 4, 2009.

¹⁵ Žmogaus teisių stebėjimo institutas, Romų padėties analizė 2005, http://www.hrmi.lt/downloads/structure//Romu_padeties_analize_20050330.pdf, accessed April 25, 2009.

In this context a Eurobarometer survey “Discrimination in the European Union” must be mentioned¹⁶. According to the survey, conducted in 2006, discrimination based on ethnic origin or religious beliefs was perceived to be much less prevalent in Lithuania than in the EU generally¹⁷. 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 on the grounds of race and ethnicity in Lithuanian society, which has not improved in the last five years – almost 40% of the population still believe, that discrimination on the ground of race can be justified in employment¹⁸. Moreover, 37% of the population indicated that, although they tolerate persons of other racial backgrounds, they would not like to see their increase in Lithuania¹⁹. Thus enhancing the understanding of human rights and equal opportunities remains a challenge.

¹⁶ Eurobarometer, Discrimination in the European Union,

http://ec.europa.eu/public_opinion/archives/eb_special_en.htm , accessed April 28, 2009.

¹⁷ 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.

¹⁸ Galimų diskriminacijos apraiškų, naujai numatytų Lietuvos Respublikos lygių galimybių įstatyme, bei visuomenės tolerancijos įvairioms socialinėms grupėms įvertinimas ir lyginamoji analizė, Socialinių tyrimų instituto Etninių tyrimų centras, Darbo ir socialinių tyrimų institutas, Vilnius, 2008. Available in Lithuanian at <http://www.socmin.lt/index.php?1606775163>, accessed May 3, 2009.

¹⁹ Apklausa: Lietuvos gyventojai tvirtina toleruojantys kitos rasės žmones, bet nenori, kad jų daugėtų, Delfi, May 14, 2008, <http://www.delfi.lt/news/daily/lithuania/article.php?id=17015146> , accessen May 3, 2009.

V. Manifestations of racism and religious discrimination

V.i Employment

The Statistics Department under the Government of Lithuania stopped collecting unemployment data by ethnicity at the end of 2003, thus there is a lack of comprehensive and accurate data on the subject. However, research and polls indicate, that ethnic minorities tend to suffer higher unemployment²⁰.

More recently two surveys of ethnic minorities (generally, and unemployed minorities particularly) contributed significantly to the knowledge of the overall situation. Combined results of the research, identified some causes of unemployment of ethnic minorities.

According to the latest poll, almost 70% of the surveyed were employed, mostly on a contractual basis²¹. However, only half of them can understand Lithuanian language, even less can speak it (1/3) or write it (approximately 20%). Earlier research of unemployed minorities identified that a significant percentage of unemployed minorities suffer from long-term unemployment (47,2% indicated being unemployed for more than 25 months)²², although most (76%) had basic or higher education.

The lack of state language knowledge as well as computer illiteracy were identified as the biggest obstacles for successful integration into the labour market. Most of the unemployed representatives indicated willingness to improve their language skills (61%), however most claimed that there are no possibilities to do that.

However, prejudice and intolerance also play a big role – 10 % of minorities believe that their employers' negative attitude regarding their ethnicity cause difficulties in searching for work and in the working environment. Almost every fifth representative of the latest survey claimed to have experienced discrimination on the grounds of ethnicity in the employment field.

The monitoring data of the Centre of Ethnic Studies confirms that negative attitudes towards colleagues of other ethnicities exist in society and is especially

²⁰ Beresnevičiūtė, Vida, "Etninių grupių socialinės integracijos dimensijos šiuolaikinėje Lietuvos visuomenėje", in Etniškumo studijos / Ethnicity Studies 2005, (Vilnius: Socialinių tyrimų institutas, Eugrimas), 140.

²¹ Vyrų ir moterų, priklausančių tautinėms mažumoms padėties darbo rinkoje tyrimas, Tautinių mažumų ir išeivijos departamentas, 2009, <http://www.tmid.lt/wp-content/uploads/2009/02/tyrimas-apie-tm-vyru-ir-moteru-padeti-dr.doc>

²² Tautinių mažumų namai, Tautinių mažumų integracijos į darbo rinką galimybių tyrimas, http://www.tbn.lt/web_doc/informacija.doc, accessed April 29, 2009.

unfavourable to Roma – almost 40% of the population would not like to work together with Roma people.

It was already mentioned, that the situation of Roma employment is particularly adverse. More than half of the Roma community identified themselves as jobless²³. Only 8,7% are legally employed. Other previous surveys also indicated their very low professional competences²⁴. Most Roma earn income through temporary work (collecting scrap, work in the market, etc.) or even through criminal activities. 38% of Roma have no knowledge of Lithuanian and the level of illiteracy among Roma is very high. Many Roma do not have identification papers, there are those who do not have any citizenship at all.

In spite of that, research also revealed that the myth of Roma being lazy and not willing to work is not founded – 73% of surveyed Roma were willing to work or looking for a job. Despite 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.²⁵). Research revealed, that most Roma lack education and professional skills - every fifth person, who participated in the survey had no education at all, 17,6% had basic education, 83% had no profession at all.

However, 82,4% surveyed Roma identified prejudice and negative attitudes of employers as one of the main reasons of their unemployment. A survey of employers' attitude towards Roma proved this reason to be well-founded. Almost half of surveyed employers (47%) stated that Roma probably would not be employed by their company.

V.ii Housing

In 2008 the data on housing remained scarce. 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 one - Roma community.

In general, Lithuanian Roma live a settled life. Over half of Roma indicate that they have been living over 20 years in current city, town or village²⁶. Over one

²³ Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialinių tyrimų instituto etninių tyrimų centras, 2008 gruodis, http://www.tmid.lt/wp-content/uploads/2009/05/sti_tmid_romu-padeties-tyrimas-2008_ataskaita.doc accessed May 4, 2009.

²⁴ Žmogaus teisių stebėjimo institutas, Romai: situacijos apžvalga, http://www.hrmi.lt/downloads/structure//Romu_padeties_analize_20050330.pdf, accessed May 3, 2007.

²⁵ 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 28 April, 2009.

²⁶ Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialinių tyrimų instituto etninių tyrimų centras, 2008 gruodis, http://www.tmid.lt/wp-content/uploads/2009/05/sti_tmid_romu-padeties-tyrimas-2008_ataskaita.doc accessed May 4, 2009.

fourth of respondents live in the site for 11–20 years. According to the research data, an average Roma household consist of 6–7 persons. Over one third of Roma questioned (38%) live in their own housing or property of their family members. Other big group (31%) is comprised of Roma who live in municipal housing.

Roma living in Vilnius Kirtimai suburb face lowest living standards. Housing, as well as sanitary conditions there are of unsatisfactory standing. In the settlement were approximately half thousand people live, most houses lack electricity, heating and drinking water, dwellings are overcrowded. 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 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 in his report of 2008²⁷.

The latest research indicated poverty migration within the country: Roma gradually move to cheaper housing because due to high expenditures. This process indicates deepening marginalisation of this community, which started during the economic growth of country. Thus, part of Roma community is set away from centres and opportunities of social development (urban) both geographically and socially.

V.iii Education

To start with, a comprehensive and sound data on racism and discrimination in education in Lithuania remained insufficient in 2008²⁸. However, additional research on Roma as well as accessibility of education in the Vilnius region, produced during the year, brought added value to the discussion.

In 2008 access to education remained the most pressing issue for the Roma minority. The Roma had the highest rate of illiteracy according to the latest Census - as many as 31 illiterate persons per every 1,000 Roma aged ten and over. Among other ethnic groups, this index rates from 1.3 to 4.0. 38% of Roma people do not know the state language, there are very few Roma with a diploma and a high rate of illiteracy prevails. 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 the opposite. This

²⁷ The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seveth 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.

²⁸ European Union Agency of Fundamental Rights Annual Report 2008, p. 70, http://fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf, accessed April 27, 2009.

raises serious concerns, since 46% of Roma are persons under age of 15 (comparing to 27% of state average²⁹).

The latest report on Roma education states, that the main reasons influencing Romas' learning difficulties are related to the lack of social skills, linguistic barriers and poor school attendance³⁰. Most Roma children (69%) did not attend either pre-school establishments, nor pre-school groups; participation in after school activities is uncommon among Roma. Thus it is more complicated to acquire social skills that would contribute to adaptation at school.

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 increasing Roma attending schools. However, many Roma start attending school late (at around the age of 10) 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, early wedding in case of girls³¹. Another important finding from the latest research is the fact that Roma from 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 Kirtimai settlement. United Nations Special Rapporteur on Racism in his report, published in 2008, has also expressed his concern regarding Roma 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 schools³².

The majority of Roma are attending schooling under the programmes of special needs. However this does not have significant influence for school graduation or the number of grades finished – only few Roma finish secondary schools, and on average attend school for 6-7 years only.

The latest research found that schools do not have specific plans, or understanding how to solve problems related to poor attendance. The majority

²⁹ Data of 2001 Census.

³⁰ Romų padėties tyrimas: Romai švietimo ir darbo rinkos sankirtoje, Socialnių tyrimų instituto etninių tyrimų centras, 2008 gruodis, http://www.tmid.lt/wp-content/uploads/2009/05/sti_tmid_romu-padeties-tyrimas-2008_ataskaita.doc accessed May 4, 2009.

³¹ 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.

³² 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 April 25, 2009.

claim that all possible ways were tested (such as informal speaking to parents or house visits with police, etc), however, it has not improved the situation. According to the opinions of experts interviewed, the most effective way of dealing with Roma problems at school and further social integration could be closer cooperation among several institutions and individual relations to Roma parents³³.

Speaking about other ethnic minorities, the situation is very different. To start with, education of ethnic minorities remains an issue in culturally diverse areas of Lithuania and most importantly – the Vilnius region. Earlier reports indicated that minority schools were somewhat lagging behind majority schools in achieving greater variety in school types and curriculum development³⁴. Although the latest in-depth report on education in Vilnius region did not prove significant disparities or structural discrimination, some problematic areas, disadvantageous to minorities, can be identified.

First of all, the dual system of subordination of schools raises concerns. The fact that part of the schools in the territory of Vilnius region municipality is subordinate to Vilnius County (these are mainly monolingual Lithuanian schools)³⁵ causes confrontation among communities. Although this *per se* does not identify discrimination, however the latest survey indicates that all communities consider it as negative, causing non-transparent competition and distance among communities³⁶.

There is a variety of schools in the Vilnius region: trilingual (Polish-Lithuanian-Russian), bilingual schools, however the monolingual model clearly dominates³⁷. Among these, the density of monolingual Polish schools is the highest.

The qualification of all teachers in Vilnius region is similar to the country average. However, the percentage of extra qualified teachers (experts and supervisors) in schools of Vilnius region is significantly lower – only 15% (in comparison to 30% state average)³⁸. Additionally, the number of teachers-experts is particularly low in Polish language schools, although the number of these schools is the highest in the region.

³³ 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.

³⁴ 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 4, 2009.

³⁵ Vilniaus rajono švietimo būklė ir problemos, Vilniaus rajono savivaldybė, 2007, <http://www.vilniaus-r.lt/index.php?id=3564>, accessed May 4, 2009.

³⁶ Mokymosi prieinamumas Vilniaus rajono gyventojams, LR Švietimo ir mokslo ministerija, http://www.smm.lt/svietimo_bukle/docs/tyrimai/sb/Mokymosi_prieinamumas.pdf, accessed May 4, 2009.

³⁷ Vilnius region municipality data, www.vilniaus-r.lt, accessed May 4, 2009.

³⁸ Mokymosi prieinamumas Vilniaus rajono gyventojams, LR Švietimo ir mokslo ministerija, http://www.smm.lt/svietimo_bukle/docs/tyrimai/sb/Mokymosi_prieinamumas.pdf, accessed May 4, 2009.

Moreover, the size of Vilnius region schools may also contribute to the quality of education. According to the national scheme, where financing is allocated to schools depending on the number of pupils, slightly bigger schools are in more favourable position. Vilnius region schools are significantly smaller, in comparison to other regions³⁹, the smallest being the Polish monolingual schools.

To sum up, while the number of Polish language schools is the biggest in the Vilnius region, their size is small and the number of qualified teachers (experts) is the lowest. This might lead to somewhat lower quality of education, although there is no information that this is due to a discriminatory policy of state institutions.

A comparison of Vilnius city and Vilnius region schools (monolingual, bilingual and trilingual) pupils' survey results also leads to believe, that quality of education is considered as slightly lower in regional schools⁴⁰. This applies to general quality of education and education of Lithuanian language in particular⁴¹.

In order to improve the efficiency of small schools the municipality is forced to reallocate financial resources from bigger schools (these are usually trilingual schools), what inevitably leads to additional confrontation in culturally diverse community.

However, it must be added, that the system of education in a culturally very diverse Vilnius region is a sensitive issue. Survey revealed, that although multilingual schools are considered more efficient by the majority of respondents (parents, teachers, school administration), the monolingual model remains the dominating one. The need to have a monolingual school for minorities (particularly Polish minority) remains more a question of preservation of ethnical identity, rather than a will to increasing efficiency of education. Thus although there is a rational need for more efficient, bigger and more multilingual schools, the sense of ethnical belonging and willingness to preserve community, language and cultural identity maintains the dominating system of small, but less efficient monolingual schools⁴².

A few complaints, regarding the reformation of particular schools of the region were lodged at the Equal Opportunities Ombudsperson institution. Although they

³⁹ The average number of pupils is 167, which is more than two times less than in Lithuanian dominated Kaunas region.

⁴⁰ Mokymosi prieinamumas Vilniaus rajono gyventojams, LR Švietimo ir mokslo ministerija, http://www.smm.lt/svietimo_bukle/docs/tyrimai/sb/Mokymosi_prieinamumas.pdf, accessed May 4, 2009.

⁴¹ However, the general psychological climate as well as relationship between teachers and pupils is much better in schools of minority language. This is explained by strong sense of community among Polish minority in the Vilnius region.

⁴² There process of consolidation of schools takes place very slowly. In 2008, however, 4 bilingual gymnasiums (mostly Polish-Lithuanian) were established in the region.

did not prove to be grounded, there were a few other cases of discrimination in education, investigated by the Ombudsperson.

A few complaints were received at the Ombudsperson institution regarding the rules of acceptance of pupils at Vilnius Šalom Aleichem secondary school. The schools' regulations stated, that only pupils of Jewish origin are accepted, although the school is founded by the municipality, which is bound by the norms of the Law on Equal Treatment. The Ombudsperson started to investigate the complaint, however investigation was terminated after receiving official letter that discriminatory regulations were amended.

V.iv Health

There is no official or unofficial information regarding discrimination of ethnic minorities in the field of health care. Nor are there court cases or complaints at the Office of the Equal Opportunities Ombudsman that were filed during 2008.

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 Roma, since the absolute majority of Roma are unemployed. According to the Law on Health Insurance, persons who do not pay mandatory social insurance payments can not apply for free health care services. 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 papers. Thus in such situation it is not possible to access health services.

Additionally, Kirtimai suburb Roma live in an environment where drug production and distribution is easily accessible. Some Roma are addicted to drugs and the number is slightly increasing.

As there were no significant legal amendments related to the rights of asylum seekers and refugees, problems related to their social guarantees remain the same. After the expiry of the period of integration for foreigners with 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 if they do not work find themselves out of the system of social and health care. Such practice is usual: either they waste the time to insure, either they work illegally. According to Article 4 part 5 of the Health Insurance Legislation⁴³ 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 granted subsidiary protection have to be insured by the state. Nevertheless, there is a common

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

practice that doctors require getting a note about the insurance, although it is unnecessary.

V.v Policing and racial profiling

The usage of racial profiling by the law enforcement institutions in Lithuania remained latent in 2008. It is difficult to estimate the scale of racial profiling, since 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 the press, they may be treated as suspects more often just because of their ethnic origin (particularly in cases related to drug dealing).

On the other hand, unofficial data indicates that at least few cases of certain racial profiling occur every year. This particularly concerns the arrival procedure of third country nationals (sometimes EU citizens as well) of non-white ethnic origin arriving to Lithuania as well as persons coming from specific countries.

V.vi Racist violence and crime

The European Year of Multicultural Dialogue 2008 in Lithuania was not only marked by greater understanding and acceptance, but by racial harassment, instigations of hatred and violent crimes. However, some of the crimes received significant press coverage, what contributed to the public debates about the state of racism in the country and putting racism on the agenda of high officials (at least for a short period of time).

The number of officially registered criminal investigations on racist crimes (discrimination and instigation of hatred on the grounds of race, ethnic origin, nationality or religion) increased dramatically in 2008: 63 investigations were started in comparison to 25 in 2007⁴⁴. Absolute majority of investigations were started regarding instigation of hatred on the internet. Some of the racist incidents were widely covered in internet media, which received significant attention of the audience as well as civil society.

Some of the most notorious expressions of racism took place in spring of 2008. On 11th of March (National Independence day) a group of approximately 200 right wing extremists marched in the central avenue of the capital of Vilnius, shouting racist slogans aimed at Jews and Russians⁴⁵. The police did not try to

⁴⁴ Investigation dynamics as well as response of justice system is examined in detail under section "Criminal Justice" of this report.

⁴⁵ Pileckas Lukas, Vilniuje – fašistų maršas, *Lietuvos Rytas*, March 12, 2008, <http://www.lrytas.lt/12052536261202971831-p1-Lietuvos-diena-Vilniuje-fa%C5%A1ist%C5%B3-mar%C5%A1as-nuotraukos-video.htm>, accessed May 4, 2009.

halt the marching and passively observed the manifestation of hatred⁴⁶. The publication of videos of the marching raised public outrage and high media coverage. Only after three days of silence did police officials make statements about starting criminal investigation⁴⁷.

Another manifestation took place in May, when a group of radical fans of Vilnius basketball club marched to the sports arena carrying a flag with a right-wing extremist symbol (“white power fist”)⁴⁸. A month earlier the same group of fans during the match with another team had waived the flag with other symbols and a “White legion” slogan written on it.

One of the most violent accidents occurred in April, when a locally known TV star (a woman from Indian origin from South Africa) was attacked and beaten by a group of skinheads⁴⁹. The most shocking fact, which was found out later, is that the beating was conducted by a 21 year old woman, volunteering in a defence army. When charges were brought against the perpetrator, a group of notorious right wing party members made a protest near the court with supporting posters⁵⁰.

A scandalous incident occurred in October, when the president of Lithuanian Basketball Federation, called black players of Kaunas city team “black assholes”⁵¹. Outraged civil society organisations complained to the prosecutors office and investigation on the basis of instigation of hatred was started, but later terminated. Although the man apologized for his statements, claiming that he did not know, that he was being recorder by the journalist and was feverish, but despite this scandal, he did not resign and remained in the post.

Anti-Semitic incidents remained an issue in 2008. At least 13 incidents were reported during the period. Although police were investigating incidents, a prompt reaction and clear public statements were lacking.

⁴⁶ Jackeivičius Mindaugas, Šėlstantys „skinai“ policijos nedomino, *Delfi*, March 12, 2008, <http://www.delfi.lt/news/daily/lithuania/article.php?id=16279078>, accessed May 4, 2009.

⁴⁷ Praėjus 3 dienoms po skustagalvių eitynių atsibudo ir Vilniaus policija, *Lrytas.lt*, <http://www.lrytas.lt/12054110571203163702-p1-Lietuvos-diena-Pra%C4%97jus-3-dienoms-po-skustagalvi%C5%B3-mar%C5%A1o-atsibudo-ir-Vilniaus-policija-2-video.htm>, accessed May 4, 2009.

⁴⁸ “Lietuvos Ryto” austruoliai – per Vilnių su rasistine vėliava, *balsas.lt*, <http://www.balsas.lt/naujiena/194870/lietuvos-ryto-aSTRUOLIAI-per-vilniu-su-rasistine-veliava/rubrika:naujienos-sportas-krepsinis>, accessed May 4, 2009.

⁴⁹ Rasistų smūgiai veja dainininkę Berneen iš Lietuvos, *Lrytas.lt*, <http://www.lrytas.lt/12081627931207250952-p1-Lietuvos-diena-Rasist%C5%B3-sm%C5%ABgiai-veja-daininink%C4%99-Berneen-i%C5%A1-Lietuvos-atnaujinta-16-val-25-min-nuotraukos.htm>, accessed May 4, 2009.

⁵⁰ Mikalajūnas Tautvydas, Berneen užpuolė sulaukė M. Murzos partijos paramos, *Lietuvos rytas*, May 8, 2008, <http://www.lrytas.lt/12102441021208753532-p1-Lietuvos-diena-Berneen-u%C5%BEpuolik%C4%97-sulauk%C4%97-M-Murzos-partijos-paramos-dar-papildyta-nuotraukos-video.htm>, accessed May 4, 2009.

⁵¹ Reklaitis Gediminas, LKF vadovo kalboje – rasizmo apraiškos, *Vilniaus diena*, October 25, 2008, <http://vilniaus.diena.lt/dienrastis/sportas/lkf-vadovo-kalboje-rasizmo-apraiskos-164287>, accessed May 7, 2009.

On August the Jewish community center in Vilnius⁵² and the Jewish community center in Panevezys were vandalized with anti Semitic symbols and language⁵³. Police immediately began an investigation, which continued until the end of the year. An additional crime in August took place in Klaipėda, where walls of a Jewish cemetery were vandalized with nazi slogans⁵⁴. On October, a forest ranger in the Kelme Region, near the village of Pluskiai, reported that vandals broke stones and painted anti Semitic graffiti on a Holocaust Memorial. An investigation of the incident was launched, no suspects were identified.

Police failed to identify any suspects in the March 2007 vandalism of 12 headstones in the Suderve Jewish cemetery in Vilnius, the vandalism of the Jewish cemetery in Rokiskis region, or the 2006 incident in which persons in Nazi style uniforms yelled pro Hitler and anti Semitic slogans while riding past a synagogue.

Although State Security Department officials claim that there are no organised right-wing extremist groups in the country⁵⁵, according to some of the skinhead (right-wing) movement representatives, their membership is increasing⁵⁶.

V.vii 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 is scarce. There is also 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. In 2008, as well as in previous years, there were some cases when dark-skinned “Erasmus” exchange programme students were discriminated against by private persons while trying to rent accommodation.

Refugees and asylum seekers face difficulties in this field as well. After one year state supported integration programme refugees start to live on their own, and have to pay for the living premises at their own expense. Usually it is not easy for a refugee to find an apartment to rent. Lithuanian citizens do not want to rent a living place to refugees and after realizing that a tenant is a refugee, they refuse to rent an apartment. Another common problem is that even if a refugee

⁵² Vilniuje – vandalizmo aktas prieš žydų būstinę, *Lrytas.lt*, August 10, 2008, <http://www.lrytas.lt/12183581641218148257-p1-lietuvos-diena-vilniuje-vandalizmo-aktas-prie%C5%A1-%C5%BEyd%C5%B3-b%C5%ABstin%C4%99-nuotraukos.htm>, accessed May 6, 2009.

⁵³ US Department of State, 2008 Human Rights Report: Lithuania, <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119089.htm>, accessed May 6, 2009.

⁵⁴ Klaipėdoje išniekintos žydų kapinės, *Lrytas.lt*, August 28, 2008, <http://www.lrytas.lt/12199081331218878515-p1-kriminalai-klajp%C4%97doje-i%C5%A1niekintos-%C5%BEyd%C5%B3-kapin%C4%97s.htm>, accessed May 6, 2009.

⁵⁵ Damulytė Jūratė, VSD: organizuotų rasistinių gaujų Lietuvoje nėra, *Delfi*, March 18, 2008, <http://www.delfi.lt/news/daily/lithuania/article.php?id=16370276>, accessed May 9, 2009.

⁵⁶ Degutis Gintautas, Skustagalvis garsina smurtas, *DELFI*, December 8th 2007, <http://www.delfi.lt/archive/article.php?id=15255369>, accessed May 7, 2009.

succeeds in renting an apartment, the owner does not want a refugee to make an official declaration that he/she lives in the apartment. However, such cases are not registered and there are no relevant statistical data.

A few complaints regarding access to goods and services were registered at the Equal Opportunities Ombudsperson institution. A man of Byelorussian origin complained that he was insulted by the post kiosk cashier in Vilnius. An inquiry to the company was sent. The company investigated the case, admitted the accident and instructed its employees regarding the attitude to costumers. The investigation thus was terminated by the Ombudsperson⁵⁷.

Another complaint was also lodged by Byelorussian citizen. He complained about the obstacles in accessing the bank services. The man, permanently working in Lithuania, opened a bank account, however, the bank limited the withdrawal of cash as well as access of e-banking system. The bank denied discriminatory behaviour. The investigation was launched, but was later terminated due to lack of data.

V.viii Media, including the internet

The tendency of media to use sensational rhetoric and negative terminology in articles on minorities and migration decreased significantly in 2008. A few notorious racist incidents were highly covered by the media. A significant amount of articles were questioning the adequacy of state official reaction towards racist violence, elaborating on the attitude of society towards minorities. Most of the articles significantly contributed to a dialogue about diversity and human rights in 2008.

Migration was also covered in much brighter tones than in previous years. A few examples can illustrate that. An internet portal "bernardinai.lt" published an article called "Different view to asylum seekers" in 2008⁵⁸. In this article the activities of the day centre for asylum seekers called "Kultūrų įkalnė" and located in Pabrade have been depicted. It was pointed out, that this relief aims at helping, integrating and distracting asylum seekers from their grey everyday grind. One of the biggest internet news portals created series of short videos telling stories about foreigners living in Lithuania. Some additional coverage appeared in "local" internet news portals⁵⁹. Finally, Lithuanian newspaper "Lietuvos Rytas" also covered the topic of refugees in the article. Journalists from the biggest and most-read newspaper took part in the annual refugee day celebration in Rukla.

⁵⁷ Lygių galimybių kontrolieriaus veiklos ataskaita 2008, <http://www.lygybe.lt/?pageid=7>, accessed May 5, 2009.

⁵⁸ Kitoks požiūris į prieglobsčio prašytojus, December 24, 2008, *Bernardinai*, <http://www.bernardinai.lt/index.php?url=articles/89388>, accessed May 6, 2009.

⁵⁹ Mažiesiems pabėgėliams patinka gyventi Elektrėnuose, January 17, 2008, *Kronika*, <http://www.kronika.lt/index.php?option=comcontent&task=view&id=1668&Itemid=39>, accessed May 4, 2009.

Positive impressions of a photography exhibition dedicated to depict challenges refugees are facing on a day-to-day basis were expressed in the article⁶⁰.

However, one of the most popular notorious media group “Respublika” published a few articles with anti-Semitic sentiments. Although these were not evaluated as materials which could instigate hatred or discriminatory behaviour by competent institutions.

However, one of the biggest problems in 2008 remained the commentaries on the internet news portals⁶¹. Most of the criminal cases on instigation of hatred concerned anonymous commentaries on the web.

⁶⁰ Rukloje prie egzotiškais Rytų valgiais nukrauto stalo – pabėgėlių tariami lietuviški žodžiai, June 20, 2008, *Lietuvos rytas*, http://www.lrytas.lt/-12139652221213885442-rukloje-prie-egzoti%C5%A1kais-ryt%C5%B3-valgiais-nukrauto-stalo-pab%C4%97g%C4%97li%C5%B3-tariami-lietuvi%C5%A1ki-%C5%BEo_____d%C5%BEiai-nuotraukos.htm0, accessed May 4, 2009.

⁶¹ For more information please see section “Criminal Justice” of this report.

VI. Political and legal context

The lack of case law as well as reliable statistical information on the scale of inequalities or racial discrimination prevents the issue to be placed on the top of the agenda of public authorities. The national minority NGOs scene in Lithuania is rather weak. As most of minority NGOs are not politically active, no public debates regarding the implementation of EU anti-discrimination law takes place. Only a few human rights NGOs raise the issue of insufficiency of policies and legal framework.

VI.i Anti discrimination

Lithuania is a party to a number of international instruments, which contribute to the elimination of racial discrimination: the International Covenant on Civil and Political Rights and its two Optional Protocols, the Covenant on Economic, Social and Cultural Rights, Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, Convention related to the Status of Stateless Persons.

In addition, International Convention on Elimination of All Forms of Racial Discrimination (CERD) was ratified in 1998. The Government adopted its fourth and fifth periodical reports in June 25, 2008⁶².

No additional international measures were adopted in 2008. However, one of the biggest achievement in 2008 occurred at national level, with the amendment to The Law on Equal Treatment⁶³. The law came into force on 1 January 2005 and was designated particularly to ensure the implementation of EU Antidiscrimination directives in the national legislation. The period to implement the Race Equality Directive 2000/43/EC⁶⁴ passed for Lithuania in 2005. Since adoption of the law it was criticized by human rights NGOs for being not in line with the requirements of EU law. Only in June 2008 most of the drawbacks of transpositions were finally eliminated.

⁶² Lietuvos Respublikos Vyriausybės nutarimas dėl ketvirtojo ir penktojo periodinio pranešimo pagal tarptautinę konvenciją dėl visų formų rasinės diskriminacijos panaikinimo patvirtinimo, 2008 m. birželio 25 d. Nr. 709, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324965&p_query=Durbano&p_tr2=2, accessed May 5, 2009.

⁶³ Lietuvos Respublikos Lygių galimybių įstatymas. Official publication *Valstybės žinios*, 2003, No.114-5115. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=324132, Accessed May 4, 2009.

⁶⁴ Council Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal of the European Communities, L 180/22.

However the final amendments, in most cases formally repeat the wording of the Race Equality Directive, not going into details of particular provisions. Thus some of the national anti-discrimination provisions are not sufficient in reaching the goals of the Race Equality.

First of all the requirement of the Race Equality Directive regarding the engagement of associations in judicial proceedings on behalf or in support of the victim has not been sufficiently transposed in Lithuania. The provision of the Directive was formally included into the Law on Equal Treatment in June 2008. However, it cannot be considered effective in practice, having in mind legal gaps in other procedural legislation.

Under current procedural legislation, legal representation by associations in court is barely possible: in certain cases prescribed by law the possibility exists to pursue a class action on behalf of a group of persons. However, the detailed procedure in such cases is not clear, because as yet no class-action case has been brought to court by NGOs. In theory NGOs and associations could engage in administrative procedures on behalf of the victim in administrative courts. According to the Law on Administrative Procedure⁶⁵ mandatory legal representation is 'usually, but not necessarily' exercised by an attorney, which leaves an opening for possible representation by associations. However, this opportunity has never been used in practice, and it is hard to predict whether it would be accepted by the courts.

The current law also limits the number of NGOs which in theory could engage into legal proceedings on behalf of the victim to those associations who have a provision in their founding documents, that representation of victims of racial or ethnic discrimination at courts is their field of work⁶⁶. It is doubtful, that currently there are such NGOs at national level that could match the criteria.

Secondly, one of the major issues for victims of discrimination – the effectiveness of sanctions – remained unsolved in 2008. The right to claim compensation for racial discrimination was introduced in the Law on Equal Opportunities of Women and Men only in June 2008. This is the only provision which if properly applied, could be considered effective and compensatory. There are no other provisions of this character.

The functioning of the Equal Opportunities Ombudsperson – a national equality body – is governed by law on Equal Opportunities of Men and Women, even in the cases when the Ombudsperson deals with other grounds of discrimination. Such dual regulation has been criticized by NGOs and scientists for being ambiguous, causing legal uncertainty. A single and unanimous legislation would be more beneficial in practice.

⁶⁵ Lietuvos Respublikos Administracinių bylų teisenos įstatymas. Official publication, *Valstybės Žinios*, 1999, Nr. 13-308. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312242, accessed May 9, 2009.

⁶⁶ Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymas. Official publication, *Valstybės Žinios*, 1998, Nr. 112-3100. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549, accessed May 6, 2009.

Legally, the Ombudsperson has the competence to investigate complaints on discrimination, but its decisions do not have a compensatory effect to the victim. The Ombudsman has a right to impose administrative sanctions (according to Administrative Violations Code), however they can hardly be considered as of effective, proportionate and dissuasive character. Additionally, the Ombudsman rarely exercises the issuance of fine as an administrative sanction in practice⁶⁷. Mostly the decisions of the Ombudsman are warnings of recommendatory character⁶⁸. The effectiveness on the national equality body in this respect was doubted by the EU Fundamental Rights Agency as well⁶⁹.

This quasi-judicial function remains the major function of the Ombudsperson. According to the law providing independent assistance to victims as foreseen in the Article 13 of the Race Equality Directive, does not fall under the competence of the Ombudsperson. These activities are also not exercised in practice. Since there has been only one case of discrimination in courts, there is no practice for the Ombudsperson to be involved in assistance or on behalf of the victim.

Although awareness raising, research, surveying or other functions do not fall under the competence of the Ombudsperson according to the law, in practice, however, the Ombudsperson is involved in those activities. In practice, while implementing national anti-discrimination measures, the Ombudsperson institution is involved in various projects. The staff of the Ombudsperson are active in trainings, conferences and other educational or awareness raising events, which are mainly organized in partnership with various NGOs. Independent studies or research, however, are not drafted by the staff of the Ombudsperson institution.

A number of educational, awareness raising and research functions were allocated to the Ombudsperson by the Government, in various anti-discrimination measures, implemented in 2008: the National Anti-discrimination Programme for 2006-2008⁷⁰, Governmental program for the Integration of Roma 2008 – 2010⁷¹, Strategy on the Development of the National Minority Policy until 2015⁷². The government considers the Ombudsperson as the key institution for awareness raising and promotion of equal opportunities.

⁶⁷ In 2008 no decisions to issue a fine as an administrative sanction were taken by the Ombudsman.

⁶⁸ However perpetrators tend to observe it and usually stop discriminatory actions or behaviour.

⁶⁹ 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 May 5, 2009.

⁷⁰ Lietuvos Respublikos Vyriausybės nutarimas „Dėl Nacionalinės antidiskriminacinės 2006–2008 metų programos patvirtinimo“, 2006 m. rugsėjo 19 d. Nr. 907.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=282802&p_query=&p_tr2=, accessed May 6, 2009.

⁷¹ Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=317530&p_query=&p_tr2=, accessed May 6, 2009.

⁷² Lietuvos Respublikos Vyriausybės nutarimas „Dėl Tautinių mažumų politikos plėtros iki 2015 m. strategijos patvirtinimo“, 2007 m. spalio 17 d. Nr. 1132.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=307551&p_query=&p_tr2=, accessed May 6, 2009.

The previously mentioned documents shaped the governmental policy in the field of anti-discrimination in 2008. An additional step forward was the drafting of the National Anti-discrimination Programme for 2009 – 2011⁷³. The draft law of the Programme foresees significant number of educational and awareness raising activities. One of the planned initiatives is trainings to law enforcement and state officials on international commitments of the country, where the Durban declaration is also mentioned among CERD and other international legal enactments. Although the programmes foreseen significant amount of positive developments, however, the implementation of them in reality was not sufficient⁷⁴.

A successful awareness raising project was implemented by local NGOs and the Equal Opportunities Ombudsperson. The project “A Closer Look at Multiple Discrimination” encompassed various activities – trainings to non-governmental organisations and state officials, non-discrimination manuals for teachers, an awareness raising campaign against discrimination in the form of human rights film festival, which attracted almost 13 000 viewers.

One of the most significant achievements in the field of non-discrimination in 2008 was the ruling in the first case of discrimination in favour of the applicant⁷⁵.

The case of discrimination against a Roma woman was brought to the court at the end of 2007. A Vilnius based human rights advocacy NGO – Human Rights Monitoring Institute – assisted Roma women, by exercising situation testing method, to prove that discrimination did actually happen at the recruitment of the women at a café. The results from the situation testing were later used in court to successfully challenge discriminatory behaviour. The NGO took part in the proceedings as a third party in support of the victim, however, an attorney was nonetheless required, and who directly represented the victim in legal proceedings. The Equal Opportunities Ombudsperson Institution took part in the proceedings as an expert, providing it’s finding on the case.

It must be mentioned, that the case did not test the provision of the Law on Equal Treatment (the main law, implementing Race equality directive), since the proceedings were based in the Labour code and general prohibition of discrimination, embodied in it. Eventually the court ruled in favour of the applicant and awarded her with a compensation of 2864,98 Litas (approximately 830 Euros). So far this remains the only case of compensation for a victim of discrimination and a financial penalty for perpetrator.

⁷³ The draft of the programme was approved in 2009. Lietuvos Respublikos Vyriausybės nutarimas “Dėl Nacionalinės antidiskriminacinės 2009-2011 m. programos patvirtinimo, 2009 m. balandžio 15 d. Nr. 317. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=342654&p_query=durbano&p_tr2=2, accessed May 10, 2009.

⁷⁴ Making racist motivation an aggravating circumstance.

⁷⁵ Vilniaus miesto 2-jo apylinkės teismo sprendimas civilinėje byloje Nr. 2-1189-545/2008, 2008 m. birželio 30 d.

VI.ii Migration and integration

Speaking about migration issues one has to take into account the attitude of the society towards this process. In 2008 a few enquiries on public opinion were exercised, approving popular belief that negative attitude towards refugees in Lithuanian society is still persistent. The survey carried out by *RAIT Ltd Lithuania* showed that nearly a third of Lithuanians wouldn't like to see refugees obtaining Lithuanian citizenship. Moreover, 18% wouldn't like having refugees in Lithuania at all, 47% - wouldn't like renting their apartment to refugees and, finally, 33% of respondents wouldn't like living in neighbourhoods with refugees⁷⁶.

It seems that general society is not aware of the reasons leading migrants to seek refuge in the country. Lithuania remains one of the states of the EU, where only 20% of society believes that immigrants bring added value to the state (EU 25 average – 40%)⁷⁷. A research, conducted in the beginning of 2008 revealed that 62% of the population believe that immigrants might cause social unrest⁷⁸.

In 2008 no substantial legal developments in Lithuanian asylum law may be observed. Some provisions of the Law on the Legal Status of Aliens and of other secondary legal instruments implementing this law have been changed, but mostly it was only paraphrasing legal definitions.

A more significant amendment was the one of the Law of State Levies. The UNHCR, Lithuanian Red Cross and Lithuanian Refugee and Migrant Association continued their advocacy activities in 2008 drawing the attention of governmental institutions to the increased fee which persons with granted subsidiary protection have to pay every year for the renewal of the resident permit on the ground of subsidiary protection. On the 15th of April 2008, the amendment to the Law of State Charges was adopted, and Art. 6 Para. 17 excluded persons granted subsidiary protection from paying any fee for the renewal of their residence permit on the ground of subsidiary protection. The amendment was initiated by the Migration Department.

The reception and accommodation system in the country remained problematic. The Aliens Law provides that Foreigners' Registration Centre in Pabrade is the only accommodation facility for asylum seekers except for unaccompanied minors, who are accommodated in the Refugee Detention Centre of Rukla. The reception conditions for asylum seekers have deteriorated after the revised Law

⁷⁶ Lietuviai nenori įsileisti pabėgėlių, *Airija.OnLine*, December 18, 2008, <http://www.airijaonline.lt/naujienos?article=lietuviai-nenori-isileisti-pabegeliu>, accessed May 5 2009.

⁷⁷ Eurobarometer, Discrimination in the European Union, http://ec.europa.eu/public_opinion/archives/eb_special_en.htm, accessed May 5, 2009.

⁷⁸ 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, 2009.

on the Legal Status of Aliens was adopted in April 2004 and may not be in line with the Reception Conditions Directive⁷⁹.

The Foreigners' Registration Center was previously used mainly as a detention facility for illegal migrants. Asylum seekers are now 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). Asylum seekers with special needs (women, children, elderly, traumatized and disabled people) are in a very poor social environment surrounded by the uniformed border guards next to the detained illegal migrants. The nutrition system is centralized in the Centre, and does not always secure religious or cultural dietary requirements. The medical unit, located in the Centre, provides only necessary health care services, while access to the hospitals and services of specialists is available only in emergency cases.

Early 2008, Pabrade Foreigners' Registration Centre employed two workers for the day-to day social and psychological assistance in the Centre. Soon after that, in April 2008, Lithuanian Red Cross and Vilnius archbishopric Caritas moved their social and psychological assistance out of the Centre and established Pabrade Refugee Day Centre outside, but close to Pabrade Foreigners' Registration Centre.

Family reunification policies and regulation are only serving persons who have been granted refugee status. According to the Law on the Legal Status of Aliens, persons who are granted subsidiary protection and receive temporal residence permit do not have such a right. Family members who can enter and reside are defined in the Law. This right is authorized to the spouse or the person who has concluded a partnership agreement, the children of the couple or of one of them (including adopted children) is below 18 years, on condition that they are unmarried and dependant as well as relatives according to direct ascending line who have been dependent for at least one year and unable to make use of the support of other family members residing in a foreign country (Article 2). Accordingly, national law does not allow reunification with an unmarried partner. Only the person who has received refugee status in the Republic of Lithuania could exercise his right to reunify with the family members defined by law.

However, such cases are rare – in 2008 out of 465 decisions Asylum Affairs Division of the Migration Department granted refugee status to only 14 persons (3% of all decisions). 350 were granted subsidiary protection (75%), 28 were refused asylum and 32 cases were discontinued. 24 asylum applications were not examined in substance and decisions were taken to return asylum seekers to the EU member state responsible for examination of the asylum application according to the Dublin II Regulation. The majority of decisions were to grant subsidiary protection. This figure was largely influenced by the fact that the

⁷⁹ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers // Official Journal L31/18, 30/12/2004.

majority of asylum seekers originated from Chechnya and *non-refoulement* was applied because of human rights violations and absence of internal flight alternative in the Russian Federation.

Statistically, 87 court hearings connected with asylum procedures took place in Vilnius District Administrative Court and Supreme Administrative Court of Lithuania in the year of 2008. By the decisions of the Courts 66 claims were rejected, seven claims were partially satisfied and files returned to the Migration Department for re-examination. 10 cases were dismissed and the claims untried.

A few very positive initiatives with regard to integration of refugees to Lithuanian society can be identified at national level.

During 2008, Lithuanian Red Cross together with Vilnius archbishopric Caritas has implemented a project, financed by the European Refugee Fund, "Integral reception system of asylum seekers" which focused on the various ways of assistance to asylum seekers. The project was implemented in Pabrade Day Centre for asylum seekers close to Pabrade Foreigners' Registration Centre. The positive aspect of this project is that asylum seekers have a place outside of the Foreigners' Registration Centre to spend time together in a circle, have different social activities, receive humanitarian aid and additional medical services (medical services for asylum seekers are provided in Health Centre, in Vilnius

In the frame of Lithuanian Red Cross project "Kaunas Refugee Day Centre" the Day Centre for refugees, established in 2004 in Kaunas, continues its work. The main idea of the project is to assist refugees during the period of social integration. The project is financed by the European Refugee Fund. All activities in the Centre are based on the refugees' initiative. To reduce negative attitude to refugees there are meetings with the local society organized in the Centre.

VI.iii Criminal justice

VI.iii.i 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.

In its third report, the European Commission against Racism and Intolerance (ECRI) strongly recommended that, in accordance with this General Policy Recommendation⁸⁰, the Lithuanian authorities introduce a provision which expressly considers the racist motivation of an offence as a specific aggravating circumstance⁸¹. In 2008 both NGOs and UN Special Rapporteur on Racism urged the government to include racist motivation into the list of aggravating circumstances in the Criminal Code, however, the draft law prepared on the issue by the Ministry of Justice⁸² was not accepted in the Parliament. Although in principle there was consensus among competent institutions as well as members of the Parliament to approve the law, , the draft was criticised for not being legally precise. The Parliament did not manage to prepare a draft during the whole year, thus racist motivation is still not considered as an aggravating circumstance by the Criminal Code.

After the notorious racist incidents in spring, a meeting was held in the Government where officials from various institutions discussed the situation. The General prosecution office presented additional initiatives to strengthen criminal law by criminalising certain activities which were at the moment considered as administrative offences⁸³ (production, possession, distribution and exhibitions of materials with racist content; participation in the organisation, which instigates racist hatred)⁸⁴. However, these initiatives remained not realised during the year.

The General Prosecutors office finally approved the fact, that the real scale of racist crimes remains latent due to the lack of correct statistical information⁸⁵. As was highlighted in the previous ENAR shadow reports, the system of data collection, administered by the IT and Communications Department under the Ministry of Interior, was functioning erroneously⁸⁶. This still remained the case in 2008.

There is a great possibility that crimes committed with racist motivation are persecuted on the basis of articles of the Criminal Code which do not mention racist motivation (assault, etc.). The only available information on racist crimes

⁸⁰ ECRI General Policy Recommendation N°7, paragraph 2 1 (and paragraph 47 of the Explanatory Memorandum).

⁸¹ European Commission against Racism and Intolerance (ECRI), Council of Europe. Third Report on Lithuania, adopted on 24 of June 2005.

⁸² Lietuvos Respublikos Baudžiamojo kodekso 60, 129, 135 ir 138 straipsnių papildymo įstatymo projektas, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=322032&p_query=&p_tr2= , accessed May 4, 2009.

⁸³ Articles 214 (12) and 214 (13) of the Code of Administrative Violations.

⁸⁴ Skėrytė Jūratė, Dėl diskriminacinių veikų prokurorai siūlo pildyti Baudžiamąjį kodeksą, *Alfa*, April 25, 2008, <http://www.alfa.lt/straipsnis/180944> , accessed May 8, 2009.

⁸⁵ Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41, available in Lithuanian at <http://www.prokuraturos.lt/nbspnbspnusikaltimaižmoniškumui/tabid/221/Default.aspx> , accessed May 8, 2009.

⁸⁶ ENAR Shadow report "Racism in Lithuania 2007".

can be monitored evaluating the dynamics of violations of previously mentioned Articles of the Criminal Code (articles 160 and 170 in most cases). The statistics show a drastic rise - The number of officially registered criminal investigations on discrimination and instigation of hatred (on all grounds) increased more than two times: 99 investigations started in 2008, compared to 39 in the previous year⁸⁷. Instigation of hatred on the basis of race and ethnicity amounted to 63 cases (comparing to 25 in 2007). All of the investigations concern instigation of hatred (Most concerned internet commentaries).

76 investigations were also started on the basis of Article 312 (grave desecration). According to the Special Investigation Department of the General Prosecution Service, at least 2/3 of these acts were committed with racist motivation⁸⁸. This number is slightly smaller than in the previous year.

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 the more active position of 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 NGOs became more active in reporting incitement cases to the police.

It must be mentioned that the capacity of the Prosecution to bring cases to the court increased compared to the previous year. In total 25 cases regarding incitement of hatred were brought to the court (compared to 10 in 2007). This is a very positive step forward since in 2006 none of the cases were brought to the court. In most of these cases perpetrators were sentenced with fines. For instance, on June 17, a Vilnius court fined two persons 1,300 litas (approximately \$539) each and one person 2,990 litas (approximately \$1,249) for taking part in an unsanctioned skinhead march on March 11, during which participants shouted anti Semitic and anti Russian slogans. Investigations of other participants were also continuing.

However an alarming signal is the fact that almost all criminal investigations are launched by prosecutors of the Special Investigation Department of the General Prosecution Service. Police, which is the main pre-trial institution started only five investigations (out of 99)⁸⁹. The prosecutors of territorial Prosecution offices were

⁸⁷ Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41, available in Lithuanian at <http://www.prokuraturos.lt/nbspnbspNusikalstamųveikųpadaromųdėlrasinės,etninės,tautinės,religinėsneapykantos,kitokiosnetolerancijosirdiskriminavimo,ikiteisminiųtyrimųrezultatų,problematikos,tendencijųirprevencijospriemoniųapibendrinimas,2008-12-31,Nr.12.14-41> , accessed May 8, 2009.

⁸⁸ Ibid.

⁸⁹ Lietuvos Respublikos Generalinė Prokuratūra, Nusikalstamų veikų, padaromų dėl rasinės, etninės, tautinės, religinės neapykantos, kitokios netolerancijos ir diskriminavimo, ikiteisminių tyrimų rezultatų, problematikos, tendencijų ir prevencijos priemonių apibendrinimas, 2008-12-31, Nr. 12.14-41, available in Lithuanian at <http://www.prokuraturos.lt/nbspnbspNusikalstamųveikųpadaromųdėlrasinės,etninės,tautinės,religinėsneapykantos,kitokiosnetolerancijosirdiskriminavimo,ikiteisminiųtyrimųrezultatų,problematikos,tendencijųirprevencijospriemoniųapibendrinimas,2008-12-31,Nr.12.14-41> , accessed May 8, 2009.

also passive in this respect. Thus there is a need for awareness raising as well as trainings for lower officials of criminal justice system⁹⁰. This is acknowledged by the General Prosecutor who in 2008 at least three times addressed the territorial offices with recommendations, however, a system of qualification trainings on hate crimes should be established.

VI.iii.ii Counter terrorism

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

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

Lithuania is participating in the US Visa Waiver Program (VWP), thus it continued to comply with US requirements in the VWP law related to information sharing and other law enforcement and counterterrorism cooperation. This cooperation was further enhanced by the Implementing Recommendations of the 9/11 Commission Act of 2007⁹¹.

VI.iii.iii Racial profiling

There is no information about the usage of racial profiling in practice. No complaints have been registered in this respect. No discussions are taking place neither among civil society actors, or state officials.

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.

VI.iv Social inclusion

One of the main policy developments with regards to social inclusion was the adoption of the Programme of the Integration of Roma in Lithuanian Society for

⁹⁰ It must be mentioned, that ECRI recommended that the Lithuanian authorities raise the awareness of all public servants involved in the criminal justice system of the need to take all manifestations of these phenomena seriously

⁹¹ US Department of State, Country Reports on Terrorism 2008, Chapter 2. Country reports: Europe and Eurasia overview, <http://www.state.gov/s/ct/rls/crt/2008/122432.htm>, accessed May 5, 2009.

2008 – 2010 in March 2008⁹². Although such 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 the education situation. It can be evaluated as a very positive initiative, directly aimed at the reduction of poverty and fighting social exclusion of Roma. During the year the implementation of the programme contributed to the understanding of Roma unemployment and education programmes. Significant resources were allocated for training courses, state language education activities and support for cultural projects of ethnic minorities⁹³.

Besides that, the government was implementing other policy documents: the Action Programme for 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. 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 for the 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.

Action Programme for the Integration of National Minorities into Lithuanian Society for 2005–2010 places much more emphasis on securing the identity of minorities, and supporting cultural activities. The programme was rather reasonably criticised by local sociologists for lacking direct measures to improve social inclusion of minority groups, diminish higher unemployment rates, etc⁹⁴.

However, some positive developments are reflected in the Strategy on Ethnic Minority Policy Development until 2015⁹⁵, 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 market and foresees significant number of measures, directly aimed at social inclusion, reduction of poverty and lack of state language.

⁹² Lietuvos Respublikos Vyriausybės nutarimas „Dėl romų integracijos į Lietuvos visuomenę 2008-2010 metų programos patvirtinimo“, 2008 m. kovo 26 d. Nr. 309.

⁹³ LR Tautinių mažumų ir išeivijos departamento 2008 m. veiklos ataskaita, www.tmid.lt, accessed May 4, 2009.

⁹⁴ 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.

⁹⁵ Lietuvos Respublikos Vyriausybės nutarimas „Dėl tautinių mažumų politikos plėtros iki 2015 metų strategijos patvirtinimo“, 2007 m. spalio 17 d. Nr. 1132.

Overcoming discrimination, tackling social exclusion or enhancing integration of ethnic minorities and immigrants were not priorities of national policies of social inclusion⁹⁶. The National Action Programme (NAP) report on Social Inclusion policies explicitly states that currently there are other priorities (erradication of child poverty, increasing support for the family, encouragement of the participation in the labour market, improvement the access to quality service) and that no particular emphasis on ethnic minorities or migrants will be placed in 2008-2010.

⁹⁶ National Report of Lithuania on Social Protection and Social Inclusion Strategies 2008 – 2010, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/lithuania_en.pdf, accessed May 6, 2009.

VII. National recommendations

VII.i General

- Significant financial resources should be allocated for awareness raising on racism and discrimination, tackling prejudice and stereotypes widespread in society;
- Comprehensive human rights education should be introduced in the schools curriculum, addressing stereotypes of young people; current methodologies, used in civic education classes must be reviewed and evaluated.
- Statistics on ethnic composition of society and the situation of minorities in the spheres of employment, education, housing and access to goods and services should be collected by competent institutions;

VII.ii Anti discrimination

- The competence of the Equal Opportunities Ombudsman should be expanded by law, including awareness raising, research, surveying and assistance to victims of discrimination to its activities.
- A unanimous law on antidiscrimination should be established, encompassing two existing major enactments into one.
- An elaborated and detailed system of effective, proportionate and dissuasive sanctions for discriminatory actions should be established.

VII.iii 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 situation of migrants (particularly third country nationals, entering labour market) should be put at the political agenda on social inclusion.

VII.iv Criminal justice

VII.iv.i Racism as a crime

- The existing legal framework should be strengthened: committing of an offence with a racist motivation or aim should be introduced as an

- aggravating circumstance in the Criminal Code, relevant provisions of the administrative violations law should be relocated to Criminal Code.
- Effective system of data collection on hate crimes should be established, pre-trial investigation institutions should be trained to exercise data collection in everyday work.
 - Awareness raising and competence trainings should be provided to the pre-trial investigation institutions (police particularly) dealing with hate crimes and racist violence.

VII.iv.ii Counter terrorism

- A research on the usage of counter terrorism measures and its potential effect to minorities should be implemented.

VII.iv.iii Racial profiling

- A research on the existence of racial profiling practices should be implemented.

VII.v Social inclusion

- The reforms in system of education in culturally diverse regions of the country (particularly Vilnius region) must take place.
- Much more resources should be allocated to the state language education activities for ethnic minorities.

VIII. Conclusion

The situation of racism in 2008 faced both negative and positive developments in 2008. The beginning of the year was marked not by greater understanding and acceptance, but by racial harassment, instigations of hatred and violent crimes.

However, some of the crimes received wide press coverage which contributed to the public debate on the state of racism in the country. Notorious racial incidents mobilized the civil society to raise its voice which resulted in putting racism on the agenda of high officials.

Despite the increase of racist crimes, the European Year of Multicultural Dialogue somehow contributed to minimising social distance regarding particular minorities, however the hierarchy of intolerance remains the same: Roma, Chechens, refugees and Muslims are the least tolerated thus most vulnerable to racism groups in Lithuania. The general climate in society, the lack of human rights understanding and the level of intolerance among youth is an obstacle for further progress. Thus enhancing the understanding of human rights and equal opportunities remains a challenge.

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

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X. Annex 1: List of abbreviations and terminology

Please include any abbreviations which are frequently used in the text as well as any terminology used in the text which you feel may need elaboration or clarification.

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

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

CES - Centre of Ethnic Studies.

ECRI – European Commission against Racism and Intolerance.

NGO – non-governmental organisation.

UNHCR - the United Nations High Commissioner for Refugees.

VWP – the United States of America Visa Waiver Program.



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