



# Responding to racism in Lithuania



european network against racism

## OVERVIEW OF RACISM IN THE NATIONAL CONTEXT.

In today's society cases of intolerance towards other people on the basis of their beliefs, racial or ethnic origin still occur. In the history of Lithuania one could find great examples of tolerance, but deeply rooted prejudices and newly formed ethnical stereotypes, fear of immigration and a sense of an insecure future stimulate unfounded opinions and behaviour, which often violate a person's dignity. In order to ensure equal opportunities for all irrespective of their ethnic origin, such inappropriate behaviour must be recognized and changed.

The definition "racism" involves not only discrimination on the basis of the colour of one's skin, but has a much broader meaning, encompassing ethnicity, nationality or religion. Racism may appear in different forms, starting from personal attitude and verbal abuse to discriminative acts and even violence or well-organised extreme right outbursts.

Additionally, there is institutional racism, when practices in public or private sectors have an effect on disadvantaged persons belonging to certain national or ethnic groups (e.g. in the employment, education or housing sectors).

Roma people, refugees or foreigners sometimes become direct victims of unfavourable provisions, discrimination or violence. Disparaging and unfounded generalisations occasionally appear in public speeches. Food for racism and anti-Semitism is given by the media, which is often guided by stereotypes. Additionally, fascist elements seeking attention may encourage racism. An intolerant and fearful society can be easily manipulated.

A negative image of certain national, ethnic or religious minorities and refugees, formed by the media, is a matter of great concern.

These are the main challenges we have to face fostering a democratic society in Lithuania. Being indifferent to intolerance and discrimination of others today, one can never be sure not to become a target of unfounded hatred tomorrow.

## OVERVIEW AND KEY ACTIVITIES OF THE NATIONAL COORDINATION.

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Lithuanian non-governmental organisations fighting against racism and discrimination on the basis of various grounds have been searching for cooperation opportunities for quite a while.

On 26th January 2006, on the initiative of European Network Against Racism (ENAR) and the Lithuanian Centre for Human Rights, the first meeting of Lithuanian NGOs was held, where action plans and national problems in the fight against racism were discussed. The Lithuanian Centre for Human Rights encouraged colleagues to establish an ENAR National Coordination in Lithuania. It is expected that the ENAR National Coordination will be formed in the nearest future.

## OVERVIEW AND KEY ACTIVITIES OF ENAR

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ENAR promotes the cause of anti-racism and equal treatment for ethnic minorities and non-EU nationals residing in the European Union.

ENAR is a network of European NGOs working to combat racism in all EU Member States. NGOs have formed National Coordinations (NCs), which constitute the membership of ENAR and include ethnic minorities, immigrants' associations, information centres, advocacy groups, trade unions, faith based organisations and many others. Democratically elected representatives of each NC attend the Network's meetings where they are consulted on policy and statutory issues. One of the representatives of each NC should belong to an ethnic minority.

ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.

## WHO SUFFERS FROM RACISM?

In Lithuania various persons belonging to different national, ethnic or religious groups face unfavourable treatment. In 2005 the Office of the Equal Opportunities Ombudsman received 15 complaints concerning discrimination based on ethnicity.

According to the data provided by the Centre for Ethnic Studies, Roma people, Chechens, refugees and Muslims are regarded with disfavour most of all in Lithuania. The (Council of Europe) European Commission against Racism and Intolerance has expressed its concern about the complicated situation of refugees and Lithuanian Roma people. Public institutions are incapable of taking effective measures to help socially excluded groups to integrate, while society often tends to condemn them. Careless and unfounded generalisations, such as “they are all like that” often harm innocent people, belonging to “disliked” national or religious groups.

Although extreme rightist parties are not in large numbers in Lithuania, they maintain hatred and popularise ideas of placing people in unequal categories. For this reason, not all members of society can feel safe. Lithuanian Jewish cemeteries and commemorative Holocaust places frequently suffer from acts of vandalism. Anti-Semitic essays occasionally appear in national newspapers.

The media often lack objectivity and do not cover minorities opinion. Individuals and national minorities, especially those who are small in numbers and those who do not have their own media or journalists find it difficult to protect themselves from incorrect information and mere assertions.

Foreigners suffer from disadvantageous provisions and violence as well. Due to economic growth and shortages in the labour force the number of foreign workers will definitely increase. These people often are not familiar with the local context and consequently are more vulnerable, not knowing where to apply for help or not daring to search for assistance.

## LITHUANIAN LAWS AGAINST RACISM

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The Constitution of Lithuania embodies equality for all persons before the law: courts, public institutions and officers. In addition, every citizen belonging to any ethnic or national group has a right to foster his/her culture, customs and mother tongue and everyone has a right to choose and follow any religion or belief. There is no state religion in Lithuania.

The Constitution of Lithuania states that freedom of speech and expression is incompatible with criminal behaviour, such as instigation of racial, religious or social hatred, violence or discrimination, or the dissemination of slander or misinformation.

Since 2005 the Law on Equal Opportunities forbids any direct or indirect discrimination on the basis of racial or ethnic origin, religion or beliefs and other grounds. This partially implements the provisions of the Race Directive.

The Criminal Code of Lithuania guarantees prosecution for discrimination on the basis of racial or ethnic origin, gender, religion, nationality or belonging to any other group, hatemongering and disturbance of devotion.

Administrative sanctions for production, distribution or demonstration of any articles that stimulate national, racial or religious discord are embodied in the Lithuanian Code of Administrative Law Violations. Article 214(13) forbids participation in organisations, which stimulate national, racial or religious discord.

It is important to note that not all provisions of the EU Race Directive 2000/43/ have been fully implemented, especially those concerning the burden of proof, victim representation and restitution. Moreover it is questionable that sanctions are effective, proportionate and dissuasive.

Although human rights are protected by the Constitution, national laws and international legal instruments, it is more important that the practical realisation and protection of the rights mentioned previously is ensured. Problems that still remain are the lack of effective application of existing legal remedies, insufficient competence of judicial institutions and passive social attitude.

## THE ROLE OF CIVIL SOCIETY

Lacking proper knowledge, society is not always capable of dealing with racism and discrimination. Therefore it is important to strengthen organisations working in the field of human rights. Creation of a constructive, tolerant and open-minded atmosphere between various ethnic and national groups capable of using existing legal and non-legal tools is in the public interest.

Volunteer organizations encourage people to communicate, share ideas and influence changes in the social life.

**Active persons that join non-governmental organisations can contribute in a number of ways:**

1. Represent vulnerable groups and raise the profile of their problems,
2. Inventively inform society about the importance of equality and fight unfounded negative prejudices,
3. Monitor, document and publicize discrimination cases,
4. Actively follow and monitor how public institutions protect society against racism and discrimination, give constructive criticism and advise,
5. Act jointly in order to achieve common goals

It is expected that the provisions of the EU Race Directive 200/43/ concerning the possibility of NGOs engaging in any administrative or judicial procedure in support of vulnerable social groups suffering from racism or discrimination will be implemented in Lithuania.

Non-governmental organisations should also ensure that principles of equality and respect to persons are maintained within the organisation. Involving persons from different backgrounds in NGO activities will make the organisation a great example of mutual cooperation and understanding in society. Some organisations work nationwide, others – regionally. Every willing person has a possibility to get involved, share common ideas and act together.

## STRATEGIC LITIGATION

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Many anti-racist NGOs have not traditionally engaged in legal processes, often this is for the simple reason that there was little law for them to refer to. However the adoption of the EU Race Directive (see section 'EU and anti-racism') and the development of national law, means that now more than ever litigation has the potential to lead to real change for those who are vulnerable to racism and discrimination.

As anti-discrimination is a relatively new field of law, NGOs have a role to play in raising awareness regarding its potential. Consequently the strategic litigation has come to the fore as a useful advocacy technique. NGOs can both directly engage in strategic litigation and support others to do so by gathering data, assessing victims and engaging in advocacy.

“Strategic or impact litigation uses the court system to attempt to create broad social change”

The primary focus of strategic litigation is law or policy change rather than redress for an individual, though these two objectives are not mutually exclusive. Strategic litigation intends to reach beyond an individual case or victim, to create a context of enhanced protection for everyone who is vulnerable to discrimination. By changing law or setting precedents an individual case can have a ripple effect leading to change on a much broader level.

The concept of strategic litigation encompasses the selection of cases, case planning and management, as well as ensuring that favourable outcomes are implemented.

Not every NGO has the mandate or skills to engage in litigation, nor will litigation necessarily be the right strategy in many cases. Nonetheless, it is essential for all anti-racism actors to recognise the importance of strategic litigation as a tool for generating change.

## SERVICES AVAILABLE FOR THE VICTIMS OF RACIAL DISCRIMINATION

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If a case of discrimination occurs in a public or private sector, everyone is entitled to address the Office of Equal Opportunities Ombudsman. The Ombudsman investigates complaints and monitors how equal opportunities are ensured in public and education institutions. It also ensures that employers observe the principle of equality while hiring and dismissing, paying equal wages for the same type of work, and that service providers allow equal access to their services (including housing). The Ombudsman's institution staff is always ready to consult, assist in righting a complaint or advise where else to apply.

In case a violent act of public hatemongering is noticed, the police must be informed immediately. They are obliged to start investigation and protect the injured from racist violence. The police office may also assist in finding organisations that provide help for crime victims.

People are also encouraged to apply to **The Lithuanian Ethics Commission of Journalists and Publishers**, which investigates cases of violence and incitements to intolerance in the media.

You can also receive help from non-governmental organisations. **The Lithuanian Centre for Human Rights** provides consultations and information on where to seek legal assistance, organises training and prepares materials on human rights issues.

**The Human Rights Monitoring Institute**, together with independent experts, has implemented a legal consultation programme for Vilnius Roma community.

**The Lithuanian Red Cross Society** provides legal assistance to refugees and asylum seekers, and helps finding housing, work, etc.

These and other non-governmental organisations are experienced in informing society and have the necessary skills, tools and materials to promote tolerance and understanding in society.

## WHY A EUROPEAN PERSPECTIVE IS CRUCIAL: EU AND ANTI-RACISM.

National NGOs working on anti-racism are already seriously overburdened in their work to confront racism and discrimination. Why then should they also be concerned with what is going on in other European countries, and in the institutions of the European Union itself?

Developing an understanding of racism in Europe is essential for two key reasons. Firstly, to promote learning and knowledge about what racism is and how to combat it and secondly to generate common tools across the European Union to combat racism. Experience over the last ten years has demonstrated that national governments can be convinced to take action at a European level, where they may not have been prepared to move forward alone.

Racism has a distinctly European dynamic. Europe's colonial history underlines its role in fostering both historical and contemporary forms of racism; and the 20th century does not cast a positive light on the European legacy. Despite this long history Europe began to take racism seriously relatively recently. Europe has a responsibility both to the people living within its borders, as well as internationally to take a leading role in promoting a vision of a world free from racism.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop 'appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. Using these powers the European Union adopted the Race Equality Directive in June 2000 (and later that year the Employment Equality Directive).

While the Race Directive was due to be fully implemented by July 2003, at the beginning of 2006 some Member States have failed to implement it. This reality raises questions about the continuing commitment of EU Member States to combat racism and discrimination. However the Directive does have direct effect, which means that individuals can assert it before national courts, even where it has not been implemented.



The Race Directive gives protection against discrimination in employment and access to a range of good and services, including social protection, health, social security and education. It puts forward a number of important definitions including: direct and indirect discrimination, harassment, and victimisation. Other significant aspects of the Directive are that it allows for positive action measures, the sharing of the burden of proof, and the establishment of equality bodies.

The principles enshrined in the Race Directive need to become core elements of anti-discrimination law and practice across the European Union. Strategic litigation is a tool to ensure that this happens. To this end, it expressly allows for NGOs to engage in proceedings in support of or on behalf of victims.

While Article 13 of the Amsterdam Treaty provided the context for developments in the field of anti-discrimination, Article 29 of the Treaty on European Union included reference to preventing and combating racism. While the European Commission proposed a Framework Decision against racism and xenophobia (racism as a crime) in 2001, developments in this policy area have been disappointing; the Council has failed to adopt the Framework Decision. In addition the European Union has competence in other policy areas that either directly or indirectly impact on the fight against racism, including: social inclusion, migration and asylum, and education.

The European Union is also involved in a range of other activities, including awareness raising (through the 'For Diversity. Against Discrimination' campaign) and funding of anti-racism projects. In 1997 the EU Monitoring Centre on Racism and Xenophobia (EUMC) was established. While the Centre is likely to be expanded to become a Fundamental Rights Agency in 2007, it will continue to focus on the problem of racism in Europe.

## FOR MORE INFORMATION IN LITHUANIA:

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Lithuanian Centre for Human Rights: [www.lchr.lt](http://www.lchr.lt)

Centre for Equality Advancement: [www.gap.lt](http://www.gap.lt)

Centre for Civic Initiatives: [www.pic.lt](http://www.pic.lt)

Lithuanian Redcross Society: [www.redcross.lt](http://www.redcross.lt)

Centre of Ethnic Studies: [www.ces.lt](http://www.ces.lt)

Human Rights Monitoring Institute: [www.hrmi.lt](http://www.hrmi.lt)

Lithuanian Human Rights League: [www.lhrl.lt](http://www.lhrl.lt)

Office of the Equal Opportunities Ombudsman: [www.lygybe.lrs.lt](http://www.lygybe.lrs.lt)

Lithuania's report on the implementation of the Race Directive: [www.socmin.lt](http://www.socmin.lt)

Lithuania's report on the International Convention on Elimination of All Forms of Racial Discrimination and other reports: [www.lrs.lt](http://www.lrs.lt)

## KEY LINKS AND SOURCES OF FURTHER INFORMATION AT EUROPEAN LEVEL

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EU Monitoring Centre on Racism and Xenophobia : [www.eumc.eu.int](http://www.eumc.eu.int)

European Commission - anti-discrimination and relations with civil society:

[www.europa.eu.int/comm/employment\\_social/fundamental\\_rights/index\\_en.htm](http://www.europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm)

European Network Against Racism (ENAR): [www.enar-eu.org](http://www.enar-eu.org)

European Roma Information Office: [www.erionet.org](http://www.erionet.org)

European Union: [www.europa.eu.int](http://www.europa.eu.int)

'For Diversity. Against Discrimination': [www.stop-discrimination.info](http://www.stop-discrimination.info)

Strategic Litigation of Race Discrimination in Europe: from Principles to Practice:

[www.migpolgroup.com/documents/2498.html](http://www.migpolgroup.com/documents/2498.html)

Strategies on Litigation Tackling Discrimination in EU Countries: [www.solid-eu.org](http://www.solid-eu.org)

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