

European Foundation of Human Rights

REPORT

Observance of human rights in Lithuania for years

2012–2013

The rights of national minorities in Lithuania

European Foundation of Human Rights

2013

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List of Abbreviations:

APL – the Association of Poles in Lithuania
CEA – the Center for Equality Advancement
CJEU – the Court of Justice of the European Union
COEC – the Chief Official Ethics Commission
CP – the Commission on Petitions
EAPL – the Electoral Action of Poles in Lithuania
EC – the European Commission
ECJ - the European Court of Justice'
ECtHR – the European Court of Human Rights
EFHR – the European Foundation of Human Rights
EP – the European Parliament
ESF – the European Social Fund
EU – the European Union
HRMI – the Human Rights Monitoring Institute
HRW – the Human Rights Watch
LCC – the Lithuanian Criminal Code
MEP – a Member of European Parliament
NGO – Non-governmental organization
ODIHR – the Office for Democratic Institutions and Human Rights
OSCE – the Organization for Security and Co-operation in Europe
RL – the Republic of Lithuania
SCLL – the State Commission of the Lithuanian Language
UN – the United Nations

1. Introduction

In the period before Lithuania became a member of the European Union (EU) in 2004, the state made efforts to conform to all political standards, which were present in Western democratic countries at the time. When Lithuania was no longer a part of the USSR after 1990, the requirements for its integration with the rest of Europe, and particularly the need to comply with the common European values had become a priority between 1990 and 2004. By becoming a member of a growing number of international organizations, Lithuania has not only assumed economic and political obligations, but also commitments in terms of human rights. Despite this, there has been a noticeable regression rather than progress in the sphere of human rights since Lithuania joined the European Union in 2004. Arguably, this is the result of Lithuania's human rights no longer being monitored and the cessation of all mechanisms of political pressure¹.

Back in 2011, the European Foundation of Human Rights (hereinafter referred to as EFHR) published an alternative report prepared for the Committee on the Elimination of Discrimination against Race for the review of two Interim Reports (IV and V) by Lithuania, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination². In the report, which presents the situation of human rights in Lithuania, EFHR drew attention to the alarming practices of state authorities in relation to freedom of assembly. It also supported the arguments and statements of the Human Rights Monitoring Institute (hereinafter referred to as HRMI) that Lithuania “has a low level of awareness of human rights among policy-makers, government officials, the judiciary, the media and the society in general”.

The purpose of this report is to comprehensively present the current status of human rights in Lithuania, with particular regard to issues related to national minorities in light of Lithuania's EU membership, as well as its participation in other international organisations such as the United Nations of the Council of Europe. The problem of the protection of national minorities, including the issues of education, spelling of forenames, surnames and topographic names, was given particular attention.

The EFHR's report including the review of the situation of human rights in Lithuania in the years 2012–2013 states unequivocally that Lithuania lacks legal solutions regulating and

¹ <http://kauno.diena.lt/naujienos/lietuva/h-micECvicius-isivyrauja-priesiskumas-zmogaus-teisems-354507>

² <http://www.efhr.eu/wp-content/uploads/2011/03/AR-PL-2011-04-03.pdf>

guaranteeing the rights of national minorities. Such a situation continues despite the country in question having been part of many international legal obligations related to the protection of their rights. The Republic of Lithuania is the only European country which has ratified the Framework Convention for the Protection of National Minorities (Framework Convention) and then allowed national legislation regarding the regulation of national minorities' rights to expire. Consequently, since 2010 there is no law protecting this vulnerable segment of society. Even more distressing, legal and state authorities have increasingly been targeting these minorities. For example in recent years there have been numerous administrative proceedings against individuals belonging to minorities in language matters, and many heavy fines imposed on them for issues which should be protected by freedom of expression, non-discrimination, or other minority rights provisions. Statements encouraging hatred, persecution, prejudice and stereotypes, and ones that show national minorities in a negative light have become a common attitude in the Lithuanian media and on the Internet, with state authorities taken no or very few steps to prevent or punish these. There have only been a limited number of judicial cases regarding discrimination on the grounds of race and ethnicity. Numerous racist attacks have been ignored and not investigated properly by state, which means that perpetrators have not been prosecuted.

International law recognises fundamental human rights that must not be ignored, since these rights involve obligations which governments have accepted and which must be implemented. Therefore, Lithuania faces the task of complying with – as soon as possible – the voluntarily adopted international obligations concerning the protection of the human rights of national minorities.

2. The European Foundation of Human Rights

The European Foundation of Human Rights (EFHR) is a non-governmental organisation based in Vilnius. It was established as a response to the rising number of human rights violations, including specific violations of the rights of national minorities.

The main goals of the EFHR are:

- to undertake educational and research initiatives in the field of human rights;
- to protect marginalised social groups' interests, and support gender and national minority equality;
- to promote human rights as a fundamental principal of a well functioning state and society.

- to increase society's respect for dignity and human rights;
- to act to protect human rights;
- to support innovative solutions in the field of social life and especially the protection of human and civil rights and freedoms;
- to support the comprehensive development of society, especially social, cultural, scientific, educational and information-oriented activities that supports democracy;
- to develop and strengthen positive attitudes towards the development of a civil society;
- to promote cultural and economic integration of European nations;
- to initiate, support and conduct activities aimed at providing people with knowledge and skills, which would enable them to fulfil social and professional functions;
- to support all forms of civil guidance, especially free-of-charge legal support for citizens and legal entities.

The EFHR regularly takes action to widen the general knowledge on human rights and the need to protect vulnerable groups in society. The Foundation's employees and co-workers organise free-of-charge lectures and training sessions on related topics, starting already in schools, colleges and other institutions of higher education as well as organising these at the Foundation's headquarters. Moreover, the EFHR distributes training materials to inhabitants of Vilnius and surrounding areas. The aim of these activities is to increase the society's awareness of human rights.

The Foundation also actively monitors cyberspace by searching for racist, abusive or intolerant content (eg. comments and posts encouraging national or racial hatred). Upon finding such unacceptable content, the EFHR submits claims to law enforcement authorities to start legal proceedings. Any article in the media that is found to be insulting or provides false information or misinterprets research results or statistics, also is the subjects of EFHR interest.

The EFHR submits claims and complaints to appropriate institutions requesting to investigate possible cases of unethical behaviour in journalism such as biased or hate speech. The EFHR pays due attention to job offers liable to be discriminatory where the employers clearly indicate admission criteria regarding gender, sexual orientation, disabilities, age, race, ethnicity, nationality, religion, language, origin, social status and beliefs, where such requirements cannot be reasonably justified by the employers in request. In response to violations such as the examples above, the EFHR submits complaints to the Office of the Equal Opportunities Ombudsman (*Lygių galimybių kontrolieriaus tarnyba*).

EFHR is the most active organization in Lithuania in terms of the prosecution of Internet comments violating human rights standards and the law. In the course of the campaign that aims to end the impunity of those who abuse the freedom of expression without any resistance, 400 applications were submitted to the Prosecutor General's Office; as a result, more than 23 penalties have been imposed. However, these penalties are too low, which makes them ineffective in the fight against human rights violation in web space. Authors of abusive comments or hate speech are committing the same criminal offense several times and they avoid high penalty by expressing regret for the act committed. What is more, many investigations are suspended by state authorities such as the police on the ground of the inability to identify the actual identity of authors of abusive comments or hate speech – despite the absence of evidence authorities made any real effort to verify their identity.

3. Legal instruments guaranteeing protection of human rights

In 1990s, after Lithuania regained its independence and joined a number of international organisations and agreements, it accepted a number of obligations relating to the protection of rights of national minorities.

3.1. Obligations, that Lithuania undertook due to its membership in UN

- UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (signed on 18 December 1992);
- International Covenant on Civil and Political Rights (acceded on 20 February 1992);
- Convention on the Elimination of All Forms of Racial Discrimination (Lithuania joined the convention on 10 November 1998, however it did not agree to Article 14 of the Convention – it thereby does not approve the Committee on Elimination of Racial Discrimination's competences related to taking and reviewing complaints from people under the Committee's jurisdiction who consider themselves to be victims by Lithuania's breach of any of the rights granted by the Convention.
- Convention on the Rights of the Child (acceded on 2 March 1992) of which Article 30 provides that children from national minorities have the right to enjoy his or her own culture and to use his or her own language.

3.2. Under its membership in the Council of Europe, Lithuania

ratified:

- Convention for the Protection of human rights and Fundamental Freedoms (signed on 14 May 1993, came into force on 20 June 1995);
- Framework Convention for the Protection of National Minorities (signed on 1 February 1995, came into force on 1 July 2000);
- Lithuania did not sign or ratify the European Charter for Regional or Minority Languages.

3.3. As an EU Member State, Lithuania is bound by:

- Charter of Fundamental Rights of the European Union;
- Directive 2000/43/EC on the introduction of equal treatment regardless of race or ethnic origin;
- EU Council Directive 2000/78/EC dated 20th November 2000 on the general framework conditions and requirements for equal treatment in the field of work and employment;

Additionally, Lithuania is bound by the European Court of Justice (ECJ) and the European Court of Human Rights (ECHR) rulings referring to Lithuania. Moreover, Lithuania signed several bilateral agreements of which the provisions oblige the signatories to respect human and minority rights within their territories. As an example, the Polish-Lithuanian treaty on friendly diplomatic relations and cooperation (1994), the Lithuanian-Ukrainian treaty on friendship and cooperation (1994) and the Belarusian-Lithuanian treaty on good relations and cooperation (1995).

As opposed to international agreements, the regulation of matters regarding national minorities on the level of national law is limited. Article 37 of the Lithuanian Constitution states: "*Citizens who belong to the minority communities have the right to preserve their language, culture and traditions*". This general provision does not provide a solid basis for any specific right that can be claimed by minorities. Between 1989 and 2009, there was a law on national minorities³ in force which granted several specific rights to national minorities such as the right to have education in a minority's language, the right to bilingual signs in some municipalities, etc. The Lithuanian authorities allowed this legislation to expire in 2010 and have still not adopted any replacement legislation. The result has been an increase in

³ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=22150&p_query=&p_tr2=2

decisions and practices against the interests, claims and previously held rights of minorities in areas such as education, bilingual signs, employment of minorities, use of minority languages in voting materials, etc.

Moreover in the end of 2009 the Department of National Minorities and Lithuanians Living Abroad (*Tautinių mažumų ir išeivijos departamentas*) was dissolved and its competences were passed on to the Ministry of Culture of the Republic of Lithuania (*LR Kultūros ministerija*) and the Ministry of Education and Science of the Republic of Lithuania (*LR Švietimo ir mokslo ministerija*). However, according to the Council of Europe, giving responsibility to the Ministry of Culture was not the right step⁴. A small team of 5 employees within the Ministry deals with all the issues concerning national minorities in the country cannot meet all the needs of members of national minorities. It is particularly visible especially in the coordination of programs aiming at the Roma minority.

The consequences of the absence of legislation to protect minorities are very serious, leaving a particularly vulnerable segment of society largely defenceless. It has thus become the only country which has ratified the Framework Convention (without any reservations in 2000) and then allowed it to expire - the only law that protected the rights of national minorities. Since there is no national regulation on that issue, almost all of the rights guaranteed by the Framework Convention remain unprotected and unrecognised. The Government of Lithuania repeated promises to the Council of Europe that new legislation was going to be in place “soon” appears now to have been empty promises. Statements of hatred, persecution, prejudice, stereotypes and a negative portrayal of national minorities have become common in Lithuanian media, not to mention comments made on the Internet, which often encourage acts of aggression. Despite the work of the EFHR which has shown a large – and unfortunately increasing – presence of hate speech in Lithuania, there have only been a few cases of judicial proceedings undertaken by authorities in matters of ethnic and racial discrimination, and even then fines have been found to be disproportionately low. Many racist attacks have not been properly investigated by police or state authorities; worse even, authorities seem unwilling to treat such matters seriously. Racist incidents tend to be qualified by the responsible authorities as simple incidents of breach of peace, and as a result offenders are often not found liable. Moreover, Lithuanian authorities request exceptionally high standards of evidence when a few such cases appear, making prosecution difficult.

⁴ <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/lithuania/LTU-CbC-IV-2011-038-LTU.pdf>

Lithuanian institutions working for the protection of human rights, to which the citizens may address some complaints, include: the Office of Equal Opportunities Ombudsman (*Lygių galimybių kontrolieriaus tarnyba*), the Seimas Ombudsmen's Office (*Seimo kontrolierių įstaiga*), Institution of the Ombudsperson for Children's Rights (*Vaiko teisių apsaugos kontrolieriaus įstaiga*), the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektorius tarnyba*), the Journalists and Publishers Ethics Commission (*Lietuvos žurnalistų ir leidėjų etikos komisija*), and the State Consumer Rights Protection Authority (*Valstybinė vartotojų teisių apsaugos tarnyba*). The mandate and powers of these institutions are however quite limited, and do not cover most aspects of human rights standards.

Among the documents dealing with the protection of human rights that were adopted in recent years, the Plan of Roma Integration into Lithuanian Society for years 2012–2014 (*Romų integracijos į Lietuvos visuomenę 2012–2014 metų veiklos planas*)⁵ should be mentioned. It was supposed to be a response to the European Commission's (hereinafter referred to as EC) "An EU Framework for National Roma Integration Strategies up to 2020". Although over 30 different actions were planned and over 3,5 million LT were allocated for this purpose from the state budget, the EU structural funds and the "Progress" Programme of EC, the plan itself has been criticized for a variety of reasons, including for omitting the issues of housing and health of the Roma community. Moreover, the EC urged that the Lithuanian Government adopt a national strategy for Roma integration: this was not done. It must be stated that Lithuania cannot fulfil its obligations and needs essential support in this regard. The report prepared for EC in 2011 on the European Social Fund's (hereinafter referred to as ESF) assistance in accessing the labour market and social inclusion of migrants and ethnic minorities showed that the Roma minority constitutes a small part of population of Lithuania but their social and labour situation is significantly unfavourable. The Roma minority is the only national minority in Lithuania that is covered by the financial support of the ESF in the years 2007–2013⁶.

Among other documents, the Inter-institutional Action Plan to Promote Non-discrimination for the years 2012–2014 (*Nediskriminavimo skatinimo 2012–2014 metų tarpinstitucinis veiklos planas*)⁷ is worth mentioning. It aims to increase legal awareness, understanding and tolerance as well as informing the society about the manifestations of discrimination in Lithuania and their negative consequences. The Ministry of Social Security and Labour

⁵ <http://www.litlex.lt/scripts/sarasas2.dll?Tekstas=1&Id=157925>

⁶ <http://ec.europa.eu/social/BlobServlet?docId=7104&langId=en>

⁷ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_p?p_id=435136

(*Socialinės apsaugos ir darbo ministerija*) is responsible for the coordination of the implementation of the plan, and this process involves other state authorities, including the Office of Equal Opportunities Ombudsman, the Ministry of Culture and the Prosecutor General's Office.

Moreover, in June 2013 Lithuania signed the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence⁸.

The aforementioned international and national documents signed by Lithuania present a modest range of human rights instruments existing in Lithuania and indicate the need for immediate adoption of a number of implementing regulations, as well as the adoption of a law guaranteeing legal protection of national and ethnic minorities; such a law will result from provisions of Lithuania's international obligations, which should be a priority. Because of numerous national minorities in the state, it should be advisable to sign and ratify the European Charter for Regional or Minority Languages⁹ of 1992, which aims at protecting and promoting regional languages and the languages of national minorities in Europe. The ratification of the Charter would ensure the appropriate protection of language rights of national minorities in Lithuania, which does not exist currently. Moreover, the call for the ratification of the abovementioned document has been expressed in the resolution of the European Parliament (hereinafter referred to as EP) on endangered European languages and linguistic diversity in the European Union of 11 September 2013. The ratification of the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms¹⁰ shall be advisable as well, as it introduces a general prohibition of discrimination by public authorities based on sex, race, colour, language, religion, political or other opinions, national or social origin, association with a national minority, property or birth.

4. Participation of international authorities in the discussion on human rights in Lithuania

The discussion on human rights in Lithuania involves international authorities and organizations such as the Organization for Security and Co-operation in Europe (OSCE High Commissioner on National Minorities), EU institutions and authorities (EP, the Commission

⁸<http://www.delfi.lt/news/daily/lithuania/uzsienio-reikalu-ministras-pasirase-europos-tarybos-konvencija-del-smurto-pries-moteris.d?id=61574708>

⁹ http://ec.europa.eu/languages/documents/charter_en.pdf

¹⁰ http://www.ptpa.org.pl/public/files/akty_prawne/ProtocolNo12totheCPHRFFR.pdf

on Petitions, CJEU, the EU Agency for Fundamental Rights) and the authorities of the Council of Europe (The Advisory Committee of the Framework Convention for the Protection of National Minorities, the ECtHR). Their participation in Lithuania involved official visits, issuing reports on the situation of human rights in Lithuania and presenting recommendations to the state authorities.

The key figure is, however, the ECtHR; its judgments are a suitable tool for improving the legal system of Lithuania, improving the conditions of enforcement of sentences and increasing the effectiveness of human rights protection. However, the Lithuanian state institutions distance themselves from ECtHR case law and do not always implement its judgments. The number of cases of ECtHR which haven't been accomplished by Lithuania yet emphasizes the problem.

Among the countries that joined the European Union in 2004, Lithuania is one of the leading countries – apart from Estonia, Slovenia and Latvia – in terms of the number of complaints per number of inhabitants. The number of complaints submitted to the ECtHR against Lithuania is increasing year by year – 305 new complaints were filed in 2011, while in 2012 there were 373 of them. 198 complaints were submitted only from January to June 2013.

Such a large number of complaints indicates the inadequacy of Lithuania's national legal system to ECtHR judgments and the lack of conclusions being drawn from this situation, which results in the repetitive submission of similar cases to the Court. This situation can be explained by ignorance of international law by Lithuanian judges or by insufficient number of training courses conducted for judges and other public officials of the Republic of Lithuania. The judges are unable to settle issues objectively and fairly on the basis of international law being in force in Lithuania, and this is reflected in the number of complaints addressed to the ECtHR.

The modest range of instruments acting for the protection of human rights did not go unnoticed on the international forum. The European Parliament (EP) has criticised Lithuania in its resolutions. As an example, the case of Waldemar Tomaszewski has been reprimanded by the EP¹¹. The decision made by the Chief Official Ethics Commission (*Vyriausioji tarnybinės etikos komisija*) (COEC) issued on the basis of the Code of proceedings for politicians acting on the national level regarded his statements given during the European Conservatives and Reformers meeting in the EP on 7 September 2009, where the MEP raised the issue of the situation of Poles in Lithuania, has put a public reprimand on the MEP.

¹¹http://www.awpl.lt/index.php?option=com_content&view=article&id=73%3Aabsurdalne-owiadczenie-gownej-komisji-etyki-subowej&catid=42%3Aaktualia&Itemid=59&lang=pl

The Commission held that the public behaviour and the manner of acting presented by Waldemar Tomaszewski was against the rule of paying due respect to the state and its citizens, against the rule of being objective and that they do not improve public trust in the state and its institutions. The MEP won the trial presented before the Vilnius District Court (*Vilniaus apygardos teismas*), where the judges unanimously held that the COEC has acted ultra vires. Nevertheless, members of the COEC submitted an appeal against that decision to the Supreme Administrative Court (*Lietuvos Vyriausiosios administracinis teismas*) and due to that Tomaszewski submitted a claim to the EP for protection of his mandate. On the 6th of July 2010 the EP accepted Tomaszewski's claim for the Parliamentary immunity. The EP requested the European Commission (EC) to undertake appropriate measures enforcing Lithuanian authorities to respect the EU law.

On 31 March 2011, the assistant of the Institute of Material and Executive Criminal Law and Judicial Psychiatry of University of Gdańsk, Tomasz Snarski, sent a petition entitled '*Language rights of Poles in Lithuania*'¹², which provided a basis for the Commission on Petitions' of the European Parliament proceedings. During the Commission's discussion on the matter, which took place on the 24th of April 2012, the Lithuanian representative of the Ministry of Education and Science, Milda Špėlytė-Letulienė, and an MEP, prof. Vytautas Landsbergis, tried to dilute the matter by, *inter alia*, giving false information regarding the education status of the national minorities in Lithuania. The petition has come to the attention of MEPs and despite the Lithuanian claim for the case to be closed, the MEPs decided otherwise. Although it was suggested in October 2012 by the Secretariat of the Commission on Petitions that the case should be closed, following the intervention of MEP Jarosław Wałęsa, the case will remain open and proceedings will continue¹³. On 17 December 2013 Chair of Committee on Petitions, Erminia Mazzoni sent a letter to Lithuania requesting to assume an attitude to the issues presented in the petition. The result of the further correspondence will be base for analyses of national minorities' situation in Lithuania by MEPs¹⁴.

During his visit to Lithuania, on 16 November 2012, the OSCE High Commissioner, Knut Vollebaek, who is in charge of national minorities' matters, got to widen his understanding of the situation of national minorities' education. The Commissioner visited the Seimas Ombudsmen's Office (Parliamentary Controllers' Office, *Lietuvos Seimo kontrolierių įstaiga*),

¹² <http://www.wilnoteka.lt/pl/artukul/prawa-jezykowe-polakow-na-litwie>

¹³ <http://en.efhr.eu/2013/02/27/lie-as-means-of-running-away-from-inconvenient-facts/>

¹⁴ <http://kurierwilenski.lt/2013/12/19/parlament-europejski-zajmuje-sie-prawami-polakow-na-litwie/>

where he discussed the legal mechanisms regulating the issues related to national minorities and the complaints being examined at by the Office and its representatives. Controllers informed Vollebaek that for now there have been no complaints regarding discrimination on the basis of nationality.

Between the 27-28 February 2012, Knut Vollebaek again visited Vilnius, on his own initiative. He met representatives of the Polish minority and held a conversation with the Lithuanian president, Ms Dalia Grybauskaitė. He informed himself about the stage of the implementation of his former recommendations. The visit was also a part of the work on the OSCE report and helped to draw more attention of international community to the situation of national minorities in Lithuania.

In 2012, the Committee of Ministers of the Council of Europe stated that the Lithuanian legal framework related to the protection of national minorities lacks clarity and consistency. There is a legal uncertainty with regard to the implementation of the most important principles of the Framework Convention on the use of minority languages in the public sphere, in which the exclusive use of the Lithuanian language is still required by the Law on the State Language. In addition, it pointed out, that: “Certain judgments adopted by Lithuanian courts on the use of minority languages are disconcerting as they have not taken due account of other laws protecting national minorities, the relevant provisions of the Constitution and of the Framework Convention”¹⁵.

The Vilnius HRMI Report on the situation of human rights in Lithuania in the years 2011 – 2012 (June 2013) stresses that the situation in the sphere of human rights in the state has been continuously deteriorating. In the context of national minorities, the document indicates the problem of the existing law on education, against which the national minorities of Lithuania are protesting, as well as the problem of the original spelling names and surnames.

T. Jagland, Secretary General of the Council of Europe, staying in Vilnius at the beginning of June 2013, noted that Lithuania has problems with respecting the rights of national and sexual minorities¹⁶.

On 9 July 2013, the region of Šalčininkai was visited by a delegation of experts of the Advisory Committee of the Framework Convention for the Protection of National Minorities. The purpose of the visit was to examine the situation of national minorities in the region of Šalčininkai. The guests met the mayor, and vice-mayor of Šalčininkai, the administration of

¹⁵<https://wcd.coe.int/ViewDoc.jsp?id=2009951&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EBDB021&BackColorLogged=F5D383>

¹⁶ <http://en.efhr.eu/2013/06/13/thorbjorn-jaglands-visit-in-lithuania/>

municipal government and representatives of social organizations dealing with issues of religious and national minorities (including Polish, Russian, Belarusian and Jewish minorities).¹⁷ During the meeting, the Advisory Committee focused mainly on the lack of cooperation between the government and the NGO sector and the passivity of the state institutions in dealing with complaints about discrimination. It was also emphasized that the problematic situation in Lithuania is confirmed by the increasing aggression in cyberspace, manifesting itself in the form of comments inciting hatred and violence against national minorities¹⁸.

However, not only international authorities recognize Lithuania's failure to fulfil its obligations; the unsuitable activities undertaken by the state are confirmed by the Lithuanian professionals working on the protection of human rights, such as the Office of Equal Opportunities Ombudsman. In autumn 2013, the Office of Equal Opportunities Ombudsman, Aušrinė Burneikienė, stated that Lithuania has often been the first country to sign and ratify international conventions and directives, but then its commitments are not fulfilled properly¹⁹.

Noticeable involvement of international authorities in the discussion on human rights in Lithuania should lead the state to take advantage of the assistance of these authorities in resolving disputes and misunderstandings in the field of human rights protection. Moreover, it seems necessary to change the approaches and attitudes of courts and other state institutions in relation to international treaties ratified by Lithuania to make sure that the obligations they contain are not ignored by these state institutions.

5. The rights of national minorities in Lithuania

Lithuania is a democratic parliamentary republic in which the constitution provides the principle of separation of powers. The legislative power rests with a single-chambered Parliament (Seimas of the Republic of the Lithuania), the executive functions are fulfilled by the President and the Government and the judicial role is fulfilled by independent and autonomous courts. The only internal law provisions concerning rights of national minorities in the country are provisions of Constitution of the Republic of Lithuania.

¹⁷<http://124.lt/pl/spoleczenstwo/item/14226-eksperci-rady-europy-badali-sytuacje-mniejszosci-narodowych-w-rejonie-solecznickim>

¹⁸<http://en.efhr.eu/2013/07/15/the-efhr-meets-the-advisory-council-to-discuss-applying-of-the-framework-convention-for-the-protection-of-national-minorities/>

¹⁹<http://www.delfi.lt/news/daily/lithuania/aburneikiene-lietuva-skuba-jungtis-prie-konvenciju-bet-stengiasi-ju-nevykdyti.d?id=63084706>

In accordance with Article 37 of the Constitution, citizens belonging to ethnic communities have the right to cultivate their customs, language and culture. Article 45 provides that the ethnic communities of citizens shall independently manage the affairs of their ethnic culture, education, charity, and mutual assistance, with the support of the state²⁰.

In 2011, Lithuania had 3.0 million of people, 6.6% of which were Poles (200,3 thous.), 5.8% – Russians (176.9 thous.), 1.2% – Belarusians (36.2 thous.), 0.5% – Ukrainians (16.4 thous.), 0.1% – Jews (3.1 thous.), 0.1% – Latvians (2 thous.), 0.1% – Tatars (2.8 thous.), 0.1% – Roma people (2.1 thous.)²¹.

The Polish minority is concentrated mostly in Vilnius, where it constituted 16.5% of citizens in 2011. The Polish minority usually inhabited areas located around Vilnius: Šalčininkai (79.5%), Vilnius (61.3%), Trakai (33.2%) and Švenčionys (27.4%). Over the last decade (2001–2011), the Polish community declined by 14.8%, which constitutes almost 35 thousand people. The largest decrease (by almost 10 percentage points) was noticed in Vilnius region due to the influx of the wealthier population of Vilnius to the suburbs of the capital, areas which formerly were the villages inhabited mainly by the Polish minority.

The highest concentration of the dispersed Russian minority occurs in Klaipeda (19.6% of the population) Vilnius (12.0%) and Kaunas (3,8%). The largest groups of Belarusians inhabit Vilnius (3,5%), Klaipeda (1,7%), Ignalina, Trakai, the Šalčininkai region, Druskininkai and Visaginas. Most Ukrainians live in Klaipeda (1,9%), Kaunas (1%), Siauliai, Visaginas and Jonava. The largest Jewish communities are located in Vilnius, Kaunas and Klaipeda.

In the years 2011–2012 there were state 1.309 schools operating in Lithuania²², with Polish as the language of instruction in 55 of them, Russian in 36 and Belarusian in 1. There were separate classes with different languages of instruction in 43 state schools (12 Lithuanian-Polish schools, 17 Lithuanian-Russian schools, 10 Russian-Polish schools, 4 Lithuanian-Belarusian schools). State schools with national minority languages as languages of instruction constituted 11.6% of schools in Lithuania. Schools with Polish as the language of instruction are located in Vilnius and in Vilnius district, Šalčininkai, Trakai and Švenčionys regions. Schools with Russian language are located mainly in Vilnius, Klaipeda and Visaginas.

²⁰ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=275302

²¹ http://web.stat.gov.lt/uploads/metrastis/1_LSM_2012.pdf

²² <http://db1.stat.gov.lt/statbank/default.asp?w=1920>

According to the census of 2011²³, during the school year 2011–2012 state schools with Lithuanian as the language of instruction were attended by 92.6% of all pupils. State schools with the Russian language of instruction had 15.552 pupils (4% of all pupils), with the Polish language – 12.895 pupils (3.3%), with Belarusian – 181 people. 3046 pupils at universities studied in the Russian language (2,4%), 622 – in the Polish language (0,5%), 607 – in the Belarusian language (0,5%). Moreover, 181 (0,4) people studied in vocational schools with Russian as the language of instruction, and 325 (0,7%) pupils did so in the Polish language.

There is a small amount of public broadcasting in minority languages. In 2011, the Lithuanian National Radio and Television (*Lietuvos nacionalinis radijas ir televizija*) broadcast 296 Russian-language programmes and 183 programmes in Polish. There were 37 programmes both in the Russian and Polish languages on public television. In addition, some private newspaper are issued in minority languages: 17 in Russian (more than 11 thousand units per year) and 3 in Polish (1thousand copies). Private magazines and other periodical publications – 8 in Russian, 3 in Polish.

There are three political parties which are focussed on representing the interests of national minorities – Electoral Action of Poles in Lithuania (hereinafter EAPL), Russian Alliance and the Lithuanian Russian Union. Approximately 300 NGOs of national minorities are actively operating, including cultural and educational organizations and unions. Some of their activities are sometimes supported by state funding.

In 2012, the Ministry of Culture of Lithuania (*Lietuvos kultūros ministerija*) announced a competition for partial public funding of cultural projects for organisations operating in the cultural sphere. The projects were supposed to inspire the development of culture of national minorities. Out of 180 submitted projects the Ministry selected 94, for which 288 thousand LT were allocated from the state budget in 2013 (in 2012 it was 270 thous. - 100 projects)²⁴. Among the accepted projects some are submitted by Polish and Russian minorities, as well as by the Armenians, the Belarusians, the Tatars, the Ukrainians and the Uzbeks. It is worth mentioning, however, that the whole sum of money is not particularly big, especially when compared to previous years, for example in 2010 financial support for projects of national minorities and for operating national minority centres amounted to 629 thousand Lt, in 2008 – 1.3 million Lt²⁵.

It is also small compared to the amount that in 2012 was spent on projects, which aimed to

²³ http://web.stat.gov.lt/uploads/metrastis/1_LSM_2012.pdf

²⁴ http://www.lrkm.lt/go.php/lit/Tautines_mazumos/433

²² http://www.lrkm.lt/go.php/lit/Tautines_mazumos/433

strengthen as well as disseminate Lithuanian identity. It has been granted about 1,7 million Lt from the public budget in 2012 for projects in the ‘Reinforcing and spreading the Lithuanian identity’ competition (‘Copart Auto Auction tautinio tapatumo tvirtinimas ir sklaida’), with the help of the Fund for the Support of Press, Radio and Television (Spaudos, radijo ir Televizijos rėmimo fondas). 120 projects were financed thanks to this²⁶. There are also other educational projects or cultural mass media which are partly subsidized by the Foundation every year. 184 projects were subsidized in 2008 and they amounted to 5.8 million Lt, in 2009 it was about 11.796 million Lt, in 2012 there were 290 projects amounting to nearly 6,194 million Lt and 422 projects totaling 8,168 million Lt were in 2013. It is very odd why the funds from the public budget for the culture development of national minorities are reduced in allocation of such significant amounts to support projects of educational or cultural media²⁷.

In the years 2012–2013, a number of developments have occurred in Lithuania directly and negatively affecting the situation of national minorities. There were changes in education system and pronouncements by the Lithuanian Supreme Court on the issue on the use of languages other than Lithuanian in the spelling of forenames, surnames and topographic names.

There was also the resumption – though no real progress - of the debate on the possibility of introducing the option of entering one’s ethnicity in Lithuanian passports, which had been removed by legislation in 2003. Despite petitions addressed to the Human Rights Committee (*Žmogaus teisių komitetas*) expressing the dissatisfaction and concerns of some national minorities, the issue was withdrawn by the Committee.

There was no consideration of whether or not Lithuania had an international legal obligation in this matter, even though the Framework Convention for the Protection of National Minorities states that any person belonging to a national minority has the right to decide on treating themselves as a member of this minority.

It is worth mentioning that on 18 December 2013 Lithuanian Government agreed on the draft proposal allowing (at the request of the person concerned) placing the entry of ethnicity in the passport²⁸. The amendment should be discussed in Lithuanian parliament. The Foundation considers the draft proposal taken adequate but insufficient. Efforts should be made to allow placing of such entry not only in passports, but also on identity cards. The

²⁶<http://www.bernardinai.lt/straipsnis/2012-06-21-ziniasklaidos-rengiamiems-tautinio-tapatumo-projektams-padalinta-beveik-1-7-mln-litu/84266>

²⁷ <http://www.srtfondas.lt/index.php?Konkursai>

²⁸ <http://www.lrytas.lt/lietuvos-diena/aktualijos/vyriausybe-pritaria-tautybes-irasui-pase.htm>

possibility to declare freely one's ethnicity is one of the fundamental human rights, guaranteed by international documents.

5.1. Education

The actions concerning the education of national minorities carried out so far in Lithuania were based on *the National Education Strategy of Lithuania for the years 2003-2012*. With the end of that strategy, the Republic of Lithuania approved the new *National Education Strategy for the years 2013-2022*²⁹. However, comparing the assumptions of the new project with the former Education Strategy for the years 2003-2012, EFHR noted that the objectives and goals concerning national minorities in the new document has significantly changed to their disadvantage.

Analyzing the content of the new draft of National Strategy for the Education for the years 2013-2022, EFHR noted the absence of the basic assumptions existing in the former document, such as the preservation of national identity (Article 5, Par. 5 of the National Education Strategy for the years 2003-2012³⁰). Moreover, EFHR drew attention to the content of point 19.3 of the new Strategy: “To perform the reorganization of rural schools and networks of schools providing instruction in minority languages, taking into account the interests of the community in accordance with the principle of effectiveness of institutions and minimizing social exclusion”, and point 23: “it is expected that education in the Lithuanian language was approved as the basis for education in the humanities - including the development of common cultural competence, creativity and public education”.

In the opinion of the EFHR, the omission of the aim of preserving national identity could lead to conducting state policy in the field of education without taking into account the interests of people obtaining education in minority languages. What is more, the approval of teaching exclusively in the Lithuanian language in humanities education, with no reference to preserving the identity of minorities, could contribute to the gradual loss of such identity. Moreover, in the new strategy the Government approved the reorganization of schools in rural areas offering instruction in minority languages in such a way that it would be possible to be carried out without taking into account the interests of children, solely on the basis of the principle of efficiency and minimizing social exclusion. As a result of these provisions, minority public school with insufficient numbers of pupils could be considered ineffective and

²⁹ http://www.smm.lt/uploads/documents/VSS_2013-2022_2013-08-23.pdf

³⁰ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=215471&p_query=&p_tr2=

would be closed as a result, ignoring the interests of children.

EFHR notes, that as a result of the planned school reorganization³¹, minority schools which do not fulfill the conditions for granting accreditations, including having a minimal number of pupils in the 11th and 12th grade, will be closed. According to EFHR, the reform of the education has to be done including the needs of national minorities and in accordance with the principle of non-discrimination. However, the amendment on the preserving schools or classes with a native language of national minorities in numerous inhabited areas has been discussed in the Parliament's committee and it was waiting for the government's opinion.

Thus, EFHR considered it appropriate to comment on the vulnerabilities of the new Education Strategy in order to protect the interests of particularly vulnerable groups concerned by it, and to submit its proposals for amendments to the Government.

On 23 December 2013 the Parliament of the Republic of Lithuania approved the new draft of the National Education Strategy for the years 2013-2022³², where the recommendations of the EFHR were included. The draft included amendments and suggestions suggested by the Foundation, namely: point 19.3 of the Strategy, referring to the goal of strengthening of national identity and citizenship. After EFHR intervention the text, of considerable importance, was included in the Strategy stating that in the course of the reorganization of schools it is necessary to take into account the interests of children in particular, and to ensure the quality of teaching of the Lithuanian language and native languages of national minorities. The fact that the changes suggested by EFHR were taken into account in the draft allows to hope that, while creating a common policy of the state, the interests of all its members will be considered, and the education strategy will be implemented more efficiently³³.

In 2011 the Lithuanian government adopted new legislation³⁴ that was not received well by the national minority members and organisations because of the changes brought about to the national minority educational system. Protests mainly focussed on a so-called provisions to "unify" Lithuanian language exams for pupils completing high school; introduction of teaching in Lithuanian some of the subjects in national minority schools; amendments concerning co-called "optimization" of the network of schools, that can lead to the liquidation of schools of national minorities.

³¹ School reorganization- transformation of high schools into gimnazjum, progimnazjum and primary schools- it is planned to occur until 1st September 2015

³² http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=463390&p_tr2=2

³³ <http://en.efhr.eu/2014/01/23/efhr-remarks-on-the-national-strategy-on-education-2013-2022-have-been-taken-into-account/>

³⁴ http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=441204

The new statute seriously reduced the number of hours of teaching in minority languages and as a result triggered angry reactions from minority groups. Before the legislation in question was adopted, a petition³⁵ had been submitted to the President, the Prime Minister and the Head of the Seimas of the Republic Lithuania with over 60 000 signatures. On 2 September 2011 in Vilnius in front of the President's Chancery, a protest was held against the reduction of hours of teaching in minority languages in public schools. Additionally, on 5 September 2011, the EFHR submitted a petition against the discriminatory provisions of the statute to the European Parliament and the European Commission in which they were asked to take immediate and resolute action in order to amend the act in question.

The *Russian Alliance of Lithuania* on 31 March 2011 also submitted a protest regarding the aforementioned legislation to the President. Polish minority organisations working in Lithuania including, *inter alia*, the President of the Association of Poles in Lithuania M. Mackiewicz, the President of the Polish Schools Teachers' Association '*Macierz Szkolna*' J. Kwiatkowski, the Head of the Polish Schools in Lithuania Parents' Forum M. Szejbak, and the Trade Union of Education Workers of the Šalčininkai region took part in the protests and consequently submitted a petition to the President for the latter to veto the legislation³⁶. The Polish Schools Teachers' Association gave a statement on the state of affairs of Polish-speaking education in Lithuania, in which they pointed out objections to the 2011 legislation on education which has the result of reducing education in the minority language in state schools that are supposed to be for this purpose.

Despite the intense attempts to initiate a dialogue with state authorities on the education legislation, there was no official response to the above petitions and requests, and the Office of Equal Opportunities Ombudsman for its part simply took the position that there were no discriminatory elements in the legislation.

It should be noted that in its previous recommendations the Committee of Ministers of Council of Europe has already instructed Lithuania that state institutions in matters relating to the organization of teaching in national minority languages should actively consult this idea with the representatives of the national minorities concerned. The Council of Europe expressed its concern in regard to ensuring the right of national minorities to obtain qualitative education to the same extent as people not belonging to national minorities. It was also pointed out that schools lack textbooks in minority languages and teachers are obliged to

³⁵<http://en.efhr.eu/2011/09/03/petition-against-the-new-education-act-which-discriminates-against-national-minorities-in-lithuania/>

³⁶http://www.gazetaprawna.pl/wiadomosci/artykuly/498746,mniejszosci_narodowe_na_litwie_prosza_o_zawetowanie_ustawy_o_oswiacie.html

teach in the state language, and not the native one, to an increasing extent. According to the Council of Europe, such actions would infringe the rights of national minorities to education in the minority language. Therefore, in its recommendations, the Council of Europe stated that Lithuania should provide textbooks in national minority languages at all levels of education and recommended that minority pupils should be taught by those teachers who speak their language fluently³⁷.

Subsequent changes in the education of national minorities were introduced on 20 February 2013 by the regulation of the Minister of Education and Science “On changing the established programme of the matriculation examination” (*Dėl brandos egzaminų ir įskaitų programų patvirtinimo “pakeitimo”*). It introduced some concessions for pupils having studied in minorities languages for the final matriculation examination in the Lithuanian language. These concessions, however, was challenged by a group of Lithuanian MPs who claimed that pupils were treated unequally – contrary to the Constitution³⁸.

In June 2013 the Lithuanian Supreme Administrative Court (*Lietuvos vyriausiosios administracinės teismas*) decided that these concessions introduced by the Minister of Education were contrary to the constitutional principle of equality (1st part of Article 29 of the Constitution). It was decided that the Ministry of Education and Science introduced these concessions without thoroughly researching the matter not checking the actual need for their introduction.

The Prime Minister A. Butkevičius, raised another controversy among minorities in July 2013 when he stating that it is not possible to return to the previous version of education system, when the examination in Lithuanian language and literature were different for schools with Lithuanian as the language of instruction and for non-Lithuanian schools. He added that neither graduates nor teachers demanded the restoration of the old Law on education, which – according to the abovementioned facts of 2011 – was not true. The Forum of Parents from the Polish Schools in Lithuania, irritated by the statement of the Prime Minister, issued their own statement on the matter arguing the discriminatory nature of the amendments and the need to restore the previous provisions³⁹. Nevertheless, despite constant attempts, the position of the authorities had not changed.

On 23 October the Lithuanian Parents’ Forum reiterated its demand for the cancellation of the amended Law on Education and continuation of teaching in the Polish language as was in

³⁷ <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/lithuania/LTU-CbC-IV-2011-038-LTU.pdf>

³⁸ <http://en.efhr.eu/2013/07/09/adjudgement-concerning-matura-exam-does-not-exclude-the-existence-of-different-matura-exams/>

³⁹ <http://en.efhr.eu/2013/07/18/the-prime-minister-of-the-republic-of-lithuania-misleads-whole-nation/>

place previously. The statement pointed out i.e. that the lack of textbooks for schools of national minorities, which would take into account the changes with the law amendment curricula for national minorities schools. Moreover it reminded of the absence of transition period in national minority school curricula that could help to align of knowledge of the state language and prepare pupils in national minorities schools for unified exam and the lack of training programs for teachers that would enable them to teach pupils in such a way that these curricular differences could be addressed⁴⁰.

The events taking place recently in Lithuania lead to a situation in which national minorities are increasingly subject to detrimental changes in the field of education. Subsequent changes in the education system were introduced by the Minister of Education and Science at the end of October 2013. On 28 October 2013 the Minister signed a new regulation that annulled existing incentives that had been introduced by the regulation of 20, February 2013 (possibility to write shorter essay). The new regulation has consolidated the exam conditions for Lithuanian schools and schools of national minorities⁴¹. However, due to differences in the number of hours of teaching of the Lithuanian language, the transitional period approved by the former Minister of Education and Science will be applicable until 2019; it assumes different criterion of evaluation of the exams of the pupils from national minority schools (alleviations in essay assessment for minority pupils – the possibility to make more mistakes).

EFHR has consistently indicated that these changes do not provide a sufficient period of preparation and adaptation for a new form of exam for minority pupils. EFHR believes that all Lithuanian citizens should be proficient in the state language, although the state cannot prevent national minorities from studying in their native language, since it is inconsistent with the relevant obligations under the Framework Convention for the Protection of National Minorities which was ratified by Lithuania and relates to the opportunities for being taught the minority language. Moreover, Lithuania is obliged to provide people belonging to these minorities with the right condition to learn the minority language or receive instruction in this language within the framework of the education system of the state (Article 14) and to ensure the possibility of using this language in cultural, social and economic life as well as taking part in public affairs, in particular those affecting them in any way (Article 15). This is particularly important if we take into account the Report prepared for EC in 2011 (*Evaluation*

⁴⁰ <http://kurierwilenski.lt/2013/10/23/forum-rodzicow-szkol-polskich-zada-odwolania-ustawy-o-oswiacie/>

⁴¹ http://www.smm.lt/web/lt/pranesimai_spaudai_naujienos_1/visu-lietuvos-mokyklu-abiturientai-laikys-vienodalietuviu-kalbos-ir-literaturos-brandos-egzamina

of ESF Support for Enhancing Access to the Labour Market and the Social Inclusion of Migrants and Ethnic Minorities)⁴², which showed numerous barriers faced by national minority members trying to access the labour market of Lithuania. These problems may result from insufficient knowledge of the Lithuanian language in the case of the elderly of national minorities, as well as they may be caused by the lack of proper education among certain groups and the lack of skills enabling them to meet the demands of the modern labour market.

5.2. Spelling of forenames and surnames

According to the State Commission of the Lithuanian Language (*Valstybinė lietuvių kalbos komisija*), foreign names and surnames do not fall within the system of the Lithuanian language and should not be subject to Lithuanisation. Nevertheless, some state institutions and some politicians are convinced that Lithuanian documents should only include Lithuanian letters. They argue that surnames of citizens are part of the Lithuanian language and thus the use of letters such as *w*, *q* and *x* is a threat not only to the language but also to the state itself. However, the facts show otherwise. As a response to its request, the EFHR received two documents from the Resident's Register Centre (*Gyventojų registro tarnyba prie VRM*) with statistical data on the number of non-Lithuanian names registered in Lithuania, which stands at almost eight thousand. The names included, but are not limited to: Agnieszka, Alexander, Katarzyna, Leszczyńska, Maxim, Szulc, Brown, Ivannikov, Violetta, Lacroix etc. (Documents available at our web page)⁴³.

In accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to respect for their private and family life. The problem of allowing the original spelling of names in Lithuania is becoming more relevant in view of the fact that more than 16% of marriages each year is constituted by mixed couples (one spouse from another country) and usually Lithuanian women choose their husband's (foreign) surnames. Moreover, in the last 10 years the number of children born outside the territory of Lithuania has increased from less than 1% up to 16% in 2011. It shows that the number of people affected by this problem is increasing.

⁴² <http://ec.europa.eu/social/BlobServlet?docId=7104&langId=en>

⁴³ <http://en.efhr.eu/change-your-name/>

On 12 May 2011, the European Court of Justice gave its ruling Case C-391/09 *Runevič-Vardyn and Wardyn*⁴⁴ in the case entitled *Wardyn/Vardyn* in which it pointed out that according to the current state of EU law, Member States retain competence to legislate and regulate matters in the field of spelling of forenames and surnames of their own population. However, Member States are obliged to execute the competence in question in accordance with Union law and especially in accordance with the principle of free movement of persons and residence of the EU.

In terms of Lithuanian law, the issue of spelling of surnames and names remains unresolved. The requests of national minorities (especially the Polish one) that the spelling of their own names in their language be legally allowed in Lithuania is not accepted by national authorities. In its ruling, the ECJ stated that the authorities of a Member State cannot disagree to amend a surname of the spouse as a result of a marriage between citizens of the Union in accordance with the spelling included in documentation held by the Member State from which the holder of the surname in question originates, if such a denial will cause the pair in question serious inconveniences at administrative, professional and private levels. In such cases, national courts should decide on the matter and determine whether the refusal to make the amendment is necessary for protection of the interests which the national rules are designed to secure (official national language and its traditions) and is proportionate to the legitimate aim pursued.

Another case that involves an argument of breach of private life is that of E.B who, having married A.M., wanted to change her surname to that of her spouse in the identical form. The Civil Registry did not give permission to that and affirmed that name with a feminine suffix – “ienė” instead this type of suffix is reserved for married women in Lithuania. E.B. argued that she does not want to take on this form of surname since both she and her husband are Poles and the imposed suffix is Lithuanian. Moreover, the fact that surnames of married couples take on different forms can mean that several misunderstandings may arise in administrative matters outside of Lithuania. Additionally, E.B. does not want her surname to indicate what marital status she currently holds. Her claim was rejected by the Civil Registry and thus she submitted a complaint to the Vilnius District Court. The case is still pending.

The prohibition in the use of letters not existing in the Lithuanian language in official documents is especially problematic in cases of marriages between citizens of Lithuania and

⁴⁴<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130de8fd2b2fbda9e4fdfa8699653f1a62989.e34KaxiLc3eQc40LaxqMbN4OaNyQe0?text=&docid=82046&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=126530>

citizens of other countries. According to the data provided by the Statistics Lithuania (*Lietuvos statistikos departamentas prie LR Vyriausybės*) in 2011, 19221 marriages were registered, 3010 of which were mixed. Most of those, over 70%⁴⁵, included Lithuanian brides who intended to take on their husbands' surnames instead or in addition to their own surnames. As a consequence, a difference between the manner in which the surname is spelt in Lithuanian documents and the manner in which it is spelt in those of the husband's country of origin arises and it triggers problems when it comes to proving marriage ties, especially where a child is born in a mixed marriage. In effect, the Migration Department (*Migracijos departamentas prie LR VRM*) gives out special certificates, confirming the identity of the person whose name written in Lithuanian differs from that written in their country of origin and such a document is given on request.

It is also necessary to point out the fact that the range of circumstances under which one can apply for a change of surname has been restricted in 2011⁴⁶. The prohibition on eliminating suffixes related to marital status and adding or eliminating typically Lithuanian prefixes and suffixes is particularly controversial.

On the 22 January 2013, the Ministry of Justice of the Republic of Lithuania (*LR Teisingumo ministerija*) informed on its website that between 2010 and 2012 a decline in the number of claims submitted for a change of surname was noted. The Ministry claims that this is an effect of the simplified procedure that has to be applied in some cases – some competences were moved from the Ministry to the Civil Registries that are closer to applicants. Without a doubt, the fact that the procedural side of the matter has been simplified contributed to the falling number of claims; however, the Ministry failed to mention another contributing factor that is more significant according to the EFHR.

The Ministry failed to acknowledge that in 2011 some crucial changes were made to the Ministry of Justice's regulation on the matter of acceptance of requests for a change of name or nationality (*Įsakymas dėl asmens vardo, pavardės ir tautybės keitimo taisyklių patvirtinimo*)⁴⁷. These are primarily related to the elimination of the following circumstances in support of a name change:

- Section 11(2) – The applicant wishes to share a common surname with his/her spouse;
- Section 11(3) – The applicant wishes to return to his/her previous surname;

⁴⁵ <http://www.stat.gov.lt/lt/news/view/?id=10651>

⁴⁶ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=329828&p_query=&p_tr2=

⁴⁷ <http://www.tm.lt/dok/Nr.%20111>

- Section 11(4) – The applicant wishes to have a double surname (adding the spouse’s surname onto theirs);
- Section 11(9) – The applicant wishes to have a name that does not indicate their marital status;
- Section 11(10) – The applicant wishes to change his/her non-Lithuanian surname in grammatical form (with a Lithuanian prefix or suffix) to be changed into the same surname but in a non-grammatical form (without the Lithuanian prefix or suffix) or the opposite – wishes to change his/her surname from a non-grammatical form to the grammatical equivalent;
- Section 17 – If one of the parents of an underage child takes part in a marriage and takes on the spouse’s surname or returns to his/her former surname after a divorce, the surname of the child in question is to be changed only upon consent being given from his/her second parent and from the child himself/herself if he or she is over the age of 10;
- Section 18 – Should an applicant wish to take on the nationality of one of their parents or grandparents, it may be allowed.

The biggest factors in the falling number of received claims and applications may have been not the simplification of the procedures involved, but restricting the grounds upon which a change could be made to reflect a person’s identity, language or changed marital status. This is the result of the elimination of section 11(9) related to surnames not indicating the marital status and the elimination of section 11(10) related to adding or eliminating the Lithuanian suffix from a non-Lithuanian surname. The changes to the above described arrangements are restrictive, especially given that there are high numbers of people who would like to take advantage of the right to a change of name which previously existed. In the light of these facts, the information presented on the Ministerial website can be treated as misleading, since it detracts citizens from noticing legislative changes which are in fact disadvantageous.

It may additionally be pointed out that the State Language Inspectorate (*Valstybinė kalbos inspekcija*) and state authorities have no problems using so-called “non-Lithuanian” letters such as x or w for vehicle registration plates, local and foreign company names, information signs for tourists and excise tax bonded receipts⁴⁸.

The EFHR submitted five claims to the State Language Inspectorate requesting an explanation for the inconsistency in the application of the law in this regard. In their response letter about excise tax bonded strips, the Inspectorate wrote that the Service of Technological

⁴⁸ <http://en.efhr.eu/2012/07/19/surnames-no-the-names-of-companies-of-course/>

Security of State Documents (*Valstybės dokumentų technologinės apsaugos tarnyba prie Finansų ministerijos*) confirms that the safe documents that are currently in use do use Lithuanian language letters and that the “EHFR did not give any examples of violations of that norm”.

This persistent denial by the Inspectorate shows it has no intention of investigating the matter. In its response concerning company names not in the Lithuanian language, the State Language Inspectorate took the position that the relevant legislation did not require that company names in other languages be translated to Lithuanian. There was no response to EFHR’s comment that the rule providing for not translating company names does not automatically mean that such names can include letters which do not exist in the Lithuanian language. Finally, in regards to EFHR’s letter about vehicle registrations, the Inspectorate indicated that combinations of numbers and letters on vehicle plates are not words and therefore are outside the sphere of protection of the state language. Therefore, it means that car plates can include any characters from the Latin alphabet.

In November 2012 the Regional Administrative Court of Vilnius issued a court order that public signs must be written in the state language, basing its decision on Article 17 of the Law on the State Language. However, this does not become binding on excise tax labels, registration plates and company names, as it is regulated with provisions of specific laws. It can be concluded from the above information that there are different standards used by the State when dealing with name spelling or public signs and company names, excise tax labels or vehicle plates.

A famous case of the spelling of “WC” is worth mentioning, as it was the subject of the complaint brought to court by EFHR after sending the query to State Commission of the Lithuanian Language (*Valstybinė lietuvių kalbos komisija, SCLL*). In its statement, SCLL stated that the “*letters “WC” are an international and widely recognized informative symbol or sign, meaning “public toilet”. There are no words in it, therefore it should not be included in the sphere of the protection of the state language and is not subject to the requirements for public inscriptions.*”

The EFHR’s query however was not considered properly, since “WC” is an abbreviation for two English words, “Water Closet”. The statement of the SCLL is factually incorrect and inconsistent with the Constitutional Court of Lithuania’s own statement of 21 October 1999 which provides that using letters which do not exist in the Lithuanian language violates the principles for the protection of the Lithuanian language. Moreover, the Vilnius Regional Administrative Court also refused to consider the case of the spelling of “WC” on public

signs, claiming that EFHR did not have standing to bring such a case since none of its rights or interest had been infringed. EFHR, however, did not agree with this statement and challenged the decisions of the Court and SCLL. This situation confirms once more that in cases where EFHR's detection of possible violations of Lithuanian law occurs, the SCLL deliberately refuses to examine EFHR's complaints on its merits and simply claiming no violation of the law occurred⁴⁹.

A decision by the State Commission of the Lithuanian Language on 8 November 2012 can nevertheless be considered a positive step in the matter, since the Commission ruled that other languages can be used, in addition to Lithuanian, in audio information communication in public transport, customs offices, hotels, banks, advertisements and tourist agencies, etc. Information in other languages cannot be more extensive, and the text format cannot be larger than the information in the state language⁵⁰. This decision was taken upon the Commission's consideration of a letter from the EFHR. This means that from now on all signs and information in transport, customs offices, hotels, banks, tourist agencies and advertisements can include any foreign language (Polish, Russian, English, German, etc.) in addition to Lithuanian. The fact that the EFHR's application was accepted and carried out by the Commission gives hope that the national minority languages will receive their own place in public sphere.

Since 25 May 1995 a temporary provision⁵¹ adopted by the SCLL relating to public information and public signs was enforced. It provided that public information used to inform foreigners (in hotels, post offices, banks, international transport, tourism, etc.), as well as those used in international transportation, tourism could only use traditional languages of international communication such as English, German and French in addition to the Lithuanian language. According to the Foundation, this decision constituted direct discrimination against citizens who use minority languages and all other foreign visitors who do not know any of the three above-mentioned languages. Additionally, the legislation did not clarify why only those languages were given a special status in relation to other languages.

⁴⁹ In 2011, the *State Language Inspectorate* sued a few business for not abiding to these legal requirements; among others, it brought an action against the manager of the Šalčininkai bus station and the manager of the Vilnius region bus station for using signs describing a bus route in Polish (in addition to Lithuanian), as well as the manager of Irzimas Ltd for similar activities. In all the above cases, the Supreme Administrative Court dismissed the case. A similar case was brought against an Avižieniai shop owner who put up a sign reading "Sklep Spożywczy" in Polish ("grocery store") under the Lithuanian equivalent of Parduotuvė and refused to take it down. The shop owner was fined 450 LT.

⁵⁰http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=437442&p_query=ne%20vals%ADtybine%20kalba&p_tr2=2

⁵¹ <http://www.infolex.lt/lite/ta/25968>

The issue of the spelling of forenames and surnames is also becoming more and more topical. In February 2013, the EFHR – after issuing a query to the Residents' Register Service under the Ministry of the Interior (*Gyventojų registro tarnyba prie VRM*) – received another document with statistic data on the names registered in languages other than Lithuanian in the country which showed that it is possible to register the names using letters X and Q, such as Alexander, Oxana, Maxim, Alexey or Lacroix⁵².

On 5 March 2013, the Working Group on National Minorities headed by the Deputy Minister of Culture, Edward Trusewicz, filed a proposal dealing with the problems of national minorities. Its conclusions suggested it was possible to spell and recognise individual names in their original forms in other languages and to have bilingual street and locality signs⁵³.

It should be recalled that even in June 2013, the Government suggested that the State Commission of the Lithuanian Language should prepare the guidelines regulating the issue of the use of non-Lithuanian diacritics in official documents. However, on 28 October 2013, the State Commission of the Lithuanian Language stated that it could not accept such proposed guidelines as they would run counter to the ruling of the Constitutional Court of 21 October 1999, according to which the name and surname of citizens must be written in the state language in official documents such as passports. According to the Constitutional Court, "the name in the passport is to be written in the state language" and "the spelling of names and surnames on other pages of the passport using non-Lithuanian letters cannot be equated to the entry in the state language".

Moreover, the State Commission of the Lithuanian Language concluded that an original form of a name of a surname can be written in documents other than document of Lithuanian citizens. Referring to the official position of the Commission, the Ministry of Justice announced that it expects a further explanation of the Constitution Court on the issue of spelling of non-Lithuanian names on identity cards which would also explain the importance of the Commission's decisions in the Parliament's consideration of the spelling of these names. According to the Ministry of Justice, changes in society over the last two decades have not been taken into account by the Commission. Work on the country's legislation on the spelling of names and surnames in official documents will be continued by the Ministry of Justice after receiving the response of the Constitutional Court⁵⁴.

⁵² <http://www.efhr.eu/2013/02/13/kolejne-sprzecznosci-prawne-w-sprawie-oryginalnej-pisowni-imion-i-nazwisk/>

⁵³ <http://www.15min.lt/naujiena/aktualu/lietuva/darbo-grupe-siulo-pavardes-nelietuviskais-rasmenimis-ir-dvikalbes-lenteles-bet-nesutare-kiek-turi-buti-gyventoju-vietoveje-kad-butu-leidziami-tokie-uzrasai-56-313139>

⁵⁴ <http://vilniaus.diena.lt/naujienos/lietuva/salies-pulsas/del-nelietuvisku-asmenvardziu-rasybos-lauks->

The position adopted by the State Commission of the Lithuanian Language expresses its reluctance to regulate issues which have been reoccurring these last two decades, as it attempts to avoid accepting the responsibility for the preparation of amendments relating to the spelling of names and surnames in official documents. The necessity to wait for further explanations from the Constitutional Court means that the work on the adoption of legislation in this area will be slowed down considerably once again, leaving in place restrictions preventing individuals from being able to use their own names in languages other than Lithuanian.

5.3. Language of national minorities in the public sphere

On 12 June 2013, the Lithuanian Parliament rejected draft amendments to the Civil Code prepared by a group of MPs from different parliamentary fractions. The draft, presented in May, focused on permitting the use of the Latin alphabet letters W, Q and X in the names of legal entities. It also provided that a name of a legal entities should be formed in accordance with the general standards of the Lithuanian language, except in the cases when slang words or foreign words were used. Such names could use letters both the Latin alphabet and the Lithuanian language (which cannot be understood as words) and numbers or their combinations. The proposal was rejected, which put an end to facilitating the process of establishing businesses, the latter being hampered since 1 May 2013 by a regulation according to which the SCLL has to approve the name of every newly founded company or organization. The Commission does so on the basis of the Civil Code, which provides only for the use of letters used in Lithuanian in the names of new Lithuanian (but not foreign) companies and enterprises.⁵⁵ In practice, it seems SCLL rejects over 95% of the names it receives, considering them to be contrary to the standards of the state language, which lengthens the time of setting up a new company in Lithuania.⁵⁶

Article 37 of the Lithuanian Constitution and the Framework Convention for the Protection of National Minorities provide that the national minority members have a right to develop their language, culture and tradition. Article 10 of the Framework Convention ensures that states, including Lithuania, are obliged to guarantee every person who declares themselves as a minority member the right to free use their minority language on paper and verbally in

konstitucinio-teismo-isaiskinimo-424702#.Uo8HCNKnd2I

⁵⁵ <http://kurierwilenski.lt/2013/06/12/trzy-literki-zagrazaja-jezykowi-litewskiemu/>

⁵⁶ <http://vz.lt/article/2013/7/13/imoniu-steigejams-kalbininku-surestas-kliuciu-ruozas>

private and the public domain. In addition, the current practices by authorities appear to raise issues of discriminatory treatment, since in effect only national minority languages are restricted or banned – and not other languages.

There is in addition a much darker side to the prevailing atmosphere, fuelled to some degree by the authorities own practices which in practice only apply to national minority languages: the rise of intolerance and even violence against national minorities in Lithuania. At approximately 22:30 on 20 January 2012 near the Polish Culture House in Vilnius, a group of unidentified persons insulted some pupils from a Polish high school with chants related to the Polish nationality and then proceeded to attack the youths⁵⁷. One of the pupils, Daniel Cz., failed to run away and was badly beaten and lost consciousness as a result. The persons in charge of the investigation did not classify this incident as involving an ethnic or racial dimension. While major Lithuanian media did write about the incident (www.delfi.lt, www.15min.lt, www.diena.lt), they kept silent the fact the offence may have had an ethnic dimension. The EFHR offered a financial reward in return for information that would lead to the capture of the offenders. While the deadline for proceedings to be initiated under the Criminal Proceedings Code was 23 July 2012, this has been postponed, and the search for the offenders continues.

EFHR paid attention to recent actions and statements from political leaders and public institutions which have also started to veer towards increasingly intolerant comments against minorities in the country. The President of Lithuania, Dalia Grybauskaitė, has raised for example “Polish issues” in her statements and proclamations in Parliament in a way which has become synonymous with “national minority problems”. Her statements dealt with the unified matriculation exam in the Lithuanian language and legal regulations concerning the spelling of names of members of national minorities⁵⁸. However, this behaviour may be considered as using national and patriotic aspects for political purposes, which undermines democracy and introduces further division of the society.

The concern of EFHR causes latest survey showing society negative attitudes towards minorities. The survey of "GfK Custom Research Baltic" made in November 2011 shows that 87% of Lithuanians do not want to live in the neighbourhood of Roma people, 51% – in the vicinity of Poles, 45% – of Jews⁵⁹.

⁵⁷ <http://kurierwilenski.lt/2012/01/24/rozmawial-po-polsku-ledwo-go-nie-zabili/>

⁵⁸ <http://en.efhr.eu/2013/07/23/president-dalia-grybauskaite-and-the-polish-issue/>

⁵⁹ <http://www.delfi.lt/news/daily/lithuania/lietuviai-nenori-gyventi-salia-narkomanu-ir-alkoholiku.d?id=53403625>

Despite these worrying trends, EFHR was unhardened by the Ministry of Culture's announcement in 2012 of a contest "For national tolerance", thus continuing a tradition going back to 2007, and aimed at rewarding people who contribute to the promotion of national tolerance in mass media. The aim of the competition was to promote tolerance for national minorities and to fight against national and racial discrimination⁶⁰.

Moreover, the "Lithuania loves Poland" private initiative started on the Internet should be mentioned; it was designed to maintain the historical friendship between the two countries and show that they still have great fondness and are open towards each other. The initiative begun on the Facebook social network website was joined not only by ordinary citizens, but also by politicians, journalists, entrepreneurs and lecturers. At the very beginning, this initiative was supported by more than 3,300 people.

The abovementioned issues in education, the spelling of names, and the use minority languages in the public sphere indicate that there are numerous problems facing national minorities in Lithuania. The proper implementation of international human rights commitments relating to them would provide a solution for these problems. In its Resolution of 2012 concerning the implementation of the Framework Convention for the Protection of National Minorities⁶¹, The Committee of Ministers of the Council of Europe recommended that Lithuania provide a clear and consistent legal framework within the legislative processes under way. According to the Committee of Ministers, in addition to the lack of clear and consistent legal regulations regarding the protection of national minorities in the country, difficulties are still reported with regard to the financial resources available to minority schools in the public education system. Moreover, the financial resources granted to protect the culture and identity of national minorities is also insufficient. Even the rulings of Lithuanian courts are criticized for not considering the legal obligations under provisions of the Framework Convention for National Minorities. Therefore, the Committee of Ministers notes that Lithuania should make further efforts, including in terms of financial resources, to support and promote the preservation and development of the culture of national minorities and promote their increased presence in the media and in educational materials. What is more, it is expected that the government's policy of promotion of the state language would not introduce disproportionate obstacles for employment and other opportunities of persons belonging to national minorities, that it complies with Lithuania's legal obligations under the

⁶⁰<http://en.efhr.eu/2012/12/05/the-ministry-of-culture-announces-a-contest-for-ethnic-tolerance/>

⁶¹<https://wcd.coe.int/ViewDoc.jsp?id=2009951&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=ED7D31&BackColorLogged=F5D383>

Framework Convention, and that it would provide for proper monitoring and combat any related discrimination against these persons;

In view of the discussed situation and the international obligations adopted by Lithuania, it is necessary to amend legislation such as the Law on Education in order to take into account the curriculum differences between schools with Lithuanian and non-Lithuanian languages of instruction, and to eliminate provisions that cause inequality between the schools. The law should also provide schools with appropriate funding to cover the slightly higher costs of teaching in schools of national minorities. It should also introduce the opportunity to learn the language of national minorities in the areas where they are concentrated. In addition, the state should financially support national minorities so that they could develop properly and cultivate their traditions, cultures and languages.

5.4. Issue of topographic names

The Framework Convention for the Protection of National Minorities provides the freedom of use of language through, among other things, using private signs in minority languages, and for official signs such as street signs where certain conditions are met by public authorities: under Article 10 of the Framework Convention, in areas populated by a national minority, authorities must take measures to ensure that signposts, street signs, local names and other topographical designations of a public character will also be written in the language of that minority as long as there is sufficient need.

This is however being completely ignored by Lithuanian authorities. The State Language Inspectorate has successively punished local authorities who do not conform to orders requiring them to take down bilingual signposts – and completely ignoring any legal obligation under human rights treaties such as the Framework Convention. Lithuanian courts systematically agree with the Inspectorate – and turning a blind eye to the Framework Convention at the same time.

- On 10 July 2010, a penalty was imposed on the Director of Vilnius District Municipality Administration for tolerating the presence of bilingual street signs on its territory. On the 16 September 2010 the Inspectorate imposed a fine of 400 LT on the Director for not conforming to the order. On the 27 September 2010, the Director submitted a claim against the Inspectorate's decision to the Administrative Court of Vilnius District: the Court dismissed the complaint, and the fine was upheld. This ruling was then challenged

by the Director before the Supreme Administrative Court of Lithuania, which ruled that the lower court's decision was reasonable⁶².

- On 22 November 2011, the Administrative Court of Vilnius District ruled on a case involving a decision made by the Vilnius District Council (*Vilniaus rajono savivaldybės taryba*) naming a street after famous Polish poet, Julian Tuwim in inhabited by members of Polish minority Zujunai. Despite the petition of local inhabitants Lithuanian authorities stated Julian Tuwim has no merits to Lithuania, thus street cannot be named in his honour⁶³.
- On 21 December 2012, the Supreme Administrative Court of Lithuania decided that L. K., Director of Administrative Government of the Vilnius Region, did not fulfil the duties imposed on him by Article 91(2) of the Administrative Offences Code². L.K. did not take any steps to remove bilingual street signs in some of the settlements in the Vilnius region. In the decision of the Vilnius District Court of 28 October 2013, the Director of Administrative Government of the Vilnius Region was fined EUR 2,000 for the repeal of the judgment of the court adopted back in 2011 on the removal of plates with street names in the Polish language.
- On 23 December 2013, the Vilnius District Court imposed a fine of 43,400 Lt on the Director of Administration of Šalčininkai District Municipality for failing to remove private bilingual street signs written in the languages of national minorities as ordered in the decision issued by the Vilnius Administrative Court on 25 September 2008. In the opinion of EFHR this penalty is disproportionate to the violations committed⁶⁴. It is worth mentioning that, under its decision of 23 December 2013, the Vilnius Regional Court overturned the judgment of the Šalčininkai District Court of 7 March 2013 which had imposed a penalty of 500 Lt for failing to execute a court judgment of 2008. Thus, the Court set a new three-month time limit for the enforcement of the judgment. It should be noted that the attempt to force municipal authorities to eliminate official and private bilingual street signs in traditional minority areas is contrary to European standards, particularly to Article 11 Paragraph 3 of the Framework Convention. It should also be noted that bilingual signs were placed during the period of the existence of the Law on National Minorities. Considering the above, the judgment of the Lithuanian court is disturbing, and seems to be part of a concerted campaign against minority languages.

⁶² http://www3.lrs.lt/pls/inter/www_tv.show?id=92579,7007,30

⁶³ <http://en.efhr.eu/2012/06/23/too-much-noise-about-nothing/#more>

⁶⁴ <http://124.lt/pl/polityka/item/24923-horrendalna-kara-pieniezna-za-dwujezyczne-tablice-na-wilenszczyznie>

Following the ruling of the Supreme Administrative Court of Lithuania on 8 July 2011 concerning bilingual street signs, the media reported that private citizens who had signs on their homes were threatened with criminal liability by bailiffs. The EFHR then started an informative campaign, offering free-of-charge legal aid to homeowners with private bilingual street signs on their property⁶⁵. According to the EFHR, the decision on which the Supreme Administrative Court of Lithuania should only apply to land and premises that fall under the jurisdiction of local and other state authorities, and does not apply to private property. Both the administrative decision and the court's ruling in this kind of cases (article 8 of the Act on Public Administration) should apply to every single homeowner, and should refer to specific buildings (so it should be precise and have an individual character). Therefore, the application of the decision by bailiffs by private individuals who were not targeted by the decision is illegal.

The behaviour of one of the “*Aš myliu Lietuvą*” TV show guests, M.M, who unlawfully took down a private bilingual street sign in Eišiškės⁶⁶ by trespassing into someone's property. The Chief of Vilnius County Police Headquarters (*Vilniaus apskrities vyriausiosios policijos komisariatas*) refused to initiate proceedings in this matter, claiming there was no offence. The complaint on the matter was rejected by the District Court of Šalčininkai.

Another decision having a negative impact on minorities was taken on 28 January 2013 when the Government representative in the district of Vilnius claimed that private street signs in the Šalčininkai Municipality did not meet the requirements of the Law on the State Language and the rules pertaining to the naming, changing and recording of the names of streets, buildings, structures and other items. Following his actions, the Vilnius Administrative Court ordered the local government comply with his the request by only allowing signs in Lithuanian within one month from the validation of the decision. This ruling is analogous to the earlier judgment of 8 July 2011 on the Director of Administration of Vilnius District Municipality. On 30 September 2013, the Supreme Administrative Court of Lithuania upheld this judgment for the Šalčininkai district. The Court ruled that the Law on the State Language states explicitly that the names of streets and places are to be written in the Lithuanian language, so that bilingual signs in the Šalčininkai are illegal and should be removed by local government officials. The decision is final and non-appealable.

⁶⁵http://www.efhr.eu/download/ulotki/Do_kogo_skierowane_jest_orzeczenie_w_sprawie_podw%C3%B3jnych_nazw_ulic.pdf

⁶⁶<http://en.efhr.eu/2011/09/22/tv-program-as-myliu-lietuva-under-the-microscope-of-the-european-foundation-of-human-rights/>

The fact that Lithuanian authorities use double standards (since only the use of Polish or Russian is prohibited on street signs, while others such as English are allowed) is noticeable in another case after the EFHR submitted three complaints relating to public signs in Nida. EFHR thus demonstrated that the same legal provisions are interpreted in different ways depending on the language used on signs. In its complaint, the EFHR challenged bilingual public street signs in Nida which were in Lithuanian and English, including as examples Pamario str., Purvynes str., G. D. Kuverto str., Kopų str., BEACH, CENTRE, STORE AGE, and public signs placed on buildings, such as “Kambarių nuoma; Zimmervermietung; Bed & Breakfast“.

EFHR, relying on Article 17 of the Law on the State Language and point 2 of the judgment of the State Language Inspectorate of 8 November 2012, on the presentation of public information not in the state language (*Dėl viešosios informacijos ne valstybine kalba pateikimo*) noted that signs in foreign languages contained more detailed information than in the state language, which violates the aforementioned provisions. The Inspectorate for its part indicated that, in accordance with points 1 and 2 of the judgment of the State Language Inspectorate of 8 November 2012, written and audio information can be given in both state and a foreign language in relation to public transportation, customs offices, hotels, banks, tourist offices and in advertising for the purposes of international communication. State Language Inspectorate stated that the examples given by the Foundation, including advertising banners designed to inform foreigners about famous locations or services provided, were in line with the provisions for public writing, so in this case the Law on the state language was not violated. The Inspectorate refused to continue the consideration of the complaints. The situation described above shows that Lithuanian authorities use double standards when it comes to the signs in national minority language and English⁶⁷.

It is worth mentioning that on 1 September 2013, the Prime Minister of Lithuania, Algirdas Butkevičius, expressed his opposition to bilingual street and town names in Lithuania. According to him, the conditions for all citizens should be equal without exceptions and, therefore, there should be no signs in two languages in order to respect the Constitution and the law in general.⁶⁸ This kind of argumentation is incompatible with the Article 10 of the Framework Convention. On 2 September 2013, the Minister of Foreign Affairs, Linas Linkvičius, stated that he had not heard the statement of the Prime Minister; he also indicated that the government’s official policy program includes the preparation of a draft law on

⁶⁷ <http://en.efhr.eu/2013/10/30/english-information-signs-considered-legal/>

⁶⁸ <http://alkas.lt/2013/09/02/premjeras-a-butkevicius-pasisake-pries-dvikalbes-lenteles-vilniaus-kraste/>

national minorities and a resolution to the issue of bilingual street names in accordance with the Framework Convention for the Protection of National Minorities. He stressed that the government would follow its program and try to solve the matter. There are ongoing consultations and the formation of a working group headed by the Ministry of Justice as to the issue of names in non-Lithuanian languages⁶⁹.

According to the draft legislation on national minorities prepared by the Deputy Minister of Culture, a citizen living in an area where a national minority constitutes no less than 25% of the population would have the right to use the minority language while dealing with the local administration. What is more, public information about health care, public policy, legal security, legal assistance and election may be published in a minority language as well. According to the proposal, the names of streets, public institutions and topographical signs could be placed in such an area both in the state language and in the languages of national minorities living in this area. However, the abovementioned draft of the Law on national minorities is not supported by the State Commission of the Lithuanian Language. The Commission states that the proposal submitted by the vice minister would lead to bilingualism, which is contrary to the Constitution of the Republic of Lithuania, and that the employees of local governments would be obliged to use a number of minority languages. The Commission even took the position that the changes proposed could interfere with the work of the police, emergency and medical services. It is worth mentioning that signatures are being collected and some rallies have been organized by members of the ethnic Lithuanian majority against this draft legislation⁷⁰.

On 27 November 2013, the Ministry of Justice presented a non-binding opinion on the vice minister's proposal. In its analysis, the Ministry indicated that the changes proposed may be contrary to Article 14 of the Constitution, which provides that the Lithuanian language is the state language. The Ministry emphasized that "the Constitutional Court has once explained that the printing of ballots in non-Lithuanian languages is unconstitutional", indicating in its opinion that the provision authorizing the publishing of electoral information in minority languages is imprecise. The opinion of the ministry is, however, not legally binding, and the project itself should be approved by the government before being voted on by the Parliament⁷¹.

⁶⁹<http://www.delfi.lt/news/daily/lithuania/1-linkevicius-vyriausybes-programoje-numatyta-isspresti-vietovardziu-klausima.d?id=62219825>

⁷⁰<http://zw.lt/wilno-wilenszczyzna/kazimieras-garsva-zbiera-podpisy-przeciwko-ustawie-o-mniejszosciach-narodowych/>

⁷¹<http://zw.lt/wilno-wilenszczyzna/ministerstwo-sprawiedliwosci-projekt-ustawy-o-mniejszosciach-narodowych->

On 23 December 2013, the Lithuanian Parliament removed from its agenda a planned vote on the draft proposal for a law on national minorities filed in 2010.⁷² This decision was justified by the claim that the proposal was unconstitutional, as it was modelled on the Law on National Minorities being in force until 2010 which had been adopted before the Constitution was adopted in 1992. President Dalia Grybauskaitė similarly stated, inter alia, that the restoration of the Law on National Minorities of 1989 would violate the Constitution as it would be a return to the post-Soviet period or even to the post-Soviet space. It would also lead to the legalization of multilingualism in Lithuania, including the use of the Russian language.⁷³

EFHR is convinced that these arguments are not only factually unfounded, but also demonstrate an unwillingness to regulate the legal protection of the rights of national minorities in Lithuanian society. It should be emphasised that the abovementioned law was in force for nearly 20 years after the independence of Lithuania before it expired, and no institution (including the Parliament of Lithuania and the Constitutional Court) ever deemed it to be unconstitutional. In addition, Lithuania has clear legal obligations in relation to the Framework Convention for the Protection of National Minorities, ratified in 2000 without any reservations. Its provisions must be respected in all of the country's laws and regulations, especially those directly concerning national minorities. According to the EFHR, the Parliament of Lithuania should implement appropriate measures to protect the rights of national minorities in the country as soon as possible.

It should be noted that back in 2003 the Committee of Ministers of the Council of Europe reported about Lithuania's failure to settle the national legislation on the matter of national minorities. Moreover, in 2008 the Advisory Committee of the Council of Europe appealed to the Lithuanian authorities to undertake appropriate measures to protect national minorities and to introduce regulations consistent with the Framework Convention. However, all of these seem not to have been taken into account.

6. Hate speech on the Internet

Although there is the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektorius tarnyba*), there are numerous and constant violations of human rights on the

niezgodny-z-konstytucja/

⁷²<http://www.delfi.lt/news/daily/lithuania/skandalingasis-tautiniu-mazumu-istatymo-projektas-pristabdytas.d?id=63600828>

⁷³ <http://en.efhr.eu/2013/12/23/president-sees-no-difference-between-national-minorities-and-migrants/>

web emanating from Lithuania. Article 19 of the Act on Informing the Society of RL (*LR visuomenės informavimo įstatymas*)⁷⁴ provides that posting material in the media which incites hatred, discrimination or violence against a group because of their gender, sexual orientation, race, nationality, language or origin is prohibited.

One of the ways in which hatred, discrimination or even violence on the basis of nationality or origin is encouraged is through the means of comments posted on the Internet that slander minorities (Polish, Russian, Jewish, Lithuanian, Belarusian, Romani, Azeri, American, Arab, Ukrainian, Albanian, etc.), or that literally encourage physical acts of aggression towards these groups. Statistics show that the number of cases related to crimes of this type has been rising dramatically since 2006. And yet until now, no institution has undertaken measures to counter these types of incidents. For this reason the EFHR has begun to systematically monitor the content of Lithuanian and Polish internet services and websites in order to identify incidents of hate speech against various minority groups. In order to curtail what appears to be widespread intolerance, the EFHR sent a large number of requests for criminal proceedings to be initiated against persons who in their online comments incited hatred, discrimination or violence towards national minorities.

The analysis of the comments posted on the Internet revealed that most of these comments are posted by readers under articles related to national issues. In 2012, the EFHR submitted 284 claims requesting that the authors of hate speech against minorities be prosecuted. There were difficulties because of the long delays of up to one year or more in finding and prosecuting the authors of these types of comments. However, taking into account that EFHR started its activities in 2010, the effects of these efforts are already tangible with the number of hate-speech comments decreasing. A large number of hate crimes is linked to internet comments. It must be highlighted that the rising number of cases submitted for prosecution was not caused by a rise in the number of offences as such, but by the improved law enforcement activities. Without a doubt, the EFHR contributed to this as was pointed out by an attorney of the Klaipėda District Prosecution Service (*Klaipėdos apygardos prokuratūra*), Simonas Genys⁷⁵.

Authors were convicted to fines (130-1040 Lt), community work (40 hours) and house detention between 22:00 and 06:00. The maximum fine that can be imposed on a non-serious offender, in accordance with Article 170 of the Lithuanian Criminal Code stands at 500 MGL

⁷⁴ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=280580&p_query=&p_tr2=

⁷⁵ <http://www.delfi.lt/news/daily/crime/neapykanta-kurstantys-komentatoriai-vis-dazniau-sulaukia-teisesaugos-demesio.d?id=60316943>

units (a factor dependent upon social wages with a unit currently equivalent to 131 Lt). Fines imposed so far fluctuate between only 1 and 8 units out of a possible 500. These very low fines can be attributed to Lithuanian legislation which allows for lower penalties if an offender shows special remorse. Nevertheless, this still suggests that ethnic or minority related tensions in Lithuania are still very high.

One of the noteworthy successes achieved by the EFHR is the closure of the Facebook group titled “*A saw for the Poles*”⁷⁶ whose motto read “Slash the Pole while he’s young”, and hosted insulting texts, photos and videos about Poles and Jews. On 14 February 2012, the EFHR requested that the Prosecutor General’s Office start an investigation in relation to the activities of six members of the aforementioned group. The Prosecutor General ordered an investigation to be carried by the Vilnius County Police Headquarter to gain a better understanding of the issue: the Chief Police Officer, after interviewing four suspects, claimed that the case had no foundation since the comments, photographs and discussions conducted on the site were merely ‘a joke’. However, the group itself closed down its Facebook page.

The EFHR did not agree with the decision taken by the Police Headquarter and submitted a complaint to the Vilnius District Attorney, pointing out specific statements, comments and photographs and underlining their negative character. The Attorney’s office decided to reopen the investigation on the matter, and the Headquarter’s decision was overturned as irrational. After the deadline for the investigation passed on the 25 October 2012, on 5 November 2012 the EFHR sent a letter to the Vilnius District Attorney with a request for information as to the status of the investigation. Soon afterwards the EFHR was informed that on 8 October 2012 the investigation ceased on the basis that the activity of the aforementioned group did not fall within the scope of Article 170 of the Lithuanian Criminal Code. However, the Vilnius District Attorney failed to inform the EFHR of this decision, contrary to the requirement under Article 214, Schedule 7 of the Criminal Proceedings Code. The EFHR was only informed about this decision on 3 December 2012 after a claim was submitted requesting for a copy of the Attorney’s decision. On 11 January 2013, the EFHR brought a case of negligence in relation to this decision. The case was rejected as inadmissible since the EFHR was not a party to the proceedings or a victim, and hence could not bring a case against an Attorney for ceasing the aforementioned investigation. A complaint submitted to the Vilnius District Court on 29 January 2013 was also rejected. The EFHR is attempting to find victims of the circumstances described above and the case is still open.

⁷⁶ <http://www.efhr.eu/2012/08/15/dochodzenie-w-sprawie-pily-na-polakow-nadal-trwa/>

- The first conviction for humiliating comments and incitement to hatred, discrimination or violence on grounds of nationality was imposed on a citizen of Kaunas on 27 January 2012. The author was subject to the penalty of a home confinement (for 6 months) and of completion 40 hours of social work.
- In March 2012, a next judgment on the comment in the article was issued. The author was only fined an amount equivalent to the symbolic amount of 130 Lt because he expressed remorse for the act committed.
- In April and May 2012, three other penalties were imposed after conviction, two of them for the same author. The fines imposed were respectively 520 Lt, 390 Lt and 260 Lt.
- In the preceding cases, EFHR filed more than 10 requests for the initiation of criminal proceedings against the same author writing under the pseudonym of *Katastrofijus*. Although these comments directly incited hatred and violence against the Polish minority, the prosecutors undertook no measures to punish him. Eventually, he was fined 910 Lt for one of the comments, the highest financial penalty meted out in the years 2011–2012.
- In autumn 2012, a record financial penalty of 1040 Lt was imposed on a citizen of Šiauliai who publicly called for physical violence against a group of individuals on the grounds of their nationality.
- Another penalty for hate speech against the Russian minority on the web space result in home confinement for the offender between the hours of 22.00 and 6.00 – was imposed on 17 December 2012.
- In July 2013, thanks to the formal intervention of the EFHR, the Vilnius District Court imposed a penalty on an individual for public incitement to hatred on the ground of nationality and for humiliating the Polish minority in his comments posted on *www.lrytas.lt*. The author was prohibited from changing his residence, and was banned from accessing public internet cafes. In addition, the Court banned him from leaving his apartment between the hours of 22.00 and 6.00⁷⁷.
- In August 2013, in response to EFHR’s formal letter to the Prosecutor General, the Vilnius District Court imposed another penalty for an insulting comment on the Facebook social network; the comment was an incitement to hatred and discrimination on the grounds of nationality, aiming at humiliation of the Polish minority. The author was fined 910 Lt⁷⁸.

⁷⁷ <http://en.efhr.eu/2013/07/11/a-restriction-on-freedom-for-one-year-for-the-comment-in-the-internet/> /

⁷⁸ <http://en.efhr.eu/2013/08/14/a-comment-on-facebook-can-also-be-liable-to-a-penalty/>

- In September 2013 an injunction was issued for a comment inciting hatred on the grounds of race, posted on www.15min.lt. Its author was fined 1,950 Lt by the Alytus District Court. As the author admitted his guilt and expressed remorse for his actions, the penalty was reduced to 1,300 Lt.
- On November 2013 another author of insulting comments was fined. The comment was posted back in December 2012 on www.lrytas.lt. The Raseiniai District Court decided to put the author on probation for a period of one year, at the same time exempting him from criminal liability.

It should be noted that in addition to the abovementioned interventions the EFHR also draws attention to discriminatory job advertisements appearing on the Internet. Pursuant to Article 11 of the Act on Equal Opportunities, offers of employment to the civil service or training cannot include (outside of a few exceptions) requirements giving priority to individuals on the basis of gender, race, nationality, language, ethnicity, disability, origin or religion. There are however discriminatory offers which do emerge, usually due to a lack of knowledge of the requirements under this act.

An example of EFHR's involvement in this area is its complaint on 17 September 2012, to the Office of Equal Opportunities Ombudsman in response to discriminatory advertisements posted on the website *darbo.lt*. Unfortunately, the Ombudsman discontinued its investigation on the basis it lacked objective information on the violation of the law and of EFHR's lack of legal interest in the matter. Disagreeing with this decision, the EFHR filed a complaint to the Vilnius Regional Administrative Court requesting the annulment of the Ombudsman's decision and a commitment to deal with the complaint. On 6 May 2013, the Vilnius Regional Administrative Court upheld EFHR's complaint in its entirety and concluded the Ombudsman had failed to consider the facts of the complaint, had not commented on a possible violation of the legal provisions involved, and had not decided which facts or evidence confirmed or denied the nature of the violation of legislation. It should be noted that this situation was of great importance not only because of identifying failures in the performance of the Ombudsman's duties, but also because it settled whether NGOs could challenge decisions by the Ombudsman. Thus, the Court confirmed that discriminatory job advertisements are an independent violation of the law, not restricted to a specific injured party.

The interventions reported by the EFHR indicate that the role of the Ombudsman in relation to the monitoring of the Internet to find discriminatory job offers is unfortunately not being fulfilled. Therefore, the recent issuing of warnings for the first time by the Ombudsman

to employers posting advertisements with noticeable discriminatory requirements must be seen as a most welcome development following the efforts of the EFHR.

The fact that EFHR is often not recognized as a party to proceedings constitutes however another impediment since as a result the Foundation will not be informed about subsequent steps in proceedings, thus excluding the possibility of appealing against the decisions of authorities. Furthermore, the current handling of many matters give rise to doubts about the quality of pre-trial investigations and related activities, such as identifying the authors of hate speech. Finally, the way authorities justify or belittle hate speech offences ('only a joke', ignorance of the law, etc.) indicate a low awareness of the need to prevent crimes in cyberspace and the urgency of disseminating educational information on the subject.

7. Other incidents involving minorities

Other incidents involving minorities in Lithuania in 2012 and 2013 will be described in this part. It is worth noting that cases involving minorities – often among the most vulnerable segments in Lithuanian society – can often be pending for several years; this also reveals significant gaps in the Lithuanian legal system and the ignorance of both state and international law by citizens and employees of state institutions.

- The national practices regarding the return of land nationalised during the USSR occupation are alarming. In most regions of Lithuania the return of land has been almost finalised. The process takes longer than usual only in those regions where the Polish minority is noticeably larger. Moreover, Lithuania has made use of the widely unknown “moving estate” institution. It provides for land which was nationalised in the centre of the country to be ‘moved’, and replaced instead by land in the Vilnius region, despite the latter still being legally owned by members of the Polish minority. The Seimas Ombudsmen’s Office (*Seimo kontrolieriaus įstaiga*) does not see a national-based motive in this case. A second problem which seems to be experienced mainly by members of the Polish minority is the re-nationalisation of their property. A few years after returning land to their rightful owners, Lithuanian state authorities have in a numerous of cases took re-expropriated the same properties, claiming that the forests contained are of strategic importance for the state. At least 12 complaints based on a dozen procedural errors have been submitted to the European Court of Human Rights. Since the matter is outside the

EFHR's mandate, these cases were referred by the Foundation to appropriate legal entities cooperating with the EFHR.

- In August 2011 Gintaras Steponavičius, the Minister of Education and Science, sent about 26,000 letters to the parents of pupils in schools teaching in minority languages in which he justified recent amendments to the Law on Education. In EFHR opinion, the action of the Minister constitutes offenses under Articles 168 and 170 of the Criminal Code of Lithuania, namely unlawful disclosure and use of information about the private lives of people, and inciting hatred against any group on grounds of nationality, race, ethnicity, religion etc. On 16 September 2011, the EFHR submitted a request to the Prosecutor General of the Republic of Lithuania (*LR Generalinė prokuratūra*) asking for an investigation and bringing to justice the Minister of Education and Science on the basis of the abovementioned provisions. The Prosecutor General refused to open an investigation, justifying its decision by the fact that the letters sent to minority pupils were general in nature since they were not sent to specific recipients and included no personal data. In relation to Article 168 of the Criminal Code, the Prosecutor General stated that there were no complaints from those directly concerned (i.e. the pupils' parents or legal guardians). However, the abovementioned provision states that the Prosecutor may initiate an investigation. The decision was appealed by EFHR to the Vilnius Regional Court No. 1 (*Vilniaus miesto apylinkės teismas*). While the complaint relating to Article 170 was dismissed, the Court did find the Prosecutor General's decision based on Article 168 unlawful and overturned it, ordering the reconsideration of the request. The Prosecutor, however, maintained its initial conclusion, claiming there was no violation of Article 409 of the Code of Criminal Procedure due to the absence of social impact or harm to the persons affected. The EFHR filed a subsequent complaint which was rejected by the Vilnius Regional Court No. 1 in January 2012, emphasizing the absence of complaints by those affected. In early February 2012, on the basis of another appeal, the case of the letter sent by the Minister of Education and Science was initiated in the Vilnius District Court. On 17 February a court hearing was held without the EFHR being advised. Final decision of 27 February was also unfavourable as the court dismissed the application. The EFHR then approached the parents involved asking those whose rights have been violated to advise the Foundation. A separate but key matter in this affair involves the language in which the letters in question were written. All concerned parents received the letters in Polish, which is not the state language. The State Language Inspectorate informed the EFHR that official state correspondence does not have to be conducted in the state

language, which means that all institutions, offices, companies and organisations active in Lithuania can send correspondence in any language and file the original in the state language for the record⁷⁹. As a consequence, in February 2012, EFHR submitted a petition to the Committee on Petitions EP against the collection and use of data revealing an individual's ethnic origin by the Government of Lithuania. The issues raised in the petition were deemed admissible under the rules of EP and, the Committee on Petitions has started commenced its consideration of these matters.

- In February 2012, MEP Waldemar Tomaszewski – the leader of Electoral Action of Poles in Lithuania (EAPL), submitted a request to the leader of the EU Committee of the Regions, asking it to intervene in the matter of delegating representatives to the Committee by the Lithuanian government. In 2007, the EAPL scored 5.42% in local government elections, whereas the electoral threshold was set at 5.62%. This threshold is therefore quite unusual given that the normal electoral threshold is set at 4% for local government and 5% for parliamentary and European Parliament elections. It has been suspected that the electoral threshold in question was established specifically to eliminate one particular political party representing a minority in the country from taking part in delegating representatives to the Committee of the Regions. In 2011, despite going over the electoral threshold and fulfilling all the other requirements, the EAPL was omitted in the process of delegating representatives to the Committee.
- On the 10 July 2012, the Central Electoral Commission (*Vyriausioji rinkimų komisija*), changed the boundaries of boroughs, thereby lowering the fraction of Poles in some of those districts and therefore interfered with the electoral potential of a specific group of citizens (it was not the first incident of this type). Such activity, internationally known as “gerrymandering”, is contrary to the Framework Convention for the Protection of National Minorities ratified by Lithuania in 2010. The EFHR holds the view that the main goal of these changes is to weaken the Polish national minority to elect minority representatives in next autumn's parliamentary elections.

It should be noted that on 12 November 2012 a draft amendment to the Act on Elections was discussed in the Parliament. According to the proposal for the presidential, parliamentary and local government elections, ballot papers were supposed to be printed in the languages of national minorities in order to ensure the integrity of the electoral system and increase the

⁷⁹<http://en.efhr.eu/2011/10/13/a-petition-to-the-state-language-inspectorate-to-call-the-minister-of-science-and-education-gintaras-steponavicius-to-management-responsibility/>

access and confidence of voters, as well as premised on the legal obligations of Lithuania under the Framework Convention for the Protection of National Minorities changes proposed in Article 58 would have meant that in districts where national minorities constituted not less than 10% of citizens, ballot papers should be issued in the language of this minority in addition to Lithuanian⁸⁰. However, Parliament did not vote in favour of this change and decided to return the draft amendments to their initiators.

In the opinion of the Foundation, depriving minorities of their right to vote or creating difficulties in the exercise of their vote through language barriers is contrary to the guarantees of effective participation of citizens in decision-making in a democratic state. Depriving members of national minorities of their political rights due to the absence of information in their language can be considered as discrimination on the ground of language forbidden under the Constitution and international human rights standards. By returning the proposed changes to their initiators, the recommendations presented by the OSCE observers in their final report⁸¹ on the electoral process in Lithuania of 2013 were ignored. In this report it was stated that electoral information (including ballots) should be presented in minority languages in places densely populated by national minorities, such changes have not been implemented. The comments and suggestions of international organizations on the need to amend the existing Law on Elections have not been taken into account as well, which results in further delays in the regulation of these issues.

It is also worth mentioning that the Central Electoral Commission plans to change the boundaries of constituencies in the upcoming 2016 parliamentary elections. A Working Group setup for this purpose has already submitted a draft project in which it proposed to increase the number of electoral districts in Vilnius by adding two new constituencies, while the number of constituencies in the districts of Kaunas and Šiauliai should be decreased by one in each. The aim of the changes is to better reflect the changing number of voters and reduce existing disproportions resulting in the difference in the number of votes in constituencies. The Working Group envisages the separation of five districts from the Širvintai-Vilnius constituency, i.e. Buivydziai, Pabradė, Glitiškės, Visalaukės, and Pikeliškės and their addition to the Molėtai-Švenčionys constituency. The districts of Gerviškės, Trybonys, Sėlai, Čiužakampiai and Baltoji Vokė would be separated from the Vilnius-Šalčininkai constituency and added to Varėna-Eišiškės. However, these proposals seem to signal an intent to break-up constituencies densely populated by Poles and therefore to

⁸⁰ <http://en.efhr.eu/2013/10/14/efhr-raises-the-matter-of-bilingual-voting-cards/>

⁸¹ <http://www.osce.org/odihr/elections/98586>

consciously weaken the voting power of the Polish minority. These proposals confirm once again that the OSCE's advice to introduce changes to electoral boundaries only after consulting with representatives of national minorities has not been taken into account⁸².

Other noteworthy incidents include:

- In August 2012, the Prosecutor of the Vilnius Region started criminal proceedings after the HRMI Director reported an offence committed under Article 170 point 2 of the Lithuanian Criminal Code; a similar application filed by EFHR was attached to the proceedings. However, on 29 May 2013, the proceedings were discontinued. The EFHR did not agree with this decision and issued a request for presenting a copy of the decision but the request was dismissed. According to the EFHR, the prosecutor's decision was unlawful and unjustified. Moreover, the EFHR was given no opportunity to challenge the decision, as under Lithuanian legislation such a decision may be challenged only after the applicant receives a copy of the decision and its basis.
- In August 2013, the EFHR sent a request to the editors of „*Lietuvos rytas*”, asking for a change to an article of 30 July, the title of which might incite hatred against fans of Polish background. The Foundation requested also for the deletion of sentences about a „possible inappropriate behaviour by Polish fans” which was not supported by any objective evidence. It should be emphasized that on 9 September 2013, the EFHR's request was accepted: this resulted in a change to the headline and the removal of the sentence concerned.
- On 28 June 2013, a member of EAPL was fined 500 Lt by the Trakai District Court for organizing unauthorized rally. Although Lithuanian legislation requires that the application for such an authorization should be submitted to a relevant local authority at least 5 days before the meeting. In this case it was however only filed on the day before the planned rally, which was the very day information about the agenda of the City Council on the possible liquidation of minority schools was published. It was therefore not possible to submit an earlier application before of the City Council meeting. The Court's ruling was appealed at the request of the EFHR. After considering the complaint, the Vilnius District Court reversed the initial court decision in relation to the fine and limited restricting the penalty to a warning only.

⁸²<http://124.lt/pl/polityka/item/18647-ograniczania-praw-politycznych-mniejszosci-narodowych-na-litwie-ciagdalszy>

- In April 2013, the citizens of Šalčininkai found in their mailboxes, on the streets, and behind windscreen wipers leaflets inciting hatred against Jews and Poles – *Lenkai ir žydai sprokite* and *Lenkai ir žydai lauk iš Lietuvos*.⁸³
- On 31 May 2013, a protest picket against violations of human rights in Lithuania was organized during the opening ceremony of the European House in Vilnius, which will be the building for the EC Representation in Lithuania, the EP Information Office and the European Institute for Gender Equality. The people gathered next to the building wanted to draw the attention of European leaders on the issue of human rights violations in the country, and seeing the opening ceremony as the only opportunity to demonstrate their views on the issue.⁸⁴
- On 23 December 2013, a protest was held at the Parliament Building against the consideration of a draft law on national minorities which had been submitted by MP Jarosław Narkiewicz of the EAPL in 2010. A small group of 10 people, holding posters saying "Are the Rulers going to accept the EAPL's Trojan horse?"⁸⁵ complained that the proposed draft was allegedly unconstitutional, despite a previously existing and almost identical legislation had been in force for 20 years.
- The case of a group of tourists from Poland who were thrown out of a church by a Lithuanian priest⁸⁶. The Prosecutor of Vilnius District responded on 4 October 2012, arguing that state authorities cannot interfere with Church matters and that the EFHR uses only media coverage as a basis for submitting the claim. The EFHR fundamentally disagreed with this decision since Article 2 of the Criminal Proceedings Code provides that the Prosecutor's Office is obliged to check any information about a potential crime. In October 2012 the Vilnius District Court accepted the complaint. The EFHR was informed that the Vilnius District Prosecution commenced proceedings on the matter.
- The case of a Polish citizen permanently living and working in Lithuania who received from the Lithuanian authorities a notice that he would only be granted a work permit if he passes a Lithuanian language test.
- The case of the Society of Friends of Science concerning the damage to the Polish inscription „*Towarzystwo Przyjaciół Nauk*” which happened during the renovation of a building. The EFHR filed a letter to the Department of Cultural Heritage under the Ministry of Culture (Kultūros paveldo departamentas prie Kultūros ministerijos) and to the

⁸³ <http://kurierwilenski.lt/2013/04/23/prowokacja- czy- kolejny- atak- na- polakow/>

⁸⁴ <http://kurierwilenski.lt/2013/05/31/pikieta- w- dniu- otwarciu- domu- europejskiego- w- wilnie/>

⁸⁵ <http://www.delfi.lt/news/daily/lithuania/prie-seimo-protestas-pries-tautiniu-mazumu-istatyma.d?id=63602134>

⁸⁶ This claim was submitted to the Prosecutor of Vilnius District on 26 September 2012.

EC concerning this incident. Department initiated an administrative procedure to determine who is guilty of destroying the inscription.

8. Reports on the rights of national minorities in Lithuania

It is worth noticing other reports produced by non-government organisations that also highlight the problems in Lithuania regarding the protection of human rights, especially those of vulnerable groups such as minorities. The report put together by the Human Rights Watch (HRW) and the American Freedom House are especially worth attention. Additionally, the documents produced by the Fundamental Rights Agency and the Council of Europe cannot be omitted. Apart from these reports put together by organisations and institutions specialising in human rights protection, reports from other fields also note the problem described above.

8.1. European Union

The report prepared by the Agency for Fundamental Rights⁸⁷ indicates that national institutions do not provide victims of human rights breaches with sufficient information on how to bring a case and receive legal help. It is also worth noticing that in the original version of the report, a significant inaccuracy was included. The statement that “42% of the surveyed minority representatives stated that they encountered problems at the labour market due to weak knowledge of the Lithuanian language” was included in the initial report. After having thoroughly analysed the research conducted by the Institute for Work and Social Research, on which the authors of the report in question had based their work, the EFHR stated that the latter report indicates that national minorities’ members do not have problems with the Lithuanian language. The Institute confirmed that the cited figure of 42% relates only to the opinion of those who were surveyed rather than their actual experience in relation to significant problems faced by those minority members who seek employment or seek to improve their position in the job market. As a result of the EFHR’s intervention, the report was corrected⁸⁸.

⁸⁷ http://fra.europa.eu/sites/default/files/fra_uploads/917-AR_2010-conf-edition_en.pdf

⁸⁸ http://fra.europa.eu/sites/default/files/corrigendum_fra-annual-report-2010_en-de-fr.pdf

It is worth mentioning that by 16 November 2015, Lithuania must implement Directive 2012/29/UE⁸⁹ establishing minimum standards on the rights, support and protection of victims of crime, including for the protection of rights of victim of hate crimes. This should strengthen the rights of victims and their families to information, support and protection, as well as to participation in legal proceedings. In addition, it emphasizes the need to provide general and specialized training for officials such as officers and court employees, aiming at teaching them how to deal with victims in a respectful, impartial and professional way. It also contains provisions regarding increased cooperation of Member States in order to increase awareness of the rights of victims through information campaigns and research and education programs conducted in cooperation with civil society organizations.

8.2. Organization for Security and Co-operation in Europe

The OSCE has been interested in Lithuanian elections and been working on a special report regarding preparations that were underway for the Lithuanian parliamentary elections. Observers appointed by the OSCE visited Lithuania in 2012 for the first time since 1996. Their presence was recommended in the report written after the Office for Democratic Institutions and Human Rights (ODIHR) visit to Lithuania in 26-28 June 2012.

The authors of ODIHR's report⁹⁰ pointed out a few examples of actions taken by Lithuanian authorities that did not conform to the generally accepted standards within the European Union.

- The constituencies of Vilnius-Trakai and Vilnius-Širvintos had their respective boundaries changed, which caused the areas of higher Polish population to be detached from their regions and attached to electoral districts dominated by Lithuanians. This was a clear and intentional act of diminishing the impact of Polish national minority's votes and therefore contrary to the Code of Good Electoral Practices⁹¹ as adopted by the Venice Commission.
- The weakening of the weight of Polish minority votes and the subsequent obstacles to the election of persons belonging to these minorities is also achieved by the irregular distribution of electoral constituencies. Where only 30,000 (minimum indicator) have to vote for one MP in regions ethnically dominated by Lithuanians, 45,000 (maximum indicator) persons have to vote for one MP in regions where the Polish minority prevails.

⁸⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

⁹⁰ <http://www.osce.org/odihr/elections/92379>

⁹¹ [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023rev-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev-e)

- The lack of EAPL representatives within the board of directors of 71 electoral districts has been pointed out in the ODIHR's report. Despite the adoption of a rule stating that all parties having elected representatives in the Lithuanian Seimas are to be allowed to take part in the operations of electoral district commissions, the General Commission actually omitted the EAPL when allocating such functions, which are important from the point of view of election control.
- The fact that the electoral threshold stands at 5% for national minority parties has been heavily criticised. The OSCE High Commissioner on National Minorities's stance on the matter, suggesting for a long time that this be changed, has already been referred to.
- The fact that information leaflets relating to elections and the parties' manifestos are only published in Lithuanian was held to be discriminatory. According to the authors, the EAPL should have the right to present its manifesto in Polish.
- It was held that there is excessive regulation regarding access to media during the electoral campaign. Taking into consideration the rules of financing that apply to political parties, it was also held that the high costs of electoral advertisements restrict access to media for national minority parties.

The conclusion of the report stated that all the shortcomings listed above require "further analysis" and "electoral observation"⁹².

The OSCE observers issued a report on the autumn parliamentary elections in Lithuania⁹³, which took place on 14 and 28 September 2012⁹⁴. The report included suggestions on how to improve the electoral process in Lithuania, and drew attention to minorities and the restriction of their rights. The report explicitly speaks of the need to reduce the current 5 percent vote threshold, which could increase the representation of minorities in the legislative process. According to the authors, any decision on the modification of electoral boundaries that affect national minorities must only be taken after consultation with the representatives of these minorities. In addition, the areas inhabited by ethnic minorities require information about the procedure of voting in the language of the minority, as the abolition of the language barrier would make it easier for citizens to take part in the electoral process. This report is a good starting point, and favourable to the introduction of changes in the Lithuanian electoral law

⁹⁴ <http://www.osce.org/odihr/98586%20>

that might affect the number of representatives of national minorities in terms of political participation.

8.3. Freedom House

In its 2012 report, Freedom House⁹⁵ stated that that the rights of *Ethnic minorities, who constitute 16% of Lithuanian population, are protected by the law*. This statement is inconsistent with the actual situation and can lead to misunderstandings, since legislation concerning the rights of minorities have been allowed to expire and no new legislation to protect these rights are currently in place. This error may be due to the global character of this organisation which may not be aware of some of the developments which smaller, more local, organisations are able to notice. The EFHR sent a letter to Freedom House in it drew its attention to the inaccuracy in that statement, and brought to its attention the obvious gaps in Lithuania's legislation and institutions in this regard.

Despite the inaccuracy described above, the report highlights many weak points relating to the protection of human rights in Lithuania. It indicates that every fourth minority member has experienced discrimination at the workplace; moreover, the report highlights the discrimination experienced by Roma people as the most discriminated minority in the country. According to the report, they have the worst standard of access to social services and employment and have the worst relations with the police. While the government's "Programme of Roma Integration between 2008 and 2010" identified the needs of the Roma within Lithuanian society regarding education and employment, it lacked social care elements, such as those dealing with accommodation issues, access to healthcare, etc. Moreover, despite the planned funding of one million LTL per annum, that sum was actually paid out over a period of three years.

Thanks to the EFHR's long-term efforts, the Freedom House report for 2012 was changed and – instead of incorrect information about the legal situation of national minorities in Lithuania – it included a statement to the effect that "discrimination against ethnic minorities, which constitute 16% of the population, remains a problem, especially in the case of the small Roma population". This change should prevent further misleading statements by Lithuanian authorities about the absence of discrimination against national minorities in the country, especially in the statements of Lithuanian politicians.

⁹⁵ <http://www.freedomhouse.org/report/freedom-world/2012/lithuania>

In its latest report in 2013, Freedom House does not mention that national minorities are legally protected. The report also notes that discrimination against ethnic minorities still remains a problem. In addition, it mentions that pupils from national minority schools are obliged to take the same exam in the Lithuanian language as the pupils from Lithuanian-medium schools.

8.4. Amnesty International

Amnesty International, an international organization for human rights, in its 2012 report,⁹⁶ criticised Lithuania for its passive attitude towards secret CIA prisons on its territory. Amnesty International found it shocking that – regardless of the constant new information emerging on the case – the Lithuanian government lacked the political will to carry out a thorough investigation. The report also deals with the problem of discrimination against sexual minorities, whose situation deteriorated visibly since last year. In addition, Amnesty International reminded that Lithuania has no intention to ratify Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms introducing a general prohibition of discrimination, as the Lithuanian government informed the Council of Europe in February 2013.

It should be mentioned that in 2013 Amnesty International gave the Chancellor of the Government its recommendations⁹⁷ for the six-month-long presidency of Lithuania in the EU Council. One of these recommendations points to the necessity to undertake appropriate steps towards the protection of human rights within the EU, as well as in its external relations. Among the problems that have not been duly solved at the EU level, Amnesty International mentions discrimination against the Roma minority and failing to provide an adequate level of protection of the rights of migrants and refugees.

8.5. European Commission against Racism and Intolerance

The European Commission against Racism and Intolerance (ECRI) pointed out at too weak penalties in relation to incitement to hatred offences in its report of 2011⁹⁸. According to the ECRI, the penalties issued should be more dissuasive and proportionate to the offense. State

⁹⁶ http://files.amnesty.org/air12/air_2012_full_en.pdf

⁹⁷ http://www.amnesty.eu/content/assets/hdr/Lithuanian_presidency.pdf

⁹⁸ <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/lithuania/LTU-CbC-IV-2011-038-LTU.pdf>

institutions should organize trainings on the provisions relating to racism and racial discrimination specifically designed for police officers, lawyers, judges and prosecutors. Moreover, statistic data on such offenses should be gathered and NGOs should be allowed to participate in court proceedings and to represent victims there. It is worth mentioning that, according to the ECRI, Lithuanian authorities should consider the possibility of teaching a separate and compulsory subject on human rights and non-discrimination in schools. Issues related to human rights and specific knowledge about ethnic and national minorities should be taught as compulsory subjects in schools. What is more, the budget of the Office of the Equal Opportunities Ombudsman should be increased, and informing the public should be formally made part of its mandate, with specific funds provided for this activity.

8.6. European Foundation of Human Rights

EFHR's alternative report of 2011, prepared for the Lithuanian Committee on Elimination of Racial Discrimination on the occasion of reviewing periodical reports (IV and V) in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, turns its attention to some of the alarming practices of state authorities in relation to the freedom of assembly among other issues. The document recalls that in March 2009, the HRW Institute and the Center for Equality Advancement (*Lygių galimybių plėtros centras*) (CEA) informed the Vilnius City Council about their intention to organise a gathering under the title "*Against Racism and Xenophobia – In the Name of Tolerance*" planned for 11 March 1990. The plan for the event included a peaceful march of Lithuanian citizens through Vilnius. They wished to express their support for the constitutional values of freedom, democracy and tolerance.

The letter informing the local authority about that gathering stated that the HRW and CEA intend to organise the march in order to commemorate the National Day of Independence (11 March 1990) and in order to express their support for a free, democratic state of Lithuania that respects human rights. The consent for such an event fell within the jurisdiction of the Commission on Coordination of Public Events, which, after two meetings attended by HRW and CEA representatives, handed down a negative decision. The basis of this decision was, to say the least, irrational: the potential for a breach of peace, threats to public security, health and public morality, as well as a potential violation of the rights and freedoms of others. The HRW Institute and CEA subsequently submitted to a court a complaint regarding the decision, arguing that it was taken without any solid basis. Moreover, the legislation dealing with

gatherings was not complied with since the decision made by the administrative division of the Vilnius City Council was taken less than 48 hours before the planned event. The case was dismissed by the Vilnius Divisional District Court in September 2009, and a year later the Vilnius District Court dismissed the claimants' appeal. Finally, the Supreme Court of Lithuania reversed the previous decisions and allowed the appellants' appeal, ruling that the refusal of a permit to hold the event was unreasonable.

The above difficulties in holding peaceful event, promoting human rights and tolerance with the holding without any obstacles every year in Šalčininkai of nationalist camps such as the one entitled "*Lithuania for Lithuanians*" supported financially by the state-sanctioned Cultural Support Foundation (*Kultūros rėmimo fondas*). In contrast, swastikas can be freely presented in Lithuania since the District Court of Klaipėda held that this symbol is related to the cultural heritage of Lithuania.

Another point of criticism is the lack of communication between national minorities and state institutions. The report also mentions the problem of using the Polish language as an additional language in administrative offices in regions more densely populated by Poles and the issue of bilingual signposts. The prolonged process of preparation of the Law on the Restitution of Jewish property is also mentioned.

The latest alternative report of the EFHR of November 2013 – the "Alternative NGO Report on Lithuania's Implementation of the Framework Convention for the Protection of National Minorities"⁹⁹ - concludes that the general situation of minorities has not improved significantly neither since 1990, when Lithuania gained independence, nor from the moment of joining the EU. The EFHR notes that measures aimed at the protection of minorities have not been fully developed, both in legal terms and in practice. Moreover, in recent years there has been a tendency to noticeably ignore the provisions of the Framework Convention for the Protection of National Minorities and the recommendations of its Advisory Committee. What is more, Lithuanian political and judicial authorities have been adopting further rules and decisions that restrict the use of minority languages, even in areas crucial to preserve their identity, such as the spelling of names in their native language, and which are perceived as rather extreme in other democratic countries. According to the authors of the report, politicians and officials often treat minority rights as contrary to the "national values" of Lithuania: its language, integrity and unity. In this way, the essential pillars of the Lithuanian society seem to be antagonistic, indifferent to or unaware of the need to protect minorities.

⁹⁹ http://efhr.eu/hdd/EFHR_Shadow_Report_Lithuania_19_November_2013.pdf

The report also points out that the government had committed itself to solving the problems of national minorities in its program of 13 December 2012, including such issues as the spelling of names and surnames in minority languages in official documents, and the use of bilingual topographic signs in accordance with the provisions of the Framework Convention for the Protection of National Minorities, though subsequent gestures seem to contradict this commitment since there have been no significant steps taken in this direction yet. The situation presented in the report finally shows that Lithuania is not able, at least without strengthening its existing legislation and mechanisms regarding human rights and the protection of minorities, to meet the obligations of the Framework Convention.

8.7. Human Rights Monitoring Institute

The study on "Protection of Hate Crime Victims' Rights: the Case of Lithuania"¹⁰⁰ conducted by HRMI and issued in November 2013 revealed the existence of two main problems that hinder the Government's effective response to hate crimes. The first concerns the improper legal classification these acts by law enforcement authorities with the result that the offenses are classified as committed with criminal motives, and therefore not as a hate crime. Another problem is related to the shifting of decision-making in situations involving hate crimes and hate speech. HRMI indicates that a decision on the classification of an offence should be made by the officers conducting the investigation, and not by external experts. However, practice shows that the decisions of police and prosecutors rely solely and entirely on the opinions of external experts. In its analysis, HRMI states that Lithuanian law enforcement agencies are not adequately prepared to combat hate crimes in Lithuania. According to HRMI, statements inciting hatred or discrimination, for example in comments posted online, are often considered in an indulgent way. Police officers still lack knowledge and understanding of the nature and seriousness of hate speech. Moreover, research conducted among victims of hate speech revealed that any information they receive on their rights and investigation is often given in a very formal way, or not given at all. A major obstacle in ensuring the rights of victims of hate speech and discrimination is also a lack of translators.

In June 2013, HRMI presented its seventh overview of human rights for the years 2011–2012 where it states that in those years Lithuania did not introduce any significant changes and therefore still does not have a uniform policy and strategic concept in the field of human

¹⁰⁰<http://www.hrmi.lt/uploaded/Apzvalgos/Hate%20Crimes%20Victims%20Rights%20Study%20EN%202013.pdf>

rights. Discrimination against various social groups – women, people with disabilities, ethnic minorities, homosexual people or the elderly – remains an important issue. Additionally, the Law on Protection against Domestic Violence adopted in 2011 does not guarantee any assistance to those affected through its careless and formal implementation. Law enforcement agencies are continuously overusing their rights when arresting suspects in order to facilitate the investigation and pressure detainees. Questions relating to the right to a fair trial and the right to peaceful meetings remain controversial as well, even though these rights are guaranteed in basic legal documents at the domestic and international levels. It was also found that the protection of children’s rights should be a priority for the state, while Lithuania treats it as charity, not as a natural right. The authors of the report expressed their hope for better future results from the work of NGOs, and from the changes in the state institutions’ views on the benefits of cooperation between civil society and the public sector.

8.8. Other Reports

For its part the report of the International Centre for Defence Studies in Tallinn of 2012¹⁰¹ states that the tensions over the rights of the Polish minority in relation to the spelling of names in their native language weakens the cooperation between Poland and Lithuania in the field of national defence.

It is also worth mentioning the alternative report¹⁰² prepared by the “*Macierz Szkolna*” Association and the Association of Poles in Lithuania on the Framework Convention for the Protection of National Minorities. The report in question highlights, among others, the problem of the state providing only limited funding to cultural projects organised by minorities, and point out the distribution of funding which is disadvantageous from the point of view of minorities.

9. Conclusions

Since independence two decades ago, Lithuania has taken many steps in order to become one of the states that respect human rights. However, there are still some serious shortcomings in this matter. These are found in particular in the absence of fundamental legislation such as

¹⁰¹<http://icds.ee/fileadmin/failid/Developments%20in%20the%20Security%20Environment%20of%20the%20Baltic%20Sea%20Region%20up%20to%202020.pdf>

¹⁰² http://www.minelres.lv/reports/lithuania/ShadowReport_Lithuania2.pdf

law on national minorities or the refusal to ratify the European Charter for Regional or Minority Languages, and in the adoption of discriminatory legislation such as the Act on Education, regulations on matters regarding the use of minority languages in education, and the introduction of incentives for national minorities at the matriculation examination in the Lithuanian language.

What is to be noted on top of this is the lack of political will to improve the existing situation, despite active pressures from the communities that are prone to discrimination and other citizen initiatives, and even despite strong signals coming from international NGOs and organisations. This signifies that a considerable amount of effort is still required for Lithuania to be called a fully democratic legal state fully integrated in European society. Even though the many abovementioned reports directly identify gaps in Lithuanian legislation, policies and practices, and provide guidance on how to improve the current situation, their recommendations may not be sufficient if the government does not change its stance.

The numerous EFHR interventions also prove that Lithuanian society remains largely unaware of human rights standards and guarantees. This lack of knowledge about human rights, as well as an increasing intolerance against minorities reflected in many of the reports of international organizations, show that Lithuania is no longer at a crossroad, but has already drifted off course, as it cannot decide which way it should follow: it can either turn towards the development of a democratic state respecting European standards, or remain a country that is unable to guarantee the protection of fundamental human rights.

Legal assistance for national minorities in Lithuania is a way of solving the abovementioned problems. Unfortunately, the national minorities of Lithuania themselves often lack knowledge about the possibility of exercising their rights, with the Lithuanian judiciary unhelpful and even unfavourable in this respect as shown in the content of their decisions taken in recent years. Lithuanian courts as a matter of routine never take into account the numerous international commitments of Lithuania – particularly in relation to the human rights of minorities. Therefore, in the process of exercising their rights, the national minorities of Lithuania urgently need the support and help of independent and regional or international institutions such as the Court of Justice of the EU, the European Court of Human Rights, the Committee on Petitions of the European Parliament, etc. In EFHR opinion, Lithuania should immediately adopt a law protecting minorities in order to join the ranks of modern states based on the rule of law and respect for human rights that care about the protection of the most vulnerable. Democracy is reflected in how the majority treats the minorities of the state, not the other way round. The EFHR's achievements and the results of

its activities presented in this report for the years 2012–2013 show unequivocally that there is a strong need to continue efforts to protect human rights, including the rights of national minorities, in Lithuania.

10. Recommendations arising from the EFHR Report for years 2012–2013

I. Adoption of law that would guarantee legal protection of national and ethnic minorities, arising from the international obligations adopted by Lithuania, especially:

- a. European Convention for the Protection of Human Rights and Fundamental Freedoms;
- b. Framework Convention for the Protection of National Minorities;
- c. EU Charter of Fundamental Rights;
- d. Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

II. Quick adoption of the amendment of the Act on education, aimed at:

- a. taking into account the differences in the curriculum between schools with Lithuanian and non-Lithuanian languages of instruction;
- b. liquidating the provisions which cause inequality between the aforementioned schools (Article 30);
- c. providing the aforementioned schools with sufficient financing, covering the higher costs of teaching;
- d. introducing the possibility of learning in the languages of national minorities in schools with the Lithuanian language as the language of instruction in areas densely populated by national minorities.

III. Signing and ratifying the European Charter for Regional or Minority Languages of 1992.

IV. Ratification of the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 2000.

V. Change in the doctrine of the Lithuanian courts and state institutions relating to the international treaties and conventions ratified by Lithuania. These acts are overlooked and widely ignored by the Lithuanian courts and state institutions, or they are treated as documents without legal force.

VI. More active use of already existing international instruments, such as independent courts and international institutions, including the Court of Justice of the EU, the European Court of Human Rights, the Committee on Petitions of the EP, OSCE High Commissioner on National Minorities and the UN Human Rights Committee, in resolving disputes and conflicts related to the protection of human rights. Independent institutions offer hope of the dissemination of good standards among the society and state institutions that will contribute to more efficient implementation and dissemination of European standards on human rights.

VII. Lithuania should examine and eliminate all cases of discrimination against national minorities, including issues of discrimination on labour market and hate speech, through the monitoring of the Internet and imposing of appropriate penalties.

VIII. Promotion of human rights and multiethnicity through i.e. respecting human rights and exercising the rights of national minorities, resulting from the membership of Lithuania in the European and international structures, and through increasing the number of training courses on human rights protection. Trainings should be held in every school, and schools should have easy access to the funds allocated for this purpose by the Ministry of Education and Science of the Republic of Lithuania.

IX. Dissemination of information on human rights (how to fight for one's rights, what rights belong to each person, what rights for national minorities arise from Lithuania's membership in the EU and international organisations, how to demand exercising one's rights?) among the society, particularly among the most vulnerable groups, such as national, ethnic or religious minorities. The lack of basic knowledge of one's rights is currently one of the main reasons for inaction of a substantial part of minority

members, who do not know the basic mechanisms and methods of protections, so they remain unprotected in disputes with state institutions. It is also important to spread knowledge about human rights among the majority – in other words, the society of Lithuania – which is not aware of the fact that there are certain standards and safeguards for the protection of human rights of national minorities.

X. Allocating certain funds for cultural and media projects.

XI. Lithuania should respect Article 16 of the Framework Convention and the European Commission for Democracy through Law (Venice Commission) included in the Code of Good Practice in Electoral Matters of 2002, which means that the state should i.e. refrain from measures altering the proportions of ethnic groups in areas inhabited by national minorities with aim at restricting the rights and freedoms as provided by the Framework Convention. Moreover, Lithuania should not change the boundaries of constituencies, breaking up the clusters of national minorities.

XII. Allocating public funds for non-governmental organizations concerned with the protection of human rights in Lithuania. NGOs should be formally involved in the process of adopting all the laws in the field of human rights, and should receive consultative status with the right to challenge any decision of state institutions in this field.