



**Prospects of inclusion national
minorities into Lithuanian society
and enforcing their rights by means
of monitoring the implementation
of the Convention for the
Protection of Human Rights and
Fundamental Freedoms and the
Framework Convention for the
Protection of National Minorities**

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INTRODUCTION

Nelson Mandela once stated that “No country can really develop unless its citizens are educated”¹. Indeed, education plays a crucial role in economic well-being and cultural diversity of each country as well as determines its international policy and geopolitical status. Therefore, it is very crucial to ensure that all people, residing within the territory of the state, have an equal access to education facilities and are provided with the high-standard quality of teaching and learning materials alongside qualified staff working in the educational sphere. Another feature of a democratic state and its conforming to the principle of rule of law is combating and prevention of hate speech and hate crimes. A famous person, who is known for information awareness book series in counterterrorism and cybersecurity, Newton Lee, has commented on hate speech: “There is a fine line between free speech and hate speech. Free speech encourages debate whereas hate speech incites violence”². Thus, when exercising freedom of expression, one should always remember to respect human dignity and rights of other. There is no place for incitement to violence or harassment either on the Internet or offline. Thirdly, the right to private and family life, including the right to original spelling of its own name and surname, do support a basis of democracy and the principle of rule of

law. Therefore, states should preserve cultural and linguistic peculiarities of their citizens.

National minorities are not an exception in this regard, thus, they have to be integrated into the society of every country with special protection and full enjoyment of their rights guaranteed by the governments. There is no universal definition when it comes to the term of a national minority. An international instrument in the sphere of safeguarding the minority rights and freedoms, the Framework Convention for the Protection of National Minorities³, does not provide a definition for national minority. Hence, the signatory parties to the Convention are entitled with a margin of appreciation to determine which groups fall under this category. However, such a decision should be made in good faith and in accordance with general principles of international law. Besides a number of international and regional documents which Lithuania has ratified, the legal status of national minorities in Lithuania is regulated by The Constitution of the Republic of Lithuania⁴ (Articles 29, 45), legislation adopted by the Lithuanian Parliament and by-laws regulating various spheres of public life in relation to minority communities. The statistics has shown that, by the end of 2021, 2 million 810 thousand people lived in Lithuania and 432 thousand of them

¹ “Top Nine Nelson Mandela Quotes about Education”, The Borgen Project, <https://borgenproject.org/nelson-mandela-quotes-about-education/>.

² “Newton Lee. Quotes”, GoodReads, <https://www.goodreads.com/quotes/789610-there-is-a-fine-line-between-free-speech-and-hate>.

³ “Framework Convention for the Protection of National Minorities”, rm.coe.int, <https://rm.coe.int/16800c10cf>.

⁴ “Constitution of the Republic of Lithuania”, e-seimas.lrs.lt, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.21892>.

comprised national minorities. The vast majority of them were Poles (6.5%), Russians (5%), Belarusians (1%), Ukrainians (0.5%). The other representatives of minority communities have been represented at 0.6%. The Polish community, which is the largest national minority in Lithuania, mainly resided in Vilnius (46.8%) and the suburban areas of Vilnius: Šalčininkai District Municipality (76.3%), Trakai District Municipality (27.5%) and Švenčionys District Municipality (24.3%). The Russian national minority has been mainly widespread across Visaginis (47%), Zarasai District Municipality (17%), Klaipeda District Municipality (16%) and Švenčionys District Municipality (12%).⁵

Unfortunately, in practice there is a *de-facto* divergence from the provisions laid out in the legal framework on rights and freedoms of national minorities residing within Lithuania's territory. Minority communities are often treated in an unequal and discriminative way, being restricted in exercising of their rights and full enjoyment of their freedoms. Notwithstanding the efforts put forward by the Lithuanian authorities, the results are not often deemed to be satisfactory.

⁵ "National Minorities", Department of National Minorities under the Government of the Republic

1. EDUCATION

Education constitutes a core fundament for each civilization that ensures sustainable development tackles the inequality and raises the economic prosperity. The right to education is enshrined in the international law. Thus, the Universal Declaration of Human Rights ⁶, International Covenant on Economic, Social and Cultural Rights ⁷, Convention on the Rights of the Child⁸, Convention on the Elimination of All Forms of Racial Discrimination⁹, Convention on the Elimination of All Forms of Discrimination against Women ¹⁰, the Convention for the Protection of Human Rights and Fundamental Freedoms ¹¹ (*hereinafter* – the European Convention on Human Rights (ECHR)), the Framework Convention for the Protection of National Minorities¹² (*hereinafter* – the Framework Convention on National Minorities (FCNM)) have established the right to education in their provisions. Since Lithuania is a party to the mentioned international agreements, it recognizes the importance of this right.

According to the National Education Policy adopted for 2021-2030 one of the key commitments is a development by 2024 of “a single quality standard for general education accessible to all children, both rural and urban, including foreign Lithuanians and children from ethnic communities and minorities, in response to the challenges of the 21st century, ensuring essential everyday skills (linguistic, natural science, information technology, financial, cultural and civic literacy), and competencies for complex real-world-problems, and fostering values needed to operate in a fast-paced, ever-changing world”.¹³ Thus, the Lithuanian and local government together with the National Education Council of the Ministry of Education, Science and Sports recognize the importance of establishing an unified and harmonized approach as to the equal access to education of everyone legally residing in Lithuania. Nevertheless, the practice shows that the Lithuanian authorities often fail when it comes to the implementation mechanism of this right.

⁶ “Universal Declaration of Human Rights”, [www.ohchr.org,https://www.ohchr.org/en/human-rights/universal-declaration/translations/english](https://www.ohchr.org/en/human-rights/universal-declaration/translations/english).

⁷“International Covenant on Economic, Social and Cultural Rights”, [www.ohchr.org,https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights).

⁸ “Convention on the Rights of the Child”, [www.ohchr.org,https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child).

⁹ “Convention on the Elimination of All Forms of Racial Discrimination”, [www.ohchr.org,https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial).

¹⁰“Convention on the Elimination of All Forms of Discrimination against Women”, [www.ohchr.org,https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women).

¹¹“Convention for the Protection of Human Rights and Fundamental Freedoms”, [echr.coe.int,https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

¹² “Framework Convention for the Protection of National Minorities”, [rm.coe.int,https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

¹³ Ministry of Education, Science and Sport. “Agreement on National Education Policy (2021-2030).” *My Government smsm.lrv.lt*, 3 Jan. 2022, <https://smsm.lrv.lt/en/legal-information/agreement-on-national-education-policy-2021-2030>.

International supervising bodies protecting rights of the national minorities has repeatedly called the Lithuanian government upon harmonization of the education system. As an example, the Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities urged Lithuanian government to better safeguard the rights of pupils representing national minorities in Lithuania by assuring non-discrimination and equality for non-Lithuanian pupils. The Committee believes that the standardized Lithuanian language curriculum and the state exam put Poles in an unfavourable situation in comparison with Lithuanian nationals.¹⁴

Besides international bodies, local non-governmental organisations and associations are making efforts to bring attention of the Lithuanian government to the issue of continuous discrimination of the national minorities in the field of education. Thus, the Association of Teachers of Polish Schools in Lithuania, "Macierz Szkolna", has on numerous occasions stressed about the unfavorable consequences of harmonizing the curriculum and the state exam in the Lithuanian language for pupils belonging to national minorities. The President of the Association, Józef Kwiatkowski, pointed out that the standardized state exam in the Lithuanian language has been implemented notwithstanding the divergence of the curriculum in secondary

schools of national minorities from the Lithuanian by 800 hours less than the curriculum in the Lithuanian schools. The statistics show that since the unified exam has been introduced the results of passing it by graduates from national minorities schools were unsatisfactory, in particular, if in 2011-2012 failure rate constituted between 6.4%-6.2%, then already in 2014 it reached 16.3% and was steadily increasing through 2015-2018, ranging from 16.1% up to 23%.¹⁵ Ultimately, harmonization of the state exam created unfair and biased conditions for the pupils of minority schools to enter higher education in comparison with Lithuanians.

To underline, the Lithuanian language state examination is of a compulsory character for pupils of all schools. The Ministry of Education, Science and Sports defined that in order to access the level of higher education graduates should successfully pass at least three matriculation examinations and at least two matura exams or one examination and matriculation project have to be passed to obtain a secondary education diploma.¹⁶ Hence, the grades of matura examinations determine the most successful students with the highest results, thus, allowing them to compete for a financial place, guaranteed by the Republic of Lithuania, at the state university. Another reason as to why students belonging to the Polish national minority in Lithuania would rather enter

¹⁴ Pieszko, Anna. "Rada Europy: Reforma Szkolnictwa Na Litwie Dyskryminuje Mniejszości Narodowe." *Kurier Wileński*, 9 Jan. 2019, <https://kurierwilenski.lt/2019/01/09/rada-europy-reforma-szkolnictwa-na-litwie-dyskryminuje-mniejszosci-narodowe/>.

¹⁵ *Ibid.*

¹⁶ Ministry of Education, Science and Sport. "Matura Examinations." *My Government*. *smsm.lrv.lt*, 27 Dec. 2021, https://smsm.lrv.lt/en/sector-activities/education_1/matura-examinations.

the non-Lithuanian university is that the Polish government provides scholarships to study in the universities of Poland for the successful graduates of Polish minority schools, therefore, a less number of graduates apply for the financial places at the institutions of higher education in Lithuania.¹⁷ As a result, the Polish scholarships attract the most prominent and intelligent students of the Polish community to study in Poland with a further higher chance of starting a career and settling in there than returning back to Lithuania.

Indubitably, the Ministry of Education, Science and Sports has not taken any appropriate action to efficiently implement the standardization of the state exam by failing to provide the textbooks and teaching materials for the students of minority schools.¹⁸ Another barbaric action from the Lithuanian side towards the representatives of Polish national minority was the decision of the Municipality of Trakai, adopted in March 2021, on an updated school network plan for the period 2022-2026¹⁹, according to which two minority Polish schools, in particular, *Szkoły Podstawowej im. Andrzeja Stelmachowskiego* and *Gimnazjum im. Longina Komołowskiego*, would be reorganised as branches and

merged to the other larger schools due to their relatively small size and low academic achievement. The pupils of the affected schools, their parents and the local Polish community opposed this decision. They expressed the concern regarding the changes in the status of educational institutions that would result in the gradual eradication of the Polish identity and culture since it largely depends on the access to education in the mother tongue in the place of residence. In June 2022, the Commissioner for Human Rights of Poland, Marcin Wiącek, challenged the arbitrary decision of the local government of Trakai and subsequently filed a statement to the head of Lithuanian parliamentary control, urging to investigate this matter accordingly.²⁰ Despite the numerous protests of the Polish school community about the reorganization of Polish schools, the Ministry of Education, Science and Sports agreed that the local government's decision is correct and in line with the rules for establishing a network of schools providing formal education, and about which both the Trakai region and the school community have already been informed. Consequently, a complaint was filed with the court against the decision and interim measures were applied, in

¹⁷ Wołkonowski, Jarosław. "Education in Polish and a Level of Higher Education of Polish Minority in Lithuania." *Kultura i Edukacja*, vol. 4, no. 118, 2017, pp.106–121., <https://doi.org/10.15804/kie.2017.04.08>.

¹⁸ Pieszko, Anna. "Rada Europy: Reforma Szkolnictwa Na Litwie Dyskryminuje Mniejszości Narodowe." *Kurier Wileński*, 9 Jan. 2019, <https://kurierwilenski.lt/2019/01/09/rada-europy-reforma-szkolnictwa-na-litwie-dyskryminuje-mniejszosci-narodowe/>.

¹⁹ Trakai District Municipal Council. *Decision on approval of the general plan for the reorganisation of the general school network of the Municipality of Trakai District for 2022-2026*, 31 Mar 2022.

²⁰ "Plany połączenia dwóch polskich szkół z innymi placówkami. RPO do szefowej litewskiej kontroli sejmowej", *Biuletyn Informacji Publicznej RPO*, <https://bip.brpo.gov.pl/pl/content/rpo-litwa-polskie-szkoly-przylaczenie-inne-placowki>.

particular, a suspension of the reorganization of two Polish schools.²¹

Besides the adoption in 2011 of the amendment to the Education Act of the Republic of Lithuania²² introducing a unified matura examination of the state language in 2013 without a transitional period and an unlawful reorganization of two Polish schools adopted by the decision of the Municipality of Trakai, the Polish minority community in Lithuania has been earlier discriminated by the Lithuanian authorities through suspension of publishing textbooks in Polish for pupils of higher school in 1994 and a cancelation of Polish language and literature exam as the mother tongue from the list of compulsory matura examinations in 1998.²³ This is an evidence that the Polish national minority has been restricted in their right to education, which is a constitutionally embodied right of all democratic states.

The OSCE High Commissioner on National Minorities Kairat Abdrakhmanov also encouraged Lithuanian authorities to “promote diversity in Lithuania’s society and to ensure equal opportunities for everyone, irrespective of their origin”.²⁴

Addressing the issue of civic engagement of Lithuanian-Poles, the Fifth Report on the Implementation of the

Council of Europe’s Framework Convention for the Protection of National Minorities in the Republic of Lithuania submitted by the Lithuanian government on 19 July 2021 provides for the “Vilnius Region 2040” strategy which has been introduced at the conference meeting of the President of Lithuania with the representatives of the Polish Community of Lithuania and covers all spheres of social life. Fostering the prestige of the Polish language in Lithuania by 2040 has been determined as one of the most crucial goal of the strategy, aiming not only to increase the usage of Polish language in society but also to assure a multi-vector civic engagement of the Poles in educational, social- economic, cultural and media spheres.²⁵ Hence, a better social integration of the Poles could also contribute to economic prosperity of Lithuania.

Another document regulating the field of education of the Polish national minority residing in Lithuania and the Lithuanian minority community in Poland is the Declaration “On the Education of the Polish National Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland” signed on the 20th of November 2019.²⁶

²¹ Ilona Lewandowska, “Polska szkoła w Połukniu bez prawa do klas gimnazjalnych”, *Kurier Wileński*, <https://kurierwilenski.lt/2022/09/01/polska-szkola-w-polukniu-bez-prawa-do-klas-gimnazjalnych/>.

²² “Republic of Lithuania Law Amending the Law on Education”, e-seimas.lrs.lt, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.407836>.

²³ Wołkonowski, Jarosław. “Education in Polish and a Level of Higher Education of Polish Minority in Lithuania.” *Kultura i Edukacja*, vol. 4, no. 118, 2017, pp.106–121., <https://doi.org/10.15804/kie.2017.04.08>.

²⁴ OSCE High Commissioner on National Minorities. “OSCE High Commissioner on National Minorities Supports Lithuania’s Efforts to Promote Diversity.” *OSCE*, 16 Nov. 2022, <https://www.osce.org/hcnm/531467>.

²⁵ *The Fifth Report on the Implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities in the Republic of Lithuania subject to Article 25 of the Convention*. Council of Europe, 2021, <https://rm.coe.int/5th-sr-lithuaniaen/1680a3441d>.

²⁶ Ministry of Education, Science and Sport. “Declaration on the Education of the Polish National

On 23 November 2022 the National Education Agency (Lit. *Nacionalinė Švietimo Agentūra*) has presented changes to the Polish educational environment regarding the assessment of pupils' achievements. The structure of the future intermediate test in Polish language and literature and the state matriculation examination was discussed. Thus, in 2024 students belonging to the Polish national minority will be able to opt for the state matriculation exam in their mother tongue and literature. Only graduates who have passed the entrance test in Polish language and literature will be able to take this exam.²⁷

The Prime Minister of the Lithuanian government Ingrida Šimonytė has recently stated that the Russian language should not remain the only available option as a second language in the curriculum of Lithuanian schools. Therefore, she proposed to add Polish as the second foreign language to be studied in schools.²⁸ It seems that such a language policy shift has its cause in potential security danger to Lithuania due to the Russian aggression towards Ukraine. At the same time, introducing Polish to the curriculum of the Lithuanian schools would

reflect European values and inclusive education rather than remnants of the Soviet Union.

Nowadays, the Polish studies program is offered at two universities - at the Vilnius University's Center for Polish Studies and at the Academy of Education of the Vytautas Magnus University in Kaunas, based in Vilnius (former Center of Polish Language and Culture of the Lithuanian University of Education in Vilnius transformed as a result of the education reform).²⁹ To note, the former Polish Language Center at Vilnius University opened its doors in 1993 to everyone willing to learn the language regardless of the nationality.³⁰

It is worth to underline that in 2022 the minority Polish school St. John II Gymnasium in Vilnius has been ranked 9th among 10 best high schools in Lithuania. The Headmaster of Vilnius St. John II Gymnasium pointed out that educational integration of minorities depends on the available financial resources. Hence, minority schools which are located far away from big cities find themselves in a complicated financial situation since they have to spend more budget on travel to and back from the school for their

Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland", smsm.lrv.lt

[https://smsm.lrv.lt/uploads/smsm/documents/files/Lenkijos%20ir%20Lietuvos%20deklaracija%20pdf%20\(1\).pdf/](https://smsm.lrv.lt/uploads/smsm/documents/files/Lenkijos%20ir%20Lietuvos%20deklaracija%20pdf%20(1).pdf/).

²⁷ "Lenkų Švietimo Bendruomenei – Apie Mokinių Pasiekimų Vertinimo Pokyčius." *Nacionalinė Švietimo Agentūra*, <https://www.nsa.smm.lt/2022/11/23/lenku-svietimo-bendruomenei-apie-mokiniu-pasiekimu-vertinimo-pokycius/>.

²⁸ BNS. "Šimonytė: Rusų Kalbą Mokyklose Galėtų Pakeisti Lenkų Kalba." *Lrt.lt*, 1 Feb. 2023,

<https://www.lrt.lt/naujienos/lietuvoje/2/1879422/simonyte-rusu-kalba-mokyklose-galetu-pakeisti-lenku-kalba>.

²⁹ Komunikat MNiSW. "Polska i Litwa Umacniają Współpracę Naukową." *Polska Na Litwie*, 3 Aug. 2020,

<https://www.gov.pl/web/litwa/polska-i-litwa-umacniaja-wspolprace-naukowa>.

³⁰ The Department for National Minorities. "Poles in Lithuania. Facts, Numbers, Activities." *National Communities in Lithuania*, https://tmde.lrv.lt/uploads/tmde/documents/files/Lietuvos_lenku_bendruomene_A5_EN.pdf.

students.³¹ Due to the lack of financial resources, minority schools experience hard times that could even lead to complete cease of their functioning.

With the influx of Ukrainian war refugees to Lithuania, the number of currently residing Ukrainian national community has been significantly increased, in particular, since beginning of the war around 67 thousand of refugees has arrived and settled in Lithuania. The Minister of the Ministry of Education, Science and Sports commented that approximately 12 thousand of Ukrainian children attend Lithuanian schools as well as preschool facilities, among them 65% study per the Lithuanian curriculum at national schools and around 15% of children have chosen schools with the Ukrainian studies curriculum. It is remarkable that 6 schools have received a licence to work according to the Ukrainian educational program.³² In addition, the Ministry of Education, Science and Sports allowed Ukrainian children to register at national minority schools, i.e. Polish-, Russian, Belarusian- or even German-speaking schools.³³

The OSCE High Commissioner on National Minorities greeted the Ministry of Education, Science and Sports in their

efforts of development of an adaptive curriculum and creating favourable educational conditions for Ukrainian refugee children to enable them to attend the Lithuanian schools, learn Lithuanian language and participate in life of Lithuanian society but at the same time preserve Ukrainian identity by maintaining connections with the Ukrainian heritage such as language, education and culture.³⁴ In this regard, the rapid reaction of the Lithuanian authorities on the growing number of Ukrainian refugee children and youth and, consequently, a smooth integration them in education deserves an appreciation.

Besides the Polish and Ukrainian national minorities in Lithuania, another national community such as Roma face difficulties in their integration in society and find themselves restricted in access to the education facilities. Thus, more than a half (56%) of Roma have no access to higher education as well as a negative tendency has been observed as to the start of the school at a much more later age.³⁵

Nonetheless, according to the Fifth Report on the Implementation of the Council of Europe's Framework Convention for the Protection of National Minorities in the Republic of Lithuania, the

³¹ Трапикайтė, Giedrė. "Polish School Ranked among the Best in Lithuania – What's Its Secret?" *Lrt.lt*, 10 Sept. 2022, <https://www.lrt.lt/en/news-in-english/19/1776587/polish-school-ranked-among-the-best-in-lithuania-what-s-its-secret>.

³² "Інтеграція Українських Дітей Відбувається Успішно, - Міністр Юрґіта Шюґждінене." *Lrt.lt*, 4 Jan. 2023, <https://www.lrt.lt/ua/novini/1263/1859343/integratsiia-ukrayins-kikh-ditei-vidbuvaet-sia-uspishno-ministr-iurgita-shiugzhdinene>.

³³ "Lithuania's Education Responses to the Influx of

Ukrainian Students." *UNESCO.org*, 26 Mar. 2022, <https://www.unesco.org/en/articles/lithuanias-education-responses-influx-ukrainian-students>.

³⁴ OSCE High Commissioner on National Minorities. "OSCE High Commissioner on National Minorities Supports Lithuania's Efforts to Promote Diversity." *OSCE*, 16 Nov. 2022, <https://www.osce.org/hcnm/531467>.

³⁵ Arunas Poviliunas. Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion, 2021, pp. 4–29, *Promoting Social Inclusion of Roma. A Study of National Policies*.

inclusion of Roma children to the preschool education has raised up to 50%.³⁶All in all, the Roma community remains as the most socially isolated and is not provided adequate possibilities of an access to education.

³⁶ *The Fifth Report on the Implementation of the Council of Europe's Framework Convention for the Protection of National Minorities in the Republic of Lithuania subject to Article 25 of the Convention.*

Council of Europe, 2021,
<https://rm.coe.int/5th-sr-lithuania-en/1680a3441d>.

2. HATE SPEECH AND DISCRIMINATION ON THE INTERNET

Living in the digital era means the emergence of new tools by which it is easier to commit hate crimes. As the Internet remains one of the main instruments for incitement to hatred and harassment, it is essential that the states' policy should be directed at the detection and eradication of the hate speech content.

At the current stage, the Lithuanian government hasn't developed one national-level action plan for combating and prevention of a hate speech and hate crimes. However, some documents have been adopted at the state level. Thus, "Action Plan of the Working Group for Promoting an Effective Response to Hate Crimes and Hate Speech in Lithuania 2020-2022" approved by the Ministry of the Interior of the Republic of Lithuania in 2020 can be noted in that regard.³⁷

The main coordinator of the working group is the Lithuanian Centre for Human Rights in a partnership with the European Foundation of Human Rights (*hereinafter* - EFHR), Human Rights Monitoring Institute and Lithuanian Police School. The Action Plan defines the core activities of the working group such as "conducting research on hate crime and hate speech in Lithuania", "organizing trainings for law enforcement officers and students of Lithuanian Police School", "encouraging institutional cooperation in the prevention of hate crimes and hate speech" and "organizing media campaign

on promoting civic awareness on hate speech", etc.³⁸ It is very crucial to ensure that more state- and local-level projects and campaigns on combating hate speech are developed and launched in order to raise the awareness on hate speech and hate crime and skill the competency of Lithuanian authorities on addressing this issue.

The lack of uniform case-law creates an ambiguity in the national hate speech prevention system. Hence, the European Court of Human Rights (*hereinafter* - ECtHR) in its landmark case *Beizaras and Levickas v. Lithuania*³⁹ criticised the approach developed by the Lithuanian courts, claiming that the national courts were not systematic and consistent when dealing with the hate-speech allegations. The ECtHR stated that the case-law established by the domestic courts lacks clarity on the criterion to be applied in hate-speech cases of comparable gravity. Moreover, the ECtHR condemned the Office of the Inspector of Journalist Ethics for justifying so-called "traditional values" as a ground for supporting intolerance.

Besides, the absence of an efficient victim support in Lithuania creates difficulties in developing a hate crime prevention mechanism. Moreover, 7 out of 10 people who became victims of hate

³⁷ Ministry of the Interior Affairs of the Republic of Lithuania. "Action Plan of the Working Group for Promoting an Effective Response to Hate Crimes and Hate Speech in Lithuania 2020-2022".

³⁸ "Promoting Effective Response to Hate Crimes and Hate Speech in Lithuania." *Human Rights*

Monitoring Institute, 6 Aug. 2019, <https://hrmi.lt/en/promoting-effective-response-to-hate-crimes-and-hate-speech-in-lithuania/>.

³⁹ "Case of Beizaras and Levickas v. Lithuania." <https://hudoc.echr.coe.int/Fre#%7B%22itemid%22:%5B%22001-200344%22%5D%7D>, 14 Jan. 2020.

speech would not report it to the competent authorities or seek for help.⁴⁰

The state has regulated provision of legal aid free of charge to persons who faced hate speech. Thus, Article 12 of the National Law on State-Guaranteed Legal Aid⁴¹ embodied a right of victims of hate crimes to apply for a state-guaranteed legal aid which is provided by the State Guaranteed Legal Aid Office. The legal aid is guaranteed to the citizens of Lithuania as well as foreigners lawfully residing in Lithuania and people without citizenship. In addition, a Law on Assistance to Victims of Criminal Offences⁴² adopted in 2021, transposing the European Union Directive 2012/29 on establishing minimum standards on the rights, supports and protection of victims of crime⁴³, provides for an opportunity to victims of any criminal offence to receive necessary

assistance, representation and protection in the criminal proceedings launched against the perpetrators.

It is noteworthy that referring to the official statistics on crime in the municipalities of the Republic of Lithuania in 2020⁴⁴, published on the website of the Department of Information Communications, only 50 cases of incitement to hatred against any ethnicity, race, ethnic, religious or other group of people were registered but already in 2022⁴⁵ this number raised to 84. Regardless of the recorded cases, only 15 suspects were identified by the police in 2020⁴⁶ and 8 in 2022⁴⁷, consequently, most of the registered cases have been discontinued. Unfortunately, such a negative tendency creates a feeling of virtual impunity for those who committed a crime.

⁴⁰ "Public Opinion Poll: 70% of Those Who Faced Hate Speech Would Not Seek for Help." *Office of the Equal Opportunities Ombudsperson*, 23 Mar. 2021, <https://www.lygybe.lt/en/news/public-opinion-poll-70-of-those-who-faced-hate-speech-would-not-seek-for-help/1388>.

⁴¹ "Republic of Lithuania Law on State-guaranteed Legal Aid", e-seimas.lrs.lt, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/42a1c2420d7711edbfe9c72e552dd5bd?jfwid=vsl7nhl0i>

⁴² "Lietuvos Respublikos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas", e-seimas.lrs.lt, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ce7d8910571711eba1f8b445a2cb2bc7>

⁴³ "Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA", EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

⁴⁴ "DUOMENYS APIE NUSIKALSTAMAS VEIKAS,

PADARYTAS LIETUVOS RESPUBLIKOJE." *Ird.lt*, Informatikos Ir Ryšių Departamentas Prie Lietuvos Respublikos Vidaus Reikalų Ministerijos, 8 Jan.2021, https://ird.lt/lt/reports/view_item_datasource?id=8933&datasource=55392.

⁴⁵ "DUOMENYS APIE NUSIKALSTAMAS VEIKAS, PADARYTAS LIETUVOS RESPUBLIKOJE." *Ird.lt*, Informatikos Ir Ryšių Departamentas Prie Lietuvos Respublikos Vidaus Reikalų Ministerijos, 9 Jan. 2023, https://ird.lt/lt/reports/view_item_datasource?id=10247&datasource=78570

⁴⁶"DUOMENYS APIE ĮTARIAMUS (KALTINAMUS) IR NUKENTĖJUSIUS ASMENIS LIETUVOS RESPUBLIKOJE." *Ird.lt*, Informatikos Ir Ryšių Departamentas Prie Lietuvos Respublikos Vidaus Reikalų Ministerijos, 8 Jan. 2021, https://ird.lt/lt/reports/view_item_datasource?id=8879&datasource=54486

⁴⁷"DUOMENYS APIE ĮTARIAMUS (KALTINAMUS) IR NUKENTĖJUSIUS ASMENIS LIETUVOS RESPUBLIKOJE." *Ird.lt*, Informatikos Ir Ryšių Departamentas Prie Lietuvos Respublikos Vidaus Reikalų Ministerijos, 8 Mar. 2022, https://ird.lt/lt/reports/view_item_datasource?id=9676&datasource=68755

According to the survey “Hate speech online”⁴⁸ performed by Vilnius Equal Opportunities Ombudsman, Lithuanian residents voted whether negative comments on the Internet about certain social groups, particularly, representatives of national minorities, people with disabilities, LGBT and others do not have any effect. Thus, 48% of participants in the survey disagreed with 22% strongly disagreed. Only 11,4% of Lithuanians agreed that the negative comments on the Internet don’t make any impact with 1,2% strongly agreed and 17,2% had no opinion. The survey has shown that level of awareness among Lithuanian society is adequate and sufficient. People of Lithuania recognize that negative comments on the Internet are harmful and lead to the incitement of hatred.

Since 2005, the Institute of Ethnic Studies has conducted annual public surveys to investigate the level of intolerance of Lithuanians towards representatives of national minorities and ethnic groups. For instance, according to the results of the public opinion poll on attitude of Lithuanian nationals towards Roma, Muslims, Poles and Russians for the period of 2012-2017, more than 60% of Lithuanians wouldn’t like to have Roma as their neighbours, around 50% wouldn’t tolerate Muslim community, approx. 17-18% wouldn’t be happy to be a neighbor

with Poles. The intolerance towards Russians was at the lowest range – only 9-11%.⁴⁹ Ultimately, such an intolerance directed at the national minorities is a prerequisite to hate speech and hate crime.

In a conclusion, hate speech and hate crime prevention require a strong cooperation between the law enforcement officers, non-governmental organisations and society alongside adequate legal regulation at the state level.

⁴⁸“Neapykantos Kurstymas Internete.” *Lygybe.lt*, Visuomenės nuomonės ir Rinkos tyrimų Centras, 2020, https://lygybe.lt/data/public/uploads/2021/03/neapykantos-kurstymas-internete_2020.pdf.

⁴⁹ “Visuomenės Nuostatų Apklausos.” *LSTC Etninių Tyrimų Institutas*, <http://www.ces.lt/veikla-2/ziniasklaidos-stebesena/visuomenes-nuomones-apklauso/>.

3. ORIGINAL SPELLING OF NAMES

The right to private life is a one of the fundamental human rights. Thus, the Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms establishes that everyone has the right to private and family life. One of the main aspects of the right to private and family name is the right to have a name and modify it. A person's name constitutes an essential part of one's integrity and self-determination. In its well-established, the European Court of Human Rights has emphasised that the regulation of the spelling of names is the domain of any democratic country and should be linked to the culture, language and history of such state and the sense of identity. According to the ECtHR, if similar forenames and surnames can be found in the register and no negative impact on the preservation of the cultural and linguistic identity of the society is identified, the state has no grounds to refuse to register the chosen name or surname.

The specific regulation on the right to original spelling of name and surname of minority communities is enshrined in Article 11 of the Framework Convention for the Protection of National Minorities.

Despite Lithuania being the signatory party to both international documents, the situation on the original spelling of names remained unsolved until the beginning of 2022. Finally, on 18 January 2022 the Parliament of the Republic of Lithuania has adopted the Law on the Spelling of the Name and Surname in Documents ⁵⁰. The latest passed

legislation came into force on 1st of May 2022 and has determined basic requirements for spelling of a name and surname in personal identity documents, civil status records and other official documents.

The law has enabled first and last names to be written in characters of the Latin alphabet, thus creating a legal basis for writing names with the letters "x", "q" and "w", but excluding the usage of diacritical marks that are not common in the Lithuanian language. This is a significant flaw of the new legislation as the Lithuania's largest national minority, Polish national community, uses the diacritical marks in the mother tongue. The diacritics in Polish are very essential for the correct pronunciation of letters. Unfortunately, the changes do not provide for the letters with Polish diacritical marks such as ą, ć, ę, ł, ń, ó, ś, ź, ż, dź, dż. By contrast, the letters with diacritical marks that exist in the Lithuanian language can be used in cases of transcription or transliteration of personal names. Besides, some additional characters such as apostrophe, hyphen, parentheses, and dots can also be used in such instances.

Among the advantages is the possibility to replace the first and last names with letter combinations that are common to the language of the national minority. However, there is a requirement to declare his or her nationality before using it as a basis for name change.

The scope of regulation is applicable not only to the representatives

⁵⁰"Lietuvos Respublikos asmens vardo ir pavardės rašymo dokumentuose įstatymas", e-seimas.lrs.lt, [https://e-](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/32ec5f92790211ecb2fe9975f8a9e52e)

[seimas.lrs.lt/portal/legalAct/lt/TAD/32ec5f92790211ecb2fe9975f8a9e52e](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/32ec5f92790211ecb2fe9975f8a9e52e).

of national communities but also provides for an opportunity for citizens of the Republic of Lithuania whose children are not declared nationals of Lithuania, citizens of the Republic of Lithuania who are bearers of the name/surname acquired in a foreign country of residence; nationals of the Republic of Lithuania whose spouses' surnames are written in another language in the official documents; citizens of the Republic of Lithuania whose parents' or one of the parents' surnames are in non-Lithuanian characters to create/modify the name and surname using the Latin alphabet.

In 2022, the State Commission of the Lithuanian Language (Lit. *Valstybinė Lietuvių kalbos komisija*) has examined more than 300 questions about personal names, of which about 100 conclusions were submitted in writing, while others were received and answered by electronical means of communication. The largest number of questions concerned the change or creation of surnames - about 120, another part included 85 questions regarding the spelling of names when registering or changing them, and over 60 questions were related to the identity of the name and/or surname. Besides, the Commission has also consulted on the pronunciation and accentuation of personal names, transcription of personal names from other languages, etc.⁵¹

⁵¹ "Apie asmenvardžių klausimus 2022 metais", VALSTYBINĖ LIETUVIŲ KALBOS KOMISIJA.

Vlkk.lt, <https://vlkk.lt/naujienos/pakomisiu-naujienos/apie-asmenvardziu-klausimus-2022-metais>.

**4. MEANS OF MONITORING
THE IMPLEMENTATION OF
HUMAN RIGHTS UNDER THE
EUROPEAN CONVENTION ON
HUMAN RIGHTS AND THE
FRAMEWORK CONVENTION
FOR THE PROTECTION OF
NATIONAL MINORITIES**

Human rights are a core value of rule of law in every democratic state. The protection of human rights is central when it comes to ensuring equality, freedom and justice in civic society. On 1 May 2004 the Republic of Lithuania joined a membership to the European Union, therefore, marking a new milestone in its democratic and pro-European orientation. Since then, Lithuania has signed and ratified the most important documents in the field of human rights protection. On the universal level, the country has bounded itself to protect the rights of national minorities residing within its territory, consequently, Lithuania became a party to a number of the most prominent documents which were signed and ratified by the Lithuanian government. Amongst them are the Convention for the Protection of Human Rights and Fundamental Freedoms⁵² and the Framework Convention for the Protection of National Minorities⁵³, regulating the protection mechanism of human and minority rights across Europe.

Thus, the European Convention on Human Rights⁵⁴, adopted in 1950, is an international agreement that guarantees protection of fundamental human rights and freedoms, such as freedom of expression, assembly, religion, right to a

tribunal, right to privacy and equality before the law. The Convention was ratified by all Member States of the Council of Europe which means that states' authorities have committed to ensuring the protection of human rights within their territory. The European Court of Human Rights is an international body, responsible for interpreting and enforcing the ECHR, and dealing with disputes arising from violation of individuals' rights and freedoms set out in the Convention. One of the most important mechanisms for monitoring the implementation of human rights is the possibility for individuals, groups of individuals or non-governmental organisations to submit a complaint, claiming a violation of their rights enshrined in the Convention, to the ECtHR.

On 27 April 1995 the Seimas of the Republic of Lithuania ratified the European Convention on Human Rights⁵⁵ which was entered into force on 20 June 1995. Besides, the ECHR, the individual rights are protected by the provisions of the Framework Convention on National Minorities⁵⁶, Article 26 of the International Covenant on Civil and Political Rights⁵⁷, Article 2(2) of the International Covenant

⁵²“Convention for the Protection of Human Rights and Fundamental Freedoms”, [echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

⁵³ “Framework Convention for the Protection of National Minorities”, [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

⁵⁴ “Convention for the Protection of Human Rights and Fundamental Freedoms”, [echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

⁵⁵“Convention for the Protection of Human Rights and Fundamental Freedoms”, [www.echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

⁵⁶ “Framework Convention for the Protection of National Minorities”, [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

⁵⁷ “International Covenant on Civil and Political Rights”, [www.ohchr.org, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights).

on Economic, Social and Cultural Rights⁵⁸, Article 21(1) of the Charter of Fundamental Rights of the European Union⁵⁹, Article 21(1) of the Convention on the Rights of the Child⁶⁰.

It is striking that the European Convention on Human Rights⁶¹ hasn't enshrined a direct provision on the national minorities, and neither has the European Court of Human Rights defined the notion of national minority in its case-law or found discrimination solely on the ground of association with a national minority. Although, there is no direct provision that could serve as a basis for applying before the Court by the minorities in protection of their rights, the Article 14 of the Convention provides for a prohibition of discrimination of the rights and freedoms determined by the Convention in spite of sex, race, colour, language, religious and political views, association with a national minority, social status, and other grounds. The Article 14 is used only in conjunction with the alleged violation of another Convention right. In addition, Article 1 of the Protocol 12 to the Convention has established a general prohibition of discrimination with respect

to one of the listed grounds. Thus, it has recourse to the legislation of the Member States. The public authorities may not discriminate enjoyment of rights set forth by national law.

According to the Annual Report of the European court of Human Rights for the year 2020⁶², a total number of judgements delivered by the Court since 1959 till 2020 in cases submitted against the Republic of Lithuania comprised 226, whereas in 156 cases the Court has found at least one violation of the Convention rights, and of which 51 constituted no violation. To date, the Lithuanian government has implemented 146 judgements.⁶³ The violations of human rights concerned various rights embodied in the Convention such as right to privacy, right to equality and freedom from discrimination, prohibition of domestic violence, right to a fair trial, right to liberty and security, etc.

The Committee of Ministers, supervising status of execution of the judgement delivered by the ECtHR in the landmark case of *Beizaras and Levickas v. Lithuania*⁶⁴, has been monitoring implementation of the Court's

⁵⁸"International Covenant on Economic, Social and Cultural Rights", www.ohchr.org, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁵⁹"Charter of Fundamental Rights of the European Union", www.europarl.eu, https://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁶⁰"Convention on the Rights of the Child", www.ohchr.org, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁶¹"Convention for the Protection of Human Rights and Fundamental Freedoms", www.echr.coe.int,

https://www.echr.coe.int/documents/convention_eng.pdf.

⁶² *Annual Report of the European Court of Human Rights for 2020*, the European Court of Human Rights, 2020, https://www.echr.coe.int/Documents/Annual_report_2020_ENG.pdf.

⁶³"Impact of the European Convention of Human Rights. Lithuania", *Council of Europe Portal*, <https://www.coe.int/en/web/impact-convention-human-rights/lithuania>.

⁶⁴"Case of *Beizaras and Levickas v. Lithuania*", hudoc.echr.coe.int, <https://hudoc.echr.coe.int/Fre#%7B%22itemid%22:%5B%22001-200344%22%5D%7D>, 14 January 2020.

recommendations to the Lithuanian authorities in the area of hate speech and hate crimes. Thus, with the aim of prevention of hate speech online, a virtual patrol unit has been launched by the Lithuanian Police Office to detect any form of harassment, including but not limited to hate speech and discrimination, on social media platforms and report the possible breaches to the relevant police department for further investigation. Moreover, the online platform UNI-FORM has been created to enable individuals report on homophobic speech directed at LGBTI community. Besides, everyone can report on hate speech on the website of *'ePolicija.lt'*⁶⁵. Investigation of complaints on hate crimes is assigned to specialised prosecutors, dealing with criminal offences against individuals' equality and freedom of conscience. The Lithuanian authorities have also organised relevant trainings for law enforcement officers as well as meetings with the national minorities. In 2021, a national awareness-raising campaign "Hate speech is a crime" has been launched by the Office of the Equal Opportunities Ombudsperson.⁶⁶As a result of the campaign, a victim support and online information platform "Nepyka.lt" was developed.⁶⁷

The Framework Convention for the Protection of National Minorities⁶⁸, adopted in 1995, is another important

document regulating the protection of the rights of national minorities in Europe. The Convention defines a national minority as a group of people living in a country or region which members share common characteristics such as language, religion or culture. The Convention guarantees national minorities the right to express and practice their culture, protect their language and participate in public life. The states signing the Convention undertake to protect the rights of national minorities and to treat them equally. The Advisory Committee on the Framework Convention for the Protection of National Minorities is a body established within the Council of Europe to monitor and promote the implementation of the Framework Convention on National Minorities⁶⁹ by the signatory states. The Committee's main task is to carry out so-called periodic assessments of signatory states, i.e. to examine how the Convention is implemented in practice in a given country and whether the state is fulfilling its obligations towards national minorities. This assessment is based on information provided by the state, but also on field research, meetings with representatives of national minorities and non-governmental organisations and analysis of other sources of information.

Since Lithuania's ratification of the Framework Convention on National

⁶⁵ ePolicija.lt, <https://www.epolicija.lt/>.

⁶⁶ "Case of Beizaras and Levickas v. Lithuania", hudoc.exec.coe.int, <https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%5B%22004-55375%22%5D%7D>, 14 January 2020.

⁶⁷ "2021 as the Year of Confronting Hate Speech and Bias-Motivated Crimes", *Office of the Equal*

Opportunities Ombudsperson, 31 Jan. 2021, <https://www.lygybe.lt/en/2021-as-the-year-of-confronting-hate-speech-and-bias-motivated-crimes>.

⁶⁸ "Framework Convention for the Protection of National Minorities", [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

⁶⁹ *Ibid.*

Minorities⁷⁰ and its entry into force back in 2000, the country has submitted five state reports with the most recent one received by the Advisory Committee on 19 July 2021.⁷¹

Implementing the recommendations of the Council of Europe's Advisory Committee regarding non-discrimination of pupils from minority schools and ensuring bilingual and multilingual education in schools and pre-school facilities, set out in the fourth monitoring stage Resolution on the implementation Framework Convention for the Protection of National Minorities in the Republic of Lithuania⁷², the Commission for the Education of National Minorities was established by virtue of the Order No. V-1761 dated 9 November 2017 of the Minister of Education, Science and Sports "On the Approval of the Regulations of the Commission for National Minority Education"⁷³. The main objective of the Commission is to provide opinions, recommendations on matters of national minorities' education in Lithuania. One of the key functions of the Commission is to monitor the process of implementation of the Polish-Lithuanian Declaration on the Education of the Polish National Minority in the Republic of Lithuania and the

Lithuanian National Minority in the Republic of Poland⁷⁴. Hence, according to the schedule adopted, the Lithuanian side undertook the obligations to introduce by 2022 a state and school exam in Polish language as mother tongue and inclusion of the national minority language examination grade in the final assessment as a ground for applying to the institutions of higher education, provide Polish minority schools with qualified teachers as well as textbooks and other learning materials, enable the attendance of classes in Polish language at the educational facilities where the learning is conducted in Lithuanian.

Following the signature of the Polish-Lithuanian Declaration⁷⁵, introducing of the state matriculation exam in the Polish language was postponed by the Ministry of Education, Science and Sports of Lithuania. Consequently, a complaint has been filed by the Main Board of the Union of Poles in Lithuania in 2022, claiming a breach of the obligations that Lithuania undertook pursuant to the bilateral agreement with Poland signed back in 2019. In its appeal statement to the Lithuanian Ministry of Education, Science and Sports, the Union of Poles have demanded the officials of the

⁷⁰ *Ibid.*

⁷¹ "National Minorities (FCNM). Lithuania", *Council of Europe Portal*, <https://www.coe.int/en/web/minorities/lithuania>.

⁷² "Resolution CM/ResCMN (2019)4 on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania", *tmde.lrv.lt*, <https://tmde.lrv.lt/uploads/tmde/documents/files/resolution%20Lithuania.pdf>.

⁷³ Ministry of Education, Science and Sport. "JSAKYMAS DĖL TAUTINIŲ MAŽUMŲ ŠVIETIMO KOMISIJOS NUOSTATŲ PATVIRTINIMO",

e-seimas.lrs.lt, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/fc72c1d225f011eb8c97e01ffe050e1c?jfwid=i3h7wsf62>.

⁷⁴ Ministry of Education, Science and Sport. "Declaration on the Education of the Polish National Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland", *smsm.lrv.lt*, [https://smsm.lrv.lt/uploads/smsm/documents/files/Lenkijos%20ir%20Lietuvos%20deklaracija%20pdf%20\(1\).pdf/](https://smsm.lrv.lt/uploads/smsm/documents/files/Lenkijos%20ir%20Lietuvos%20deklaracija%20pdf%20(1).pdf/).

⁷⁵ *Ibid.*

Ministry to conform with its obligations and introduce the state matura examination in Polish from the school year 2022/2023.⁷⁶ It is noteworthy that it has been more than 20 years of continuous fight of Poles for their educational rights since 1998 when the state exam in Polish was lowered to the status of optional school exam.⁷⁷ Finally, in November 2022, the National Education Agency announced that following changes to the procedure for the organization of state matura examinations, pupils belonging to Polish minority community will be able to take the state exam in the mother tongue starting from 2024 under the condition of passing the intermediate examination in native language.⁷⁸

As set out in the recommendations of the fourth monitoring stage Resolution on the implementation Framework Convention for the Protection of National Minorities in the Republic of Lithuania⁷⁹, another issue that has to be addressed is an inclusion of Roma community into Lithuanian society. Therefore, an Action Plan for Integration of Roma into Lithuanian community for 2022-2023⁸⁰ has been approved in 2022 by the Department

of National Minorities. The action plan covers social inclusion of Roma into various spheres of public life – i.e. from participation in the education, integration into labour market, engagement in public activities to preventing and combat of discrimination against all Roma alongside raising the public tolerance towards this national community. Another campaign – the Vilnius Roma Integration Programme 2020-2023⁸¹, which was approved by the Council of Vilnius City Municipality, has been criticised due to the lack of financing notwithstanding a wide scope of measures anticipated in the fields of education, labour market, access to healthcare, participation in cultural life, the right to housing. For instance, funding for social inclusion project of Roma women was granted only for the period of 6 months. In addition, an online platform “Romų platforma - www.romuplatforma.lt”⁸² has been functioning since 2016 in the frames of the European Commission funded project “Lithuanian Roma Platform – going local”. The main aim of the project is to ensure the access and participation of Roma in social, educational, political and cultural life by fostering a cooperation

⁷⁶ “Apel ZPL o obowiązkowy egzamin z języka polskiego od roku szkolnego 2022/2023”, AWPL.lt, <http://www.awpl.lt/?p=23337>.

⁷⁷ “Compulsory ‘Matura exam’ from Polish language comes back”, Media EFHR, <https://media.efhr.eu/2021/11/30/compulsory-matura-exam-from-polish-language-comes-back/>.

⁷⁸ “Lenkų Švietimo Bendruomenei – Apie Mokinių Pasiekimų Vertinimo Pokyčius.” *Nacionalinė Švietimo Agentūra*, <https://www.nsa.smm.lt/2022/11/23/lenku-svietimo-bendruomenei-apie-mokiniu-pasiekimu-vertinimo-pokycius/>.

⁷⁹ “Resolution CM/ResCMN (2019)4 on the implementation of the Framework Convention for

the Protection of National Minorities by Lithuania”, *tmde.lrv.lt*, <https://tmde.lrv.lt/uploads/tmde/documents/files/resolution%20Lithuania.pdf>.

⁸⁰ Department of National Minorities under the Government of the Republic of Lithuania. “Action Plan for Integration of Roma into Lithuanian society for 2022-2023”, My Government, <https://tmde.lrv.lt/en/legislation>.

⁸¹ Council of Vilnius City Municipality. Approval of Programme for Integration of Vilnius Roma into Society 2020–2023 (*Sprendimas dėl Vilniaus romų integracijos į visuomenę 2020–2023 metų programos tvirtinimo*), 26 April 2019.

⁸² Romųplatforma, <http://www.romuplatforma.lt>

between the Roma community and municipal institutions. Despite the continuous efforts directed towards integration of Roma into society, a progress remains behind the expectations.

Absence of the legal framework for national minorities in Lithuania remains a cornerstone in regulating status, rights and obligations, prospects of social, economic and cultural life of the minority community on the national level after the expiry of the previous legislation on minority rights the back in 2010. In accordance with the Order No. S2-1688 of the Ministry of Culture dated the 17th of June, 2019 “On Consideration of the Draft Law on National Minorities”⁸³ and pursuant to the Order No. IV-47 dated 3 December 2019 issued by the Director of the Department of National Minorities “On the Approval of the Composition of the Working Group for Drafting the Law on National Minorities”⁸⁴, a working group was formed to start works on preparing the draft law for national minorities. Although, a draft law was submitted to the Ministry of Culture back in July 2020, it has not yet passed through the Parliament. The structure of the draft law consists of Lithuanian legal framework affecting education, social, political and cultural rights of national minorities, while the second part encompasses

recommendations of the Organisation for Security and Cooperation in Europe on thematic rights of the minority communities.⁸⁵ Thus, the proposed draft is a sort of a handbook that includes a number of documents adopted at national and international levels, however, not providing for a systematic and consistent policy towards minority rights in the Republic of Lithuania.

Modern Europe places great emphasis on the protection of human rights and individuals’ freedoms. Consequently, with the aim of safeguarding, promoting and enforcing human rights, non-governmental organisations are established. Non-governmental organisations play an important role in monitoring the implementation of the ECHR and FCNM. In Lithuania, there is a number of such organisations such as the European Foundation of Human Rights (EFHR), Lithuanian Human Rights Center (LHRC), the Human Rights Monitoring Institute (HRMI), the Human Rights Voice Lithuania (HRVL), the National Institute for Social Integration (NISC), Save the Children Lithuania (SCV), Vilnius Women’s House (VWH), Lithuanian Gay League (LGL) and others. Their main task is to monitor the implementation of human rights by the

⁸³ Lietuvos Respublikos kultūros ministerija. Pavedimą Nr. S2-1688 “Dėl tautinių mažumų įstatymo projekto svarstymo”, 17 birželio 2019.

⁸⁴ Tautinių Mažumų Departamento prie Lietuvos Respublikos Vyriausybės Direktorius. “Įsakymas dėl darbo grupės tautinių mažumų įstatymo projektui rengti sudėties patvirtinimo”, <https://tmde.lrv.lt/uploads/tmde/documents/files/%C4%AEsakymas%20d%C4%97l%20darbo%20gru p%C4%97s%20tautini%C5%B3%20ma%C5%BEum %C5%B3%20%C4%AFstatymo%20projektui%20ren gti%20sud%C4%97ties%20patvirtinimo.pdf>, 3 gruodžio 2019.

⁸⁵ *The Fifth Report on the Implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities in the Republic of Lithuania subject to Article 25 of the Convention.* Council of Europe, 2021, <https://rm.coe.int/5th-sr-lithuania-en/1680a3441d>.

governments and state institutions and to inform the public about the results of these observations. Associations and foundations are able to focus on specific cases of human rights violations and carry out campaigns for their protection and, thus, influence the actions taken by state authorities.

As the European Foundation of Human Rights is concerned, its activities are concentrated in Lithuania, where it has been active since 2010. Despite the fact that Lithuania is a signatory to both of the above-mentioned conventions, there are still problems related to the protection of human rights and the rights of national minorities. One of the main issues faced by minorities in Lithuania is a linguistic discrimination. As enshrined in the European Framework Convention for the Protection of National Minorities⁸⁶, signatory states have to ensure equality of access to minority languages. However, in Lithuania, the authorities often introduce regulations in favour of the Lithuanian language, therefore, many people are not provided with adequate education in their mother tongue, and it is difficult for them to use public services in their language. Therefore, EFHR is taking a number of steps to address this problem. One of the tools the EFHR uses is monitoring the situation in minority schools, including Polish schools. The Foundation carries out research and analysis on the conditions of education, respect for the rights of the linguistic minority and non-discrimination

in schools. On the basis of the collected data, the Foundation intervenes and lodges complaints with the state authorities if the need is deemed to exist. In the case of decision of the Municipality of Trakai concerning the reorganisation of minority schools, the EFHR took many steps to protect the rights of the Polish national minority. The Foundation intervened with the Ministry of Education, Science and Sports, filed a complaint to the court and applied interim measures to block the municipality's decision. In addition, the EFHR conducted an information campaign to raise public awareness about this issue. In the case of parliamentary initiative on extra points for knowledge of mother tongues, the EFHR supported the idea and drew attention to the importance of such measures for national minorities. The Foundation also runs training programmes for pupils and students from national minorities to improve their chances of admission to universities.

Another problem faced by the Polish minority in Lithuania is the inability to use surnames with Polish diacritical marks in official documents. This is a serious problem which prevents the Polish minority from fully exercising their civic rights and hinders their everyday life. This issue is also particularly important for Lithuanian citizens who enter into mixed marriages. According to the Convention for the Protection of Human Rights and Fundamental Freedoms⁸⁷, everyone has

⁸⁶ "Framework Convention for the Protection of National Minorities", [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/rm.coe.int/16800c10cf).

⁸⁷"Convention for the Protection of Human Rights and Fundamental Freedoms", [echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

the right to private and family life, which means that they have the right to choose and register their name and surname in the original spelling that is related to their culture, language and history. The European Foundation of Human Rights is working on solving this problem by conducting information activities and intervening with state authorities. The foundation organises information campaigns and trainings for citizens concerning their rights to use their surnames with Polish diacritical marks. Due to the consistent activities of the EFHR, the foundation succeeded in getting a law passed, which gives the right to the original spelling of names and surnames to people belonging to national minorities in Lithuania. EFHR has also recorded the first victories in cases related to the right to write diacritical marks, which were not covered by the law.

Hate speech is the third most serious problem faced by national minorities in Lithuania. Many people from minorities are victims of racist and xenophobic comments on the Internet, as well as in traditional media. This type of behaviour leads to further marginalisation of minorities and exacerbates problems related to their social integration. The European Foundation of Rights plays a crucial role in combating hate speech and promoting tolerance in Lithuania. Among the tools that the EFHR uses are

information campaigns, trainings and workshops about hate speech and how to combat it. As part of its activities, EFHR also monitors the media and the Internet for racist and xenophobic content. Most importantly, EFHR has contributed to the launch of the platform manoteises.lt/pranesk/en, which enables easy reporting of hate crimes or incitement to hatred suffered by persons belonging to national minorities in Lithuania. The platform is available in four languages, including Polish, and helps people who have been victims of or witnessed such a crime to get help from non-governmental organisations or the police. In its fight against hate speech, the EFHR has based its activities on international standards for the protection of human rights, including the European Convention on Human Rights⁸⁸ and the Framework Convention for the Protection of National Minorities⁸⁹. The Foundation recalls that everyone has the right to freedom of expression, but at the same time this right has to be exercised with respect for other individuals' rights and avoiding harmful rhetoric that may lead to discrimination or violence.

At the current stage, the protection of national minorities' rights and compliance with the European Convention on Human Rights⁹⁰ and the Framework Convention for the Protection of National Minorities⁹¹ remains a challenge in Lithuania. The introduction of dialogue and

⁸⁸“Convention for the Protection of Human Rights and Fundamental Freedoms”, [echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

⁸⁹ “Framework Convention for the Protection of National Minorities”, [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

⁹⁰“Convention for the Protection of Human Rights and Fundamental Freedoms”, [echr.coe.int, https://www.echr.coe.int/documents/convention_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

⁹¹ “Framework Convention for the Protection of National Minorities”, [rm.coe.int, https://rm.coe.int/16800c10cf](https://rm.coe.int/16800c10cf).

cooperation with the non-governmental organisations, such as the European Foundation of Human Rights, are crucial to ensure the protection of minority rights and to prevent from discrimination. In this regard, state authorities should be encouraged to take responsibility for the protection of minority rights and ensure the compliance with both Conventions as well as pay special attention to the problems described above. Support for national minorities should be also carried out through training and education activities in order to increase the chances of equality and social integration of minority communities.

CONCLUSIONS

It can be summarised that the situation of national minorities in Lithuania remains ambiguous. The inclusion of minority communities into Lithuanian society by ensuring an equal access to the various spheres of public life requires continuous efforts and improvements from the side of Lithuanian government, state authorities and their cooperation with the non-governmental and international organisations. As economic and social well-being largely depends on the level and quantity of educated people, Lithuania should guarantee high-quality education to national minorities. Amongst the possible means of implementing the right of minorities to education are addressing the issue of the Lithuanian-Poles, exercising its obligations under the Declaration on the Education of the Polish National Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland, providing the pupils of minority schools with textbooks and qualified teachers as well as securing their right to education in the mother tongue. Lithuania has already taken a number of positive measures as to introduction by 2024 the state matriculation exam in the Polish language for pupils belonging to the Polish minority community, adopting various programmes for inclusion of Roma into education, labour market and other spheres, successful integration of Ukrainian refugee children into educational process.

In the area of tackling the hate speech and hate crimes, a wide scope of actions have been taken by the Lithuanian authorities. Thus, adoption of an action plan for combating hate speech, launching

of specific educational platforms for reporting hate crimes, victim support, carrying out the thematic campaigns has been crucial for moving towards harassment free social media and promoting the principle of tolerance in relation to different groups of society, including minority communities.

The right to original spelling of its own name and surname is one of the main aspects of self-identification. In this regard, national minorities won a fight for their right to private life, claiming the legal establishment of the right to original spelling. Following the adoption of the respective law by the Lithuanian Parliament, it enabled the representatives of minority communities to change the name or surname in accordance with its spelling in their mother tongue. Despite the positive changes, the law does not provide for an opportunity of usage of diacritical marks.

Enforcing the rights of national minorities under the European Convention on Human Rights and the Framework Convention for the Protection of National Minorities has been challenging for Lithuania, however, some progress can be observed in implementation of the fourth cycle recommendations of Council of Europe's Advisory Committee on National Minorities. At the same time, a fair balance has to be drawn between the rights and freedoms of national minorities and interests of the Republic of Lithuania and its citizens.

RECOMMENDATIONS

Based on the conducted research, the following recommendations as to the regulation of the status of national minorities in the Republic of Lithuania can be formulated:

- To pass the national law on the status, rights, and obligations, residing in the territory of Lithuania;
- To implement the periodical recommendations of the Council of Europe's Advisory Committee for the Protection of National Minorities on the issues of national communities in Lithuania to the full extent.

1. In the sphere of education:

- To ensure the favorable conditions of educational environment for national minorities within Lithuania's territory, especially for Poles as they constitute the largest minority community in Lithuania;
- To provide the Polish national minority with the possibility of studying in the mother tongue by providing pupils belonging to this community with the textbooks in Polish language and highly qualified teachers under the Declaration on the Education of the Polish National Minority in the Republic of Lithuania and the Lithuanian National Minority in the Republic of Poland;
- To support establishment of new and already functioning and existing Polish minority schools;
- To foster the Lithuanian-Polish cooperation in the educational sphere and integration of Poles into the Lithuanian society;
- To provide Roma community with the equal access to educational facilities and engage them into various aspects of public life.

2. In the area of combat and prevention of hate speech and hate crimes:

- To raise tolerance towards representatives of national minorities by developing national anti-hate speech campaigns, organizing seminars at the schools, universities, etc.
- To strengthen victim support system and encourage victims of hate crimes to report to the competent authorities;
- To provide necessary trainings for the law enforcement officers.

3. In the sphere of original spelling of the names:

- To amend the legislation by including the provision on diacritical marks.

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