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EUROPEJSKA FUNDACJA PRAW CZŁOWIEKA
EUROPEAN FOUNDATION OF HUMAN RIGHTS
ЕВРОПЕЙСКИЙ ФОНД ПРАВ ЧЕЛОВЕКА

ALTERNATIVE REPORT

**ON DEPARTMENT OF NATIONAL MINORITIES
UNDER THE FIFTH REPORT
ON THE IMPLEMENTATION OF THE COUNCIL OF
EUROPE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN THE REPUBLIC OF LITHUANIA
SUBJECT TO ARTICLE 25 OF THE CONVENTION
SUBMITTED BY THE GOVERNMENT OF THE
REPUBLIC OF LITHUANIA**

2023, Vilnius

1. Introduction

The purpose of the alternative report by the European Foundation of Human Rights (EFHR) is to analyse the position of the Department of National Minorities, operating under the Government of the Republic of Lithuania, regarding the implementation of the Framework Convention for the Protection of National Minorities (FCPNM) in Lithuania.

The Fifth Report on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities in the Republic of Lithuania subject to Article 25 has been prepared with the information provided by the Ministry of Culture of the Republic of Lithuania, Ministry of Social Security and Labour of the Republic of Lithuania, Ministry of Education, Science and Sport of the Republic of Lithuania, Ministry of Justice of the Republic of Lithuania, Ministry of Foreign Affairs of the Republic of Lithuania, Office of the Equal Opportunities Ombudsperson, State Commission of the Lithuanian Language and the Office of the Inspector of Journalist Ethics. The Report covers the period between 2016 and 2021.

The objectives of this report are as follows: to present precise data, observations, and information regarding the level of adherence to the commitments and practices outlined in the Framework Convention for the Protection of National Minorities (FCPNM), with a specific focus on national minorities, particularly the Polish national minority, in Lithuania; to highlight the significance of the National Minorities Department, established in 2015, in formulating and executing policies related to national minorities within the country; to examine the positions and provisions of the Department concerning the implementation of policies concerning national minorities.

The Department states that “minorities and other non-governmental organisations have been familiarised with the draft report and have been asked to submit their observations and recommendations”. The EFHR, which has been diligently responding to violations of national minority rights since 2010, and is the largest and most important non-governmental organisation (NGO) protecting minority rights in Lithuania, has not been involved in the discussions. The Department also does not provide the list of the national minorities and the

non-governmental organisations that it has been consulting with. It may be assumed that due to such actions, the contents of the report are not sufficiently objective.

The EFHR expresses the desire that the observations outlined in the report will aid in enhancing the condition of national minorities, fostering stronger collaboration between the National Minorities Department and non-governmental organisations, and assisting the Department in highlighting instances where the Government of the Republic of Lithuania neglects the provisions of the FCPNM.

Article 1

The protection of national minorities and the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

Democratic states must prioritise the protection of human rights for both their citizens and individuals residing within their territories. As a result, membership in international organisations and agreements comes with specific obligations that must be upheld by the respective government and recognised by the international community, including international organisations and their institutions. While the 5th Report submitted by Lithuania acknowledges the government's cooperation with various international organisations involved in protection of human rights, crucial aspects related to Article 1 are notably absent from the report.

Lithuania continues to demonstrate its position as one of the leaders in terms of the number of complaints lodged with the European Court of Human Rights (ECtHR), with a rate of 1.53 complaints per 10 thousand inhabitants in 2021. The Court issued judgments in various cases brought by Lithuanian residents: 10 in 2021, 18 in 2020, 24 in 2019, 23 in 2018, 22 in both 2017 and 2016, 14 in 2015, and 5 in 2014. In 2021, out of the 10 judgments, the Court identified instances of violation of law in 8 cases, involving issues such as inhuman or degrading treatment (1 case), the right to a fair trial (4 cases), length of proceedings (1 case), the right to an effective remedy (1 case), prohibition of discrimination (1 case), and protection of property (1 case). The EFHR has been actively involved in informing international institutions about human rights violations in Lithuania and providing objective information on this matter, including the publication of judgments from the European Court of Human Rights.

Furthermore, the latest report from the Organization for Security and Co-operation in Europe (OSCE) on the 2020 election¹ highlights instances of negative campaigning and stereotyping targeting national minorities in public discourse. The OSCE recommends considering measures to enhance the participation of national minorities, such as increasing the

¹ “Republic of Lithuania - Parliamentary elections 11 and 25 October 2020”, Office for Democratic Institutions and Human Rights. https://www.osce.org/files/f/documents/e/a/477730_0.pdf

availability of voter information and electoral materials in minority languages. EFHR emphasises that it is the key responsibility of state authorities² to promote the inclusion of all citizens in political life, rather than restricting their opportunities. Examining examples from other EU member states, the presence of national minorities in the state parliament strengthens democratic principles without posing a threat to public order or the independence of the state.

It is important to note that the Fourth Opinion of the Advisory Committee of the Council of Europe on Lithuania's Implementation of the Framework Convention for the Protection of National Minorities³ issued in 2018 by the Advisory Committee is notably critical of Lithuania's approach.

The Committee highlighted the absence of comprehensive legislative structures safeguarding the rights of national minorities. It specifically criticised the draft act on national minorities and called upon the Lithuanian Government to take immediate measures in the domains of education, cultural promotion, and language support for national minorities. The Committee observed that Lithuania does not assign significant importance to the involvement of national minorities in public life and decision-making processes that affect them. Furthermore, through its actions, Lithuania not only violates the provisions of the Framework Convention, but also undermines its significance in national law. Consequently, it is anticipated that the state authorities will significantly enhance their efforts and address the longstanding issues that have hindered the improvement of relations with national minorities.

The Lithuanian Government should actively use the support and recommendations of international organisations involved in the human rights discussion. Both praise and criticism of Lithuania and its institutions should be received with greater engagement, encouraging consideration of changes in their efforts to protect human rights. Additionally, the courts and state institutions need to adopt a different approach to the ratified treaties, ensuring that the

² "EFHR on bilingual ballots", European Foundation of Human Rights, <https://en.efhr.eu/2013/10/21/efhr-on-bilingual-ballots/>

³ "Comments of the Government of Lithuania on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania", Advisory Committee on the Framework Convention for the Protection of National Minorities, <https://rm.coe.int/government-comments-on-the-4th-acfc-opinion-on-lithuania-english-langu/1680906e26>

obligations contained within them are not neglected or disregarded, especially considering the significant presence of national minorities, comprising 1/6 of Lithuania's population.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance, and in conformity with the principles of good neighbourliness, friendly relations and cooperation between states.

Importantly, it should be highlighted that apart from the ratification of the Framework Convention in 2000, there is still a lack of legislation regulating the protection of national minorities in the Republic of Lithuania. Furthermore, following the expiration of the 1989 Law of Ethnic Minorities in 2010, no subsequent legislation was enacted to replace it. Despite the registration of several drafts in the Lithuanian Parliament, none of them were successfully adopted.

The absence of legislation safeguarding the rights of national minorities in Lithuania has attracted substantial criticism from various international actors. Concerns were expressed by the Committee on the Elimination of Racial Discrimination (CERD) in their 6th and 8th reports, and the Committee of Ministers of the Council of Europe recommended Lithuania to enact legislation on national minorities in a resolution on the implementation of the Framework Convention on Human Rights. Furthermore, every report by the Organization for Security and Co-operation in Europe (OSCE) concerning Lithuania highlights the issues stemming from the lack of such legislation.

Given the current situation in which there is no law in place to ensure the protection of national minorities, and the prolonged debate on a new draft law with no prospect of a consensus in the near future, it becomes difficult to believe that the provisions of the Framework Convention will actually be implemented.

Article 3

- 1. Every person belonging to a national minority shall have the right to freely choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention, either individually or in community with others.*

National minorities in Lithuania encounter discriminatory practices that hinder their ability to fully exercise their rights. Examples of such issues include provisions related to the use of language and topographic names.

The Lithuanian language is established as the State language in the Constitution of the Republic of Lithuania and the Act on the State Language does not provide for the official use of any other language. As a result, the protection of the rights and interests of national minorities is not ensured and persons who identify themselves as members of national minorities in Lithuania experience inconvenience due to their choice, since they cannot use their own language freely and lack information in their own language. As for topographic names, for many years the Government of Lithuania has been fighting against bilingual street signs in places where the majority of representatives of national minorities lives. With the help of Lithuanian courts, in densely populated areas of national minorities, fines are imposed on the local authorities if they do not remove bilingual street signs from their area. The problem of topographic names is particularly significant in the Šalčininkai district municipality, which is largely inhabited by the Polish minority (76.3%)⁴. The issue of bilingual topographic names still remains unresolved as Lithuania has never adopted legal acts implementing the provisions of the Framework Convention. In the beginning of 2021, the Minister of Justice announced that a new draft act on national minorities would be submitted to the Seimas. This was to include the ability to have bilingual street signs as well as to address the local institutions in the minority language. The minister's declaration,

⁴ "Lenkai", Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės, <https://tmde.lrv.lt/lt/tautiniu-mazumu-kulturos-centrai-ir-tautines-bendrijos/tautiniu-mazumu-organizacijos/lenkai>

however, has not borne any fruit so far, as the Seimas has not received any new draft acts on national minorities since 2018.

Article 4

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be protected.*
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take into account the specific conditions of persons belonging to national minorities.*
- 3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Despite the existence of comprehensive legislation in Lithuania pertaining to discrimination, hate crimes and hate speech, challenges persist in effectively implementing these legal provisions.

One of the external organisations outside of Lithuania that focuses on safeguarding human rights, providing a platform for citizens to lodge complaints regarding human rights violations is the Ombudsman for Equal Opportunities.

In 2021, the Ombudsman for Equal Opportunities carried out 222 investigations out of 1011 applications regarding cases of discrimination (2020 – 187, 2019 – 215, 2018 – 232, 2017 – 261, and 2016 – 260)⁵.

The EFHR is also heavily involved in combating hate speech in Lithuania, observing and reacting to hate speech incidents, reporting discriminatory comments to the prosecutor's offices, preparing professional statements to the police if such acts occur. The EFHR also regularly conducts training workshops on the subject of hate speech for school-aged youth and university students, and prepares and distributes leaflets on hate speech.⁶

⁵ “2021 metų veiklos ataskaita”, Lietuvos Respublikos Lygių galimybių kontrolierius, <https://lygybe.lt/wp-content/uploads/2023/05/2021-metu-lgk-veiklos-ataskaita.pdf>

⁶ “What is hate speech?”, European Foundation of Human Rights, https://www.efhr.eu/ulotki_efhr/what_is_hate_speech.pdf

Year	Gender	Disability	Age	Nationality	Social status	Sexual orientation	Citizenship	Views or beliefs	Language	Ethnic origin	Religion	Race	Origin	Faith
2020	242	123	121	33	30	20	18	12	11	9	8	8	6	3
2021	203	125	110	51	51	49	44	18	17	15	15	12	12	7

Additionally, as the Internet becomes the primary platform for communication, some individuals misuse their freedom of speech and engage in abusive behaviour. However, it is important to recognize that the Internet is a public domain governed by the same laws as any other public space. Therefore, actions such as making threats, promoting hatred and discriminating against specific groups can be considered crimes.

The EFHR, alongside other non-governmental organisations, has contributed to the launch of the ‘Mano Teisės’ platform⁷. The platform allows people who were victims or witnesses to hate crimes or incitement to hatred to easily report such occurrences to NGOs or the police and receive support. The platform is available in four languages.

In 2021, the EFHR together with its partners started the project ‘Be Hate Free’ (project duration: 2021 March - 2023 February)⁸. The aim of this project was to address the main challenges related to the phenomenon of hate speech on the internet. The 3 main tasks of the project were: 1) to deepen knowledge of the online hate speech phenomenon and prepare legal measures to address hate crimes; 2) to strengthen the ability of vulnerable communities

⁷ “Report hate crimes”, Mano teisės, <https://manoteises.lt/pranesk/en/>

⁸ “Be hate free: startuoja projektas, siekiantis spręsti pagrindinius neapykantos kalbos keliamus iššūkius”, European Foundation of Human Rights, <https://lt.efhr.eu/2021/04/07/be-hate-free-startuoja-projektas-siekiantis-spresti-pagrindinius-neapykantos-kalbos-keliamus-issukius/>

to recognise hate speech and report it to the competent authorities; 3) to increase public awareness of the importance and relevance of a tolerant online culture. The EFHR analysed refusals to open pre-trial investigations and the main reasons for refusing to initiate them, reviewed the regulation of hate speech and judicial practice, provided recommendations that would help to improve the response to hate speech in Lithuania.

The EFHR review highlights that many individuals posting discriminatory comments are unaware of the legal consequences. Article 170 of the Lithuanian Criminal Code penalises public humiliation, expression of resentment and incitement to hatred or violence based on race or religion. However, some argue that they were unaware of the prohibition against promoting violence and hatred (Article 26 of the Constitution) and claim that their comments were made impulsively, without considering the actual content. Unfortunately, since it is not considered a serious offence⁹ under Article 11 of the Criminal Code, prosecutors often reject cases, dismissing the comments as jokes or subjective opinions¹⁰.

According to the EFHR, the penalties currently imposed are inadequate in effectively addressing human rights violations in the online space. This is due to the repetitive nature of offensive comments and hate speech, in which individuals commit the same act multiple times and avoid severe punishment each time.

All this shows that there is a phenomenon of relative impunity for hate speech crimes in Lithuania. Punishments for hate speech crimes are insufficient. For instance, a sentence of several months of restriction of liberty obliges one to be at home from 10 p.m. to 6 a.m. during this period, except for circumstances related to work, education or a visit to a medical facility.

What is more, in accordance with the Constitution of RL (Art. 29) and the Framework Convention, which ensures equal opportunities for national minorities, Lithuania recognises the right of every individual to receive an education that promotes social participation, mutual understanding, tolerance and friendship among all national and ethnic groups.

⁹ “Gdy prywatna opinia staje się publiczną: EFHR walczy z dyskryminacją w świecie wirtualnym”, European Foundation of Human Rights, <http://www.efhr.eu/2014/08/13/gdy-prywatna-opinia-staje-sie-publiczna-efhr-walczy-z-dyskryminacja-w-swieci-e-wirtualnym/>

¹⁰ “EFHR w dalszym ciągu skutecznie walczy z podżeganiem do nienawiści”, European Foundation of Human Rights, <http://www.efhr.eu/2016/09/14/efhr-dalszym-ciagu-skutecznie-walczy-podzeganiem-nienawisci/>

However, the efforts made by the authorities to address the challenges faced by minority language students due to the implementation of a unified Lithuanian language curriculum and state exam since 2012 have been insufficient. National minority language schools, particularly those in which Polish is the language of instruction, report inadequate preparation of their students for the unified state exam. They lack support for extracurricular activities in the Lithuanian language and face difficulties in adapting the curriculum to the needs of children for whom Lithuanian is a second language.

Article 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

The initial clause of Article 5 implies that the State should engage in measures aimed at promoting the protection of the ethnic identity of individuals belonging to national minorities. Lithuania asserts that it creates favourable conditions for the education and development of self-awareness and culture among national minorities. The Government is praised for reestablishing the Department of National Minorities as the institution responsible for implementing national minority policies. This action is commendable, however, there are concerns about the scope of the department's activities. It appears that the department is unable to address the real needs of national minorities, such as issues related to the original name spelling and education. While the department's primary focus seems to be co-financing cultural projects to foster the growth of national minority cultures, its efforts fall short when it comes to effectively implementing policies that safeguard the rights of national minorities.

The Seventeenth Government of the Republic of Lithuania is said to have facilitated the promotion of cultural self-expression among national minorities during the period from 2016 to 2020. Their efforts aimed to ensure sufficient material and human resources for schools serving national minorities, as well as to develop and implement a program dedicated to preserving the cultural heritage of these minority groups.

Table 1. Number of applications made and funds allocated in respective years¹¹

Year	Applications made	Amount requested (EUR)	Approved projects	Allocated funds (EUR)
2017	196	802 000	182	261 000
2018	238	1 149 000	175	270 000
2019	230	1 079 000	177	277 000
2020	218	914 000	190	326 000
2021	225	1 252 000	184	360 000

While the data indicate a consistent pattern of growing financial assistance over time, the EFHR maintains the belief that the funds allocated from the budget remain insufficient to adequately support national minorities in preserving and promoting their culture. Many projects continue to receive relatively limited amounts of funding.

Year	Grant range (EUR)	Project count
2018	10 000	1
	4 000 – 6 000	7
	2 000 – 4 000	32
	1 000 – 2 000	78
	< 1 000	57
2019	7 000	1
	4 000 – 6 500	10
	2 000 – 4 000	40
	1 000 – 2 000	82
	< 1 000	44
2020	10 000	1
	4 000 – 6 100	6
	2 000 – 4 000	61
	1 000 – 2 000	82
	< 1 000	40

¹¹ “Kultūros projektų finansavimas”, Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės, <https://tmde.lrv.lt/lt/veiklos-sritys-1/projektu-finansavimas-2/kulturos-projektu-finansavimas>

	10 000	0
	6 000 – 8 000	4
	4 000 – 6 000	9
2021	2 000 – 4 000	76
	1 000 – 2 000	61
	500 - 1 000	34

Due to inadequate state funding, and therefore inability to carry out projects in a way that ensures tangible social benefits, numerous smaller organisations have abandoned project implementation. On November 19, 2020, the financing rules were revised to specify the range of funding that can be allocated. Previously, the provision allowed for financing of up to 80% of the project, but now only a range of €500 to €10,000 can be allocated (up to a maximum of 80% of the project)¹².

Furthermore, the changes¹³ introduced in 2016 regarding the thematic scope of projects and criteria for project managers involve the exclusion of topics such as promoting tolerance, combating racism and addressing national discrimination. The EFHR expresses concern over the implications of the new guidelines, which suggest that the Department may hold the belief that implementing such projects is unnecessary and that racism and discrimination are non-existent in Lithuanian society. However, it is worth noting the positive change of replacing the requirement for new applications to be accompanied by documents certifying the long-term experience (3-4 years) of project managers and their teams in implementing cultural projects and recommendations. Instead, the new requirement is to provide evidence of relevant experience, without the need for additional documents.

In comparison with the funding allocated to educational and cultural projects supported by the state budget through the Press, Radio and Television Support Fund (Spaudos, radijo ir

¹² “Kultūros projektų, skatinančių tautinių mažumų kultūrų plėtotę, dalinio finansavimo iš valstybės biudžeto lėšų tvarkos aprašas”, Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės, https://tmde.lrv.lt/uploads/tmde/documents/files/tvarkos_apra%C5%A1as.docx

¹³ “Kultūros projektų finansavimas”, Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės, <https://tmde.lrv.lt/lt/veiklos-sritys-1/projektu-finansavimas-2/kulturos-projektu-finansavimas>

televizijos rėmimo fondas)¹⁴, which annually provides approximately €2.4 million¹⁵ under six thematic programs, the aforementioned project financing amounts remain distinctly low. Although media outlets representing national minorities are eligible to submit funding applications, their editorial teams, typically consisting of a few individuals, struggle to compete with larger Lithuanian companies. For example, the Press, Radio and Television Support Fund (Spaudos, radijo ir televizijos rėmimo fondas) organises annual competitions to support media projects. However, in the last three years (2021, 2020, 2019), it did not allocate any funding at all for the only daily Polish-language newspaper, ‘Kurier Wileński’. The only Polish radio station in Lithuania, ‘Znad Wilii’, received financial support of €4,000 in 2021, €6,000 in 2020 and €9,000 in 2019¹⁶. It is noticeable that financial support for 'Znad Wilia' decreases every year.

As a result, national minorities are limited to seeking funds exclusively through competitions announced by the Department of National Minorities, where they contend solely with other representatives of national minorities.

It is noteworthy that in 2019¹⁷, as in the 2016¹⁸ and 2012¹⁹ resolutions, the Committee of Ministers of the Council of Europe highlighted the absence of a comprehensive legal framework for protecting the rights of individuals belonging to national minorities in its resolution on the implementation of the Framework Convention. The preparatory comments regarding the Program for Maintaining the Identity of National Minorities and Their Integration with Lithuanian Society for the years 2016-2022 suggest that the Department of National Minorities should take a more active role in informing national minority

¹⁴ There are serious concerns regarding the transparency of the method of evaluating the submitted projects. The need for changes in project financing by PRTSF is indicated by the proposed reform of the Fund and a parliamentary work group was commissioned with the task of preparing a relevant draft in 2014, although no reform has yet materialized as of January 2022, the issue is still being actively discussed, <https://klaipeda.diena.lt/naujienos/lietuva/salies-pulsas/s-kairys-zadama-pertvarkyti-spaudos-radijo-ir-televizijos-remimo-fonda-1045003>

¹⁵ In 2017 €2.468 million was granted in financing to 307 projects, in 2018 – €2.444 million to 301 projects, in 2019 – €2.417 million to 307 projects.

¹⁶ “Konkursų rezultatai”, Spaudos, radijo ir televizijos rėmimo fondas, <https://srtfondas.lt/konkursai>

¹⁷ Resolution CM/ResCMN(2019)4 on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania, Committee of Ministers, 27 March 2019, https://search.coe.int/cm/pages/result_details.aspx?objectId=090000168093b2f2

¹⁸ Resolution CM/ResCMN(2016)9 on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania, Committee of Ministers, 6 July 2016, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806881ec#_ftn1

¹⁹ Resolution CM/ResCMN(2012)19 on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania, Committee of Ministers, 28 November 2012, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c9282

organisations about available financing schemes at both domestic and European level. Additionally, it is recommended that the department organises workshops to enhance the skills of teachers and journalists working in schools and media outlets serving national minorities²⁰²¹.

According to the EFHR, the allocation of funds from the state budget to national minorities should increase proportionally to the budget allocated for promoting Lithuanian culture and the actual needs of these minority groups.

²⁰ “Lietuvoje gyvenančių tautinėms mažumoms priklausančių asmenų padėties tyrimo ir rezultatų analizės ataskaita”, Lietuvos socialinių tyrimų centras, 7 December 2015, <http://tmde.lrv.lt/uploads/tmde/documents/files/Rekomendacijos%20ir%20i%C5%A1vados.pdf>

²¹ “The Oslo Recommendations regarding the Linguistic Rights of National Minorities & Explanatory Note”, Organization for Security and Co-operation in Europe, 1 February 1998, <http://www.osce.org/hcnm/67531>

Article 6

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect, understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence on the basis of their ethnic, cultural, linguistic or religious identity.*

Significant progress in this domain can be observed through positive legal reforms. The 2017 amendments to the Penal Code have expanded the scope of punishable acts of discrimination and hate crimes to include age and disability. However, the recognition of hate speech and crimes remains inadequate. Law enforcement agencies frequently mishandle these issues, dismissing hate speech allegations and categorising hate crimes as disturbances to public order. As a result, victims lose faith in the police and prosecutors, and many incidents go unreported, resulting in a lack of accurate statistics that reflect the true extent of the problem.

Instances of online hate speech serve as a striking example of this issue. The existing penalties imposed are insufficient in effectively addressing human rights violations in the online realm. This is primarily due to the repetitive nature of offensive comments and hate speech, which allow individuals to repeatedly commit the same act without facing severe consequences.

The Department of National Minorities is in the process of implementing a program called 'Integration of National Minorities into Lithuanian Society, Preserving Their Identity'. It consists of 1 or 2 financed projects: since the year 2016, under the Government of the Republic of Lithuania, The Department of National Minorities is implementing the European Commission-funded project "Lithuanian Roma Platform – going local". The main goal of the project is to promote cooperation between municipal institutions and the Roma community in order to ensure the integration of the Romani people into Lithuanian society. Since 2018, the Department is also implementing a project called 'Inclusion of National Minorities into the Labor Market'²². As it can be seen, one of the two projects is focused exclusively on the

²² "Finansinių ataskaitų rinkiniai", Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės, <https://tmde.lrv.lt/lt/administracine-informacija/finansiniu-ataskaitu-rinkiniai>

Roma national minority. The EFHR would like to point out that these 2 projects are the only ones implemented in 2016 and 2018 by the Department of National Minorities and are definitely not sufficient to solve the issue of minority rights.

The EFHR, encouraging a spirit of tolerance and intercultural dialogue, and taking effective measures to promote mutual respect, understanding and co-operation among all persons, distributes information materials on human rights, organises off-site information events and international conferences.

Taking appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence on the basis of their ethnic, cultural, linguistic or religious identity, the EFHR provides free legal aid through consultation, as well as representation of private individuals in court and before state institutions, monitors the internet for publications and posts with contents violating human rights, including incitement to hate speech, and sends petitions for launching investigations to the prosecutor's office (in 2021 – 61, in 2020 – 24, in 2019 – 66). However, the case law has developed to apply the ultima ratio principle in such cases and usually ends with the refusal to start an investigation. Such case law practice based on impunity encourages further violations and aggressive behaviour towards a particular person or a group of people, thereby putting them at risk.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

The Constitution of the Republic of Lithuania contains rights and freedoms which have to be provided by the Republic of Lithuania among others:

- 1) Article 35 of the Constitution guarantees the right to create freely form societies, political parties, and associations, provided that the aims and activities thereof do not contradict the Constitution and laws. No person may be forced to belong to any society, political party, or association. The founding and functioning of political parties and other political and public organisations shall be regulated by law.
- 2) Article 36 of the Constitution establishes that citizens may not be prohibited or hindered from assembling unarmed in peaceful meetings. This right may not be limited otherwise than by law, and only when it is necessary to protect the security of the state or society, public order, people's health or morals, or the rights and freedoms of other persons.

The above mentioned regulations impose an obligation to ensure these freedoms and rights. The Republic of Lithuania has the duty to create the conditions and collaborate so that civil society including national minorities may develop and maintain effective modalities of organisation, participation, dialogue and collaboration. Unfortunately, from year to year, there are fewer and fewer non-governmental organisations in the Republic of Lithuania. This may indicate that the Republic of Lithuania is not properly fulfilling its obligations contained in the Constitution. Neither supports enough organisations which already exist nor helps in the creation of new ones. In 2001 there were 244 non-governmental organisations, in 2006 272 non-governmental organisations, in 2015 261 non-governmental organisations and in the 2021 were 255 non-governmental organisations.

Number of non-governmental organisations of national minorities

Nationality	Number of non-governmental organisations in 2001	Number of non-governmental organisations in 2006	Number of non-governmental organisations in 2015	Number of non-governmental organisations in 2021
Armenians	2	6	9	9
Azerbaijani	1	5	10	10
Belarusians	18	23	20	20
Bulgarians	1	1	1	1
Chchens	-	1	1	1
Estonians	1	1	1	1
Greeks	5	9	11	11
Georgians	1	1	2	2
Karaites	1	2	1	1
Kazakhs	-	-	1	1
Koreans	1	1	-	-
Latvians	4	9	6	6
Poles	53	49	71	65
Lebanese	-	-	1	1
Roma	13	12	8	8
Romanians	1	1	1	1
Russians	56	73	58	58
Tajiks	-	1	-	-
Tartars	12	18	21	21
Ukrainians	11	17	13	13
Uzbeks	1	6	6	6
Hungarians	1	1	1	1
Germans	32	16	9	9
Jews	29	19	9	9
Total	244	272	261	255

Source: Information provided by the Department of National Minorities under the Government of the Republic of Lithuania

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Article 26 of the Constitution of the Republic of Lithuania provides that each human being shall have the right to freely choose any religion or belief and, either alone or with others, in private or in public, to profess his religion, to perform religious practices, and to practise and teach his belief. No one may compel another person or shall be compelled to choose or profess any religion or belief. The freedom of thought, conscience and religion shall not be restricted. The freedom of a human being to profess and spread his religion or belief may not be limited otherwise than by law and only when this is necessary to guarantee the security of society, the public order, the health and morals of the people as well as other basic rights and freedoms of the person.

- On September 29, 2022 the Seimas of the Republic of Lithuania rejected a bill to grant state recognition to the Romuva, an ancient.
- On November 21, 2022 the Ministry of Justice issued a recommendation that the Seimas reject the 2017 application by Jehovah's Witnesses for state-recognized religious association status.
- There were numerous incidents during the year of Holocaust memorial sites being defaced with the "V" and "Z" symbols of Russia's military and its invasion of Ukraine. The government denounced and investigated these incidents.
- Anonymous online commentators continued to express negative views of Muslim migrants.
- Jehovah's Witnesses representatives said their community members often faced hostility in society and that religiously motivated crimes went unreported due to a lack of faith in law enforcement.
- On June 7, 2022 the ECHR found that the government violated the freedom of thought, conscience, and religion of a Jehovah's Witness called up for military service and denied alternative civilian service. The court ordered the government to pay the individual €3,000 (\$3,200) by December 9, 2022 which the Ministry of Finance paid.

Article 9

- 1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*
- 2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*
- 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

The limited access of national minorities to airtime highlights Lithuania's failure to adhere to international agreements concerning the promotion of national minority cultures in the national media. Despite recommendations from the OSCE stating that adequate airtime should be allocated to programs targeting national minorities in proportion to their population and geographical distribution, along with adequate financial support, Lithuania has been consistently reducing airtime for Polish broadcasts.

Programs in Polish (and other languages) have been shifted to a less popular channel in the past, and the allocated broadcast time slots during off-peak hours have remained unchanged²³. As a publicly funded channel, LRT is obligated to comply with the Framework Convention, which emphasises the need for adequate measures to facilitate media access for national

²³ “TV auditorijos tyrimo rezultatai”, Kantar, December 2017, <http://www.tns.lt/lt/news/tv-auditorijos-tyrimo-rezultatai-2017-m-gruodis/>

minorities, promote tolerance, and ensure cultural pluralism. The discriminatory practice of transferring broadcasts and maintaining unfavourable time slots goes against these obligations.

Furthermore, as the number of programs in national minority languages continues to decline, the Polish minority community has turned to watching Russian channels. According to a last survey conducted in 2015 (unfortunately no similar surveys were conducted after that) by the Institute of Sociology, a branch of the Lithuanian Centre for Social Sciences, it was found that a significant 70.7% of national minority representatives regularly follow news channels in Russian. Additionally, 60.9% rely on other commercial channels, and 36.2% depend on the national broadcaster for their news. Of concern is the fact that international and Polish channels have the smallest share of the market as a source of news²⁴.

However it is worth noting that starting from 9 May 2018, rebroadcasts of Polish TV stations such as TVP Info, TVP Polonia, TVP Historia, Nuta.TV, and Power TV have been made available. These channels are specifically targeted at residents of the Vilnius, Šalčininkai, and Švenčionys district municipalities, mainly because the largest part of the population of Polish nationality lives in these district municipalities (Šalčininkai - 76.3%; Vilnius - 46.8%; Švenčionys - 24.3%). Also, like one of the authors of the idea of Polish TV stations rebroadcasting Andrius Kubilius noted: research by sociologists showed, that the inhabitants of the Vilnius region mostly watch Russian and Belarusian television programs, but they do not have the opportunity to watch Polish television, even though for most of them their native language is Polish. Therefore, the inhabitants of this region are forced into Russia's information space. Rebroadcasting of Polish TV stations creates the opportunity for residents of the region to obtain more objective information in their native language²⁵.

Furthermore, since 17 September 2019, a 6th channel, TVP Wilno, has been added to the lineup. The contract for rebroadcasting these channels was renewed on 7 May 2021, reflecting their relative popularity among the local national minority.

²⁴ “Lietuvoje gyvenančių tautinėms mažumoms priklausančių asmenų padėties tyrimo ir rezultatų analizės ataskaita”, Lietuvos socialinių tyrimų centras,

https://lrkm.lrv.lt/uploads/lrkm/documents/files/1_%20Tautini%C5%B3%20ma%C5%BEum%C5%B3%20apklausos%20ATASKAITA.pdf

²⁵ “9 maja polska TV na Litwie!”, zw.lt, <http://zw.lt/wilno-wilenszczyzna/9-maja-polska-tv-na-litwie/>

It is worth mentioning that the Polish state is the one who finances rebroadcasting of these channels in Lithuania, not Lithuanian state. TVP Wilno is financed by the Polish Ministry of Foreign Affairs²⁶.

Lithuanian national radio and television broadcast information addressed to national communities - in Russian, Belarusian, Polish, Ukrainian and Yiddish. Once a week, LRT culture channel broadcasts the only informational publicist program in Lithuania “Vilniaus Albumas” in Polish. Lithuanian, Polish, Russian, Belarusian and Ukrainian languages are spoken in the radio program for the national communities “Santara”. Every day Lithuanian national radio LRT broadcasts a show in Russian language. Since 1992 the Polish radio station “Znad Wili” is operating, broadcasting in Polish 24 hours a day. In 2016 “Radio Wilno” in Polish language was launched. For the Russian-speaking community “Russian Radio” broadcasts news and music, also the first Russian-only radio station in Lithuania “Raduga” broadcasting from 2001. However, despite the fact that Poles are the largest minority in Lithuania, there is a glaring asymmetry in the airtime devoted to broadcasting programmes in Polish and Russian, to the advantage of the latter. This disproportion is particularly evident in television, less so in radio. This can be seen as a violation of the constitutional principle of equality.

Speaking about the printed media aimed at the Polish-speaking audience in Lithuania, in 2021 there was daily newspaper “Kurier Wileński”, weekly newspaper “Tygodnik Wileńszczyzny”, monthly magazines “Magazyn Wileński” and “Soleczniki”, a weekly newspaper of the Polish Union of Lithuania “Nasza Gazeta” published as addition to the “Tygodnik Wileńszczyzny” since 2003, the Catholic newspaper “Spotkania”. After 32 years of existence “Magazyn Wileński” released the final issue in December 2021 and ceased to exist. The publisher did not indicate the exact reasons for this, but pointed to the changing manner of the magazine's funding rules²⁷. Also “Kurier Wileński” changed the publication cycle from January 2020 (from 5 times a week to 3 times a week). It was explained that these changes were made because it is becoming increasingly difficult for daily newspapers to

²⁶ “TVP Wilno”, Wikipedia, https://pl.wikipedia.org/wiki/TVP_Wilno

²⁷ “Koniec historii „Magazynu Wileńskiego”. „Pismo mogło nadal istnieć””, Ilona Lewandowska, <https://kurierwilenski.lt/2022/02/15/magazyn-wilenski-zniknal-prawie-niezauwazenie/>

compete with online portals in providing short, news information²⁸, but it can also be a result that there's not enough funding for national minority media from the Lithuanian government.

For the Russian community in Lithuania, Russian-language newspapers of various types were published in 2021: “Ekspress-nedelia”, “Obzor”, “Pensioner”, “Litovskij kurier”, “Domašnij doktor v Litve”, “Klaipeda”, “Vesti Šalči”, “Sekrety iscelenija”, “Šalčia”, “Žeimenos krantai”, also newspapers in Lithuanian and Russian languages “VisInfo”, “Stačiatikių Lietuva”, magazine “Vestnik”. It is worth noting that later weekly newspaper since 1995 “Litovskij kurier” ceased publishing. There are no daily Russian-language newspapers in Lithuania.

As it can be seen, national minorities media has been decreasing with years. Until 2010 the Department of National Minorities was responsible for funding activities related to the cultivation of identity and culture of national minorities. Later it was decided that media funding will be provided by the Press, Radio and Television Support Fund (Spaudos, radijo ir televizijos rėmimo fondas). The problems with it were described above in Article 5.

²⁸ “Zmiana cyklu wydawniczego „Kuriera Wileńskiego””, Kurier Wileński, <https://kurierwilenski.lt/2019/12/10/zmiana-cyklu-wydawniczego-kuriera-wilenskiego/>

Article 10

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

The Act on the State Language, adopted in January 1995, requires public notices to be displayed in Lithuanian. Notices in other languages can be displayed alongside Lithuanian notices, but must be no larger in format.

In May 2013, a new draft of the Constitutional Act on the State Language was registered in the Seimas. The draft defined "public notice" and allowed local government institutions to prioritise displaying notices in a foreign language for tourist information purposes. However, the draft act faced criticism and there are no plans to revisit it. An updated draft was submitted in September 2021, which remains restrictive in terms of the use of national minority languages in the public domain. The Ministry of Justice has expressed concerns about the act's compatibility with EU law²⁹. The draft of the Constitutional Act on the State Language is still registered in the Seimas. This act project has been updated several times, but until this day the Act was not accepted by the Lithuanian government and is still being updated.

²⁹ "Išvada dėl Valstybinės kalbos konstitucinio įstatymo projekto", Lietuvos Respublikos Teisingumo ministerija, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/6b5beb0036fb11ec99bbc1b08701c7f82?jfwid=159qee6bs1>

The EFHR highlights the potential hazards associated with the proposed solutions, particularly for national minorities. The requirement for displaying notices in a foreign language only when justified by tourist reasons may result in disregarding the rights and interests of national minorities. This means that regions inhabited by national minorities, such as Šalčininkai and Vilnius districts with significant Polish populations, may be allowed to display notices in English but not in Polish. Such an act would be a setback in the fight for the rights of national minorities, as criticised by international organisations.

Furthermore, it is obvious that if the constitutional act on the state language acknowledges absolute primacy of Lithuanian language without exceptions ensuring the protection of rights and interests of national minorities, the rights of national minorities will continue to be unregulated and neglected.

However, a positive change regarding the use of national minority languages in institutions is worth mentioning. Some municipalities, such as Vilnius, accept written and oral inquiries in languages other than Lithuanian³⁰. In this municipality replies to requests or complaints can be answered in Lithuanian (state) language, or in other foreign languages determined by the municipal administration. Even though the usage of other foreign languages in government institutions can be accepted by internal rules and acts, that's rarely done by other administrations and Vilnius is an exception in this case.

Additionally, in Visaginas municipality, requests can be made in Russian or any language understood by the civil servant providing services, other than the state language.

³⁰ “Įsakymas dėl Vilniaus miesto savivaldybės veiklos dokumentų valdymo ir klientų aptarnavimo reglamento tvirtinimo”, Vilniaus miesto savivaldybė, <https://aktai.vilnius.lt/document/30386710>

Article 11

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is sufficient demand for such indications.*

Under international law ratified by Lithuania, the Republic should recognize the right to private and family life for every individual. However, the issue of spelling forenames and surnames remained unresolved until the beginning of 2002. This complex problem has not only affected national minorities but also Lithuanian citizens marrying foreigners. Mixed marriages, where a Lithuanian citizen marries a foreign national, account for approximately 16.7% of all marriages³¹. In 2021, there were 2,814 such marriages out of 16,795, followed by 2,320 in 2020 (out of 15,299), 3,987 in 2019 (out of 19,502), and 3,293 in 2018 (out of 19,734), according to official data.

The EFHR highlights that the European Court of Human Rights (ECtHR) has emphasized in its judgments that the regulation of forename and surname spelling falls within the jurisdiction of each state, considering its culture, language, history, and sense of identity. According to the ECtHR, if similar names exist in the registry and there is no negative impact on preserving the cultural and linguistic identity of society, the state has no grounds to reject the registration of chosen names. So far, the EFHR has won approximately 150 court cases regarding forename and surname spelling, with only a small number (5) involving diacritics.

In recent years, there has been a noticeable increase in the number of individuals with non-Lithuanian letters and combinations in their names and surnames.

³¹ “Susituokusiųjų statistinių rodiklių analizė”, Oficialiosios statistikos portalas, <https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=7157532a-c239-42be-87ec-10bc0f55c807#/>

In response to case law in September and October 2021, the Ministry of Justice has issued recommendations to all civil registry offices. These recommendations introduce two important rules for mixed families. Firstly, it is now permissible to change the surname of a family member, typically a child, if another family member, usually the mother, has already obtained a court decision regarding surname change. Secondly, Lithuanian citizens with dual citizenship are allowed to have their surnames recorded according to the spelling in their foreign documents.

Following the aforementioned recommendation, RL has taken significant steps to address the issue. A new law was successfully passed and came into effect on 1 May 2022³². This law permits the use of the Latin alphabet in entering forenames and surnames, allowing for the inclusion of letters like x, q, and w. Additionally, the law allows national minorities to use common letter combinations from their respective languages. However, it is important to note that individuals belonging to national minorities must first declare their nationality before they can proceed with a name or surname change, reflecting the emphasis on nationality in the process.

Despite recent legal developments, the new law has a notable limitation. It does not allow for the inclusion of diacritics that are not commonly used in the Lithuanian language. This omission poses a challenge for the largest national minority, whose language relies heavily on various diacritics. It is concerning that this issue was disregarded, despite a Supreme Court decision on October 6, 2021³³. In 2022, the EFHR successfully resolved several court cases related to diacritics.

It is worth noting *Wołkonowski* case, where Lithuanian court decided that it is possible to change applicants name and surname from Lithuanian to Polish, including diacritics. Court adopted this decision, but the general prosecutor's office in Lithuania made a request to resume the proceedings and cancel the court's decision. The Court suspended the proceedings of this case due to the need to apply to the Constitutional Court of the Republic of Lithuania. For now this case is stopped and waiting for a Constitutional court decision and it depends on

³² “Lietuvos Respublikos asmens vardo ir pavardės rašymo dokumentuose įstatymas”, Lietuvos Respublikos Seimas, <https://www.e-tar.lt/portal/lt/legalAct/c8890cd07e6e11ec993ff5ca6e8ba60c>

³³ “Teismas išnagrinėjo bylą, kurioje buvo sprendžiama dėl šalutinių (diakritinių) ženklų rašymo civilinės būklės aktų įrašuose”, Lietuvos Aukščiausiasis Teismas, <https://www.lat.lt/teismas-ismagrinejo-byla-kurioje-buvo-sprendziama-del-salutiniu-diakritiniu-zenklu-rasymo-civilines-bukles-aktu-irasuose/1104>

this decision whether it will be allowed in Lithuania to officially use diacritics in names and surnames, or not.

This poses a new challenge for the government and institutions as there are technical limitations preventing the inclusion of diacritic letters in various databases. The existing system architecture cannot handle such characters, resulting in incorrect interpretation by institutions and affecting approximately one-third of them. Discussions on system modernization have begun, but significant financial and time investments are required for implementation³⁴. Despite the unacceptable situation of court decisions being unenforceable, the government is taking steps to address the issue. Unfortunately, the upgrade of information systems is estimated to take approximately two years.

³⁴ An official 2022-05-20 letter from the Center of Registers.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

In the past decade, the education system in Lithuania has undergone significant changes, impacting all schools in the country, including those catering to national minorities. The Lithuanian Government was responsible for implementing measures to ensure the stability and consistency of education, specifically for schools serving national minorities. However, the Education Act passed by the Parliament on 17 March 2011 received strong criticism from organisations and representatives of national minorities.

The Advisory Committee, in both its opinions, highlighted the issue of education and emphasised the establishment of an 8-year transition period in 2012. During this period, different evaluation criteria were applied to students from schools where minority languages were used as the language of instruction. The Advisory Committee called for a policy based on evidence rather than strict deadlines when considering extending the transition period. Although exams were conducted in 2013 and evaluation criteria for minority language schools have been gradually adjusted since then, there are still lower expectations regarding grammar, style, and vocabulary. These exceptions continue to exist in 2023.

The Advisory Committee emphasised that despite increased funding for minority students, they still received fewer hours of Lithuanian language lessons compared to their peers in Lithuanian language schools. Although this disparity has been gradually decreasing (from 818 hours in 2013 to 500 hours in 2017 and 435 hours in 2018), exam results continue to indicate that minority students face disadvantages. This is evident not only in their average grades (e.g., 36 and 42 for minority and native students respectively in 2016, 27 and 41 in 2017, 28 and 47 in 2018, 28 and 47 in 2019, 30 and 46 in 2020, and 31 and 48 in 2021), but

also in their higher failure rates, which have remained consistent since the increase observed in 2017.

Moreover, national minorities are still facing problems related to education, e.g. the quality of school books in national minority schools and lack of these books translated from Lithuanian into other languages. For example, in Polish language gymnasiums, students of 3 and 4 grades only have their mother language, mathematics and history school books published in Polish. Books for other subjects are in Lithuanian. This situation has arisen due to the fact that the publishing costs of school books translated from Lithuanian are published in small editions and such costs are 50-60% higher³⁵. The government does not provide enough funding, so the problem still exists, as it has been for many years now.

³⁵ “Lietuvos tautinių mažumų švietimo būklės analizė”, Nacionalinė švietimo agentūra, [https://smsm.lrv.lt/uploads/smsm/documents/files/Lietuvos%20tautini%C5%B3%20ma%C5%BEum%C5%B3%20%C5%A1vietimo%20b%C5%ABkl%C4%97s%20analiz%C4%97\(2\).pdf](https://smsm.lrv.lt/uploads/smsm/documents/files/Lietuvos%20tautini%C5%B3%20ma%C5%BEum%C5%B3%20%C5%A1vietimo%20b%C5%ABkl%C4%97s%20analiz%C4%97(2).pdf)

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

Like in 2016, when the by the decision of the Capital Council Board the Joachim Lelewel School was moved from Antakalnis to Žirmūnai neighbourhood in Vilnius and this caused many protests, because such decision lacked the communication with local communities³⁶, similar problems still remain in Lithuania: in Švenčionys district the 2022-2026 plans for reorganisation of national minority schools and kindergartens also faced protests, but reorganisation plans were approved by the government anyway³⁷.

Rapid government decisions without (or lack) of dialogue with representatives of national minorities makes problems for members of vulnerable groups in adapting to these unexpected changes and the situation shows that persons belonging to a national minority in Lithuania face problems to set up and to manage their own private educational and training establishments, because Lithuanian government usually does that without the dialogue with national minorities before important decisions.

³⁶ “Participants of the action: „Lelewel” has to stay in Antokol”, European Foundation of Human Rights, <https://media.efhr.eu/2016/09/28/participants-action-lelewel-stay-antokol/>

³⁷ “„Demokratija” Švenčionių rajone: bendruomenė nesutinka, tačiau Taryba pritarė ugdymo įstaigų reorganizacijai”, Etaplius.lt, <https://etaplius.lt/naujiena/demokratija-svencioniu-rajone-bendruomene-nesutinka-taciau-taryba-pritare-ugdymo-istaigu-reorganizacijai>

Article 14

- 1. 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education system, that persons belonging to those minorities have adequate opportunities for being taught the minority language and for receiving instructions in this language.*
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

A closed meeting took place on February 22, 2016, at the Department of National Minorities in the Lithuanian Government, bringing together Lithuanian authorities and representatives of national minorities to address education-related issues. As a result of this meeting, the Working Group for the Polish Minority in Lithuania was formed. However, it is evident that national minorities continue to encounter challenges in education, such as issues with the quality of school books in national minority schools.

Despite ongoing challenges in education, particularly regarding the quality of school books in national minority schools, efforts have been made to address the situation. In 2017, MPs proposed awarding additional points for knowledge of mother tongues during university admissions, but this measure has not been implemented. Instead, changes have been introduced since 2019³⁸³⁹, including a more comprehensive university admission scoring system that considers the average grades of selected school subjects, such as mother tongue.

The Minister of Education, Science and Sport has announced the reinstatement of matriculation exams for national minority languages, following a meeting between Lithuanian and Polish ministers of education. The preparation of pupils for these exams is set

³⁸ “Dėl asmenų, pretenduojančių nuo 2020 metų į aukštųjų mokyklų pirmosios pakopos ir vientisųjų studijų vietas, mokymosi rezultatų minimalių rodiklių patvirtinimo”, Lietuvos Respublikos švietimo ir mokslo ministerija, <https://www.e-tar.lt/portal/lt/legalAct/aaf74b408e0a11e7a3c4a5eb10f04386>

³⁹ “Dėl švietimo, mokslo ir sporto ministro 2017 m. rugpjūčio 30 d. įsakymo Nr. V-661 „Dėl Asmenų, pretenduojančių nuo 2019 metų į aukštųjų mokyklų pirmosios pakopos ir vientisųjų studijų vietas, mokymosi rezultatų minimalių rodiklių patvirtinimo“ pakeitimo”, Lietuvos Respublikos švietimo ir mokslo ministerija, <https://www.e-tar.lt/portal/lt/legalAct/02b72eb0471b11ea8895faf9aa6b1770>

to begin in 2022, with the exact date of the first exams to be determined after consultation with national minority communities.

On March 31, 2021, the Trakai district municipality approved an updated school network plan for the years 2022-2026⁴⁰. As per the plan, two minority (Polish) schools were to be reorganised as subsidiaries of larger minority (Polish) schools due to their smaller size and perceived lower performance. Despite objections from the local communities and the schools themselves, including the receiving school, the decision was supported by the Ministry of Education, Sport and Science, as it falls within the jurisdiction of the municipalities. The local communities continued to protest^{41,42} the decision and received support from Poland⁴³. A complaint regarding the decision was filed with the court, and interim measures have been implemented.

A similar situation occurred in Švenčionys district. As it is planned in Švenčionys district municipality school network plan for the years 2022-2026 - one of the two schools with education in Polish and Russian languages will be reorganised to Lithuanian language school only, meaning that there will be only 1 school left in Švenčionys district for national minorities students⁴⁴. It is worth noting that the local community in Švenčionys district already protested against Švenčionys district's municipality decision in 2020, when it was decided to reorganise national minorities educational institutions. Albeit the community's disapproval, reorganisation plans were approved⁴⁵.

⁴⁰ “Dėl Trakų rajono savivaldybės bendrojo ugdymo mokyklų tinklo pertvarkos 2022–2026 metų bendrojo plano patvirtinimo”, Trakų rajono savivaldybės taryba,

<https://www.e-tar.lt/portal/lt/legalAct/74b163f0b1cc11ec8d9390588bf2de65>

⁴¹ “Wiece przeciwko dyskryminacji Polaków Wileńszczyzny. Stop nacjonalistycznej prowokacji liberałów litewskich”, L24.lt, <http://l24.lt/pl/oswiata/item/372675-pikieta>

⁴² “26 kwietnia przy Ambasadzie USA kolejny wiec Polaków Wileńszczyzny w obronie polskich szkół”, L24.lt, <http://l24.lt/pl/imprezy/item/373801-26-kwietnia-przy-ambasadzie-usa-kolejny-wiec-polakow-wilenszczyzny-w-obronie-polskich-szkol>

⁴³ “Warszawa: Wiece w obronie polskich szkół na Wileńszczyźnie”, L24.lt,

<http://l24.lt/pl/polska/item/373830-warszawa-wiec-w-obronie-polskich-szkol-na-wilenszczyznie>

⁴⁴ “Švenčionių rajono savivaldybės bendrojo ugdymo mokyklų tinklo pertvarkos 2022-2026 metų bendrasis planas”, Švenčionių rajono savivaldybės taryba,

<https://svencionys.lt/wp-content/uploads/2022/05/2022-2026-bendrojo-Plano-projektas-1.pdf>

⁴⁵ “„Demokratija” Švenčionių rajone: bendruomenė nesutinka, tačiau Taryba pritarė ugdymo įstaigų reorganizacijai”, Etaplus.lt,

<https://etaplus.lt/naujiena/demokratija-svencioniu-rajone-bendruomene-nesutinka-taciau-taryba-pritare-ugdymo-istaigu-reorganizacijai>

The European Foundation of Human Rights (EFHR) believes that all Lithuanian citizens should have the opportunity to learn in their national language, yet the state makes it difficult or even impossible for national minorities to attend schools with their language of instruction.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The recognition of the right of national minorities to engage in political life is not in dispute. However, Article 15 specifically seeks to promote genuine equality between individuals belonging to national minorities and those belonging to the majority population. Its objective is to address the specific needs of minorities and ensure their full and equal participation in political affairs.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

The Main Electoral Commission (MEC) has proposed a project to alter the boundaries of single-member constituencies⁴⁶. The European Foundation of Human Rights observed that two constituencies predominantly inhabited by the Polish national minority, namely Sužionys and Skirlėnai, were included within the "Lithuanian" electoral constituency of Švenčionys and Molėtai, while Salininkai was placed in the electoral constituency of Vilnius and Trakai. This arrangement deviated from the Code of Good Practice in Electoral Matters, which was prepared by the Venice Commission of the European Commission for Democracy through Law⁴⁷. This also violated the provisions of the Framework Convention. As a result, during the parliamentary elections, there was a significant disparity in the number of voters among constituencies, exceeding the recommended 10% limit. The Constitutional Court later ruled the law allowing such disparity as unconstitutional. The Main Electoral Commission proposed new drafts to limit disparities. However, the EFHR highlights that the Commission's redefinition of the constituencies was not guided by political or national considerations, which adversely affects national minorities and denies them the right to representation in the political sphere.

The two following elections held in 2016⁴⁸ and 2020⁴⁹ adhered to the decision of the Constitutional Court and consequently were consistent with the Code of Good Practice in Electoral Matters prepared by the European Commission for Democracy through Law (Venice Commission).

⁴⁶ The project was proposed in 2012.

⁴⁷ "Zapowiadane nowe zmiany granic jednomandatowych okręgów wyborczych", European Foundation of Human Rights,

<http://www.efhr.eu/2013/12/12/zapowiadane-nowe-zmiany-granic-jednomandatowych-okregow-wyborczych/>

⁴⁸ "GKW zatwierdziła nowe granice jednomandatowych okręgów wyborczych", Brygita Łapszewicz, <https://kurierwilenski.lt/2015/12/17/gkw-zatwierdzila-nowe-granice-jednomandatowych-okregow-wyborczych/>

⁴⁹ "Vyriausioji rinkimų komisija patvirtino vienmandacių rinkimų apygardų ribas 2020 metų Seimo rinkimams", Lietuvos Respublikos vyriausioji rinkimų komisija, <https://www.vrk.lt/2019naujienos/-/content/10180/1/vyriausioji-rinkimu-komisija-patvirtino-vienmandaciu-rinkimu-apygardu-ribas-2020-metu-seimo-rinkimams>

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