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**Alternative NGO Report
on Lithuania's Implementation
of the Framework Convention for the Protection of
National Minorities**



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1. Introduction

The European Foundation of Human Rights' (the 'EFHR') alternative report aims to highlight the protection of minorities since Lithuania's ratification of the *Framework Convention for the Protection of the Rights of National Minorities* (the 'FCNM') on 17 February 2000 (the treaty came into force in Lithuania on 1 July 2000). This report also provides data and documents that might be useful in better assessing Lithuania's compliance with its legal obligations under this treaty. It is to be emphasised that the criticism and praise it contains are offered in the hope of making Lithuania a stronger, more tolerant democracy fully respectful of its human rights obligations in respect to one of its more vulnerable members of society: its national minorities.

A better, stronger and more tolerant Lithuania can only be built upon society's fundamental and essential pillars: the rule of law, human rights and the protection of minorities as enshrined – amongst others – in the *Framework Convention on the Protection of National Minorities*.

There are in a number of areas positive changes in legislation and domestic policy that are sincere steps in trying to comply with Lithuania's international legal obligations. This report cannot and does not attempt to present a comprehensive picture about the history and situation of all minorities within Lithuanian society – it simply does not have the resources to do so.

Its purpose and objectives are much more modest and targeted: to provide precise data, observations and information on the manner and extent Lithuanian authorities are complying with and applying the relevant provisions of the FCNM to the situation of minorities in Lithuania, particularly as it affects its largest minority, the Polish-speaking minority, which partially because of this position and other historical factors often finds itself the most often subject to apparent non-compliance with FCNM obligations. For this reason, the Report identifies on occasion specific instances involving members of the minority. In addition, the EFHR has attempted to collate and illustrate more systematically the impact of specific policies and legislation, always making the connection with the relevant *Convention* provision.

At the onset, the EFHR wishes to emphasise one of the main conclusions of this Report: the position of minorities has generally – and unfortunately – not improved markedly since Lithuania's independence gained in 1990 or the ratification of the FCNM on 17 February 2000 and Lithuania's accession to the European Union in 2004. It is unfortunate because one would expect a trend towards increased compliance with Lithuania's treaty obligations after ratification and the impact of more than 12 years of monitoring and recommendations by the FCNM's Advisory Committee of Experts.

This has unfortunately not happened.

As this alternative Report highlights, there has been a tendency in recent years for authorities to increasingly ignore the provisions of the FCNM and the recommendations of that treaty's Advisory Committee, sometimes under the argument that it does not involve 'real obligations' and its provisions are mostly programmatic. This has perhaps predictably led to a sense of impunity among officials, or at least an absence of any urgency, in complying with the commitments made by the Government of Lithuania when it ratified the *Convention*.

As a result, there appears to be not only clear breaches of the country's FCNM obligations, but more worryingly an increasing refusal of authorities to acknowledge or even to consider that their conduct needs to be measured by and comply with the standards set out in the FCNM in certain areas. The most obvious and recent example is the coming to an end of the 1989 *Law on National Minorities* in 2010, and (as of 18 November 2013), the inability to agree on new legislation on the rights of minorities, the reduction in the number of courses allowed to be taught in minority languages and their mandatory replacement by the Lithuanian medium instruction, the continued refusal to recognise and use in most official activities non-Lithuanian names for citizens, trials against bilingual street signs in areas inhabited by national minorities in substantial numbers, etc.

The EFHR hopes that its criticism – and praise – will be received in the spirit they are made, in the hope that by working together in improving the situation of minorities in Lithuania this will lead to greater cooperation and peaceful coexistence. These are after all consonant with the principles of respect for diversity and human rights that are pillars for the new Europe – and Lithuania that is in the very centre of this Europe.

2. Minorities in Lithuania: An Overview

Lithuania is the most ethnically homogeneous of the Baltic States, and becoming increasingly so. The percentage of ethnic Lithuanians has gone from 79.6% in 1989, to 83.5% in the 2001 census, to finally 84.2 ten years later in the 2011 census.¹ The proportions of all minorities in relation to Lithuanians has also been declining since independence in 1990: in 2001 the main minorities were Poles (234,989, 6.7%), Russians (219,789, 6.3%), Belarusians (42,866, 1.2%), Ukrainians (22,488, 0.7%) and Jews (only 4,007, 0.1%). By 2011 these same groups had gone down to the following numbers and proportions: Poles, 200,317 (6.6%); Russians, 176,913 (5.8%); Belarusians, 36,227 (1.2%), Ukrainians, 16,423 (0.5%), and Jews (3,050, 0.1%).²

Table 1: Lithuania - An increasingly mono-ethnic society, 1989-2011

| Ethnicity | 1989 | | 2001 | | 2011 | |
|--------------------|------------------|------------|------------------|------------|------------------|------------|
| | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> |
| Lithuanians | 2,924,251 | 79.6 | 2,907,293 | 83.5 | 2,561,314 | 84.1 |
| Poles | 257,994 | 7.0 | 234,989 | 6.7 | 200,317 | 6.6 |
| Russians | 344,455 | 9.4 | 219,789 | 6.3 | 176,913 | 5.8 |
| Belarusians | 63,169 | 1.7 | 42,866 | 1.2 | 36,227 | 1.2 |
| Ukrainians | 44,789 | 1.2 | 22,488 | 0.7 | 16,423 | 0.5 |
| Jews | 12,390 | 0.3 | 4,007 | 0.1 | 3,050 | 0.1 |
| Tatars | 5,135 | 0.1 | 3,235 | 0.1 | 2,793 | 0.1 |
| Total | 3,674,802 | 100 | 3,483,972 | 100 | 3,043,429 | 100 |

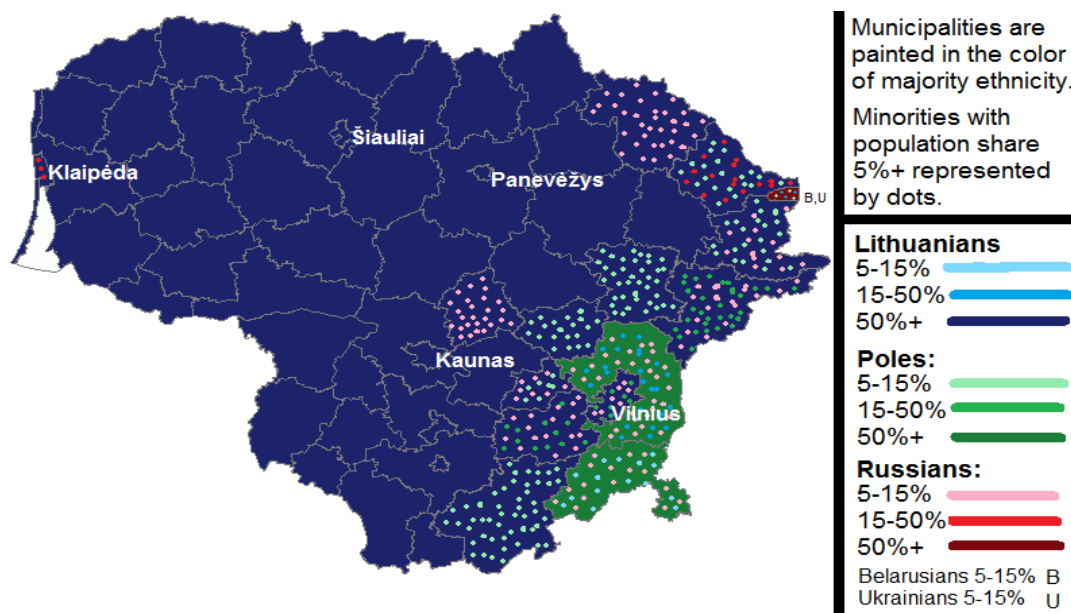
Source: Statistics Lithuania, 'Database of Indicators',
<http://www.osp.stat.gov.lt/en/web/guest/statistiniu-rodikliu-analize1>

There are also smaller populations such as Armenians, Azeris, Germans, Karaims, Latvians, Moldovans, Roma and Uzbeks.

¹ It should be pointed out that the overall population of Lithuania has been declining markedly in the last three decades.

² The ethnic origins and mother tongue of individuals do not always match. There was in Lithuania (and other Baltic states) a fairly high level of assimilation into Russian with some minorities as a result of Soviet policies that favoured this language, and tended to ignore minorities outside of their 'titular homeland'. Perhaps 66% of Jews in Lithuania speak Russian natively, 55% of the Belarusian community, as do and 56% Ukrainians, among others.

Map 1: The Situation of Minorities in Lithuania



Source: <http://www.truelithuania.com/topics/culture-of-lithuania/ethnicities-of-lithuania>

It was not always this way.

Before the Second World War and Soviet Occupation, what is today Lithuania was a hugely diverse, multicultural and multiethnic society.

In 1569, Poland and Lithuania signed the Union of Lublin and became what would be in essence a single country, with the Polish language gradually becoming the language favoured by the ruling nobility. Prior to the 18th Century, the Polish-Lithuanian Commonwealth was a powerful state in the centre of Europe, but it came militarily under threat, eventually coming to an end in 1795 with its partition by Russia, Prussia and Austria-Hungary, with Lithuania being annexed by Russia, which tried to 'russify' the country, closing Vilnius University and banning the publication of Lithuanian books in the Latin alphabet.

The Russian Revolution and the fall of Imperial Russia allowed Lithuania to regain its independence in 1918.

During its short existence as an independent state after the First World War, not only did Lithuania have two distinct departments to address the needs and the importance of two of its largest minorities (the Ministry for Belarusian Affairs and the Ministry for Jewish Affairs), it was also one of a handful of European countries which had accepted the internationally-binding "Minority Declaration"³ on 12 May 1922 under the auspices of the League of Nations. The many provisions for the

³ Declaration on the Rights of National and Confessional Minorities in Lithuania.

protection of minorities in this Declaration were considered to be “fundamental laws of Lithuania”.

The significant Jewish minority before the Second World War was almost eliminated by 1944, with the vast majority murdered, deported, or sent to concentration camps.

The 50-year Soviet era (1940-1990), though officially favourable towards all ethnic communities, including the majority Lithuanians, in reality largely promoted and encouraged all citizens to learn Russian as the link language. Policies nevertheless evolved towards increasingly a more pro-Russian stance, clearly unfavourable towards languages such as Lithuanian which had had a national status during the time of the existence of the Lithuanian state. Overall, there was an undeniable movement towards the adoption of Russian as the home language among some minorities, and particularly in mixed-family settings. In addition to existing Soviet measures in relation to the rights of minorities, the Supreme Soviet of the Lithuanian Soviet Socialist Republic adopted a 1989 *Law on Ethnic Minorities*, until 2010 the country’s only minority specific legislation.⁴

The return of independence in 1990 did not bring about any improved status for minorities beyond what was already in place in the 1989 legislation except perhaps on the issue of citizenship. Contrary to its Baltic neighbours, the Lithuanian government soon after independence opted with a 1991 *Citizenship Act* for what can be described as the “zero option” citizenship which essentially gave all those residing in the country the right to choose to become a Lithuanian citizen or instead elect citizenship of another state. Lithuania however would not allow dual citizenship. Still, more than 90 per cent of members of minorities who resided in Lithuania chose to adopt Lithuanian citizenship exclusively.⁵

However, like Estonia and Latvia, Lithuania independence meant replacing Russian with the language of the majority as being essentially the only language of administration and government, making the Lithuanian language perhaps the defining element of the country’s rediscovered national identity.

It is perhaps useful to step back a bit in history to better understand the unique sensitivity of Lithuanian authorities to the use of the official language, and the position of this language in the national psyche. After the Russian Empire absorbed most of the territory of today’s Lithuania at the end of the 17th century, an uprising brought a 40-year ban by Imperial authorities on the Lithuanian language in education and publishing, as well as on the use of the Latin alphabet for all books

⁴ See Appendix I.

⁵ This is a simplification of the legislative changes that actually occurred between 1990 and 1994, but captures the main aspects of the changes involved. There was also an exception which allowed dual citizenship in the case of ethnic Lithuanians which was ruled “controversial, inconsistent and confusing” in relation to the right of equality by the Constitutional Court in November 2006. A 2008 law however maintained until 2010 the possibility for ethnic Lithuanians to still obtain dual citizenship.

printed in Lithuanian until 1904. This led to the elevation of the Lithuanian language as a defining characteristic of the Lithuanian identity, and the book smugglers who would risk the threat of stiff prison sentences to bring books printed in the Latin alphabet and Lithuanian language in from other countries became national heroes are still recognised as such in modern-day Lithuania. Language is at the very core of what it means to be Lithuanian – but this may lead to a not always receptive attitude towards the presence of other languages.



Book Smugglers and the Lithuanian Language as National Symbols.
Monument in Kaunas, Lithuania

Initially, the government after independence did not close or dramatically alter minority schools teaching in other languages, though in recent years it has adopted legislation that has begun to erode the amount of teaching allowed in Polish, Russian and other languages, ordering that some of subjects be taught in Lithuanian instead.

There has been suggestions that the number of members of minorities in the national civil service has also decreased since independence, initially as a result of the requirement that civil servants be fluent in the new official language, thus replacing Russian as the main language of government in the state machinery. However, there are no official statistics available to accurately determine whether minorities have become increasingly marginalised or not in terms of employment. It should be pointed out that younger generations of the Polish, Russian, and other minorities, including those who are taught in minority schools, all attain fluency in Lithuanian in addition to their own language. In other words, although older minorities may not always be comfortable in Lithuanian (having had to learn Russian instead before 1990), this is no longer the case with younger people in the country today, as they learn Lithuanian and often also English or another European language (and their own language, of course).

3. The Constitutional and Legal Responses to the Protection of National Minorities

3.1 The Constitution of Lithuania

The *Constitution of Lithuania* of 1992 contains two provisions on ‘ethnic communities’;⁶ these do not appear to be very demanding, mainly dealing with minorities being entitled to carry on freely ‘their own activities’, and authorities supporting, in a non-quantified way, some of their ethnic, cultural, educational and charitable efforts. Beyond these, it only contains general human rights provisions.

Three significant constitutional matters are however noteworthy in relation to the protection of national minorities.

- Firstly, the coming into force of the FCNM in 2000 did not lead to any constitutional changes to incorporate any obligation to better recognise or protect the country’s minorities;
- Secondly, the equality provision of the *Constitution* has unfortunately recently been interpreted by courts in the country in a restrictive way, clearly contrary to the concept of non-discrimination in international law which risks undermining the protection of national minorities. Whereas in international law it is clearly established that differences of treatment based on language, religion, race, gender, etc.⁷, are only discriminatory if they are unreasonable or unjustified, one administrative court has indicated that if a minority receives a ‘privilege’ or is treated differently, this automatically is considered to be discriminatory under the Lithuanian Constitution, and therefore prohibited (what favours the majority is considered ‘normal’ in the Court’s view, and anything that might benefit a minority is a ‘privilege’ under this mode of thinking).
- Thirdly, the Lithuanian language’s status as official language under the *Constitution* has resulted in the country’s Constitutional Court ruling against giving effect to some of the *Framework Convention*’s provisions. In 1999, the Constitutional Court had already ruled to exclude the use of names in other languages in passports, indicating that since Lithuanian was the state language, the names of citizens in the country’s passport and other entries had to be written in this language, using ‘Lithuanian letters.’ A further consideration of the writing of an individual’s names and surnames came up again in 2009, with the Lithuanian Constitutional Court explaining further that could be spelled in non-Lithuanian characters (the letters q, w, or x in

⁶ *Constitution of the Republic of Lithuania*, entered into force on 2 November 1992: Article 37: Citizens belonging to ethnic communities shall have the right to foster their language, culture, and customs.; Article 45: Ethnic communities of citizens shall independently manage the affairs of their ethnic culture, education, charity, and mutual assistance. Ethnic communities shall be provided support by the State.’ Available at <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>

⁷ See among others *Belgian Linguistics Case* of the European Court of Human Rights, *Costa Rica Nationality Case* of the Inter-American Court of Human Rights, etc.

effect) as ‘other entries in passports’, but that such entries had no effect on the ‘official’ entry in the official language on the main page. The Constitutional Court also ruled against the use of bilingual electoral material in 2006, once again using the official status of the Lithuanian language as implying other languages can – and even must – be prohibited; it completely ignored any consequence to the ratification of the *Framework Convention*.⁸

What is also rather troubling from the perspective of the impact of the *Framework Convention for the Protection of National Minorities* is that the Constitutional Court essentially disregarded or dismissed the treaty’s clear obligation in not only recognising, but also using for official purposes, a national minority’s name and surname in its original linguistic form under Article 11(1). In essence, the Constitutional Court appeared to treat this provision of the FCNM as merely suggestive and programmatic, and not a ‘real legal obligation’ relevant for the purposes of the interpretation of Lithuania’s legislation or constitution. Thus, in the almost 10 years that the treaty was in force in Lithuania from 1 July 2000 to 2009, the impact of the *Framework Convention* at the level of the *Constitution* and the Constitutional Court’s interpretation was essentially negligible, even non-existent.

The Constitutional Court has in effect since 2000 consistently issued judgments in 1999, 2006 and 2009 that run contrary to the international obligations of Lithuania under the *Framework Convention* – and increasingly diminishing the protection of national minorities.

3.2 Legislation Protecting the Rights of Minorities

It has been largely the same in terms of legislation.

Prior to the ratification of the FCNM, the main minority protection legislation was the 1989 *Law on National Minorities*,⁹ which in effect even predated Lithuania’s independence of 1990. A few years later, the Lithuanian Government concluded with Poland a *Lithuanian-Polish Friendship and Cooperation Treaty* on 26 April 1994. It included a number of provisions on the protection of minorities, such as the right to receive information in their own language in regions where the minority constituted a large percentage of the minority and the right to use names and surnames in the language of the national minority, and. However, the actual implementation of this last provision required an additional specific bilateral agreement between Lithuania and Poland. Despite attempts from the Polish side to

⁸ Judgment of 10 May 2006 No. 25/03 (Lietuvos Respublikos Konstitucinio Teismo nutarimas dėl LR Vyriausios rinkimų komisijos įstatymo 3 straipsnio 6 dalies (2003 m. balandžio 10 d. redakcija) atitikties Lietuvos Respublikos Konstitucijai). The Constitutional Court also commented that citizens who were not ‘fully integrated’, i.e. were not fluent in the official language, did not need to be treated the same as citizens who did in matters of national consultations. See Elżbieta Kuzborska, *Legal Situation of National Minorities in Lithuania in the Context of International and Supranational Protection Standards*, Vilnius, 2013.

⁹ For an unofficial translation of this law, see Appendix I.

propose moving ahead with this implementation agreement, Lithuanian authorities have still some 20 years later to agree. Some of the minority provisions of the 1994 treaty are therefore *lettre morte*.

Lithuania entry in the Council of Europe brought with it the ratification of the *Framework Convention for the Protection of National Minorities* (signed in 1995 but only ratified in 2000). It has nevertheless refused to sign or ratify the *European Charter for Regional or Minority Languages*, though this was supposed to also be a condition for Lithuania's full acceptance in European institutions.

There has been hardly any change or improvement in legislation to deal with the obligations since the ratification in 2000. Indeed, even the 1989 *Law on National Minorities* was allowed to expire in 2010. This has created a situation of legal vacuum in relation to the rights and protection of national minorities, a vacuum which for vulnerable sections of society such as minorities are not helpful, as warned the at the time OSCE High Commissioner on National Minorities Knut Vollebæk during his visits to Lithuania in 2011 and 2012 in a statement.¹⁰

National authorities in May 2013 refused to move ahead with new proposed legislation, even though it was drafted in part to comply with the FCNM legal obligations on the writing of names and surnames in minority languages, the use of minority languages in topographical and other indications in areas inhabited by a substantial number of persons belonging to a national minority, etc.

The year 2000 is therefore a key date to determine whether there has been any significant improvement in the degree of protection of national minorities in the country as required under the *Framework Convention*. What is particularly noticeable however in Lithuania's legal treatment of minorities is almost the opposite of improvement.

There is first an absence of any significant legal steps after 1991 that would increase, strengthen or clarify the rights of minorities in Lithuania. The ratification of the FCNM has brought no real development or improvement in terms of legislation protecting the rights of national minorities in Lithuania since 2000. The exact opposite is in fact probably more accurate: the rights of minorities have been increasingly curtailed since 2000, or the implementation of previously existing legislation which were in letter or spirit contrary to the obligations contained in the FCNM have been enforced more stringently, whereas in the past they had been applied in a more relaxed fashion. Put simply, there is since 2010 no specific national legislation to protect minorities. Most of the country's legislation is quite silent on any specific right for national minorities that would implement the country's legal obligations under the FCNM. Since the FCNM is a framework treaty which is programmatic in nature and cannot be directly implemented without

¹⁰ Statement by Knut Vollebæk, OSCE High Commissioner on National Minorities, 12 July 2012, OSCE HCNM, <http://www.osce.org/hcnm/92334>.

specific legal provisions at the domestic level, this leaves minorities with little or no legislative tool for their protection in Lithuania.

The Government of Lithuania asserts in its periodic reports that, in addition to the *Constitution*, general legislation directly or indirectly protects minorities: while there may be a debate as to what qualifies as a measure for the protection of minorities, there is no precise indication as to which provisions of these laws are actually protective of national minorities, nor how they serve to fulfil this function, and the Government's own report does not spell out how exactly the connection between these laws and Lithuania's obligations under the FCNM.

Unfortunately, and contrary to the Government's comments above, legislative measures that are contrary to its obligations for the protection of minorities have increased, rather than been discarded, since the ratification of the FCNM.¹¹ It is noteworthy that the Government does not point to any clearly favourable legislative changes made since Lithuania ratified the treaty. It is symptomatic that the Parliament (Seimas) and Government of Lithuania have in recent years not responded favourably to proposals for new draft legislation for the protection of minorities. Lithuania's Culture Minister Šarūnas Birutis has refused to approve a report of governmental working group in May 2013,¹² despite the draft being the result of extensive consultations and discussions, though there were some misgivings from some minority representatives – and to implement some of Lithuania's legal obligations under the FCNM. It is reported the Minister was of the view the draft had 'too many gaps'. The bill was re-considered by a Strategic Committee in October 2013, and subsequently referred for further inter-institutional consultations, and could in theory be presented to the Seimas before January 2014. There are no indications whether the Minister of Culture is more likely to approve it, whether the Seimas would vote for it, or even if the President would sign it into law.

This is the second time that proposed legislation on national minorities,¹³ or at least a proposal to consider new legislation, has in effect been rejected by Lithuanian

¹¹ This report distinguishes between legislation and non-legislative measures such as the *Programme for the Integration of Roma into Lithuanian Society for 2008-2010*. Information on the effectiveness of such programmes is difficult to assess without extensive resources and information from government departments which may not always be readily available.

¹² A task force had submitted recommendations allowing the spelling of first and surnames in minority languages containing the letters q, w, and x (non-Lithuanian characters) and bilingual street and topographical signs in municipalities with a significant national minority population. It pointed out names in a minority language are not words with 'lexical meaning', so it is not a matter of using or not the Lithuanian language. It also pointed out that European population movements and a growing number of Lithuanians acquiring names with 'non-Lithuanian letters' makes it more difficult to continue denying the use of the same letters to national minorities when they use their own names in their own languages.

¹³ Or third, if one counts a relatively minor amendment attempt in 1997 to include the concept of 'ethnic minority'. See Hanna Vasilevich, *Lithuania's Minority-related Legislation: Is there a Legal Vacuum?*, ECMI Working Paper #70, September 2013, available at http://www.ecmi.de/uploads/tx_lfpubdb/WP_70_Final.pdf

authorities despite what had been described in the Advisory Committee Second Monitoring Report in 2008 as positive steps have in fact been reversed by Lithuanian authorities:

196. [...] a new draft law on national minorities is currently being discussed by the parliament. [...] A Prime Minister's Advisor on minority issues has been appointed.

197. Positive developments affecting fields of importance for persons belonging to national minorities have been noted in relation to the legislation on citizenship, following an important decision of the Constitutional Court. Improvements are also under way as regards the use of minority languages for surnames and first names.

198. [...] The authorities have also continued efforts to provide adequate opportunities for minority language teaching and education in the languages of persons belonging to national minorities.

Almost every aspect of what is written above is no longer valid or did not eventuate. The draft law on national minorities that was discussed in 2007-2008 was eventually discarded, and the second attempt in 2013 with a draft *Concept of the Law on National Minorities* which should have served as a basis for a new law on national minorities was also not successful.¹⁴ It cannot be exaggerated how disappointing this development is, since it was clear the draft *Concept Law* was a sincere attempt to ensure that Lithuania complied with its legal obligations under the *Framework Convention* in a number of areas with this new legislation.

There is no longer an advisor or any distinct official responsible for national minority issues in the Office of the Government, and there has still not been any significant change on the use of minority names and surnames – which the Advisory Committee thought was almost in place by 2008. The Department of National Minorities and Lithuanians Living Abroad came to an end on 31 December 2009; responsibility for national minorities was transferred on 1 January 2010 to the Ministry of Culture. The amount of minority language education has been also reduced – without any prior consultation with the minorities themselves or rational explanation for this move, both in terms of number of schools and hours of instruction in minority languages. There is no indication that this has anything to do with the 'adequacy' of education in the languages of national minorities but rather that it is necessary that children be taught certain subjects in the official language.

The supposed flexibility since 2009 in terms of requiring knowledge of the Lithuanian language for employment in the country's civil service presented as

¹⁴ Once again, the pattern is to present a possible measure as positive, and a number of years later not actually following through. What is presented as one of the positive initiatives presented in the Third Report Submitted by Lithuania Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, Council of Europe, Strasbourg. 23 April 2012, ACFC/SR/III(2011)005 rev, p. 13 never came into practice, as it was later rejected by members of the Lithuanian Government before even being adopted.

another positive development in Lithuania is simply not true.¹⁵ The Government provides no statistics on the percentage or numbers of national minorities actually employed in the civil service, either before or after 2009. In practice, employees for the civil service who are national minorities will not be employed if they are not fluent in Lithuanian. The main obstacle for access to employment for national minorities, this is particularly true of older individuals, since younger generations are now all acquiring fluency in Lithuanian, is the continued imposition of knowledge of Lithuanian as the only valid linguistic skill for employment. There is no consideration of requiring knowledge of minority languages as appropriate for certain jobs (such as health care, care of senior citizens, kindergarten and tourism, etc.) which would provide for a fairer share of employment opportunities for minorities.

To put it bluntly, rather than present many positive efforts to protect national minorities by trying to better implement the rights as described under the Framework Convention, most of the Government of Lithuania's "positive measures" are about integrating minorities by having them learn and use the official language – in other words, integration through assimilation.

Some positive developments have occurred in terms of general human rights legislation rather than specifically the protection of the rights of minorities. The *Law on Equal Treatment* was amended to expand the list of grounds for discrimination to include language, origin, social status, nationality and belief. This law is still subjected to the prevailing right to equality under the Lithuanian *Constitution*, which has been interpreted as indicated earlier in such a way in the area of education so that any measure in favour of minorities could be deemed to be unconstitutional, and therefore prohibited.

Overall, as one observer has pointed out, the current existing legislation in Lithuania can be seen as increasingly impacting against the protection of national minorities as set out in the obligations under the *Framework Convention*, especially since the demise of the 1989 *Law on Ethnic Minorities*:

Thus, the interpretation of the domestic laws by Lithuanian authorities has in fact limited the use of minority languages to the private communication between people. Such narrow interpretation of the minority language use in Lithuania was illustrated in the criticisms included into the Resolution of the Committee of Ministers of the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania which argued that "the legal framework for the protection of persons belonging to national minorities lacks clarity and consistency" and that "certain judgments adopted by Lithuanian courts on the use of minority

¹⁵ Third Report Submitted by Lithuania Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, Council of Europe, Strasbourg. 23 April 2012, ACFC/SR/III(2011)005 rev, p. 27.

languages are disconcerting as they have not taken due account of other laws protecting national minorities, the relevant provisions of the Constitution and of the Framework Convention”.¹⁶

Even what the Government of Lithuania describes as positive measures could be argued to contradict its obligations under the FCNM. In its Third Report under the Framework Convention, it states:

Resolution No. 1132 of 17 October 2007 of the Government of the Republic of Lithuania approved the long-term document on the planning of national minority policy – the National Minority Policy Development Strategy Until 2015. The strategy was aimed at ensuring integration of national minorities and sustainability of national relations as well as fostering preservation of the identity of national minorities.

In 2011, a detailed report on the implementation of measures under the Strategy of Developing the National Minority Policy until 2015 was submitted to the Government of the Republic of Lithuania.

In 2011, the Ministry of Culture drafted the *National Minority Policy Development Programme for 2013-2021* (hereinafter: the Development Programme).¹⁷

However, while identifying integration and the preservation of ethnic identity as main goals of its long-term national minority policy, there is a perhaps telling indication that this is perceived in a very narrow way, since this goal is to be achieved according to the Government’s own policy document by supporting “the efforts of national minorities to preserve their language, customs, traditions and their created tangible cultural heritage, support information education of national minorities”. Thus, the policy seems to indicate that it is only in place to “support” minority initiatives, not that it has itself obligations to protect a minority’s identity, nor that minorities have any rights that they can assert in the area.

3.3 Non-legislative Measures for the Protection of National Minorities

The protection of national minorities could of course occur in the day-to-day affairs of administrative, judicial and other authorities even in the absence of specific minority protection legislation, perhaps through a number of non-legal institutions and mechanisms, but this is largely not the case in Lithuania. The main efforts of the Lithuanian Government has been various programmes and initiatives that do not impose legal obligations on the Government itself, but rather seeks to promote the ‘integration’ of Roma people in the fields of education, housing and labour, partially

¹⁶ Hanna Vasilevich, *Lithuania’s Minority-related Legislation: Is there a Legal Vacuum?*, ECMI Working Paper #70, September 2013, p. 10.

¹⁷ Third Report Submitted by Lithuania Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, Council of Europe, Strasbourg. 23 April 2012, ACFC/SR/III(2011)005 rev.

to comply with European efforts and human rights pressures to better respond to their unique needs and situation. One of these positive initiatives is for example the *Inter-institutional Action Plan for the Integration of Roma into Lithuanian Society for 2013–2015*. However, some of what authorities present as recent ‘positive’ steps could be seen as not particularly enlightened. What is presented as an ‘integration programme’ by the Vilnius Municipality (which has the largest community of Roma) was in fact the *Programme of Surveillance and Security of Vilnius Roma Community and Territories nearby Tabor and Reduction of Roma Segregation for 2005-2010* which continued to portray Roma presence as a crime and safety concern.

4. The Protection of Minorities since Ratification of the FCNM

Article 1

The protection of national minorities and of 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 co-operation.

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 co-operation between States.

No new legislation since the 2000 ratification of the *Framework Convention* has been adopted to reinforce the protection of national minorities in general. It is quite the opposite, with the 1989 *Law on Ethnic Minorities* being allowed to expire, and it's supposed replacement legislation still being held up.

In other words, instead of moving forward since the ratification of the FCNM, legislation – as opposed to practice on the ground – has by and large gone in the other direction in relation to the rights of national minorities, especially in the areas of language. New legislation and the interpretation of courts has tended to diminish the degree of protection, use and recognition of national minorities and disregarded any obligation under the FCNM.

It seems difficult in the circumstances to be convinced that the “provisions of this framework Convention shall be applied in good faith”, when in many cases they are not being applied at all – and there is no indication of a desire to apply them in the future. This is particularly true whenever the official language is involved, as courts and politicians tend to see that language's status as excluding any use of a minority language though they are not applying the same reasoning to the use of English).

Article 3

1. *Every person belonging to a national minority shall have the right freely to 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 individually as well as in community with others.*

There appears to be no obstacle to individuals being able to freely choose to be or not treated as a person belonging to a national minority.

It is however clear that Article 3(2) is not complied with in Lithuania at the present time. Members of national minorities cannot exercise many if not most of the rights and freedoms flowing from the FCNM. Contrary to the Government's assertion, the country's *Constitution* and legislation do not allow minorities to exercise most of the rights and freedoms flowing from the FCNM's principles, especially since the coming to an end of the 1989 *Law on Ethnic Minorities*.

There is no redress possible in the case, for example, of the refusal of administrative authorities to use the Polish language in areas around Vilnius where the Polish minority is concentrated. National legislation and the jurisprudence of courts are firm on this matter: it is forbidden for administrative authorities to use any language other than Lithuanian. Poles and other national minorities are thus left without any remedy against the clear breach of the principles enshrined in the *Framework Convention* this involves: there is no legislation implementing these principles, the *Framework Convention* is not self-implementing, and there are no human rights or minority rights legislative mechanism which would allow minorities to bring such a violation to any court of law in Lithuania. As indicated earlier, the Constitution of Lithuania has until now been interpreted in ways that preclude the recognition and use of languages other than Lithuanian – though it should be noted that this seems only to be true for national minority languages, since English and other 'foreign' languages are in reality used frequently by authorities without causing any offence.

The Government of Lithuania in its description of its compliance with Article 3(2) does not attempt to demonstrate where or how exactly Article 3(2) measures are in place. The reason for this is straightforward: there are no legal mechanisms to ensure that the rights and freedoms of national minorities flowing from the principles contained in the FCNM can be exercised.

Article 4

1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
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 due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

While the *Constitution* enshrines the right of equality before the law, this has been interpreted in a formalistic way that prevents ‘full and effective equality’ between national minorities and the ethnic Lithuanian majority rather than facilitate it.

Due to the absence of effective guarantees of the right of equality before the law and of equal protection of the law, in all other areas of life, and in particular against Government action and policies, members of the Polish and other minorities may find themselves discriminated against because of cultural and linguistic preferences of their own Government in most areas of daily life in society.

Article 4(2) is almost completely disregarded: there are no measures in place since the ratification of the FCNM in order to promote the full and effective equality of national minorities and ethnic Lithuanians. Rather than measures to promote equality, the Government has adopted some programmes and a number of ad hoc initiatives to increase the learning of the majority language in the name of integration.

No one in the country’s minority communities denies the need for the opportunity of learning the country’s official language – this is proven by the large proportion of national minorities who acquired fluency in the official language since independence in 1990, especially among younger generations.

What appears missing are government measures where members of minorities are concentrated: Article 4(2) mandates the adoption of adequate measures to promote the full and effective equality of, for example, between the Polish and Russian minorities and those belonging to the ethnic Lithuanian community, taking into account the specific conditions of the Polish and Russian minorities: the Government’s own report itself does not identify a single measure in this regard – because it has not attempted to comply with this legal obligation.

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.

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and 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 as a result of their ethnic, cultural, linguistic or religious identity.*

There have been positive developments in this area in recent years, with the *Criminal Code* being amended in 2009 to deal with offences involving racist motivation, incitement to hatred, and similar crimes. The Special Investigations Division of the General Prosecutor's Office acquired new powers over criminal acts related to discrimination and incitement to hatred. The *Law on Equal Treatment* was also changed to deal with discrimination on the grounds of national origin, language, convictions and social status. Finally, the *Code of Administrative Offences* now recognises discrimination in employment relations also on grounds of race, ethnic origin and religion.

The implementation of these measures are however extremely weak, even almost non-existent. NGOs like EFHR often do not have standing to represent victims of discrimination in court, and there prosecutors and police appear not to address many if not most allegations of racist or discrimination offences. The Equal Opportunities Ombudsman cannot lay a discrimination complaint with courts.

Complaints involving hate speech against minorities are often ignored by public authorities, leaving it to NGOs such as the EFHR to pursue such cases before courts and other human rights mechanisms. Over the years, the EFHR has made hundreds of these applications to the public prosecutor's office, in the hope that law enforcement agencies will in the medium term assume responsibility for the observance of law protecting minorities against hate speech.

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.

Article 8

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

Article 9

- 1. The Parties undertake to recognize 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 Lithuanian Government has a general approach of *laissez-faire* in relation to minority private media: by and large, minority private media are not directly interfered with by authorities.

However, the Advisory Committee has frequently indicated that under Article 9(4), public broadcasting must broadly reflect the proportionality principle: that the amount of broadcasting time in a minority language in the public media cannot be too small in both time and content ‘taking into account the number of persons belonging to national minorities...’.¹⁸ This is exactly the position of the extent of broadcasting in the Polish and Russian languages in public media, manifestly involving a breach of Article 9(4). Simply put, public broadcasting in Polish and Russian is almost insignificant when compared to the size of these communities in Lithuania as a whole. The time allocated for programmes in the languages of national minorities is clearly not proportionate to the audience size of the largest minorities, with only 15 minutes of broadcasting a week.¹⁹ In both cases, Article 9(4) is clearly not implemented, though there is one positive step it that the few minutes of broadcasting in national minority language transmission occurs in the prime time period.²⁰

Mutual understanding and integration must be a two-way street to be truly effective: while national minorities in Lithuania are by and large, and increasingly, successfully learning Lithuanian, it is at the same time essential for the Government

¹⁸ Advisory Committee Opinion on Croatia, ACFC/INF/OP/I (2002), 6 February 2002, paragraph 41.

¹⁹ Television programmes in Polish, Russian and Belorussian are limited to only 15 minutes a week on the National Television Cultural channel.

²⁰ The television programmes in national minority languages were moved from 3 p.m. to 6 p.m.

of Lithuania to reach out and 'speak' to all Lithuanians, including those who are Polish-, Russian-speaking, etc... – and educate and inform them in their own language. Denying them access to the public media through almost exclusively broadcasting in Lithuanian will mean that not all citizens will be reached in their language, and may encourage some to turn towards Poland or Russia for broadcasting in a language which 'reaches' them more effectively.

The risks this approach entails in terms of alienation and a lack of identification for some with the state of Lithuania must be avoided, and this can best be done by fully complying with Article 9(4).

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.*

In relation to Article 10(1), there are still restrictions on individuals using minority languages in private contexts. Recent court cases has resulted in rulings that authorities must remove from private properties any sign identifying the name of a street which is not in the Lithuanian language – even if the sign is private. This is aimed at the appearance in a few minority communities of private initiatives where Polish street names are used by citizens where public authorities are prevented by law from using bilingual street signs. The Prime Minister has also called in September 2013 for private signs in minority languages to be removed, saying that equality and the laws of Lithuania leave no place for the use of languages other than Lithuanian:

And there should be equal conditions for all Lithuanian citizens. It means that there should be no signs that are spelled in two languages, if we respect our state, our Constitution and laws of our state," the prime minister said in an interview with BNS, stressing that there can be no exceptions in this case.²¹

²¹ <http://www.15min.lt/en/article/politics/lithuanian-prime-minister-speaks-against-bilingual-signs-in-polish-dominated-districts-526-365513#ixzz2kb5Gg2PQ>

It should be noted that there are in fact many situations or private – and even public street signs in other signs which are permitted in other languages: English or German, as shown in the photo below. It appears that only Polish and Russian are targeted for prohibition by Lithuanian courts and authorities.



Public and Private Street and Topographical Signs allowed in English and German, but not in Polish

As for Article 10(2) of the FCNM, it is being completely disregarded by the Government of Lithuania: it refuses to legally recognise any right to use national minority languages before administrative authorities where minorities such as Poles and Russians live traditionally or in substantial numbers.

The legal situation in Lithuania is therefore more extreme than in other states, where the Advisory Committee has without ambiguity indicated that countries which have ratified the *Framework Convention* must take steps to ensure that the application of Article 10(2) is not left to the whim of authorities, but must be guaranteed as a legal right:

101. The Advisory Committee *finds* that there is a lack of precision in Armenian legislation on the right to use minority languages in relations with the administrative authorities and notes that, according to the authorities, such a possibility exists in areas inhabited by a sufficient number of persons belonging to national minorities. The Advisory Committee *considers* that this possibility should not be left solely to the discretion of the authorities concerned and that appropriate measures should be taken, including at legislative level, to ensure the effective application of this right.²²

²² Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Armenia, ACFC/INF/OP/I (2003) 001, 2002, para. 101.

The absence or lack of legislative clarity is, in the view of the Advisory Committee, 'not in full conformity' with the legal obligations of *Framework Convention*.²³ In its opinion on the situation of Estonia, the Advisory Committee added the following:

40. While welcoming the fact that the use of minority languages in relations between persons belonging to national minorities and the administrative authorities is recognised even at the constitutional level, the Advisory Committee considers that the current legislative framework relating to this issue lacks clarity. This stems partially from the fact that it is unclear to what extent the restrictive definition of the term national minority provided in other contexts (see related comments under Article 3) applies to the provisions that pertain to the use of minority languages, in particular in the Constitution and in the Language Act.²⁴

The situation in Lithuania is completely opposed to the position adopted by the Advisory Committee and clearly contrary to both the spirit and letter of Article 10(2).

Legislation and judicial interpretation which state that only Lithuanian can be the language of administrative proceedings and authorities, and that only Lithuanian can be the official working language of municipalities all result in a denial of the rights specifically identified in Article 10(2) of the FCNM. As indicated previously, there have in fact been a reduction of what was in place prior to the ratification of the FCNM in 2000. The absence of legislation to protect the rights of minorities after the demise of the 1989 *Law on Ethnic Minorities*, the court judgments since 2000 which interpret the official language status of Lithuanian as excluding the use of minority languages (but not English), as well as the very narrow understanding of the principle of equality as excluding any differential treatment or legislation for minorities have all combined to prevent the application of the Article 10 obligations.

It is clear that the Government of Lithuania is failing to comply with Article 10(2) of the FCNM.

Article 11

1. The Parties undertake to recognize 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.

²³ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Albania, ACFC/INF/OP/I (2003) 003, 2002, para. 99. See also Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on the Czech Republic, ACFC/INF/OP/I (2002) 002, 2001, Art. 10, para. 55, and Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Slovakia ACFC/INF/OP/I (2001) 001, 2000, Art. 10, para. 36.

²⁴ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Estonia, ACFC/INF/OP/I (2002) 005, 2001, Article 10, para. 40.

2. The Parties undertake to recognize 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 a sufficient demand for such indications.

The Government of Lithuania does not comply with the requirements of Article 11(1), (2) and (3) in relation to non-Lithuanian surnames and first names, in the display of signs of a private nature, and in the use of bilingual street names or topographical designations. As with other matters involving any use of a language, the constitutional status of the Lithuanian language has led the Constitutional Court and the Lithuanian Supreme Administrative Court to increasingly rule against what had been presented optimistically by the Advisory Committee in its 2008 report as positive progress.

In relation to Article 11(1), the Constitutional Court restated in 2009 what it begun to address in 1999: while it was possible to add a person's first and last names in a passport page designated "for other entries" in "non-Lithuanian characters" (i.e., the letters q, x and w), these did not have the same validity as to a person's identity as the designation in the official language. In other words, the appearance of a person's name and surname in a secondary part of a passport did not mean citizens with non-Lithuanian names could seek the use or recognition of their names from state authorities, such as receiving documents where their names would appear in a minority language containing letters such as q, x or w (non-Lithuanian language letters). Article 11(1) of the *Framework Convention* is dismissed as not involving a 'concrete, legally-binding obligation'.

The official explanation that the recognition and use of minority names or surnames in languages which contain the 'missing' letters q, x or w is not possible is simply untrue, since these letters (according to the Constitutional Court's own ruling) can be used in the official passport page for "other entries". Nonetheless, not even this possibility has been implemented by authorities. In April 2012, the draft bill containing the provisions which would have seen this use of 'missing letters' for minority names in Lithuanian passports was rejected by the Seimas Law and Order Committee. The Parliament has still not yet discussed the issue of how to comply with the Constitutional Court's ruling.²⁵ While the Ministry of Justice's working group is also technically obliged to prepare draft regulations to allow the spelling of foreign names in their original language in Lithuanian documents, there still is no agreement on how to proceed in this matter – or even whether to do so.

²⁵ <http://media.efhr.eu/2012/04/19/surnames-writing-bill-rejected/>.

Latin alphabet letters are also widely used by Lithuanian authorities when dealing with the names of foreigners, company names (Lithuanian and foreign), car licences, information for tourists, surfing the web (www), etc. In reality, there are only two places where it is prohibited to use the letters q, x and w: in writing words which are part of the Lithuanian language, and in the names and surnames of citizens, even if these names and surnames are not in the Lithuanian language, but in Polish and in foreign languages.

The contradiction apparently is not noticed by Lithuanian authorities who are trying to apply the rules of one language (Lithuanian) to other languages such as Polish - and also not applying the same rules to non-citizens since the names of non-citizens in English, German, etc. with the same 'non-existent' letters are simply left unchanged.

When dealing with the registration of names or surnames of minorities, authorities are not being asked to register or use these names in the state's official language: they are being asked to spell an individual's names in its original language.

The letters q, w and x are used daily by almost everyone in Lithuania, including authorities, whenever individuals write words in a non-Lithuanian language or use the internet; citizens of other countries who subsequently become residents or citizens of Lithuania can maintain their names, even if they have one of these letters; signs with the names of many corporations and businesses, both foreign and domestic; uses the airport in Vilnius as Lithuanian language computer keyboards show.

Unfortunately, and at the risk of being repetitive, the obligations under Article 11(1) are largely dismissed, though the draft new legislation on ethnic minorities would have corrected this insistence that all citizens must use in their names only the letters which 'exist' in the Lithuanian language. If one were to be pessimistic – or cynical – one may be tempted to question whether the Lithuanian Government is truly committed to protect national minorities as envisaged in the *Framework Convention for the Protection of National Minorities*.

Common Lithuanian language keyboard with 'non-existent' letters q, w and x



(Source: http://qnx.puslapiai.lt/en_ltkbd.html)

In relation to Article 11(2), there have been some steps forward, but also some steps back. Until 2011, the language legislation in Lithuania had been interpreted as prohibiting any bilingual signs (other than trademarks or company names) of a private nature. There is evidence this was applied sporadically – and selectively – with signs in international languages such as English unaffected, but displays in “national minority languages” at times prohibited. For example, on 19 August 2010 the Director of the Vilnius district bus depot was fined 450 litas for having bilingual signs on minibuses, while on 20 August 2010, the owner of a transport company in Czarny Bór/Juodšiliai, Zygmunt Marcinkiewicz, was fined 1200 litas for putting bilingual Lithuanian and Polish signs on buses to indicate the bus routes.

While this has now been changed with most private signs in minority languages now permitted,²⁶ there is still one area of restrictions: private signs in Polish communities which identify on the homes of citizens a street name in Polish (and Lithuanian), with courts ordering that these be removed – though currently Lithuanian legislation just not allow government officials to enter private property for such purpose. The Prime Minister has himself publicly stated such private signs in minority languages should not be allowed.²⁷

Article 11(3) is also being actively disregarded by Lithuanian authorities, and there is no indication there will be concrete steps to comply in the absence of the adoption of a new law on minority rights which would include the obligation to “display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.” For example in the opinion of Commission of Lithuanian Language (*Valstybinės kalbos komisija*) such regulation in practice would legalize bilingualism, which is ‘contrary’ to the Constitution because of the official status of the Lithuanian language. It also indicates that bilingual street signs may ‘hinder’ the work of the police, emergency service and other public services, presumably because bilingual street signs might be confusing – something for which there is no evidence in the many thousands of communities with bilingual signs in Europe.²⁸

Once again, quite the opposite has occurred in recent years despite the ratification of the *Framework Convention*. Municipal authorities which have put up bilingual displays in a national minority language (such as in English and Lithuanian in Neringa district and Vilnius are however never criticised) have recently been ordered to take them down.

On 15 January 2008, the Language Inspection Directorate (*Valstybinė kalbos inspekcija*) ordered that the Šalčininkai district Administration Authority take down

²⁶ <http://en.efhr.eu/2013/02/13/nobody-will-be-punished-for-writing-hairdresser-or-shop/>.

²⁷ <http://www.15min.lt/en/article/politics/lithuanian-prime-minister-speaks-against-bilingual-signs-in-polish-dominated-districts-526-365513#ixzz2kb5Gg2PQ>

²⁸ Opinion of the Commission of Lithuanian Language on the draft of Law on national minorities and amendments of the Law on State Language (14.11.2013).

bilingual street signs, imposing the next month a fine of 450 LT on the Authority for not conforming to the order. The Head of the Administration Authority brought the matter to court, and after a number of appeals the end result has been that the Language Inspection Directorate's power to penalise the Authority for using a minority language was upheld. A second fine in 2010 also led to the issue being argued in court, with the Supreme Administrative Court again upholding that the use of bilingual signs was 'prohibited', and that the Language Inspectorate had the authority to fine municipal officials for not using exclusively the official language.

There is very little indication in these court decisions, and the conduct of the Language Inspection Directorate, of any concern for Lithuania's obligations under the FCNM, nor that minorities have any rights in relation to the display of their languages for the display of "local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications." This has also been made clear this year when the Prime Minister, even in relation to the display of street signs by private citizens, unambiguously stated that in his view such bilingual displays should never be allowed – including when involving municipal authorities:

...there should be no signs that are spelled in two languages, if we respect our state, our Constitution and laws of our state," the prime minister said in an interview with BNS, stressing that there can be no exceptions in this case.²⁹

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.*

As the Government of Lithuania's Periodic Report indicates in relation to Article 12, much has been done in order to strengthen the acquisition of the Lithuanian language in public schools. For this the Government should be commended.

However, Article 12(1) itself does not deal with the obligation of minorities to learn the Lithuanian language: it refers instead to issues related to the promotion of diversity and tolerance in the field of education. It implies that all Lithuanians – minorities and majority alike – should learn about and increasingly appreciate each others culture, history, language and religion.

²⁹ Ibid.

This simply is not occurring. There are no obvious Government measures or research in education that would foster greater knowledge of the national minorities' culture, history and language, among others. Textbooks in education tend to focus on the Lithuanian contributions and its prominence, not those of minorities generally.

Teacher training provided to teachers who are members of the Polish, Russian and other minorities is, while generally welcome, not oriented towards the protections envisaged by this provision: they are directed towards integration, which in the context of Lithuania only means one thing, learning and working in the Lithuanian language. There is no visible inclination of emphasising the value of the Polish or Russian language, religion or culture.

In addition, changes to the *Education Act* in 2011 prohibiting the use of minority languages in some subjects has met strong opposition from representatives of national (especially Polish and Russian) minorities.

Article 13

- 1. Within the framework of their education systems, the Parties shall recognize 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.*

Article 14

- 1. The Parties undertake to recognize 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 systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction 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.*

Under Article 14, members of a national minority have the right to learn their own language. Additionally, under Article 14(2), in traditional areas or areas where they are concentrated in sufficient numbers, they are entitled to adequate opportunities either to be taught their language, or to be educated in this language.

The latter two approaches are significantly different: if national minorities in Lithuania were only entitled to learn and to be taught in their language through the assistance of Lithuanian public authorities, this provision would be largely satisfied. However, the Advisory Committee has indicated that the size of a national minority linked to its needs will in appropriate circumstances mean that instruction must be in the language of the minority:

63. In spite of the Roma community's size and based on the information at its disposal, the Advisory Committee notes that no instruction in Roma language is available in Romania, and that teaching of this language is offered only to very few pupils. It is essential that the Government ascertain the extent to which the current status of the Roma language in Romanian schools meets the demands of the Roma community. Such an examination would help to establish whether further measures are required to ensure adequate opportunities exist to be taught the Roma language or to receive instruction in this language.

64. The Advisory Committee notes that, in the past, some minorities, such as the Turks, the Tatars, the Russians and the Bulgarians, were also taught in their own languages. However, this seems no longer to be the case today. The Committee is of the opinion that the Government should consult those minorities to ascertain the extent to which the existing situation still meets their needs.³⁰

This can include – once again in order to correspond to the needs of the national minority involved – university education in a minority language.³¹

Broadly speaking, the Government of Lithuania is not complying with Article 14(2) by not responding to the needs of the Polish and Russian minorities in public schools, given in particular the size and situation of this minority.

More worryingly however, are amendments to the *Education Act* of 17 March 2011³² which (1) reduce the amount of teaching allowed in minority languages in public schools; (2) disadvantage national minority students in their final secondary school assessment (the *matura*) which is critical for their admission to universities and other higher education facilities.

Despite strong opposition from the representatives of Polish and Russian national minorities, as well as from school communities themselves, the amendments adopted by the Seimas in 2011 have resulted in all public schools being *de facto* forbidden from teaching in minority languages Lithuanian history, Lithuanian geography and civic education. From September 2011, these subjects can only be taught in Lithuanian. The mentioned changes were introduced without any effective consultation with minority representatives.

National minority students are also disadvantaged by not having the *matura* exam in their own language. From 2013, the *matura* test in the Lithuanian language is 'unified', meaning it is to be the same for national minorities and graduates of

³⁰ Advisory Committee Opinion on Romania, ACFC/INFO/OP/I (2002) 001.

³¹ Advisory Committee Opinion on Romania, ACFC/INFO/OP/I (2002) 001, paragraph 55; Advisory Committee Opinion on Albania, ACFC/INFO/OP/I (2003) 004, paragraph 61.

³² Lietuvos Respublikos Švietimo Įstatymo Pakeitimo Įstatymas 2011 m. kovo 17 d. Number XI-1281.

Lithuanian-medium public schools. While initially there was to be a ‘concession’ made for minority students to have more time to write the *matura* since they had done before the changes of 2011 most of their public education in Polish or Russian.³³ This was struck down by the Supreme Administrative Court of Lithuania as ‘discriminatory’,³⁴ since minority students were being treated differently from majority students, so that even a rather minor adjustment to take into account the disadvantage faced by national minority students was deemed illegal in Lithuanian law, since it contradicted the equality provision under the *Constitution* – again with no regard for any obligation under the *Framework Convention*.³⁵

It is also reported that there is to be a ‘consolidation’ in the number of public schools under the 2011 amendments, with closing down of a number of schools as the number of students decreases in many parts of the country.

As the EFHR has reported in a petition to the European Parliament:

Even despite bigger popularity of a minority school in a town compared to the Lithuanian school, it will be the former one that will be closed down, forcing parents to send their children to a the school with Lithuanian.³⁶

National minority students are overall being increasingly disadvantaged if they attend minority schools. The 2011 provisions in combination with the changes to the *matura* exam have the result of discouraging parents from sending their children to schools teaching in minority languages, and creates pressure on them to choose Lithuanian-language public schools instead. Overall, minority students who wish to pursue university and higher education are in fact led to choose to forgo studies in their own language if they wish to stay in Lithuania, or leave and study in other countries.

Once again, there appears to have been no concern for Lithuania’s international obligations under the *Framework Convention*. To put it bluntly, this again appears as

³³ The concession included that graduates from public schools teaching in minority languages were to write an essay in Lithuanian containing less words than graduates from a public school teaching exclusively in the official language: up to 400 words instead of up to 500 words. On 7 November 2013, the Minister of Education revoked this concession, though maintained until 2019 the concession of minority students being able to make more mistakes. This extension could easily again be contested in court by using the equality provision in the *Constitution*.

³⁴ Judgment of 8 June 2013.

³⁵ Among those who lodged the complaint of discrimination is Lithuanian former education minister Gintaras Steponavičius. President Grybauskaitė herself stated in June 2013 that concessions such as this one ‘divides society’.

³⁶ *Petition against the new Education Act which discriminates against national minorities in Lithuania*, European Foundation on Human Rights, 3 September 2011, <http://en.efhr.eu/2011/09/03/petition-against-the-new-education-act-which-discriminates-against-national-minorities-in-lithuania/>. See also the *Appeal of the Forum of Parents from the Polish schools in Lithuania*, 10 November 2011, <http://en.efhr.eu/2011/11/10/appeal-of-the-forum-of-parents-from-the-polish-schools-in-lithuania/>

a weakening of the level of protection of national minorities since ratification of the FCNM – quite the opposite from what should have been occurring.

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 Government of Lithuania has not created the conditions necessary to ensure the effective participation of national minorities in the aspects of public life contained in Article 15: the opposite is true.

The lack of electoral materials in minority languages, especially in the electoral constituencies where they are concentrated, is inconsistent with the principle of creating conditions for the effective participation of minorities in public life.

Ironically, as indicated earlier, the Lithuanian Government did before 2006 once move in a way arguably consistent with the obligations under Article 15 and have some material translated and made available in minority languages during the referendum on whether to join the European Union. It was obviously done at the time in the belief, validated by referendum results, that some minorities were more likely to participate in this referendum if they were reached and informed in their own language. As soon as the referendum was completed, and Lithuanians including minorities overwhelmingly voted in joining the EU, a group of leading Lithuanian politicians moved to prevent any further use of national minority languages that might facilitate the ‘effective participation of persons belonging to national minorities in... public affairs’ by asking the Constitutional Court to ban the translation and use of electoral materials in minority languages as a threat to the official status of the Lithuanian language, which the Court did.³⁷

In a recent report, it was also noted that the current refusal of authorities to use minority languages in the 2012 parliamentary elections appears to lead to difficulties in recent elections for some minority voters, and that therefore:

The provision of information on voting procedures in minority languages, particularly in areas inhabited by large minority populations, could help

³⁷ Judgment of 10 May 2006 No. 25/03 (Lietuvos Respublikos Konstitucinio Teismo nutarimas dėl LR Vyriausios rinkimų komisijos įstatymo 3 straipsnio 6 dalies (2003 m. balandžio 10 d. redakcija) atitikties Lietuvos Respublikos Konstitucijai). The Constitutional Court also commented that citizens who were not ‘fully integrated’, i.e. were not fluent in the official language, did not need to be treated the same as citizens who did in matters of national consultations. See Elżbieta Kuzborska, *Legal Situation of National Minorities in Lithuania in the Context of International and Supranational Protection Standards*, Vilnius, 2012.

ensuring that national minority voters do not face language-related obstacles when voting.³⁸

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.

There have been recent changes to electoral boundaries which have weakened the chances of minorities (in this case Polish) from being elected to the Seimas. This flows from the decision of the Central Electoral Commission of July 2012 to change the boundaries of several constituencies, in effect taking two constituencies where the Polish minority represented more than half of voters and reducing them to one single constituency. The Commission justifies its decision by claiming that demographic indicators have changed – in some constituencies the population has greatly increased, in others – decreased.

In practice, this has meant the elimination of a constituency where the Polish minority was likely to elect a member to the Seimas, a measure which alters “the proportions of the population in areas inhabited by persons belonging to national minorities” and making it more difficult for this minority to exercise “the rights and freedoms flowing from the principles enshrined in the present framework Convention”.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Lithuanian authorities generally comply with the legal obligations of Article 17.

Article 18

³⁸ Office for Democratic Institutions and Human Rights, *Republic of Lithuanian Parliamentary Elections, 14 October 2012, OSCE/ODIHR Election Assessment Mission Report*, Warsaw, 3 January 2013.

1. *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

2. *Where relevant, the Parties shall take measures to encourage transfrontier cooperation.*

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

As indicated in previous sections of this report, the Government of Lithuania appears to be in breach of its obligations under Article 19 in that it seems to actively disregard all international obligations flowing from the *Framework Convention for the Protection of National Minorities* which are contrary or inconsistent with its own *Constitution* or legislation. There is little or no attempt to incorporate directly these obligations in light of the continuing failure to adopt new legislation on the protection of minorities, and the increasingly jurisprudence of the Constitutional Court and the Lithuanian Supreme Administrative Court which continue to use the official status of the Lithuanian language to dismantle even minimal measures for minorities.

5. Conclusion

Lithuania needs help: it cannot comply with its legal obligations under the *Framework Convention for the Protection of National Minorities* unless it strengthens existing legislation and enforcement mechanisms for human rights and the protection of minorities.

It would be a disservice to ignore the growing signs of cavalier disregard towards the rights of national minorities and Lithuania's legal obligations under the *Framework Convention for the Protection of National Minorities*.

Unfortunately, as this Shadow Report points out, the trend when sees since the ratification of the *Framework Convention* has not been encouraging. The information presented in this report shows a clear and worrying tendency: by and large, Lithuania recent years has steadily been moving towards a more exclusionary approach, where the culture and language of the Lithuanian majority have increasingly dominated and even displaced all others in the public, and lesser extent private, sphere.

Having an official language is not the issue here: Lithuania is perfectly entitled to adopt and promote this important symbol of its national identity. However, as the *Framework Convention for the Protection of National Minorities* clearly indicates, an official language does not entitle state authorities to discriminate or exclude minorities: national minorities have rights which must be protected under the treaty's international legal obligations.

Yet, Lithuanian political and judicial authorities have since the ratification of the *Framework Convention* increasingly adopted legislation that makes the Lithuanian language not only pre-eminent: they have also made the language an exclusive one, increasingly limiting the use of minority languages, even in areas that are central to one's identity such as a person's own name in their own language – something viewed as extreme in most other democratic countries.

It should be also note that any positive initiatives in this regard, including those following the consultations by Ministry of Culture on a draft law on national minorities, meets strong opposition. The rights of national minorities are being opposed at times by politicians and officials who raise what they see as the 'national values' of the Lithuanian state: language, integrity and unity. Lithuanian society, politicians and courts appear to be insensitive, unaware or unknowledgeable about the need to protect minorities.

In its programme of 13 December 2012, the Lithuanian Government made the commitment to resolve national minorities issues such as the spelling of names and surnames in minority languages in official documents, as well as the use of bilingual street signs and topographical designations in line with the provisions of the *Framework Convention*. There has been until now no significant measures taken in this regard.

This is not a healthy situation when national minorities do not have a sense that state authorities respect and engage with them. That unfortunately seems to be what has been occurring in Lithuania in recent years.

APPENDIX I

Law on Ethnic Minorities

English translation:

<http://www.litlex.lt/litlex/Eng/Frames/Laws/Documents/215.HTM>

The Lithuanian SSR shall guarantee to all its citizens regardless of ethnicity, equal political, economic, and social rights and freedoms, shall recognise its citizens' ethnic identity, the continuity of their culture, and shall promote ethnic consciousness and the expression thereof.

People of all ethnic groups residing in Lithuania must observe the Fundamental Law of the Lithuanian SSR and other laws, protect Lithuania's state sovereignty and territorial integrity, contribute to the establishment of an independent, democratic state in Lithuania, and respect Lithuania's state language, culture, traditions, and customs.

Article 1. The Lithuanian SSR, adhering to the principles of ethnic equality and humanism, shall guarantee to all ethnic minorities residing in Lithuania the right to freely develop, and shall respect every ethnic minority and language.

Any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity shall be prohibited and punished under the procedures provided by the laws of the Lithuanian SSR.

Article 2. The state shall provide equal protection for all the citizens of the Lithuanian SSR, regardless of ethnicity.

The Lithuanian SSR, taking into account the interests of all ethnic minorities shall guarantee them the right under the law and the procedures thereunder:

- to obtain aid from the state to develop their culture and education;
- to have schooling in one's native language, with provision for preschool education, other classes, elementary and secondary school education, as well as provision for groups, faculties and departments at institutions of higher learning to train teachers and other specialists needed by ethnic minorities;(amended on 29 January 1991);
- to have newspapers and other publications and information in one's native language;
- to profess any or no religion, and to perform religious or folk observances in one's native language;
- to form ethnic cultural organisations;
- to establish contact with persons of the same ethnic background abroad;

- to be represented in government bodies at all levels on the basis of universal, equal, and direct suffrage; and
- to hold any post in the bodies of state power or government, as well as in enterprises, institutions or organisations.

Article 3. Depending on demand and capacity, Lithuanian institutions of higher learning and specialised secondary schools, through contract with state and public organisations, shall train specialists to respond to the needs of particular ethnic cultures.

When necessary, citizens of Lithuania may be sent abroad to study.

Article 4. In offices and organisations located in areas serving substantial numbers of a minority with a different language, the language spoken by that minority shall be used in addition to the Lithuanian language. (amended on 29 January 1990)

Article 5. Signs used in the areas indicated in Article 4 of this law may be in the Lithuanian language and in the language used by that minority. (amended on 29 January 1990)

Article 6. Historical and cultural monuments of ethnic minorities shall be considered part of the cultural heritage of Lithuania and shall be protected by the state.

Article 7. Cultural organisations of ethnic minorities shall also have the right to establish educational and cultural institutions on their account. The state shall provide aid to organisations and institutions that serve these minorities' educational and cultural purposes. (amended on 29 January 1990)

Article 8. Every citizen of the Lithuanian SSR upon obtaining a passport shall be free to identify his ethnicity on the basis of the nationality of his parents or of one of his parents.

Article 9. Public and cultural organisations of ethnic minorities shall be established, shall function, and shall be dissolved or terminated according to the procedures established by law. (amended on 29 January 1990)

Article 10. Public committees of ethnic minorities may be established through the Supreme Soviet and Local Soviets of People's Deputies of the Lithuanian SSR. The composition of such committees shall be coordinated with the public organisations of such ethnic minorities. The powers of these committees shall be established by the bodies that form them.

Under the Council of Ministers of the Lithuanian SSR, a Committee on Ethnic Minorities shall be established to address the social and cultural needs of ethnic minorities.

Vilnius, 23 November 1989

No XI-3412

APPENDIX II

Decree of the Lithuanian Government No.520 "Order for Implementation of the Basic Regulations of the Framework Convention for Protection of National Minorities"

On 7 May 2001 the Government of the Republic of Lithuania adopts the following resolution:

1. To endorse conclusions of the permanent commission created on the basis of the Resolution of the Government of Lithuania No.1069 as of 7 September 2000 "Concerning a Creation of Permanent Commission to Prepare Information of the Republic of Lithuania about Implementation of the Framework Convention for Protection of National Minorities" (Official Gazette, 2000, No. 77-2340) that while implementing para 2 of Article 2 of the Law of the Republic of Lithuania concerning ratification of the Framework Convention for Protection of National Minorities of the Council of Europe, laws and legal acts of the Republic of Lithuania are essentially in conformity with requirements of the convention.
2. To assign the Ministry of the Interior to prepare a draft supplement of the Resolution of the Government of the Republic of Lithuania No.1395 as of 27 November 1996 "Concerning Order for Granting, Changing and Accounting of Numbers of Buildings and Apartments of Houses and Approval of Order for Granting of Names to Streets, Buildings and Establishments and Other Objects and Their Enrolment into Accounting" (Official Gazette, 1996, No. 116-2723) which regulate use of informational notes in language of ethnic minority until 15 September 2001.

APPENDIX III

Law on the Principles of State Protection of Ethnic Culture

21 September 1999. No. VIII – 1328

Source: Seimas of the Republic of Lithuania, official translation,
<http://www3.lrs.lt/n/eng/DPaieska.html>

Preamble

The Seimas of the Republic of Lithuania,

- cognisant of the fact that ethnic culture constitutes the essence of national existence, survival and strength;
- stating that the various forms of Lithuanian ethnic culture and particularly its living traditions are in obvious danger of extinction;
- acknowledging that only a nation which relies upon its culture can support the civic maturity of the members of its society, participate in universal civilisation as an equal partner and maintain dignity, self-sufficiency and originality necessary for such partnership and co-operation,
- approves this Law on the Principles of State Protection of Ethnic Culture.

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1. Purpose of Law

This Law shall establish the general principles of State protection of Lithuanian ethnic culture, and means and conditions Council for the Protection of Ethnic Culture and continuity and enrichment insofar as this shall not be regulated by other laws.

ARTICLE 2. The Basic Definitions of this Law

1. Archival Material on Ethnic Culture means collected, fixed, inventoried and stored valuable items of ethnic culture (audio, video recordings, manuscript collection, iconographic materials, museum exhibit items, etc.)
2. Owner of Archive Original is a collector or other person, who has assumed the rights to the original archival material of ethnic culture.
3. Person means a natural or legal person or an enterprise not having the status of a legal person.
4. Ethnic Culture includes the sum total of cultural properties, created by the entire nation (etnos), passed from generation to generation and constantly renewed, which makes it possible to preserve the national identity and consciousness and uniqueness of ethnographic regions.
5. Living Tradition of Ethnic Culture is the transfer of inherited culture, its creation and revival.

6. Heritage of Ethnic Culture means ethnic cultural values created in the past and preserved to current times.

7. Entities of Ethnic Culture are the people creating ethnic culture properties and conveying, nurturing and accumulating them.

8. State Protection of Ethnic Culture includes legal, organisational, economic and financial means through which the State guarantees the continuity of living tradition and creation, accumulation, protection, research and popularisation of ethnic culture properties.

9. Properties of Ethnic Culture include fixed and unfixed items of national significance of spiritual and material ethnic culture.

10. Ethnographic Region is a historically-formed part of territory, in which a distinctive dialect, traditions and customs have been preserved and the heritage of the Baltic tribes has been integrated.

11. Presenter is a person who renders authentic ethnic cultural properties, which have been acquired and preserved by living tradition or supplies information regarding such.

12. Collector is a person who records, fixes and (or) assembles ethnic culture properties.

13. Author of Transcription is a person who conveys in writing a musical and (or) verbal text from an archival audio recording.

ARTICLE 3. Legal Principles of State Protection of Ethnic Culture

State protection of ethnic culture shall be implemented according to the Constitution of the Republic of Lithuania, this and other laws and legal acts and international agreements.

ARTICLE 4. Tasks of State Protection of Ethnic Culture

The tasks of State protection of ethnic culture shall be as follows:

- 1) to guarantee the preservation and of cultural heritage and continuity of living tradition;
- 2) to guarantee the preservation, recognition, fixing and rendering of ethnographic, regional traditions of Lithuania;
- 3) to form and legalise institutions consolidating State protection of ethnic culture and a system of ethnic culture institutions or branches thereof subordinate to them;
- 4) to ensure an opportunity for all members of society to become acquainted more thoroughly with ethnic culture and the diversity of its expression and to guarantee the accessibility of archival ethnic culture;
- 5) to develop scientific research of all branches of ethnic culture;
- 6) to educate a personality of mature national awareness through integrating ethnic culture with the education system;
- 7) to nurture the expression of ethnic culture which exists in natural surroundings;

- 8) to develop ethnic uniqueness of language, ensure the survival of dialects and ethnic place names;
- 9) to support events popularising ethnic culture;
- 10) to create conditions for improvement of the skill of entities (creators and performers);
- 11) to ensure protection of the rights of ethnic culture entities;
- 12) to guarantee propagation of ethnic culture through public media and computer networks, support spreading Lithuanian ethnic culture universally and promote acquaintance with the culture of other nations of the world;
- 13) create conditions, diminishing the influence of mass culture, which is harmful to national culture;
- 14) to support the ethnic culture of Lithuanians residing abroad, take care to preserve their national identity and cultural co-operation with fellow countrymen in Lithuania;
- 15) to provide State support for Lithuanian ethnic culture heritage, remaining in Lithuanian ethnic lands and to protect it.

CHAPTER II

REGULATION OF STATE PROTECTION OF ETHNIC CULTURE

ARTICLE 5. Institutions Ensuring State Protection of Ethnic Culture

1. The following institutions shall ensure state protection of ethnic culture:

- 1) The Council for the Protection of Ethnic Culture which is a State consulting and expert institution, whose statutes and structure are approved by Government resolution, based upon the proposals of public and state institutions, linked with the protection of ethnic culture;
- 2) the Government, ministries and institutions of State protection of ethnic culture allocated to their administrative sphere and their subdivisions;
- 3) regional Councils for the protection of ethnic culture namely, regional subdivisions of the Council for the Protection of Ethnic Culture, to which according to the procedure established the Council for the Protection of Ethnic Culture, representatives shall be delegated by public and State institutions active in the ethnographic region and linked with ethnic culture protection;
- 4) county governors;
- 5) local government institutions.

2. Competence of state institutions of the Council for the Protection of Ethnic Culture shall be as follows:

- 1) The Council For the Protection of Ethnic Culture shall assist in the formation and implementation of ethnic culture policy, co-ordinate State protection of ethnic culture, submit conclusions and proposals to State institutions regarding ethnic culture issues;

2) The State shall guarantee necessary State support of ethnic culture; ministries shall according to their competence ensure implementation of the ethnic culture policy, and create conditions for ethnic culture activities in institutions belonging to their sphere of administration;

3) regional councils for the protection of ethnic culture shall assist county governors and local government institutions in resolving issues Council for the Protection of Ethnic Culture within the ethnographic region;

4) the county governors shall be involved in decisions involving all ethnic culture issues occurring in the ethnographic regions within county territory, support the existing and found new institutions necessary for protection of ethnic culture and divisions thereof, and staff positions;

5) municipalities shall be involved in the protection and strengthening of local ethnic culture institutions, support the existing and (or) found new institutions necessary for the protection of ethnic culture or divisions thereof, staff positions, organise collection of ethnic culture properties, defining and research, in co-operation with the country's institutions of scientific research and methodical institutions and organisations.

ARTICLE 6. Accumulation, Protection, Research of Ethnic Culture Properties and Co-ordination of these Activities

1. The institutions which guarantee State protection of ethnic culture shall develop according to their competence, a system of institutions that accumulate, protect and research ethnic culture properties, based upon co-ordination of their interaction and common system of information.

2. The Ministries of Culture and Science and Education shall ensure that conditions in keeping with archival material storage requirements of the Council for the Protection of Ethnic Culture be created at institutions for storing the archival materials and computer systems be set up.

3. Properties of ethnic culture shall be accumulated, kept and researched by:

1) archives, depositories, museums and libraries;

2) science and study institutions;

3) public organisations.

4. With the consent by the Council on Ethnic Culture, the founder may extend the status of archive of a specialised ethnic culture branch to depositories, which have amassed the most archival material of a certain ethnic culture branch.

5. Science and study institutions shall prepare specialists for work in institutions of ethnic culture accumulation, protection and research, conduct research of the processes of ethnic culture inheritance and living tradition.

ARTICLE 7. Legal Regulation of the Accumulation and Use of Ethnic Culture Properties

1. Persons engaged in systematic collection and accumulation of ethnic culture properties must observe the regulations of collection and accumulation of ethnic culture properties approved by the Council for the Protection of Ethnic Culture.

2. A collector must obtain the approval of the presenter, in order to fix and describe ethnic culture properties.
3. Publication of confidential nature information shall only be permitted upon the approval of the presenter.
4. If the presenter is used for commercial purposes as a performer, he shall have the right to receive compensation.
5. Persons accumulating material ethnic culture properties, shall compensate the presenter for such according to the agreement and legalise acquisition of said properties according to the procedure established by legal acts.
6. Each person shall have the right to acquaint himself with archival material on ethnic culture kept at the municipal institution and public organisation depositories.
7. Archives of ethnic culture properties, depositories, and scientific and study institutions shall have the right to obtain copies of archival material on ethnic culture of other archives, depositories and other institutions and also, those accumulated by natural persons, the procedure of acquisition and use whereof shall be established by agreements with the owner of the archival original.
8. Use of archival ethnic culture material shall be permitted free of charge for science and education purposes.
9. Use of archival ethnic culture material for commercial purposes shall only be permitted upon receipt of concurrence by owner of the archival original, presenter and compiler of the collection. They shall be compensated according to the procedure established by agreements.
10. In using archival material on ethnic culture, the owners of archival originals, codes of archival originals and inventory numbers must always be indicated.
11. Laws protecting authors' rights shall defend the right of the compilers of ethnic culture property collections. A collection compiler must indicate in the collection the presenters, collectors, author of transcription, owners of archival originals, codes of archival originals and inventory numbers.
12. Unique material properties of ethnic culture shall be included in the Republic of Lithuania Registers of Immovable and Movable Cultural Properties, and it may not be taken abroad without being returned, but may be taken abroad temporarily in accordance with the procedure established by legal acts.

ARTICLE 8. Continuity and Popularisation of Ethnic Culture

1. The Council for the Protection of Ethnic Culture shall initiate and assist the Government in the preparation of a State programme on development of ethnic culture and co-ordinate implementation thereof.
2. The Council for the Protection of Ethnic Culture shall initiate and assist the Government in the preparation of long-term plans of ethnographic regions of Lithuania, drafts of preservation of

villages, ensuring the development of the production and cultural activity development of entities of ethnic culture.

3. The Government shall initiate development of ethnic language uniqueness, ensure preservation of dialects and ethnic place names and organise replacement of foreign words found in the Lithuanian language, by Lithuanian equivalents.

4. Institutions attributed to the supervision sphere of the Ministry of Culture, according to their competence shall:

1) accumulate information on the existence of the living tradition of ethnic culture and manifestation thereof in Lithuania and Lithuanian communities abroad;

2) Provide methodical and organisational support in the ethnic culture area to county and municipality institutions;

3) publish informational and methodical publication popularising ethnic culture;

4) organise events popularising ethnic culture;

5) support authentic forms of ethnic culture expression existing in natural surroundings;

6) hold courses for improvement of workers who are engaged in ethnic culture work

5. The State shall accord priority to ethnic culture-oriented draft projects in architecture, landscape, nature protection, tourism and refreshing of regional traditions.

6. The State shall promote and support restoration and popularising of calendar feast days, trades, sports branches, games and other forms of activity based upon ethnic culture.

7. The State shall support non-governmental organisations (unions, associations, clubs, ensembles and other forms of folklore expression), which protect ethnic culture, promotes and co-ordinates their efforts to become acquainted with, develop and propagate ethnic culture.

8. According to the procedure established by laws, State and municipal institutions may furnish on a loan basis, facilities or other property necessary for the activity of ethnic culture entities.

9. The Radio and Television Council of Lithuania, in establishing broadcasting (duration and content) of ethnic culture broadcasts, shall consider the proposals of the Council for the Protection of Ethnic Culture.

ARTICLE 9. Development of Ethnic Culture

1. The Ministry of Education and Science and institutions assigned to its area of administration, seeking to ensure transfer of ethnic culture and nurturing thereof within the formal and informal education system shall:

1) integrate ethnic culture into all types and levels of educational institution training programmes;

2) create the conditions for introduction of an ethnic culture course in general education schools;

- 3) promote versatile ethnic culture activities within the area of supplementary education;
 - 4) develop the uniqueness of ethnic language in educational institutions, ensure the knowledge of ethnographic region uniqueness and local traditions;
 - 5) legalise those already in existence and if necessary, found new, specialised ethnic education institutions or subdivisions thereof.
 - 6) ensure training of ethnic culture teachers and specialists and provide for the raising of their qualifications to work as such;
 - 7) support publication of ethnic culture instruction means;
 - 8) integrate ethnic culture with training programmes in universities, colleges and vocational schools for specialists of various areas linked with ethnic culture development (cultural workers, teachers, architects, dress designers, textile workers, craftsmen, food industry workers, agricultural specialists, environmentalists, sportsmen etc.).
2. The Ministry of Education and Science together with municipalities shall create the conditions necessary to request the services of ethnic culture entities (folk artists, musicians, singers etc.) for the purposes of education in ethnic culture and studies.
 3. The Ministry of National Defence along with the Ministry of Education and Science shall include ethnic culture in training of military personnel and patriotic education programmes.

CHAPTER III

FUNDING

ARTICLE 10. Sources of Funding State Protection of Ethnic Culture

1. State and municipal activities linked with ethnic culture protection, shall be funded from the State Budget, municipal budgets, Foundation for Ethnic Culture Protection and other culture and science Foundation resources.
2. The Ministries of Culture and Education and Science shall support the institutions of ethnic culture attributed to their area of administration and fund ethnic culture programmes.
3. County governors and municipalities shall support the institutions of ethnic culture, fund the programmes of its region's collection, conservation, restoration, research and popularisation of ethnic culture properties.
4. The Ministries of Culture and Education and Science shall fund events dedicated to research in ethnic culture (symposiums, conferences etc.), studies of those engaged in ethnic culture research and participation in science events abroad.
5. The Ministries of Culture and Education and Science and State and other science and culture foundations shall support the production and popularity of expert-approved periodical publications of ethnic culture, scientific work, preparation for publication and publishing of publications, and preparation, production and popularisation of movies and videos, sound, and computer recordings intended for ethnic culture representation and education.

6. The Ministry of Culture, county administrations and municipalities shall finance or support feast days of regions cities and towns, based on ethnic culture and also local and international folklore festivals and other events intended for popularising of ethnic culture.

7. The Foundation for the Support of the Press, Radio and Television, taking into consideration the recommendations of the Council For the Protection of Ethnic Culture, shall support the programmes of public media preparers, intended for popularising periodical publications of ethnic culture.

ARTICLE 11. Foundation For Protection of Ethnic Culture

1. The Government of the Republic of Lithuania shall be the founder of the Foundation (further- Foundation) for the Protection of Ethnic Culture. The Foundation shall be a legal person, acting in accordance the Government- approved regulations per recommendation of the Foundation for the Protection of Ethnic Culture. The Foundation shall be accountable to the Government and the Council For the Protection of Ethnic Culture and submits an annual report on its financial activity.

2. The sources of foundation funds shall include:

- 1) subsidies from the State Budget;
- 2) support by international institutions and organisations which protect ethnic culture;
- 3) interest of credit institutions, paid for the foundation funds kept there;
- 4) volunteer contributions by legal and natural persons;
- 5) other legally obtained funds.

3. Basic tasks of the foundation shall be as follows:

- 1) to support long-term programmes and projects in identification, collection and protection of ethnic culture properties;
- 2) to support long-term programmes and projects which assist in the nurturing of the continuity of living tradition of ethnic culture;
- 3) to support programmes of research in ethnic culture, and publication of ethnic culture property collections;
- 4) to award prizes to most deserving architectural and other projects based upon ethnic culture;
- 5) to assign grants to students, funds for researchers of ethnic culture for interning in the country's or foreign scientific and study institutions, to participate in scientific conferences and also prizes and awards to persons distinguished in the field of ethnic culture and authors of worthy projects.

CHAPTER IV

FINAL PROVISIONS

ARTICLE 12. Implementation of the Law

The Government of the Republic of Lithuania shall:

- 1) confirm the structure and bylaws of the Council for the Protection of Ethnic Culture and assigns premises for this council;
- 2) confirm the bylaws of the Foundation for Protection of Ethnic Culture and establish a Foundation For the Protection of Ethnic Culture;
- 3) by December 31 of the year 2000, shall prepare a preservation programme of dialects and ethnic location names and establish the procedure of implementing of changes of foreign words into Lithuanian equivalents;
- 4) by December 31 of the year 2000, prepare a State programme of Ethnic Culture Development;
- 5) by December 31, 2000, prepare a long-term programme for preservation of ethnographic villages in Lithuania.

I promulgate this Law passed by the Republic of Lithuania Seimas.

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

November 2013

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