



Lithuanian
Centre for
Human
Rights



JOINT UPR SUBMISSION OF
Lithuanian Centre for Human Rights, Lithuanian Disability Forum, Diversity Development Group,
Lithuanian Jewish (Litvak) Community, National LGBT* Rights Organization LGL and Roma
Community Centre
LITHUANIA
March 19, 2016

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¹ **Lithuanian Centre for Human Rights (LCHR)** – NGO, focused on HR education, research and advocacy in implementation of EU’s and international HR standards, respect for diversity, principles of equality and non-discrimination.

² **Lithuanian Disability Forum (LDF)** – the biggest umbrella organisation representing the rights of the disabled in Lithuania and is a leading voice among the Lithuanian organisations of the disabled. Its mission is to unite Lithuanian non-governmental organizations (NGOs) of persons with disabilities, to represent the rights and the interests of persons with disabilities on the political level, and to actively participate in developing social policy of the State. The LDF publicises the provisions of the UN Convention on the Rights of Persons with Disabilities (Convention), which was ratified by Lithuania in 2010.

³ **Diversity Development Group (DDG)** – a NGO with an objective to carry out scientific, applied and infrastructural projects in the fields of human rights, education, equal opportunities, diversity and migration.

⁴ **Lithuanian Jewish (Litvak) Community** – umbrella organization representing rights and interests of Lithuanian Jewry.

⁵ **The National LGBT* Rights Organization LGL** is the main NGO representing the human rights interests of the Lithuanian LGBT* citizens.

⁶ **Roma Community Centre (RCC)** – NGO, focused on implementing and monitoring of programmes of Roma integration and inclusion.

I. SUMMARY

1. NGOs acknowledge the state's efforts to improve human rights situation in Lithuania, overall, public authorities became more aware of the fact that discrimination is one of the main elements preventing the integration of different ethnic communities within the Lithuanian society and therefore actions have to be taken.
2. NGOs recognise the efforts of the Ministry of Justice in organisation of consultation process, involving different representatives of other ministries and state institutions. It has to be noted that other ministries even if obliged themselves on the first meeting considering the recommendations submitted but the UN Human Rights Committee to involve NGOs in discussing a more effective implementation of recommendations in their specific working fields, none of these meetings were organised.
3. Nevertheless it is essential to stress that during the reporting period Lithuania failed to fully and effectively implement majority of recommendations concerning non discrimination issue.
4. In this submission cooperating NGOs provide information on Lithuania's results implementing recommendations accepted in previous UPR cycle and highlight their concerns about (1) Racial discrimination issues (2) State's anti-discrimination policies and legal framework (3) Rights of minorities groups, migrants, refugees and asylum seekers. NGOs make several recommendations for action by Lithuanian government to better address these areas of concern.

II. RELEVANT NATIONAL LEGAL FRAMEWORK

- 5.1. Law on Equal Opportunities.
- 5.2. Law on Men and Women Equal Opportunities.
- 5.3. Law on the Legal Status of Aliens.
- 5.4. Law on the Elections of the Municipalities Councils.
- 5.5. Law on the Political Parties.
- 5.6. Order of the Culture Minister on the ratification of the Roma Integration Action Plan for the 2015-2020.
- 5.7. Order of the Social Security and Labour Minister on the ratification of Aliens Integration Action Plan for the years 2015-2017.

III. LITHUANIAN COMPLIANCE WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

ANTI – DISCRIMINATION

Related recommendations, no.: 88.2., 88.10., 89.12-89.15, 89.16., 89.17., 89.18., 89.31.⁷

6. It should be noted that most of Lithuanian anti-discriminatory laws are in compliance with EU directives and state's international obligations. Nevertheless the mechanism on implementation of

⁷ Rec.no. 88.2. Strengthen mechanism for the implementation of legislation in force including laws against discrimination and the manifestation of racism.

Rec.no. 88.10. Reinforce the Ombudsman on Equal Opportunities, including through providing this office with adequate funding in order to ensure its compliance with international standards in this regard.

Rec.no. 89.12-89.15 Establish a national human rights institution in accordance with the Paris Principles.

Rec.no 89.16. Explore possibilities to further strengthen the competence, role and mandate of the human rights protection offices.

Rec.no 89.17. Continue to optimise the activities of its mechanisms for the protection of human rights by establishing a coordinating Human Rights Council as a part of Ombudsman institution to ensure compliance of the institution framework with the Paris principles.

Rec.no 89.18. Establish a national human rights commission in compliance with the Paris Principles as soon as possible and make it adequately resourced

Rec.no 89.31. Take concrete measures aimed at facilitating access to the labour market to persons with disabilities, notably the adoption of a law in this regard.

legislation has not been amended significantly. Ombudsperson on Equal Opportunities has been finally appointed after two years of absence, but institution's effectiveness is questionable. The other persistent issue – establishment of National Human Rights Institution has not been addressed properly by Lithuanian parliament and as a result Lithuania still doesn't have Institution which would encompass the competence as stipulated in the Paris Principles.

7. To this date Lithuania has not established a national human rights institution in accordance with the Paris principles. Seimas Committee on Human Rights has founded a working group to prepare legal procedures and work on drafting laws for an establishment of such institution within Seimas Ombudsperson bureau. Nevertheless current Law on Seimas Ombudspersons fails to encompass all the powers and competences established by the Paris Principles. The Human Rights bureau was created in the Office and is mostly preoccupied with the implementation of OPCAT, prevention of torture. Therefore Lithuania still does not have a Human Rights Institution that would have a proactive role in drafting human rights policy in Lithuania, perform permanent human rights monitoring, make annual reports on the situation of human rights, etc. (in relation to rec.54-58,60,61).

8. The Ombudsperson for Equal Opportunities was appointed by the Lithuanian Parliament in June, 2015. For two years in a row institution lacked permanent chief mainly because of political cross-purposes. Such situation could serve as an example that anti-discrimination work isn't considered a priority by the parliament. (in relation to rec.2,10).

9. NGOs aren't aware of any actions taken on the State's behalf in order to strengthen the role of Ombudsperson. Effectiveness of institution is questionable due to a lack of authority. Legally, the Ombudsperson has the competence to investigate complaints on discrimination, but its decisions do not have a compensatory effect to the victim. The Ombudsperson has a right to impose administrative sanctions (according to Administrative Violations Code), however they can hardly be considered to be of an effective, proportionate and dissuasive character. The Ombudsperson rarely issues fines as an administrative sanction. Mostly the decisions of the Ombudsperson are warnings of a recommendatory character. Thus effectiveness of sanctions remains unsolved. The victims' right to claim compensation for racial discrimination remains the only provision which could be considered effective. Additionally, considerable invisibility of the institution could be noticed in a public life, this could be due to a legal indeterminacy when for 2 years in a row office lacked permanent chief as well as due to dearth of Ombudsperson's proactive role until the new Ombudsperson was appointed. (in relation to rec.59).

10. The requirement of the Race Equality Directive regarding the engagement of associations in judicial proceedings on behalf of or in support of the victim has been transposed to the national law – the Code of Civil Procedure mentions the right for associations to engage in judicial process. Except, the current law on Equal Opportunities limits the number of NGOs, which in theory could engage in legal proceedings on behalf of the victim to those associations who have a provision in their founding documents, that the representation of victims of racial or ethnic discrimination at courts is their field of work⁸. It is doubtful, that at present there are such NGOs at national level that could fully match the criteria⁹.

11. Although monitoring of the UN Convention on the rights of persons with disabilities, as it relates to the implementation of the promotion of equal opportunities, was recommended to be implemented by the Office of Equal Opportunities Ombudsperson in 2010, this function is not yet included in the legislation applicable to the activities of this Office¹⁰. Since 2010, the Office has not received any funds to perform this monitoring function, and the Office employs one person who specializes in the field of

⁸ The Law on Equal Opportunities. Official publication, Valstybės žinios, 2003-12-05, Nr. 114-5115. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=312549.

⁹ ENAR Shadow report 2009/2010, Racism and Discrimination in Lithuania, Gediminas Andriukaitis and Nerijus Kliukas, Lithuanian Centre for Human Rights, unpublished version.

¹⁰ The Office of Equal Opportunities Ombudsperson investigates complaints on the discrimination cases against persons with disabilities while performing the functions assigned to it by the Law on Equal Treatment of the Republic of Lithuania.

non-discrimination and protection of rights of persons with disabilities. According to the annual activity reports of the Office, in 2012-2013 the Office did not perform any additional activities in the field of Convention monitoring. Even if Ombudsperson office would receive the funds to perform the monitoring function, it would be limited to the equal opportunities area. The Ombudsperson office is not compliant with the Paris Principles and does not have any status attributed.

12. Recommendations:

12.1. Lithuania must establish National Human Rights institution in accordance with the Paris Principles.

12.2. Reinforce the competence of Equal Opportunities Ombudsperson. Provide broader scope of sanctions applicable at Equal Opportunities Ombudsperson's discretion. Assign more proactive roles for an Ombudsperson: consider the possibility to establish Ombudsperson as a proactive mediation body, to apply testing mechanisms to find out discriminatory patterns of people belonging to stigmatized groups, to visit workplaces or other scenes of potential discrimination in order to talk with employers and employees, assist and legally represent victims of discrimination in courts and assist them in filing complaints.

12.3. Amend current legislation establishing more possibilities for associations to engage in judicial proceedings on behalf of or in support of victim of discrimination.

12.4. Adopt legal provisions appointing Equal Opportunities Ombudsperson for monitoring of the implementation of the Convention, as part of the independent monitoring mechanism for the Convention, and ensure sufficient financial and human resources to perform the monitoring function.

HATE CRIMES

Related recommendations, no.: 88.7., 88.8., 88.18., 88.19., 88.20., 88.23., 88.24., 88.25.¹¹

13. Despite the fact that Ministry of Interior provides data on hate-motivated offences NGOs indicate that currently there are no comprehensive and reliable information on the frequency of hate crimes due to the insufficiency of the legal mechanism for dealing with such offences. The total majority of offences registered are categorized as an incitement to hatred, thus reducing the amplitude of hate crimes to only one offence type. Public officials lack training to make them more acquainted with cases of racial discrimination, racial hatred and hatred on the grounds of sexual orientation or disability as well as skills to recognize their personal bias and thus promote distrust minorities which contributes to under-reporting of discrimination cases and hate crimes.

14. During the interviews conducted by NGOs with different communities it emerged that members of communities consider that police frequently fails to perceive crimes perpetrated against ethnic and other minorities as having hate motivation. There are cases reported to NGOs than members of ethnic minorities had struggled to persuade officials that offences committed against them had racial/hate motivation, even than racially obnoxious language were used. Some communities reported that crimes have not been investigated or they have not been informed on the outcome of investigations for up to

¹¹ Rec. no 88.7. Take appropriate steps to ensure the full application of existing legislation on combating racism and racial discrimination.
Rec.no. 88.8. Strengthen its legislation, notably its criminal legislation, relating to the punishment of racist acts and take concrete and effective measures with a view to combat all forms of discrimination and to prohibit as well as sanction in a more severe manner such behaviours.

Rec.no. 88.18. Ensure that racist and xenophobic incidents are effectively prosecuted.

Rec.no. 88.19. Establish, at the earliest, an action plan aimed at preventing racist assaults, so as to allow members of vulnerable groups to live in security and dignity.

Rec.no. 88.20. Further strengthen measures to prevent and combat discrimination and to investigate allegations of hate crimes.

Rec.no. 88.23. Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-Semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including Lesbian, Gay, Bisexual, and Transgender individuals and the Roma community.

Rec.no. 88.24. Consider/Study the possibility to take additional measures to combat discrimination against LGBT people.

Rec.no. 88.25. Take action in order to avoid discrimination of LGBT persons, in practice and through law.

3 years even in serious offences cases. Such situation adds to under-reporting as communities don't possess confidence in Lithuanian legal system and doesn't believe that their rights would be properly protected. The mechanism for recording hate crimes is insufficient, frequently racially motivated crimes are registered as assaults or hooliganism and their racial hate motivation remains unrecorded. The Police Department so far does not have a mechanism, known to NGOs, as a community outreach mechanism or a person that would be advisor for diversity. There is no special division in the Attorneys General's office for investigation of hate crimes since 2011. (In relation to rec.no.7,8,18).

15. Data regarding some racially motivated offences are recorded and published online on a regular basis by the Lithuanian Ministry of Interior. Nevertheless current data collection mechanism is incomplete. Information on crimes committed against religious minorities isn't collected, as well as sufficient information on ethnic background of the victims. Ethnic data is only confined to victims of Polish, Russian and Lithuanian descent. Whereas civil society organizations have recorded racist offences that targeted individuals from different ethnic communities, including Jewish, Polish, Muslim, Roma and people of colour.

16. The law enforcement officials in Lithuania seek to downplay the phenomenon of hate speech on grounds of sexual orientation by refusing to investigate submitted complaints. In the period between 2013 and 2015 the association LGL submitted twenty four complaints based on two hundred and six instances of alleged hate speech online to the law enforcement structures. Based on these complaints, 28 pre-trial investigations were initiated in 2013, thirteen in 2014 and eight in 2015. Interestingly enough, all of these pre-trial investigations were either halted or terminated, thus not leading to the actual identification and/or punishment of alleged perpetrators. The national authorities also do not collect the disaggregated data on hate speech on grounds of sexual orientation. As a result it is not possible to identify on how many instances the homophobic hate speech was punishable through criminal sanctions¹². It can be concluded that the Lithuanian authorities systematically fail in providing effective remedies for the alleged victims of homophobic hate speech, because the current system of legal redress seems to be not effective in practice.

17. Official statistics indicates hate crimes reduction. These officially proclaimed tendencies disagree with civil society organizations' observations. According to official data during March, 2014-March, 2015 – a total number of recorded racial incitement of hatred acts were 90, out of them – 7 were incitement of hatred cases towards a person or group of persons because of their race, 25 – because of their ethnic belonging, 5 – their religion, 54 – other group belonging¹³. Officially all racial crimes are registered as incitement of hatred and thus „there appears to be a gap in official data collection as no other type of racist crime has been recorded. Civil society organizations have identified that racially motivated crimes consist of a range of crimes including physical assault and serious harassment, damage to property and incitement to hatred. Furthermore, victims report that they experience multiple and repeated acts of racist crimes so the picture is particularly complex¹⁴.

18. Whether crime will be registered as a hate crime depends solely on perception of a police officer. There is no further correlation between initial crime registering phase and the outcome of criminal procedure. Therefore a common recording and reporting interface for law enforcement officials, the prosecution and the judiciary, in accordance with data protection standards, should be developed to

¹² The data about criminal offences, punishable under the separate articles of the Criminal Code, is provided by the Information Technology and Communications Department under the Ministry of Interior of the Republic of Lithuania. However, the data under the Article 170 (i.e. prohibition of hate speech) does not specify, under which ground the offence was committed. For example, for the statistical data under the Article 170 in 2015, please see the data line No.7,http://www.ird.lt/statistines-ataskaitos/wp-content/themes/ird/reports/html_file.php?metai=2015&menuo=12&ff=1G&fnr=6&rt=1&oldYear=2015.

¹³ Summary made for the Research on Afrophobia in Lithuania, carried out by the Lithuanian Centre for Human Rights for the ENAR shadow report on Afrophobia in Europe, October 15, 2015.

¹⁴ Briefing of the research on racist crime in Lithuania carried out by Lithuanian Centre for Human Rights for the 2013/14 ENAR Shadow Report on racist crime in Europe, published in May, 2015.

MINORITIES

Related recommendations, no.: 88.6., 88.16., 88.35., 88.36., 88.38., 88.40., 88.41., 88.42., 89.10., 89.22., 89.23., 89.26., 89.52., 90.04., 90.08., 90.09., 90.21.²⁰

ensure that data collection and reporting is systematic and coordinated from the start of a complaint to the end of the judgement.

19. During Civil Society's performed questionnaires members of the Roma community indicated that when reporting hate crimes they face discrimination and often encounter police officers' personal prejudices towards them. In 2013 one Roma victim reported being arrested¹⁵.

20. The aggravating circumstance established under the Article 60.12.1 of the *Criminal Code* has been never applied in practice with the view of qualifying a particular criminal offence as a hate crime on grounds of sexual orientation. According to the quantitative research by the Center for Research and Prejudice of the University of Warsaw (2015), 27,9% of the Lithuanian LGBT* respondents have experienced hate crimes or harassment on grounds of their actual or perceived sexual orientation in the course of the past 5 years¹⁶. However, as many as 80 % did not report it¹⁷. The most often quoted reasons for not reporting hate-related incidents to the competent authorities are "did not think they would do anything", "did not think they could do anything" and "fear of a homophobic and/or transphobic reaction from the police"¹⁸. The protection from hate crimes on grounds of sexual orientation offered by the Lithuanian legal system is theoretical and illusory rather than practical and effective.

21. Disability is not included as qualifying base for hate crimes¹⁹. Thus persons with disabilities are reluctant to apply to law enforcement authorities for crimes of this type. Neither society, nor persons with disabilities are informed enough about hate crimes, and the law enforcement professionals are not qualified enough to identify this type of crimes with regards to persons with disabilities.

22. NGOs, cooperating on this report aren't aware of any actions taken in regard no. 19 recommendation urging Lithuania to establish action plan aimed at preventing racist assaults. Such plan should be an inter-institutional errand. (in relation to rec.19).

23. Recommendations:

23.1. Install awareness-raising programmes to police officers, prosecutors and judiciary aimed to enable them to recognise their personal bias and promote sensitivity to vulnerable groups.

23.2. Develop national awareness-raising campaigns on the effects of racist crimes and on victims' rights from the initial contact with the police and throughout the investigation.

23.3. Create communities reach-out mechanism within Lithuanian Law Enforcement structure.

23.4. Develop a common recording and reporting interface for law enforcement officials to ensure that data collection and reporting on hate motivated crimes is systematic and coordinated from the start of a complaint to the end of the judgement.

23.5. Ensure effective investigation of hate speech and hate crimes on grounds of sexual orientation and/or gender identity; to raise public awareness about the negative phenomenon of hate speech and hate crimes; to encourage the members of the local LGBT* community to report the instances of experienced hate speech and hate crimes to the competent authorities;

23.6. Revise national legislation to ensure more effective sanctions and procedure in dealing with hate crimes based on disability and anti-Semitic crimes.

¹⁵Alternative Report on Lithuania's sixth, seventh and eighth periodic report to the UN Committee on the Elimination of Racial Discrimination (CERD) Lithuanian Centre for Human Rights and Center For Equality Advancement. P. 18. Lithuanian Centre for Human Rights and Center For Equality Advancement. Alternative

¹⁶ The Center for Research and Prejudice of the University of Warsaw, *Hate No More. Quantitative Study Report*, Warsaw, 2015, p. 50.

¹⁷ *Ibid.*, p. 57.

¹⁸ *Ibid.*, p. 72.

¹⁹ Criminal Code of the Republic of Lithuania (art. 170) foresees sanctions only against those who "by verbal statements, in writing, or using mass media mock, stigmatise, encourage hatred against, or encourage discrimination against a person or a group because of their gender, sexual orientation, race, ethnicity, language, origins, social status, faith, beliefs or world-view".

24. Absence of a basic legal base for minorities' rights protection clearly indicates that this issue lacks prioritisation by the state. Lithuania fails to guarantee for national minorities' members full realization of their rights to private and family life by preventing them of having their names written in official documents in their language. The minorities' language usage in public domain and topographical indications in minorities' areas hasn't been addressed properly as well. NGOs acknowledge state's efforts to promote ethnic minorities groups integration, namely the efforts for Roma community inclusion, preparation of the Roma Integration Action Plan. Nevertheless one of the most critical issue – Roma housing, especially the Roma community's segregation in Kirtimai settlement where people live in extremely precarious conditions – remains unsolved since the restoration of independence.

25. Lithuania isn't a party of European Charter for regional or Minority Languages. And the issue of national minorities' languages usage in a public domain, including topographical indications as well as the right to have person's name in official documents written in minority language is considered as highly "controversial" in Lithuanian society. Current Lithuanian laws unambiguously allow writing topographical indications only in national language. Lithuanian laws and legal practice deprive members of national minorities of the right to have their names written in official documents in minorities' original languages. International human rights law considers it as a deprivation of the right to private life. Recent positive development occurred in Lithuanian legal system when Vilnius District Court in its July 30, 2015 decision stipulated that "the impunity of person's right to private and family life should prevail over state's wish to secure cultural identity". However this recent development deviated from common legal practice, therefore this issue is still considered by NGOs as highly problematic and requisite international pressure because Lithuanian authorities are reluctant to enact essential legislation (in relation to rec.99,105,117).

26. To this date Lithuania still lacks basic law for protection of national minorities' rights. The previous Law on National Minorities ceased to exist in 2012. Current draft law should be revised in order to stipulate the rights and obligations of persons belonging to national minorities in Lithuania in accordance with its international obligations. It should be noted that a legal form of minority

²⁰ Rec.no. 88.6. Strengthen the domestic legal framework to punish racial segregation and step up all types of measures to prevent, prohibit and eliminate in its territory all practices of this nature, in line with article 3 of the Convention on the Elimination of Racial Discrimination

Rec.no. 88.16. Strengthen government policy aimed at ensuring inter-ethnic harmony and culture diversity

Rec.no. 88.35. Facilitate access to social and health services as well as to education for children belonging to more vulnerable groups

Rec.no. 88.36. Address the problem of Roma children dropping out of school, and promote the Roma language in the school system

Rec.no. 88.38. Establish emergency measures aimed at integrating Roma children in regular schools and solve the problem of the drop-out rate of these children

Rec.no. 88.40. Use more actively existing or new platforms for involving the Roma community in policy formulation, implementation and actively pursue an increase in the number of Roma in all public institutions

Rec.no. 88.41. Develop a close dialogue with all minorities regarding language education issues

Rec.no. 88.42. Further consider measures to secure the integration of the Roma community

Rec.no. 89.10. Swiftly implement the Law of Compensation of the Immovable Property of the Jewish Religious Communities of Lithuania

Rec.no. 89.22. Implement policies and actions aimed at the effective integration of the Roma community which would include the employment, education, security, social and health sectors, emphasis on the promotion of the Roma language, and the regularization of their identity documents

Rec.no. 89.23. Enact a more robust set of policies and procedures to combat anti-Semitism, and that a public strategy be developed to dissuade prejudices and intolerance towards the Jewish population and its culture, including with respect to Jewish memorial and commemorative sites within Lithuania

Rec.no. 89.26. Continue to fund programs aimed at integrating Roma and take further steps to address the on-going social exclusion of Roma

Rec.no. 89.52. Reinforce policies for the integration of minority groups, particularly Roma, in line with CERD recommendations

Rec.no. 90.04. Sign, ratify and implement the provisions of the European Charter for Regional or Minority Languages

Rec.no. 90.08. Adopt a new Act on National Minorities in order to precisely stipulate the rights and obligations of persons belonging to national minorities in Lithuania in accordance with its international obligations, notably the Council of Europe's Framework Convention for the Protection of National Minorities

Rec.no. 90.09. Ensure full compliance of the Lithuanian legislation and practice with international law which guarantees every person belonging to minority the right to have his or her name in official documents written in minority language

Rec.no. 90.21. Enable national minorities to freely use their languages in public domain, including topographical indications in minority areas

community enabling a full realization of ethnic-religious needs currently does not exist (in relation to rec.104).

27. Recognition of Roma victims during Holocaust. NGOs working in the field of Roma integration have put efforts in recognition of Roma as victims of genocide during WWII. It is determined that both Roma and Jews were defined as “enemies of the race-based state” by the Nuremberg laws, the Roma groups were targeted by similar policies and persecution, culminating in the near annihilation of both populations within Nazi-occupied countries. Roma are not yet recognized as victims of genocide by official acts passed by the Parliament or the Government.

28. Roma Housing. Recent survey of Lithuanian Roma community indicated that Roma households have smaller size and significantly lower quality in comparison to other inhabitants of Lithuania, e.g. 49 % of Roma indicate that they don't have enough heating in their households (state average in this respect is 15 %)²¹.

29. During the reporting period no action has been taken to stop racial segregation of Roma community in Kirtimai settlement (Vilnius municipality)²². The status of the housing in Kirtimai remains unaddressed, even though houses were built in seventies or eighties. Some of the houses were demolished with the sanctions of the courts during the reporting period, without any provisions of alternative housing to Roma families. Some of the houses were burned by unidentified persons. It has been reported by two Roma community leaders, that some of the illiterate people were frightened by the police officers into signing given documents, where they admitted the illegal housing. Police officers told them that otherwise they could experience bigger problems (in relation to rec.6).

30. In Kirtimai community live around 400 inhabitants (more than half of them – children). The sanitary situation in the settlement is particularly troubling. None of the houses have running water. There are only 3 water taps in the whole settlement that have been switched off for some time in 2015. Lack of electricity is common among households. Urban drainage or local sewage system does not exist there. Some of the households are equipped with gas cylinders. Majority of households are considered to be officially illegal by the state (do not have formal legal status), except one house in Kirtimai settlement.

31. The Roma Integration Action Plan for 2015-2020 is aimed to improve Roma accommodation conditions but generally does not have any planned and concrete measures to deal with Roma housing situation. Under the plan responsibility to solve Roma housing issues is allocated to State's municipalities. On January 20th of 2016 Vilnius City Municipality affirmed The Roma of Kirtimai settlement integration strategy for 2015 – 2019 years. The Strategy is aimed to cover educational, health care, social security and housing issues. However consultations with Roma community representatives and further tough collaboration among municipality and civil society is needed to properly implement Roma integration measures. The impact of taken measures should be closely monitored in order to assess effectiveness (in relation to rec.42,65).

32. Roma employment. There is no specific data on unemployment among Roma community. Statistically unemployment is more widespread among ethnic minorities compared to the majority population. Support for Roma employment till the year 2015 was provided within mainstream employment policy measures. In 2015 January 29th Lithuanian Culture Minister confirmed The Roma Community Integration into Lithuania Society Action Plan which tackles Roma community's education, employment, health care, housing, Roma women empowerment and Lithuanian community prejudices against the Roma minority issues. Under this plan besides mainstream employment policies there are

²¹ Sociological research “Situation of Roma people in comparison with other inhabitants of Lithuania, Report, April 30, 2015. Diversity Development Group, p.8.

²² There were reports in national media that Vilnius municipality is preparing plan to move the Roma community from Kirtimai settlement and accommodate in other settlement. Such plan is considered by civil society as ineffective, basically, if media reports are true, Vilnius city municipality plans to move the Roma from one ghetto to another, which would not solve the problem and only promote further segregation.

funds allocated and specific measures designed targeting specifically the needs of Roma community members. However till the beginning of the 2015 year NGOs working with Roma community noticed the tendencies to cut funding of Roma integration projects, such practises should be abandoned and sufficient funds should be allocated (in relation to rec. 65, 69, 42, 16).

33. In regard to public sector currently there are no employees with Roma ethnic background in public institutions. This issue should be properly assessed and measures should be taken to employ any at all. Visibility of the Roma people in public sector would positively affect the whole Roma integration process as would serve as an example for other community members and of itself would raise awareness of the benefits of education and diminish Roma pessimistic attitude towards chances of their inclusion into Lithuanian society (in relation to rec. 40).

34. **Roma access to Health care system.** The Ministry of Health Care is involved in implementation of State Roma Integration Plan, however they don't have any specific data on Roma population. Generally, they don't identify Roma as a separate target group. Health care measures provided by Action Plan are basically of informational nature (in relation to rec. 35).

35. **Roma education.** NGOs working with Roma children on prevention of early drop-out underline the necessity of state's policy, of support to schools, constant systematic support to the Roma parents as well as constant state financed awareness raising measures on the advantages of education among Roma parents and youth. Ministry of Culture prepared new Strategy of Roma Integration for 2015 – 2020 where measures for Roma children education are suggested and issue of early drop-outs addressed. The implementation of these measures needs to be closely monitored. It should be noted that representatives of the Roma community were included in the preparation stage of this strategy, however their opinion was taken into consideration during meetings, but regrettably not reflected in the final documents, especially regarding language issues (in regard to rec. 36,38, 40, 41,42,65).

36. In regard to Jews minority rights implementation few highly important aspects could be stressed: education, compensations of the immovable property and acts of anti-Semitism. According to statistics Jews are the fifth mostly unfavoured group in Lithuania²³. NGOs aren't aware whether any particular measures particularly aimed at fighting intolerance towards Jewish minority have been taken by a state. There is a lack of official data about intolerance acts and hate-crimes occurrence towards members of Jewish ethnic minority. Lithuanian Penal Code laws regarding manifestations of anti-Semitism is fairly abstract and rarely reaches any factual result. Therefore legal base should be revised to ensure more effective sanctions and procedure in dealing with anti-Semitic crimes (in relation to rec. 66).

37. Currently there is only municipal level Jewish (that is Jewish only by custom rather than by official denomination and/or agreement) kindergarten in Lithuania. National level Jewish pre-school educational institution should be established that will prepare pupils for further education in Jewish school (in relation to rec. 41).

38. In regard to property issues, Lithuania undertook positive obligations to give compensation of the immovable property of the Jewish religious communities and enacted Law on Good Will compensation for the immovable property of Jewish religious community in 2011 December 1st. (in relation to rec. 53). Currently there are no measures taken to proceed with compensation regarding unlawfully expropriated immovable private property of Lithuanian born Jewish citizens.

39. Recommendations:

²³ The Analysis of the Changes in Public Attitudes and Reasons and Results of discrimination carried out by the Mental Health Perspectives, ordered by the Ministry of Social Affairs, covering 2009-2014, http://www.perspektyvos.org/images/failai/diskriminaciniu_nuostatu_kaitos_ataskaita_2014_11_14.pdf

- 39.1. Adopt a new Act on National Minorities in accordance with International obligations.
- 39.2. Ensure that national legislation and practice guarantees for national minorities to have his or her name in official documents written in minority' language.
- 39.3. Ratify European Charter for Regional or Minority Languages.
- 39.4. Develop clear inter-institutional state and municipal policy steps to solve the Roma housing issue and to end Roma community segregation in Kirtimai Settlement (Vilnius).
- 39.5. Take steps to fight society's prejudices towards ethnic minorities groups, organize state funded awareness-raising campaigns for employers in order to raise the participation of ethnic minorities' members in an employment market.
- 39.6. Establish national level Jewish pre-school educational institution.
- 39.7. Initiate the adoption of acts to commemorate Roma as victims of genocide.
- 39.8. Initiate restitution law amendments or a new restitution law that will allow Lithuanian born Jewish citizens to apply for compensation for unlawfully expropriated private immovable property during WWII.

MIGRANTS, ASYLUM SEEKERS, REFUGEES

Related recommendations, no.: 90.23.,88.23.²⁴

40. Lithuania still doesn't have a comprehensive refugees' integration strategy. Current Action Plan emphasises only third country nationals (not refugees). Although it is considered as a positive development, is too abstract and fails to establish concrete measures to tackle weakest parts of Lithuanian immigrants' integration policies, e.g. education, political participation, health care. Lithuanian society's opinions on refugees and Muslims significantly deteriorated in the recent years. During the reporting period politics from almost all parties encouraged a public discourse abundant in usage of racist, islamophobic language and on the other hand there was a noticeable lack of public discussions on preparation for integration process of the new-coming refugees and of promotion of respect for diversity as well as of other crucial measures coordinated at a state's level. As regards practical asylum seekers reception issues it is particularly regrettable that practice of unlawful detentions still occasionally occurs.

41. Migrant Integration Policy Index 2015 (MIPEX) evaluated Lithuanian overall immigrants' integration policies as slightly unfavourable and ranked Lithuania in the 34 place among 38 surveyed countries²⁵. Constant MIPEX indication of Lithuanian integration policies backwardness influenced drafting of an Action Plan on the Integration of Foreigners for the 2015-2017 years (which came into force on the 31 December 2014). The Action Plan drafted by the Ministry of Social Security and Labour is positive development in Lithuanian migration policies and would lead to support measures for immigrants but it fails to specifically target weakest areas of Lithuanian integration policies, e.g. education policies is evaluated by MIPEX as unfavourable. In a light of current refugee situation in Europe and their demographical data (from 1 Jan 2016 till 18 Feb 2016 – 34% is children) more concrete educational integration measures within Lithuanian schools should be addressed instead of a vague dedication to the Ministry of Education and Science to provide more help to pupils of foreign background (without any funds allocated).

42. Under Law on the Legal Status of Aliens asylum seekers who gain refugee status are presented with permanent residence permit, while asylum seekers who gain subsidiary protection are entitled only to temporary residence and have to apply for a new residence permit yearly. Migration experts

²⁴ Rec.no. 90.23. Consider granting the right to work, to asylum seekers who have been in the country for more than six months.
 Rec.no. 88.23. Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-Semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including Lesbian, Gay, Bisexual, and Transgender individuals and the Roma community.

²⁵ <http://www.mipex.eu/lithuania>

emphasize that such situation is an example of structural discrimination. Employers are unwilling to employ a person who has been granted a temporary residence permit and potentially will have to leave the country within a year²⁶. Such pattern of structural discrimination is particularly relevant due to the structure of the persons who received asylum in Lithuania. According to officially provided data in the year 2015 out of 86 persons who received asylum in Lithuania only 17 were granted refugee status, the other 69 were granted subsidiary protection²⁷. In total since 1997 (until 2016), when the Convention on the Status of refugees was ratified, 217 persons were granted refugee status, 3856 were granted subsidiary protection.

43. With the relation to commitments of Lithuania to resettle 1105 refugees, The Ministry of Social Security and Labour decided to change the Order on the Approval of the Description of the Procedure for Rendering Lithuanian State Support for Integration of Foreigners who Have Been Granted Asylum in the Republic of Lithuania²⁸. As a result, benefits for refugees have been cut by 50%. NGOs are raising concerns about effective refugee integration procedures; especially taking into consideration weak financial capacities and social recourses of relocated refugees.

44. Refugees and Non-EU migrants have limited rights to participate in political life. Law on Elections of Municipalities Councils stipulates that only Lithuanian nationals, EU nationals and Non-EU nationals with permanent residence permits could exercise their active and passive voting rights at the municipality level (thus effectively excluding the majority of refugees granted asylum in Lithuania). Mayor position is limited to Lithuanian citizens only. Lithuanian Political Parties Law limits the right to membership only to Lithuanian and EU citizens residing permanently in Lithuania. Current migration developments in Europe and Lithuanian preparations to accept 1105 relocated refugees should challenge Lithuanian government to consider new mechanisms for greater migrants' inclusion into Lithuanian society and provide them with platforms enabling migrants to exercise their public and political representation rights. So far there was only 1 family of Iraqi refugees (4 persons) relocated from Greece up to March 7, 2016. Relocation criteria applied by the Government are not transparent and not known to the NGOs, but were based very much on rather unethical selection of persons, saying only families will be relocated to Lithuania, priorities will be given to those having higher education and those that hold Christian faith.

45. In Lithuania equal entitlements to health care coverage are limited to permanent residents, unaccompanied juveniles and pregnant women²⁹. Such policies exclude migrants, refugees with temporary residence permits, asylum seekers and should be revised.

46. The Ministry's of Interior proposition (made at the start of 2015) to abolish the Migration department and partition its competences to the Police Department and State Border Guard Service (SBGS) is considered as a backward move in Lithuanian Migration policies. SBGS is not appropriate institution to deal with asylum procedures as it has utterly different competence and is responsible for protecting Lithuanian borders and strengthening national security. Such shift towards securitisation of immigration and asylum policies in Lithuania raises concerns about implementation of human rights approach in the framework of Lithuanian migration policies.

47. In 2013 two juvenile asylum seekers from Afghanistan were arrested upon arrival by SBGS officers. The two youths then had to spend more than three months in the Lukiškės prison, locked in together with adult men³⁰.

²⁶ ENAR shadow report, 2012-2013: Interview with Siniovas Vladimiras, Mykolas Romeris University, Institute of International and European Union Law, 30 July 2013.

²⁷ Data on asylum seekers requests for the year 2015 <http://www.migracija.lt/index.php?1932636468>.

²⁸ Official Gazette, No 157-5741, 2004; No 83-3449, 2009.

²⁹ MIPEX2015 <http://www.mipex.eu/lithuania>

³⁰ From Human Rights Overview 2013-2014, Human Rights Monitoring Institute, 2015, p. 38, <http://pasidomek.lt/en/>

48. Under Lithuanian laws asylum seekers aren't allowed to work till they are granted asylum in Lithuania. NGOs stresses that Lithuania should have more flexible approach in this regard as eligibility to work in the start of asylum procedures may by itself serve as very effective integration measure (in relation to rec. 119).

49. Refugees found themselves in more precarious working conditions as they aren't fully acquainted with their rights. It is observed that majority migrants work in transport and construction sectors. Meanwhile there aren't sufficient data on immigrant women participation in an employment market. Further analyses on immigrants' participation in a labour market should be performed, specifically emphasizing immigrant women situation and their needs.

50. Recommendations:

- 50.1. Amend national legislation and entitle asylum seekers to work during asylum procedure.
- 50.2. Ensure the effective integration measures and increase the social support provided to the refugees during the integration process.
- 50.3. Revise national legislation and expand healthcare coverage for temporary non-EU residents and asylum seekers.
- 50.4. Take concrete steps to eliminate prejudice towards migrants and refugees: organise state funded awareness campaigns, provide educational programs, invoke mass media projects, allocate sufficient funding etc.
- 50.5. Guarantee basic infrastructure to welcome newcomer refugee pupils across the country (formulate educational programs to tackle specific refugee related issues, e.g. language barriers, train teachers, provide basic guidelines to specialists how to prepare overall school's environment for refugee pupils' integration etc.)
- 50.6. Entitle non-EU citizens without permanent residence permit to become members of political parties.
- 50.7. Provide other platforms for migrants/refugees representation and for collaboration between the state and migrants representatives on their matters.
- 50.8. Provide a comprehensive research on migrants educational, housing, health care and employment needs/situation and analyses of migrant women situation. Consider providing women empowerment measures.
- 50.9. Abandon the provisioned reform that would transfer to asylum procedure from the Migration department to State Border Guard Service.
- 50.10. Restore reduced benefit in the Order on the Approval of the Description of the Procedure for Rendering Lithuanian State Support for Integration of Foreigners who Have Been Granted Asylum in the Republic of Lithuania.