

Minority Protection in Lithuania

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Minority Rights in Lithuania

I. Executive Summary

The situation of Roma has not been a focal point of Lithuania's negotiations for accession to the European Union to date.¹ Nonetheless, the government has undertaken efforts to address the serious problems faced by Lithuanian Roma in the areas of education, housing and health, and has acknowledged that addressing negative public attitudes towards Roma is essential to the success of these efforts.

Acknowledging that "integration [of the Roma] into society is required by aspirations to join European political, economic and security structures...[and] European Union concerns for the situation of the Roma in a changing Europe", in 2000 the Lithuanian government launched a "Programme for the Integration of Roma into Lithuanian Society 2000–2004" (hereafter "Integration Programme").² In its initial phase, the programme concentrates largely on improving conditions in the Roma "tabor" of Kirtimai,³ in Vilnius. There are plans to expand the Programme to include Roma living in other areas of Lithuania, but these have not yet been elaborated in detail.

While the Integration Programme is a laudable step in addressing the particularly marginalised situation of Lithuania's small Roma community, it suffers from two distinct drawbacks. First, the Programme was developed without consultation with Roma. As a result, Roma representatives claim that it does not reflect the priorities and perspectives

¹ There are no political priorities outlined in Lithuania's most recent Accession Partnership with the European Commission. European Commission, *1999 Accession Partnership*, Lithuania, 2000.

² Resolution No. 759 of the Prime Minister of the Republic of Lithuania, 1 July 2000, "National Programme for the Integration of Roma into Lithuanian Society 2000–2004", *Valstybes žinios* (official journal), 2000, No. 54–1580. Unofficial translation, on file with the EU Accession Monitoring Program (hereafter "Integration Programme").

³ Kirtimai is an industrial area of Vilnius inhabited predominantly by Roma. The Kirtimai "tabor" is a Roma settlement, consisting of three separate Roma encampments.

of the Roma community. This deficiency was noted in the European Commission's Regular Report for 2000.⁴

Second, the Programme does not adequately acknowledge or address the existence of discrimination, which some Roma claim is a determining factor in their exclusion from employment, housing, education, or health care. Indeed, some Roma leaders assert that the Programme contains inaccurate information that could reinforce stereotypes that provide the basis for discriminatory treatment of Roma.⁵ Existing Lithuanian legislation does not meet the requirements of the EU Race Equality Directive.⁶

Allegations of widespread discrimination against Roma are difficult to substantiate. There are no official data on complaints by the Roma minority of ethnic discrimination or minority rights violations, nor concerning allegations of racially motivated violence against Roma individuals. Some monitoring of rights violations is carried out by the Ombudsman's Offices, of which there are three in Lithuania, but none monitor the frequency of discrimination on the basis of ethnicity or minority rights per se, and few Roma are aware of the Offices' existence.⁷

Despite the lack of official data, it remains clear that Roma often endure acts of discrimination. The government acknowledges that "[h]ostile attitudes to the Roma people still exist in Lithuania, [and that] frequently society sees persons of Roma nationality as potential criminals."⁸ Law enforcement and other public officials routinely make reference to high levels of criminality and drug use among Roma on the basis of dubious statistics,⁹

⁴ "Successful implementation of [the Integration programme] would benefit from increased consultation with the Roma community." *2000 Regular Report from the Commission on Lithuania's Progress Towards Accession*, 2000, p. 21 (hereafter "2000 Regular Report"). This the first time Roma were mentioned specifically in a Regular Report on Lithuania. See *Commission Opinion on Lithuania's Application for Membership of the European Union*, 1997; *Regular Report from the Commission on Lithuania's Progress Towards Accession, 1998*; *Regular Report from the Commission on Lithuania's Progress Towards Accession, 1999*.

⁵ Letter from Mr. A. Kasparavicius (President of the Roma Community Union) to the Director of the Lithuanian Centre for Human Rights, 2 August 2000.

⁶ *2000 Regular Report*, p. 64.

⁷ OSI Roundtable, Vilnius, March 2001. *Explanatory Note: OSI held a roundtable meeting in Vilnius in March 2001 to invite critique of the present report in draft form. Experts present included representatives of the government, the European Commission Delegation, and civil society organisations.*

⁸ See Integration Programme.

⁹ Information from the Vilnius 3rd Police Commissariat asserts that "[a]ll inhabitants of the three [Vilnius] encampments belonging to Roma national minority are [...] busy with illegal activities [and] 52% have been convicted or have a criminal record." Report of the Vilnius 3rd Police Commissariat, 18 September 2000 (hereafter "Vilnius police report").

allegations that are echoed in the mainstream press. These dominant preconceptions appear to provide the rationale for the discriminatory approach police have adopted toward Roma. In the year 2000 in the Kirtimai encampments of Vilnius alone,¹⁰ police have allegedly conducted at least eight separate “raids for special purposes”. Roma residents claim that these raids involve arbitrary and sometimes violent searches of their houses and belongings, and that they are not shown warrants.¹¹

Few Roma complete even primary school education. Although no official statistics are available, the level of unemployment among Roma is commonly believed to be higher than the national average, and higher than that of any other minority group.¹² Roma report that they have been turned away by private employers and the officials of public employment offices on the basis of their ethnicity. Without any stable source of income, and often lacking proper identification documents, many Roma are unable either to maintain adequate living standards independently, or to obtain social security or other forms of social assistance.

Notwithstanding these indications of exclusion, acts of official discrimination and unremedied violence against Roma, the Lithuanian Government’s “Commission on European Integration” asserted that in the year 2000 “the Government maintained generous treatment of ethnic minorities”,¹³ and the European Commission has largely concurred with this assessment.¹⁴ Nevertheless, the government’s demonstrated willingness to address issues of importance to the accession process¹⁵ suggests that further encouragement from the Commission can yield concrete improvements in this area.

¹⁰ Kirtimai is an industrial area of Vilnius inhabited predominantly by Roma. The Kirtimai “tabor” is a Roma settlement, consisting of three separate Roma encampments.

¹¹ Information from representatives of Roma communities from Vilnius and Panevezys, November 2000.

¹² Information from Roma representatives, October 2000.

¹³ Governmental Commission on European Integration, “Human Rights and protection of Minorities: Report on Lithuania’s Progress Towards Accession to the European Union, July 1999–June 2000”, Chapter 2.1.3.

¹⁴ *Regular Report 2000*, p. 21.

¹⁵ The government has made implementation of the Integration Programme one of the short-term priorities in the national programme for the adoption of the *acquis*. See “Lithuania’s EU Accession Programme”, Section 1.2.3, May 2000, <http://sme.eunet.be/-di100056/NPAA2000/index.html> (accessed 10 August 2001).

II. Background

The Roma minority is relatively small in comparison with other minority groups in Lithuania.¹⁶ Both the Government's Roma Integration Programme for 2000–2004, and the Regular Report from the European Commission on Lithuania's Progress Towards Accession, 2000 (hereafter "2000 Regular Report") refer to an estimated Roma population of 3,000.

The popular image of Roma among the majority in Lithuania is largely negative – a fact which is reflected in the mainstream media. One recent survey of the presentation of national minorities in the main Lithuanian newspapers (*Lietuvos Aidas*, *Lietuvos Rytas* and *Respublika*) from 1990 to early 1998¹⁷ found that Roma (referred to in the Lithuanian press as "Gypsies") were most frequently depicted in articles about crime, generally reinforcing the dominant image of a marginal, deviant group.¹⁸ Although Roma issues received little coverage in general, they receive more column space than some larger minority groups.¹⁹ There were few articles related to either cultural or political issues.

These trends have since continued. Roma continue to receive scant coverage in the press, and those few articles that do appear often reinforce negative stereotypes. The largest Lithuanian daily, *Lietuvos Rytas*, published an article at the beginning of the 1999–2000 school year that highlighted the refusal of some non-Roma parents to allow their children to attend Vilnius secondary school No. 58 (situated near the Kirtimai encampments) after learning that Roma children would be studying there.

¹⁶ Both the government's Roma Integration Programme for 2000–2004 and the Regular Report 2000 refer to an estimate of 3,000. See *2000 Regular Report*, p. 21. See also Appendix A.

¹⁷ The survey was commissioned by the Lithuanian Centre for Human Rights, conducted by a research group at the Centre for Civic Initiatives, and presented at the international conference "The Stereotypes of National Minorities in the Mass Media", 12–14 November 1998, Druskininkai, Lithuania. See "National Minorities in Poland and Lithuania, An Introductory Reader", Pax Christi International, Brussels, March 2000.

¹⁸ In *Lietuvos Rytas*, four of nine articles about Gypsies were located on the "crime" page, and linked to activities portrayed as "traditional Gypsy business" such as fortune telling, swindling, and cheating. In *Lietuvos Aidas* Gypsy crime is closely bound up with the drug problem and relations with the police. In *Respublika*, too, articles on Gypsies emphasised criminality and highlighted the social and economic problems of segregated Gypsy communities. See "National Minorities in Poland and Lithuania, An Introductory Reader", Pax Christi International, Brussels, March 2000.

¹⁹ "Gypsies", "Poles", "Jews" and "Russians" were the four ethnic communities mentioned most frequently in the newspapers surveyed, although both the Gypsy and Jewish populations are smaller than the Ukrainian and Belarussian populations. See "National Minorities in Poland and Lithuania, An Introductory Reader", Pax Christi International, Brussels, March 2000, p. 17.

On 21 November 2000, the same paper published an article entitled “The Pickpocket Trade is Sweet for Gypsies: Persons with dark faces lie in wait for victims in the centre of the city as well as in secluded places.” The first sentence of the article reads as follows: “Gypsies have confirmed their bad name. They are not only drug dealers, but also cheeky thieves. The police have a lot of problems with them...”²⁰

According to one Roma leader the impact of such articles is devastating, feeding popular prejudice that “all Roma” are “bad guys”, involved in drug dealing, pickpocketing, or other crimes, and uninterested in working.²¹ Although mechanisms for filing complaints about articles of this kind exist, they are not known to have been used by Roma.²² Some Lithuanian monthly magazines (such as *Moteris* or *Laima*), specialised papers for teachers (such as *Dialogas* or *Mokykla*), and several weekly newspapers publish articles presenting a more positive image of Roma, with an emphasis on lifestyle, traditions and culture.²³

The persistence of negative stereotypes against Roma, combined with the economic hardship experienced by many Lithuanian citizens, provide fertile ground for popular resentment against measures taken to improve the situation for Roma as a particularly disadvantaged group. In this context, it is of great importance that the Lithuanian government has affirmed, in the Integration Programme, that Lithuanian Roma are an “inseparable part of the society” and that a coordinated institutional approach is necessary to address the social, economic, educational and other problems faced by Roma communities and to “stimulate and secure their integration into Lithuanian society.”²⁴

²⁰ *Sostine* (“The Capital”), Supplement to *Lietuvos Rytas*, 21 November 2000.

²¹ Information from the President of the NGO “Gypsy Bonfire”, September 2000.

²² Complaints may be filed with the self-regulated Inspector on Journalist’s Ethics or the Commission on the Ethics of Journalists and Editors, but there are no reported complaints by Roma to date. The State Security Department (SSD) monitors implementation of the provision of the Lithuanian Criminal Code prohibiting “[p]ublic oral or written statements, or statements in the mass-media that insult, deride, or incite hatred against another group or person.” Reportedly, the SSD once “issued an official warning to two newspapers to discontinue using derogatory language against the Roma minority.” OSI Roundtable, Vilnius, March 2001.

²³ See, e.g. “Latcho dyvis, romani” (“Hello, Roma!”), in *Laima*, No. 10, October 2000.

²⁴ See Integration Programme.

III. Minority Protection: Law and Practice

Lithuania has signed and ratified the major international treaties addressing racial and ethnic discrimination, and the rights of minorities.²⁵ International agreements ratified by the Seimas form a “constituent part of the legal system of the Republic of Lithuania.”²⁶ The 1999 Law on International Treaties stipulates that ratified international treaties have higher status than other legal acts in Lithuania.²⁷

A. Protection from Discrimination

Lithuania offers little legal protection against discrimination on the basis of race or ethnicity, and has not as yet transposed the legislative measures for combating discrimination contained in the EU Race Equality Directive of June 2000.²⁸

The Constitution guarantees equal protection before the law, and prohibits both the restriction of rights and the granting of privileges on the basis of, *inter alia*, nationality, language, or ethnic origin.²⁹

The 1989 Law on Ethnic Minorities pledges respect for the rights of all minority groups in Lithuania, prohibits all forms of discrimination on the basis of race, ethnicity, nationality or language, and authorises the punishment of acts of discrimination under separate Lithuanian legislation.³⁰

There is no comprehensive anti-discrimination law expressly prohibiting discrimination in specific spheres of public activity. Provisions prohibiting racial and national discrimina-

²⁵ See Appendix A to Overview Report. Lithuania has not yet signed Protocol No. 12 to the European Convention on Human Rights.

²⁶ Constitution of the Republic of Lithuania (hereafter “Lithuanian Constitution”), approved by the citizens of the Republic of Lithuania in the referendum of 25 October 1992, Art. 138.

²⁷ Law on International Treaties, 22 June 1999, Article 11.

²⁸ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The Directive is part of the *acquis communautaire*.

²⁹ Lithuanian Constitution, Art. 29: “All people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.”

³⁰ Law on National (and Ethnic) Minorities, 23 November 1989 (hereafter “Minorities Law”). The Minorities Law was supplemented and revised in 1991.

tion are elaborated in a number of laws, such as the Law on Employment Contract, the Law on Education,³¹ the Law on Remuneration,³² and the Law on Public Organisations.³³ Sanctions for transgression of these provisions are formally provided in the Criminal Code.³⁴

New legislation is required to bring Lithuanian legislation into accord with the requirements of the Race Directive, but it is also true that existing laws and sanctions prohibiting discrimination have not been applied, although Roma representatives claim that such cases are common, as detailed below.

1. *Education*

The Race Directive stipulates that in order to ensure full equality in practice, States can consider “maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.” (Art. 3). The clear disadvantages faced by the Roma population with regard to equal access to education would seem to warrant consideration of such measures, and indeed the Integration Programme does envision certain measures to improve access to education for Roma in Kirtimai.

Information gathered by the Foundation for Educational Change indicates that in the academic year 1996/97 there were 276 Roma pupils in Lithuanian public schools, 125 of whom dropped out during the school year. However, since it is not known how many children of school age there are in Lithuania’s Roma communities, these figures are difficult to interpret. Post-primary level, however, the picture is unambiguous. No Romani individual is known to have graduated from a tertiary educational institution. Approximately five Roma are estimated to have completed secondary level education.³⁵

High dropout rates among Roma can be attributed to a number of different factors. First, most Lithuanian Roma speak the Romani language, and are thus disadvantaged

³¹ Law on Education, 25 June 1991, Art. 26.

³² Law on Remuneration, 9 January 1991, Art. 1.

³³ Law on Public Organizations, 2 February 1995, Art. 3.

³⁴ “Actions which aim to hinder a group of persons or individuals belonging to such groups on the ground of gender, race, nationality, language, origin, social status, belief, convictions or opinions from participation with equal rights with others in political, economic, social, cultural, work or other activities or which aims to constrain the rights and freedoms of such groups or individuals belonging to such groups, shall be punishable by deprivation of liberty of up to two years or by fine.” Criminal Code, Art. 72 (“Discrimination on the grounds of gender, race, nationality, language, origin, belief or belonging to other group”). See also Code of Administrative Law Violations, Art. 41.

³⁵ Information from the Director of the Foundation for Educational Change.

in Lithuanian language schools.³⁶ This disadvantage is compounded by the fact that Roma children often begin school later than their Lithuanian peers. Second, Roma children are sometimes the object of hostility on the part of parents, school officials, or other children. In 1999, the administration of Vilnius secondary school No. 58 publicly claimed that the presence of Roma children at the school had prompted a decline in the number of pupils belonging to other nationalities.

Finally, poverty prevents many Roma parents from purchasing school items and clothing for their children, and children frequently leave school to help earn money for the family, or, in the case of young girls, to get married or care for younger siblings. Since illiteracy and low levels of education are prevalent among the community as a whole, Roma parents are often unable to provide their children with encouragement and motivation when facing difficulties at school.

The Government has not yet developed a comprehensive approach to this issue. NGOs have initiated some of the most successful efforts to date, sometimes with support and funding from the Minorities Department. One such program involved training and employing teachers' assistants to provide extra help for Roma students. A series of educational summer camps owes its success, according to program organisers, to the active involvement of Roma adults, who have ensured the integration of Roma culture and traditions into the educational programme.³⁷ In Vilnius, a Roma leader garnered both state and NGO support for the formation of two special Roma study groups at the Vilnius Secondary School No. 58,³⁸ which has also organised a separate class for Roma students (see Section III.C.3). This class is reportedly successful in providing a more welcoming atmosphere for Roma students, thus encouraging attendance.

Some Roma leaders insist that Roma parents would prefer their children to attend integrated classes together with non-Roma children,³⁹ and experience from other countries shows

³⁶ V. Toleikis, *National Minorities in Poland and Lithuania*, March 2000, p. 93, noting the difficulties encountered by Roma children in assimilating unfamiliar terminology, and asserting that "almost all Gypsies have difficulties learning the Lithuanian language." According to the Integration Programme, many Roma adults are unable to read or understand information provided by many public institutions, and avoid signing documents.

³⁷ Information from representatives of Romani dzhiyipe and the Open Society Fund – Lithuania (OSFL), September 2000. The success of other summer camps, such as those run by the Lithuanian Human Rights Centre (LCHR) and the international NGO *Transilvanija*, can similarly be attributed to their success in "showing respect towards the Gypsy nation and their customs", Evaluation Report submitted to the Council of Europe by the LCHR.

³⁸ One group is for first year children, another for older children who are illiterate. The program received support from both the OSFL and the Minorities Department.

³⁹ OSI Roundtable, Vilnius, March 2001.

that the establishment of separate classes must be monitored carefully to ensure that such classes do not isolate Roma children further and that they do not offer a sub-standard quality of education.

The EU has supported efforts to improve school attendance rates among Roma. In November 2000, the European Initiative for Democracy and Human Rights awarded funding to a “Roma Pupils Mentoring Programme”, prepared by the Foundation for Educational Change. The principal aim of this programme is to encourage and maintain public school attendance by Roma children. The programme, which will cost approximately € 43,000 over eleven months, aims to reach approximately 120 teachers, 50 Roma families, and 230 Roma pupils in the course of a summer school and four regional seminars. Sustained governmental efforts to ensure equal access to and equal treatment in school for Roma children will be necessary to raise attendance levels in the long term.

2. *Health Care and Other Forms of Social Protection*

Equal access to health care is guaranteed by Lithuanian law “regardless of ... sex, race, nationality, citizenship, social status and profession.”⁴⁰ Moreover, all inhabitants of Lithuania are covered by obligatory employer health insurance or, in case of unemployment, through the state health care system.⁴¹ Yet large numbers of Roma are effectively excluded from the public health care system, with the result that health conditions among the Roma population are markedly worse than among the majority.

The high percentage of unemployed Roma (see below) are rarely registered at the state Labour Exchange offices and thus cannot avail themselves of the state health service in the Lithuanian system. The Integration Programme confirms that “Roma people are not registered and in this case they cannot undergo treatment in hospitals. Children get free treatment but [Roma] confront problems here also.”

No official statistics are available, but the Integration Programme reports a higher incidence of digestive and respiratory diseases, including tuberculosis, among Roma than among

⁴⁰ Law on the Health System of the Republic of Lithuania (19 July 1994), Article 6.

⁴¹ Free health care is provided by local authorities, and consists of essential individual primary care and medical treatment, individual health care for pregnant women, and young mothers (until the baby is one year of age), to family members of unemployed and disabled persons, to persons under 16 years of age, to persons whose income is less than level of income supported by the State as well as orphans under 18 years of age, to disabled persons, etc. Given the high levels of unemployment among the Roma national community in Lithuania, this theoretically covers many Roma.

the population at large, and a lower life expectancy.⁴² The Programme claims that systematic vaccination of Roma children against diseases such as tuberculosis cannot be carried out due to uncertainty with regard to the number of Roma children in Lithuania.⁴³ However, state and municipal health care institutions reportedly have not taken an active role in compiling such information or in visiting Roma communities to provide medical services and ensure awareness of their availability.

The Integration Programme envisions the allocation of some funding, in cooperation with the Ministry of Health, to address the health problems of Roma communities, beginning with the Kirtimai neighbourhood. Moreover, some national health programmes such as those addressing AIDS, sexually transmitted diseases, drug dependency, and national tuberculosis explicitly target “vulnerable groups”, including the Kirtimai Roma.⁴⁴ Little detailed information on the implementation of these activities is available to date.

3. *Housing and Other Public Goods and Services*

There is no prohibition on ethnic discrimination in access to housing. To date, the government has made few visible efforts to address the deplorable conditions that obtain in what are often *de facto* segregated Roma neighbourhoods. Housing in these neighbourhoods is generally of poor quality;⁴⁵ many houses are built illegally, leaving their inhabitants outside of the scope of public services and protections afforded to legal residents.

According to the police, the overwhelming majority of Roma houses in the Kirtimai neighbourhood of Vilnius are built without permits or registration.⁴⁶ All dwellings are registered under one address, and obtaining official registration is rendered difficult by the fact that many Roma do not possess the necessary documentation. According to the government, these houses are poorly and haphazardly built, and lack basic sanitation.⁴⁷

⁴² See Integration Programme.

⁴³ See Integration Programme.

⁴⁴ Information from the Minorities Department and with employees of the AIDS centre, March 2000.

⁴⁵ Information from the president of “Gypsy Bonfire”, November 2000.

⁴⁶ “In the Upper Kirtimai encampment, 304 persons belonging to the Roma minority live in 60 unregistered houses; 111 persons live in 20 unregistered houses in the Lower encampment; and 56 persons live in seven unregistered houses in Rodunes Road’s encampment. Not one of these houses has a house book or [other] documents needed for construction.” Report of the 3rd Vilnius Police Commissariat, 18 September 2000, (hereafter “Vilnius Police Report”).

⁴⁷ See Integration Programme.

Roma in other areas of Lithuania reportedly share similar sub-standard housing conditions – very often Roma live “in wretched houses, [with] most...unable to pay for public utilities.”⁴⁸ Roma claim that their requests for government assistance to improve this situation have brought few results; Roma representatives reported only one case in which local authorities supported a Roma family in finding improved housing.⁴⁹ A government official recently suggested that the burden is on Roma leaders to compile precise information, including names and addresses, of all those people who need housing assistance.⁵⁰

4. *Employment*

Legislation guarantees “equality for all employees, regardless of sex, race, nationality, citizenship, political convictions, religious beliefs, or any other factors, unrelated to professional qualifications.”⁵¹ Sanctions for violation of this and other provisions of employment legislation are provided in the Code of Administrative Law Violations⁵² and in the Criminal Code.⁵³ There is no information as to whether the courts have ever applied these provisions to address reported cases of discrimination in access to employment. However, Roma representatives have reported no cases in which employers who turned them away on the basis of their ethnicity have been prosecuted.

Accounts of widespread discriminatory practices in public employment offices have been collected from Roma leaders in different areas of Lithuania. The President of the Roma Union (a coalition of Roma NGOs) reports that Roma who register at the public employment office in Kaunas, and report upon referral to a given institution or employer, are often told that there are no more vacancies for the job in question.⁵⁴ Roma from the Kirtimai district of Vilnius report similar treatment.⁵⁵ A representative

⁴⁸ See Integration Programme.

⁴⁹ Information from Roma leader, Panevezys, October 2000, who reported that a Romani woman in the Panevezys municipality was provided with municipal assistance in locating a two-room flat for her family.

⁵⁰ OSI Roundtable, Vilnius, March 2001.

⁵¹ Law on Employment Contract, 28 November 1991, Art. 2.

⁵² Code of Administrative Law Violations, Art. 41. Fines can be imposed by the State Labour Inspection.

⁵³ Criminal Code (“Violation of Labour Laws”), Art. 139: “Illegal dismissal of employee based on private intentions, as well as other gross violation of labour laws, carried out by the employer or his/her representative, shall be punishable by fine.”

⁵⁴ Information from the president of the Roma Union, October 2000.

⁵⁵ Information from the president of “Gypsy Bonfire”, October 2000.

of the Roma community in Kaunas reports that on occasion the public employment office refuses even to register Roma.⁵⁶ In one reported case from Panevezys a Romani man was offered a job through a public employment office, then told that the vacancy no longer existed after reporting for his first day of work.⁵⁷ There have been reports from a number of Lithuanian cities (including Kaunas, Vilnius and Marijampole) that even licensed Romani vendors are routinely forced out of market places, often with the support of the police.⁵⁸

The full extent of discrimination against Roma in access to employment is difficult to establish in the absence of official monitoring. According to the Lithuanian Labour Exchange Office, applicants at public employment offices are not asked to identify their national/ethnic affiliation on application forms; the Office reports having received no complaints regarding discrimination against Roma in access to employment.⁵⁹

The government acknowledges that extremely high levels of unemployment among the Roma can be explained only in part by low levels of education in Roma communities, stating that even “for those who are specialists [it] is difficult to compete with others in labour markets.”⁶⁰ Roma leaders assert that even qualified Roma are unlikely to be hired due to majority stereotypes, which hold that Roma are unreliable.⁶¹ Roma families are further mired in poverty since, lacking work records, they are often ineligible for unemployment benefits.⁶² Neither monitoring the situation systematically nor applying existing legal sanctions against discrimination, the Lithuanian government concludes that “[u]nder these circumstances, Roma people face the preconditions for criminal activities or illegal jobs.”⁶³

⁵⁶ Information from Roma representative, Kaunas, October 2000.

⁵⁷ Information from Roma representative, Panevezys, October 2000.

⁵⁸ Information from president of the Roma Union, October 2000.

⁵⁹ Information from the Lithuanian Labour Exchange Office, October 2000.

⁶⁰ See Integration Programme.

⁶¹ Information from the president of the Roma Union, October 2000.

⁶² Some Roma receive retirement benefits; others receive a small amount of social assistance (80–90 Lt., or 20 US dollars per month. (approximately €25) According to the Government, “these allowances do not satisfy their necessary needs.” See Integration Programme.

⁶³ See Integration Programme.

B. Protection from Racially Motivated Violence

There is no sentencing enhancement for crimes motivated by racial hatred, nor is there specification of disciplinary regulations concerning misconduct by law enforcement personnel in cases of racially motivated abuse. Under one provision, racially motivated actions that have “serious consequences” and which target racial or ethnic minorities are, in theory, punishable by up to ten years imprisonment.⁶⁴ To date, however, there have been no cases brought under this provision in Lithuania, despite the fact that representatives of the Roma national minority claimed in recent interviews that incidents of violence against Roma are common.⁶⁵

Information from the Vilnius 3rd Police Commissariat asserts that “[a]ll inhabitants of the three encampments belonging to the Roma national minority are unemployed, living from allowances, busy in illegal activities, such as fortune-telling, stealing, producing and dealing narcotics and drugs...[and] 52% have been convicted or have a criminal record.”⁶⁶ However, data in the same report indicates that the proportion of Roma among arrests for drug-related crime in the settlements⁶⁷ is far higher than their proportion of convictions.⁶⁸

These perceptions appear to underlie the frequent “raids for special purposes” conducted in Lithuanian Roma communities. According to police information, during the first eight months of 2000, eight raids for special purposes were conducted in the Vilnius encampments alone. In addition, in a programme conducted by the High Police Commissariat of Vilnius, over two separate periods during the summer of 2000, police officers visited Roma communities every day to “carry out crime and administrative offences prevention.”⁶⁹ Police raids in Kirtimai are conducted in the absence of search warrants. One official recently noted that warrants can not be issued in cases in which a house has not been legally registered.⁷⁰ However, Roma leaders report that raids and searches are conducted,

⁶⁴ Criminal Code, Article 72(1) (Instigation against national, racial, ethnic or other group of persons).

⁶⁵ Information from Roma representatives, September–October 2000.

⁶⁶ Vilnius Police Report.

⁶⁷ “During the first eight months of 2000, 66 reports of offences committed in Gypsy encampments were reported, 20 of them are related to drug producing, purchasing, dealing, keeping or other kind of distributing (14 cases of 20 were of persons belonging to Roma national minority). Vilnius Police Report.

⁶⁸ “At the moment in Naujininkai district Police Station 20 persons are included into criminal record; seven of them belong to the Roma national minority.” Vilnius Police Report.

⁶⁹ Vilnius Police Report.

⁷⁰ OSI Roundtable, Vilnius, March 2001.

without warrants, on Roma homes in other areas of Lithuania – including homes that have been legally registered.⁷¹ Allegedly, Roma are often harassed and/or beaten during police raids and searches.⁷²

According to one Roma leader, Roma feel that these frequent and intrusive searches are discriminatory, since they are “all suspected because of their origin – because they belong to the Roma national minority...such distrust towards the whole Roma community living in Kirtimai violates the dignity of every Roma person.”⁷³ Although Roma representatives identify relations with the police as a major problem, no Romani or non-Romani organisation has recorded any cases or complaints by Roma of violence by law enforcement officials. According to Roma representatives, Roma do not know whom to address, are often warned against filing reports or complaints against the police, and generally refrain from doing so for fear of negative consequences.⁷⁴

C. Minority Rights

Lithuania recently ratified the Framework Convention for the Protection of National Minorities (hereafter ‘FCNM’),⁷⁵ but as of May 2001 had not yet signed the European Charter on Regional and Minority Languages.

Lithuania has concluded and ratified bilateral treaties with a number of states, including Russia, Belarus, Poland and Ukraine; these treaties contain articles specifying the rights and duties of national minorities.⁷⁶ However, none contain provisions that extend these rights and duties to the Roma minority.

The Constitution guarantees citizens belonging to ethnic communities the right to foster their language, culture and customs, and to “ethnic communities of citizens” the right

⁷¹ According to one source, in July 2000, following a larceny in the Panevezys region, police suspected Roma of being involved, and conducted a search of all Roma people living in Panevezys at 7 a.m. Nothing was found. Information from Roma representative, October 2000.

⁷² OSI Roundtable, Vilnius, March 2001.

⁷³ Information from president, “Gypsy Bonfire”, October 2000.

⁷⁴ OSI Roundtable, Vilnius, March 2001.

⁷⁵ Ratified 23 March 2000; entered into force 1 July 2000.

⁷⁶ See, e.g. the Bilateral Agreement between the Republic of Lithuania and the Republic of Byelorussia on good neighbourhood and cooperation, Art. 10.

to “independently administer the affairs of their ethnic culture, education, organisations, charity and mutual assistance” with State support.⁷⁷

At present, the 1989 Minorities Law regulates the rights of persons belonging to national, ethnic, religious and linguistic minorities. However, in light of international obligations incurred since 1989, including the FCNM, a draft of a new “Law on National Minorities” is currently before the Lithuanian Seimas (the Parliament of the Republic of Lithuania, hereafter “Seimas”).⁷⁸

In practice, the Roma minority has scant opportunity to maintain and develop its own language or educational institutions in Lithuania, and many Roma maintain that Roma culture is inadequately understood or appreciated.

1. *Identity*

The FCNM is understood to apply to all minority groups living in Lithuania.⁷⁹ The Minorities Law guarantees all ethnic minorities residing in Lithuania the right to freely develop their identity and the right to self-identification.⁸⁰

The legal right to self-identification is enjoyed by minorities in practice. Upon obtaining a passport, every citizen of Lithuania is free to identify his/her ethnicity (“*tautybe*”) on the basis of that of one or both parents. Roma, along with 17 other minorities, are granted official representation on the governmental Council of National Communities.

2. *Language*

The Constitution identifies Lithuanian as the state language; the Law on the State Language aims to protect and regulate the use of Lithuanian as such.⁸¹ The Minorities Law makes provision for the use of minority languages in the private and public spheres, but in practice Roma are not able to use the Romani language in communication with public authorities.

⁷⁷ Lithuanian Constitution, Art. 37; Art. 45.

⁷⁸ Draft law no: IXP-5612001.04.04, prepared 6 April 2001 by the Ministry for Internal Affairs, and before the Lithuanian Seimas (Parliament) as of May 2001.

⁷⁹ OSI Roundtable, Vilnius, March 2001.

⁸⁰ Minorities Law, Art. 1.

⁸¹ Constitution, Art. 14; Law on the State Language, 31 January 1995.

According to the 1989 Minorities Law, minority languages may be used in addition to Lithuanian in “offices and organisations located in areas serving substantial numbers of a minority with a different language.”⁸² The law does not define what is meant by “substantial numbers” or the precise circumstances in which the minority language may be used in addition to Lithuanian. The law further permits street signs to be posted in minority languages in areas where minorities are numerous.⁸³

In practice, Roma cannot use the Romani language in the public sphere. According to the Integration Programme, “most of the Lithuanian Roma speak the Russian language.” In fact, almost all Lithuanian Roma speak Romani languages as a mother tongue, with many Vilnius Roma speaking Russian as a second language. In other parts of Lithuania, the second language is Lithuanian.⁸⁴ As officials do not speak the Romani language, in practice only those Roma who speak Russian can benefit from the assistance of official translators and interpreters. For those Roma who speak neither Russian nor Lithuanian, interpreters have to be found within the community to assist in communications with public officials.

Judicial proceedings must be conducted in the state language. Persons who do not know the state language are formally provided with an interpreter free of charge.⁸⁵ The Criminal Procedure Code stipulates that all persons have the right to be informed promptly, in a language he or she understands, of the reasons for arrest and the nature and cause of any accusation; and the right to defend themselves in this language, with the free assistance of an interpreter if necessary.⁸⁶ Roma are at a severe disadvantage in courts, as Romani language interpreters do not exist.

3. *Education*

Minorities in Lithuania enjoy the legal right to state-supported schooling in their native language. As yet there are no government efforts to provide Romani language education or to infuse mainstream education with lessons on Roma history and culture.

⁸² Minorities Law, Art. 4, amended on 29 January 1990.

⁸³ The Draft Law on Minorities, currently before the Seimas, authorises the use of minority languages in official contexts in areas where national minorities live in significant numbers, but does not define the meaning of “in significant numbers”. The draft law also allows for the submission of petitions and the provision of “informational notices” in minority languages, and provides that “officials and civil servants of public administration institutions can speak with individuals belonging to national minorities, in a language acceptable to both parties.” Draft Minorities Law, Art. 4. Unofficial translation.

⁸⁴ OSI Roundtable, 2 March 2001.

⁸⁵ Law on the State Language, Art. 8.

⁸⁶ Criminal Procedure Code of the Republic of Lithuania, (Art. 15).

The Minorities Law guarantees minority groups the rights “to obtain aid from the state to develop culture and education; to have schooling in one’s native language, with provision for pre-school 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.”⁸⁷ The Law on Education also provides protection for “compact” minority communities. Although the requisite size and concentration for a “compact” community is not specified in the law, the state will either establish or support existing pre-schools and schools or classes of general education in minority languages and culture to communities it defines as such.⁸⁸ Smaller minority communities without the resources or numbers to establish their own schools may establish separate classes, optional classes, or Sunday school classes within Lithuanian state schools, to learn or improve their knowledge of their native language and culture.⁸⁹ The Polish and Russian minorities both benefit from the existence of state-funded schools at which they can study in their mother tongues.

Notwithstanding the foregoing provisions, there are no schools or classes that teach in Romani languages. To date, Roma reportedly have not sought state funding for education in Romani. Some officials say education in the Romani language is not feasible as there is no standardised written form.⁹⁰ Roma children from the Kirtimai area attending School No. 58 in Vilnius are taught in both the Lithuanian and Russian languages.

All secondary schools of general education must ensure that students receive adequate instruction to achieve command of the Lithuanian language in accordance with the standards established by the Ministry of Culture and Education.⁹¹ In minority-language educational institutions, Lithuanian language and literature must be taught in Lithuanian. Conditions must be ensured for the study of other subjects in the Lithuanian language as well, if parents and/or children so request.⁹² Since very few Roma attend secondary school, many never have the opportunity to learn Lithuanian well.

The government’s Integration Programme has identified the need to improve the level of knowledge of the Lithuanian language among Roma communities. However, there have been no official efforts to provide support for education in the Romani language, or to develop educational materials for this purpose.

⁸⁷ “Minorities Law”, Art. 2 (amended on 29 January 1991).

⁸⁸ Law on Education, Art. 12.

⁸⁹ Law on Education, Art. 12.

⁹⁰ OSI Roundtable, Vilnius, March 2001. However, there are plans to provide state support in 2002 for the publication of a textbook in the Roma language. See Integration Programme.

⁹¹ Law on Education, Art. 12.

⁹² Law on Education Art. 12.

4. *Media*

The Minorities Law guarantees the right “to have newspapers and other publications and information in one’s native language” (Art. 2). There are no Romani-owned or Romani language newspapers, television, or radio programmes in Lithuania at present, and to date the government has provided no financial support for Romani language media.

5. *Participation in Public Life*

The Minorities Law guarantees all minorities the right to establish and maintain contact with persons of the same ethnic background in other states, and to political participation on equal grounds with all other citizens of Lithuania.⁹³ However, there are no special procedures to ensure minority representation in the Seimas, and no self-identifying Roma are represented there, nor in any government ministries. There is no information on the number of Roma employed as civil servants in the public sphere.

A position is reserved for a single Roma representative on the Council of National Minorities, an advisory body to the governmental Minorities Department. However, this channel for ensuring consultation and effective representation has proven unsatisfactory for Roma on a number of occasions. As detailed below, Roma representatives believe that the current Integration Programme does not adequately represent their interests, reflecting an insufficient degree of consultation with Roma leaders during the Programme’s development. Roma leaders have also expressed dissatisfaction with the process by which recommendations were developed and presented by the Council of National Communities to the Seimas on the draft Law on National Minorities.

Citizenship

The 1989 Law on Citizenship set no special requirements for acquiring citizenship: permanent residents of the country could obtain citizenship irrespective of nationality, duration of residence in the country, or knowledge of the state language.⁹⁴ Consequently, the great majority of residents, including more than 90% of all national minorities, received citizenship following independence.⁹⁵ A more stringent Citizenship Law was introduced in 1991, according to which applicants for naturalisation must have ten years residence in the country, and permanent employment (or other legal source of

⁹³ “Minorities Law”, Art. 2.

⁹⁴ Law on Citizenship, adopted on 3 November 1989 by the Supreme Council of Lithuania.

⁹⁵ *Report on the Implementation in Lithuania of Vienna Declaration and Programme of Action*, as adopted by the World Conference on Human Rights in 1993. LCHR, Vilnius, 1998, p. 37.

support), and must pass an exam testing knowledge of the Lithuanian language and provisions of the Constitution.⁹⁶

The Lithuanian state has taken significant steps in recent years to enhance the economic, social and cultural rights and opportunities of non-citizen residents of Lithuania.⁹⁷ Lithuanian law asserts that non-citizen permanent residents enjoy the same fundamental rights and freedoms as citizens.⁹⁸ Nevertheless, the rights of non-citizens are restricted with regard to property ownership and the right to vote.

Allegedly, a number of Roma failed to apply for citizenship before 1991, and, unable to meet the more stringent post-1991 standards, remain without citizenship today.⁹⁹ Roma reportedly sometimes encounter difficulties in obtaining and/or establishing citizenship.¹⁰⁰ Some sources indicate that hundreds of Roma are living in Lithuania without citizenship,¹⁰¹ a contention that has been corroborated by the Lithuanian government itself.¹⁰²

⁹⁶ Law on Citizenship, 5 December 1991, Art. 12.

⁹⁷ For example, the Law on Persons Considered to Be Permanent Residents or Residents of the Republic of Lithuania (adopted on 12 December 1995) defines the relative status and rights of temporary and permanent alien residents. Art. 47 of the Lithuanian Constitution, supplemented in 1996, provides the possibilities and conditions for alien subjects to acquire ownership plots of land of no arable use. Art. 36 of the Law on the Legal Status of Aliens (as revised in 1998) clarifies deportation procedures: the Ministry of the Interior may deport only temporary resident aliens; those with permanent residency status may be deported only by court order, upon proposal of the Ministry of the Interior. In 1998, the revised Law on Public Organisations (adopted in 2 February 1995, revised edition of 11 June 1998) was enacted, allowing both citizens and permanent residents to enjoy membership in public organisations, and to organise and attend meetings of public organisations.

⁹⁸ See Law on the Legal Status of Aliens in the Republic of Lithuania, adopted 17 December 1998, Art. 3. In 1995 the Constitutional Court ruled that aliens or persons without citizenship legally living on the territory of the Republic of Lithuania have the same right to movement and free choice of residence as citizens. Conclusion of the Constitutional Court of the Republic of Lithuania adopted on 24 January 1995.

⁹⁹ Allegedly, public information regarding the opportunity to regularise their status did not reach many Roma communities. OSI Roundtable, Vilnius, March 2001.

¹⁰⁰ Information from president of the Roma Union, October 2000.

¹⁰¹ See e.g. *Roma Minorities in the Nordic and Baltic Countries*, The Northern Institute for Environmental and Minority Law, eds. P. HERNSESNIEMI and L. HANNIKAINEN (October 2000), p. 54, citing “at least 600” Roma without citizenship.

¹⁰² See Integration Programme.

IV. Institutions for Minority Protection

A. Official Bodies

As yet there are no legal provisions for the establishment of bodies to promote equal treatment with regard to race or ethnicity, or to monitor discrimination based on race or ethnicity, as required by the Race Equality directive.

1. *The Offices of the Ombudsmen*

There are a total of three Ombudsmen's Offices in Lithuania – the “Seimas Ombudsmen”, an Equal Opportunities Ombudsman and a Children's Rights Ombudsman. None has a specific mandate to monitor cases of ethnic discrimination or take action in enforcing anti-discrimination legislation with regard to ethnicity.

The mandate of the Seimas Ombudsmen, according to the 1998 Law on the Seimas Ombudsmen, is to “investigate citizens' complaints concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military institutions and institution[s] ranking as such.”¹⁰³ The office does not deal with “complaints arising from the labour legal relations, complaints that are subject to court investigation, [or] complaints about the legality and validity of court decisions, judgements and rulings.”¹⁰⁴ All citizens have the right to file complaints with the Seimas ombudsmen, and the ombudsmen may investigate complaints referred to them by foreign nationals and stateless persons.¹⁰⁵ The independence of the ombudsmen is guaranteed, and they have unrestricted rights to access and investigate those bodies falling within their jurisdiction, with assistance from the police if required.¹⁰⁶ The Office is required to submit an annual report to the Parliament, accompanied by “a report of the Seimas Committee of Human and Citizen's Rights and Nationalities' Affairs on the activities of the Seimas Ombudsmen's Office and recommendations for the improvement of its activities.”¹⁰⁷

¹⁰³ Law on the Seimas Ombudsmen, 3 December 1998 No. VIII-950, Art. 4(1).

¹⁰⁴ Law on the Seimas Ombudsmen, Art. 4(3).

¹⁰⁵ Law on the Seimas Ombudsman, Art. 15 (1) and Art. 15(2).

¹⁰⁶ Law on the Seimas Ombudsmen, Art. 27 and 28(1).

¹⁰⁷ Law on the Seimas Ombudsmen, Art. 25.

On discovering a violation or abuse of office, the ombudsmen may bring court actions against offenders or recommend legislative amendments and innovations. The Office may also “recommend to the prosecutor that material be prepared [...] for instituting civil proceedings if [it] establishes that there has been a violation of interests of [...] persons possessing limited possibilities to protect their rights.”¹⁰⁸

Although the Office appears well placed to investigate and address complaints of violations of the civil rights of Roma by public authorities, in practice Roma leaders report no awareness of the existence of the Ombudsmen’s Offices in Lithuania, or of any institution to which they could submit complaints of discrimination or of violations of their minority rights.¹⁰⁹ Indeed, the complaints registration unit of the Seimas Ombudsmen’s Office reported that no person identifying himself/herself as Romani lodged a complaint during 1999–2000.¹¹⁰ (There is no optional provision to identify ethnicity on the official complaint registration form.)

In the absence of monitoring, no official statistics on ethnic discrimination exist. By contrast, discrimination on the grounds of gender is actively monitored by the Equal Opportunities for Women and Men Ombudsmen. The most recent report of 15 March 2001 notes 52 complaints of violations of the equal rights of men and women in the past year.¹¹¹

2. *Department of National Minorities and Lithuanians Living Abroad*

With the adoption of the Law on National Minorities on 23 November 1989, a specialised Department of Regional Problems and National Minorities was founded within the government. The mission of the department was to defuse tensions that could lead to conflict by, *inter alia*, guaranteeing an official response to minority demands. On 1 January 1999, the Department’s competencies were broadened when it was re-organised into the Department of National Minorities and Lithuanians Living Abroad.

¹⁰⁸ Law on the Seimas Ombudsmen, Art. 22(6).

¹⁰⁹ OSI Roundtable, Vilnius, March 2001.

¹¹⁰ Information from a representative of the complaints registration unit at the Seimas Ombudsman’s Office, according to whom there were no registered complaints of ethnic discrimination, November 2000.

¹¹¹ Annual report of the Office of the Equal Opportunities of Men and Women Ombudsmen (15 March 2000–14 March 2001).

The mandate of the Minorities Department includes: assuring the implementation of national and international legal obligations with regard to national minorities; proposing and preparing programmes and policies to ensure harmonious inter-ethnic relations; conducting research regarding the sociological and demographic situation of minorities and public opinion on minorities; distributing state funding for minorities' cultural and legal activities; and maintaining contact with certain state and public authorities and international organisations in foreign countries.¹¹²

The Department plays an active role in overseeing the implementation of government policy toward minorities, including allocation of funding to support the activities of minority organisations, and overseeing implementation of special programmes such as the Integration Programme. In the year 2001, the Department managed the planned government allocation of 575,000 Litas (approximately € 160,000) in support of the "Programme for Social and Cultural Integration of National Minorities"¹¹³ and an additional 605,000 Litas (approximately € 170,000) for implementation of the Integration Programme (see below).¹¹⁴

Council of National Communities

The Council of National Communities was established within the Minorities Department in 1995. The Council is composed of representatives of 17 national communities, including the Roma,¹¹⁵ and is charged with coordinating the activities of national minority communities, maintaining harmonious inter-ethnic relations in Lithuania and overseeing participation in the implementation of state minority policy.¹¹⁶ The Council

¹¹² Resolution of the Government of the Republic of Lithuania (3 December 1998) on reorganisation of the Department of Regional Problems and National Minorities to the Government of the Republic of Lithuania into the Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania.

¹¹³ "Human Rights and protection of Minorities", Report of the Governmental Commission on European Integration on Lithuania's Progress Towards Accession to the European Union, July 1999–June 2000, 1 July 2000, Chapter 2.1.3.

¹¹⁴ "Chapter on Minority Rights and Protection of Minorities", Supplementary Document to Report of the Government Commission, September 2000.

¹¹⁵ Seats on the council are allocated according to the size of the minority: three seats are given to minority communities of 100,000 members or more; two for communities of 10–100,000; and one for groups smaller than 10,000. The Roma community has had one representative on the Council since 1997. In 2000 the President of the Roma Community Union "Roma Mission", Mr. Aleksandras Kasparavicius, was elected to the Council of National Communities to represent the Roma national minority. National communities delegate representatives without interference from the Minorities Department.

¹¹⁶ The Council of National Communities was established by Order No. 20 of the Director of Minorities Department issued on 19 June 1995.

is meant to afford minority representatives the opportunity to meet political and municipal officials in order to raise social, educational and other issues of importance to their communities, and to participate in drafting and monitoring the implementation of legislation.

However, some Roma leaders have maintained that the concerns and recommendations they have expressed at meetings of the Council have not been taken into consideration when government policies and programmes – including programmes to assist the Roma community – are drafted.

House of National Communities

In Vilnius, the Department maintains a House of National Communities in which minority groups can organise cultural, social and educational activities, and it offers free legal consultations once a week.¹¹⁷ The Roma community actively participates in the activities of the House.¹¹⁸

3. Programme for the Integration of Roma into Lithuanian Society 2000–2004

On 1 July 2000, the Prime Minister signed a government resolution on the Programme for the Integration of Roma into Lithuanian Society 2000–2004, which aims to encourage the integration of Romani communities into Lithuanian society while protecting and promoting the development of their cultural identity.¹¹⁹ The Minorities Department has been tasked with coordinating the Programme's implementation. The Programme outlines problematic areas for the Romani community, including education, health, migration, and the "hostile attitude" of non-Roma, and identifies state budgetary allocations for a number of activities to address these issues in the Kirtimai neighbourhood in an initial phase (2001–2004), including the establishment of a public community centre in Kirtimai, the training of school children, a health assessment, and support for cultural

¹¹⁷ For a description of the activities of the Minorities Department, see <<http://www.is.lt/tmid/anglo/about.htm>> (accessed 31 July 2001).

¹¹⁸ Information from the Director of the Department of National Minorities, October 2000.

¹¹⁹ The goals of the Integration Programme are defined as the following: "to create conditions for persons belonging to the Roma ethnic minority for integration into society's life of Lithuania; and to provide ways and means to foster and develop their national identity taking into account the specific conditions of the Roma people." See Integration Programme.

activities.¹²⁰ Plans to expand the programme to provide assistance for Roma in other cities and regions of Lithuania have not yet been elaborated in detail.

The Department has been criticised for failing to consult with Roma representatives – including the official Roma representative within the Council of National Communities – either during the development of the Programme, or in its plans for implementation.¹²¹ Lithuania’s most prominent Romani leaders jointly objected to the fact that the Programme was developed without their participation,¹²² pointing out that representatives of Roma NGOs learned about the existence of the Programme only after its approval by the Government on 1 July 2000.¹²³ According to these leaders, the result is that the Integration Programme does not reflect the interests, concerns or perspectives of the Lithuanian Roma community. A request to the Government that the Programme be revised with participation from the Roma community was not accepted.¹²⁴ Instead, efforts are reportedly being made to improve the level of Romani participation in the Programme’s implementation.¹²⁵

The Integration Programme constitutes the Government’s effort “to stimulate tolerance and confidence, [to] inform society about Roma culture and history, [and] to form a positive image [to counter] existing prejudice and stereotypes.”¹²⁶ However, some Roma

¹²⁰ See Integration Programme. For example, 550,000 Lita (c. € 151,000) is allocated from state budget for the establishment of the public community centre; a half million for the building, and a half million for other requirements and needs. OSI Roundtable meeting, Vilnius, March 2001.

¹²¹ According to the Programme, implementation is entrusted to high ranking state institutions such as the Minorities Department, various government ministries, municipal authorities, and only one (non-Romani) NGO: the Lithuanian Children’s Fund. See Integration Programme.

¹²² Joint letter to the Prime Minister of the Republic of Lithuania, Mr. Andrius Kubilius, signed by Mr. A. Stankevicius, Mr. K. Visockas, Mr. N. Marcinkevic, Mr. I. Pasevic, Mr. K. Visockas, Ms. T. Bagdonaviciene, Mr. R. Stankevicius, Mr. A. Kasparavicius, and Mr. J. Tycina, 21 July 2000.

¹²³ Both Mr. J. Tycina, representative of the Roma community in the Council of National Communities through 31 March 2000, and Mr. Kasparavicius, representative in the Council as of April 2000, affirm that neither was consulted with regard to the development of the Integration Programme, and that, as a result, Roma NGOs and the Romani communities they represent were not informed either.

¹²⁴ This proposal received support from the International Romani Union: “The Congress addresses Lithuanian authorities with a claim to stop the approved Programme and to prepare a new Roma Social Integration program 2000–2004 in cooperation with Roma communities’ organisations of Lithuania, their union and representative of Roma national minority in the Council of National Communities...” Declaration of the 5th World Congress of the International Romani Union, 24–28 July 2000.

¹²⁵ According to the General Director of the Minorities Department, leaders of the Kirtimai Roma community are involved in discussions surrounding the financing and implementation of the Roma Integration Programme for 2000–2004. The “Roma Community Centre” will be constructed in cooperation with the Romani NGO “Gypsy Bonfire”, and is scheduled to open in September 2001. Information from the General Director of the Minorities Department, November 2000.

¹²⁶ See Integration Programme.

leaders have asserted that the Programme itself contains information that contributes to misperceptions and misunderstandings of Romani culture: “[w]e have noticed that in the Roma Integration Programme for 2000–2004 there are many wrong statements about the Roma national minority in Lithuania, which mislead Lithuanian governmental institutions and society and may cause discrimination against Roma.”¹²⁷

Although representatives of the European Union have not spoken publicly on the conditions of the Roma in Lithuania,¹²⁸ the EU has encouraged non-governmental efforts that are closely aligned with the Integration Programme. The Lithuanian Children’s Fund (LICF), in partnership with the French NGO, “Un Enfant par la Main”, received Phare LIEN funding in February 2000 to develop programmes to be implemented in the Kirtimai community.¹²⁹ This project is intended to complement the efforts of the government, and to support implementation of the Programme through literacy and other educational programs and various activities to improve access to social, economic and health care services for Roma.¹³⁰ The Council of Europe Development Bank is also providing funding for the construction of the community centre for Roma in Kirtimai.¹³¹

Detailed information on the implementation of these programmes is not yet available, but monitoring evaluation of their efficacy will be crucial. As there are multiple potential sources of funding for the Kirtimai community centre, it will be especially important to monitor allocations and expenditures to prevent duplication of effort. Finally, given the concerns of Roma leaders with regard to the development of the Integration Programme, steps should be taken to ensure their meaningful participation in implementation and evaluation, and in the preparation of any additional phases of the Programme or new initiatives.

¹²⁷ Letter from Mr. A. Kasparavicius (president of the Roma Community Union) to the Director of the Lithuanian Centre for Human Rights, 2 August 2000.

¹²⁸ Information from the Deputy Head of Integration Policy Division, European Committee of the Government of the Republic of Lithuania, November 2000.

¹²⁹ The project was awarded € 106,000 from the PHARE LIEN program for a two-year “Kirtimai Gypsy Community” project to support activities for Roma in Kirtimai, such as pre-school education, alternative education, literacy classes for adults, and social and medical consultations, etc. The total project budget is € 132,423. The project will end in February 2002.

¹³⁰ To achieve this objective, the project organisers state the intention to “[c]ontribute to the visibility of the problems faced by Gypsy communities in Lithuania and advocate their rights through information in broadcasts, newspaper interviews, and discussion with Government authorities. However, the information should go both ways, i.e. to also inform the Gypsies about the way of life of the surrounding Lithuanian community to increase their understanding for their socio-economic environment” (Project proposal, prepared by UEPLM/CCF).

¹³¹ The COE Development Bank has agreed to provide partial financing of 550,000 Litass (c. € 151,000) for the construction of the Kirtimai Gypsy Community Centre. Information from the General Director of the Department of National Minorities and Lithuanians Living Abroad, 21 November 2000.

B. Civil Society

The first Romani NGO in Lithuania was organised in 1992, and since then a number of Roma NGOs have grown and flourished, opening branch offices in several cities, while others have closed or discontinued their activities, often due to lack of funding.¹³² According to the Ministry of Justice, four Roma organisations are now registered in Lithuania: “Romano Dzhiyipe” (“Roma Life”, 1995); “Gypsy Bonfire” (“Romany Yagory”, 1997); “Romen”, (1998); and the Roma Community Union “Roma Mission”, (1999). The Roma Community Union “Roma Mission” – established as a national organisation with the aim of supporting and coordinating the activities of Lithuania’s Roma NGOs – presently lists six Romani NGOs as members. A number of other NGOs are registered at the municipal level.

The Minorities Department provides funding to eleven Romani organisations to “take care of Roma social and cultural needs.”¹³³ A number of international funders have also contributed financial or other forms of assistance to Romani NGOs. To date, there are no NGOs whose principal function is to monitor the rights of Roma or to defend them through legal advocacy.

No single organisation can be said to represent Lithuania’s entire Roma population, but Roma organisations have joined forces on issues of concern to the community as a whole, notably with regard to the Integration Programme, as described above. Numerous non-Roma organisations have conducted projects on behalf of the Roma.

Several leading Roma representatives recently expressed dissatisfaction with the degree to which they have been involved in the planning and implementation of government projects to benefit the Roma community. Allegedly, there are no Roma involved in coordinating programs implemented on behalf of the Roma; in the words of one leader, “there is no trust.” Another claimed that “if the government wants to do something good for Roma, they have to address us and coordinate with us – we have to become experts also, and take part in the preparation of government programmes.” A third insisted that only when Roma are given responsibility for managing and coordinating projects to address the problems in their communities will they be “real citizens of Lithuania”.¹³⁴

¹³² For example, in May 1998 the Kaunas Roma Information Bureau was opened in Kaunas, and conducted a number of media-related activities, including the first recording of Lithuanian Roma songs “Doosha Tsyganskaya” (“Gypsy Soul”). The Bureau has since ceased functioning due to financial problems.

¹³³ According to the Integration Programme, the government provides 6–7,000 Lita (€ 1,680–2,000) to Roma organisations annually.

¹³⁴ OSI Roundtable, Vilnius, March 2001.

V. Recommendations to the Government

In addition to the recommendations elaborated in the Overview Report, the following measures could contribute to enhanced minority protection in Lithuania:

1. In consultation with Romani organisations, ensure effective implementation, regular and transparent evaluation, and adequate budgetary and logistical support of the “Programme for the Integration of Roma into Lithuanian Society”.
2. Recruit and appoint qualified Roma to positions of responsibility for carrying out activities under the Programme.
3. Legalise the large number of houses in Roma neighbourhoods that presently lack legal status.
4. Promote public awareness of the ombudsman’s office among vulnerable groups in Lithuanian society – including Roma.

Appendix A

Demographic Data

According to the census data of 1989, national minorities constituted 18.5 percent of the total population of Lithuania. The Russian minority is the largest (9.4 percent), followed by the Polish (7 percent), Byelorussian (1.7 percent), Ukrainian (1.2 percent), Jewish (0.3 percent), and other nationalities (0.7 percent). The Roma minority was registered at 2,718 – less than one percent of the Lithuanian population.¹³⁵

As noted in the report, statistical data for the Roma minority are inexact. It can be conjectured that due to a lack of personal documents and registration, a sometimes nomadic style of life, and social marginalisation, these figures may underestimate the true size of the Roma population in Lithuania. The next national census in Lithuania will be held in April 2001. The census office of the Department of Statistics is working with Roma assistants in Kirtimai to conduct the census. The 2001 census questionnaire includes an optional question on nationality. Final results are expected in 2003.

¹³⁵ 1989 Census, Department of Statistics, Republic of Lithuania.