



**JOINT UPR SUBMISSION OF
THE JEWISH COMMUNITY OF LITHUANIA, LITHUANIAN CENTRE FOR HUMAN
RIGHTS, LITHUANIAN GAY LEAGUE, CENTRE FOR EQUALITY ADVANCEMENT
AND ROMA COMMUNITY CENTRE
LITHUANIA – OCTOBER 2011**

Right to Life, Liberty and Security of the Person

- Violence against Women

1. Violence against women remains a key problem. Police statistics show the high prevalence of violence, particularly the domestic one, against women in Lithuania (in 2009 the police registered 41982 calls on domestic violence; it initiated, however, only 737 pre-trial investigations;¹ 19 women were killed by their spouse or intimate partner).²

2. The absence in Lithuanian legal framework of a specific law on prohibition of domestic violence suggests that the State is reluctant to fully implement UN CEDAW Recommendation No 19 and ensure to all victims of domestic violence immediate means of redress and protection, including protection orders, and access to safe and adequately funded shelters and legal aid.³

3. Domestic violence today is covered by the general provision of the Criminal Code as an interpersonal violence. If murder or severe health impairment are committed then the *ex-officio* procedure starts under the Criminal Code; however in the case of non-severe or negligible health impairment, the private prosecution practice should be exercised. Very frequently a victim has to stay in the same living premises with perpetrator while suing him before the court.

4. The research of 2008 revealed that the existing legal and procedural framework to fight domestic violence is ineffective. More than 1/3 of the respondents who had suffered domestic violence had never applied for any support; 30% of the respondents who had once applied have argued that they

¹ Statistics on reports about domestic conflicts 2007-2009. Department of Police under the Ministry of Interior. available at

[http://www.bukstipri.lt/uploads/Duomenys%20apie%20pranešimus%20dėl%20konfliktų%20ir%20smurto%20šeimoje%202007-2008-2009%20metais\(2\).xls](http://www.bukstipri.lt/uploads/Duomenys%20apie%20pranešimus%20dėl%20konfliktų%20ir%20smurto%20šeimoje%202007-2008-2009%20metais(2).xls)

² Data on Criminal acts . department of Information and Communication under the Ministry of Interior. <http://www.bukstipri.lt/uploads/Nuo%20nusikalstamu%20veiku%20nukentejusios%20moterys.doc>

³ CEDAW. Concluding comment CEDAW/C/LTU/CO/4, available at <http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/fe005fcb50d8277cc12569d5003e4aaa/973a62ca86ca2136c12574aa003f86a2?OpenDocument>

would never seek any support in future because nobody could help them. 56% of divorced women identified the experience of domestic violence from former spouse.⁴

5. Police in Lithuania is not empowered to introduce any provision of restriction order or eviction from private apartment. In general the support possibilities of the victims of domestic violence are limited. There is no official statistics about beds available in the shelters or crises centres around Lithuania. There are very few shelters that are supported annually from the municipal budget. Many NGOs that run the shelters or crises centres should annually apply for the funds for the services for victims. Law on Social Services adopted in 2006 imply that municipalities should assign the budget to support socially vulnerable groups. Victims of domestic violence fall under the category of social risk group thus being equalised with such groups as homeless, HIV/AIDS, alcohol addictive, drug-users and other.⁵

6. Till present (2010 March) there is no 24 hours hotline. Though the state did establish the hotline funded from the state budget, it works only during the day time, excluding weekend.

7. No mandatory trainings for judges, prosecutors or police officers have ever been organized by the State. Limited funding has been allocated for the optional training purpose.⁶ The course for regional judges on violence against women covers only 2 hours.⁷ The General Prosecutor's Decision on trainings for the prosecutors includes 4 hours seminar on the issue of domestic violence.

Freedom of Association and Peaceful Assembly

8. The first notable incident in 2007 happened on May after the Lithuanian Gay League (LGL) used a substantial amount of funding to display advertisements encouraging the tolerance of lesbian and gay workers, on the trolleybuses in Kaunas and Vilnius. The action was never officially banned, but was followed by a press release issued by the Mayor of Vilnius stating that "We do not approve the public demonstration of homosexual ideas in the city of Vilnius" , and the blunt refusal of bus drivers in Kaunas to drive the buses.

9. In the same month, the anti-discrimination truck which was touring Europe in 2007 representing the EU Year of Equal Opportunities for All, was refused permission to stop in Vilnius. Among the various events planned around the symbolic presence of the truck was the display of the rainbow flag and distribution of some promotional leaflets. There is little doubt that this was what motivated the ban, given that the truck had been allowed a stop in Vilnius on a previous occasion, that time without the promotional presence of LGL or any other LGBT-group. The city authorities claimed their decision justified based on the security risks potential public disapproval would pose, and left it there.

10. Another incident also involved the authorities withholding permission for another public event, again planned by LGL, in conjunction with ILGA (International Lesbian and Gay Association) – Europe's annual conference, which took place in Vilnius in October 2007. The planned event

⁴ Report on Research on Domestic Violence against Women. Analysis and Evaluation. 2008. Ministry of Social Security and Labour. Available at <<http://www.socmin.lt/index.php?1606775163>>

⁵ Law on Social Services. No. X-493, 19 January, 2006

⁶ National Strategy on Reduction of Violence against Women and Action Plan for its Implementation 2007-2009, o. 1330, 22 December 2006, available at <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=289640>

National Strategy on Reduction of Violence against Women and Action Plan for its Implementation 2010-2012. No. 853, 19 August, 2009 available at <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=351089&p_query=&p_tr2=>

⁷ Reports on Implementation of the National Strategy on Violence against Women and Action Plan 2007-2009. Ministry of Social Security and Labour. Available at <<http://www.socmin.lt/index.php?-1191824460>>

involved the hoisting of a rainbow flag by the conference delegates in the Town Hall Square. Permission for the gathering was refused, officially because of the security risk the ongoing construction works in the square constitutes. Two factors render this motivation highly questionable. Firstly, the city authorities made no attempt to provide an alternative venue for the event, which certainly was their duty. Though there were, and have been for a good while, construction works in progress, the square was evidently safe enough to be open to the public at all times. Moreover, since the construction works started there have been other public events taking place in the square.

11. Shortly after the decision of the city authorities, LGL took the question to Vilnius court. When the latter decided to uphold the ban, the former took the case to a higher court. It was defeated the second time.

12. The *Law on the Protection of Minors against the Detrimental Effect of Public Information* was already used trying to ban first ever Pride event in Lithuania which finally took place as was planned on 8 May 2010. In March 2010, 53 (out of total 141) Lithuanian Parliamentarians signed a petition calling for the authorisation for the march to be revoked on the grounds that it would violate this new law.

13. However, the most real threat arose less than a week before the event planned. On 3 May 2010 Raimondas Petrauskas, Lithuania's Interim Attorney General and Stanislovas Buskevicius, member of the Kaunas City Council have applied to the court to ban the Baltic Pride/March for Equality scheduled for 8 May, which was previously authorized by the Mayor of Vilnius.

14. Prosecutor General based both his request to revoke executive order of the director of Vilnius City Municipal Administration 'Regarding permission to organise the march "For Equality" and the request to suspend the validity of the executive order by applying measures to secure the request on the ground that '<...> the health of people participating in the march may be damaged by organising the meeting <...>'.

15. The application of the Prosecutor General provided statistical information that specified the number of pre-trial investigations started on the basis of Article 170 of the Criminal Code. However, the majority of these investigations were carried out because of comments that appear on the internet which are incitements against members of various groups. Statistical information was of an abstract nature and did not reflect the situation, but only possible trends.

16. The application of the Prosecutor General also contained the abstract phrase that '*the information is available that members of radical and ill-disposed groups are planning to protest against the march "Baltic Pride 2010" on May 8 by organising various provocations.*' In this specific case no data was provided: no individuals or groups of individuals who are arranging provocations were identified, no pre-trial investigation has been started either on grounds of Article 170 (3) of the Criminal Code regarding public incitement of violence or physical violence against a group of persons on grounds of their sexual orientation or on the grounds of Article 170¹ of the Criminal Code regarding accomplices or establishment of an organised group or organisation, participating in or supporting it aiming to discriminate against a group of individuals on grounds of their sexual orientation.

17. The 'data' provided in the application of the Prosecutor General was in contrast with the public statements of 5 May 2010 of the Mayor of Vilnius, Juozas Navickas;⁸ of 4 April 2010 of the Deputy

⁸ Lauryna Vireliūnaitė. "Gay Pride is at risk", *Alfa.lt*, 5 May 2010, available at <http://www.alfa.lt/straipsnis/10355592/?Geju.eitynes.pakibo.ant.plauko=2010-05-05>;

Chief of the Police, Saulius Skvernelis,⁹ and of 4 April 2010 of the Chief of the Police of Vilnius District, K. Lancinskas,¹⁰ where these officials maintained that the police were ready to ensure public order and security of the participants and guests during the march ‘For Equality’.

18. However, on 5 May, Vilnius Regional Administrative Court, having investigated the applications lodged, decided to grant the applicant’s requests and to suspend the validity of Clauses 1–4 of executive order of the director of Vilnius City Municipal Administration ‘Regarding permission to organize the march “For Equality”’ until the day of the court ruling coming into effect.

19. On the same day Baltic Pride organizers submitted separate appeal regarding the decision by Vilnius Regional Administrative Court.

20. Lithuania’s Supreme Administrative Court overruled the Vilnius Regional Administrative Court decision on 7 May. The court finally said that European Union law obligates the nation to protect the rights to free expression and assembly and “the state has a duty to ensure the right to peaceful assembly, even of people whose opinions are not popular or represent minorities”.

Freedom of Religion and Belief

21. The *Law on Religious Communities and Associations* provides that there is no state religion in Lithuania;¹¹ the Law groups the existing religious communities and associations into state-recognised traditional religious communities and associations; state-recognised non-traditional religious associations, and other registered religious communities and associations.

22. Following the Decision of the Constitutional Court of the Republic of Lithuania of 6 December 2007, traditional and state-recognized non-traditional religious associations and communities do not enjoy equal rights: “if any other (non-traditional in Lithuania) church or religious organisation is recognised by the state, in itself this does not provide grounds to establish such rights to them, to which churches and religious organisations traditional in Lithuania are entitled because they are traditional in Lithuania.”¹² The Constitutional Court also established that additional rights for traditional churches and religious organisations may be ensured by law without limiting the rights guaranteed for all churches and religious organisations, which are not traditional.¹³

23. Important issue to pay attention to is the fact that there is no law in Lithuanian legal framework, which would enable Jewish community to act according to the Jewish tradition. Currently Jewish community has to act according to the *Law on Associations* or the *Law on Religious Communities*. After Lithuania regained its independence in 1990, Jewish religious communities were established only for the purpose of the restitution. Therefore, it is impossible to join them into one community because of the different legal forms.

24. The state grants a number of privileges to the traditional religious communities. Traditional religious communities and associations may register marriages, establish subsidiary institutions, establish joint private/public schools, provide religious instruction in public schools, and be eligible

⁹ “Police re-ensured they are ready for the Gay Pride”, *Diena.lt*, 5 May 2010, available at <<http://www.diena.lt/naujienos/miestas/policija-dar-karta-patikino-esanti-pasirengusi-geju-eitynems-276690>> ;

¹⁰ “Police is ready to ensure public safety during the Rally”, *Delfi.lt*, 5 May 2010, available at <<http://www.delfi.lt/news/daily/lithuania/vilniaus-policijos-vadovas-policija-yra-pasirengusi-uztikrinti-viesaja-tvarka-per-eitynes.d?id=318381651>>

¹¹ *Ibid.*, Article 2;

¹² The Constitutional Court of the Republic of Lithuania. Decision Cases No 10/95, 23/98, 6 December 2007, P. 8, available at <<http://www.lrkt.lt/dokumentai/2007/d071206.doc>>;

¹³ *Ibid.*;

to receive government assistance. Their highest religious leaders are eligible to apply for diplomatic passports, their clergy and theological students are exempt from military service, and they may provide military chaplains. The Ministry of Justice does not require traditional religious communities and associations to register their bylaws. Traditional religious communities do not have to pay social and health insurance taxes for clergy and other employees. Traditional religious communities receive annual state subsidies, while non-traditional groups are eligible for government support only for their cultural and social projects.¹⁴

Minorities and Indigenous Peoples

- Roma National Minority

25. Roma community remains the most vulnerable, marginalized and discriminated ethnic group in a number of areas – employment, education, housing, health care, social security, among them. Extreme poverty, illiteracy, high criminality and negative attitudes of the mainstream society keep this group locked in social exclusion as is reflected in the fact that 40% of Roma do not know the national language. Many Roma do not have identification papers, a number of them are stateless, although born in Lithuania. 46% of Roma community are youths under 15 years of age.¹⁵

26. Roma living in Vilnius Kirtimai settlement (20–25% of all Roma people living in Lithuania) face extremely low living standards. Housing, as well as sanitary conditions there are of unsatisfactory standing. In the settlement where approximately 500 people live, most houses lack electricity, heating and drinking water, dwellings are overcrowded. Concerns regarding harsh living conditions in the Kirtimai Roma settlement were expressed by the United Nations Special Rapporteur in his report of 2008.¹⁶

27. Kirtimai Roma housing problems are closely related to the legal status of dwellings. Roma were forced to settle in Kirtimai 50 years ago during Soviet occupation. Buildings were built on state-owned land but were not legalised i.e. *de jure* Roma people live on that land illegally. However, *de facto* funds are being invested into the improvement of their living conditions in the mentioned territory and their buildings (all in all 139, out of this number 43) are registered. According to various experts, the only solution to the problem of housing in Kirtimai is to solve the legal status of the territory as soon as possible. However, no steps have been made in this respect.

28. The fundamental issues of Roma integration have not been tackled for a number of years. Instead, media, politicians and the public continue to escalate prejudices and negative stereotypes about this ethnic minority. In public discourse, Roma are often linked to drug-related criminality, blamed for dependence on social benefits and reluctance to work. Vilnius authorities threatened to take away minor children from the Roma residing in Kirtimai compound in Vilnius if they have to live in areas where drugs are dealt. Official crime reporting almost never fails to indicate ethnic origins when suspected or accused person is of Roma origin.

29. Rather modest Roma social inclusion measures were severely hit by the government's decision to cut funding in recent years. It seems, that any progress, made in previous years has been completely neglected and most of the achievements remain only on paper. One of the main recent

¹⁴ Zivile Gapsiene. "Religion and State in Lithuania", 2007, available at http://www.tm.lt/rel_static/rel_zinynas/knyga_valstybe.html;

¹⁵ Centre for Ethnic Studies. Roma situation report, 2008, available at http://www.tmid.lt/wp-content/uploads/2009/05/sti_tmid_romu-padeties-tyrimas-2008_ataskaita.doc;

¹⁶ The Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the Seventh session of the UN Human Rights Council, 7 February 2008, available at

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/105/24/PDF/G0810524.pdf?OpenElement>;

policy developments was the adoption of the Programme of the Integration of Roma in Lithuanian Society for 2008-2010 in March 2008.¹⁷ The Programme, contrary to its previous version was mainly aimed at improving Roma unemployment and education, reduction of poverty and fighting social exclusion. It fairly well reflected the actual needs of the community as well as the actual situation. However, it seems that throughout the period of its existence, it did not receive 84% of its initial budget¹⁸ and was discontinued in June 2010.¹⁹ The main institution responsible for its implementation – Department of National Minorities under the Government of Lithuania – was dissolved and ceased to exist. At the moment, no governmental policy on Roma integration exists at governmental level.

30. A thorough report, written by the Parliament Ombudsperson in 2009 indicated that the same goes for Vilnius city municipality policy for Roma integration – policies were severely underfinanced, mismanaged, there was no control on the results of the programme and lack of evaluation.²⁰

- Jewish National Minority

31. Among the issues related to Jewish national minority in Lithuania, one of particular importance is that related to Jewish ghetto and concentration camps survivors. According to Lithuanian laws and regulations Jewish people who survived Nazi regime do not have equal rights with those exiled to Siberia. Therefore, Nazi regime victims possess less rights compared to Stalin regime victims rights.

32. Furthermore, there is now law in Lithuania, which would enable Jewish community to obtain illegally expropriated property; and there is no law in Lithuania, which would enable citizens of Lithuania of Jewish origin permanently not residing in Lithuania to obtain their illegally expropriated property.

Right to Education

33. On a number of occasions the Council of Europe emphasised the importance of comprehensive human rights education, and its crucial role that education for citizenship plays in building democratic society.²¹ However, in Lithuania such education does not seem to play a key role if any at all, and it is not considered to be important. The existing curricula of civic education had not been the subject of thorough review.

34. According to the latest research of 2010, the survey of teachers showed that almost 50% of teachers agree that the school pays insufficient attention to the issues of social and cultural diversity and respect for human rights. One third of teachers rarely discuss stereotypes, their roots and consequences with their students, and even fewer try to stimulate students' interest in different cultures. More than one third of students claimed that they have never engaged in activities at school aimed at multicultural awareness, and there has been insufficient attention for such issues as social and cultural differences and respect for human rights.²² More importantly, current textbooks

¹⁷ Government Resolution No 309, 26 March 2008;

¹⁸ Government Resolution No 32, 21 January 2009;

¹⁹ Government Resolution No 692, 2 June 2010;

²⁰ Parliaments Ombudspersons' Office. Human Rights Protection: Roma's Rights, 2009, available at www.lrski.lt/index.php?n=362&l=LT;

²¹ Council of Europe, Recommendation Rec (2002) 12 of the Committee of Ministers to the member states on education for democratic citizenship; Council of Europe, Recommendation CM/Rec (2010) 7 of the Committee of Ministers to the member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

²² Tolerant Youth Association, Equal Opportunities Ombudsperson., "Tolerance and multicultural education at schools", 2010, available at <http://www.lygybe.lt/assets/visas%20leidinys.pdf>

continue to reproduce stereotypical views on gender roles, replicate prejudice on different ethnic groups or nationalities.²³

35. Research of 2003 has showed that high numbers of respondents do not use any contraception: 51% of women in the age of 15-25; 19% of women in the age of 26-35; 32% – in the age of 35-45. Up to 33% of respondents could not explain the reasons for refusal to use contraception. However, only 1% of respondents stated that they would give birth if got pregnant. This suggests the high numbers of abortion in Lithuania.²⁴

36. According to the statistical data of 2006, 10.7 women out of 1000 fertile women in the age of 15-49 have abortion in Lithuania per year.²⁵ In 2009 statistics show very slight decrease of the abortion: 9.3 abortion per 1000 fertile women in the age of 15-49.²⁶ Nevertheless, the government eliminated the questions of contraception and sexual education measures out of the agenda of the Governmental Programme on Equal Opportunities for Women and Men 2010-2014.²⁷

²³

Ibid.

²⁴ National Program of Equal Opportunities for Women and Men, 2005-2009. Decree of the Government No. 1042. 26 September 2005

²⁵ National Program of Family Health. 2008–2010, Decree of the Minister of Health No. V-513, 29 May, 2008. Available at <http://www.vpsc.lt/doc_files/programu_atask/seimos_sveikat.doc>

²⁶ Health Statistics in Lithuania 2009. Vilnius 2010 available at <<http://www.lsic.lt/>>

²⁷ Action Plan of National Program of Equal Opportunities for Women and Men, 2010-2014. Decree of the the Minister of social Security and Labour No. A1-323, 7 July 2010 available at <http://www.socmin.lt/index.php?876673372#lyciu_lygybe>