

LITHUANIA

Human rights: impressive legislation but inadequate implementation



Lithuania possesses a splendid legislative foundation for the fulfilment of human rights. However state institutions and business interests perceive human rights as a purely formal matter and an onerous obligation (not so much to Lithuanian citizens, but to foreign partners). This attitude has been a serious obstacle to full implementation of current legislation.

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The Republic of Lithuania has been an independent state since 11 March 1990. The Constitution, approved by referendum on 25 October 1992, establishes a broad spectrum of political, civil, social, economic and cultural rights that reflect the UN Declaration of Human Rights of 1948.

Minority rights

Since the restoration of its independence, Lithuania has paid considerable attention to the rights of ethnic and religious minorities. The Constitutional Law on Ethnic Minorities was approved at the end of 1989 – several months before the declaration of independence.

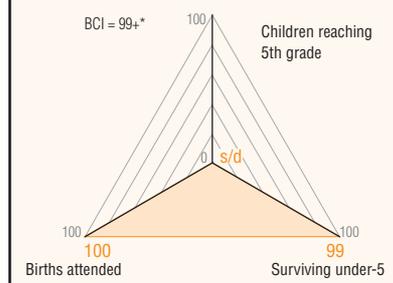
According to the 2001 census, Lithuanian society is composed of 115 different ethnic groups. Ethnic minorities account for around 16.5% of the population. The largest are Poles (6.7%), Russians (6.3%), Belarusians (1.2%) and Ukrainians (0.7%). Other ethnic groups, including Jews, Germans, Latvians, Tatars, Roma, Armenians, each make up less than 0.1% of the population.¹

Paragraph 37 of the Constitution declares that “Citizens in ethnic communities have the right to maintain their language, culture and customs”. This declaration is observed in practice. For example, the larger ethnic minorities such as the Poles and Russians have numerous public schools in which children are taught in their native languages, as well as their own newspapers, commercial radio stations and shows on national television and radio. They also have an extensive network of public and cultural organizations, supported by the Lithuanian Government and the countries of their ethnicity. Naturally, smaller communities have fewer opportunities for cultural expression, but they do have some access to media (the Belarusians, Ukrainians and Jews are given time on national television), in addition to state-sponsored Sunday schools. The number of Russian and Polish schools, as well as the number of pupils in those schools, has diminished in recent years, however official statistics

* One of the BCI components was imputed based on data from countries of similar level.

1 <www.tm.id.lt/index.php?page_id=3940>

Basic Capabilities Index (BCI)



indicate that the rate of shrinkage is even greater in Lithuanian schools.

Although the general situation is quite good, some conflicts have emerged:

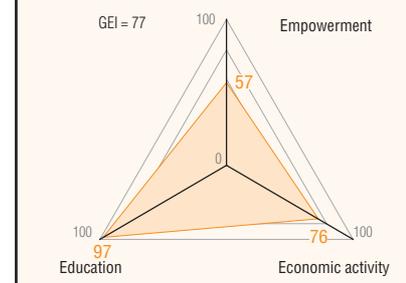
- On several occasions since 1997, two municipalities where a majority of the population speaks Polish have tried to introduce Polish street names alongside the Lithuanian designation. The national government has overruled them.
- The Lithuanian media and some public officials frequently link the Roma population (usually called gypsies in Lithuania) to criminal activities. For example, during a conference on drug addiction, the deputy commissioner-in-chief of the Vilnius City Supreme Police Commissariat declared that “all we have to do is enforce the law. Then all the gypsies will be in the same place, where most of them already are for the crimes they have committed.”²
- Violent skinhead (neo-Nazi) assaults against people of other races have intensified since 2003. The response of Lithuanian law enforcement authorities has been quite benign – even when the assailants are detained, punishment is mild.

Religious communities

Religious communities are supervised by the Law on Religious Communities and Groups, adopted in 1995. This law divides Lithuania’s religious communities into traditional and other. The traditional are Roman Catholic (80% of the population), Greek Catholic, Evangelical Lutheran, Evangelical Reform-

2 <nkd.lt/files/spauda_raso/20070917_Spaudos_apzvalga.htm>

Gender Equity Index (GEI)



ist, Russian Orthodox, Old Believers, Jewish, Sunni Muslim and Karaim. The special privileges enjoyed by these communities are few and insignificant (for example, easier registration of new congregations), however Lithuania has been criticized internationally for making any distinction at all (for example, in annual USA reports on religious tolerance).

Although Lithuania strictly adheres to the principles of religious tolerance in its laws, negative attitudes toward non-traditional religious communities remain strong. These communities (Witnesses of Jehovah, Hinduists, Mormons, Buddhists, Adventists) are treated as sects that are dangerous to society and employ psychological coercion to pull people out of their customary social sphere and even away from their family. On the other hand, in contrast to Western Europe, Islamophobia is alien to Lithuania. A Sunni Muslim community has existed in Lithuania since late 14th century.

Sexual minorities

Sexual minorities have been a major issue in recent years. Homosexuals, who had been persecuted and jailed by the Soviet authorities for their sexual orientation, are not subject to official persecution – there are gay clubs, public organizations, websites, etc. However, in society as a whole, attitudes remain negative. Gays and lesbians are frequently accused of being responsible for depravity and social decline. In some instances informal homosexual groups have even been accused of political activities dangerous to the state (*Respublika*, a daily newspaper, published several articles in 2004 claiming that gays and Jews rule the world). When homosexuals requested a permit for a public event in 2007, city officials in Vilnius, the capital, turned them down.

Gender equity

Parliament adopted a Law on Equal Opportunities for Men and Women in December 1998. An Ombudsman's office for Equal Opportunities for Men and Women was established in May 1999. After Parliament adopted a new Law on Equal Opportunities in November 2003, it was renamed the Ombudsman's office for Equal Opportunities and its jurisdiction was expanded to include discrimination based on age, sexual orientation, disabilities, race and ethnicity, and religion or beliefs. Since 1 January 2005 the office has investigated individual complaints of discrimination or prejudice based on age, sexual orientation, disabilities, race and ethnicity, religion or beliefs that have occurred at work, education institutions or while receiving services.

This broader jurisdiction has significantly increased the volume of cases handled by the Ombudsman:

- 1999 – 31 complaints, 4 investigations initiated.
- 2003 – 50 complaints, 15 investigations initiated.
- 2007 – 162 complaints, 2 investigations initiated.

Most of the investigations are related to gender discrimination. Although men file complaints, most commonly charging discrimination based on disability, ethnicity, religion or other beliefs, most of the complainants are women, usually for gender and age discrimination. In 2006, as in previous years, many of the complaints came from pregnant women and women on pregnancy or maternity leave who claimed that their employer placed them in worse working conditions than those enjoyed by their male colleagues, failed to pay them additional wages and bonuses they deserved, did not give them annual bonuses based on work results and did not provide a level playing field where they could compete with their male colleagues for advancement.³ After returning from maternity leave, women sometimes face similar problems when they stay home to care for a child who becomes ill. Moreover, employers may prefer to hire men to avoid the “complications” related to pregnancy and maternity leaves.

In 2006 many complaints were filed against products and services advertisements for demeaning women through emphasis on specific body parts; employing stereotypes of female fragility, flightiness and lack of intelligence; or implying that a woman's only positive attribute is the ability to seduce a man. Advertisements frequently juxtapose women against material objects, either by presenting a choice between a product and a beautiful woman, or by comparing a woman's breasts, buttocks or other parts of her anatomy with a product.⁴ On the other hand, complaints of sexual harassment are very low. Negative stereotypes of women reflect the strong persistence of patriarchal stereotypes in society as a whole. These traditional attitudes are often inculcated in early childhood, and changing them may take many years.

Family violence remains quite common. Although most people condemn it and legal mecha-

nisms are available to restrain violent individuals, most people prefer not to interfere in family affairs unless the violence becomes life-threatening.

Socio-economic aspects of human rights

Lithuanian laws protect the social and economic rights of individuals; the social welfare system is well developed. Property rights are respected. The State guarantees a 40-hour work week and 28 vacation days annually for employees. Women can begin receiving their pension at 60 years of age and men at 62.5. All employed individuals receive social security payments if they are unable to work due to illness or accident. Unemployment benefits last at least six months from the time a job is lost. Since 2007 a mother has been eligible for maternity leave benefits until her child is two years old (the previous legislation guaranteed one year). Most healthcare and education services are funded by the State and provided free of charge.

Unfortunately, the social welfare system is far better on paper than in reality. Understanding why requires some historical background. In 1990 Lithuania inherited a Soviet economic system in which almost everything belonged to the State and was controlled by the bureaucracy. Private property was minimal. To rid itself of this inefficient economical system, Lithuania introduced a program of rapid privatization without thoughtful planning. Many of today's social problems are a legacy of this policy.

A large number of industrial firms were deliberately bankrupted, so they could be purchased at the lowest possible price. Many never resumed production; their workers were let go, dramatically increasing the unemployment level (it was 15.4% in 2000, according to the Department of Statistics). High unemployment has had two profound negative consequences for the workforce:

- Employers remain reluctant to raise salaries and invest in better working conditions at their own expense. At the same time, employees are afraid to defend their rights (only 12% of employed Lithuanians are members of trade unions), because they feel they are in a much weaker position than the employer. As a result, frequently extra hours are not compensated, vacations are postponed indefinitely, and workers are paid part of their wages off the books, which reduces their social benefits. The percentage of people living below the poverty line between 1996 and 2007 fluctuated between 16% and 20%,⁵ and is bound to increase. Salaries of officials, in contrast, are generous. Lithuania pays the 18th highest compensation worldwide relative to GDP, far more than economically stronger countries such as the USA, Germany, the United Kingdom and France.⁶
- At least half a million Lithuanian citizens, almost a quarter of the economically active population, work abroad, according to a variety of estimates.

This figure is likely to grow. Economic migration separates families for months and even years. Children grow up without their parents. The sole benefit of massive emigration has been labour shortages. By the end of 2007 unemployment had dropped to 3.9%,⁷ compelling employers to improve working conditions. Officially, emigration is characterized as one of the most significant national problems. In April 2007 the Government approved an Emigration Management Strategy to reduce it. However it is possible that the Government actually regards emigration as a way to reduce social conflict. This perspective is evident in frequent statements by officials advising people who express discontent with social conditions to move abroad. The Minister of Culture suggested that to actors in November 2006.⁸ The chairperson of the largest parliamentary faction made a similar statement to teachers in December 2007.⁹

How people can defend their rights

Lithuanians feel very sceptical about their ability to defend their rights, according to the Lithuanian Human Rights Monitoring Institute. Three quarters of respondents in a 2006 poll reported that their rights had been abused and they had not complained. Seventy-four per cent of respondents declared that they would not appeal to state institutions for redress because they believed it would be futile.¹⁰

This attitude is largely a result of the large disparity in resources. Most private groups and organizations lack the time and funds necessary to defend individual rights in courts, while state institutions and business structures they might challenge have plenty of both. This discourages people from bringing rights cases, even though actual court decisions indicate that they have good chance of success despite the wealth and power of their adversaries.

The public also seems to have given up on popular protests, which the authorities usually ignore. In recent years, when local communities united in a campaign against environmentally risky commercial projects (toxic pig farm waste in Northern Lithuania, a huge garbage dump near the ancient capital Kernave and the secretive Leo LT energy project), they received no attention. Moreover, the harsh Government response to some acts of protest has been disproportionate. One example is the arrest of two individuals in October 2006 while they were peacefully protesting at the gates of the British Embassy against the use of black bear skins to make the guards' fur hats. The court subsequently dismissed the case. In a more recent case, on 6 February 2008, the ruling parliamentary parties submitted legislation that would order law enforcement agencies to open investigations of opposition politicians who criticized the controversial Leo LT energy project.¹¹ Initiatives of this kind by state institutions do not encourage citizens to defend their rights. ■

3 <www.lygybe.lt/static.php?strid=1499>

4 *Ibid.*

5 The poverty line for Lithuania is equivalent to 60 the median of the adjusted personal income available. <www.stat.gov.lt/lt/pages/view/?id=1333>

6 <www.businesswire.com/portal/site/google/?ndmViewId=news_view&newsId=2007016005331&newsLang=en>

7 <www.stat.gov.lt/lt/pages/view/?id=2407>

8 <www.mediabv.lt/res_zinpr_det.php?id=10524>

9 <www.balsas.lt/naujiena/177659>

10 <www.hrmi.lt>

11 <www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=314152&p_query=&p_tr2>