

NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

LITHUANIA, Situation as of 1 December 2004

General Overview

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

COUNTRY: LITHUANIA	Constitutional provisions	Specific Legislation	Criminal Law	Civil and Administrative Law
Norms concerning discrimination in general	Yes.	No.	Yes.	Yes
Norms concerning racism	Yes. Art. 29 Const.	No.	Yes. Criminal Code Art. 72.	No.
Relevant jurisprudence	No.	No.	No case-law found on this subject.	No case-law found on this subject.

Constitutional law: Lithuania

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Constitutional provisions	Scope	Relevant jurisprudence	Remarks
Art. 25 Freedom of speech	Individuals shall have the right to hold convictions and freely express them. Freedom to express convictions or impart information does not permit criminal conduct - the instigation of national, racial, religious or social hatred, violence, or discrimination, the dissemination of slander, or		

	misinformation.
Art. 29 Equality before the law	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.
Art. 35 Freedom of association	Citizens shall be guaranteed the right freely to form societies, political parties, and associations, provided that the aims and activities thereof do not contradict the Constitution and laws.
Art. 37 Ethnic communities	Citizens who belong to ethnic communities shall have the right to foster their language, culture and customs.
Art. 45 Ethnic communities	Ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, organisations, charity and mutual assistance. The State shall support ethnic communities.

Criminal Law: Lithuania

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Offence	Source	Scope	Sanction	Relevant jurisprudence	Remarks
Genocide	Criminal code 2003 – Art. 99	Any attempt at the physical annihilation of all or part of the population belonging to a certain national, ethnic, racial, religious, social or political group of person, who	Imprisonment from five up to twenty years or life imprisonment		

		<p>organised, led or otherwise participated in any of the following acts: killing, cruel torture, infliction of grievous bodily injury or the disturbance of the mental development of members of such a group; deporting or otherwise intentionally displacing members in living conditions such as are likely to annihilate all or part of such a group; forced transfer of children from such a group to another group; forced application of measures to restrict the birth rate within such a group or forcibly hand-over their children to other groups</p>	
<p>Discrimination for the ethnical, racial, sexual, original,</p>	<p>Criminal code 2003 – Art. 169</p>	<p>One, who committed the act, aiming to retard to the group of</p>	<p>Certain public offices or employment or fine, or imprisonment,</p>

<p>religion or other belonging to certain group</p>		<p>people or person belonging to it, due to sex, sexual orientation, race, ethnicity, language, origin, social status, religion, creed equally participate on political, economical, social, cultural, labour or other activity or restrict the rights and freedoms of the group of such people</p>	<p>or arrest, or imprisonment for up to three years.</p>		
<p>Instigation against persons belonging to another ethnic, racial, national, religious or other group.</p>	<p>Criminal code 2003 – Art. 170</p>	<p>Public statements, made in oral or written or using media, which aims to mock, slight, encourage hate or instigating discrimination. Public instigation to violence, physically crucify with group of people or financing or otherwise supporting the following activity. Legal person can be liable for the acts, as</p>	<p>Fine or imprisonment, or arrest, or imprisonment up to two years Fine or imprisonment, or arrest, or imprisonment up to three years</p>		

		well.			
Interruption to perform religious ceremonies or religious celebrations	Criminal code 2003 – Art. 171		Certain public offices or employment or fine, or imprisonment, or arrest.		
Genocide	Law on Responsibility for the Genocide of the Population of Lithuania (9.IV. 1992, No. I-24770), changed April 3, 2003, entry in force from May 1, 2003	Killing or torture of Lithuanian people, deportation of its inhabitants, made in Lithuania during the period of Nazi Germany or occupation and annexation of USSR, correspond to the features of the crime of genocide provided according to the international law			

Civil and Administrative Law: Lithuania

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
Law on Political Parties - Art. 4. part 3	The establishment or activities of political parties whose programme documents propagate and whose activities practice racial, religious, social or class inequality or	Art. 5 of the law requires the Ministry of Justice to suspend the activities of a political party if it violates the		

hatred, methods of authoritarian or totalitarian rule, methods of forcible (violent) seizure of power, war, violent propaganda, violation of human rights and freedoms, or other ideas or actions which contradict the constitutional order of the Republic of Lithuania and are incompatible with universally recognised norms of international law, are strictly forbidden.

Provisional Basic Law of the Republic of Lithuania or the Law on Political Parties. The activities of a political party may initially be suspended for up to six months. If a political party does not eliminate illegality after its activities have been suspended or if, within a year of the suspension of its activities, it again violates the laws of the Republic of Lithuania, its activities shall be suspended for one year.

Law on Presidential Elections- Art. 3.

Any direct or indirect deprivation of the voting rights of citizens of the Republic of Lithuania on the ground of their sex, race, nationality, language, descent, social status, religion, convictions or opinions is prohibited.

Law on Elections to the Sejmas (Parliament) - Art. 2

Any direct or indirect deprivation of the voting rights of citizens of the Republic of Lithuania on the ground of their descent, political convictions, social or property status, race, nationality, sex, education, language, religion or

	the type and character of their occupation is prohibited.			
The Law on Minorities of 1989.	Any kind of racial or national discrimination is forbidden and shall be punished.			
The Law on the Legal Status of Foreigners in the Republic of Lithuania - Art. 3.	Foreigners in the Republic of Lithuania are equal before the law regardless of their race, colour, sex, language, religion, political or other convictions, national or social origin, property, birth or any other status.			
Marriage and Family Code Part 2, Art. 4	No restriction of rights or setting of priorities, whether direct or indirect, in respect of the conclusion of marriage or family relations, shall be permitted in so far as it is based upon descent, social or property status, race or nationality, sex, education, language, religion, type and nature of activities, place of residence or similar circumstances.			
Law on the Provision of Information to the Public (2. VI. 1996, No.I-1418) - Art. 3	1. Every individual shall have the right to seek, obtain and disseminate information and ideas without any interference, in so far as the exercise of this right does not restrict the rights and freedoms of other individuals. 2. The rights to express one's convictions and to obtain and disseminate			

	<p>information may not be restricted by any other means than law, and then only in so far as is necessary to protect human rights, health, honour and dignity, private life and morals or to defend the constitutional order.</p>			
<p>Law on the Provision of Information to the Public (2. VI. 1996, No.I-1418) – Art. 20</p>	<p>Prohibits the use of the mass media to incite to war, or to national, racial, religious, racial and sexual enmity.</p>			
<p>Law on Elections to Local Government Councils (7. VII. 1994, No. I-532) - Art. 2</p>	<p>All direct or indirect infringements of the right of citizens of the Republic of Lithuania to vote are prohibited if based upon descent, political views, social or property status, nationality, sex, education, language, religion, or the type and nature of the citizen's activities.</p>			
<p>Code on Civil Procedure (28 II, 2002, No. IX-743) – Art . 6</p>	<p>The justice in civil cases is being implemented only by the courts, which are guided by the law and principle of equality of people regardless to their sex, race, nationality, language, origin, social status, religion, creeds and other circumstances.</p>			
<p>Law on the Amendment of the Law on Administrative Proceedings (14 I, 1999</p>	<p>In administrative cases justice shall be administered only by the courts guided by the principle of equality of all persons before the</p>			

No. VIII-1029) – Art. 6	law and the court, irrespective of their sex, race, nationality, language, origin, social status, religion, convictions or views, type and character of activity, place of residence and other circumstances.			
Law on Public Service (8 VII, 1999, No. VIII-1316) – Art. 3	State servant must equally serve to all the people regardless to their nationality, race, sex, language, origin, social status, religion and political creeds			
Law on Associations (22.I.2004, No.IX-1969) – Art. 3	Associations shall be prohibited from establishing themselves and carrying on activity if their goals or behaviour are aimed at any of the following: overthrowing or changing the constitutional order of the Republic of Lithuania or violating the territorial integrity of the Republic of Lithuania; propagating war and violence, or authoritarian or totalitarian rule; or instigate racial, religious, social enmity, violate human rights and freedoms, public order or performing actions that are contrary to the laws of the Republic of Lithuania or universally recognised norms of international law; acting in the interests of other states, if these contradict the interests			

	of the Lithuanian state.			
Law on Referenda (25.II. 2003, n° IX-929) - Art. 2	The citizens' right to take part in the referendum, cannot be restricted due to one's gender, race, nationality, language, origin, social situation, religion, convictions or views.			
Law on Safety and Health at work (5. II. 2004, No. IX-1672) - Art. 3	Safe and healthy working conditions shall be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by this law shall also apply to public servants of State and municipal institutions and agencies.			
Law on the Amendment of the Law on Education (17, VI, 2003, No I-1489) – Art. 5	On of the principles upon which the educational system is based- equal opportunity: the educational system is fair, it ensures equality for individuals irrespective of gender,			

	<p>race, nationality, language, origin, social position, religion, beliefs or convictions; it assures each individual access to education, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification.</p>			
<p>Law on Courts (31 V, 1994, No.I-480) – Art. 6</p>	<p>1. Everyone shall be equal before the law and the courts. 2. No one’s rights may be limited nor may he been given any privileges on account of his sex, race, nationality, language, origin, social position, religious belief, convictions, views or any other circumstances.</p>			
<p>Labour Code (04. VI. 2002, No. IX-926) - Art. 2</p>	<p>Equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities.</p>			
<p>Art. 129</p>	<p>A legitimate reason to terminate employment relations shall not be:</p>			

gender, sexual orientation, race, nationality, language, origin, citizenship and social status, belief, marital and family status, convictions or views, membership in political parties and public organisations.

Law on Science and Studies (11.VI.2002, No. I-1052) - Arts. 39

Every member of society shall have the right to become a student at the level of his or her own competence and knowledge.
In State institutions of science and studies, scientists shall be afforded equal employment opportunities on a competitive basis, regardless of their sex, race, political views, religious convictions, nationality or citizenship.