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Lithuania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

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The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were reports of societal abuses based on religious affiliation, belief, or practice. Such reports, including vandalism of Jewish and other cemeteries, anti-Semitic comments, particularly on the Internet, and intolerance declined during the reporting period. The president and political leadership usually, but not always, criticized such actions and comments when they occurred.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy promoted religious freedom and tolerance through various media and public speaking events.

Section I. Religious Demography

The country has an area of 25,174 square miles and a population of 3.33 million. Roman Catholicism remains dominant and influential. A 2007 poll commissioned by the Ministry of Justice (MOJ) indicated that 80.2 percent of respondents are Roman Catholics. The Eastern Orthodox Church, the second largest religious group, has 140,000 members (approximately 4 percent of the population), living mainly along the border with Belarus. There are 27,000 Old Believers, Russian Orthodox practitioners who do not accept the church's reforms in the 17th century. There are an estimated 20,000 Lutherans, primarily in the southwest. The Evangelical Reformed community has 7,000 members, with concentrations in Vilnius and the northern town of Birzai. The Jewish community numbers 4,000. Almost 75 percent of the country's Jews live in Vilnius. The majority of local Jews are secular, and only an estimated 1,200 belong to one of the eight Jewish

communities. The Sunni Muslim community has 2,700 members. The Greek Catholic community has an estimated 300 members.

The Karaites have been in the country since 1397. Karaites speak a Turkic-based language and use the Hebrew alphabet. Some consider Karaites to be a branch of Judaism; their religion is based exclusively on the Old Testament. The government recognizes the Karaites as a distinct ethnic group. Two houses of worship, one in Vilnius and one in nearby Trakai, serve the Karaite religious community of approximately 250 members. The Karaites' only religious leader is also their community president.

Less than 5 percent of the population belongs to what the government refers to as "nontraditional" religious communities. The most numerous of these are the Full Gospel Word of Faith Movement, Pentecostals/Charismatics, Jehovah's Witnesses, Baptists, Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Mormons), and the New Apostolic Church. A total of 1,081 "traditional" and 181 "nontraditional" religious associations, centers, and communities have officially registered with the State Registrar of Legal Entities.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The constitution provides that a person's freedom to profess and propagate his or her religion or faith may be limited only when necessary to protect health, safety, public order, or the fundamental rights and freedoms of others.

The criminal code contains three provisions to protect religious freedom. The code prohibits discrimination based on religion and provides for punishment of up to two years' imprisonment. Interference with religious ceremonies is punishable with imprisonment or community service. Inciting religious hatred is punishable by imprisonment for up to three years, and legal entities can be prosecuted for violations under this article.

It is unlawful to make use of the religious teachings of churches and other religious organizations, their religious activities, and their houses of prayer for purposes that contradict the constitution or the law. The government may also temporarily restrict freedom of expression of religious conviction during a period of martial law or a state of emergency. The government has never invoked these laws.

No single government agency handles all religious problems. A department in the MOJ adjudicates religious groups' requests for registration; the State Registrar of Legal Entities, part of the national Registry Center, manages the database of registered religious communities; and the prime minister's staff includes an adviser on religious problems. The prime minister also has several unpaid advisors on various topics concerning the Jewish community and Holocaust problems.

The Office of the Equal Opportunities (OEO) ombudsperson is authorized to adjudicate complaints about state institutions, educational institutions, employment, and product and service sellers and producers that discriminate on the basis of religion.

The parliament ombudsperson examines whether state authorities properly perform their duty to serve the population. The law on the parliament ombudsperson specifically notes religious beliefs in defining the purview of the office. The OEO and parliament ombudspersons have the authority to investigate complaints, recommend changes to parliamentary

committees and ministries regarding legislation, and recommend cases to the Prosecutor General's Office for pretrial investigation if warranted.

While there is some overlap between the two offices, the OEO ombudsperson appears to have greater authority to hear complaints of individual acts of religious discrimination.

The Journalist Ethics Inspectorate has the authority to investigate complaints under the Law on Provision of Information to the Public, which bars publishing material that "instigates war, national, racial, religious, social and gender hatred." It has the authority to levy administrative fines on newspapers under administrative law or refer cases to officers for criminal prosecution.

There is no state religion; however, under the 1995 Law on Traditional Religious Communities and Associations, **some religious groups enjoy benefits not available to others**, including government funding, the right to teach religion in public schools, and the right to register marriages. The law enables all registered religious groups to own property for prayer houses, homes, and other uses and permits construction of facilities necessary for their activities.

The law divides registered religious communities into state-recognized "traditional" religious communities, other state-recognized religious groups, and all other registered communities and associations. The constitution recognizes "traditional" churches and religious organizations, as well as other churches and religious organizations, provided that they have a basis in society and their teachings and rituals do not contravene morality or the law.

By law the government acknowledges as traditional only those religious groups that can trace their presence in the country back at least 300 years. The law enumerates nine traditional religious communities: Latin Rite Catholics (Roman Catholics), Greek Rite Catholics, Evangelical Lutherans, Evangelical Reformed Churchgoers, Orthodox Christians (Moscow Patriarchate), Old Believers, Jews, Sunni Muslims, and Karaites.

"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 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 MOJ 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.

While only traditional religious communities receive annual state subsidies, nontraditional groups are eligible for government support for their cultural and social projects.

The law stipulates that the government may grant state recognition to "nontraditional" religious communities that have societal support and have been registered in the country for at least 25 years. Nontraditional religious communities must apply to the MOJ and provide a description of their religious teachings and a founding statement signed by no fewer than 15 members who are adult citizens. The ministry must review the documents within six months and make a recommendation to parliament on final approval.

The religious associations of the Evangelical Baptist Union of Lithuania and the Seventh-day Adventist Church are the only state-recognized nontraditional religious groups. By law they receive some privileges from the government, but not to the extent that traditional religious groups do. They are entitled to perform marriages and do not have to pay social security and healthcare taxes for clergy and other employees. However, unlike traditional communities, the Evangelical Baptists and Seventh-day Adventists are not eligible for annual subsidies from the government, and their clergy and theological students are not exempt from military service.

The section of legal registration and religious affairs of the MOJ's Registers' Department is responsible for processing initial registration applications, but the State Registrar of Legal Entities, under the national Registry Center, manages the database of registered religious communities. Religious communities can file applications at local registration centers throughout the country. Registration centers forward new applications to the MOJ's Registers' Department and process renewal registrations locally. New communities affiliated with traditional religious groups register for free, while nontraditional communities pay a registration fee of 107 litas (\$38). As of September 1,081 traditional and 181 nontraditional religious associations, centers, and communities had officially registered with the State Register of Legal Entities.

Religious communities must register to obtain official status, which is a prerequisite for opening a bank account, owning property, or acting in a legal or official capacity as a community. Unregistered communities have no legal status or state privileges. However, there were no reports that the government prevented any such groups from worshiping or seeking new members.

During the reporting period, there were 15 Catholic chaplains providing services to the military. There are no chaplains of other religious groups because they have no religious communities in the military or they are very small. The Ministry of Defense provides material support and places of worship. The chaplaincy may ask the Ministry of Defense to provide support for religious services for other religious groups based on need or requests from service members.

Following the restoration of the country's independence, the government began returning religious communities' property confiscated by Nazi and Soviet occupiers. The law grants all religious communities equal opportunity to reacquire property once used for religious services. The government has returned 47 million litas (\$16.7 million) to religious communities since 1990. In May the government approved an additional 13 million litas (\$4.6 million) to be returned by municipalities to religious communities. Some claims were still pending at the end of the reporting period.

The return of Jewish communal property has been particularly slow and contentious. In July 2009 the government registered a bill on compensation of Jewish communal property that would provide for compensation in the amount of 128 million litas (\$45.5 million) to be paid from 2012 to 2023. The government stated that the projected compensation amounts to 30 percent of the value of Jewish communal property which was nationalized and otherwise expropriated by the Nazi and the Soviet totalitarian regimes.

The constitution establishes public educational institutions as secular. The law permits and funds religious instruction in public schools, but only for traditional and other state-recognized religious groups. In practice parents can choose either religious instruction or secular ethics classes for their children. Schools decide which of the traditional religious groups will be represented in their curriculums on the basis of requests from parents for children up to age 14 (after age 14, the student decides).

The number of wholly private religious schools is relatively low. There were 30 schools with ties to Catholic and Jewish groups, although students of different religious groups often attended these schools. All accredited private schools (religious and nonreligious) receive funding from the Ministry of Education and Science through a voucher system based on the number of pupils; private Roman Catholic schools receive additional funds from the government to cover operational costs. This system covers program, but not capital, costs of school operation. Founders generally bear responsibility for covering capital outlays; however, the ministry provides funding for capital costs of traditional religious private schools where an international agreement to do so exists.

The interministerial Commission to Coordinate Activities of Governmental Institutions that Deal with Issues of Religious, Esoteric, and Spiritual Groups coordinates investigations of religious groups if there is a concern that actions of a group or

actions affecting a group may not be in line with the principles of a democratic society, human rights, and fundamental freedoms. The minister of justice appoints the chairperson of the commission, which includes representatives of the Ministries of Justice, Interior, Education, Health, Foreign Affairs, Culture, Vytautas Magnus University, the Prosecutor General's Office, and the State Security Department. No religious groups have membership on the commission. The government established the commission in 2000 following some parliamentarians' calls for increased control of "sects." The commission decides what problems to examine based on concerns in general public discussions or concerns raised by government or parliamentary officials or on its own initiative. The commission reports annually to the parliament and government. The commission has never concluded that particular groups were sects or taken actions to limit a religious group's activities. The commission was not approached with any problems related to actions of religious, esoteric, or spiritual groups at governmental institutions during the reporting period.

The government observes the following religious holidays as national holidays: Easter Monday, Assumption Day (August 15), All Saints' Day (November 1), and Christmas (December 25 and 26).

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

While registered nontraditional religious communities can act as legal entities, they do not receive regular subsidies or tax exemptions, but they qualify for certain social security and health care contributions, social benefits, and exemptions from military service enjoyed by traditional communities. Funds from municipal or other government sources may be available for other religious communities.

The state additionally funds social security and health care contributions for spiritual leaders and other employees of traditional and other state-recognized religious communities. Other religious communities must pay for these benefits on behalf of their spiritual leaders.

Three applications for status as a "state-recognized religious association" were pending: from the New Apostolic Church (applied in 2003), Pentecostals (Evangelical Belief Christian Union) (applied in 2002), and United Methodist Church of Lithuania (applied in 2001).

In October 2009 the parliamentary ombudsperson recommended parliament ask the Constitutional Court to determine whether the provision in the law on Religious Communities that enables the MOJ to decide continuity of traditions of specific religious communities is constitutional. In January 2010 parliament's Legal Affairs Committee asked the Constitutional Court for its opinion; the court's opinion was pending at the end of the reporting period.

On October 20, the Vilnius city government announced that it had begun restoration of historic Snipiskes Jewish cemetery site in central Vilnius. On October 25, under rabbinical supervision, two parking lots on the site were closed and covered with dirt to allow grass seed to be planted in the spring.

The cemetery became a prominent issue in 2005 when international Jewish groups expressed concern over the construction of a commercial/residential complex on and near the grounds of the cemetery, which had been closed by Russian colonial authorities in the 19th century and used as the site of a sports complex by the Soviets. In May 2009 the government unilaterally provided protection for nearly the entire cemetery site, and in August 2009 it agreed with the Jewish communities and the developer to preserve and protect it.

There were no reports of abuses, including religious prisoners or detainees, in the country.

Section III. Status of Societal Action Affecting Enjoyment of Religious Freedom

There were reports of societal abuse based on religious affiliation, belief, or practice. The number of reports of vandalism of Jewish and other cemeteries declined during the reporting period; however, anti-Semitic comments and intolerance, particularly on the Internet, remained evident. The president and political leadership usually, but not always, criticized such actions and comments when they occurred.

On June 22, the Avenue of Rescuers, a path leading to a Holocaust memorial, was vandalized in Kausenai. Plaques were smashed, covered in mud, torn off stands, and scattered about; the stands were broken and pulled out of the ground.

On August 23, a pig's head with a Star of David engraved on its forehead was discovered at the entrance to a synagogue in Kaunas. Senior government officials strongly condemned the act. On September 3, a sign on the Jewish Community's building in Panevezys town was vandalized and covered in black paint.

Throughout the reporting period, anti-Semitic comments were posted on unmoderated Internet blogs and news portals' comments sections. As of September 1, the Prosecutor's Office had opened investigations into 18 allegations of instigating hatred (including over the Internet), compared with 51 in 2009, 105 in 2008, and none for discrimination.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

The U.S. embassy maintained a regular dialogue on religious problems with senior officials in the government, parliamentarians, religious leaders, and concerned nongovernmental groups. The ambassador and embassy staff work regularly with the Jewish community and other communities to promote religious freedom and tolerance. Religious groups used the embassy as a vehicle to voice their complaints, and the embassy encouraged religious leaders to share their views and concerns on the status of religious freedom.

The embassy actively engaged the government to resolve the long-pending issue of compensation for Jewish communal property seized by Nazis and Soviets. The embassy supported the protection of Jewish cemeteries, in particular Snipiskes Cemetery, through frequent outreach to the highest levels of national and local government, the Committee for the Preservation of Jewish Cemeteries in Europe, the local Jewish community, and others. The Task Force for International Cooperation on Holocaust Education, Remembrance, and Research awarded a grant to the embassy in April for a Holocaust education teacher training program; the first of three annual week-long training sessions took place from November 29 to December 3. The embassy sent two teachers to the Holocaust Training Program in the United States from July 6 to 9.

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