



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [International Religious Freedom](#) » [2010 Report on International Religious Freedom](#) » [Europe and Eurasia](#) » [Lithuania](#)

Lithuania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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The number of reports of 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 3.31 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

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The constitution provides that a person's freedom to profess and propagate his or her religion or faith "may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, 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 advisor 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, 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.

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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 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).

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 health care 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 \$38 (107 litas). As of May 2010, 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 \$16.7 million (47 million litas) to religious communities since 1990. In May 2010 the government approved an additional \$4.6 million (13 million litas) 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. The Jewish community, working with the World Jewish Restitution Organization, has developed a list of properties that it says were documented as being part of the Jewish community holdings at the start of World War II. In July 2009 the government registered a bill on compensation of Jewish communal property that would provide for compensation in the amount of \$45.5 million (128 million litas) 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. Parliament was expected to address the issue in the autumn of 2009, but did not after parliamentary lawyers identified what they said were several legal flaws in the bill, which the government then redrafted. In June 2010, the bill was resubmitted to parliament for action, but none was taken by the end of the reporting period.

The constitution establishes public educational institutions as secular. The Law on Education 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). During the reporting period, the Ministry of Education and Science received no complaints about any school not providing requested religious instruction.

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.

In 2009, public schools provided religious education to students from the following religious groups: 235,070 Roman Catholics; 2,898 Russian Orthodox; 602 Evangelical Lutherans; 215 Evangelical Reformed Lutherans; 287 Jews; 387 Greek Catholics; 15 Old Believers; and eight Muslims. A total of 192,477 students studied ethics.

The interministerial Commission to Coordinate Activities of Governmental Institutions that Deal with Issues of Religious, Esoteric, and Spiritualist 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, 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. 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 spiritualist groups at governmental institutions during the reporting period.

Restrictions on Religious Freedom

The government generally respected religious freedom 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 do qualify for certain social security and health care contributions, social benefits, and exemptions from military service enjoyed by traditional communities. In 2009 the government allocated \$1.2 million (3.3 million litas) to traditional religious communities for capital costs associated with houses of worship, schools, and other facilities. No other religious communities received this type of support, but funds from municipal or other government sources may be available for their use.

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).

During the reporting period, the OEO ombudsperson received two complaints related to religious discrimination but found them to be groundless.

On October 29, 2009, the parliamentary ombudsperson completed an investigation and recommended that parliament ask the Constitutional Court to decide whether the legal acts that enable bureaucrats to decide on the traditional character of a religious community are in line with the country's main law. In January 2010 parliament's Legal Affairs Committee registered a draft address to the Constitutional Court, asking it to give its opinion about a provision in the Law on Religious Communities, which enables the MOJ to decide on continuity of traditions of a specific religious community.

As of the end of the reporting period, little action had taken place to return the historic Snipiskes Jewish cemetery in central Vilnius to a suitable appearance, although the government had given it formal protection and worked with the city government to ensure that no demonstrations or other inappropriate events would be held at the site, as they had in past years. The government and the city planned to seek proposals for a design for the cemetery so that it could be returned to an appropriate and dignified appearance, but no action on that plan had been taken by the end of the reporting period.

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. Russian colonial authorities closed the cemetery in the 19th century and constructed fortifications on part of the land. The Soviets subsequently destroyed visible vestiges of the cemetery, disturbing some graves and constructing a sports complex on part of the site.

Research to determine the definitive boundaries of the cemetery has been inconclusive. Although the government has granted the cemetery cultural heritage status, that designation did not include the ground under the Soviet-era sports arena or the recently built commercial/residential complex. In May 2009 the government unilaterally provided protection for nearly the entire cemetery site. No construction work has been observed at the site since July 2008. The government, the Jewish communities, and the developer who controls much of the site continued during the reporting period to work towards implementation of the provisions of the August 2009 protocol to preserve and protect the site.

There were no reports of religious prisoners or detainees in the country

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

The International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, a government agency which receives both government and private funding, has published volumes on both Nazi and Soviet problems, although none were published during the reporting period. The commission also produces lessons on tolerance that are in use in numerous schools. Several municipalities and teacher training institutes funded a number of seminars and discussions for teachers and students to promote tolerance.

Section III. Status of Societal Respect for Religious Freedom

There were a few reports of anti-Semitic incidents during the reporting period. The number of reports of 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.

On May 17, 2010, a court in Klaipeda held that four young men who carried posters with swastikas during an Independence Day parade in February were not guilty of violating the law banning the public display of Nazi symbols. The judge said the men displayed no intention to promote Nazi propaganda, but only to tell about the country's early history and culture. The defendants had argued that the swastika was represented in archeological finds in the country from hundreds of years ago. During a May 1 Labor Day parade, four men with similar posters tried to join the march. Parade organizers complained to police, who prohibited the group of four from marching in the parade, but allowed them to walk separately along the sidewalk, carrying the posters. On March 31, 2010, not far from the president's palace, a small group of persons held up similar posters. Police filmed them and took down the names of the demonstrators, who said they were showing the country's ancient symbols. No charges were filed.

On September 1, 2009, the Jewish monument in Cirkiskes village in Svencioniai region was vandalized with red paint. The incident remained under investigation at the end of the reporting period.

Throughout the reporting period, anti-Semitic comments were posted on unmoderated Internet blogs and news portals' comments sections; however, the number of hate speech investigations opened by prosecutors significantly decreased in 2009. During 2009 the Prosecutor's Office opened investigations involving 51 allegations of instigation of hate (including

over the Internet) compared to 105 in 2008, and none for discrimination, compared to one in 2008 and 39 in 2007. Prosecutors say that the decrease in hate speech was the consequence of more effective prosecution of hate crimes and improved prevention work. Through May 2010 prosecutors had started four investigations.

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. Special Envoy to Monitor and Combat Anti-Semitism Hannah Rosenthal announced the awarding of a grant from the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research to the embassy for a Holocaust education teacher training program. She urged the prime minister to resolve the long-delayed issue of restitution for Jewish communal property seized by Nazis and Soviets. She also delivered a speech on tolerance to university students in Kaunas. During her visit she met with human rights leaders, visited Jewish and Holocaust sites, and stressed the importance of interfaith dialogue as a tool for tolerance and understanding.

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.

[Back to Top](#)