



Lithuania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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

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.

There were reports of acts of vandalism of Jewish and other cemeteries, anti-Semitic comments, particularly on the Internet, and intolerance. The President and political leadership usually, but not always, criticized such offenses and anti-Semitic acts 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.

The Government recognizes nine "traditional" religious groups: Latin Rite Catholics (Roman Catholics), Greek Rite Catholics, Evangelical Lutherans, Evangelical Reformed Churchgoers, Orthodox Christians (Moscow Patriarchate), Old Believers, Jews, Sunni Muslims, and Karaites.

Roman Catholicism remains dominant and influential. A 2007 poll commissioned by the Ministry of Justice 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 eastern 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.

Fewer 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 1,074 "traditional" and 180 "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

Article 26 of 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.

There is no state religion; however, under the 1995 Law on 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 on Religious Communities and Associations 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.

Government authorities acknowledge 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 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, and they are not subject to a value-added tax on basic utilities.

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 Ministry of Justice 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 Evangelical Baptists, one of 11 Baptist groups in the country, and the Seventh-day Adventists are the only state-recognized nontraditional religious groups. In practice 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, they do not receive the exemption from the value-added tax on utilities, and their clergy and theological students are not exempt from military service.

The Ministry of Justice's Religious Affairs 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 Religious Affairs Department and process renewal registrations locally. New communities affiliated with traditional religious groups register for free, while nontraditional communities pay a registration fee of \$42 (107 litas). At the end of the reporting period, a total of 1,076 traditional and 180 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.

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

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 successfully resolved a number of claims by religious communities for restitution, mostly in the early and mid-1990s. Some claims were 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 have been documented as being part of the Jewish community holdings at the start of World War II. By the end of the reporting period, the Government had not introduced the legislation necessary to effect the return of these properties to the Jewish community.

No single government agency handles all religious issues. A department in the Ministry of Justice 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 issues. The Prime Minister also has several unpaid advisors on various topics concerning the Jewish community and Holocaust issues.

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 the 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 Article 20 of 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 law enforcement authorities for criminal prosecution.

In 2000 the Government and the Holy See agreed to allow the Catholic Church to provide religious support to Roman Catholic members of the military through chaplains. In 2002 the Ministry of Defense and the Roman Catholic Church signed an agreement on chaplains' activities. During the reporting period, there were 16 Catholic chaplains providing services to the military. Other traditional churches and religious groups provide similar support. 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. The Ministry of Defense provides material support and places of worship.

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).

Conscientious objectors may petition for alternative military service within military structures, but there is no option for alternative nonmilitary service, despite requests by members of Jehovah's Witnesses. Persons enrolled in alternative military service receive noncombat assignments but must follow military regulations and reside on military installations.

The Constitution establishes public educational institutions as secular. The Law on Education permits and funds public school religious instruction 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 approximately 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 2008 public schools provided religious education to students from the following religious groups: 248,927 Roman Catholics; 3,199 Russian Orthodox; 638 Evangelical Lutherans; 638 Evangelical Reformed Lutherans; 272 Jews; 74

Greek Catholics; 15 Old Believers; and six Muslims. A total of 211,471 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 General Prosecutor'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 issues 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 or issues 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, tax exemptions--except for certain social security and health care contributions, social benefits, or exemptions from military service enjoyed by traditional communities. In 2008 the Government allocated \$3,271,000 (8,604,000 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). In 2005 the Ministry of Justice recommended to the Parliament that the Seventh-day Adventist Church be granted the status of a state-recognized religious association. On July 16, 2008, the Parliament granted the Seventh-day Adventists the status of an official religious community.

During the reporting period, the OEO Ombudsperson received six complaints related to religious discrimination but found all of them to be groundless.

During 2008 the Parliament Ombudsperson received one complaint from the Evangelical Reformed Church related to restriction of activities of the religious community. The Ombudsman continued to investigate at the end of the reporting period.

After years of negotiating with local and international Jewish groups concerning communal property restitution, the Government in late June 2009 was close to submitting to the Parliament a compensation bill that would, over 10 years beginning in 2012, pay the Jewish community approximately 30 percent of the value of communal buildings seized during the Nazi and Soviet occupations of the country. The bill did not specify to what entity the approximately \$53 million (128 million litas) would be paid. The Parliament was expected to address the issue in

the autumn.

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

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

On April 20, 2009, an Israeli company received a delivery of lumber from Lithuania that had been defaced with drawings of swastikas and a long-nosed figure. The supplier said that the racist gesture was the work of a local employee at the factory in Lithuania; he apologized and promised to fire the employee and send a formal letter of apology. On April 21, Lithuania's Charge d'Affaires to Israel met with the head of the Israeli company and expressed regret for the vandalism. She also said that the Lithuanian Government "has no tolerance for and condemns anti-Semitic acts."

On April 20, 2009, the birth date of Adolph Hitler, a huge red banner with a swastika appeared on a wall of an abandoned house in Klaipeda. Firemen removed the banner. City police were investigating the case at the end of the reporting period.

On March 8, 2009, the Roman Catholic Bernadine cemetery in Vilnius was vandalized. Police started an investigation, but no suspects were identified during the reporting period.

Three acts of vandalism (on December 31, 2008, January 13, 2009, and February 2, 2009) were committed in a Lutheran cemetery in the northern city of Mazeikiai. Vandals damaged an estimated 40 tombs, including those of persons of Russian and Latvian origin. Police began an investigation.

On September 23, 2008, unknown suspects burned an Israeli flag outside the Jewish Community Center of Klaipeda. Police were investigating the incident at the end of the reporting period.

On August 27, 2008, vandals painted "Juden Raus" ("Get rid of the Jews") and swastikas on the wall of the Jewish community center in Klaipeda. On January 19, 2009, "Kill Jews," "Palestine," and swastikas were painted on the same community center.

On August 10, 2008, the Jewish community centers in Vilnius and Panevezys were vandalized with anti-Semitic symbols and language. Police immediately began an investigation, which was ongoing at the end of the reporting period. On August 11, the President and the Prime Minister condemned the vandalism.

On August 3, 2008, intoxicated juveniles vandalized a Lutheran cemetery in Joniskis.

On August 2, 2008, a Tatar cemetery was vandalized in Alytus. Police identified three 15- to 17- year- old suspects. Their investigation continued at the end of the reporting period.

On May 13, 2008, in the forest near the small town of Varnikai in the Trakai region, a wooden monument to victims of the Holocaust was burned down. Police began an investigation but found no suspects during the reporting period. The monument commemorated the 1,446 Jews in the village, 597 children among them, who were killed in 1941. On May 21, 2008, the Prime Minister visited the site and condemned the destruction of the monument. The

Government allocated approximately \$6,000 (15,000 Litas) to rebuild the monument; it was rebuilt in June 2009.

Throughout the reporting period, anti-Semitic comments were written on unscreened Internet blogs and in unscreened Internet news portals' comments sections. The number of hate speech investigations opened by prosecutors continued to increase. During 2008 the Prosecutor's Office opened investigations involving 99 allegations of instigation of hate (including over the Internet), and one for discrimination, compared to 39 in 2007. As in the previous years, prosecutors speculated that the increase in hate speech was fueled by the ability to use the Internet anonymously. Through May 2009 prosecutors had started 22 investigations.

As of the end of the reporting period, international and local Jewish communities were still concerned about a historically significant Jewish cemetery in Vilnius. 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. The Government, the Jewish communities, and the developer who controls much of the site continued during the reporting period to attempt to negotiate a mutually acceptable solution. In May 2009 the Government unilaterally provided protection for nearly the entire cemetery site; at the end of the reporting period, the Government was working with the Jewish communities and the developer on final regulations concerning areas near the cemetery borders. No construction work has been observed at the site since July 2008.

On September 22, 2008, the Vilnius Regional Administrative Court upheld a 2007 decision of the Lithuanian Radio and Television Commission that fined the director of the music television channel MTV Lithuania \$1,180 (3,000 litas) for broadcasting the program Popetown. In December 2006 a complaint was filed with the OEO Ombudsperson that alleged the television channel "defamed and debased" the Roman Catholic religion. Also in December the Lithuanian Bishops' Council tried but failed to stop the broadcast of the program through a legal suit. The Journalist Ethics Inspectorate and the Lithuanian Journalists and Publishers Ethics Commission issued statements condemning the broadcast. The official condemnations, however, did not fault MTV Lithuania for religious hatred but for broadcasting the program too early in the evening when children could watch it.

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 issues with senior officials in the Government, parliamentarians, religious leaders, and concerned nongovernmental groups. 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.