



Strasbourg, 25 February 2003

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**Opinion N° 237/2003**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW ON AMENDMENTS  
TO THE LAW ON NATIONAL MINORITIES  
IN LITHUANIA**

**Article 1. Revised version of the Republic of Lithuania Law on National Minorities**

The Republic of Lithuania law on national Minorities shall be amended and set forth to read as follows:

**“REPUBLIC OF LITHUANIA LAW ON THE PROTECTION OF RIGHTS AND FREEDOMS OF PERSONS BELONGING TO NATIONAL (ETHNIC) MINORITIES****Article 1. The purpose of the law**

This law shall regulate the protection of rights and freedoms of persons belonging to national (ethnic) minorities.

**Article 2. Definitions used in the law**

1. *National (ethnic) minority* is a group of people residing in the Republic of Lithuania who have chosen, on their free will, to belong to a nation or an ethnic group other than Lithuanian.
2. *Person belonging to a national minority* is a person who has chosen, on his/her free will, to belong to a national minority or an ethnic group and who seeks to preserve the culture of his/her nation or ethnic group, namely the language, traditions, customs and the national or ethnic identity.

**Article 3. The basic principles of the protection of the rights and freedoms of persons belonging to national (ethnic) minorities**

1. The Republic of Lithuania shall ensure equal political, economic and social rights and freedoms to all its citizens irrespective of their nationality; it shall recognize their national identity, continuity of their culture and shall promote their national consciousness and self-expression;
2. The Republic of Lithuania shall create appropriate conditions to all persons residing on its territory who belong to national (ethnic) minorities to foster and develop the culture, language, customs and traditions of their nation or ethnic group and to preserve their national/ethnic identity;
3. Any discrimination based on race, language or other motives related to a person's nationality shall be prohibited and shall be punishable under the laws of the Republic of Lithuania;
4. The rights and freedoms of persons belonging to national (ethnic) minorities shall be protected in accordance with the Constitution of the Republic of Lithuania, the international agreements of the Republic of Lithuania, this law and other legal acts of the Republic of Lithuania;
5. The rights and freedoms of persons belonging to national (ethnic) minorities enshrined in the Constitution of the Republic of Lithuania, in the Council of Europe Framework Convention for the Protection of National Minorities, in other international agreements of the Republic of Lithuania, in the present law and other laws shall not be considered to be privileges or discrimination;
6. In the exercise of their rights and freedoms any person belonging to a national minority shall abide by the Constitution, the laws and other legal acts of the Republic of Lithuania, shall protect and respect the sovereignty and territorial integrity of the State and shall not infringe upon the rights of others.

**Article 4. Persons' belonging to a national (ethnic) minority**

1. Each person residing in the Republic of Lithuania shall have the right to freely choose his/her nationality;
2. No person may be forced to prove, to openly declare or renounce his/her nationality;
3. Each person belonging to a national (ethnic) minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

**Article 5. Fundamental rights and freedoms of persons belonging to national (ethnic) minorities**

1. Persons belonging to national minorities shall be granted, within the framework of the laws of the Republic of Lithuania, the following rights:

1. The right to the State's support in developing their national culture and education;
2. The right to use the language of their national minority;
3. The right to being taught the minority language or to receive instruction in this language;
4. The right to freedom of expression and the right to receive and impart information and ideas in the minority language;
5. The right to use his or her surname and first names in the minority language;
6. The right to manifest his or her religion or belief and to establish religious communities and associations;
7. The right to use the minority symbols and celebrate the minority holidays;
8. The right to maintain contacts across frontiers with persons with whom they share a national (ethnic) identity.

2. The Republic of Lithuania shall ensure persons belonging to national (ethnic) minorities all other rights and freedoms enshrined in other laws and legal acts of the Republic of Lithuania.

**Article 6. Using the language of national (ethnic) minorities**

1. Each person belonging to a national (ethnic) minority shall have the right to use freely and without interference his or her minority language, in private and in public, orally and in writing. This right shall be granted without prejudice to the provisions of the laws governing the use of the state language in the public life of Lithuania.
2. In areas inhabited by a national (ethnic) minority in substantial numbers, persons belonging to the minority may address the public administration executives and civil servants in their minority language and, as far as possible, receive information acceptable to both parties. Public administration institutions in such areas shall accept, in the procedure established by the law, applications in writing from persons who do not know the state language in the minority language or a language acceptable to both parties. Such applications shall be translated into the state language.
3. In areas inhabited by persons belonging to a national minority in substantial numbers, public signs, inscriptions can be displayed, within the rule of laws of the Republic of Lithuania, along with the state language also in the minority language. Place names shall be displayed in their official form, which in all cases shall mean the state language.

**Article 7. Protection of the cultural heritage of national (ethnic) minorities**

The cultural heritage connected with a national (ethnic) minority is an integral part of the cultural heritage of the Republic of Lithuania and shall be protected by the state in the manner established by the legal acts of the republic of Lithuania.

**Article 8. Education of persons belonging to national (ethnic) minorities**

1. In areas inhabited by substantial numbers of people belonging to a national (ethnic) minority, conditions shall be created for persons belonging to the national minority to set up and manage state or non-state pre-school institutions and general education schools at all levels with their mother tongue as the language of instruction. Such schools shall be established, within the rule of law, if persons belonging to the national (ethnic) minority so request and where such a request corresponds to a real need.
2. In areas inhabited by a small number of people belonging to a national (ethnic) minority, classes or optional courses as well as Sunday schools may be provided at public schools of general education for the purpose of learning or acquiring a better knowledge of the mother tongue.
3. To meet the needs of persons belonging to national minorities, colleges and higher education institutions may provide teacher training study programmes.
4. Paragraph 1 of this article shall be implemented without prejudice to the learning of the state language or the teaching in this language.

**Article 9. Implementation of the state policy on national (ethnic) minorities**

The Department of National Minorities And Lithuanians Living Abroad under the Government of the Republic of Lithuania shall be responsible for the implementation of the State policy on national (ethnic) minorities and the enforcement of the present law”.

**Article 2.**

This Law coming into force the following shall be rendered invalid:

1. Paragraph 10 of Article 1 of the Law on the Temporary Extension of the Validity of Laws in Force on the Territory of the Republic of Lithuania adopted prior to March 11, 1990 (Official Gazette 1997, No 118-3046; 1998, No. 59-1657; 1999, No 107-3101; 2000, No 111-3569);
2. Law on the Amendment of Article 1 of the Law on the Temporary Extension of the Validity of Laws in Force on the Territory of the Republic of Lithuania adopted prior to March 11 (Official Gazette, 2001, No 56-1985).

*I promulgate this Law passed by the Seimas of the Republic of Lithuania*

**PRESIDENT OF THE REPUBLIC OF LITHUANIA**

Submitted by  
Member of Seimas

Gediminas Dalinkevičius