

National Minorities and Diasporas in Lithuania¹

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Abstract: *Having evolved from a Soviet republic to an EU member-state, Lithuania is viewed as an established democracy. Officially Lithuania is considered a ‘success story’ in handling minority issues. This work analyses the scope of national minority rights in Lithuania and is based on the country’s domestic legislation, international legal mechanisms which Lithuania is a party to as well as works of Lithuanian and international scholarship. The text reveals considerable shortcomings regarding the national minorities policies of Lithuania starting from ratification of the Charter for Minority and Regional Languages which ensures the protection of the rights of minorities on the Council of Europe level, along with bringing national legislation into conformity with the Council of Europe legal framework on this issue, and resolving the conflicts over name writing in official documentation, topographic names and education.*

Keywords: National minorities, interethnic relations, Lithuania, Poles, Russians, Belarusians, Council of Europe legal framework

Introduction

Within 13 years of gaining its independence (1991-2004), the Republic of Lithuania progressed from being a part of the totalitarian Soviet Union to a member state of the EU, which is viewed as a union of established European democracies. Lithuania declared itself an independent state from the Soviet Union when, on 11 March 1990 ‘members of the Supreme Council – Reconstituent Seimas (Parliament) of the Republic of Lithuania signed the Act of Restoration of Independent Lithuania.’ However, Lithuania had to endure economic and military sanctions of the Soviet government, which unsuccessfully attempted to restore its control over the republic.² Recognition of Lithuanian independence came only in 1991; the

¹ This research refines a previous exploration of the how Lithuania has dealt with national minority groups. For the original work see: National Minorities Policies in Lithuania: A Success Story? *Belarusian Review*, 21:4, 2009.

² *Eastern Europe and the Commonwealth of Independent States, 1999*, London: 1999 (annual), p. 492.

most crucial moment was 06 September 1991 when the Soviet Supreme Council ‘formally acknowledged Lithuania’s independence.’³ This not only produced similar actions by of other states, it opened Lithuania doors to accession to the major international organisations such as the UN and Organisation for Security and Cooperation in Europe (OSCE).⁴ On 10 September 1991 Lithuania became a party to the OSCE, and a week later joined the UN. Hence, from then on we may speak about Lithuania as a full-fledge independent player on the international level which acts in its own, sovereign and legal capacity. For further analysis it is important to note that on 14 May 1993, Lithuania joined the Council of Europe,⁵ an organisation under whose auspices the major European documents on the protection of national minorities are concluded.

A Portrait of Lithuanian Society

Ethnic Division of Lithuania in Numbers

Before delving into the main arguments developed in this article, which deal with the question of national minorities, it is essential to first illustrate the ethnic division of the Lithuanian society which will be made on the base of two tables. The first one contains numerical data on the total number of Lithuania’s population as well as on the sum-total of the four largest ethnic groups: Lithuanians, Poles, Russians and Belarusians.⁶ The second table provides each group’s percentage in Lithuanian society. The data includes the results of the Soviet censuses of 1979 and 1989, Lithuania’s census of 2001 and data of the Statistics Lithuania for 2009.

Table 1: Lithuania’s population distribution in numbers (in thous.)⁷

Ethnicity	1979	1989	2001	2009
Lithuanians	2 712.2	2 924.3	2 907.3	2 815.7
Poles	247.0	258.0	235.0	205.5
Russians	303.5	344.5	219.8	165.1
Belarusians	57.6	63.2	42.9	36.1
Total population	3 391.5	3 674.8	3 484.0	3 349.9

³ Ibid.

⁴ At that time called the Conference on Security and Cooperation in Europe.

⁵ Council of Europe in Brief – Member states and maps, at: <<http://www.coe.int/aboutCoe/index.asp?page=47pays1europe&l=en>>.

⁶ Other ethnic groups which are distinguished by Statistics Lithuania are Ukrainians, Jews, Latvians, Tatars, Germans and Roma. Each of them, with the exception of Ukrainians (0.6 %), constitutes no more than 0.1% of the country’s total population.

⁷ See: <<http://www.stat.gov.lt/en/>> Statistics (databases), Statistical indicators, Population and social statistics, M 3010215: population by ethnicity.

Table 2: Lithuania's population ethnic distribution in per cent

Ethnicity	1979	1989	2001	2009
Lithuanians	80.0	79.6	83.5	84.0
Poles	7.3	7.0	6.7	6.1
Russians	8.9	9.4	6.3	4.9
Belarusians	1.7	1.7	1.2	1.1
All ethnic minorities together	20.0	20,4	16.5	16.0

From these two tables we may underline the following tendencies that took place in Lithuania between gaining its independence until now:

1. The total population of Lithuania decreased,
2. The population in each of the four biggest ethnic groups of Lithuania decreased,
3. The percentage of ethnic Lithuanians increased,
4. The percentage of each of the three biggest national minorities decreased.

Nevertheless, despite decreasing in absolute and relative numbers the minorities remain a significant part of the Lithuania's society.

The Uniqueness of Lithuania's Situation

Contrary to other Baltic states – Estonia and Latvia – Lithuania's society was (and still is) 'one of the more ethnically homogenous post-Soviet states.'⁸ Lithuania is an example of the 'unipolar ethnic structure' in which 'one ethnicity is overwhelmingly dominant.'⁹ However, this unipolarity is not the case of Vilnius County (Lithuanian: *Vilniaus apskritis*) which is home to significant numbers of Poles, Russians and Belarusians. In the Vilnius and Salcininkai district municipalities, as well as in the town of Visaginas (which has special status), Lithuanians are actually in the minority (22, 10 and 15 percent respectively).¹⁰ Therefore, South-Eastern Lithuania was the region where 'aggravated tensions between various national groups and the majority Lithuanian population'¹¹ was heightened. During the struggle of Lithuania to gain

⁸ Budryte D., Pilinkaite-Sotirovic V. Lithuania: progressive legislation without popular support. pp 151–165, in Rechel B (ed.) *Minority Rights in Central and Eastern Europe* (London, 2008). p. 151.

⁹ Bangura, Y. 'Ethnic Inequalities in the Public Sector: A Comparative Analysis,' *Development and Change*, 37:2, 2006. pp. 302, 306.

¹⁰ Budryte, p. 152.

¹¹ Lopata, R. 'National Question in Lithuania: Acculturation, Integration or Separateness?' *NATO Research Fellowship Programme, 1996–1998, June 1998*, at: <<http://www.nato.int/acad/fellow/96-98/lopata.pdf>>. p. 38.

its independence from the Soviet Union, and early years after this goal had been achieved, these tensions drew close attention from officials in Minsk, Moscow and Warsaw and could potentially have cost Lithuania its territorial integrity.¹² However, ‘Lithuania has managed to hinder preclude the emergence of any considerable ethno-political conflict’ and in Lopata’s view, contrary to other Baltic states, ‘Lithuania does not suffer from national problems of any considerable character.’¹³

Lopata considers Lithuania’s as a success story for accommodating minorities. In further sections of this work a description of the national minorities situation facing Lithuania will be undertaken, from a legal perspective, to better account for whether Lithuania may rightly be called a success story. Additionally, this work examines the scope of rights and privileges which minorities may enjoy, as well as restrictions (if any) which are applicable to minorities.

Lithuanian Legal Framework with the Emphases on National Minorities

Constitution of Lithuania on Minorities’ Issue

The Constitution of Lithuania is the principle legal document for the country and ‘any law or other act, which is contrary to the Constitution, shall be invalid’ (art. 7). However, the Lithuanian Constitution does not have provisions which specifically apply to the country’s national minorities.¹⁴ Those articles which concern national minorities ‘are of mostly general, however imperative character.’¹⁵

These general imperative provisions mean that they apply to all the citizens of Lithuania regardless of their ethnicity. In fact, being regarded as ‘an integral and directly applicable act’ the Constitution guarantees equality of persons before the law (Art. 6). Human rights and freedoms are proclaimed as ‘innate’ (Art. 18) whereas ‘freedom of thought, conscience and religion shall not be restricted’ (Art. 26). Equality of every person before the law, the court, and other State institutions and officials is secured by Article 29 which also ensures that factors such as gender, race, nationality, language, origin, social status, belief, convictions, or views neither give privileges nor cause restrictions.

Article 10 of the Constitution prescribes that the territory of Lithuania ‘shall be integral and shall not be divided into any State-like formation.’ First, this implies that Lithuania is a unitary state where all its parts enjoy the same

¹² See for instance: Burant, S. ‘Belarus and the ‘Byelorussian Irredenta,’ *Lithuania, Nationalities Papers*, 25:4, 1997. p. 643.

¹³ Lopata, p. 2.

¹⁴ *Ibid.*, p. 20.

¹⁵ *Ibid.*, p. 20.

rights and have the same obligations. Second, it legally excludes any possibility to establish national or territorially autonomous units within the territory of Lithuania. Therefore, areas where minorities constitute a majority are not allowed to any form of political autonomy.

There are only two articles in Lithuania's Constitution which directly refer to 'ethnic communities.' Art. 37 secures that minorities shall 'foster their language, culture and customs' as well as 'independently manage the affairs of their ethnic culture, education, charity, and mutual assistance' (art. 45) which, however, shall be supported by the State.

Despite the lack of a comprehensive definition of what constitutes an 'ethnic community' in the Constitution, three distinctions are clear: language, culture and customs. However, in order to enjoy these rights prescribed by the Constitution, Lithuanian citizenship is required. Thus, only a citizen of Lithuania may be considered a part of any national minority and accordingly national minorities in Lithuania consist only of Lithuanian citizens.

Council of Europe Minority Protection Framework and Lithuania

Lithuania participates in most international conventions related to human rights protection mechanisms in general, and national minorities' rights in particular. Three such conventions of the Council of Europe are explored vis-a-vis the role of Lithuania: 1) the Framework Convention for the Protection of National Minorities, 2) the Charter for Minority and Regional Languages, and 3) the Charter for Local Governments.

Lithuania was one of the first countries to sign the Framework Convention for the Protection of National Minorities on 01 February 1995. However, it was ratified by Lithuania only on 23 March 2000 and entered force on 01 July the same year. Lithuania did not hold any reservations, or produce any declarations or other communications which implies that this document is accepted as concerning all ethnic groups in the country. In other words, any provision of this Framework Convention shall be applicable in Lithuania as well as Lithuanian legislation shall be brought into conformity with the provisions of this document.

The situation with the Charter for Minority and Regional Languages is completely different. Lithuania 'for some reason'¹⁶ neither signed, nor ratified this document. Lopata referred to the Recommendation of the Parliamentary Assembly of the Council of Europe which stated that in Lithuania 'the right to use national minority languages is legally secured, in accordance with the principles of the European Charter for Regional or Minority Languages.'¹⁷

¹⁶ 'National minorities in Lithuania and Estonia,' see: <<http://www.mercator-research.eu/research-projects/endangered-languages/national-minorities-in-lithuania>>.

¹⁷ Lopata, p. 18.

However, since this document is not even signed, it may be assumed that it is rather for national legislator to decide whether provisions of the domestic legislation should comply with the provisions of the Charter. Therefore, there is no protection for minority languages in Lithuania at the Council of Europe level; domestic law regulates the issue.

The European Charter for Local Governments was signed by Lithuania on 27 November 1996 and was ratified on 22 June 1999.¹⁸ One of the main provisions of this document guarantees national minorities in Lithuania the rights to use signs in their native language. On the one hand, this issue partly compensates the lack of ratification of the Charter for Regional and Minority Languages. On the other hand however, it contradicts Lithuanian Language Law which will be described below. Hence, we refer to the country's national legislation.

Lithuanian Domestic Law Regarding National Minorities

Lithuania was the first country in among Central and East European states which passed a Law on National (Ethnic) Minorities (1989, amended in 1991).¹⁹ This document declared the right to foster their language and guarantees that their language shall be respected, including the right to establish cultural and educational organisations. Additionally, the right of national minorities to receive state support for fostering their national culture, education and access to information is guaranteed.

Lithuanian legislation, however, does not contain any definition of the concept of a national minority²⁰ but the country's domestic legislation does, stating that 'the number of population and their compact residence' are key factors when the group may be granted with the rights 'to protect and promote the language, religion, culture and traditions' on condition of possessing Lithuanian citizenship.²¹

In fact, Lithuanian legislation on national minorities may be described on the base of three factors:

1. Citizenship,
2. Educational policies,
3. Cultural and Language rights.

¹⁸ Chart of signatures and ratifications of European Charter of Local Self-Government CETS No. 122, at: <<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=122&CM=8&DF=8/1/2006&CL=ENG>>.

¹⁹ Cultural minorities, groups and communities in Lithuania, Council of Europe/ERICarts, 'Compendium of Cultural Policies and Trends in Europe, 10th edition,' 2009, at: <<http://www.culturalpolicies.net/web/lithuania.php?aid=421>>.

²⁰ Lithuania, the Euromosaic study, at: <http://ec.europa.eu/education/languages/archive/languages/langmin/euromosaic/lith_en.pdf> p. 4.

²¹ Lopata, p. 25.

Citizenship Factor

Questions of citizenship have existed since the early 1990s. The Law on Citizenship adopted by the Supreme Council of the Lithuanian SSR on 03 November 1989 prescribed that those persons who possessed citizenship of interwar Lithuania²² as well as their descendants are considered ‘the body of citizens.’ For all other permanent citizens of the Lithuanian SSR (with the exception of personnel in the Soviet army and security services) a ‘zero-option’ was introduced which meant that ‘all people who lived in Lithuania at that time could choose to gain Lithuanian citizenship freely, without any restrictions or additional requirements.’²³ This decision made Lithuania unique amongst the other Baltic States where citizenship issues remain unsolved, even today. The explanation of this uniqueness is best understood through different policies of the Soviet authorities towards Lithuania on the one hand and Estonia, Latvia and even Belarus on the other hand – Soviet industrialisation meant for Tallinn, Riga or Minsk massive migration of the labour force from all over the Soviet Union whereas Vilnius faced migration of predominantly ethnic Lithuanians from other parts of the Lithuanian SSR.²⁴ The effectiveness of the zero-option may be seen by the fact that ‘about 90% of the permanent residents opted for citizenship during this time.’²⁵

National Minorities and Education

As mentioned above, Art. 45 of the Constitution of Lithuania as well as the Law on National Minorities provides minorities with the right to independently manage their education. The Law of Education (1991, amended in 2003) prescribes that ‘if national minorities necessitate and request, they may have pre-schools, schools and classes in the mother tongue in their densely populated districts’ (Art. 12). However, the Lithuanian language is a compulsory subject, and if the language of instruction is not Lithuanian, Lithuania language and literature must be taught in Lithuanian. It is parents who decide on the language of instruction for their children in pre-school and elementary schools. As of 2000 the ‘total number of schools in the Republic of Lithuania reached 2246: the number of Polish schools was 74, Russian schools 68, Belarusian schools 1, and 72 combined schools.’²⁶

²² Interwar Lithuania (1918–1940) was independent and only became part of the Soviet Union on 03 August 1940.

²³ Volovoj, V. ‘National Minorities in Lithuania,’ in Ildikó Haraszti and Kálmán Petőcz (eds), *Ethnic Stability – Ethnic Changes: Participation of Minorities in the Decision-Making Process*, International Workshops Series on Effective Political, Economic, Social and Cultural Participation of Minorities, Forum Minority Research Institute, Šamorin, 2008, at: <www.foruminst.sk>, p. 1.

²⁴ See: Snyder, T, *The Reconstruction of Nations: Poland, Ukraine, Belarus, 1569-1999* (New Haven and London, 2003). pp. 90–104.

²⁵ Lopata, p. 18.

²⁶ Motuzas, R, ‘Education of National Minorities in Lithuania’ *Lithuanian Foreign Policy Review*, 7/2001. pp. 10–11.

However, the situation is more complicated than it may seem. First, no school in Lithuania is considered Polish, Russian or Belarusian. Any school where instruction is conducted in a minority language is still considered Lithuanian. Second, no textbooks printed in Belarus, Poland or Russia are allowed to be used in Lithuanian schools. This means that only those textbooks which are approved and published under the auspices of the Lithuanian authorities may be used. In practice this means that differences between educational programmes between schools of national minorities and ordinary schools in Lithuania is reducible only to language of instruction. Moreover, schools of national minorities use the same curricula which are used by ordinary Lithuanian schools, only issues related to minorities' culture, language and traditions are added. Additionally, a lack of specialists with knowledge of minority languages leads to a situation where more and more teachers, without knowledge of respective languages, work in minorities' schools and pupils have to study in Lithuanian.²⁷ 'Now there is an official project accordingly to which 70% of subjects in higher classes of the schools of national minorities would have to be taught in Lithuanian' but it could hardly be considered as a convincing argument as Lithuanian is a compulsory subject at schools and 'all school-leavers of the national minorities speak Lithuanian very good anyway.'²⁸

Cultural and Language Rights in Lithuania

The Constitution of Lithuania and Law on National Minorities creates favourable conditions for the development of cultures of national minorities. On the other hand, Lithuanian authorities try to integrate minorities into Lithuanian society. In 2004 for instance, the Government of Lithuania approved the *Programme of Integration of National Minorities into Society for the years 2005–2010, which is focused on three main objectives*:

1. integration of national minorities into Lithuanian social, cultural, economical life;
2. preservation of the ethnic identity of minorities; and
3. development of coherent relationships among minorities.²⁹

Different state institutions, such as the Ministry of Culture, the Ministry of Education and Science State Departments and the National Radio and Television participate in the implementation of the programme. Additionally, the Lithuanian state supports cultural institutions which play important role for the minorities' culture.³⁰

²⁷ Volovoj, 'National Minorities in Lithuania.' p. 1.

²⁸ Ibid. p. 1.

²⁹ 'Cultural Minorities, Groups and Communities in Lithuania.'

³⁰ Among these institutions are, for instance, Russian Drama Theatre of Lithuania and the Vilnius Gaon Jewish State Museum of Lithuania.

Hence, if minorities may be satisfied with the development of their culture, the issue of the use of minorities' language is the most controversial. Since Lithuania did not ratify the European Charter for Minority and Regional Languages, the influence of international law in the language sphere is limited and thus language policy in Lithuania is the subject of the national law. The Constitution proclaims Lithuanian as the state language (Art. 14) and according to the Law on State Language, all personal names, names of companies and organisations; names of goods and services provided in Lithuania must be in the state language. The Law on State Language also provided that 'the Law shall not regulate unofficial communication of the population and the language of events of religious communities as well as persons, belonging to ethnic communities.' This implies that minority languages are used in public life, but official usage is strictly limited. These limits may be seen on the basis of two examples:

1. personal names, and
2. street signs in minority languages.

The Supreme Council of the Republic of Lithuania Resolution 31 January 1991 'On Writing of Names and Family Names in Passports of Citizens of the Republic of Lithuania' prescribes that 'in passports, the names and family names of citizens of the Republic of Lithuania who are of Lithuanian and non-Lithuanian nationality shall be written in Lithuanian letters.' Representatives of national minorities are not allowed to officially write their names as the grammar rules of their mother tongue require (compare: Lithuanian *Valdemar Tomaševski* vs. Polish *Waldemar Tomaszewski*). The Constitutional Court of Lithuania, in its ruling 'On the compliance of the 31 January 1991 Supreme Council of the Republic of Lithuania Resolution 'On Writing of Names and Family Names in Passports of Citizens of the Republic of Lithuania' with the Constitution of the Republic of Lithuania' of 21 October 1999 decided that this Resolution 'is in compliance with the Constitution of the Republic of Lithuania.'³¹ Hence, representatives of ethnic minorities in Lithuania are deprived of the right to write their personal names according to the rights of their mother tongues, i.e. using the letters which do not exist in the Lithuanian alphabet.

The situation regarding street signs in areas with significant numbers of national minorities is similar. In February 2009 the Supreme Administrative Court of Lithuania made a decision that street signs in the Vilnius districts where Poles constitute a majority must be written only in Lithuanian. Similar to the Constitutional Court's ruling on personal names writing, this decision is final and absolute. Thus, despite the fact that the Law on National Minorities prescribes that in the regions which are densely populated by the minorities,

³¹ An unofficial English translation of this Ruling is available at: <http://www.minelres.lv/NationalLegislation/Lithuania/Lithuania_ConstCourt_Names_English.htm>.

a language other than Lithuanian (i.e. minority language) can be used in administration and different offices, minority languages have practically been extracted from public use and remained only in the private communication of people.

Conclusion

Officially Lithuania is considered a ‘success story’ in handling minority issues. Nevertheless, as often occurs, some problems emerged bringing with them some issues to work out and to solve. Lithuania still has room to improve the situation, starting from the ratification of the Charter for Minority and Regional Languages, which will ensure the protection of the rights of minorities on the Council of Europe level, along with bringing national legislation in conformity with the Council of Europe legal framework on this issue, as well as resolving the conflict issues with Polish (and but also Russian and Belarusian) minorities over name writing in official documents, topographical names in the regions with other nationalities, and the educational system. It must be emphasised that the first step of Lithuania, towards such progress, will come from signing and ratifying the European Charter for Minority and Regional Languages.