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Lithuania

International Religious Freedom Report 2003

Released by the Bureau of Democracy, Human Rights and Labor

The Constitution provides for freedom of religion except in cases where religious activities contradict the Constitution and the law, and the Government generally respects this right in practice. There is no state religion; however, some religious groups enjoy government benefits not available to others. Nontraditional religious groups face some restrictions.

There was no change in the status of respect for religious freedom during the period covered by this report.

The generally amicable relation among religions in society contributed to religious freedom, although members of religious minorities occasionally are subject to acts of intolerance. A certain level of anti-Semitic sentiment persists in the country.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has an area of 25,174 square miles, and its population is approximately 3.5 million. The 2001 population census indicated that approximately 79 percent of the inhabitants consider themselves to be Roman Catholics; there were a reported 673 Catholic communities in 2000. The second largest religious group is the Orthodox Church (141,000 members and 43 communities), concentrated in the east, along the border with Belarus. The "Old Believers" number 27,000 and have 27 communities. An estimated 19,500 Lutherans (54 communities) are concentrated to the southwest. The Evangelical Reformed community has approximately 7,000 members in 12 communities. The 5 Sunni Muslim communities number approximately 2,700 members, while the Greek Catholic community has approximately 300 members. The Jewish community numbers approximately 4,000 (6 Jewish religious communities have 1,200 members). An estimated 9.4 percent of the population does not identify with any religious denomination.

Karaite, while not unique to the country, exist in few other locations in the world. They are considered by some to be a branch of Judaism; their religion is based exclusively on the Old Testament. Two houses of worship in Vilnius and Trakai serve the Karaite religious community of approximately 250 members. The Karaites have been in the country since 1397. Considered as well to constitute a distinct ethnic group, Karaites speak a Turkic-based language and use the Hebrew alphabet. Their community president also is their only religious leader.

The Chabad Lubavich, a Hassidic Jewish group, operates a school (kindergarten through 12th grade), a social center, and a kosher kitchen in the capital of Vilnius.

Approximately 0.23 percent of the population belong to what the Government refers to as "nontraditional" religious communities. The most numerous are the Full Gospel Word of Faith Movement, Pentecostals/Charismatics, Jehovah's Witnesses, Baptists, Seventh-day Adventists, and New Apostolic Church. According to the Ministry of Justice, a total of 991 traditional and 160

nontraditional religious associations and communities are registered. The number of religious nontraditional associations decreased following the consolidation of one religious association and the Ministry of Justice's cancellation of the registration of some associations that "have not shown signs of activity during the past 8 years."

Foreign missionary groups, including Baptists, The Church of Jesus Christ of Latter-day Saints (Mormons), and members of Jehovah's Witnesses, also are active in the country.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

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 religious teachings of churches and other religious organizations, their religious activities, and their houses of prayer may not be used for purposes that contradict the Constitution and the law. The freedom of expression of religious conviction also may be restricted temporarily during a period of martial law or a state of emergency. None of the limitations specified in the Constitution has been invoked. There is no state religion. However, under the 1995 Law on Religious Communities and Associations, some religious groups enjoy government benefits not available to others.

The Constitution divides religious communities into state-recognized traditional groups and others. However, in practice a four-tier system exists: traditional, state-recognized, registered, and unregistered communities. Traditional religious communities and associations are not required to register their bylaws with the Ministry of Justice in order to receive legal status. However, nontraditional religious communities must present an application, a founding statement signed by no less than 15 members who are adult citizens of the country, and a description of their religious teachings and their aims. The Ministry must review the documents within 6 months.

The law stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state-recognized communities can receive state subsidies; however, only the traditional ones receive the subsidy regularly. The law grants property rights for prayer houses, homes, and other buildings to religious communities, associations, and centers, and permits construction that is necessary for their activities. These traditional associations and communities receive annual financial support from the Government. Other religious communities are not eligible for regular financial assistance from the Government; however, they may receive government support for their cultural and social projects.

The law specifies nine religious communities that have been declared "traditional" and therefore are eligible for governmental assistance: Latin Rite Catholics, Greek Rite Catholics, Evangelical Lutherans, Evangelical Reformed Church members, Orthodox Christians (Moscow Patriarchate), Old Believers, Jews, Sunni Muslims, and Karaites. They do not have to pay social and health insurance for clergy and other employees; they can register marriages; and they are not subject to a value-added tax (VAT) on such services as electricity, telephone, and heat. However, only traditional communities have the right to teach religion in state schools and buy land to build churches (other communities may rent it). Only their clergy and theological students are exempt from military service, and only their top religious leaders are eligible for diplomatic passports. They also may have military chaplains. In addition, they have the right to establish subsidiary institutions.

Religious communities registered by the Ministry of Justice constitute the third status group; they do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities but can act as legal entities and thus rent land for religious buildings.

Unregistered communities have no juridical status or state privileges, but there were no reports

that any such groups were prevented from worshipping or seeking members. The United Methodist Church of Lithuania's recognition has been delayed. Legally the status of "state recognized" religious community is higher than that of a "registered" community but lower than that of a "traditional" community.

There is no separate government agency addressing religious groups; a small department in the Ministry of Justice handles requests of religious groups for registration. In November 2001, the Government reestablished the position of advisor for religious affairs, which it had abolished in March 2001, and appointed a person designated by the Catholic Church. The decision to abolish the position had contributed to a more evenhanded approach to religious matters; however, some observers believe that its reestablishment may benefit the Catholic Church more than other religions.

In 2000 the Constitutional Court confirmed the principle of separation between church and state in the sphere of education, by ruling that in state educational institutions, classes or groups may not be coestablished with state-recognized traditional religious associations. The Court also ruled that if either public or private educational establishments are sponsored jointly by a state institution and a religious group, the group may not set any religious test for employment of staff not connected with religious instruction. Finally, the Court ruled that the heads of state educational establishments could not be appointed and dismissed by government institutions on the recommendation of a religious association. The Catholic Church criticized the Court's ruling.

In 2000 the Government and the Holy See agreed to establish a military Ordinariat to provide religious support to Catholic members of the military service in the form of military chaplains. In August 2002, the Ministry of Defense and the Catholic Church signed a regulation on military chaplains' activities; there were 15 chaplains at the time the regulation was signed. The Ministry of Defense provides material support for the Ordinariat and its places of worship. Other traditional churches and religious groups also can provide religious support to the military services. Alternative military service within military structures is available, but there is no option for alternative nonmilitary service, as requested by members of Jehovah's Witnesses.

In August 2000, three agreements between the Government and the Holy See took effect: "On Cooperation in the Sphere of Education and Culture," "On Spiritual Guidance of Catholics Serving in the Military," and "On Legal Aspects of Relations Between the Catholic Church and the State." The last of these agreements established Assumption Day (August 15) as a national holiday, in addition to the previously established holidays of St. Mary's celebration (January 1), Easter Monday, All Saint's Day (November 1), Christmas, and Boxing Day (December 26). The list of holidays can be changed by agreement of both sides. There were no reports of formal complaints that these agreements adversely affect religious freedom for the adherents of other religions.

Restrictions on Religious Freedom

Local observers criticized draft amendments to the Law on Religious Communities and Associations, initiated by the Catholic Church. In the fall of 2002, the Government accepted the amendments and forwarded them to Parliament for approval. If approved by Parliament, the amendments would bring the law into conformity with the new Civil Code. However, the Government's advisor for religious affairs said in a public interview that the amendments will "help defend against the entrenchment of destructive sects." The amendments would further divide religious groups into the four-tier system. They contain a clause that only traditional religions may conduct religious instruction in state schools, and that only their religious ceremonies may be held there. The draft amendments also introduce a more cumbersome procedure for recognizing religious communities. Nontraditional religious communities will not be registered unless the Ministry of Justice says that their teaching is in line with human rights, freedom, and public order. If adopted, the law would also require a religious association seeking the status of "state recognized" religion to unite at least 0.1 percent of adults, effectively limiting such recognition to Jehovah's Witnesses only. However, the law would disqualify the United Methodist Church of Lithuania. The expected granting of the status of "state recognized" community to the Methodists has been delayed by Parliament in an apparent attempt to block such a decision with the new amendments. Legally, the status of "state recognized" religious community is higher than that of a "registered" community, but lower than that of a "traditional" community.

Nontraditional religious communities must submit an application and supporting documents to the Ministry of Justice to receive legal status. Since 1995 the Ministry of Justice has turned down two applications, those of the Osho Ojas Meditation Center and the Lithuanian Pagans Community (Old Sorcerer). The small Old Sorcerer community never tried to register as an NGO and ceased to exist in July 2002. Also in 2002, following objections by the Catholic Church, Parliament suspended the granting of status of a traditional community to another pagan group, the Old Baltic Faith Community Romuva. Romuva was registered as a religious community in 1992, consisting of some 1,500 persons.

The operations of foreign missionary groups within the country are not restricted. Most of the problems related to procedures for residency permits for religious workers (enacted by law in 1999) had been resolved by mid-2001. However, the Government appears to be continuing preferential treatment in this area for the nine traditional religions.

According to the Constitution, state and local teaching and education establishments are secular. However, in February the Vice Minister of Education admitted in a public interview that, due to an agreement with the Holy See, Catholic priests have the final say in hiring teachers for religious instruction in state schools. The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools can offer classes in religious instruction. In practice parents can choose classes in religious instruction or classes in ethics for non-religious education. The Government is obliged by law to finance religious instruction (of traditional confessions only) in state schools, and to fund fully schools of traditional religious groups and schools co-founded with traditional religious groups. In addition, the Government may, and often does, support schools run by nontraditional religious groups, who have the right to establish private schools and receive partial state funding.

Since September 2001, amendments to the Law on Religious Communities and Associations grant full government funding only to the educational institutions of traditional religious organizations. The governmental Department of European Law had criticized the amendments for discriminating against traditional religious communities and associations. The Department implied that although the Government has the right to provide different legal statuses for different religious communities, differences in status should not result in differences in rights and privileges. A different law permits the Ministry of Education to give vouchers for pupils in private schools established by non-traditional religious communities.

The law grants all religious communities equal opportunity in regaining control over former property used for conducting religious services. However, the Catholic community has been more successful in regaining its property than many other religious communities. Some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The deadline for filing claims from Soviet times (July 1940) passed in 1996. A number of claims successfully were resolved, and others still were pending. Lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of restoring property of religious institutions that no longer exist and has no plans to do so.

In early 2002, the Government established a commission on communal property restitution to identify communal property eligible for restitution and propose amendments to the law on restituting property to religious communities so that the Jewish secular community (the majority of Jewish citizens) can benefit from the restitution process. The Government and city of Vilnius also established a procedure for rebuilding parts of the Jewish quarter in Vilnius Old Town. The project was expected to use private funds and give the Jewish community parts of the reconstructed buildings.

In spring 2002, the Supreme Court ruled in favor of an appeal by the Evangelical Lutheran Church of the April 2001 Vilnius First District Court decision's that the Vilnius City Council had violated the previous owners' and tenants' rights when it returned four buildings to the Church in 1992 and 1993. The Church had appealed, asserting that it had owned the properties before they were nationalized in 1945 and that restitution had been carried out according to the law. According to the ruling, the Church may regain ownership of, or compensation for, the four buildings in Vilnius Old Town. In February the Supreme Court again ruled in favor of the Church in a related lawsuit, and the Church regained ownership of the buildings.

The Government's commission to coordinate the activities of governmental institutions in order to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law includes representatives of the Ministries of Justice, Interior, Education, Health, and Foreign Affairs, the General Prosecutor's office, and the State Security Department. The Minister of Justice appoints the chairman of the commission. The commission was established in 2000 following some parliamentarians' calls for increased control of "sects," following negative coverage of some religious groups in the media. The commission takes as its guidance domestic laws and the recommendations (No. 1412 and No. 1178) of the Council of Europe, which seek to ensure that activities of religious groups are in line with the principles of a democratic society, human rights, and fundamental freedoms. The commission had taken no action and made no statements affecting specific religious groups by the end of the period covered by this report.

In December 2001, Stanislovas Buskevicius, a nationalist Member of Parliament, proposed draft legislation entitled "On Barring the Activities of Sects." After the draft was discussed widely, in September 2002, Parliament de facto rejected the bill by sending the bill back requesting "improvements" to the draft.

There were no reports of religious prisoners or detainees.

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 of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

During the period covered by this report, the Ministry of Justice registered 12 nontraditional religious groups and granted 8 traditional religious communities legal person status.

In January 2003, the Ministry of Education began distributing vouchers for school programs to students who attended a private school of the Word of Faith Church, a Protestant Church. In February 2002, following a lawsuit Vilnius County reregistered the school.

The Government has made an effort to support post-World War II restitution efforts during the period covered by this report. Following negotiations with an ad hoc committee of Lithuanian, American, and Israeli representatives of Jewish organizations, headed by Rabbi Andrew Baker, in January 2002, the Government turned over 309 Torahs to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide. In April the Government decided to return 46 more Torah scrolls. The return of a few remaining Torahs at the National Museum has not been actively discussed.

Section III. Societal Attitudes

The generally amicable relation among religions in society contributed to religious freedom, although members of religious minorities occasionally are subjected to acts of intolerance, such as insults.

An estimated 10 percent of the population before World War II were Jewish. More than 200,000 Jews (approximately 95 percent of that population) were killed in the Holocaust. The country still is reconciling itself with its past and working to understand it better. In 1998 President Valdas Adamkus established a historical commission to investigate both the crimes of the Holocaust and the subsequent Soviet occupation. The Commission has held annual conferences and several seminars and published several reports.

In the past several years, the country's Jewish communities have expressed concern over an increase in anti-Semitic remarks made by extremist and a few, more mainstream, politicians. The political leadership of the country and the national press generally criticize anti-Semitic statements when they occur.

On April 9, 2002, Holocaust Commemoration Day, in the Seimas (Parliament), the Lithuanian

Freedom Party (LFP) issued a statement that described the Government's efforts to restore communal property to the Jewish community as "kowtowing to the Jews" and stated that it would turn its labor force into "slaves of the Jews." It also demanded that the Government end relations with Israel. The Seimas chairman, who is the leader of the New Union Party, criticized the statement; however, the Deputy Chairman of the Christian Democratic Party (CDP) warned the Government against making special arrangements to return Jewish communal property.

The Seimas commemorated Holocaust Day by publicly acknowledging and apologizing for the murder of Jews and destruction of Jewish culture in the country during World War II. Simonas Alperavicius, Chairman of the Lithuanian Jewish Community, attributed recent public expressions of anti-Semitism to ignorance and the failure of society to recognize the extent of the destruction that occurred there. On April 11, 2002, the Vilnius basketball arena apologized for anti-Semitic chants by its fans during a game between a local team and an Israeli team.

In January Education and Culture Advisor Arvydas Juozaitis resigned shortly after criticizing Culture Minister Roma Dovydienene for "giving too much attention" to Jewish heritage in the Government's program for a Frankfurt Book fair.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Embassy maintains a close and regular dialog on religious issues with senior officials in the Government, Members of Parliament, and presidential advisors, as well as continual contact with religious leaders. Religious groups use the Embassy as a vehicle to voice their complaints, and the Embassy encourages religious leaders to keep the Embassy informed of their views on the status of religious freedom and any complaints. The Embassy has been active in discussing the restitution of Jewish communal property with government officials and community leaders in the country. The Embassy also maintains regular contact with U.S. missionary groups.

During the period covered by this report, the Embassy's democracy commission funded a number of projects with the goal of promoting greater religious tolerance, particularly those related to building broader understanding of the Holocaust.

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