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Lithuania

International Religious Freedom Report 2004

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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, and government policy continues to contribute to the generally free practice of religion.

The generally amicable relation among religions in society contributed to religious freedom, although members of religious minorities occasionally are subject to acts of intolerance. The country's Jewish communities expressed concern over an increase in anti-Semitic remarks of fringe groups and over a series of editorials containing anti-Semitic statements that appeared in a major daily newspaper. The political leadership of the country publicly criticized anti-Semitic statements when they occurred and particularly denounced the inflammatory editorials.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights and in discussions on Lithuania's strategy for addressing the country's Holocaust legacy.

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 considered themselves to be Roman Catholics; in April there were 702 Catholic parishes. The second largest religious group (some 140,000) adheres to the Orthodox Church, which has 50 communities concentrated in the east, along the border with Belarus. The "Old Believers" numbered 27,000; they have 57 communities. An estimated 20,000 Lutherans (54 communities) resided in communities primarily in the southwest. The two branches of the Evangelical Reformed community had approximately 7,000 members in 14 communities. The 5 Sunni Muslim communities numbered approximately 2,700 members, while the Greek Catholic community had approximately 300 members. The Jewish community numbers approximately 4,000, although only 1,200 of them belong to 1 of the 7 religious communities. The majority of Lithuanian Jews are secular and do not belong to a religious community. An estimated 9.4 percent of the population does not identify with any religious denomination. According to 1998 research data, approximately one third of the country's Catholics attend church services at least once a month. Data on religious participation for members of other faiths is not available.

Karaites, while not unique to the country, exist in few other locations in the world. Some consider Karaite to be a branch of Judaism; the religion is based exclusively on the Old Testament. Two houses of worship, one in Vilnius and one in nearby Trakai, serve the Karaite religious community of approximately 250 members. The Karaites have been in the country since 1397. The Government recognized the Karaites as 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 belongs 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 1,031 traditional and 164 nontraditional religious associations, centers, and communities have officially registered with the new State Register of Legal Entities. All communities have to register if they seek official status, which they require to have a bank account, own property, and address the Government. The number of religious nontraditional associations decreased following the consolidation of one religious association, the New Apostolic Church, 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 are also 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 Government may also temporarily restrict freedom of expression of religious conviction during a period of martial law or a state of emergency. 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. In practice, however, a four-tiered 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 to receive legal status. Nontraditional religious communities must present an application, a founding statement signed by no fewer 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. Legally, the status of a "state recognized" religious community is higher than that of a "registered" community but lower than that of a "traditional" community.

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 traditional groups 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. 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. 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.

Registered religious communities 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.

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; some observers believe that its reestablishment may benefit the Catholic Church more than other religions. The Prime Minister's advisor for Cultural and Jewish affairs follows relevant issues within the Jewish community.

For the second consecutive year, Parliament deferred granting of "state recognized religion" status for the United Methodist Church of Lithuania. Several other communities (The New Apostolic Church, Pentecostals, and the Seventh-Day Adventists) have also applied or reportedly plan to apply for state registration.

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 co-established 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 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 2002 draft amendments to the Law on Religious Communities and Associations, initiated by the Catholic Church. The Government accepted the amendments and forwarded them to Parliament for approval in the fall of 2002, but Parliament had not begun consideration of the amendments, by April. 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 limit certain activities to one or another religious groups of the four-tiered 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. Most notably, the law would disqualify the United Methodist Church of Lithuania.

The Ministry of Justice remains responsible for receiving registration applications and issuing registration permits, but in January the new State Register of Legal Entities assumed management of the database of registered religious communities. New communities of nontraditional religions now pay a registration fee, but new communities of traditional and state recognized religions register for free. 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). In August 2003, the Ministry of Justice declined a new request for registration of the Osho Ojas Meditation Center on the grounds that the center is not a religious community. The Ministry recommended the Center to register as a public organization. The Center sued the Ministry, and, in November 2003, a Vilnius administrative court ordered the Ministry to review the case. In June, the Ministry again refused to issue the registration permit to the center; Ministry experts concluded that the meditation practiced by this group is not a religious practice and that it violates accepted moral norms. The Center intends to appeal this decision through the courts. In 2002, following objections by the Catholic Church, Parliament suspended the granting of status as a traditional community to another pagan group, the Old Baltic Faith Community Romuva.

The operations of foreign missionary groups within the country are not restricted. 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 2003, 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 nonreligious education. The Government is obliged by law to finance religious instruction (of traditional faiths 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 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 nontraditional 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. The Government subsequently passed a different law that attempted to correct the negative effect of the amendment on non-traditional communities by providing a voucher mechanism for schools established by such nontraditional communities.

The law grants all religious communities equal opportunity in regaining control over former property previously used for conducting religious services. However, the Catholic community has been more successful in regaining its property than many other religious communities. Some religious properties, including 28 synagogues, were returned to the Jewish community, mostly from 1993 to 1996. A number of claims were successfully resolved, while others are still 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 to 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 intends to submit the amendments for Parliamentary ratification once all property claims of the Jewish community are clarified and verified. In 2003, the Government allocated \$38,000 (110,000 Lit) for archival research to verify the lists of Jewish communal property objects that the Jewish Community of Lithuania and the World Jewish Property Restitution Organization had submitted. In 2004, the Jewish Community of Lithuania submitted an expanded list of properties, which the archivists had not verified by the end of the period covered by this report. In addition, a project to reconstruct historic Jewish quarter buildings in Vilnius Old Town began in 2004. The official Jewish Community of Lithuania criticized the project, which has mainly private funding, as overly commercial and not resulting in substantive property restitution. They believe the project does not substantially benefit the Jewish community.

In spring 2002, the Supreme Court ruled in favor of an appeal by the Evangelical Lutheran Church of the 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 2003, the Supreme Court again ruled in favor of the Evangelical Lutheran Church in a lawsuit related to another lawsuit filed in 2001, and the Church regained ownership of the buildings in Vilnius.

The Government's commission to coordinate the activities of governmental institutions 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. In 2003, the commission investigated the conditions under which esoteric, spiritual, and religious groups may spread their faith via educational institutions. In particular the commission looked at how many groups were renting premises from state educational institutions. Separately the commission investigated the alleged involvement of Satanists in the desecration of cemeteries.

In June 2003, Stanislovas Butkevicius, a Member of Parliament, resubmitted his 2001 legislation "On Barring the Activities of Sects." The Parliament's Legal Department criticized the draft, which had not been presented for discussion during the period covered by the report.

In March, the Parliament established a Working Group on Issues of Spiritual and Religious Groups following appeals from persons whose relatives the religious "sects" allegedly harmed. The group reviewed legislation regulating activities of religious groups and aired plans to introduce tougher registration requirements. Following Parliamentary debates on "destructive sects and cults," two terms which encompass both recognized and unrecognized religious groups, the Parliament gave initial approval in early June to amendments to the Criminal Code and Administrative Code. The draft amendment to the Criminal Code introduces fines and imprisonment for up to 3 years for religious groups, communities, and centers that use psychological violence to prompt a person or his/her relative to pursue illegal action or prevent them from pursuing legal action. The draft amendment to the Administrative Code sets out fines for individuals seeking to implement religious goals in violation of society's security and public order, as well as health, morals, and rights of individuals.

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.

Abuses by Terrorist Organizations

There were no reports of persecution targeting specific religions by terrorist organizations during the period covered by this report.

Improvements and Positive Developments in Respect for Religious Freedom

Between January 2003 and April, the Government registered a Catholic parish, a Catholic female monastery, two Catholic social centers, and a Catholic organization; an Orthodox community; a Lithuanian Lutheran Church community and 11 of its parishes; and 39 Old Believer communities. Also, following a court decision, another autonomous group, an Old Believer community, registered during this time. The Government granted legal status to four nontraditional religious communities in 2003. There were no registrations of nontraditional communities in January-April 2004, in part due to the introduction of a more complicated registration system in 2004.

The Government made an effort to support post-World War II restitution efforts during the period covered by this report. In September 2003, the Government returned 46 Torah scrolls to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide. However, the return of a few remaining Torahs at the National Museum has not been actively discussed.

In February, the Klaipeda district court overturned a lower court's ruling, which had denied the requests of two members of Jehovah Witnesses for alternative nonmilitary service, provisionally fined them, and sentenced them to 1 year in jail. The Government is exploring the possibility of introducing alternative service in nonmilitary structures for conscientious objectors.

Section III. Societal Attitudes

The generally amicable relations among various religious communities in society contributed to religious freedom, although members of religious minorities occasionally are targets of acts of intolerance, such as insults.

Disputing factions within some religious communities, for example within Evangelic, Old Believer, and Jewish communities, appealed to state authorities and courts during the period covered by this report in an attempt to limit the activities of their rivals, often by preventing a certain faction's registration as a religious community. The State did not take any action to this end and attempted not to involve itself in internal disputes of various religious communities. However, in April and June 2003, Vilnius administrative courts ruled to create separate new Old Believer communities. At the end of May, the Lithuanian Jewish community temporarily shut down the Vilnius synagogue, following a disorderly dispute in the synagogue between the Orthodox and the Chabad Lubavich Jewish communities.

Activities of some nontraditional religions ("sects") raised concerns within sectors of society. For example, since December 2003, parents opposed to their children's membership in the Unified Church have been protesting the registration of the second community of the Unified Church in Lithuania. (The first community was registered in 1993 by a Cabinet decision.)

An estimated 10 percent of the population before World War II was Jewish. More than 200,000 Jewish persons (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, published several reports, and co-sponsored a Holocaust education program.

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 most media outlets generally criticize anti-Semitic statements when they occur.

The Seimas (Parliament) commemorated Holocaust Day by publicly acknowledging and apologizing for the killing of Jews and destruction of Jewish culture in the country during World War II. The 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.

Anonymous anti-Semitic comments repeatedly surfaced on the Internet, most notably during the Fall 2003 visit of the Israeli Knesset speaker, who criticized the country's participation in the Holocaust, and after the public release of the U.S. State Department's Human Rights Report, which enumerated the anti-Semitic incidents that occurred in the country during the previous year.

In June 2003, media reports prompted the State Security Department to investigate the publication of the "Protocols of the Zion Elders" in a low-circulation periodical Zemaitijos Parlamentas, or Parliament of Zemaitija, causing the periodical to cease publication.

In December 2003, members of the National Democratic Party, led by a member of the Siauliai city council, attempted to disrupt a Hanukkah menorah-lighting ceremony and insulted members of the local Jewish community. The Siauliai mayor publicly apologized for the incident, although the ethics panel of the Siauliai city council failed to censure the instigator.

During the period covered by this report, fringe and anti-Semitic groups gained attention by participating in various political rallies supporting the embattled and later impeached President. However, extremist political parties did not appear to have gained any significant traction with the populace as a result of this increased publicity.

Several Lithuanian state institutions received anonymous anti-Semitic proclamations in February. The proclamations railed against Jewish persons, using an epithet that Lithuania's Ambassador to Israel, Alfonsas Eidintas, cited as an example of Nazi propaganda in his book "Jews, Lithuanians, and the Holocaust." In response, government representatives spoke out against anti-Semitism.

In February, a popular national daily "Respublika" carried a series of editorials with obvious anti-Semitic overtones. The series was entitled "Who Rules the World?" and the final editorial provided the reader with an answer—the Jews. The article made use of a cartoon reminiscent of Nazi propaganda. The editorial blamed Jewish organized crime figures for exploiting the Holocaust tragedy to avoid punishment for their criminal activities, and it focused on the alleged failure of the Lithuanian Jewish community to disassociate themselves from such criminals. The main point of the article was that Jewish persons, as the wealthiest and most powerful societal group in the world, control world events. Government officials at the highest levels condemned the publication of the series and the anti-Semitic sentiments therein, but the Jewish community and others criticized the government for responding too slowly. Local nongovernmental organizations (NGOs) and representatives of other religious groups similarly denounced the anti-Semitic articles. The Prosecutor General's Office and the State Security Department launched pretrial investigations over incitement of ethnic and racial hatred by "Respublika's" editor-in-chief. In April, the Parliament formed a working group to improve legislation punishing incitement of discord, anti-Semitism, racism, and xenophobia.

In April, the police launched an investigation into the desecration of a Jewish cemetery in the Kaisiadorys region, and they had not found any of the perpetrators at the end of the period covered by this report.

A March poll indicated that anti-Semitism is more alarming to residents in large cities, while people living in rural areas tend not to notice it. Respondents of older generations had a poorer opinion of Lithuanian-Jewish relations, whereas people aged between 18 and 25 more often define their relations as good.

The Jewish community of Lithuania has argued that, while most school textbooks accurately and fairly present the Holocaust, some perpetuate unfavorable stereotypes of Lithuania's pre-World War II Jewish community and thereby promote intolerance. Although the Ministry of Education attempts to ensure the historical accuracy of school textbooks, the Lithuanian educational system allows a great deal of leeway for individual teachers to choose their own texts. Teachers are therefore able to use textbooks that are not recommended by the Government and that may portray an unfavorable and outdated view of Lithuania's pre-War Jewish community.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains a close and regular dialogue 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 and the restoration of historic religious property with government officials and community leaders in the country. The Embassy also maintains regular contact with U.S. missionary groups.

The Ambassador publicly criticized anti-Semitic statements in the media and encouraged a similar response from the highest officials of the Government. The Embassy also maintained close relations with Lithuania's Jewish community to monitor properly the situation.

The Embassy has continually engaged government officials at all levels on issues relating to religious freedom. In March 2003, in response to anti-Semitic articles published in the daily newspaper "Respublika," Embassy raised its concerns at the Ambassadorial level with the Vice-Minister of Foreign Affairs. The Embassy also released multiple public statements, and the Ambassador gave interviews condemning the articles. Following such criticism from U.S. and European Union diplomatic representatives, high-level government officials stepped up their condemnation of the articles and anti-Semitism in general. The Foreign Minister and Prime Minister specifically mentioned their concern for the country's international image in their censure of the articles and in calls for a criminal investigation against "Respublika's" editor-in-chief.

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

In the summer of 2003, two Lithuanian secondary school teachers participated in a teacher-training initiative in the U.S. that sought to promote and develop Holocaust education.

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