



# BACHELOR THESIS

## Mapping the Risk of Hate Crime Victimization in Lithuania

Ieva Baršauskaitė  
4018257

Supervisor

Dr. Alexis A. Aronowitz  
University College Utrecht

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## 1 INTRODUCTION

Recently a continuous stream of hate crime cases has been publicized by the media. People across the world are discussing the shootings of the Chapel Hill and the Charleston Church and the profound impact they had on the Muslim and the African American communities. Such extreme and violent form of discrimination disrupts social relations and instills fear and distrust in the society (Craig, 2002). Not only the victims and their families, but the whole community are affected by hate crimes. While all hate crimes have similar psychological impact, the two cases mentioned above are not representative of all bias motivated offences. Most of hate crimes are everyday occurrences and have a less extreme form of expression such as vandalism or offensive language and gestures. However, the psychological impact of less extreme hate crimes is as significant as in the case of Islamophobic or racial shooting. Therefore, it is crucial to address and prosecute bias motivated offences. In order to achieve that the law enforcement agencies and the society at large have to take a firm stand against bias motivated offences. This can be made possible only through collaboration between non-governmental organizations, the state, and the society. From hate crime recognition and reporting, to prosecution and prevention, informed and efficient policies have to be implemented; and the ultimate objective of this study is to provide guidance for policy makers by indicating areas which are at greatest need of intervention.

While hate crimes have always been present in societies, the term is rather new in Lithuania – it has been only six years since hate crime laws were first enforced in 2009. Thus this phenomenon is still under-researched in Lithuania and the aim of this study is to contribute to the growing body of criminological research on hate crimes. More precisely, this research will attempt to map the risk of bias crime<sup>1</sup> victimization across country. The prevalence of hate crimes in different territories will be established and compared, and consequently hotspots of hate crimes across the country will be indicated. The first part of the paper will provide a societal and academic context in which hate crimes will be analyzed. The concept and definition of

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<sup>1</sup> Hate crime, bias crime, and bias motivated offence will be used interchangeably throughout the paper to refer to hate crimes.

hate crimes and the difficulties surround them will be presented in section 2. The following section 3 will explore the social setting of Lithuania and the prevailing discriminatory attitudes towards different social groups. This section will help to better understand the social context in which hate crimes occur. An overview of hate crime legislation, processing, and reporting in Lithuania will be presented next (section 4) and will be followed by a discussion of the risk of (hate crime) victimization, its measurement, and mapping (section 5). The second part of the paper will provide the methodology, results, discussion and conclusion of the study.

### 1.1 THE RESEARCH PROJECT

The research question of this study is **how is the risk of general, xenophobic, and homophobic hate crime victimization influenced by the geographical area?** To answer the research question the official hate crime statistics from the Information Technology and Communication Department under the Ministry of the Interior of the Republic of Lithuania will be analyzed. This institution is the only hate crime monitoring body with a systematic crime record since 2009. Using the hate crime register, the risk of hate crime victimization will be calculated and compared between 1) different administrative territories in Lithuania, and 2) xenophobic and homophobic hate crimes. Consequently, hotspots of general, anti-LGBT, and xenophobic hate crimes will be established.

## 2 HATE CRIMES

In order to study hate crimes it is important to understand what they are, why they occur, and why it is important to tackle them. This section will attempt to provide answers to these questions by discussing the definition of hate crime, the difficulties surrounding the application of the definition, and the impact of hate crimes. Moreover, hate speech as a form of hate crime will be discussed as in the Lithuanian legislation the presence of hate speech is one of the main decisive factors in determining whether a crime is biased.

In brief hate crimes can be defined as criminal behavior motivated by a bias towards a target group characterized by a (different) race, religion, age, sex, disability, social status, ethnicity, sexual or gender identity (Green, McFalls, &

Smith, 2001). The criminalization of hate motivated offences is a rather new phenomenon, recognized almost exclusively in the Western world. Most of the European Union member states as well as the United States and Canada have had hate crime legislation only since 1990s and 2000s; however the debate on the legal definition of hate crime is ongoing up to this day (Walters, 2011). The difficulty of any hate crime definition lies in its applicability in practice. The identification of hate crime offenders and their motivations is not as straightforward as it may seem. Nevertheless, it is essential that hate crimes are recorded and monitored for efficient prosecution, crime prevention, analysis and international comparison (Nolan et al., 2004). In the following section a hate crime definition used in this research will be discussed as well as ambiguities related to it. This will be followed by a discussion of the difficulty in recognizing and classifying hate crimes and an overview of the effects of hate crimes as distinct type of crime.

### 2.1.1 DEFINING HATE CRIME

Commonly, in order to constitute a hate crime two elements need to be present – the act has to be a criminal offence recognized by criminal law and it needs to have been committed with a bias motivation (OSCE/ODHIR, 2014). The first part of the definition is straightforward – any behavior that is classified under the Criminal Code is a crime and can be identified according to the criteria provided by the law. The second part of the definition is more ambiguous. The offence must be in partial or fully motivated by bias motivation, that is the target of the crime must have been deliberately chosen based on certain characteristics – race, religion, ethnicity, nationality, sexual or gender identity, language, disability, age (OSCE/ODHIR, 2014). Bias motivation does not imply hatred from the part of the offender, hate is rather conceptualized as prejudice and intolerance based on certain characteristics. Moreover, the selection of a victim can be based on both perpetrator's bias and prejudice against actual or perceived status of the victim (Craig, 2002).

Legal definition of hate crimes is instrumental in recognizing, recording, and prosecuting hate crimes by law enforcement agencies (Nolan, et al., 2004). Legal definition and legislation of hate crimes also determines whether hate crimes are considered as a substantive offence or as an aggravating factor

increasing the severity of a criminal act (Nolan, et al., 2004). Depending on a country and its legal definition of hate crime, the criteria for bias motivation may vary; for instance, some definitions include disability or age a ground for bias, some do not. However, hate crime is not a legal concept per se – hate crimes also occur in the countries without hate crime laws even if they are not recognized as such. Hate crime classification in the countries that do have hate crime laws is problematic mainly due to the difficulty in identifying the bias motivation of a crime. The following section will discuss why this is the case.

### 2.1.2 DIFFICULTY IN RECOGNIZING HATE CRIMES

While it is crucial to recognize and record hate crimes on a local and national scale in order to effectively respond to and prevent bias motivated offences and incidences, it is not always easy to establish whether a crime is a hate crime (McDevitt, et al., 2005). In order to classify a hate crime, the bias motivation from the part of the offender has to be determined, which is often difficult to do with certainty (Green, McFalls, & Smith, 2001). Although bigotry lies at the heart of the most of hate crimes, motivations for committing biased acts vary.

The primary motivation of hate crimes often is not bias, or rather bias is only a part of it. Partially bias-motivated crimes can be accounted as a retaliation or response to some triggering event; or as a consequence of deliberate target selection (Nolan, et al., 2004). A triggering event such as bumping into someone or being involved into a traffic incident may provoke retaliation. The extent or nature of the retaliatory response may be influenced by the bias of the offender, however, the initial motivation to retaliate was not prejudice or hatred. Therefore the criminal act (i.e. retaliation) can be explain in other way than motivated by bias, which makes it difficult to prove the bias motivation.

Moreover, the target of an offence may be selected due to reasons other than bias. To illustrate let us consider a robbery of a gay man, which at first sight seems as a hate crime. However, the target selection could have been based on other factors such as the tendency of gay men not to report crimes to the police. The reason for selecting this particular victim is not related to the attitudes of the offender towards

homosexuals. And while the victim may feel discriminated and attacked due to his sexual orientation, the offender will argue that it is not the case (Nolan, et al., 2004). These examples illuminate the difficulty in establishing and proving bias motivation. Often due to such ambiguities many criminal acts in which bias motivation is present but not the only or primary motivation are not classified as hate crimes. Especially in cases discussed above there is a need of objective criteria to classify hate crimes.

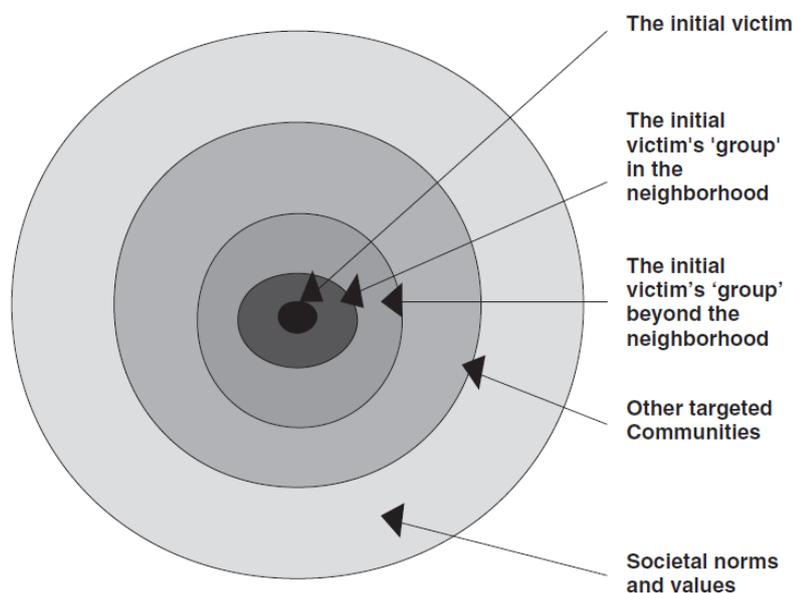
Law enforcement agencies have been using several criteria to establish bias motivation and classify hate crimes. Commonly, the absence of any other motivation than bias for an offence is regarded as an indicator of a hate crime. Especially if there was no prior history between the victim and the offender and the attack was unprovoked. Different ethnic, racial, sexual, gender, age identities between the victim and the offender can also suggest the possibility of bias motivation, however, this factor alone is not sufficient to classify a hate crime (McDevitt, et al., 2002). Usage of aggressive or offensive language can be an affirmation of a bias motivation. For instance, the presence of hate speech during the crime is enough to qualify for a hate crime according to the Lithuanian legislation. The criteria for recognizing hate speech among others are usage of negative stereotypes against a social group, claim of inferiority of a particular social group to the supremacy of the offender's group, threats of physical assault against an individual because of his membership to a certain social group (General Prosecutor's Office , 2009).

While many hate crimes are not recognized as such due to the ambiguities of the definition and the difficulty of establishing bias motivation, the other part of the unrecorded hate crimes is accountable to underreporting from the part of the victims (FRA, 2013). Often hate crime victims belong to social groups that are vulnerable – Roma, homosexuals, old people. People from these groups tend not to report hate crimes due to the fear of the re-victimization by the police as initial victimization is highly traumatizing in itself.

### 2.1.3 THE IMPACT OF HATE CRIMES

Hate crime victimization is unique from other kinds of criminal victimization due to the profound effect it has not only on the immediate victim, but on the society itself (Funnell, 2015). Hate crimes are known to inflict harm to society by instilling fear not only in the victim, but in his/her broader community (Craig, 2002). Figure 1 illustrates the reach of harm generated by hate crimes. To fully understand the impact of hate crime each level of harm will be briefly discussed.

FIGURE 1 LEVELS OF HATE CRIME VICTIMIZATION (IGANSKI, 2001).



The immediate effects of hate crime victimization are experienced by the initial victim. Psychological and emotional harm inflicted by hate crimes are greater than those associated with non-bias crime victimization. Hate crime victims display significantly more symptoms of anxiety, depression, anger, and post-traumatic stress disorder, and enhanced fear of crime as compared to the victims of non-bias crimes (Herek, Gillis, & Cogan, 1999). A Latvian study on psycho-emotional effects of hate crime (Dzelme, 2008) indicated that the experience of fear results not only in behavioral change, such as altered appearances, habits, avoidance of certain places, greater social isolation, but also in a greater sense of

restricted personal freedom and loss of confidence, even a sense of loss of life's potential due to the limited opportunities.

The impact of hate crime is not limited to the immediate victim – they also reach the victim's group in the neighborhood – be it the family, or the community. A recent study (Bell & Perry, 2015) on the community level impacts of anti-LGBT<sup>2</sup> hate crimes suggests that the indirect victims (or non-victims), the LGBT community at large, were also deeply affected by such crimes. Anti-LGBT hate crimes had negative effects on non-victims' psychological and emotional well-being – experience of depression, anger, pain, anxiety, feelings of low self-worth. Moreover, the increase in the fear of hate crime incidents resulted in behavioral changes and experienced sense of vulnerability. Non-victims engaged in avoidant behavior that affected their self-expression, many chose not to disclose their sexual orientation to others and to decrease the possibility of becoming a victim by isolating themselves (Bell & Perry, 2015). Family relations also can become strained due to experience of hate crime (Dzelme, 2008).

The effect of hate crimes on the immediate LGBT community in the city or the neighborhood in which the crime was committed resonates to the targeted community at large. Hate crimes have profound effects on the targeted group as a whole as well as on other social groups. A climate of fear and suspicion strains the social relations. Any hate crime incident reminds the members of a group (particularly minorities) of the societal divisions and hierarchies. Moreover, social unrest and need for retaliation could be provoked (Craig, 2002). Hate crimes also strike at the core of moral values promoted in our society – the values of democracy, equality, and liberty are attacked. Thus not only the individual but also society at large is affected by bias motivated offenses (Iganski, 2001). The multi-level impact of hate crime

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<sup>2</sup> LGBTQ+ people in this research will be referred to simply as LGBT to avoid confusion. This is due to the different terminology used in various studies and surveys when queer/questioning and asexual people were not always included.

highlights the importance to tackle this phenomenon and calls for special attention to hate crime victims.

## 2.2 HATE SPEECH

Hate speech is a publicly expressed discrimination, incitement of hatred, physical violence or abuse against a person or a group of people characterized by their sex, age, sexual or gender identity, ethnicity, religion, social status, language, beliefs, or opinions (Bitiukova, 2011). Hate speech is one of the forms of hate crime. And similarly to bias crimes, hate speech disrupts the social order by promoting intolerance towards the out-group and highlighting the superiority of the in-group of the offender thus reinforcing social divisions and hierarchies; it creates an atmosphere of distrust and insecurity. Public incitement of hatred affect not only the individual in question, but the whole group s/he is a member of and the society at large (Bitiukova, 2011). Hate speech is a first step towards creating a social environment in which intolerance can thrive and later develop into passive avoidance, active discrimination, and even physical violence (Gaines & Reed, 1995). In Lithuania hate speech 9 out of 10 times appears in the cyber space – in social media sites such as Facebook and in the news sites' comments (Frėjutė-Rakauskienė, 2012). Most often hate speech is directed against homosexuals, transsexuals, and people of another race, ethnicity, or religion. In 2012 the vast majority of the investigated hate speech cases were anti-Semitic, anti-black, or anti-LGBT (Bitiukova, 2011).

At the moment there are no comprehensive studies on hate speech in Lithuania. However, there have been several attempts (Budvytytė, et al., 2014; Frėjutė-Rakauskienė, 2012) to investigate Lithuanian press in regards to ethnic intolerance. The studies revealed that most of the news items on third country nationals highlighted their illegal character and illegal migration. The cultural differences and the incapability of assimilation were stressed as contributing to the underlying theme of 'danger' – third country nationals were viewed as criminals endangering the well-being and superiority of Lithuanians (Budvytytė, et al., 2014). The expressed opinions were mostly based on the official press releases of the government officials, business and

political actors. The manifestations of ethnic intolerance in the press are not instances of hate speech per se, however, they can act as a catalyzer.

Hate speech is an active form of discrimination which publicly incites hatred against a group of people or a person. The social context from which hate speech and hate crimes stem can be characterized as discriminative and prejudiced. If the society at large hold discriminatory attitudes and does not oppose practices that express such views, the behavior of hate crime perpetrators is both encouraged and reinforced as his or her actions are just a manifestation of broader societal attitudes. Therefore, it is important to overview the climate of discrimination before discussing hate crimes in Lithuania, as patterns of discrimination can illuminate the underlying causes of hate speech and hate crimes.

### 3 DISCRIMINATION IN LITHUANIA

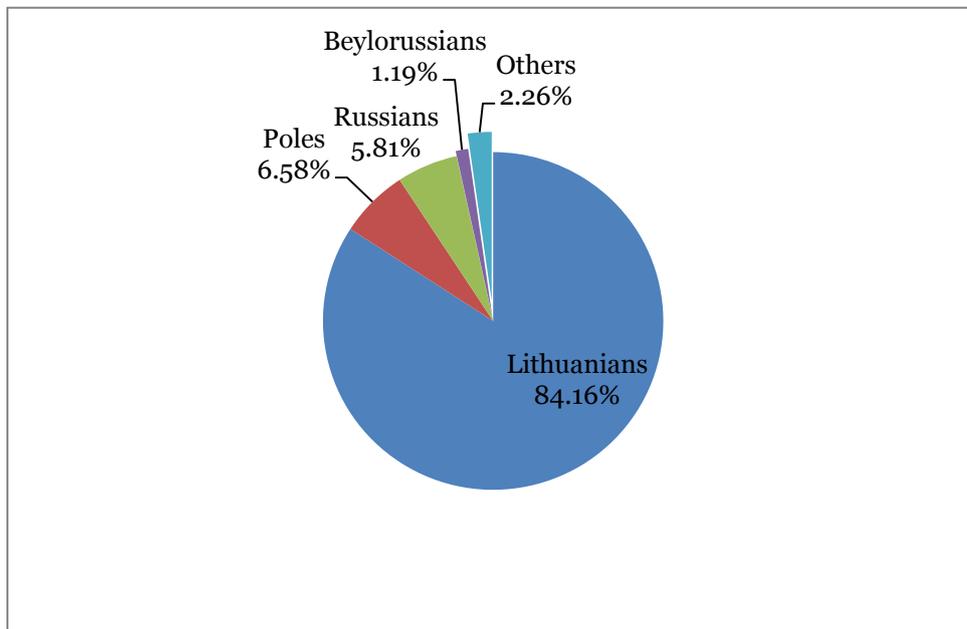
The following section will discuss discrimination in Lithuania. Firstly, an overview of general trends in xenophobic, homophobic, and religious discrimination will be discussed. Afterwards, ethnic tolerance in particular and the question of which ethnicities experience discrimination in Lithuania will be dealt with. And lastly, discrimination against the LGBT community will be discussed.

Lithuania is the most homogenous country of all three Baltic states in terms of national character. Lithuanians constitute a solid 84,2% of the whole population, whereas in Latvia and Estonia this percentage barely reaches 70% (62,1% and 68,7% respectively) (Statistics Lithuania, 2013). The two second largest ethnic groups residing in Lithuania are Poles and Russians (see Figure 2), however, together they account only for 13% of the whole population. In this regard Lithuania is distinct, as in Latvia and Estonia, Russians constitute a much bigger part of the society – over 20%. It has been estimated that currently there are 154 different nationalities living in Lithuania, however, they account for a very small percentage of the whole population. Moreover, the diversity of ethnic groups is limited to bigger cities. While in the majority of the country the proportion of Lithuanians reach 90%, in the cities of

Vilnius, Klaipeda, and Utena other ethnic groups are more common (for an overview of historical changes in the population and proportions of ethnic minorities see section 3.2.1, Table 1).

Societal homogeneity in Lithuania also manifests in the religious character of the country – the vast majority of people claim that they are Christians (Roman Catholics (77,2%), Orthodox Christians (4,1%), and Protestants (1%)). Other major world religions are poorly represented in the Lithuanian society – there are very few Muslims, Buddhists, or Jews (Statistics Lithuania, 2013).

**FIGURE 2 LITHUANIA'S ETHNIC COMPOSITION 2011 (STATISTICS LITHUANIA, 2013)**



These characteristics provide a context in which discrimination in Lithuania can be explored. The lack of ethnic and religious variety in the country contributes to its nationalistic character and complicate further social integration of minorities. Many Lithuanians have never in their lives encountered a person of a different race or religion, which contributes to a bigger social distance between these groups (Beresnevičiūtė & Frėjutė-Rakauskienė, 2006). In the following section the manifestations of different types of discrimination will be discussed in the context of Lithuania. National and international studies and surveys will be reviewed in order to establish the prevalence and extent of discrimination on grounds of race, ethnicity, sexual orientation, and religion.

### 3.1 THE SITUATION: SURVEY DATA ANALYSIS

The *Law on Equal Treatment 2003* ensures the equality of persons and prohibits any ‘restrictions on human rights or extensions of privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views’. Therefore discrimination on the grounds mentioned above is not legally allowed in the fields of education, employment, consumer protection, and in relation to membership and involvement in organizations. Discrimination as defined by the law is “any direct or indirect discrimination, harassment, instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion”. According to a governmental study (E000, 2013), only 16% of Lithuanians have experienced discrimination.

The Eurobarometer studies (Special Eurobarometer 317, 2009; Special Eurobarometer 393, 2012) confirm that ethnic and religious discrimination is generally not widespread in Lithuania; only discrimination on grounds of sexual orientation/identity is considered common. However, the public opinion on forms of discrimination prevalent in the country is inconsistent with these findings – most Lithuanians find that discrimination on grounds of age and disability is the most widespread (Special Eurobarometer 317, 2009; Special Eurobarometer 393, 2012). Only 17% of Lithuanian respondents agreed that racial and ethnic discrimination is widespread, in contrast to the general opinion in the EU. On average 56% of EU citizens thought that xenophobia and racism is common. The Lithuanians’ opinion on discrimination on grounds of gender is similar to that of an average EU citizen, approx. 40% think it is common. In fact, since 2010 the percentage of Lithuanians who agreed that gender discrimination is an issue increased by 8%. Religious discrimination is considered rare by most of Lithuanians – only 14% of the respondents thought that it is prevalent. In comparison, the EU average is 39% This not only shows that religious discrimination is perceived uncommon in Lithuania, it also reveals that in different countries different social groups are perceived or are actually discriminated. It is evident that in

France Islamophobia will be more prevalent than in Lithuania due to a higher percentage of Muslims in the country.

While Lithuanians consider racism, religious or ethnic discrimination uncommon (Special Eurobarometer 317, 2009; Special Eurobarometer 393, 2012), these opinions might not be representative of the situation in the society. Several domestic and European surveys will be reviewed to establish a more accurate picture of discrimination in Lithuania. Firstly, a general overview of societal attitudes towards different social groups will be presented; and secondly, a more elaborate analysis discrimination against of two particular groups - LGBT, and foreigners and immigrants will be presented.

### **Racial and ethnic discrimination**

As mentioned before, very few Lithuanians think that ethnic minorities experience discrimination (for example, in one study (E000, 2013) only 7% of the respondents agreed that there is ethnic discrimination). However, non-ethnic Lithuanians think differently, many of whom (47% according to the E000's (2013) study) agree that ethnic discrimination is prevalent. This discrepancy is important, as it will be shown, that while Lithuanians do hold negative attitudes towards certain ethnicities, they do not consider that they are discriminated. In particular non-European, such as Chinese, Syrian, etc., ethnicities are viewed negatively. Traditional ethnicities<sup>3</sup> in Lithuania include Russians, Poles, Byelorussians, Jews, Roma, and Ukrainians, and are mostly viewed positively. However, in recent years attitudes towards Jews and Roma in particular worsened (E000, 2013). Another important factor to consider is that only a quarter of the population bases their opinions on personal experience with ethnic minorities; the majority's opinion is formed by media outlets such as television, radio, newspapers, and the Internet (E000, 2013).

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<sup>3</sup> In the context of this study Poles, Russians, Ukrainians, Byelorussians, etc. will be referred to as ethnicities rather than nationalities because people coming from Polish, Russian, Ukrainian, etc. background often have a Lithuanian nationality, however, their ethnic identity is not Lithuanian.

Similar attitudes hold for people of different race. Africans compared to Europeans or Asians are viewed more negatively (Institute for Ethnic Studies, 2014). Moreover, the attitudes towards people of a different race became more negative in the past years, indicating the possibility for a rise in racism (Šumskienė, Jankauskaitė, & Levickaitė, 2014).

### **LGBT discrimination**

Although homosexuals are still viewed negatively by the majority of the population, the views towards them and the whole LGBT community are gradually becoming more positive (E000, 2013). For instance, the percentage of people saying that they would not want to live next to a homosexual decreased from 51% in 2012 to 42% in 2013. Moreover, the majority agree that homosexuals should have the same opportunities in the labor market as heterosexuals (Šumskienė, Jankauskaitė, & Levickaitė, 2014). Even though these positive changes are promising, many negative views and stereotypes prevail. In a survey (E000, 2013) 42% of respondents admitted that they would be afraid for their children to have a homosexual teacher. Moreover, 37% of respondents would not want to belong to an organization that has homosexual members. A third of the respondents would try to avoid communication with a homosexual couple that lives in a neighborhood. If witnessed an incident of hate speech against a homosexual 46% of the respondents would stay neutral, 22% would change the topic of the conversation, and only 12% would contest such behavior. The predominant social stigma towards homosexuals could be explained by the lack of contact with LGBT people – less than one fifth of the population has an acquaintance that is homosexual (E000, 2013).

### **Religious discrimination**

According to the public census (2013), approximately 84% of the Lithuanian population is religious. However, only Roman Catholicism is viewed positively by the majority. This is not surprising, as 77% of Lithuanians are Roman Catholics. Judaism, Islam, Jehovah's Witnesses, Buddhism, and Hinduism are viewed more negatively every year (E000, 2013). Many Lithuanians would not like to live with a neighbor who is an adherent of any of these religions

(E000, 2013). These findings are surprising as Judaism and Islam have been present in Lithuania since 13<sup>th</sup> -15<sup>th</sup> century (Šumskienė, Jankauskaitė, & Levickaitė, 2014).

It is important to note that as societal attitudes towards many social groups are becoming more positive, the attitudes towards the most disliked groups, such as Roma, homosexuals, and the mentally disabled, are only changing to the negative side, or changing inconsistently. Moreover, as the opinion becomes more negative, Lithuanians recognize discrimination against these groups less (Human Rights Monitoring Institute, 2012).

### 3.2 ETHNIC TOLERANCE IN LITHUANIA

While ethnic intolerance and ethnic discrimination are not quite the same, one stems from the other – intolerant attitudes pave the ground for discriminatory behaviors. It is important to know the historical and social context in which different ethnicities in Lithuania find themselves. For such purpose the following section will provide an overview of ethnic (in)tolerance in Lithuania among different ethnic groups. Firstly, a historical overview of ethnic composition of the capital city Vilnius will be discussed. Secondly, ethnic tolerance towards historic and ‘new’ ethnic minorities will be explored.

#### 3.2.1 A HISTORICAL OVERVIEW: THE CASE OF VILNIUS

Throughout Lithuanian history there have been five ever-present ethnic groups living in the country – Lithuanians, Russians, Poles, Jews, and Byelorussians. Vilnius as the capital city was and still is home for these ethnicities. The processes of urbanization and presence of multiculturalism contributed to creating a tolerant vibe towards foreigners, especially towards the ethnic groups that are historically present as mentioned above (Janušauskienė, 2013). The case of Vilnius is perhaps the best example of how various ethnic groups could live together and how the proportion of each group changed throughout time. In the late 19<sup>th</sup> century Lithuanians were a small minority in the city. The languages spoken in Vilnius were predominantly Polish, Russian, and Yiddish, not Lithuanian. The cultural life of the time resembles that of modern cosmopolitan cities. However, the two World Wars brought about change to the ethnic composition of the city. While Jews, Russians, and Poles constituted the foundation of urban society before

the wars, the proportions shifted drastically afterwards. During the WW2, the Polish community created the urban core, which changed soon after the Soviet occupation in 1944. Since then, the proportion of Lithuanians in Vilnius has grown steadily coming to a solid majority. Nevertheless, Russians together with Poles have established a strong base in Vilnius that is still present.

**TABLE 1 VILNIUS ETHNIC COMPOSITION (%) 1897-2011 (JANUŠAUSKIENĖ, 2013)**

	1897	1931	1942	1959	2011
<b>Lithuanians</b>	2.1	0.8	20.5	33.6	59.4
<b>Poles</b>	30.8	65.9	71.9	20	23
<b>Russians</b>	20	3.8	4.1	29.4	10.3
<b>Jews</b>	40	28	-	6.9	0.1 <sup>4</sup>
<b>Byelorussians</b>	4.2	0.9	2.1	6.2	1.19 <sup>5</sup>
<b>Others</b>	2.9	0.6	1.4	-	7.3

The Jewish community has disappeared from the social fabric of the city due to their persecution by the Nazi regime. Unfortunately, the Jewish community never again reached its prosperity of the late 19<sup>th</sup> century which had a profound impact on the cultural and social life – Vilnius even used to be called the Northern Jerusalem for its high concentration of Litvaks (Lithuanian Jews) (Janušauskienė, 2013). For an overview of how the ethnic composition of Vilnius changed between 1897 and 2011 consult Table 1.

From this brief historical overview it is clear that Vilnius has hosted many ethnicities throughout the years with ranging proportions. The social fabric of the city was composed of different cultures and languages – Jews, Russians, Poles, Byelorussians, and Lithuanians have coexisted in Vilnius for several centuries. However, this has changed in the past hundred years and Vilnius has become a more homogenous city with a predominantly Lithuanian character. Nevertheless, the years of multicultural coexistence have left an impact on the social dynamics at least in the urban context. Ethnic variety and presence of foreigners was never common in rural Lithuania. In this respect

<sup>4</sup> Jews comprise 0.1% of the general population. There is no data on Jews living in Vilnius.

<sup>5</sup> Byelorussians comprise 1.19% of the general Lithuanian population. There is no data on Byelorussians living in Vilnius.

urban and rural areas differ slightly, therefore when discussing ethnic tolerance in Lithuania the focus shifts to the cities.

### 3.2.2 ETHNIC TOLERANCE TOWARDS HISTORIC MINORITIES

The multicultural history of Vilnius may imply that there has been a wide acceptance of different ethnicities in the city and the country. Generally, ethnic intolerance is not considered widespread in Lithuania, at least regarding the historic minorities. Studies on tolerance levels towards foreigners show that 76% of Lithuanians agree that Lithuanian culture is enriched by the presence of other ethnicities (Flash Eurobarometer, 2007). Moreover, the majority of ethnic Lithuanians (88%) support the notion of school education in one's mother-tongue, be it Russian or Polish. In general, ethnic groups such as Russians, Poles, Moldavians, Georgians, etc. are viewed positively. However, Lithuanian ethnic tolerance has its exceptions – Roma, Chechens, Pakistani, and Chinese are among the most disliked ethnic groups (Institute for Ethnic Studies, 2012, 2013). To measure the level of ethnic tolerance in a particular society questions regarding close interpersonal relationships are often used, such as the inclusion of a foreigner into a family through a wedding, or a presence of a foreign neighbor. More than 30% of ethnic Lithuanians would not want to have a foreigner in their family (Janušauskienė, 2013). Roma in this aspect is the most marginalized and discriminated group of all. Over 60% of the respondents would not want to have a neighbor, a colleague, or a tenant who is Roma<sup>6</sup>. Moreover, the opinion towards this group only worsened for the majority of the respondents in the past five years (Institute for Ethnic Studies, 2012).

### 3.2.3 ETHNIC TOLERANCE TOWARDS 'NEW' MINORITIES

Studies discussed above mostly focus on ethnic groups that have been historically present in Lithuania. However, since 2011 there has been an increase in labor migration in Lithuania from various foreign cultures. The number of work permits issued to third country nationals rose from 599 in 2001 to 5036 in 2013 (European Migration Network, 2014). The public opinion and attitudes on immigrants vary depending on

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<sup>6</sup> Similar opinions are held against persons released prisoner, homosexuals, and mentally disabled.

their country of origin. Based on the survey results from 2010 and 2013 (Institute for Ethnic Studies, 2013; EOOO, 2013), two main categories could be established according to how favorably migrants from those countries are considered in the Lithuanian society. The first category is the West and the Eastern Europe - the vast majority (approx. 80%) of respondents hold positive views towards immigrants from the member states of the EU, North American countries (the US and Canada) and former Soviet states (Russia, Ukraine and Belorussia). The second category includes African, Middle and Far Eastern countries (Syria, Lebanon, China, Turkey, Pakistan, etc.). Nationals from these regions are viewed the most negatively, ranging from 45% to 60% of the respondents had negative opinion of immigrants from these countries. Moreover, the majority of respondents (>50%) did not approve of immigration from China, Turkey, Syria and African countries.

From 1997 until 2013, 3690 persons from countries like Afghanistan, Uzbekistan, Georgia, Syria, etc. have come to Lithuania seeking asylum and were either granted a refugee status or subsidiary protection. As many applications were either withdrawn or rejected, refugee status is granted to the minority of applicants (161) as it provides the right to a permanent residence in Lithuania (European Migration Network, 2014). Asylum seekers are more often granted subsidiary protection which provides a temporary residence, usually for a year, to the foreigners who are not eligible for refugee status (European Migration Network, 2014). Consequently there are very few refugees that stay in Lithuania permanently. Most of the asylum seekers remain in the country for a period of one year and live within the facilities of refugee camps (Zaleskienė & Banevičienė, 2004). However, despite the low number of refugees in Lithuania they face many difficulties, including discrimination. Asylum seekers have reported to experience social discrimination, and social and geographical marginalization (Beresnevičiūtė, Leončikas, & Žibas, 2009). Societal attitudes reflect this social distance and discrimination similar to that against the Roma minority – one third of the respondents of a survey (Institute for Ethnic

Studies, 2012) would not want to live, work, or have contractual relations with refugees. Moreover, many people have never had direct contact with asylum seekers, illegal migrants, or migrants seeking reunification with their families. The only exposure to these types of migrants the majority of respondents had was via media. Media mostly covers immigrants that either have a successful business or came to the country illegally.

Similar to asylum seekers, labor migrants and other immigrants are viewed negatively by the majority of Lithuanians (Sipavičienė, Gaidys, & Jeršovas, 2010). It is important to stress, that as shown before, Lithuanians are positive regarding the historic minorities in the country. However, when it comes to labor migrants or asylum seekers attitudes change. While half of labor migrants come from Ukraine, Belarus, or Russia and are familiar to Lithuanian society, the other half of labor migrants are Chinese, Moldavian, Indian, or Sri Lankan – nationalities that are ‘foreign’ (European Migration Network, 2015). Thus it could be assumed that negative attitudes are held towards the third country nationals coming from China, India, Moldova, etc.

Every year the number of temporary work permits issued to third country nationals is increasing and it has been estimated that the demand for foreign work force will steadily rise in the coming years (European Migration Network, 2015). Despite the economic and cultural benefits from the labor migrants, Lithuanians hold negative attitudes towards them. In 2010 as well as in 2013, the majority admitted that they would not want their children to go to school together with immigrants’ children (Sipavičienė, Gaidys, & Jeršovas, 2010). Lithuanians think that labor migrants can cause social unrest and that they do not enrich the Lithuanian culture. However, some positive changes can be observed since 2010 – almost half of respondents in 2013 agreed that the government should pay more attention to the integration of immigrants, as compared to 2010, when the majority thought the opposite. Moreover, Lithuanians tend to appreciate the labor of immigrants more and think that they are

beneficial for the Lithuanian economy (Sipavičienė, Gaidys, & Jeršovas, 2010). The general opinion towards why is it hard for immigrants to integrate in Lithuanian society varies, but the majority agrees that the language barrier, the unwillingness of the employers to employ immigrants, negative public opinions, difficulties of finding a house and social service, experienced violence, all contribute to the prevailing disintegration and discrimination of immigrants in Lithuania.

Ethnic discrimination is an indication that the society in question is prone to social marginalization and distance. Lithuanian society certainly falls short of the ideal European society where equality and respect prosper. Apart from different ethnic minorities, LGBT community in Lithuania experience high levels of discrimination and marginalization. The next section will discuss the levels of homophobia in the country and how LGBT people experience it.

### 3.3 HOMOPHOBIA IN LITHUANIA

Lithuania is sadly known as a homophobic country. A recent European Union Agency's for Fundamental Rights (FRA) survey (2013) on the experiences of anti-LGBT discrimination in the EU lists Lithuania at the bottom of the list. The survey is the first comprehensive study of such big scale on the life of LGBT people in Europe. In total over 93 000 respondents completed an online questionnaire from 27 countries across Europe. Over 800 Lithuanian respondents participated in the survey. More than 60% of the Lithuanian LGBT persons have experienced discrimination or harassment on grounds of their sexuality, sexual orientation, or gender identity, and 70% of the respondents consider anti-LGBT discrimination to be very widespread. This is the highest level of experienced and perceived discrimination in the whole of EU (the EU average is 47% and 31% respectively). LGBT persons in Lithuania report having experienced discrimination in their workplace, schools, public places. At work, 21% of LGBT respondents report always experiencing negative attitudes because of being LGBT. In comparison, in the Netherlands such percentage barely reaches 1% (the EU average is 5%). Lithuania is also at the top of the list of countries with the highest reported physical or sexual attacks and public threats – 39% of LGBT respondents have reported such

harassment (the EU average is 26%). Consequently, many LGBT people (68% of the respondents) are more likely to avoid certain places or areas for the fear of being harassed. The ever-present social homophobia has its effects on the mental health of LGBT people. A Lithuanian study (Stankūnas & Beinoraitė, 2008) revealed that homosexuals experience mental disturbances more frequently than found in the general population – 47.2% of the participants reported having constant depression, and 75,5% admitted having had suicidal tendencies. The study correlates these mental issues with experienced homophobia. The *Youth Line* (Jaunimo Linija) – a call center for troubled youth – every year receives more than 700 calls regarding sexual orientation issues; since 2012 the number of calls increased by 25% (The Youth Line, 2014).

The level of experienced discrimination and harassment by LGBT people reflects the homophobic climate in the country. On every level – personal, societal, and political – expressions of prejudice are prevalent. Very few LGBT people are open about their sexuality with their family, in public, and the work place – 46% of respondents hide their LGBT identity, 71% of the respondents in public, 81% hide their sexuality at school, and 92% at the work place. A conclusion from these results could be drawn that the immediate (family) and proximate (work, school, public space) environment in which LGBT people live is not tolerant or accepting and contributes to the fear experienced by the LGBT community regarding the 'coming out' and expressing their identity and sexuality. Moreover, the majority of the respondents in Lithuania considered public expression of hatred and aversion towards LGBT as well as offensive language by politicians to be very widespread. Whereas in the EU, on average only 16% of the respondents thought so (FRA, 2013).

#### 4 THE LEGAL FRAMEWORK – HATE CRIME LAWS IN LITHUANIA

Hate crimes can affect the victim in a profound way and have a psychological as well as physical impact; moreover, the effects of hate crimes resonate within the broader community. Therefore potential offenders need to know that their actions will have consequences. An appropriate response to hate

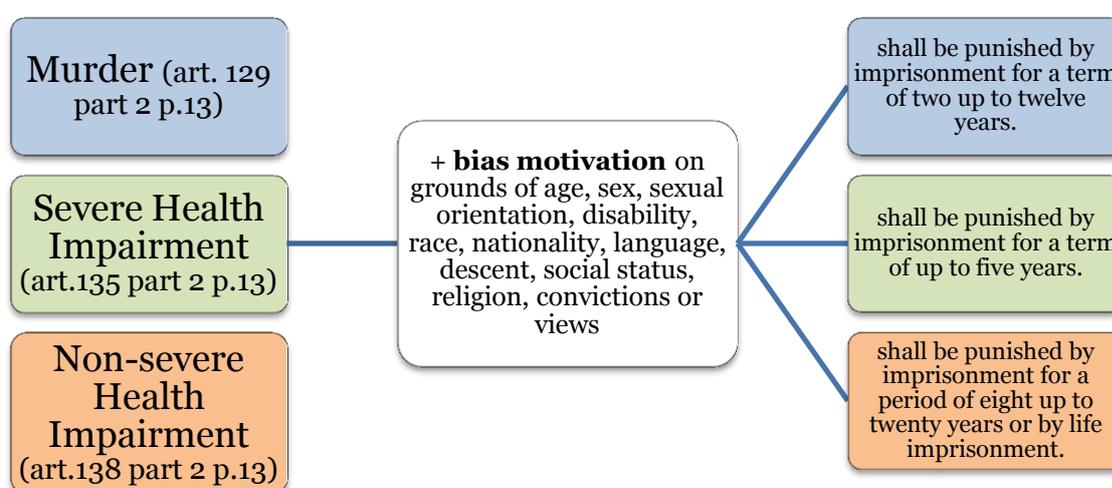
crimes is crucial to hate crime prevention and deterrence. In Lithuania up until 2009 bias motivated offences were not punished separately – there was no legislation regulating hate crimes, which also meant that officially there was no such thing as a hate crime. However, in 2009 hate crime laws were adopted following the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA). Hate crimes were broadly defined as any criminal act against a person, a group of persons, or a property that is motivated by an offender’s bias towards the group the victim belongs to. *Bias* in Lithuanian legislation is regarded as negative attitudes of the offender based on prejudice or stereotypes against victim’s real or perceived membership in a social group based on his/her race, ethnicity, nationality, sex, sexual orientation, religion, age, social standing, disability, beliefs, or views (General Prosecutor’s Office , 2009). Under the hate crime legislation, several penalty-enhancement provisions were adopted in the Criminal Code of the Republic of Lithuania (the Criminal Code) , as well as a separate chapter dedicated to crimes and misdemeanors against person’s equal rights and freedom of conscience. Bias motivation was also added to the article of aggravating circumstances (Art. 60). An overview of the laws providing liability for bias crimes and hate speech can be seen in the Table 2.

**TABLE 2 HATE CRIME LAWS IN LITHUANIA**

<p><b>SUBSTANTIVE OFFENCE</b> Criminal act committed with a bias motivation is regarded as a criminal offence with an appropriate punishment.</p>	<p><b>AGGRAVATING CIRCUMSTANCE</b> Bias motivation is treated as an aggravating factor that may increase the level of criminal liability or culpability.</p>
<p>1) Crimes and misdemeanors against a person’s equal rights and freedom of expression - chapter XXV, articles <b>169, 170, 171</b> of the Criminal Code.</p> <p>2) Desecration of a Grave or Another Place of Public Respect for racist, nationalist or religious reasons – article <b>312</b>.</p>	<p>3) Bias motivation is treated as an aggravating clause for any criminal act and not a constituting body of crime – article <b>60</b>.</p> <p>4) Penalty-enhancement provisions for murder, severe and non-severe health impairment - articles <b>129, 135, 138</b> of the Criminal Code (see Figure 2).</p>

The article 60 part 1 p.12 of the Criminal Code provides that the bias motivation is to be considered an aggravating circumstance for any criminal act. For the crimes of murder, severe and non-severe health impairment bias motivation was included as penalty-enhancing, i.e. if bias motivation was present, the penalty for the crime would increase (see Figure 3). According to these articles bias motivation in itself is not to be taken as constituting a body of crime. However, articles 169,170,171, and 312 provide liability for hate crimes and hate speech.

FIGURE 3 PENALTY-ENHACMENT PROVISIONS



The whole chapter XXV of the Criminal Code is dedicated to the crimes against person's equal treatment and freedom of expression. The chapter includes four articles – 169,170(1), 170(2), and 171. While articles 170 and 170(2) cover hate speech in particular, articles 169, 170(1), and 171 are concerned with hate crimes and discrimination in general. Discrimination on grounds of nationality, sex, race, etc. is criminalized by article 169. Article 170(1) provides liability for the creation and activity of groups and organizations aimed at discriminating against a person or a group. And finally, article 171 outlaws disturbance of religious ceremonies and celebrations. Lastly, article 312 criminalizes acts of vandalism in cemeteries or other places of public respect for racist, nationalist or religious reasons. For a full account of the chapter and other hate crime laws see Appendix A.

#### 4.1 FROM HATE CRIME TO THE CRIMINAL JUSTICE SYSTEM – HATE CRIME PROCESSING AND MONITORING

Hate crimes or hate speech incidents should first and foremost be reported to the law enforcement agencies – the Police Department or the Prosecutor’s Office. Since 2003 the Prosecutor’s office has been granted the right to direct and conduct pre-trial investigations for criminal offences against equal rights and freedom of conscience, i.e. discrimination, or incitement of hatred against a person on grounds race, nationality, language, sex, sexual orientation, social status, convictions, etc.; criminal offences of hindering the performance of religious ceremonies and celebrations also falls under the Prosecutor’s Office’s jurisdiction (Prosecution Service of the Republic of Lithuania, 2006).

Hate crimes and hate speech can be reported by any person or organization that witnessed the incident and not only by the victim. Once an official claim, request, or report of the offence is filed, the prosecutor or the pre-trial investigation institution decides whether to open a pre-trial investigation. Generally the Police Department under the Ministry of the Interior of the Republic of Lithuania (the Police Department) is the main pre-trial investigation institution, however, other law enforcement bodies, such as Military Police, Customs of the Republic of Lithuania, etc., can also take part in the investigation. The Special Investigations Division of the Prosecutor General’s Office of the Republic of Lithuania is responsible for coordinating, providing methodological direction, and controlling the pre-trial investigation process (Prosecution Service of the Republic of Lithuania, 2006). If the pre-trial investigation is opened, an individual(s) who allegedly committed the crime have to be identified and investigatory actions can be taken – examination of evidence, interrogation of the offender, interviews with the victim, etc. (Bitiukova, 2013). The pre-trial investigation can result either in termination (e.g. due to the lack of evidence), a criminal decree (a court sentence without a trial), or an indictment, in which case a trial is needed to determine the punishment.

Generally there are three scenarios in which hate crimes can be prosecuted. If a crime is committed with a bias motivation – an intent to discriminate or

incite hatred as defined in the articles 169 and 170 of the Criminal Code - and if there is sufficient proof to support this assumption, then such a crime will be prosecuted as two criminal offences - 1) a criminal offence of murder, robbery, assault, etc. and 2) hate crime (art. 169, 170, 171) (General Prosecutor's Office , 2009). This scenario is the most commonly used one and most of crimes motivated by bias are classified this way. However, if there is no sufficient proof to support the bias motivation then it is regarded as an aggravating factor and not as an offence in itself. In such case, article 60 part 12 of the Criminal Code is applied (General Prosecutor's Office , 2009). Similarly, if a murder, severe and non-severe health impairment is motivated by bias, but during the pre-trial investigation insufficient amount of evidence was collected to support the assumption (i.e. not enough proof to qualify for art. 169 or 170) then these crimes are prosecuted according to the articles corresponding to the crime, but with bias motivation taken into account (art. 129 part 2 p.13, 135 part 2 p.13, or 138 part 2 p.13; also see Figure 2) (General Prosecutor's Office , 2009).

Once the hate crime or hate speech incident is reported to the Police Department or the Prosecutor's office, it is registered on an online Prosecutor's Information System (PIS), where a record of every pre-trial investigation is kept (General Prosecutor of the Republic of Lithuania, 2008). The PIS is integrated with the Departmental Register of the Criminal Offences of the Information Technology and Communications Department's Under the Ministry of Interior of the Republic of Lithuania (The ITC Department). Moreover, the PIS is also connected to the Court's Information System, thus any update on a case is recorded in all three systems. The Departmental Register of the Criminal Offences of the ICT Department is publicly accessible online and is the only database that systematically collects hate crime and hate speech data. The official crime statistics are renewed on a monthly basis and further inquiries into hate crime records can be made by submitting a request. However, the details of each case are only accessible to the law enforcement officers.

## 4.2 REPORTING TO NON-GOVERNMENTAL ORGANIZATIONS AND NON-REPORTING

Hate crimes can also be reported to several non-governmental organizations (e.g. the Lithuanian Centre of Human Rights, the Human Rights Monitoring Institute, and the European Human Rights Foundation, The Lithuanian Gay League). In case of hate speech, a claim can be filed online through the website of the organizations mentioned above. The claim can be further forwarded to the law enforcement institutions with the consent of the person who reported an incident.

The option of hate crime and hate speech reporting through NGOs and not via official bodies is important as many victims of hate crimes are intimidated by or even fear the police (FRA, 2012). There are four main reasons why victims of hate crime do not report - the lack of trust in the police and authorities, lack of confidence that the report will have an impact, and fear of discrimination and re-victimization (Bitiukova, 2011). The FRA survey on LGBT discrimination and hate crimes revealed that only 6% of Lithuanian LGBT respondents reported incidents of discrimination, and only 16% reported incidents of physical or sexual assault (FRA, 2012). The most prevalent reasons for not reporting were the belief that nothing would change, the unwillingness to reveal their sexual or gender identity, and the fear of further discrimination by the police (FRA, 2012). However, due to the lack of awareness of alternative crime reporting, many victims of hate crime do not contact NGOs or other institutions to report hate crimes. Despite the obstacles for hate crime reporting mentioned above, a considerable number of hate crimes has been recorded by the official authorities thus leading to a conclusion that either the law enforcement institutions are doing their job well, or that there are so many hate crimes that the proportion of the recorded ones is not complete. In any case, it is worth examining available data on hate crimes in order to gain a better insight into the matter and possibly provide recommendations.

## 5 MEASURING HATE CRIME VICTIMIZATION

The official data on hate crimes can be examined from several perspectives – that of the offender, the victim, or the criminal justice system. This research

will aim at exploring hate crimes from the victim's side, more specifically analyze the risk of hate crime victimization. The analysis will also have a spatial aspect – the victimization risk will be mapped geographically. The following section will introduce the measurement of victimization risk and why it was chosen to explore the phenomenon of hate crimes. A brief explanation of the spatial aspect of the analysis will also be presented.

## 5.1 RISK OF VICTIMIZATION & SPATIAL ANALYSIS

Risk of victimization can be defined as the probability of each individual in a population to become a victim of a crime (Lauritsen & Rezey, 2013). This probability can be established by considering three variables – the crime rate, the rate of victimizations, and the rate of individual victims in a particular space and timeframe. The measurement of victimization risk allows establishing and comparing prevalence and experience of crime between different groups of a population and provide an overview of how risk of victimization changes over time (Lauritsen & Rezey, 2013). Often people tend to overestimate their risk of becoming a crime victim and thus the fear of crime becomes disproportionate to the objective risk of victimization contributing to social isolation (Doran & Burgess, 2012). Therefore it is important to establish the hotspots of crime - areas and populations that are at the highest risk of victimization – so that the efforts to reduce crime and victimization are directed appropriately. Moreover, exploring the spaces in which hate crime occurs provides an insight into how such type of crimes are triggered and what are the characteristics of the space in which offenders and victims meet (Ignaski, 2008).

In the present research an aspect of spatial analysis of crime will be incorporated in order to socially and geographically contextualize risk of victimization (Pain, 2000 as cited in Doran & Burgess, 2012). Even though this study will be limited to an elementary use of spatial analysis it still holds major advantages of the method. It has been established that spatial analysis of crime leads to an improved use of police intelligence, more informed decisions and targeted intervention to specific hotspots of crime (p. 81, Doran & Burgess, 2012). The Geographical Information Systems (GIS) have already been used by law enforcement agencies to investigate criminal activities and

they have shown to increase the efficiency in which limited police resources can be used (Doran & Burgess, 2012). As this study is not going to use the GIS, it nevertheless stands as a crucial starting point in mapping hate crime activities, risk of hate crime victimization, and fear of hate crime in Lithuania as there are no precedent studies dealing with the distribution of hate crime across the country.

#### 5.1.1 THE MEASUREMENT OF RISK OF VICTIMIZATION

The risk of victimization of a given population can be measured using victimization and incident rates (Lauritsen & Rezey, 2013). Although the two measurements are interrelated, there are slight differences among them. The incident rate of a given population is a straightforward measurement of the number of crimes experienced by the population in a specified timeframe. Consider two areas with populations of 10 and 100. If there were 5 crimes in both areas, the incident rate for the area with 10 inhabitants would be 5 incidents per 10 population, however, the incident rate in the second area with 100 inhabitants would be only 0.5 per 10 population. The incident rate is useful in showing where the concentration of crime is the highest. It might be that in bigger towns there are more crimes, however, more people live in big cities and thus crime is more equally distributed. While in smaller towns there might be less criminal offences but a smaller part of the population is subjected to these crimes. Concentration of crime, or incident rate, might be higher in a small town rather than a big city even though there was more crime in the latter. However, the incidence rate does not take into account the possibility of multiple victimizations from one offence; for example, a physical assault might have more than one victim. These limitations can be covered by calculating victimization rate. The victimization rate measures the number of victimizations per population and takes into account that one offence can have more than one victim. The main difference between the two rates is whether the number of offences or victimizations is considered (Lauritsen & Rezey, 2013).

A correlation between the two variables exists, although it is not always direct. An increase in crime and thus incident rate does not necessarily mean that the risk of victimization in the general population is higher. It could be that crime

is experienced by a small group of the population and the number of repeated victimizations is very high. In this case the risk of victimization in the general population remains unaltered. Victimization rate is usually larger than incidence rate as in many hate crime cases there is more than one victim involved (Lauritsen & Rezey, 2013). Moreover, hate crimes are particular in their indirect victimization of the targeted group and community. These nuances are important for the effective law enforcement – establishing incident and victimization rates provides guidelines for targeted interventions.

#### 5.1.2 INCIDENCE RATE AND HATE CRIME VICTIMIZATION

In order to measure victimization rates comprehensive data on crime victimization is necessary. Commonly data from victimization surveys is used for this purpose. However, no comprehensive national victimization survey has been conducted in Lithuania to this day. Moreover, the data from international victimization surveys does not cover hate crimes in Lithuania in particular, therefore there is no accessible or existent data to calculate victimization rates. Due to the lack of the data on hate crime victimization, the risk of victimization will be established by solely looking at the incident rate. Such approach has been adopted in several previous studies analyzing hate crimes (Ignaski, 2008).

Hate crime victimization is distinct from other types of victimizations, as hate crimes usually affect not only the immediate victim but also the group the individual belongs to (Craig, 2002). While commonly victimization is attributed to the direct victim, hate crime cases pose a difficulty in identifying one, especially in cases of vandalism or hate speech. Moreover, not every potential victim of a hate crime faces the same risk of victimization (Iganski, 2009). For example, not every homosexual is at the same risk of becoming a victim of a homophobic hate crime. The difference in lifestyles can influence the probability of encountering hate crime incidents – if a homosexual couple publicly express their affection, they run a greater risk of victimization as compared to a couple who only hold hands or kiss in a home environment. Similar holds for other groups – Muslim women are at greater risk of Islamophobic hate crime than Muslim men because they wear a hijab – easily distinguishable feature of Islam; the lifestyle and appearance of an Orthodox

Jew rather than secular Jew as well increases the risk of victimization. Furthermore, the populations of certain groups such as LGBT are hard to estimate. For these reasons it is extremely difficult if not impossible to identify the population at risk of hate crimes (perhaps with an exception of racial hate crimes; however, in the case of Lithuania this is irrelevant as there are almost no racial hate crimes) and so the estimated risk of victimization will be projected to the general population. The following section will introduce the methodology of the present study.

## 6 METHODOLOGY

The aim of this research is to display and compare trends of hate crime prevalence from 2010 to 2014 in Lithuania. By calculating the incident rate of hate crimes in different parts of the country and by comparing the risk of homophobic and xenophobic hate crime victimization, this study tries to establish the hotspots of hate crime victimization in Lithuania. Through such analysis the main research question of the study will be addressed: **how is the risk of general, xenophobic, and homophobic hate crime victimization influenced by the geographical area?** This section will provide a methodological background for the research starting with a discussion of the quality of the data used for the research followed by a discussion of the calculation of the incident rate.

### 6.1 DATA

In order to analyze hate crime victimization risk in a societal context several demographic and geographic variables are needed, such as statistics on population change, ethnic proportions in the country, general crime and administrative territory area. The online database of the Lithuanian Department of Statistics (Statistics Lithuania) was used to access this information. Statistics Lithuania provides official statistics to the government and the public in order to ensure informed decision-making and to stimulate public awareness and discussions on the relevant matters. The institution is a public body under the government of the Republic of Lithuania and their national and regional statistics are accessible on the official website (<http://osp.stat.gov.lt/home>) free of charge.

The official data on hate crimes was retrieved from the Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania (The ICT Department). The Departmental Register of Criminal Offences of the ICT Department carries out the collection and compilation of official statistical reports on criminal offences, victims of criminal offences, and persons suspected or accused of committing criminal offences in the Republic of Lithuania (The ICT Department, 2015). The term criminal offence used in the Register is inclusive of both crimes and misdemeanors. As discussed earlier (section 4), the ICT Department is the only institution that consistently collects and publishes crime statistics. Moreover, the database of the Departmental Register of Criminal Offences is connected to other law enforcement record keeping systems, thus the data accessible through the register is reliable and up-to-date. The data used in this research includes criminal offences registered by the pre-trial investigation institutions across the country. The use of solely official hate crime data has its drawbacks – the number of offences registered is not representative of the general level of hate crime in the country. Many hate crime incidents are not reported to the police or are not recognized as such for reasons discussed in section 4.2. However, as there is no other organization or institution that can provide alternative hate crime statistics and as the official data collected by the ICT Department has not been analyzed yet, this research is a first stepping stone into hate crime and victimization risk research in Lithuania.

#### 6.1.1 OPERATIONAL DEFINITION OF HATE CRIME

As discussed in the section 4, there are several different laws in the Criminal Code of the Republic of Lithuania concerning hate crimes – specific laws for murder (art.129), severe (art.135) and non-severe (art.138) health impairment that include bias motivation; the whole chapter XXV (art. 169, 170, 171) regarding crimes and misdemeanors against person's equal treatment and freedom of expression; and an aggravating circumstance clause (art.60). Each of these laws deal with criminal offences with bias motivation, however, the legal classification of hate crimes under each of them is different. Only under articles 169 and 170 of the Criminal Code do hate crimes appear as a distinctive substantive offence which is also separately recorded in the

Departmental Register of Criminal Offences (whose data is going to be used). Article 60 is very rarely used, as if a crime was motivated by bias and there is enough evidence to prove it, the offence will be classified under articles 169 or 170 and not as an aggravating factor (art. 60). The penalty-enhancing provisions concerning bias motivation of articles 129 part 2 p.13, 135 part 2 p.13, and 138 part 2 p.13 are also rarely used and the data of offences registered under these articles is not publicly accessible. Consequently only hate crimes registered under articles 169 and 170 will be used in the analysis.

While article 169 deals with discrimination on grounds of nationality, race, religion, language, gender, and sexual orientation, article 170 criminalizes incitement of discrimination, violence, physical violent treatment, expression of contempt and hatred towards a certain person or a group. Article 170 in particular deals with the expression of the bias motivation – there does not need to be a concrete consequence or an individual victim to classify a hate crime under this article (General Prosecutor's Office , 2009). However, this article is also applied to any crime that has been committed with a bias motivation. Such crime is registered as a hate crime under the article 170 and under an appropriate article of the criminal offence. Consequently, a number of different offences – from hate speech and vandalism to physical assault or robbery – will be registered under the article 170. For these reasons criminal offences registered under this particular article provide the best possible overview of registered hate crimes in Lithuania that is to be analyzed in the following section. However, before proceeding it is crucial to discuss the quality of the data.

#### 6.1.2 EVALUATION OF THE DATA

While it is difficult to discuss the representativeness of the data due to the numerous unreported hate crime incidents, it is possible to evaluate the quality of it. The data on the article 170 is segregated by a motive of the offence – race, nationality, religion, language, other sexual orientation, and other group belonging. The data is further segregated by the administrative territory criminal offences were registered in. The data on suspects and victims of hate crimes is segregated by gender and age (minor or adult) but not by the area it was recorded in. Moreover, there is no specific information

about the victims of hate crime – it is not indicated who falls under the category ‘other’, or under the groups of ‘race’, ‘nationality’, etc. Despite these limitations data on hate crimes is appropriate for analysis.

Although hate crimes were started to be registered in 2009 very few incidents were recorded that year. There is a big increase in the number of reported hate crime cases in 2009 and 2010 (from 37 registered cases in 2009 to 158 in 2010). This increase can be explained in two ways – either there were more hate crimes in 2010 than in 2009 or there were more *reported* hate crimes in 2010 than in 2009. The assumption of this paper is the latter as there is no compelling reason why there were significantly less hate crimes in 2009. On the other hand, it is possible that during the first year after the introduction of hate crime laws neither the police nor the public were knowledgeable about the concept of hate crime and thus the reporting rate in 2009 was lower as compared to the following year. For these reasons the time frame of this study commences in 2010 and not 2009, and ends in 2014 as the data for 2015 is not complete yet. This five-year period should provide an overview of the trends in hate crime incidents and reporting. Moreover, it is an appropriate time frame to reflect on how law enforcement agencies have dealt with hate crimes since the introduction of the law in 2009 and what can and should be changed in the coming future.

## 6.2 CALCULATION OF THE RISK OF VICTIMIZATION

The measurement of incident rate will be used to establish the risk of victimization in this study, as mentioned before in section 5.1.2. The incident rate per 100 000 population will be estimated by dividing the number of hate crime offences and incidences that occurred during a specified period of time by the population and multiplying by 100 000. This formula has been deduced from the Technical Report of the Bureau of Justice Statistics of the U.S. Department of Justice (Lauritsen & Rezey, 2013).

$$\text{Incident rate} = \frac{\text{Number of hate crimes experienced by specified population}}{\text{Number of persons in the population}} \times 100\,000$$

The incident rates will be calculated and compared sixty administrative territories in Lithuania in the period of five years, from 2010 to 2014.

Moreover, incident rates of homophobic and xenophobic hate crimes will be compared among each other and in different urban territories.

It is important to stress that while the majority of the population is subjected to the risk of crime victimization in general, the population targeted by hate crime offences is more specific. For instance, homosexuals, or homosexual-looking people will only be prone to a homophobic hate crime, people of different race will only be prone to racist hate crime, foreign-looking people will only be prone to xenophobic hate crime. Thus while it is feasible to establish the number of people of different race it is almost impossible to estimate the number of homosexual people living in an area (also see section 5.1.2). Therefore the population for which the risk of victimization will be calculated is general and not specific.

## 7 RESULTS

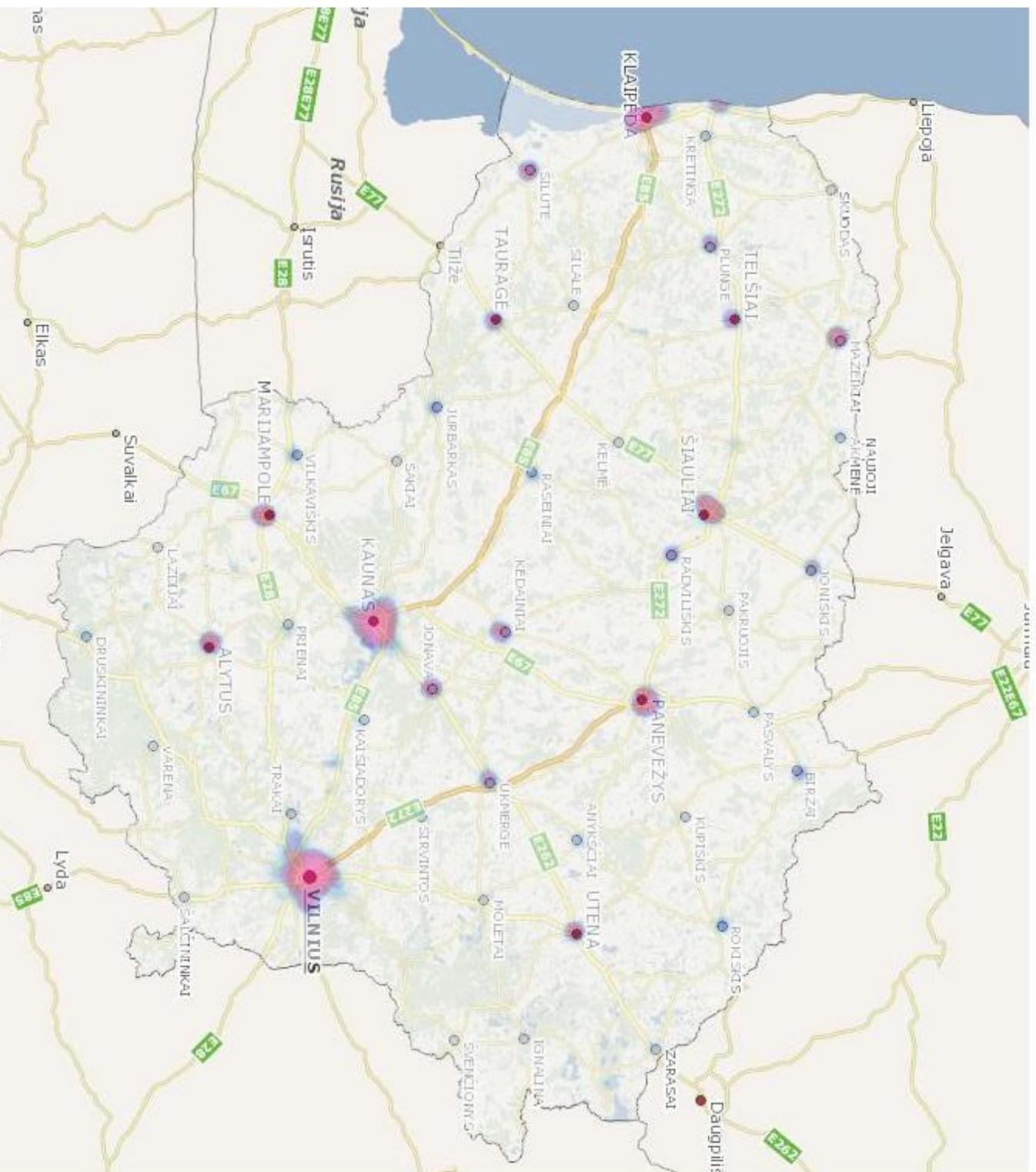
The analysis of the official hate crime statistics in Lithuania from 2010 to 2014 will be discussed in the following section. Firstly, general trends in hate crime offending throughout the country as well as trends in homophobic and xenophobic hate crimes will be presented (section 6.1). Secondly, hate crime hotspots – areas in which most of hate crimes are committed - will be discussed and compared among each other (section 6.2). And lastly, an in-depth analysis of the risk of victimization in the designated hate crime hotspots will be discussed (section 6.2.1).

### 7.1 GENERAL OVERVIEW OF HATE CRIMES

Before starting the analysis of risk of hate crime victimization it is important to place the phenomenon into a broader context of general crime in Lithuania as trends in hate crime and general crime offending are often interrelated (Iganski, 2008). There has been a steady increase in criminal offending in Lithuania since 2010 (see Figure 5) which reached the peak of over 84 000 criminal offences in 2013. A minor fall in the number of registered criminal offences can be observed between 2013 and 2014. However, it cannot be concluded that there has been a major decrease in the number of criminal offences as a decline over a one-year period cannot be accounted for a long-term trend; however, this drop in registered criminal activity might mark a beginning of a more general long-run trend.

According to the data from the Departmental Register of Criminal Offences, general crime distribution across the country is not even. A map of crime hot spots in the country shows that most of the criminal offences are committed in urban areas and are concentrated around the major cities (see Figure 4). Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, Alytus among others are *hubs* for crime. These areas are commercial and residential centers and they have the highest population density allowing plenty of opportunities for social interaction. Such environment is especially appropriate for opportunistic crime (Iganski, 2009).

Figure 4 Heatmap of registered criminal offences in 2015.



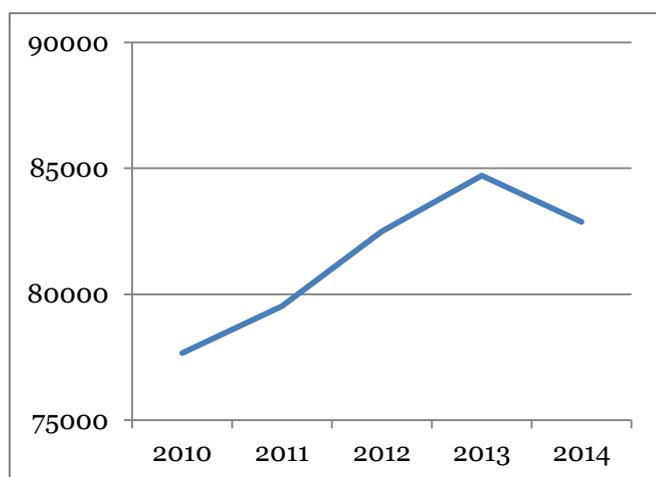
Legend  
Registered crimes density, 2015  
February



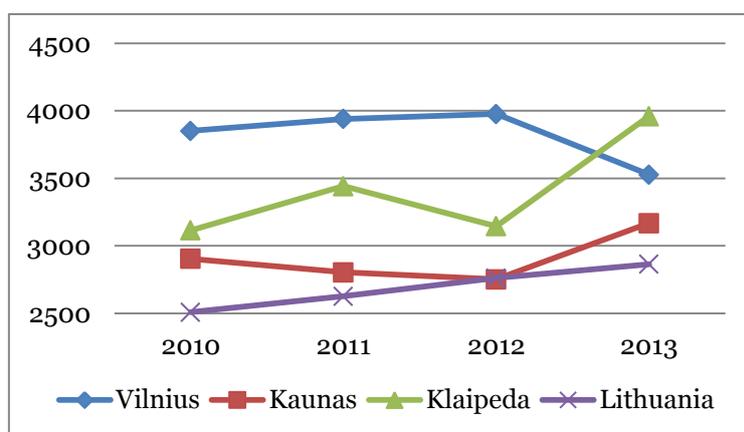
(Source The  
Departmental Register of  
Criminal Offences, 2015)

The comparison of criminal offences per 100 000 population in the three biggest cities – Vilnius, Kaunas, Klaipeda – and the whole country revealed that the incident rates in all of the three cities were higher than the country’s average. The highest criminal offence rate per 100 000 population can be observed in Vilnius, the capital city (Figure 6). The added dimension of time (between 2010 and 2013 – data for 2014 was not available) provided a more dynamic aspect for the comparison.

**FIGURE 5 NUMBER OF REGISTERED CRIMINAL OFFENCES IN LITHUANIA 2010-2014**



**FIGURE 6 CRIMINAL OFFENCES PER 100 000 POPULATION 2010-2013**

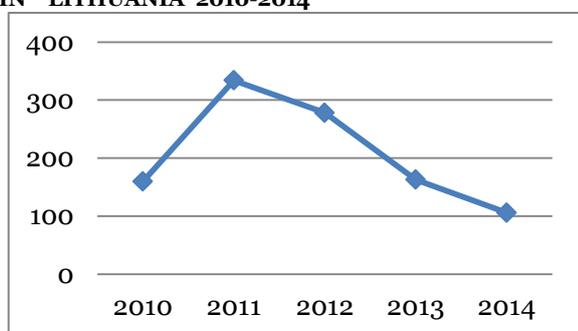


One outstanding trend can be observed between 2012 and 2013 – while the crime rate in Vilnius decreased that was not the case elsewhere. Quite the opposite was true in Kaunas, Klaipeda, or the whole country – crime rate there has increased since 2012. However, this does not necessarily mean that there has been more crime – it could be that there is more registered crime. In any case, it is apparent that most of crimes committed in Lithuania happen in the urban areas and the crime rates in cities like Vilnius, Kaunas, or Klaipeda are considerably higher than in the rest of the country.

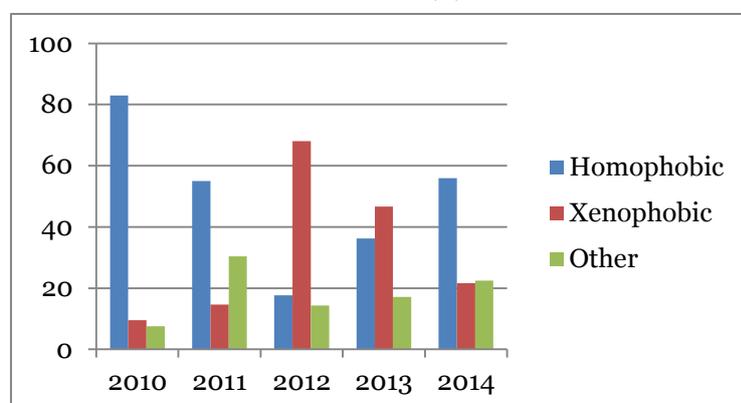
While the number of registered criminal offences in general has been steadily increasing since 2010, the number of registered hate crimes has been in decline since 2011, otherwise corresponding to the general increase in crime only between 2010 and 2011. An overview of the fluctuation in the number of officially registered hate crimes (art. 169 and 170) in Lithuania between 2010 and 2014 can be seen in Figure 7.

Since the hate crime legislation was introduced and until 2014, 1017 criminal offences had been registered under the article 170 of the Criminal Code which classifies hate speech and incitement of hatred (also see Section 6.1). Following the introduction of the law there has been a major increase of 200% in reported hate crimes between 2010 and 2011. However, since 2011 the number of reported hate crimes has been decreasing every year reaching only 106 cases in 2014, which is the lowest number of reported hate crimes throughout the whole period. Although given the limitations of the officially recorded hate crime statistics it is not possible to conclude from the official records alone that the rate of hate crimes has indeed fallen.

**FIGURE 7 NUMBER OF HATE CRIMES IN LITHUANIA 2010-2014**



**FIGURE 8 HATE CRIMES BY BIAS (%)**



The bias motivation for criminal offences under the article 170 of the Criminal Code - incitement of hatred – was predominantly homophobic or xenophobic (Figure 8). Over the five year period 82.7% of all the hate crimes were motivated either by nationalistic or racial bias, or were anti-LGBT; homophobic hate crimes having a slightly higher frequency (46.3% homophobic and 36.4% xenophobic). In 2010, 2011, and 2014 the majority of hate crimes were homophobic. In 2012 there has been a major increase in xenophobic hate crimes – over 60% of all hate crimes committed that year were motivated by nationalistic or racial bias. Other bias motivations based on religion or language were less common.

The data on hate crime offenders and victims is incomprehensive as not all of the registered hate crime cases have an identified perpetrator or a victim. Nevertheless, several observations regarding individuals involved in hate crimes can be made. The vast majority of the suspected or identified hate

crime offenders were adult males (88%). Only 4% of all suspected offenders were minors. The majority of the identified victims was legal persons (69%), i.e. organizations, institutions, also individuals; identified individual victims constituted one third of all the victims (males – 21%, females – 10%).

The data on prosecuted hate crimes also reveals that only a small part of all registered hate crimes reaches courts. The number of received and settled lawsuits under the articles 169 and 170 (hate speech and hate crime), as well as the number of all the registered hate crime offences can be seen in Table 3. The lawsuits in question are heard by the criminal court in the original jurisdiction.

**TABLE 3 THE NUMBER OF RECEIVED AND SETTLED LAWSUITS FROM THE ORIGINAL JURISDICTION CRIMINAL COURTS 2010-2014.**

	2010	2011	2012	2013	2014	Total
Received lawsuits	24	95	60	41	41	261
Settled lawsuits	21	96	62	40	38	257
Registered offences	158	328	266	163	102	1017

Only 26% of all the registered hate crimes are proceeded to a courtroom. However the vast majority (98%) of the received lawsuits are settled, often within a timeframe of one year.

## 7.2 HATE CRIME HOTSPOTS

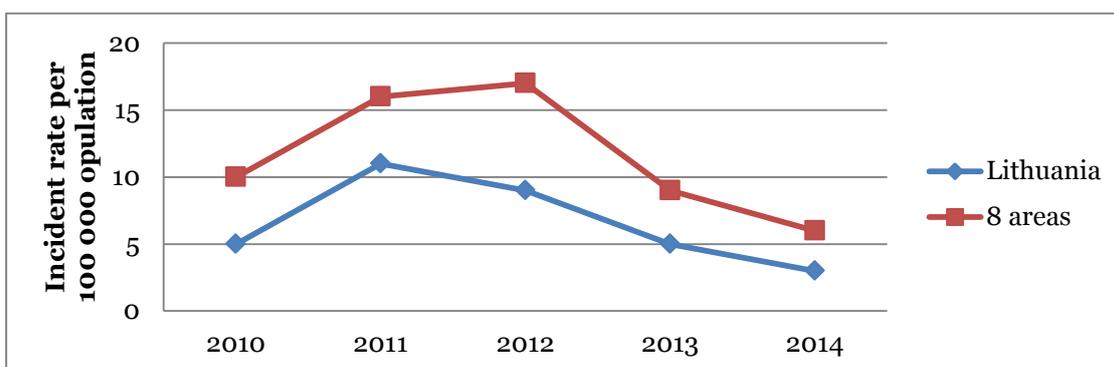
Similarly to the pattern of general crime, most of the hate crimes were committed in urban areas. In 2010-2014 the police of eight administrative territories (out of sixty) together recorder 85% of the total number of hate crime incidents registered by police forces from all of Lithuania. This is a disproportionate figure given that these eight areas accommodate approximately 45% of the population and only compromise 5.3% of the country's territory. The eight municipalities in question are Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, Alytus, Taurage, and Telsiai (see Appendix B). These areas were extracted from the list of 60 administrative territories in which hate crimes are recorded by the criterion of five or more hate crime offences registered per year. These urban areas are characterized with a relatively high population density with the exception of the municipalities of

Taurage and Telsiai districts which have considerably bigger territory than city municipalities and thus lower population density (see Appendix B). While it is not surprising that most of the hate crimes are committed in an urban setting, the concentration of crimes in these particular areas is of interest – as mentioned above less than half of the Lithuanian population dwelling in these areas experience the majority of the hate crime. Therefore in order to better understand hate crime dynamics in the designated eight areas a more elaborate analysis of risk of victimization was conducted.

### 7.2.1 ANALYSIS OF THE RISK OF VICTIMIZATION IN THE EIGHT AREAS

Measurement of risk of victimization can reveal where the concentration of hate crime is the highest and thus where the general population is at the most risk of victimization. A mere number of hate crime offences is only descriptive and does not take into account the population that is exposed to the criminality. The averaged incident rate of the eight identified hate crime hotspots is almost two times higher than the country’s average. This means that people living in these particular territories are two times more likely to become a victim of a hate crime than an average Lithuanian (Figure 9).

**FIGURE 7 INCIDENT RATE: THE WHOLE COUNTRY VS 8 HATE CRIME HOTSPOTS 2010-2014**



Moreover, it is evident that there has been an increase in the risk of victimization for the eight designated hotspots between 2010 and 2012, while the victimization risk in general (for the whole country) has been decreasing since 2011. Thus while between 2011 and 2012 the general population experienced a decreased risk of victimization, inhabitants of these eight areas were exposed to an even higher risk of hate crimes than in 2011. Nevertheless,

the gap between the incident rates in the country and in the eight areas has been shrinking, especially in the past two years (2013 and 2014).

In general Alytus city and Telsiai district municipalities had the highest risk of victimization (averaged for the five year period) – 15 and 13 per 100 000 population respectively, more than two times higher than country’s average risk of victimization (6.6 per 100 000 population). In 2010 the highest risk of victimization could be located in Vilnius (24 hate crimes per 100 000 population), which was almost five times higher than in the rest of the country (5 per 100 000 population). Table 4 provides an overview of the incident rate per 100 000 population of hate crimes classified under the Article 170 of the Criminal Code in the eight designated areas, as well as in the whole country for the period between 2010 and 2014. An averaged incident rate per 100 000 population for the five year period is also provided in the table. Table cells highlighted in red indicate the top 25% of the incident rates.

Victimization risk in the rest of the seven areas was lower than country’s average or non-existent in 2010. However, in 2011 the situation changed considerably – incident rates in Kaunas, Alytus, Taurage, Telsiai, and Panevezys peaked and were higher than in Vilnius or the whole country. Especially the case of Alytus is interesting as from having no hate crimes in 2010, the risk of victimization in the city reached 27 per 100 000 population in 2011. Victimization rates in Telsiai and Siauliai display similar pattern but to a lesser extent.

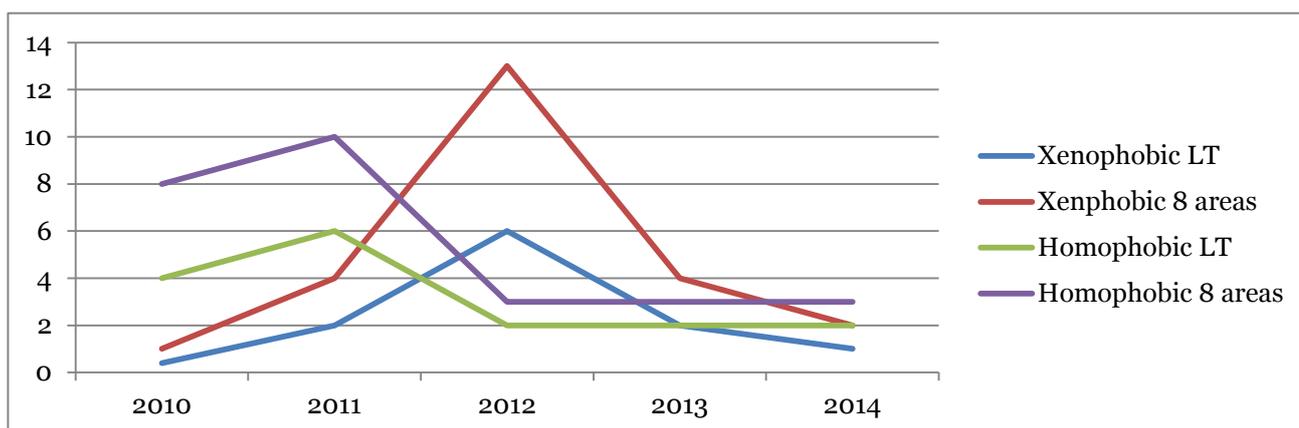
**TABLE 4 INCIDENT RATES OF ALL HATE CRIMES (PER 100 000 POPULATION) 2010-2014**

<b>Incident Rates</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Average 5yrs</b>
Vilnius c. mun.	24	14	12	8	4	12.4
Kaunas c. mun.	2	20	16	8	12	11.6
Klaipeda c. mun.	2	12	25	6	3	9.6
Siauliai c. mun.	0	10	20	13	1	8.8
Panevezys c. mun.	1	20	27	12	2	12.4
Alytus c. mun.	0	27	22	21	5	15
Taurage d. mun.	2	19	17	11	7	11.2
Telsiai d. mun.	0	20	30	10	5	13
<b>Incident rate in the 8 areas</b>	<b>10</b>	<b>16</b>	<b>17</b>	<b>9</b>	<b>6</b>	<b>11.6</b>
<b>Incident rate in Lithuania</b>	<b>5</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>3</b>	<b>6.6</b>

The peak in the risk of hate crime victimization was reached in 2012 – 17 per 100 000 population in the eight designated areas and 11 per 100 000 population in the whole country. While the risk of victimization doubled in Klaipeda and Siauliai and increased slightly in Panevezys and Telsiai, the rest of the areas (i.e. Vilnius, Kaunas, Alytus, Taurage, and the whole country) experienced a decrease in the incident rates. The next year (2013) risk of victimization decreased yet again, but this time in all of the areas. Perhaps with an exception of Alytus, which throughout the three year period (2011-2013) maintained a relatively high incident rate (over 20 per 100 000 population) which was several times higher than the country’s average. In 2014 all of the incident rates dropped dramatically with an exception of Kaunas, where the risk of victimization increased by 60%. Otherwise the incident rates in the designated areas partially equalized with the country’s average.

From the overview of the incident rates in the eight designated areas (Table 4) it becomes evident that while Vilnius has the highest number of hate crimes, the risk of victimization is not necessarily the highest there. On the contrary, the risk of victimization between 2010 and 2014 was considerably higher in other areas, Alytus and Telsiai in particular.

**FIGURE 8 INCIDENT RATES FOR HOMOPHOBIC AND XENOPHOBIC HATE CRIME 2010-2014**



The proportion of homophobic and xenophobic hate crime in the eight designated areas is similar to that in the country (Figure 10). Between 2010 and 2014, 85% of all hate crimes were committed with the bias motivations in question (40.6% xenophobic and 44.3% homophobic). The incident rates for

xenophobic and homophobic hate crimes show similar patterns as the overall risk of victimization for hate crimes. The incident rates for the eight designated areas for xenophobic and homophobic hate crimes are higher than the country's average. In 2010 and 2011 the highest risk of victimization was in homophobic hate crime category both in the whole country and in the eight areas. However, in 2012 the situation changed as the incident rates for xenophobic hate crimes peaked significantly at the same time as victimization risk for homophobic crimes decreased. A significant discrepancy between the risk of xenophobic victimization in the eight areas and the whole country can be observed in the year 2012 – the population in the eight territories were at two times higher risk of becoming a victim of a xenophobic hate crime than in the rest of the country. After 2012 the risk of victimization for xenophobic hate crimes decreased and the homophobic incident rate stabilized.

Two peaks become apparent from the Figure 10 – a peak in risk of homophobic hate crime victimization in 2011 and a peak in xenophobic victimization risk in 2012. To examine the peak in xenophobic hate crimes in 2012 the incident rates of xenophobic hate crimes across the eight designated areas were compared (Table 5). It appeared that the highest risk of victimization was in Telsiai and Panevezys municipalities (27 per 100 000 population); a slightly lower incident rate was in Klaipeda and Siauliai (19 and 18 per 100 000 population respectively). Vilnius on the other hand had a relatively low incident rate of 8 per 100 000 population, close to the country's average of 6 per 100 000 population. The analysis of separate incident rates for the peak in homophobic hate crimes showed similar results.

The risk of victimization in Vilnius was equal to the country's average (6 per 100 000 population) and was relatively low as compared to incident rates in other areas – rates in Panevezys, Alytus, Taurage, and Telsiai were more than two times higher. In general, Vilnius and Alytus cities municipalities had the highest overall risk of homophobic victimization (top 25% of the eight areas), and Panevezys city and Telsiai district municipalities had the highest risk of xenophobic crimes (top 25% of the eight areas) (top 25% are highlighted in blue and red in Table 5).

**TABLE 5 INCIDENT RATES**

Incident rates	Xeno 2012	anti-LGBT	Average IR 2010-2014	
		2011	Xeno	anti-LGBT
Vilnius c. mun.	8	6	4	6.4
Kaunas c. mun.	12	10	5	5.2
Klaipeda c. mun.	19	8	4.76	2.84
Siauliai c. mun.	18	6	6.2	4.2
Panevezys c. mun.	27	15	7.2	5.4
Alytus c. mun.	17	25	6.6	6.4
Taurage d. mun.	17	19	4.6	6
Telsiai d. mun.	27	14	7.2	3.6
<b>Rate in the 8 areas</b>	<b>13</b>	<b>10</b>	<b>4.8</b>	<b>5.4</b>
<b>Lithuania's average</b>	<b>6</b>	<b>6</b>	<b>2.28</b>	<b>3.2</b>

From the analysis of the official hate crime statistics and the incident rate during the period of five years (2010-2014) a number of patterns have become apparent. Firstly, the relationship between the number of general crime and of hate crime is inversed - while the number of registered criminal offences in general has been increasing since 2010, the number of recorded hate crimes has been in decline since 2011. Moreover, it appears that (hate) crimes are not evenly distributed across the country. Most of the criminal activity is concentrated in and around urban areas. General crime hotspots also were hotspots for hate crimes, with a few exceptions. An initial analysis of official hate crime statistics revealed that 85% of all hate crimes are committed in eight administrative territories – Vilnius city, Kaunas city, Klaipeda city, Siauliai city, Panevezys city, Alytus city, Taurage district, and Telsiai district municipalities. Residents of these areas constitute 45% of the country’s population and they are exposed to the highest risk of hate crime victimization – risk of victimization in the eight designated areas (11.6 per 100 000 population) is almost two times higher than country’s average (6.6 per 100 000 population). Regarding the motivation of hate crimes, two main biases stood out – anti-LGBT and xenophobic motivations. Over 80% of all hate crimes were committed with either a xenophobic or homophobic motivation.

The proportion of anti-LGBT hate crimes (46.3%) in the country was slightly higher than xenophobic ones (36.4%). From a more elaborate analysis of

incident rates throughout the eight designated areas it became visible that there has been a peak in both xenophobic and homophobic hate crime victimization. In 2011 anti-LGBT hate crimes constituted 55% percent of all hate crimes and the risk of homophobic crime victimization peaked, particularly in the areas of Alytus, Taurage, Panevezys, and Telsiai where the incident risk was the highest from all of the eight areas. In 2012 almost 73% of all hate crimes were xenophobic, which consequently increased the risk of xenophobic crime victimization. Areas of Panevezys and Telsiai especially had the highest incident rates (4.5 time the country's average). Therefore it could be concluded that these areas are hotpots for xenophobic and homophobic hate crimes. The ultimate hate crime hotspots (areas that had the highest averaged risk of victimization) are Alytus and Telsiai – the incident rate there was two times higher than country's average.

## 8 DISCUSSION

The aim of this research was to evaluate and examine how the risk of hate crime victimization was influenced by geographical area in Lithuania between 2010 and 2014. One of the main findings of the study is that the distribution of hate crime and risk of victimization across country is uneven – 85% of hate crimes were committed in eight administrative territories out of sixty in which 45% of the population reside. Possible reasons why the majority of hate crimes are registered in these eight areas could be that 1) there is a higher hate crime reporting rate, 2) the police are more competent in recognizing and investigating hate crimes, or 3) there are just more hate crimes in these areas than in the rest of the country.

It is not feasible to assert that people in the eight areas report hate crime more often as there is no data to consult. It is known however that hate crimes in general suffer from underreporting (Iganski, 2008) and the number of registered offences is not representative. The number of registered hate crimes is also influenced by the competence of the law enforcement officials. To establish and prove bias motivation of an offence is difficult and requires special training. Recently the Police Department announced that a memorandum of understanding with the ODHIR (OSCE) had been signed by the Ministry of Interior for police training regarding hate crimes that is to be

held in the end of 2015 (The Police Department, 2015). It is doubtful whether police forces all over Lithuania will have or have already had this kind of training, therefore the data of registered hate crimes may be biased in a sense that there are more hate crimes registered in places where police officers are better trained to recognize hate crimes. However, there is no information on which police departments in particular received training. The third assumption regarding the disproportionate hate crime distribution is that there simply are more hate crimes in the eight designated areas. The general crime statistics indicate the same eight areas as crime hotspots (see Figure 4 *Heat map of registered criminal offences in 2015*, p. 36), therefore it could be concluded that in general there is more crime there. Consequently, as hate crime patterns do resemble the trends in general crime, there will be more hate crimes in the areas where general criminal activity is high. After all, the majority of the indicated areas are cities or towns, with relatively high population density and more frequent social interactions, which may trigger more hate crime. These findings are in line with the previous research on geography of hate crimes (Iganski, 2009; Grattet, 2009), which also reveals that in urban areas with high levels of social mobility (hate) crimes are more likely to occur. The results of this study however reveal an interesting hate crime distribution among urban areas in Lithuania.

Vilnius – the capital city – counterintuitively did not have the highest risk of victimization, rather it was the smaller cities. Alytus city and Telsiai district in particular were identified as the ultimate hate crime hotspots. These cities have a population of 41 000 and 56 000 people respectively, Alytus having a relatively high population density (1409 inhabitants per km<sup>2</sup>) and Telsiai being one of the least dense areas (29 inhabitants per km<sup>2</sup>). Another characteristic of these two areas is their extensive homogeneity regarding national character. While only 63% of Vilnius residents are Lithuanians, this percentage rises to over 95% in Alytus and Telsiai (96.8% and 97.4% of Lithuanian population respectively). This observation may imply something about the nature of hate crimes committed in these areas. While it is difficult to discuss homophobic hate crimes as the proportion of LGBT people across

the country is unknown, it is possible to examine potential reasons for the high xenophobic incident rate in Alytus and Telsiai.

Previous research (Grattet, 2009; Iganski, 2009) has shown that areas which are homogenous regarding race and ethnicity are more prone to experiencing higher levels of hate crime and thus at a higher risk of victimization if there is an influx of people of other races or ethnicities. This finding can be explained by the sense of ownership and superiority of the in-group over the territory and by the urge to defend this territory against the threats to the ethnic, racial, religious, or sexual identity of the group (Iganski, 2009; McDevitt et al., 2002). In the cases of Alytus and Telsiai the in-group defending its territory and identity is the Lithuanians, the out-group could be Russians, Tatars, Ukrainians, Byelorussians, or Poles, as all these ethnicities reside in these areas. Not all of these out-groups are equally discriminated in the Lithuanian society as many of them have long been present in the country; foreign visitors or temporary residents of other ethnicities or nationalities could also be targeted. However, hate crimes are not always perpetrated by the members of the in-group. Minority members also commit bias motivated offences either against the in-group or against other minorities. Although no information on nationality and ethnicity of hate crime victims and offenders is available and no conclusions can be drawn regarding this issue, a recently publicized incident of hate crime perpetrated by a minority group member in Lithuania does assert that such attacks do happen.

This June a well-respected old Ukrainian man was assaulted by his Russian neighbor in the suburbs of Vilnius (Pancerovas, 2015). The perpetrator used offensive language regarding the ethnicity<sup>7</sup> of the victim during the attack claiming that all Ukrainians should be killed. This incident is regarded by the media as being related to the current war in Ukraine as the perpetrator was known to be pro-Putin (Pancerovas, 2015). The Ukrainian community in Vilnius has claimed that this attack was against all the Ukrainians and should not go unpunished. The psychological effects on the community of this hate crime were magnified by the proximate relationship between the victim and the offender – they are neighbors. The targeted community reported being

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<sup>7</sup> Both the perpetrator and the offender by nationality are Lithuanians.

shocked and threatened (Pancerovas, 2015), which are known social harms of hate crime victimization (Funnell, 2015).

The results of this study reveal that the LGBT community in Lithuania also experience high levels of hate crime victimization, which comes with a psychological impact on the whole community. As discussed before (section 3.3) the LGBT community in Lithuania is marginalized and discriminated in public and private spheres. Public discourse regarding this group is often offensive and uninformed. While LGBT people are in fear of revealing their sexual or gender identity, perpetrators of hate crimes have no fear of retaliation. Moreover, society at large often ignores anti-LGBT discrimination and takes no action. Homophobic hate crime perpetrators thus not only raise their self-esteem by reassuring their sexual identity through an act of discrimination, but also reaffirm the identity of the in-group, i.e. heterosexuals. In a sense anti-LGBT hate crime offenders are defending their sexual identity against 'intruders' (Bell & Perry, 2015). While it is not possible to accurately claim how many homosexuals live in Alytus and Telsiai, it is a safe assumption that there are more openly homosexual people in the bigger cities such as Vilnius rather than small towns. Therefore the high risk of homophobic hate crime victimization only further frightens LGBT people in Alytus and Telsiai and prevents them from coming out and integrating fully into society.

Hate crimes reflect broader social issues such as inter-group tensions and conflicts. As discussed in section 3, Lithuanian society holds discriminatory attitudes especially against the LGBT community and foreigners. Its homogenous character in many aspects, such as race, religion, ethnicity, nationality, sexuality, etc., allows little tolerance for difference. Lithuanian society could be called a *perpetrator society* from which stems and is reinforced discriminatory behavior (Iganski, 2008). This social climate is partly influenced by the state. It can reinforce, ignore, or resist prevalent social trends, such as hate crimes. The state also has the power to alter the social status quo through targeted policy making and legislation (Iganski, 2008). While Lithuania has adopted hate crimes laws and the number of registered offences is acceptable (despite the limitations), the number of

prosecuted hate crimes is rather low. Only 26% of all registered crimes are further processed in the criminal justice system, 98% of which then end up being settled by the court. These numbers indicate two trends – while the courts seem to work efficiently, the police is not doing enough to investigate hate crime cases that are reported. If hate crime prosecution was improved, the stance of the state against hate crimes would be reinforced and potential hate crime offenders would be deterred. Moreover, powerful reinforcement of hate crime laws can challenge the collective conscience and ultimately change societal structures that enable discrimination and hate crime (Iganski, 2008).

## 8.1 LIMITATIONS AND RECOMMENDATIONS

The limitations of this study are closely related to the limitations of the hate crime data available. Moreover, each limitation points to an area of improvement for the non-governmental and law enforcement organizations dealing with hate crime monitoring, hence limitations and recommendations will be discussed simultaneously.

There are two main limitations of this study – firstly, the registered hate crime data is not accurate as the number of unreported hate crime offences is unknown. And secondly, the actual population at risk of hate crime victimization is not possible to accurately estimate. Both limitations have already been discussed before in sections 6.1.2 and 5.1.2 respectively. It is important to emphasize that these flaws in the data are related to the nature of hate crimes. The targeted victims are usually from social groups whose population is difficult to estimate, such as the LGBT community. Furthermore, the offender's perception of victim's membership to a certain social group is important in determining bias motivation. Consequently, it is almost impossible to judge who could be a potential target as it is highly subjective matter. For these reasons the actual population at risk for hate crime victimization is unknown (except in a case of racial hate crimes, however, this does not apply to this study). Another issue with hate crimes is the psychological impact they have on the victim and the community. Due to the fear and distress experienced during the victimization many victims choose not to report hate crimes (Craig, 2002). These matters can be addressed by introducing a hate crime victimization survey in the country. The

data from such survey would illuminate the rate of hate crime reporting as well as provide information about hate crime victims. Moreover, the law enforcement agencies and NGOs could implement better informed hate crime reporting and prevention policies (OSCE/ODHIR, 2014), especially in the areas indicated in this study as hate crime hot spots.

## 9 CONCLUSION

Hate crimes are exceptional due to the psychological impact they have on the victim and the community. In order to tackle them, hard effort is needed from the part of the law enforcement agencies and the society. This study provides assistance to the organizations dealing with hate crimes by determining areas in Lithuania where people suffer from hate crimes the most and thus are in the greatest need of intervention. The results of the study reveal that the highest risk of hate crime victimization is situated in eight administrative territories of the cities of Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, and districts of Telsiai and Taurage. The risk of becoming a victim of a hate crime there is two times higher than country's average. The majority of hate crimes committed between 2010 and 2014 in the eight designated areas were either xenophobic or homophobic. These findings reflect the negative discriminatory attitudes of Lithuanians towards these groups.

While this study provides only a glimpse of the distribution and experience of hate crimes in Lithuania, more elaborate analysis is needed to further understand the phenomenon and its causes. Further research is possible only if more comprehensive data of hate crime offending and victimizations is collected and made accessible. In order to improve official statistics, public awareness of hate crimes and hate crime laws should be raised as well as the competence of law enforcement officials. Moreover, it is essential that a system in which hate crime offences could be systematically registered by non-state actors and individuals is established, since not all of the hate crimes are reported to the police. With both official and unofficial data at hand a more accurate picture of the hate crime and risk of victimization could be established. With such efforts targeted hate crime prevention interventions could be implemented thus challenging discriminatory attitudes and behaviors.

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## APPENDIX A

### CRIMINAL CODE OF THE REPUBLIC OF LITHUANIA

#### CHAPTER XXV

#### CRIMES AND MISDEMEANOURS AGAINST A PERSON'S EQUAL RIGHTS AND FREEDOM OF CONSCIENCE

##### **Article 169. Discrimination on Grounds of Nationality, Race, Sex, Descent, Religion or Belonging to Other Groups**

A person who carries out the actions aimed at hindering, on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views, a group of persons or a person belonging thereto to participate on a par with other persons in political, economic, social, cultural, labour or other activities or at restricting the rights and freedoms of such a group of persons or of the person belonging thereto

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.

##### **Article 170. Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons**

1. A person who, for the purposes of distribution, produces, acquires, sends, transports or stores the items ridiculing, expressing contempt for, urging hatred of or inciting discrimination against a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or inciting violence, a physical violent treatment of such a group of persons or the person belonging thereto or distributes them

shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to one year.

2. A person who publicly ridicules, expresses contempt for, urges hatred of or incites discrimination against a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to two years.

3. A person who publicly incites violence or a physical violent treatment of a group of persons or a person belonging thereto on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or finances or otherwise supports such activities

shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.

4. A legal entity shall also be held liable for the acts provided for in this Article.

##### **\*Article 170<sup>1</sup>. Creation and Activities of the Groups and Organisations Aiming at Discriminating a Group of Persons or Inciting against It**

1. A person who creates a group of accomplices or an organised group or organisation aiming at discriminating a group of persons on grounds of sex, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views or inciting against it or participates in the activities of such a group or organisation or finances or otherwise supports such a group or organisation

shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to one year.

2. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 171. Disturbance of Religious Ceremonies or Religious Celebrations**

A person who, through the use of taboo words, carrying out of defiant actions, making threats, taunting or other indecent actions, disrupted the services or other ceremonies or celebrations held by a religious community or society recognised by the State shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

## **CHAPTER VIII**

### **IMPOSITION OF A PENALTY**

#### **Article 60. Aggravating Circumstances**

1. The following shall be considered as aggravating circumstances:

1) the act has been committed by a group of accomplices. Taking into consideration the nature and extent of participation of each accomplice in the commission of the criminal act, a court shall have the right not to recognise this circumstance as aggravating;

2) the act has been committed by an organised group;

3) the act has been committed by reason of disorderly conduct or for mercenary reasons;

4) the act has been committed by torturing the victim or subjecting him to taunting;

5) the act has been committed against a young child;

6) the act has been committed against a person in a helpless state owing to an illness, disability, old age or for other reasons, in the absence of the person's request;

7) the act has been committed against a woman known to be pregnant;

8) the act has been committed by taking advantage of a public or other person's disaster;

9) the act has been committed by a person under the influence of alcohol, narcotic, psychotropic or other psychoactive substances, where these circumstances influenced the commission of the criminal act;

10) the act has been committed in a publicly dangerous manner or by using explosives, explosive materials or firearms;

11) the committed act has caused grave consequences;

12) the act has been committed in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views.

2. When imposing a penalty, a court shall not take into consideration an aggravating circumstance which is provided for in a law as constituting the body of a crime.

## **CHAPTER XVII**

### **CRIMES AGAINST HUMAN LIFE**

#### **Article 129. Murder**

1. A person who murders another person

shall be punished by imprisonment for a term of seven up to fifteen years.

2. A person who murders

1) to a young child;

2) to a person in a helpless state;

3) to his close relative or family member;

4) to a pregnant woman;

5) to two or more persons;

6) by torturing or in another particularly cruel manner;

7) in a manner endangering other persons' lives;

8) by reason of disorderly conduct;

9) for mercenary reasons;

10) by reason of performance of official or citizen's duties by the victim;

11) in order to conceal another crime;

12) in order to acquire the victim's organ, tissue or cells;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by imprisonment for a period of eight up to twenty years or by life imprisonment.

## **Chapter XVIII**

### **CRIMES AGAINST HUMAN HEALTH**

#### **Article 135. Severe Health Impairment**

1. A person who causes bodily harm or an illness to a person resulting in the victim's loss of eyesight, hearing, ability to speak, ability to reproduce, pregnancy or other serious mutilation, contracting of a terminal illness or a long-lasting illness posing a threat to his life or seriously affecting his mental health or in the loss of a considerable part of professional or general capacity for work or in a permanent disfigurement of the victim's body

shall be punished by imprisonment for a term of up to ten years.

2. A person who causes a serious bodily injury or illness

1) to a young child;

2) to a person in a helpless state;

- 3) to his close relative or family member;
- 4) to a pregnant woman;
- 5) to two or more persons;
- 6) by torturing or in another particularly cruel manner;
- 7) in a manner endangering other persons' lives;
- 8) by reason of disorderly conduct;
- 9) for mercenary reasons;
- 10) by reason of performance of official or citizen's duties by the victim;
- 11) in order to conceal another crime;
- 12) in order to acquire the victim's organ, tissue or cells;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by imprisonment for a term of two up to twelve years.

#### **Article 138. Non-Severe Health Impairment**

1. A person who causes bodily harm or an illness to a person resulting in the victim's loss of a small part of his professional or general capacity for work or in a long-lasting illness, but without developing the after-effects indicated in paragraph 1 of Article 135 of this Code

shall be punished by a restriction of liberty or by arrest or by imprisonment for a term of up to three years.

2. A person who causes a bodily harm or illness which is not serious

- 1) to a young child;
- 2) to a person in a helpless state;
- 3) to his close relative or family member;
- 4) to a pregnant woman;
- 5) to two or more persons;
- 6) by torturing or in another particularly cruel manner;
- 7) in a manner endangering other persons' lives;
- 8) by reason of disorderly conduct;
- 9) for mercenary reasons;
- 10) by reason of performance of official or citizen's duties by the victim;
- 11) in order to conceal another crime;
- 12) in order to acquire the victim's organ, tissue or cells;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by imprisonment for a term of up to five years.

## **CHAPTER XLV**

### **CRIMES AND MISDEMEANOURS AGAINST THE MEMORY OF THE DECEASED**

#### **Article 312. Desecration of a Grave or Another Place of Public Respect**

1. A person who destroys or otherwise desecrates a grave or destroys a monument or desecrates another place of public respect

shall be punished by community service or by restriction of liberty or by arrest or by imprisonment for a term of up to one year.

2. A person who carries out acts of vandalism in a cemetery or another place of public respect or desecrates a grave or another place of public respect for racist, nationalist or religious reasons

shall be punished by community service or by a fine or by imprisonment for a term of up to three years.

## APPENDIX B

Table 6 Number of suspected offender and victims of criminal offences registered under the art. 170, 2010-2014

	2010	2011	2012	2013	2014	In total 2010-2014
<b>Suspected Offenders</b>	<b>20</b>	<b>106</b>	<b>69</b>	<b>42</b>	<b>48</b>	<b>285</b>
Suspected Offenders: Male	17	88	61	40	45	251
Suspected Offenders: Female	3	18	7	2	3	33
Suspected Offenders: Minors	3	3	3	3	0	12
<b>Victims</b>	<b>6</b>	<b>25</b>	<b>41</b>	<b>28</b>	<b>21</b>	<b>121</b>
Victims: male	4	8	7	5	1	25
Victims: female	1	0	2	3	6	12
Victims: legal person	1	17	32	20	14	84

Table 7 Area (km<sup>2</sup>), population and density of the eight designated territories in 2014

<b>Area (land), population, and population density 2014</b>	<b>Area (km<sup>2</sup>)</b>	<b>Population</b>	<b>Density (people per km<sup>2</sup>)</b>
Vilnius c. mun.	401	539939	1346
Kaunas c. mun.	157	304097	1937
Klaipeda c. mun.	98	157350	1606
Siauliai c. mun.	81	105653	1304
Panevezys c. mun.	50	96345	1927
Alytus c. mun.	40	56364	1409
Taurage d. mun.	1179	44633	38
Telsiai d. mun.	1439	41877	29
<b>Total</b>	<b>3445</b>	<b>142874</b>	

