



**Convention on the  
Rights of the Child**

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1999**

**LITHUANIA\* \*\***

[26 March 2004]

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\* For the initial report submitted by Lithuania see CRC/C/11/Add.21; for its consideration by the Committee on 24 November 1998, see CRC/C/SR.683 and 684, and CRC/C/15/Add.146. The annexes may be consulted in the files of the Secretariat.

\*\* This report has not been edited before being submitted for translation.

## **REPORT ON THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD**

### **I. GENERAL PROVISIONS**

#### **Introduction**

1. In observance of Article 44 of the United Nations Convention on the Rights of the Child acceded by the Republic of Lithuania Government Decree No. 11 of 8 January 1992 and ratified by Law No. I-983 of 3 July 1995 of the Seimas of the Republic of Lithuania, and having regard to the Resolution No. 1540 of 18 December 2001 on Approving the Procedure of the Preparation and Submission of Reports on the United Nations Human Rights' Protection Conventions Acceded by the Republic of Lithuania and Establishment of Commissions, the Republic of Lithuania has worked out the Report on the Implementation of the United Nations Convention on the Rights of the Child (hereinafter - the Report).

2. The present Report deals with measures undertaken by Lithuania between 2001 and 2003 for the purpose of implementation of the provisions of the Convention on the Rights of the Child, and is aimed at providing an impartial and comprehensive understanding of changes that took place in the children's lives in Lithuania.

3. The Report has been developed in view of the general proposals adopted by the UN Committee on the Rights of the Child with regard to Periodic Reports of Member States. The aim of this Report was also to highlight all changes introduced on the basis of conclusions provided by the UN Committee on the Rights of the Child with regard to the Initial Report of the Republic of Lithuania and challenges faced in implementing them. The Report was worked out by joint effort of the Ministry of Social Security and Labour, the Ministry of Health, the Ministry of the Interior, the Ministry of Justice, the Ministry of National Defence, the Ministry of Education and Science, the Department of Statistics under the Government of the Republic of Lithuania, the Lithuanian National Committee for UNICEF, and the Lithuanian Organisation for the Protection of the Rights of Children "Save the Children".

#### **Demographics characteristics**

##### **Number of children**

4. Between 1990 and the beginning of 2003 the number of children diminished by 194,4 thousand or 20 by per cent. A noticeable reduction of 38 per cent was observed among pre-school age children, whereas the number of senior children (aged 15-17) keeps growing due to high fertility rates of the previous year. Since 2000 the number of children reduces by 25 thousand on average every year. At the beginning of 2003 802 thousand of children in Lithuania were younger than 18 years of age. They made up 23 per cent of all population. Pre-school age children account for one third of all children.

5. According to the data of the Population and Housing Census conducted in 2001, the structure of children by ethnicity was as follows: 87.5 per cent of Lithuanian (86% in urban and 90.3% in rural areas), about 6 per cent – Pole, 4 per cent – Russian, and 1.2 per cent – children of other ethnicities.

See Annexes to the Report, Tables No. 1-4.

### **Fertility rate**

6. Changes of the number of children or their share compared with the total population are caused by crude birth rate (live births per 1000 average population) and its developments. Since 1991 the crude birth rate keeps continuously reducing. Only 30 thousand children were born in 2002, that is by 4 thousand less than in 2000 and by 27 thousand less than in 1990. In 1995 the crude birth rate was 11.4, and in 2002 only 8.6. This is the lowest crude birth rate ever recorded in the country. The average number of children who were born alive to a woman during the reproductive period of her life (total fertility rate) reduced from 1.55 in 1995 to 1.24 in 2002.

In recent years first and second births in families keep diminishing, whereas third and higher order births remain at the same level with minor fluctuations – in 2002 higher order births accounted for 17.5 per cent (in 1995 – 15%).

Numbers of extra-marital children are growing. In 2002, compared with 1995, the share of extra-marital children increased from 12.8 to 27.9 per cent. Majority of extra-marital children (about 65%) are registered by mother's statement.

7. The number of single parent families consisting as a rule of a mother and children and in rare cases – of a father and children is growing. After divorces in 2002 10,4 thousand of children remained with one of parents.

8. According to the available statistical data the traditional family is facing a crisis. Less people get married, divorces have become more frequent, more and more pairs prefer extra-marital life, fertility rate is on its downturn, and the number of extra-marital children keeps growing.

See Annexes to the Report, Tables No. 5-11.

## **II. GENERAL MEASURES OF IMPLEMENTATION**

9. During the reporting period Lithuania adopted, amended or supplemented the below-specified legal acts regulating the protection of the rights of the child.

10. The Republic of Lithuania Civil Code adopted on 1 July 2001 (18 July 2000, No. VIII-1864) superseded the Republic of Lithuania Marriage and Family Code. Book Three of the new Code of Civil Procedure deals with family law. This Book contains the rules which define general legal principles of the family law and regulate the grounds and procedure of marriage, its validity and divorce, relationships between spouses, concurrently enforcing the principal provisions concerning registration of the moment of the child's birth, protection of establishment of origin, and adoption conditions and procedure. The new Code contains a

separate Section which deals with the child's rights and obligations, includes important rules defining the guarantees of the right to home for minors and one of the spouses, introduces a new "family property" concept which is subjected to a special legal regime, regulates property relationships between a man and a woman who have registered their marriage in accordance with the statutory procedure, covers legal norms which recognise marriage in the manner established by church, enforces equal rights of children born from wedlock and extra-marital children, regulates other rights and obligations of the family and children. See Part "Civil Rights and Freedoms" of the Report, comments on Articles 5, 18 and 27 of the Convention.

Book One of the Civil Code enforces legal norms regulating the law applicable to legal family relationships, i.e. the law that should apply to relationships comprising a foreign element. This Book of the Civil Code contains references to the Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of minors (1961) and the Hague Convention on the law applicable to maintenance obligations toward children (1973).

11. The new Code of Civil Procedure (28 January 2002, No. IX-743) is in applicable since 1 January 2003.

12. As a result of enactment of the Civil Code establishing new family law institutes and of the Code of Civil Procedure court practices of hearing disputes concerning children and other family law related cases differ. In order to determine whether courts correctly apply the rules of material and procedural law in hearing disputes with regard to the place of residence of a child whose parent live separately, to identify what violations and mistakes are made, and to provide recommendations concerning application and interpretation of law, the Supreme Court Senate passed the Ruling No. 35 of 21 June 2002 on the Application of Laws in Court Practice in Determining the Place of Residence of Minors Whose Parents Live Separately" and approved the Review of the Application of Laws in Court Practice in Determining the Place of Residence of Minors Whose Parents Live Separately. This Review also elaborates on the role of courts in taking adequate measures to ascertain and take into account the wishes of children, in finding out what are their interests, the child's status in legal process through analysis of facts relevant in terms of law, collection of evidence and serving summons, notices and other documents when one of the parents lives abroad.

13. Another effect of enactment of the new Civil Code and the Code of Civil Procedure is that in addition to the principal function – settlement of disputes – the courts started performing protective functions, other than those related with the settlement of law disputes, which are of relevance with regard to the protection of human rights (issuance of permits, validation of facts and representations, property administration control, application of inheritance procedures, etc.). The role of particular importance rests on courts in protecting the rights of children, inactive persons and the disabled, as well as of spouses. Protection of rights of these individuals is guaranteed through issuance of court permits for the performance of actions. With a view to harmonising law application practices in hearing the cases on the issuance of court permits, the Supreme Court Senate passed the Ruling No. 41 of 20 June 2003 on the Application of Laws in

Court Practice in Hearing the Cases Concerning the Issuance of Court Permits according to the Regulations of Chapter XXXIX and decided to approve the review of the survey of hearing such cases.

14. For the purpose of hearing the cases, in addition to other sources of law, the courts take into consideration the rulings of the Supreme Court of Lithuania that are published in its Bulletin. This source of law is optional, but it is of importance in hearing the disputes. Interpretations of the Lithuanian Supreme Court Senate concerning the child's rights will be discussed further in this Report.

15. In implementing the criminal system the reform three Codes were prepared and enforced as from 1 May 2003: the Criminal Code of the Republic of Lithuania (26 September 2000, No. VIII-1968), the Republic of Lithuania Code of Criminal Procedure (14 March 2002, No. IX-785), and the Republic of Lithuania Code of Serving Punishments (27 June 2002, No. IX-994), which regulate the issues of juvenile criminal liability, procedural rights and guarantees, and serving criminal punishments imposed on them. See comments on Articles 40 and 37 of the Convention.

16. On 1 January 2003 a new Labour Code of the Republic of Lithuania came into force (4 June 2002, No. IX-926). See comments on Article 32 of the Convention.

17. On the basis of the Civil Code new legal acts were adopted in the sphere the protection of the rights of the child.

18. Regulations for Organising the Childcare approved by the Republic of Lithuania Government Resolution No. 405 of 27 March 2002, define the principles of organisation of guardianship (care) for a child deprived of parental care, selection of guardians (caretakers), their preparedness, designation, dismissal or relief from duties, procedure of establishment and cessation of permanent guardianship (care). The Republic of Lithuania Government Resolution No. 1037 of 3 July 2002 on Approving the Regulations of Foster Families governs the procedure of establishment of foster families as forms of guardianship (care), which raise 6 and more children deprived of parental care providing them with the possibility to grow in the family environment, the placement of children in such foster families, financing and liquidation thereof and change of their place of residence.

The purpose of the aforementioned legal acts is to create legal preconditions necessary for prioritising foster family care of children over institutional care.

19. When in 1997 Lithuania ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which for the purposes of its implementation required to designate an independent Central Authority responsible for the intercountry adoption, on 1 August 2000 the Adoption Agency under the Ministry of Social Security and Labour was established. Regulations of Adoption Agency under the Ministry of Social Security and Labour were approved by the Republic of Lithuania Government Resolution No. 1674 of 23 October 2002. The Procedure of Adoption Record in the Republic of Lithuania was approved by the Resolution No. 1422 of 10 September 2002.

20. As from 1 March 2001 by virtue of Resolution No. 134 of 5 February 2001 of the Government of the Republic of Lithuania the Children's Rights Protection Agency under the Ministry of Social Security and Labour was liquidated and its functions were transferred to the Adoption Agency under the Ministry of Social Security and Labour. The Ministry of Social Security and Labour took over the functions of collection, classification, analysis of information about children and methodical management of the work of district (city) municipal Children's Rights Protection Agencies. The child's rights supervision and control function was assigned to the competence of the Child's Rights Protection Ombudsman's Office (established on 1 September 2000).

21. On 17 December 2002 the Government of the Republic of Lithuania passed the Resolution No. 1983 approving the General Regulations of the Child's Rights Protection Agencies which replaced the General Regulations of District and City Children's Rights Protection Agencies approved by the Republic of Lithuania Government Resolution No. 370 of 13 May 1994. In observance of the aforementioned new Regulations the municipal Child's Rights Protection Agency implements in the municipality's territory the principal provisions of the Convention on the Rights of the Child, enforces the protection rights of the child, protects the child's rights and lawful interests, organises and supervises the guardianship (care) of children deprived of their family environment, represents the child's rights and lawful interests before courts, organises preventive work with the child's parents, carries out other functions delegated to it.

22. During the reporting period Lithuania acceded to several international Conventions and Protocols aimed at promoting the child's rights protection in the spheres regulated by them. Most of the Conventions were ratified in discharging the obligations assumed in the Negotiations Position "Cooperation in the Fields of Justice and Home Affairs" and the European Union *Acquis* Implementation Action Plan.

The Republic of Lithuania Law No. IX-229 was passed on 23 March 2001 to ratify the Convention on the Law Applicable to Maintenance Obligations, and the Law No. IX-831 of 2 April 2002 – to ratify the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations. Implementation of these Conventions is guaranteed by the Ministry of Justice within the limits of its competence.

Convention Concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors was ratified by the Republic of Lithuania Law No. IX-484 passed on 2 October 2001. The Ministry of Social Security and Labour was designated the Central Authority responsible for discharging the functions covered by the Convention.

Convention on the Civil Aspects of the International Child Abduction was ratified by the Republic of Lithuania Law No. IX-793 passed on 19 March 2002. The Ministry of Social Security and Labour was designated the Central Authority responsible for discharging the functions covered by the Convention.

The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children was ratified by the Republic of Lithuania Law No. IX-1194 of 12 November 2002. The Ministry of Justice was designated the Central Authority responsible for the discharge of the functions covered by the Convention.

The 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was ratified by the Republic of Lithuania Law No. IX-1196 of 12 November 2002.

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was ratified by the Republic of Lithuania Law No. IX-1396 of 25 March 2003.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime was ratified by the Republic of Lithuania Law No. IX-1525 passed on 22 April 2003.

Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children was ratified by the Republic of Lithuania Law No. IX-1686 of 3 July 2003.

Ratification of another Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is pending in 2004.

23. Children (persons below the age of 18 years) by virtue of their specific status (incapacity) are attributed to a special group of individuals with different needs who due to their physical and mental immaturity are incapable of protecting themselves. Responsibility for guaranteeing the wellbeing of a child rests both, on the family and the State. Protection of the rights of the child should be the primary concern and responsibility of all public and municipal authorities as well as of all civil servants. To this end Lithuania is improving the implementation of the child's rights protection policy and its coordination mechanism at the central and municipal levels.

24. To strengthen the coordination of the child's rights protection policy, the Seimas of the Republic of Lithuania passed the Law No. IX-1094 of 24 September 2002 on Amendment and Supplement to Articles 59 and 61 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child by virtue of which the child's rights protection administration sphere was assigned to the competence of one ministry. For the purpose of this Law the Government of the Republic of Lithuania adopted the Resolution No. 194 of 6 February 2003 assigning the sphere of administration of the protection of the rights of the child to the Ministry of Social Security and Labour and established the competence of other Ministries, i.e., additional functions were assigned to the Ministry of Education and Science, the

Ministry of the Interior, the Ministry of Justice and the Ministry Health relative to the implementation of the protection of the rights of the child. To this end the Family, Children and Youth Department was set up under the Ministry of Social Security and Labour on 1 October 2002. The aforementioned Department comprises two Divisions: the Family Support Division and the Children and Youth Division. The latter was tasked with the coordination of the implementation of the children and youth rights protection policy.

25. In observance of the aforementioned Resolution particular attention is paid to cooperation between public and municipal authorities, accumulation of information on the child's rights protection matters. The Ministry of Social Security and Labour is drafting the Republic of Lithuania Government Resolution on statistical data about children the approval of which is envisaged in 2004.

26. In 2003 the Ministry of Social Security and Labour commenced implementing the project of strategic partnership with municipalities financed with the World Bank loan proceeds according to which the register of data on social support, social risk families, children deprived of parental care and other data will be established in the municipalities in 2004. It will help the Government to exercise supervision of, and to evaluate, the implementation of social policy at the local level.

27. Therefore, it can be concluded that the Recommendation of the United Nations Committee on the Rights of the Child to designate a Central Authority responsible for the children's rights protection matters for coordinating the actions between different ministries as well as between the central and local authorities with a view to ensuring better cooperation and coordination of the policy being pursued, including cooperation with non-governmental organisations is being carried out.

28. On 24 September 2002 the Seimas of the Republic of Lithuania passed the Law No. IX-1095 on Amendment and Supplement to Articles 7 and 8 of the Law on Local Self-governance according to which the protection of the rights of children and youth as from 1 January 2003 instead of being a municipal function (of limited independence) became a public function (transferred to municipalities). To implement this function the amount of LTL 6,67 million was allocated in 2003, of which LTL 1 million will be allocated for establishing new posts in the municipal child's rights protection agencies. In 2002 municipalities allocated more than LTL 5 million of regular funds for the financing of the municipal child's rights protection agencies. Municipal child's rights protection agencies are structural units of the municipal administration with numerous and diversified functions assigned to their competence in the sphere of the protection of the rights of the child. These functions considerably increased upon enactment of the Civil Code, the Code of Civil Procedure and the Code of Criminal Procedure and after Lithuania ratified international Conventions concerning family relationships and protection of the rights of the child. To this end the Programme on the Improvement of Activities of the Child's Rights Protection Agencies was approved by the Republic of Lithuania Government Resolution No. 1179 of 18 September 2003 according to



which additional funds are allocated for raising qualification of the municipal child's rights protection agencies' staff, work with families of guardians (caretakers) and improving the quality of family care (guardianship), concurrently financing the establishment of new posts and improvement of the quality of infrastructure.

29. Having regard to the recommendations of the UN General Assembly's Special Session on Children held on 11 May 2002 in New York concerning the development of national plans of action (NPAs), the Seimas of the Republic of Lithuania passed the Resolution No. IX-1569 of 20 May 2003 approving the state policy concept of the Well-being of the Child. The concept covers the key principles and values of the child's well being policy. In view of these principles and values the key issues of the child's well-being were defined, setting specific goals of the child's well-being policy for the coming decade in the principal spheres of maintenance, participation and protection of the child and defining strategic guidelines for the implementation of the policy of the child's well-being. On the basis of this concept the State Policy Strategy on the Child's Well-being will be developed and proposals as to the development of the system of analysis and monitoring will be provided by 30 April 2004.

30. Lithuania is participating in UNICEF multilateral purposive programme for 2003-2005 according to which it receives support in the sphere of promotion of the rights of the child and upgrading of specialists' skills. The funds of provided support will be used for preparing and issuing the Implementation Handbook for the Convention on the Rights of the Child and to organise the training of specialists engaged in the field of protection of the rights of the child.

31. On 7 November 2002 the Seimas of the Republic of Lithuania passed the Resolution No. IX-1185 approving the National Plan of Action for the Promotion and Protection of Human Rights in the Republic of Lithuania, Chapter 8 whereof deals with the child's rights protection measures. According to the Plan in 2004-2005 the funds will be allocated for the development of the system of rehabilitation of children – victims of violence (for the development of the concept of rehabilitation of children – victims of violence, assessment of laws, arrangement of the awareness raising campaign concerning rehabilitation of children – victims of violence and training on the organisation of rehabilitation for such children).

32. With a view guaranteeing the protection of children's rights and addressing different problems (violence, neglect, drug and alcohol abuse, etc.) the continuous programmes are being implemented by public as well as non-governmental organisations.

33. In 2003 the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children approved by the Republic of Lithuania Government Resolution No. 29 of 11 January 2000 was further implemented. See comments on Article 19 of the Convention.

34. Implementation of the Immediate Action Plan for Combating Violence against Children approved by Order No. 125 of 16 October 2002 of the Minister of Social Security and Labour is

also under way. According to this Plan the cooperation between the Ministries of Social Security and Labour, Education and Science, Health, the Interior and Justice is being developed with particular focus on education of society, enhancement of the liability of specialists with a view to protecting children from violence and identifying the cases of violence. See comment on Article 19 of the Convention.

35. For the purpose of addressing social problems of pre-school and school age children growing in problem families at the national level, the Government passed the Resolution No. 731 of 24 May 2002 by virtue of which the National Programme of Children's Day Care Centres of Non-governmental Organisations for 2002-2004 was approved and its implementation was commenced. See comment on Article 18 of the Convention.

36. With a view to improving the engagement of children, developing their self-expression, enhancing the links between educative establishments and local community, increasing the adaptation and re-socialisation opportunities for children of the risk group, the implementation of the Summer Recreation and Financing Programme for Children approved by the Republic of Lithuania Government Resolution No. 560 of 10 May 1996 and of the National Juvenile Delinquency Prevention Programme approved by the Republic of Lithuania Government Resolution No. 197 of 6 March 1997 was continued during the reporting period.

37. In 2000 - 2002 the Juvenile Criminal Justice Programme was being implemented. This Programme was developed under agreement of 17 June 1999 between the United Nations Development Programme and the Government of the Republic of Lithuania. See comment on Article 40 of the Convention.

38. Implementation of the National Programme of Drug Control and Prevention of Drug Abuse approved by the Republic of Lithuania Government Resolution No. 970 of 6 September 1999 was carried out between 1999 and 2003. See comment on Article 33 of the Convention.

39. On 19 February 1998 the Government of the Republic of Lithuania adopted the Resolution No. 202 on approval of the Social Services Infrastructure Development Programme for 1998-2003, which is under implementation now. The Programme is aimed at facilitating the development of social services in municipalities and regions – providing individuals with social services, fostering cooperation between NGOs engaged in social services, municipal authorities, foreign partners and regions. In 2003 9 out of 27 financed and implemented projects were aimed at social risk families and children (the allocated funds amount to LTL 1,52 million).

On 18 September 2003 the Government of the Republic of Lithuania passed the Resolution No. 1178 and approved the Social Services Infrastructure Development Programme for 2004-2006 implementation whereof is envisaged on a year-by-year basis.

40. The Ministry of Health is running the programmes specified in the below-presented table financed with the state budget funds and aimed at ensuring the well-being of children:

Seq. No.	Programme title	Funds in LTL thous. 2000	Funds in LTL thous. 2001	Funds in LTL thous. 2002
1.	Perinatology programme	343.0	79.9	280.14
2.	Republic of Lithuania Programme on Diagnostics and Rehabilitation of Children's Speech-Language-Hearing Disorders	344.5	95.3	255.4
3.	State Health Programme for Retarded Children	214.7	199.5	61.3
4.	Development of the newborn and children surgery for 2000-2001	868.3	962.0	753.2
5.	Structure of the genofund of the population of Lithuania, the programme of defects and protection	9.25	258.6	215.0
6.	Oral Health Programme's subprogramme on the prevention of children's teeth caries	70.0	106.5	60.0
7.	Nutrition improvement programme for newborns and children aged below 3 years	63.9	13.4	-
8.	Reanimation, intensive therapy and anaesthetic assistance improvement programme for children	424.1	-	-
A.	Total amount of state budget funds spent for the financing of children well-being programmes in 2000	2 337.75*		
B.	Total state budget funds spent for the financing of children well-being programmes in 2001		1 715.2	
C.	Total state budget funds spent for the financing of children well-being programmes in 2002			1 725.0
D.	Annual budget allocations to the Ministry	2000	2001	2002
	LTL thous.	137 855	140 297	138 886

Data provided by Ministry of Health of the Republic of Lithuania.

\* Of which LTL 2,106.6 thousand of state capital investments were allocated from the Privatisation Fund.

The United Nations Children's Fund (UNICEF) supported programme concerning the spread of thyroid diseases related with defects in iodine metabolism in Lithuania, Latvia and Estonia is also being implemented. More about these programmes see Part on "Health Protection and Well-being" of the Report.

41. In implementing the education financing reform, the Ministry of Education and Science has developed the provisions of the general education schools' financing reform approved by the Republic of Lithuania Government Resolution No. 1520 of 14 December 2001. According to these provisions as from the beginning of 2002 the principle of "financing following the pupil" will be implemented, i.e. the pupil's basket will be established.

The pupil's basket means state budget funds targeted for the financing of the child's education. It comprises money for teachers' salaries, social insurance, skills upgrading of pedagogues, also funds for teachers' substitutes, textbooks, technical-visual aids, administration, school library, pedagogical – social and psychological assistance. Upon implementation of this education financing reform the school founders will be provided with funds according to the number of pupils.

This financing reform is aimed at improving the quality of education services to individuals according to their capacities and needs, creating transparent education financing system, providing parents and pupils with the possibility to select an educational institution, establishing a more rational structure of general education schools, encouraging competition between schools, providing children from rural and urban areas with equal opportunities to acquire a quality education, reducing the number of children who do not attend schools, strengthening financial independence of schools.

42. Since 2000 the methods of analysis of the Convention on the Rights of the Child have been introduced in primary school classes.

The UN Convention on the Rights of the Child was incorporated into all training programmes for teachers.

The UN Convention on the Rights of the Child was also included in the contents of compulsory subjects in higher schools of Lithuania training social pedagogues and social workers.

Higher schools training the judiciary also incorporated the Convention into the teaching subjects.

Students studying other disciplines are free to choose subjects (as a rule the basics of law), which include the teaching on the UN Convention on the Rights of the Child.

43. The Ministry of Education and Science publishes the documents approved by orders of the Minister (General education plans, strategic and annual plans and annual reports, etc.) in the Internet website of the Ministry of Education and Science in the host "IS School" and "We are considering", "*Valstybės žinios*" (Official Gazette"), information publication of the Ministry "Education News". In addition to the approved documents, their drafts are also made available for deliberation. Pedagogical community, pupils and their parents, also other individuals

interested in education have the opportunity to get familiarised with documents on the rights of the child, reports and to express their opinion, also to get acquainted with the drafts of said documents.

44. The Ministry of Education and Science issues a yearly report aimed at Lithuanian residents about the condition of the system of education. Three issues of the Report “Education in Lithuania” have been published already (in 2000, 2001 and 2002). Its summary version is being prepared and translated into the English language. In addition to obtaining information about the condition of education in Lithuania, reports (statements) on the status of education made available to the educative staff, scientists, managers, politicians and everyone interested in education enable them to follow the most prominent developments of education and its context.

Reports on different education surveys, analyses of examination results, the outcomes of individual work carried out in implementing the education reform are made available to the educative staff. The aforementioned documents are also placed in the Internet, in the publication “Education News”, issued in separate publications, announced through TV and mass media.

### **III. REVIEW OF THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD ACCORDING TO ARTICLES OF THE CONVENTION**

#### **Article 1 - Definition of the child**

45. For the purposes of the Lithuanian law a person reaches the lawful age at 18 years. In certain cases the law establishes additional guarantees, which also apply to persons, aged 18; or persons below 18 years of age enjoy the same rights and obligations as adults.

46. For the purposes of the Civil Code and the Code of Civil Procedure children under the age of 18 years are considered minors.

A minor who reaches the age of 16, on application of his parents, child care institutons, a guardian, or on his own application, may be recognised as legally capable (emancipated) by court procedure, if there are sufficient grounds for allowing him to independently enforce all civil rights or discharge the obligations.

47. The Republic of Lithuania legal acts establish certain age from which individuals are allowed to:

Independently enter into small domestic transactions, transactions related with receiving personal benefits gratis, transactions concerning utilisation of funds earned by the individual and provided by legal representatives or other persons, if such transactions are not subject to any notarial or other special form – up to 14 years. Transactiuons for minors under the age of 14 years are concluded in their name by parents or guardians. Minors aged between 14 and 18 years enter into transactions on agreement of parents or guardians. Minors of the aforementioned age are entitled to independently dispose of their income and property acquired for it, to exercise the copyrights, and to enter into small domestic transactions;

Marry – from the age of 18. Nevertheless, on request of a person aged below 18 years, the court may lower the marriage age, however, by no more than three years. In case of pregnancy the court may grant such person a dispensation to the marriage age establishing it at the age below 15 years;

Give valid sexual consent – criminal laws do not directly define the age from which a person is considered as capable of giving a valid consent to engage in sexual activity. However, in view of the Criminal Code, which establishes liability for sexual abuse against minors (below 14 years of age), sexual consent given by a person aged 14 is considered as valid;

Assume criminal responsibility – a person who has reached the age of 16 before committing a crime or a misdemeanour, and in certain cases established by the Criminal Code – the age of 14, is presumed to have the capacity to infringe the criminal law. The Code of Criminal Procedure provides for the specific features of juvenile responsibility applicable to persons aged under 18. However, the court may decide that certain provisions valid for juveniles are also applicable to individuals who at the time of committing a criminal act are aged 18 years but have not yet reached 21. In addition, the Code of Criminal Procedure and the Code of Serving Punishments establish that provisions valid for juveniles also apply to individuals aged below 18 years;

Give testimony before court, in civil and criminal cases proceedings – every person who is known as possessing information about any circumstances that are material for resolving the case (i.e. the age is not limited). However, a person who according to the certificate issued by a medical establishment, or conclusion of a forensic psychiatrist or a forensic expert by reason of his (her) physical or mental disabilities is incapable of correctly perceiving the circumstances material to the case and giving testimony in this regard may not be a witness;

Lodge a complaint before a court or any other authority without parental consent - from the age of 18 years. However, in case of a dispute concerning relations in which individuals have full civil capacity, the juveniles from 14 years of age may independently apply with court for the protection of their rights or legitimate interests;

Give consent to the change of name, modification of family relations, adoption and guardianship – a written consent is required from a child who has attained the age of 10 years;

Have access to information about the child's biological family – a person from birth has the right to know his parents. In case of adoption, however, this right is limited and a child without consent of his foster parents may have access to such information only after attaining the full age, i.e. 18 years. Nevertheless, a child from 14 years of age on permission of court deliberating the case of adoption may be provided with the information about adoption, if such information is necessary because of the child's, his close relative's or other persons' health condition or due to other important reasons;

Inherit property - from birth. The property inherited by persons incapable to act is taken by parents or guardians (caretakers);

Establish an association – from the age of 18 years, save as in cases when full capacity is attained from 18 years. However, the rights of participation in the association may also be realised by younger persons, where the association activities are related with the satisfaction of youth interests. Persons younger than 14 years who are willing to become association members are permitted to do so on agreement of their parents;

Free choice of religion which by virtue of the Republic of Lithuania Law on Fundamentals of the Protection of the Rights of the Child (14 March 1996, No. I-1234) is guaranteed for children from birth;

Enjoy active right to elections (i.e. the right to vote during elections of the President of the Republic of Lithuania, Seimas, municipal councils and in a referendum) – by virtue of the Constitution of the Republic of Lithuania this right is granted to persons from the age of 18 years;

Live separately from the guardian – a minor aged 16 may live separately from his guardian, if the child's rights protection agency has given its consent;

Serve in the national armed forces – the citizens of the Republic of Lithuania no younger than 18 years are granted this right. The citizens of the Republic of Lithuania aged 18 may be voluntarily recruited for active military service, whereas the duty to serve a mandatory military service (or alternative national defence service) rests upon citizens of the Republic of Lithuania who have reached the age of 19;

Be issued a personal identification card - from 16 years (where appropriate such card may also be issued to a person aged under 16 years), while a passport is issued to a citizen despite of his age;

Buy alcoholic beverages and tobacco products - from 18 years;

It should be noted that juveniles (under 18 years) may not be sentenced to life imprisonment, and the capital punishment was abolished in Lithuania in 1998;

In Lithuania pupils with severe and profound special education needs are considered children until the age of 21 and are provided with the possibility to study (the Republic of Lithuania Law on Special Education (15 December 1998, No. VIII-969) item 8, Par. 1, Article 32);

The Labour Code establishes that a person acquires full legal capacity in labour relations and ability to acquire labour rights and undertake labour duties when he (she) reaches the age of 16 years, with the exception of derogations established by the aforementioned Code and other labour laws. However, an employee aged under 18 years is provided with additional work and leisure guarantees. Children from 14 years have the right to engage light works. See comments on Article 32 of the Convention.

## **General principles**

### **Article 2 - The principle of non-discrimination**

48. Enforcement of the provisions of this Article of the Convention in the Constitution of the Republic of Lithuania and other legal acts is described in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

49. All legal acts being drafted must conform to the Constitution and the principles enshrined therein. One of the tasks of the Ministry of Justice is to provide individuals irrespective of their nationality, gender and views with equal opportunities to protect their rights and legitimate interests and to seek justice. In addition, this institution analyses the conformity of the Republic of Lithuania laws with human rights and freedoms.

50. The Criminal Code contains a separate Chapter regulating crimes and misdemeanours against equality and freedom of conscience. Discrimination on any grounds such as sexual orientation, race, nationality, language, origin, social status, religion, beliefs or opinions, also encouraging such discrimination is prohibited and incurs liability provided for in the Criminal Code.

51. The Civil Code enforces the provision that children born out of wedlock and non-marital children have equal rights. Parents also have equal rights and duties with regard to their children, irrespective of whether a child is born out of wedlock, is an extra-marital child, or is born to divorced parents or after dissolution of their marriage by court, or to parents who live separately.

52. One of the paramount principles of the system of education is the principle of equal opportunities. It is enforced in the Republic of Lithuania Law on Education (new version from 17 June 2003, No. IX-1630).

According to the principle of equal opportunities, the system of education should be socially fair, ensure the equality of all individuals irrespective of their gender, race, nationality, language, social status, religion, beliefs or opinions. This principle guarantees to each individual access to education, acquisition of general education and initial qualification and helps to raise the acquired skills or to acquire new qualifications.

53. Article 15 of the Law on Education provides individuals with special needs with the opportunity to study according to their capacities, to acquire education and qualification, to overcome social exclusion. Articles 19, 20, 21, 22 and 23 of this Law regulate the provision of informational, psychological, social – pedagogical, special pedagogical, special and medical assistance to each child (pupil) in need, whereas Article 33 guarantees the availability of education to individuals who suffer from social exclusion, children (pupils) with special needs and limited mobility.

54. Since 2001 the Project of Education of Children of Foreigners, Refugees and Asylum-seekers is being implemented supported by the Government of Netherlands. In 2002 the Procedure of Studying at Schools of General Education was prepared for these children,



followed by the development of teaching aids intended for them, socio-cultural education textbook, the teacher's book, the programme for training pedagogues to work with such children. The funds allocated for the pupil's basket of these children were increased by 10 per cent.

55. Articles 7 and 8 of the Law on Education dealing with pre-school and primary education establish wider liability of the state for guaranteeing a quality education and the child's rights protection for children raised in families, which are incapable of providing their child with adequate conditions for his development. The Law establishes that on recommendation of institutions responsible for the protection of the rights of the child, the child is educated according to the pre-school education programme, and the aforementioned institutions may decide on mandatory pre-school education for an individual child.

56. In 2002 the Ministry of Education and Science developed the Draft General Pre-school Education Implementation Programme. This Draft envisages creating by 2005 the children's database to accumulate data about family conditions of growth and development of children. This data base will be helpful for the child's rights protection institutions in designating what agencies should provide assistance to children (institutional education, health care, pedagogical psychological, social, etc.).

57. All individuals aged 14 willing to acquire a profession are provided with conditions for studying at vocational schools irrespective of gender, language, social origin or other status. These conditions are regulated by the Law on Vocational Education and Training (14 October 1997, No. VIII-450), and under conditions of admittance to vocational schools and training plans. Pupils of vocational education and training institutions receive either a social grant or a scholarship for the studies results. These aspects are regulated by the Law on Vocational Education and Training, the Republic of Lithuania Law on State Benefits to Families Growing Children (3 November 1994, No. I-621), the Republic of Lithuania Government Resolution No. 473 of 31 March 1995 on the Form of Day-time Studies in State Higher Schools and on Scholarships to Students of Non-university Studies, University Students of Level 1 and 2, Students of Professional Colleges and Vocational Schools. Orphans additionally receive an orphan's scholarship.

A school council, as a self-governance body of vocational schools, is entitled to differentiate, or exempt from, the fee charged for accommodation in a school hostel in view of social status of a student.

58. In observance of the provision of the Constitution of the Republic of Lithuania which promulgates the inborn rights and freedoms of individuals, in implementing the principle prohibiting discrimination based on gender enshrined in the Law on Equal Opportunities (1 December 1998, No. VIII-947), the principle of non-discrimination on the grounds of sex, language, social status or other circumstances, is implemented through the Law on Higher Education (21 March 2000, No. VIII-1586) and Agreement concluded between the Governments of the Republics of Lithuania, Estonia and Latvia on the Development of the Single Pan-Baltic Higher Education Area (ratified by Law No. IX-347 of 24 May 2001). Students of the Contracting Parties study in higher education establishments of other Baltic States under the

same financial conditions like local students. The Contracting Parties award scholarships and provide benefits to students from other Baltic States according to the same procedure like that established for local students under the applicable legal acts. The contracting parties undertake to provide their students with the right to obtain a studies credit/loan in another Baltic State.

59. The child's concept is not directly used in legal acts regulating higher education. Instead the concept of a "student" is used. However, since a person below 18 years of age may also become a student, provisions of these laws concerning admittance of secondary school graduates to higher schools and ensuring quality studies are relevant with regard to the United Nations Convention on the Rights of the Child.

60. In observance of Article 47 of the Law on Higher Education persons who have completed, as a minimum, their secondary education are admitted to a higher school by way of competition. The Ministry of Education and Science may establish higher schools' enrolment quotas and procedure for foreign citizens and persons without citizenship whose studies are fully or partly compensated from the State budget. Foreigners who have acquired at least secondary education have the right to enter higher schools of Lithuania. Foreigners who possess a permit of permanent residence in the Republic of Lithuania or who are nationals of a foreign state in which studies for citizens of the Republic of Lithuania are free, may be admitted for studies financed by the State. Enrolment quotas financed by the State for foreigners are established by the Republic of Lithuania Ministry of Education and Science. Foreign students enrolled for studies financed by the State are entitled to receive scholarships under equal terms with citizens of the Republic of Lithuania.

Foreigners arriving to Lithuania according to the international treaties and agreements are admitted to higher schools of the Republic of Lithuania under conditions established in such international treaties or agreements. Other foreigners enrolled for studies in higher schools of Lithuania are charged a fee for studies fixed by the higher education establishment.

61. International documents as well as documents regulating the system of education of Lithuania emphasize that special education cannot be developed in isolation; it must be integrated into the general education strategy and new social and economic policy calling for more intensive reforms of the traditional school and the system of education as a whole.

62. The principle of equal opportunities in the system of education for individuals with special education needs is enforced in the Law on Education. Experience of the European Union countries shows that implementation of this principle requires to establish such education financing model which reflects democratic provisions established under legal documents pertaining to individuals with special needs, i.e. to guarantee the valid actual additional financing.

63. With a view to guaranteeing a quality education of individuals with special education needs, a special pedagogical and often psychological assistance is necessary. To implement this task, it is required to adapt the place of studies, train specialists, provide compensatory and

special teaching aids and additional funds. To this end the Methodical Recommendations for the Application of the Pupil's Basket Financing Methods to Pupils with Special Needs Studying in Classes of General Education have been worked out.

64. There are children in Lithuania who are deprived of the possibility to enforce their right to education due to different reasons. Some of them are the children of Roma (gypsies). Despite their integration into the general education process in all schools of general education, many of them do not attend school and are practically illiterate when they grow up. With a view to fostering a full-fledged social integration of the representatives of Roma's ethnical minority in Lithuania, the Government of the Republic of Lithuania passed the Resolution No. 759 of 1 July 2000 on the Programme of Social Integration of Roma in Lithuanian for 2000 – 2004 and established measures (development of individualised programmes, upgrading teachers' skills, preparation of the Roma language textbook, organisation of additional education activities) facilitating better organisation of education of the Roma children and youth. On 7 September 2001 m. in Kirtimai Encampment the Roma Social Centre was opened with 2 pre-school education groups (in which children are prepared for school) and training groups for adults (Lithuanian state language, sewing).

Education Exchange Fund, which has developed more than one project aimed at the education of Roma, is actively involved in the sphere of education of Roma children. Every year Roma children can spend summer in summer camps organised for them where they can draw, give concerts, communicate with the population living in the neighbourhood. Roma children teachers attend special seminars to upgrade their skills. See comment on Article 30 of the Convention.

65. The principle of non-discrimination is enshrined in the Republic of Lithuania Law on Legal Status of Aliens (17 December 1998, No. VIII-978), which establishes that aliens in the Republic of Lithuania are equal before the law without distinction as to race, sex, colour, religion, political or other convictions, national and social origin, belonging to an ethnic minority, property status, the place of birth or any other status.

66. The principle of non-discrimination is observed when dealing with asylum-seeking children. According to Article 17 of the Law on the Refugee Status (4 July 1995, No. I-1004) the asylum-seeking children have the right to:

Live in the Foreign Nationals Registration Centre or Refugee Centre and avail themselves of their services;

Prepare and notarise documents;

Use legal assistance guaranteed by the state;

Receive compensation for using public transport;

Make use of the free interpreter services provided by the State;

Enjoy medical assistance at the Foreign Nationals Registration Centre and the Refugee Centre in accordance with established procedure;

Receive a monthly money allowance for small expenses in accordance with the procedure established by the Government of the Republic of Lithuania or its authorised institution;

Study at schools of general education.

Refugee children, likewise other residents of the Republic of Lithuania, are provided with the guaranteed access to education and health services. In the manner established by laws refugee children can use humanitarian and other assistance. The aforementioned Law establishes that natural and legal persons of the Republic of Lithuania and foreign states have the right to establish funds in support of refugees.

### **Article 3 - Best interests of the child**

67. The Civil Code enforces the provision that regulation of legal family relations in the Republic of Lithuania is based on the principle which requires to give priority to the protection and care for the children's rights and best interests. The principle of priority protection and care of the rights and interests of children means that when adopting and applying legal acts, as well as when addressing the matters excluded from the regulatory sphere of legislation, every decision or other act should be assessed considering the best interests of the child and ensuring that they are not violated.

68. The Code of Civil Procedure establishes that each child who is capable of expressing his views must be heard when addressing all matters concerning the child. Decisions should be taken in consideration of the child's opinion, if they do not contradict the child's interests. Moreover, with a view to guaranteeing the child's interests in hearing the disputes concerning children, the child's rights protection agency must participate and provide the court with its conclusion with regard to the dispute.

69. The primary obligation and liability for the implementation of the child's rights and protection of the child's interests rests upon his (her) parents and guardians (caretakers). See comments on Articles 9 and 12 of the Convention.

70. The functions of the child's rights protection agencies are established in the General Regulations of the Child's Rights Protection Agencies – to ensure the protection of the child's rights, to guarantee the implementation and supervision of laws and other legal acts regulating the protection of the child's rights, to represent the child's rights and legitimate interests before courts in the manner established by laws and other legal acts, to develop and implement measures aimed at improving the child's rights protection and preventing their violations, to organise care (guardianship) of children deprived of parental care, to make arrangements for adoption and to carry out other functions. Adoption of new codified legal acts and improvement of the applicable ones establishes additional functions assigned to municipal child's rights protection agencies.

71. One employee of the agency has to serve over 3,5 thousand of children. Municipalities in which one employee has to serve about 2 thousand of children are just few. Meanwhile there are many municipalities where one employee has to take care of 5 – 6 thousand of assigned children and in Vilnius and Kėdainiai districts one employee renders services to as many as 7-8 thousand

of children. Given the abundance and variety of the functions carried out by the child's rights protection agencies and the increasing work burden such number of employees is insufficient in order to effectively implement and protect the child's rights and legitimate interests.

The work burden falling on the child's rights protection agencies in 2002: representation of the child's rights before court which cover 16062 findings, 1166 applications and 78 requests furnished to court, 1144 actions lodged to court, participation in 11866 cases in court; immediate withdrawal of a child from the family or other place of his residence because of violence suffered by the child – 389 cases; 96 criminal cases against the perpetrator instituted on the initiative of the agency; social work with 16714 social risk families and with 39967 children living in such families; establishment of a temporary and permanent guardianship (care) for 3003 children deprived of parental care.

72. Main problems recently faced by the child's rights protection agencies: the shortage of legal skills of the agency specialists in ensuring adequate and quality protection of the child's rights and legitimate interests; inadequate qualification in representing the child before court; shortage of public administration abilities; inadequate number of social partners capable of rendering timely and qualified assistance to the family and child; poor logistics base of agencies and shortage of human resources in agencies.

73. In view of the above the Program for Improving Activities of the Municipal Child's Rights Protection Agencies has been approved. See item 28 of the Report.

74. The Lithuanian Supreme Court Senate in its Review of the Application of Laws in Court Practice in Determining the Place of Residence of Minors Whose Parents Live Separately emphasised that the priority principle of the protection and care for the child's rights and interests must be taken into consideration in hearing the cases related with children's rights (in particular – cases on the establishment of the place of residence). In determining the contents of the child's rights the objective criteria should be taken into account, because parents understand differently the child's interests depending upon their own opinions, education, moral or other characteristics. Therefore the court ex officio (on own motion) should determine the interests of each particular child on a case-by-case basis. In determining the child's interests primary attention should be paid to the child's wishes, intentions and priorities. This circumstance, however, is not a decisive one in terms of the contents of the child's interests, because court has to observe objective criteria. At present numerous problems also arise from exercising the parents' right to see, and communicate with, their child. The plans prepared by courts for associating between parents and children are often disregarded or abused. The principle of the best interests of the child is not guaranteed in case of parents' departure abroad (as a rule for the purposes of a long-time work) who leave their minors alone or under care of other persons. In such a way the child's right to live together with his parents (one parent) is violated and social problems arise, because the care for children left by parents is to be taken over, and their maintenance must be guaranteed, by the State.

75. With a view to determining how the child's interests are observed in the system of education and how the situation can be changed, in 2002 the survey was carried out in the spheres of education of gifted children, the burden of studies falling on children, their maturity

for school, additional education and education of ethnic minorities children. The surveys highlighted the issues to be addresses in all of the aforementioned fields. Decisions with regard to identifying gifted children, support to them, availability and forms of additional education are covered by the Draft Children and Youth Socialisation Programme developed in 2003.

With a view to reducing the burden of studies falling on schoolchildren the General Programmes and Education Standards for I-X Grades are adjusted, the General Programmes and Standards for XI- XII Grades have been published, the system of evaluation of the pupils' results and advancement is undergoing changes. Seeking to provide equal opportunities for reaching timely maturity for school the Draft General Pre-school Education Implementation Programme provides for measures aimed at guaranteeing for children aged 5-6 a quality education in pre-school groups or providing the families of these children with pedagogical, psychological and special assistance to guarantee their preparation for school and successful start at school.

76. According to the children and youth opinion survey "Voices of Youth" organised in 2001 by the Lithuanian National Committee for UNICEF, 41 per cent of Lithuanian children are of the opinion that local government in taking decisions related with children residing in a particular area entirely disregards their interests. 23 per cent of the survey participants believe that the children's interests are taken into consideration insufficiently, and only 9 per cent of those interviewed think that their interests are respected. Responding to an open question the majority of the Lithuanian children said that they would like the local government to listen to their opinions with regard to better forms of leisure (25 %) and education system/schools (20 %).

#### **Article 6 - The right to life, survival and development**

77. Enforcement of the provisions of this Article of the Convention on the Rights of the Child in the Constitution of the Republic of Lithuania and other legal acts is discussed in the Lithuania's Initial Report on the Implementation.

78. The child's right to survival and development to the maximum extent possible is elaborated in Part "Health Protection and Well-being" of the Report.

79. The system of education is oriented towards targeted development of individual's attitudes and skills, which help to preserve and strengthen the individual's health. To this end in all spheres of education the attitude is being developed towards health as towards the value of life to be cherished, developing responsibility for the individual's healthy lifestyle, guaranteeing comprehensive preventive health care for all children at schools, providing all pupils with the fundamentals of healthy lifestyle through the development of a single network of "Healthy and Safe Schools" and implementation of long-term preventive health promotion programmes, etc.

80. In implementing the provision of measures covered by the Programme of the Government of the Republic of Lithuania for 2001-2004 approved by the Republic of Lithuania Government Resolution No. 1196 of 4 October 2001 to strengthen control of children and pupils' health and prevention of diseases and to re-establish dispensaries at schools, the Minister of Health passed the Resolution No. 389 of 30 July 2002 on the Financing of Dispensaries in Educational Establishments.

81. Schools of Lithuania successfully implemented school programmes of the healthy lifestyle and proper personal hygiene: preventive teeth caries school programme for the second formers “Healthy Teeth”, a sexual maturity school programme for five- and six-formers “Changes”, the hair and skin care school programme for the nine-formers “Self-confidence”, the programme for girls of grades 10-12 “Good Health. More about You”.

82. In guaranteeing the healthy development opportunity for a child, the Ministry of Education and Science pays considerable attention to the regulation of the work load falling on pupils, provision of safe conditions for learning, ensuring that contents and forms of education are consistent with the child’s interests. The entire process of development is organised in consideration of specific features and opportunities of children at different ages.

83. Health education is one of the tasks of education implemented through training of teachers and other specialists, preparing and carrying out different programmes, publishing textbooks and working with pupils.

84. By Order No. 169/299 of 23 March 2000 of the Minister of Education and Science the Strategic Children and Pupils Health Protection Policy Guidelines were approved. According to these Guidelines educational establishments are engaged in multidisciplinary health promotion activities. Respective infrastructure is created for children and pupils’ health promotion activities: the inter-ministerial council coordinates the national activities, municipal community councils, county physicians’ services, education, health, social affairs system structures, “Healthy Cities”, “Healthy Schools”, “Healthy Kindergartens” and other movements. Work is also carried out in the field of coordinated scientific research activity, providing methodical counselling and encouraging international cooperation.

85. Educational establishments of all types encourage their pupils to take care of their health. Many schools participate in the Project “School for Strengthening Health”. The purpose of this Project is to integrate the health promotion activity into the school life as a whole, involving in it the pupils, teachers, parents, medical men, and local community members. In 2004 the National Plan of Action for the Development of Schools Strengthening Health will be developed.

86. In 2002 89 health education consultants were trained and now are propagating healthy lifestyle ideas in regions.

In 2002 the competition of pupils and teachers “The Healthiest of the Healthy Lifestyle Fans” was organised to promote the healthy lifestyle from young days and to implement the healthy lifestyle principles in daily life.

### **Article 12 - Respect for the views of the child**

87. Article 3.164 of the Civil Code establishes that a minor can participate in guaranteeing his rights. For the purpose of Par. 1 of this Article the following conditions are provided:

87.1. The child who is capable of forming his own views has the right to be heard either directly or if it is impracticable - through a representative;

87.2. The child’s wishes should be taken into consideration in decision-making if it does not contradict the interests of the child;

87.3. The child's wishes should be given primary consideration when resolving the matter on appointment of a guardian (caretaker) or adoption.

88. A child should be heard as soon as he is capable of forming own views. In each particular case when a child is already not a baby and is capable of expressing his own opinion, but has not yet attained the age of ten, the a specialist (as a rule, a psychologist) should provide a conclusion as to the child's possibility of being heard. Laws of the Republic of Lithuania most often specify the age, cases and manner for asking the child's opinion. For example, Par. 2, Article 3.142 specifically distinguishes that the origin of a ten year old child from his father on the basis of the parenthood recognition application should be established only on written agreement of the child; Article 3.177 establishes that when hearing the dispute concerning the child who is capable of expressing his opinion, the court must hear the child, etc. It's also worth noting that courts are obligated to take decisions in consideration of the child's wishes, if such decisions do not contradict the child's interests.

89. The Lithuanian Supreme Court Senate in its Review of the Application of Laws in Court Practice in Determining the Place of Residence of Minors Whose Parents Live Separately emphasised that the court may hear the child's wishes and views not only directly in a court sitting, but also through the child's representative. The child's wishes and views are heard through a representative when the child's participation in a court hearing is likely to violate the child's interests because of the child's vulnerability, health condition, etc. When ascertaining the child's wishes the court must satisfy itself that they are expressed freely, without any coercion, pressure or other influence which is likely to affect their incorrect expression. It must be established whether a child has expressed his or her actual interests, whether there was any influence exerted on the part of the child's parents or other individuals interested in the outcome of the case. The court may task the state child's rights protection agency, the child's pedagogues, educators, etc. with finding out the child's wishes. These persons must guarantee that their direct communication with a child to find out his or her wishes and views takes place in as informal environment as possible and also in an informal manner, creating conditions for a child to freely express his own wishes and views. The child can express his own wishes orally, in written or in any other way selected by him.

90. Par. 2, Article 3.164 of the Civil Code enforces the child's right to independently apply for defence with the child's rights protection agency, and from 14 years – also with court, if the child believes that parents violate his or her rights. The right of a person who has reached the age of 14 to apply with court is more widely regulated in Par. 3, Article 38 of the Code of Civil Procedure - minors from the age of 14 are entitled to independently apply with court for the protection of their rights or legitimate interests, provided the dispute concerns relations in which they enjoy full civil capacity. The latter relations involve violations of the child's rights by his or her parents. A minor does not enjoy full civil capacity, therefore he has no right to bring an action on other matters.

91. According to the Criminal Code, a minor also participates in all proceedings affecting him. However, the child's interests can be protected by his legal representative (parents, adoptive parents, guardians (caretakers)).



92. The Code of Criminal Procedure regulates in detail the examination of a juvenile witness and victim and establishes that the examination of a juvenile witness or victim aged under 18 can take place in the presence of his representative. On request of the proceedings' participants, or on the initiative of the pre-trial investigation officer, prosecutor or pre-trial investigation judge, a representative of the state child's rights protection authority or a psychologist may be invited to examination of a witness or victim aged under 18 years, who help to interview the juvenile having regard to his social and psychological maturity. However, when a suspect or his counsel for the defence participates in such examination as the aforementioned witness or victim, the pre-trial judge must guarantee that such witness or victim is not subjected to any unauthorised influence. Nevertheless, when examination in court is likely to cause a psychological trauma or result in other serious consequences for a witness below the age of 18, such witness is not invited to the court sitting, and his testimony furnished to the pre-trial investigation judge is read loudly before court.

93. With due respect to the child's opinion, the system of education involves young persons into the process of education considering them as active participants, other than as objects of the process.

94. The self-governance of pupils plays a very important role in developing their democracy and independence. Representatives elected by pupils together with teachers and parents participate in the work of school council, which is the highest school self-governance body for deliberating relevant school matters and influencing decisions of the school director.

95. Students of vocational schools acting through their self-governance body – school council – render proposals to school managers with regard to the improvement of the process of teaching, organisation of free time, procedure of determining scholarships for the studies' results, assists the administration in addressing social and household problems of students.

96. College students have the right to participate in self-governance of their school in the established manner. School council representatives participate in deliberations of the council of pedagogues and provide proposals as to the improvement of the process of studies, organisation of probations and creative work development, protect the rights and interests of students, help to settle their social and domestic problems (participate in granting scholarships and providing accommodation in hostels), organise free time of young people.

97. Schools have actively functioning various youth organisations ("*Maironiečiai*", "*Kudirkaičiai*", "*Skautai*", "*Valančiukai*", etc.), which develop the children's awareness, civic values, ethical and moral attitudes. The Ministry of Education and Science support these organisations through miscellaneous programmes.

98. Actual involvement of children and youth in addressing the problems consistent with their evolving capacities, development of positive social abilities and formation of positive aspirations are of considerable importance. Since July 2000 Lithuania is implementing the harmful habits prevention project "I can". The key objective of this Project is to strengthen the resistance of the child's personality in developing constructive social skills, forming positive aspirations and creating possibilities for children and youth to be active in taking decisions consistent with their needs and evolving capacities. For the purposes of the Project the school community was selected capable of providing the most favourable conditions for the pupils'

participation in school self-governance and constructive self-expression of pupils. The Project is being implemented through the development of the institutional network representing the pupils' interests: active school self-governance bodies; schools and local community youth interests clubs, round tables; democratically elected councils representing the interests of pupils from districts, urban and rural areas.

99. Democratic elections to the Pupils' Parliament of Lithuania were held in spring 2000. 95 pupils from all towns and districts of Lithuania were elected for the first term of 2 years. Elections to the Pupils' Parliament (in which more than 600 schools participated) and the first two years of work showed that democratic elections and Pupils' Parliament are really necessary. Parliamentary members analysed the course of the education reform and miscellaneous youth problems.

The second elections to the Pupils' Parliament of Lithuania were held in autumn 2000. 92 elected Pupils' Parliament members took part in the 2<sup>nd</sup> Parliamentary session held on 12-13 December 2002.

The Pupils' Parliament of Lithuania, in particular the democratic elections' procedure have educative value and foster civic development, forming practical skills of pupils necessary for their participation in social life. Elections to the Pupils' Parliament consolidate local pupils' organisations and their activities, while public pupils' organisations in their turn influence the Pupils' Parliament decision-making.

100. In March 2003 the European Pupils' Parliament met in Helsinki. Peers from the Baltic States were also invited to the Parliamentary session in Helsinki. Lithuania was represented by pupils from 6 senior graders from different cities of Lithuania. The young Europarliamentarians looked for optimal solutions on urgent environmental, common foreign and security policy, institutional reform, economy, etc. matters. The heads of the States of the European Union will be familiarised with the resolutions passed by the plenary session. The European Parliament model being developed by pupils is a wonderful means for getting better familiarised with the structure of the European Union and decision-making mechanisms.

101. The pupil's referendum on Lithuania's membership in the European Union organised on 29 April 2003 on the initiative of the Lithuanian Pupil's Parliament is welcomed. One of the key goals of organising the pupils' referendum is to provide youth with the possibility to express their opinion as to the future of Lithuania in which they would like to live.

### **Civil rights and freedoms**

102. For the purposes of the Civil Code the children's rights are clearly distinguished, differently from the Republic of Lithuania Marriage and Family Code applicable until 1 July 2001. Article 3.161 of the Civil Code lists the following rights of children:

Every child has the inherent right to the maximum survival and development and the right from birth to a name and surname;

Every child has the right to know his parents if it is not contrary to the child's best interests or if the laws do not provide otherwise;

Every child has the right to live with his parents and be cared and maintained in his family, to associate with parents, irrespective of whether they live together or separately, to communicate with relatives, if it does not contradict the child's interests;

Children do not have the ownership right to the property of their parents, and parents – to the property of their children. Property rights of children are established in Book Three and other Books of the Civil Code.

The Civil Code also establishes the basic principles according to which extra-marital children and children born out of wedlock have equal rights and the rights of children do not change when their parents separate, have their marriage dissolved or live separately.

103. The Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child regulates the children's rights in more detail. Chapter II "Fundamental Rights and Freedoms of the Child" of this Law defines the following rights awarded to the child: the child's right to life and growth (Article 7); the child's right to good health (Article 8); the child's right to individual identity and its preservation, i.e. from birth the child has the right to a name, surname, nationality and citizenship, the right to family and other ties linked to his individual identity and their preservation (Article 9); the child's right to personal life, personal inviolability and freedom (Article 10); the child's right to living conditions (Article 11); property rights of the child (Article 12); the child's right to a home (Article 13); social rights of the child: right to an education, right to acquire a profession, to choose a job and also, the freedom of thought, conscience, religion and speech and the right to use of various humanitarian information and dissemination thereof, to participation in public life, peaceful assemblies and organisations, and the right to freedom of expression of his opinions, the copyright to his work, invention or discovery (Article 14); the child's right to state assistance and maintenance (Article 15); the child's right to rest and leisure (Article 16); the child's right to participate in child protection programmes (Article 19).

104. Article 3.162 of the Civil Code enforces the duty of children to respect their parents and discharge their obligations in due manner.

#### **Article 7 - The right to a name, nationality and parental care**

105. The child's right to a name and surname from birth is enshrined in Article 9 of the Law on Fundamentals of Protection of the Rights of the Child and Par. 1, Article 3.161 of the Civil Code.

106. The child's naming procedure is established under Articles 3.166-3.167 of the Civil Code. A name and surname (when surnames differ) to each child is given on agreement of parents. In case of disagreement between a father and a mother on the child's name/surname, a decision on the child's name/surname is passed by court. In addition, it is provided that upon birth registration of a child whose parents are unknown, the name/surname to the child is given by the state child's rights protection agency.

Articles 2.20 and 2.21 applicable to children establish the right of all individuals to a name and the procedure of protection of this right.

107. On 1 January 2003 a new Republic of Lithuania Law on Citizenship was enacted (17 September 2002, No. IX-1078), which, however, did not essentially change the regulation of the child's citizenship matters. A child whose both parents at the moment of his birth were citizens of the Republic of Lithuania, is a citizen of the Republic of Lithuania regardless of whether he was born in the territory of the Republic of Lithuania or outside its territory (Article 8). What is worth noting is the fact that Article 9 of the new Law already does not contain a provision that in case the child's parents have citizenship of different states, if at the moment of the child's birth one of the parents was a citizen of the Republic of Lithuania and the child was born outside the territory of the Republic of Lithuania, but at the moment of his birth both parents or one of them had a permanent place of residence on the territory of the Republic of Lithuania, such child is considered a citizen of the Republic of Lithuania. For the purposes of the present Law on Citizenship, if the child's parents hold citizenship of different states and at the moment of the child's birth one of the parents was a citizen of the Republic of Lithuania, the child is a citizen of the Republic of Lithuania if he was born in the territory of the Republic of Lithuania. Meanwhile, the citizenship of the child born outside the territory of the Republic of Lithuania, until he reaches the age of 18, can be determined by agreement of parents. In addition, it should be noted that a child one of whose parents at the moment of child's birth was a citizen of the Republic of Lithuania and the other parent was either a stateless or unknown person, is considered a citizen of the Republic of Lithuania regardless of the place of birth (Article 9).

108. We would like to draw attention to the Initial Report of the Republic of Lithuania which stated that Article 10 of the Republic of Lithuania Law on Citizenship (applicable until 1 January 2003) establishes that a child born in the territory of the Republic of Lithuania, whose parents are stateless persons permanently residing in Lithuania, acquires citizenship of the Republic of Lithuania. In view of the above the conclusion provided by the United Nations Committee on 26 January 2001 that children of stateless persons born in Lithuania do not acquire citizenship according to the Lithuanian laws is incorrect. The provision concerning the granting of citizenship of the Republic of Lithuania to a child born in Lithuania whose parents are permanent residents of Lithuania without citizenship is also enshrined in the new Republic of Lithuania Law on citizenship.

109. A child found in the territory of the Republic of Lithuania whose both parents are unknown is considered as born in the territory of the Republic of Lithuania and is a citizen of the Republic of Lithuania, unless circumstances are disclosed by virtue of which the child would acquire a different status (Article 11). Par. 1, Article 2 of the Republic of Lithuania Law on the Implementation of the Republic of Lithuania Law on Citizenship (17 September 2002, No. IX-1079) in force since 1 January 2003, establishes that children found or living in the territory of the Republic of Lithuania, whose parents are unknown or deceased, or whose parents have been deprived of parental rights and who are placed into social care and welfare institutions or is cared for by relatives are comparable to children specified in Article 11 of the Republic of Lithuania Law on Citizenship.

110. According to the established practice in certain cases having regard to the best interests of the child and in particular where the child would otherwise be stateless, the issue of his citizenship is addressed by the Citizenship Commission.

111. Differently from the Republic of Lithuania Marriage and Family Code in force until 1 July 2001, Book Three of the Civil Code directly enforces the child's right to know his parents, if it does not contradict the child's interests or if laws do not establish otherwise (Par. 3, Article 3.161). This right is also provided for under Par. 1, Article 9 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child: from birth the child has the right to a name, surname, nationality and citizenship, the right to family and other links related with his identity and their preservation. Chapter X, Section IV, Book Three of the Civil Code regulates the general grounds for establishing the child's origin which serves as a basis for the child's and parents' mutual rights and obligations.

112. According to Article 3.138 of the Civil Code, the child's parents are confirmed by the child's birth record made in the civil registry institution and in the birth certificate issued on the basis of such record. In observance of Article 3.139 of the Civil Code, the child's origin from his mother is established on the basis of the child's birth certificate issued by a medical institution or by a medical consultative commission. In addition, the Civil Code provides for the possibility to establish the maternity in court. Whereas the child's origin from his father is determined according to the marriage record or a certificate issued on the basis thereof. When a child is born within maximum three hundred days of the parents' separation or dissolved marriage or divorce, or after the husband's death when the former spouse of the child's mother is recognised as the child's father. However, when three hundred days elapse of the previous marriage, recorded as the child's father is a person who has recognised the parenthood or when it is established by court. The Civil Code establishes the conditions and procedure for recognising the parenthood both, with and without the child's mother's agreement, and before or after the child's birth.

113. The former Republic of Lithuania Marriage and Family Code established the parental rights' deprivation institute which, however, has been eliminated from the presently applicable Civil Code. The present Civil Code provides only for the opportunity to challenge the fatherhood (motherhood) before court and to limit the rights of parents (of a father or mother). Limitation of parental (of a father or mother) powers does not exempt parents from their obligations toward the child.

114. Par. 2, Article 3.221 of the Civil Code is notable for the limitation of the child's right to know his parents in case of adoption: adoption data may not be divulged to the child until he attains majority without agreement of adoptive parents. Having reached the full age, the child is entitled to know his biological parents.

115. The Civil Code also enforces the child's right to live together with his parents, be cared for and maintained in his family, associate with his parents irrespective of whether they live together or are separated, also the right to communicate with relatives, if it does not contradict the child's interests.

#### **Article 8 - Preservation of identity**

116. Enforcement of the provisions of this Article of the Convention in the Constitution of the Republic of Lithuania and other legal acts is discussed in the Initial Report on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

117. Regulation of the child's name and surname matters in case of adoption under Article 3.228 of the Civil Code is different from that provided for in the Republic of Lithuania Marriage and Family Code. Article 3.227 of the Civil Code establishes that adoptive are considered the child's parents from enforcement of court judgement on adoption, and the matters relative to the adoptive child's name and surname are addressed like those of the biological child. Article 3.228 of the Civil Code provides that a child adopted by court judgement is given the surname of his adoptive parents and allows to change the child's name if the child capable of expressing his views agrees with that. However, by virtue of Par. 2 of the same Article, on request of adoptive parents and the adoptee, the latter may retain his former original surname. If a disagreement arises between adoptive parents or between the adoptive parents and the adoptee with regard to the latter's name or surname, the matter of changing the name or surname is settled by court in consideration of the best interests of the child.

118. The child's right to family relations is regulated in Articles 3.170 and 3.172 of the Civil Code which establish the right of a separately living father or mother to associate with the child, the child's right to regular permanent and direct communication with both parents, irrespective of their place of residence, and the right of other relatives to maintain relations with the child. Communication with a child under particular circumstances, like detention, arrest, deprivation of liberty, serving a sentence, etc. is regulated in more detail in other laws. See comments on Article 9 of the Convention.

119. Par. 5, Article 54 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child establishes that in case of restriction or deprivation of a child's liberty, his other rights (right to education, and to physical, mental, spiritual and moral development) that are not directly linked with the restriction or deprivation of liberty, may not be restricted. Such child is entitled to maintain ties with his parents (legal representatives), other family members, relatives and people close to him, through correspondence and visits, except extraordinary instances cited by law, when all this may exert a detrimental influence on the child.

120. Upon incarceration of a juvenile by court judgement the right to maintain relations with family members is enforced in accordance with the procedure established in the Code of Serving Punishments. Juveniles attributed to the normal group in reformatories are entitled to one short and one long-time meeting per two months, to receive and send unlimited number of letters, small parcels of newspapers and magazines, and are provided to make one phone call in two weeks. Whereas the number of phone calls for the juveniles deprived of their liberty and attributed to the light group is unlimited.

121. The Republic of Lithuania Law on Citizenship regulates the change of the children's citizenship in the event of the change of the citizenship of their parents.

122. In case of acquisition or loss of citizenship by both parents, the citizenship of children below the age of 14 changes respectively. In such case adoptive parents are treated as parents and the adoptees - as children.

123. If one of the parents acquires the citizenship of the Republic of Lithuania, whilst the other retains the citizenship of another state, their child may acquire the citizenship of the Republic of Lithuania upon written application of both parents. If the child's parents are

divorced, the child may acquire the citizenship of the Republic of Lithuania on written application of one his parents who has acquired the citizenship of the Republic of Lithuania and to whom the court has granted custody of the child or with whom the child actually lives on a permanent basis. If one of the child's parents acquires the citizenship of the Republic of Lithuania and the other remains a stateless person, their child may acquire the citizenship of the Republic of Lithuania upon written application of the parent who has acquired the citizenship of the Republic of Lithuania. In the event of death of one of the child's parents who was the citizen of the Republic of Lithuania, and the child remains with the second parent who is a stateless person, such child may acquire the citizenship of the Republic of Lithuania upon written application of the surviving parent the child.

124. If one of the child's parents is deprived of the citizenship of the Republic of Lithuania and the second parent is the citizen of the Republic of Lithuania, the child of such parents retains the citizenship of the Republic of Lithuania if he is under 14 years of age.

125. Pursuant to Article 25 of the Republic of Lithuania Law on Citizenship if the child's parents change their citizenship, the possibility to change the citizenship of their children aged between 14 and 18 is conditional on the written consent thereof.

### **Article 13 - Freedom of expression**

126. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child. See comments on Articles 12 and 29 of the Convention.

127. The Criminal Code of the Republic of Lithuania establishes the liability for unauthorised collection, divulging and use of information about private life of the individual (Articles 167 and 168).

128. In implementing the right of freedom of expression enshrined in the Convention the General Kindergarten-school Regulations (approved by the Minister of Education and Science Order No. 1418 of 24 November 2000) obligate pedagogues to prepare the child for responsible life in free society based on principles of understanding, tolerance and peace. The Regulations govern the activities of the kindergarten-school self-governance bodies. Self-governance bodies render proposals on planning of activities, forms of communication within the institution, initiate organisation of issuance of internal publications, local radio broadcasts, perform other functions. Since 2002 the Ministry of Education and Science on a yearly basis organises the national pre-school age children competition of photos "Take a Look at the World Through the Eyes of the Child" involving children aged between 3 and 7 years.

129. According to the data of the children and youth opinion survey "Voices of Youth" organised in 2001 by the Lithuanian National Committee for UNICEF the majority of children think that their opinion is taken into account when deciding on matters of urgency concerning the in the family (51%). However, the child's opinion is disregarded in every ninth family, as a rule. The largest number of children of Lithuania would like that their opinion is given more consideration when taking decisions on their free time (22 %), friends (15 %) and clothes/appearance (11 %).

### **Article 14 - Freedom of thought, conscience and religion**

130. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

131. Religion is an optional part of moral education in general schools' curricula. Pupils studying in 1 through 12 grades are free to make a choice between one of the two optional subjects: religion or ethics. On request of parents (guardians/caretakers) the subject of religion may be integrated into pre-school education of their children. By virtue of the Pre-school Education Establishment Regulations (approved by the Minister of Education and Science Order No. 1080 of 10 July 1998) the contents of educational programmes in pre-school establishments on request of parents (guardians/caretakers) may be supplemented with the provisions, themes and activities fostering religious beliefs and values.

Other schools provide pupils with the possibility of non-formal religious education and self-education.

A pupil who attains the age of 15, becomes entitled to choosing one of the compulsory moral education subjects: traditional religious community religion or ethics.

For a pupil younger than 15 years, the subject of traditional community religion or ethics is selected by parents (guardians/caretakers), and in case of pupils placed under state care a decision on studying the traditional community religion professed by the pupils' families or relatives, or the subject of ethics is taken by school.

When school is not in a position to provide teaching the subjects of traditional community religion or ethics preferred by pupils or their parents (guardians, caregivers), it may pass such pupils in religious education which they acquire in Sunday Schools or in any other group of religious education.

These provisions are contained in the Law on Education.

### **Article 15 - The freedom of association and peaceful assembly**

132. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania and other legal acts (the Republic of Lithuania Law on Trade Unions, the Republic of Lithuania Law on Public Organisations) is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

133. The children's right to the freedom of joining organisations is also regulated by the Law on Education, Par. 10, Article 43 whereof provides that pupils and youth may establish their organisations in schools, provided such organisations foster moral, national and civil awareness, patriotism of pupils and students, their cultural and social maturity, help to satisfy their self-education and self-expression needs. Pursuant to Par. 11, Article 43 of this Law, favourable conditions are created for the functioning of pupils and youth organisations in schools.

See comment on Article 12 of the Convention.



### **Article 16 - Protection of privacy**

134. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania and other legal acts is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

135. Pursuant to Article 1.114 of the Civil Code the civil law protects non-property rights and values, including human honour and dignity. A more elaborate regulation of the protection of the individual's honour and dignity is regulated under Article 2.24 of the Convention.

136. The Civil Code enforces provisions aimed at protecting the property rights of children. Parents have no right to the children's property. Property held by a minor by right of ownership is handled by parents by usufruct. The right of usufruct enjoyed by parents may not be pledged, sold, transferred or encumbered otherwise, or used for the purposes of recovery. See comment on Article 18 of the Convention.

137. When a dwelling belongs to one of the spouses, after dissolving their marriage the court may pass the judgement on the establishment of usufruct and allow another spouse to stay in the dwelling, provided after the marriage dissolution the latter spouse is going to live with his (her) minors. If the family used to live in a rented dwelling, the court may also transfer the lessee's rights to the spouse who is going to live with the minors. For the purpose of dividing the common property of spouses, the court may derogate from the principle of the division of property into equal parts in view of the minors' interests.

138. The Criminal Code establishes criminal liability for slandering and insulting (Articles 154-155), and its Article 9 provides for a closed hearing of cases concerning criminal acts of the commitment whereof individuals aged below eighteen are accused.

139. With a view to guaranteeing the right to the protection of privacy, item 5, Article 4 of the Law on Fundamentals of Protection of the Rights of the Child prohibits to leave a child without a home, minimum funds for subsistence and without care or guardianship. See comments on Articles 5, 20, and 26 of the Convention.

### **Article 17 - Information**

140. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania and other legal acts is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

141. On 10 September 2002 the Seimas of the Republic of Lithuania passed the Law (No. IX-1067) on the Protection of Minors against Detrimental Effect of Public Information. This Law is taken as a basis in developing the following legal acts: the Government of the Republic of Lithuania Resolution on Approving the Procedure for Making Available to the Public and Disseminating Information which Causes Detrimental Effect to Development of Minors and is Assigned to the Category of Public Information of Restricted Availability and Dissemination and the Resolution on Approving the System of Labelling Public Information

which has Detrimental Effect to Development of Minors and of Audiovisual Devices, also the Draft Law on Amendments and Supplements to the Republic of Lithuania Code of Administrative Transgressions of Law which establishes liability for the breach of the aforementioned legal acts.

Adoption of secondary legislation is envisaged in the fourth quarter of 2003.

The aforementioned legal acts are aimed at protecting the minors from adverse effects of public information. These documents establish the criteria used as a basis for determining whether the information should be of restricted availability and dissemination; the procedure of making available to the public and disseminating information of restricted availability and dissemination; requirements for labelling such information in order to protect the minors, and administrative penalties imposed for the default on the established requirements – in particular cases a fine imposed may amount from LTL 500 to 10 000. These legal acts formulate the principles guaranteeing sufficient protection of the minors from information or other available material of detrimental effect.

142. The Cinema Law (5 March 2002, No. IX-752) enforces the provisions on the indexation of films distributed and demonstrated in cinemas, cinema halls (video halls) according to the audience age qualifications. Based on the age qualification of audience the indices of five types are established for films: films intended for audience of different ages; films intended for children from 7 years of age; films which children below the age of 16 are recommended to watch with parents; films for audience from 16 years of age; films intended only for adults from 18 years.

This Law and the aforementioned Resolution on Approving the System of Labelling Public Information which has Detrimental Effect to Development of Minors and of Audiovisual Devices which is being drafted at present, are aimed at informing children and parents (guardians) about the contents of demonstrated films, TV and radio broadcasts that are likely to have detrimental effect on the development of children.

143. On 17 February 2000 the Seimas of the Republic of Lithuania passed the Law No. VIII 1546 ratifying the European Convention on Transfrontier Television and the Protocol amending the Convention on Transfrontier Television. For the purpose of harmonising the provisions of this Convention and its Protocol, Council Directive 89/552/EEC of 3 October 1989 on Television without Frontiers as amended by the European Parliament and Council Directive 97/36/EC of 30 June 1997 and of the Republic of Lithuania Law on Provision of Information to the Public (new version of 29 August 2000, No. VIII-1905), amendments were introduced into the latter Law establishing requirements for advertising. Pursuant to Par. 3, Article 39 of the Republic of Lithuania Law on Provision of Information to the Public advertising aimed specifically at minors or that, which is used by minors, may not cause harm to their interests. Such advertising must comply with the following requirements:

- 143.1. It may not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- 143.2. It may not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;

- 143.3. It may not form children's opinion that the use of certain services and goods shall make them physically, psychologically or socially superior before others in their peer group;
- 143.4. It may not unreasonably show minors in dangerous situations;
- 143.5. It may not exploit the special trust of minors in their parents, guardians (caretakers) teachers and other persons.

144. Since 2002 the National Television supported by the Ministry of education and Science and the Education Development Fund is running the broadcast "The House of Culture" with a particular focus on children of ethnic minorities.

145. State funds are allocated to finance the acquisition of literature for schools necessary in the process of education. Schools are procuring the children's literature in observance of children's needs.

#### **Article 37 (A) - The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

146. Article 21 of the Constitution of the Republic of Lithuania prohibits to torture, injure, degrade, or maltreat a person, and to impose such punishments thereon. The Criminal Code establishes criminal liability for an individual who by beating or other violent treatment causes physical pain, light injury or temporary disability of another person. However, the consequences of such actions committed with regard to minors are more serious. The Code of Serving Punishments also contains provisions protecting individuals from torture and cruel treatment. Enforcement of sentences should be based on the principle of humanism, i.e. a sentence being enforced should not be aimed at torture, cruel or other degrading treatment of a person. Performance of medical, biological and other scientific tests with a sentenced individual is also prohibited even with the latter's own free will.

147. The Republic of Lithuania has acceded international treaties against torture and other cruel treatment – the European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (acceded on 10 September 1991), the European Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (1987) (ratified on 15 September 1998), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified on 27 April 1995), the International Covenant on Civil and Political Rights (ratified on 2 August 2001).

#### **Family environment and alternative care**

##### **Article 5 - Parental guidance**

148. Enforcement of provisions of this Article of the Convention in the Constitution of the Republic of Lithuania is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

149. By virtue of Article 3.163 of the Civil Code the primary responsibility for ensuring the enforcement of the rights of minors rests upon *parents*.

150. Mutual rights of the child and parents are based on the child's origin which is confirmed as from the day of the child's birth. The child's parents are identified according to the birth record made by a civil registration body and birth certificate issued on the grounds of such birth record (Articles 3.137-1.140 of the Civil Code). See comment on Article 7 of the Convention (with regard to determining the child's origin).

151. Parents are legal representatives of their legally capable minors, except for parents who by court judgement are recognised as legally incapable. Legally capable under-age parents also enjoy all individual rights and obligations with regard to their children. The under-age parents who are legally incapable or of limited legal capacity are allowed to live with their child and take part in his education (in such cases a guardian (caretaker) is assigned to the child. By virtue of Article 3.155 of the Civil Code the contents of parental authority means that children until they reach full age or emancipation should be cared for by their parents and the latter have the right and obligation to afford adequate education and care for their children, take care of their health and maintenance, creating favourable conditions for their full-fledged and harmonious development in a manner consistent with the child's physical and mental condition so that the child gets ready to live a responsible life in the society. The Lithuanian laws also enforce the principle of parental equality, i.e. a father and a mother enjoy equal rights and duties to their child irrespective of whether the child was born out of wedlock or is an extra-marital child, or was born after divorce, after marriage dissolution or to parents who live separately.

152. Nowadays the family in Lithuania is undergoing considerable changes. Less people get married, divorces have become more frequent, more and more pairs prefer extra-marital live, fertility rate is on its downturn, and the number of extra-marital children keeps growing. See Part "Demographic Characteristics" of the Report.

153. The Civil Code establishes that a permanent place of residence of a child corresponds to the permanent place of residence of his parents or guardians (caretakers). If the minor's parents do not have the common permanent place of residence, the place of residence of the minor is considered the permanent place of residence of the parent with whom the child lives longer, unless the court establishes that the minor must live with one of the parents.

154. According to the Law on the Declaration of the Place of Residence (2 July 1998, No. VIII-840) enacted on 1 January 2003, individuals departing from the Republic of Lithuania for a period exceeding 6 months, must declare the change of their place of residence. Recently more and more parents going abroad leave their children in the Republic of Lithuania under care of grandparents or other close relatives which causes problems related with legal representation of such children, establishment of their place of residence and securing other rights and legitimate interests.

155. According to the requirements of the Civil Code, the place of residence of a child whose parents live separately is established on agreement of parents. If parents disagree on the child's place of residence, a decision on the child's place of residence with one of the parents is passed

by court. Nevertheless, a father or a mother who lives separately from the child, are entitled and obligated to associate with the child and to participate in his upbringing. When parents disagree on participation of a separately living father or mother in the upbringing of their child or on their associating with the child, the procedure of association with the child and participation in his upbringing is determined by court in consideration of the child's best interests.

156. A father or a mother who lives separately from the child is entitled to receive information about the child from all training, educational, treatment establishments, agencies of the protection of the rights of the child and other establishments and institutions that are concerned with their child. Such information may be refused only when the child's father or mother can cause threat to the child's health or life and also in cases established by law. Refusal to provide parents with the aforementioned information about their children may be appealed against in court.

157. Parents (in the event of their absence – guardians (caretakers)) are obligated to create conditions for their children to associate with close relatives of the child, if it is consistent with the best interests of the child. When parents refuse creating conditions for communicating between their children and close relatives, a child's rights protection agency can obligate parents to do so. If parents default on this obligation or close relatives disagree with the decision of the child's rights protection agency which refuses to obligate parents to create conditions for associating with their child, the close relatives may apply to court.

158. The Hague Convention on the Civil Aspects of International Child Abduction (1980) (in force in Lithuania since 1 September 2002) is also aimed at securing the guardianship rights of parents (legal guardians) and the possibility to see the child and associate with him or her without any restrictions.

159. *Adopters* are considered the child's parents as from the enforcement of the court decision on adoption. By way of adoption mutual individual and property rights and obligations of parents, children and their relatives are cancelled, and the adoptive parents, their relatives, adoptees and their successors are awarded individual and property rights as relatives by origin. The adoptive parents rights and obligations concerning the adoptees established under law are equal to the rights and obligations of biological parents and should be implemented and enforced on equal terms, whereas the consequences of non-enforcement of these rights and non-fulfilment of the obligations binding upon adoptive parents are the same as those established for biological parents.

160. According to the data of the Adoption Agency under the Ministry of Social Security and Labour, in 2002, compared with 2001, the number of adopted children increased. In 2001 citizens of Lithuania and foreign nationals adopted 180 children, and in 2002 - 231 child. See comment on Article 21 of the Convention.

161. Rights of children deprived of their family environment are secured by a *guardian (caretaker)*. Guardians (caretakers) are legal representatives of children who take care of them and protect their rights and legitimate interests. The Civil Code enforces the following forms of guardianship (care): family care, foster family care, and institutional care.

162. According to the data of 1 January 2003 provided by the municipal child's rights protection agencies about children placed under care in Lithuania, 14733 children were deprived of parental care (at the beginning of 2002 – 13452 children respectively): 5873 families took care of 7628 children (at the beginning of 2002 - 5965 families took care of 7717 children), and 359 children lived in 44 foster families (respective figures of the beginning of 2002 - 43 foster families and 356 children), institutional care in different types of child care institutions and boarding houses was established for 6746 children (at the beginning of 2002 - for 5379). Every year guardianship (care) is established for about 3 thousand of children. In 2002 it was established for 3003 children deprived of their family environment. This number by 140 children exceeds that of 2001.

A large majority of children deprived of parental care in 2001 (49.6 %) and in 2002 (62.5 %) were raised by one of their parents: by a single mother – 28,9 per cent, by a survivor - 13,9 per cent, by one of cohabitantes - 5,0 per cent, and by a divorced parent -14,8 per cent of all children deprived of their family environment. 22,7 per cent of children deprived of parental care were raised by both parents. See Annexes, Tables 12 and 13.

163. If parents or guardians (caretakers) violate the rights of their children, a state child's rights protection agency or a prosecutor can take measures aimed at enforcing the rights of such children. See comments on Articles 9, 18, and 20 of the Convention.

#### **Article 18 - Parental responsibilities**

164. Provisions corresponding to this Article of the Convention are discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

165. The Civil Code enforces the right and obligation of parents to guarantee proper education and care for their children, take care of their health and maintenance, creating favourable conditions for full-fledged and harmonious development in a manner consistent with the child's physical and mental condition so that the child is prepared for independent life in the society. A father and mother have equal rights and obligations with regard to their children. Both parents have joint and equal responsibility for the upbringing and development of the child. All matters related with the child's upbringing should be settled by mutual agreement of both parents. If parents fail to reach such agreement, the matter is settled in court. In enforcing individual parental rights the parents have the right primary responsibility with regard to other persons.

166. The child's father or mother who lives separately from the child have the right and obligation to associate with the child and to participate in the child's upbringing. The child whose parents live separately, has the right to regular and direct communication with both parents irrespective of their place of residence. A father or a mother with whom the child lives may not interfere in the second parent's right to associate with the child and participate in his upbringing.

167. When hearing disputes concerning children, the court must hear the child's opinion, provided the child is capable of expressing his own views, to find out the child's wishes.

168. The minor's interests must also be taken into consideration when administering the property held by the minor. Both parents on their mutual agreement handle the property possessed by a minor. In case of a dispute on administration of property, each of the parents has the right to apply with court for establishing the administration of property. If both, or either of, parents administer (-s) the property of the minor in violation of the latter's property interests, the child's rights protection agency or a prosecutor may apply to court for depriving parents of the right to administer the property of minors. Obligation of parents to administer the property of minors must be discharged exclusively in consideration of the best interests of children. The Civil Code establishes the cases when parents are deprived of the right to administer the property of minors by usufruct, specifies transactions involving the minor's property which cannot be concluded by parents without advance court permission (transfer, pledge the minors' property or otherwise encumber the rights to it, receive or refuse inheritance on behalf of the minors, enter into an arbitrage agreement in the minors' name, etc.). It is prohibited to levy recovery on the minors' property or the right of usufruct of their parents on the basis of claims of creditors of the minors' parents. That parent with whom the child remains to live administers the minor's property, when parents are divorced or live separately.

169. Parental authority may not be used in violation of the child's best interests.

170. Waiver by a father or a mother of their rights and obligations with regard to their minors is not valid.

171. Legal liability for the failure to use parental authority is established under laws. Article 3.180 of the Civil Code specifies that if parents avoid their obligations with regard to upbringing of their children, abuse parental authority, subject their children to cruel treatment, exert detrimental effect on their children by indecent behaviour or neglect, the court may take a decision on a *temporary or unlimited-term restriction of parental (father's or mother's) rights*. When parents (a father or mother) are living separately from the child due to objective circumstances (disease, etc.) and it is necessary to determine the child's place of residence, the court may pass a judgement on the child's separation from parents (a father or mother). See comments on Article 9 of the Convention.

172. Having passed the judgement on restriction of parental powers, the court establishes the guardianship (care) for the child and determines his place of residence.

173. The laws establish administrative liability for the failure to use parental powers, or for their use in violation of the child's best interests subjecting parents to a warning or a fine. Administrative liability also applies to the child's guardian (caretaker) for the default on the established obligations or for their fulfilment in violation of the best interests of the child.

174. The child's parents or guardians must be held liable for damage inflicted by a minor aged below 14 years, if they fail to prove that the damage resulted not through their fault. If a child aged under 14 years inflicts damage at the time of his placement under care of a training, educational, health care or social care (welfare) establishment, liability for the damage rests upon the institution, unless it proves that the damage was incurred not through its fault. A child aged between 14 and 18 years is held liable for damage incurred by him in accordance with general

procedure. However, if a child does not have any property or earnings sufficient to compensate the inflicted damage, the respective amount of damage must be indemnified by his parents or caretaker, or by a training, educational, health or social care (welfare) institution which takes care of the child.

175. The number of social risk families in Lithuania is constantly increasing. It is conditioned by high rate of unemployment in certain regions (rural in particular), long-term unemployment, regular alcohol abuse by parents. As a result of parental neglect children do not attend schools, violate laws or commit other offences. Often parents who neglect their children lack the most common social habits of communicating with their children: they don't know how to settle the arising problems, use physical violence with regard to children and each other.

176. From 2000 until the beginning of 2002 the number of social risk families registered in the municipal child's rights protection agencies increased by 2629. These families are raising 5964 children. However, in 2002, compared with data as of 1 January 2003, the number of registered social risk-related families reduced by 158 and the children raised in such families – by 2853. The reduction was the outcome of intensive social work with social risk families carried out in certain municipalities and more active involvement of social workers from neighbourhoods.

#### **Social risk families**

	2000	2001	2002	1 January 2003
Number of social risk families	16 043	18 114	18 672	18 514
Number of children in such families	36 856	40 276	42 820	39 967

Data provided by Municipal Child's Rights Protection Agencies.

177. With a view to assisting the municipal child's rights protection agencies in their work with social risk families and promoting cooperation between institutions and services within the municipality in this field, the Minister of Social Security and Labour issued Order No. A1-207 of 17 December 2003 approving the Methodical Recommendations for Work with Social Risk Group Families.

178. The National Programme of Children's Day Care Centres of Non-governmental Organisations for 2002-2004 approved by the Government of the Republic of Lithuania is being implemented since 2002. The aim of this Programme is to assist in addressing social problems of pre-school and school age children growing in problem families, organise education of these children, their extra-curricula engagement, guarantee social work with parents. Day care centres afford adequate conditions for socialisation of children, early prevention of juvenile delinquency, provision of social services to problem families. In day care centres children are provided with meals, have the possibility to study, prepare their home works, play, organise festivals, exhibitions, participate in different cultural, ecological and other events. Social work is also carried out with families of children attending day care centres, encouraging parents to take better care of children and their upbringing. Where appropriate parents are provided with psychological and pedagogical assistance.



In 2003 the amount of LTL 1 million 900 thousand (the required funds – more than LTL 3 million) was allocated from the state budget for the financing of day care centre activities. 70 NGOs submitted 79 tender projects. Out of them 68 projects were provided with financing. For the purpose of implementing financed projects the delivery of social services to 2435 children and their families were envisaged for the year 2003. Whereas in 2002 the state budget funds allocated for the financing of the day care centre programme amounted to LTL 600 with 49 projects submitted. Financing was provided to 40 of the aforementioned projects. In 2002 social services were rendered to 1693 children and their families.

Systematic and diversified work with families of children attending children day care centres improves parent-children relationships and helps families to address arising problems on their own. As a result the number of social risk families is likely to reduce likewise the preconditions for establishing temporary or permanent guardianship (care) for children.

179. Children from birth until the age of 6-7 years are raised and educated at home or at home and pre-primary educational institutions.

180. Pre-primary education of the unified academic trend which prevailed before the 1989-1999 school year was not attractive to parents, therefore, pre-primary education reforms are being humanised and democratised with the child-focussed education better satisfying family needs. Diversified forms of education included establishment of pre-primary and pre-school groups in schools of general education, kindergartens-schools, pre-primary education centres.

181. In 2000-2001 the change in percentage of children attending pre-primary educational institutions in the total number of children was minor. Between 2001 and 2002 it went up only by 0.8 per cent, but the number of children in separate pre-primary education institutions is rapidly developing: during this period it increased by a factor of 2.7, and in urban groups of children aged below 3 years - by 6 per cent.

In 2000-2001 school year pre-primary educational institutions were attended by 58 per cent of urban children (at the end of 2002 – by 61.5 % of children) and 11.8 per cent of rural children (at the end of 2002 – 14.1 %).

Children aged below 3 years attending pre-primary educational institutions in the 2000-2001 school year accounted for 13.7 per cent (at the end of 2002 – 16.5 %) of the total number of children of respective age (in 2000-2001 – 19.9 % in urban areas, and at the end of 2002 – 24 per cent in urban areas; in the 2000-2001 school year - 3.2 % in rural areas, and at the end of 2002 – 3.5 % in rural areas). The number (percentage) of children aged below three years attending pre-primary educational institutions keeps growing as a result of employment of parents and low subsistence level of families.

182. Children from poor families are also provided with the opportunities to seek education through payment of state benefits to orphans, military family benefits, family benefits raising 3 and more children, also through payment of foster or settlement benefits.

183. The main assistance rendered to pupils through the system of education is provision of free meals to schoolchildren from families eligible to social support. The number of children provided with free meals in schools increased in recent years. In 2000 free meals were enjoyed by 155 thousands of children, and in 2002 – already by more than 160 thousand of children. LTL 60 million was allocated for this purpose in 2002.

184. See part of the Report on the implementation of Articles 2, 3 and 4 of the Convention.

185. For support to families growing children see comment on Article 26 of the Convention.

#### **Article 9 - Separation from parents**

186. Par. 2, Article 3.168 of the Civil Code enforces the principle prohibiting to separate the child from parents against his will, with the exception of cases established in the Civil Code. This provision is also incorporated in Article 23 of the Law on Fundamentals of Protection of the Rights of the Child.

187. The Civil Code establishes the cases of separation of the child from his parents. A child may be separated from one parent or from both parents, having regard to the actual situation.

188. A child may be separated from one of his parents when parents live separately (in case of marriage dissolution, divorce and when parents don't live together). In such case a permanent place of residence and education of the child must be determined. Under such circumstances parents have primary right and obligation to agree on the child's place of residence and create conditions for maintaining regular relations with the second parent. In the event of disagreement between parents on the child's place of residence, it is established with one of the parents by court decision. In accordance with laws of the Republic of Lithuania in case of divorce, marriage dissolution and when parents live separately the rights and obligations of children do not change. Therefore children retain the right to be educated and cared for by their parents, to maintain personal relations and direct contact with parents and relatives, except if it is incompatible with the child's best interests. Extra-marital children enjoy the same rights. A father or a mother who don't live together with their child retains the right and obligation to associate with the child and participate in the child's education. As a rule parents agree between themselves on association with the child and participation in the child's education, and a father or mother with whom the child lives are prohibited from interfering with the enjoyment of this right by the other parent. If parents fail to reach an agreement, the dispute concerning their participation in the child's education and communication with the child is settled by court.

189. A child can be separated from parents in cases of restriction of parental powers. The Civil Code enforces the institute of "restriction of parental powers" which supersedes the institute of the deprivation of parental rights enforced in the Republic of Lithuania Marriage and Family Code in force until 1 July 2001. Restriction may apply to both, the powers of biological parents and legal (adoptive) parents of the child. Limitation of parental powers does not mean the deprivation of (biological or legal) paternity, but rather a restriction imposed on exercising parental rights and discharging parental obligations.

There are two types of restrictions applicable to parental powers – the child's separation from parents and restriction of parental powers.

190. The child's separation from parents is a temporary measure of protection of the child's best interests, which applies when parents are incapable of fulfilling their obligations to children due to certain circumstances resulting not through the parents' fault. A child by court decision may be separated from parents upon existence of the two interrelated circumstances:

190.1. Both parents, or one of them, due to objective reasons don't (doesn't) or can't live with the child (because of mental or any other disability by reason of which they themselves need care or nursing; when parents go on a long-term departure on a business trip, etc.);

190.2. The child's place of residence must be determined.

191. When a child is separated by court decision from his parents (a father or mother), he retains all individual and property rights and obligations based on family relations, i.e., the child's separation from parents in view of particular circumstances does not limit the child's rights and duties with regard to parents. Such retained rights correspond to those established by law. On the other hand, the child's right to maintain relations with his father or mother may be restricted when the latter suffer from serious mental disability; or the child may be deprived of the possibility to enforce the right to maintain direct contact with his parents when one of them departs abroad for a prolonged period, or in other similar instances. Parents also maintain all of the statutory rights and obligations related with children, when their implementation and enforcement is conditional on particular circumstances. Attributed to derogations are such instances when the court decides to separate a child from parents because as a result of particular objective circumstances the child can't live with them. Until the child is separated from parents by court decision, parents have no right to require to return the child to them from individuals with whom the child lives. When the situation changes and the child has the possibility to live with his own parents, the decision must be taken on lifting the child's separation from parents.

192. Restriction of parental powers is a measure of protection of the child's best interests and rights applicable to parents (a father or mother) who avoid their obligations with regard to the upbringing of their children, abuse parental authority, subject their children to cruel treatment, exert detrimental effect on their children by indecent behaviour or neglect. In each case parental powers can be limited only when the fault of parents is established. Having regard to the parent's behaviour whereby their powers are not implemented or implemented in violation of the child's best interests, and in view of the nature of such behaviour, parental powers can be restricted temporarily or for an unlimited term.

193. A temporary restriction of parental powers is established for a particular time period (e.g., for a year, for six months, etc.), however, expecting that parents will change their behaviour and in future will be able to educate their children in due manner. An unlimited term restriction of parental powers for the default on statutory obligations is a more severe sanction, because upon unlimited-term restriction of parental powers the child's adoption is possible

without parental consent. The powers of parents may be restricted for an unlimited term when court decides that influence of parents (father or mother) on the child is particularly detrimental, or than they entirely neglect the child, and there is no evidence that the situation can change to the contrary.

194. The right to decide on temporary or unlimited term restriction of parental powers rests exclusively with court.

195. In both cases individual and property rights of parents based on family relations and established by law are suspended for the period of restriction of parental powers. For example, parents are deprived of the right to live together with their child, to require that the child is returned to them from other persons, to participate in the upbringing of the child, to inherit the minors' property according to the law, to be maintained by the child when the latter matures, etc. However, parents retain the right to see their child, if it does not contradict the child's best interests. In addition, parents retain certain obligations provided by law, like the obligation to maintain their minors.

196. Temporary or unlimited term restriction of parental powers can be lifted if it is proved that parents (a father or mother) have corrected their behaviour and are capable of educating their child and if the restriction of parental powers does not contradict the child's best interests.

197. Unlimited term restriction of parental powers can be replaced by a temporary restriction. Whereas instead of a temporary or unlimited term restriction of parental powers the child's separation from parents can be established (provided after lifting the restriction of parental powers conditions due to which the child can't live with parents persist). If parents (a father or mother) separated from their children use their powers in violation of the child's best interests, their parental powers can be restricted temporarily or for an unlimited term.

198. In 2002 the first instance courts received 969 cases concerning restriction of parental powers, of which 909 cases were investigated fully or partially satisfying the claim (in 2001 805 cases were received of which 735 claims were satisfied fully or partially); the comparable figures of 2000 - 547 submitted cases and 513 fully or partially satisfied claims).

199. Restriction of parental powers is one of the main reasons for establishing care for children. See comments on Article 20 of the Convention.

200. One of ways of the child's permanent separation from his parents is *adoption*. Adoption is possible only by court decision and only in the best interests of the child. Upon adoption parents are permanently separated from their children without the right to cancel such separation. See comment on Article 21 of the Convention.

201. The procedure of deliberation of applications on the child's separation from parents and claims for restricting parental powers is different.

202. Claims regarding restriction of parental powers are investigated according to the legal procedure of disputes applying derogations to family cases and provided for under the general claim investigation regulations. Restriction of parental powers results from misdemeanour and fault of parents themselves, which must be proved by the claimant, whilst parents have the right

to submit opposite arguments. By virtue of Article 3.182 of the Civil Code, the right to file a claim for temporary or unlimited term restriction of parental powers rests upon one of the parents, close relatives of the child, the child's rights protection agency, a prosecutor or the child's guardian (caretaker). Parents (or one of them), whose parental powers are subjected to restriction participate in the case as defendants (a defendant).

203. The child's separation from parents is an ultimate measure of the protection of the child's rights, therefore such cases are investigated according to the simplified procedure. It means that both, applications to separate a child and applications to lift such separation should be deliberated without delay, avoiding procedural formalities, which practically have no effects on the outcome of the process, however, making the process of reaching the solution longer. An application on the child's separation from parents (a father or mother) can be filed by the child's parents, close relatives, the child's rights protection agency, a prosecutor. In such case the parents, provided they are not applicants, as well as the child's rights protection agencies participating in the investigation of the case are considered as interested parties. According to the Code of Civil Procedure, deliberation of a case under the simplified procedure takes written form, except for the instances when the court itself, having regard to the circumstances of a particular case, decides on oral case hearing procedure. The court must deliberate applications no later than within five days of the day of their acceptance.

204. The process concerning marriage dissolution can be carried out according to the simplified procedure (when the marriage is dissolved on request of one of the spouses) and according to the claim procedure (when marriage is dissolved through the fault of one spouse). Cases concerning the life of spouses separately are investigated according to the claim procedure. In hearing such cases the court has to address the matters of the place of residence of minors, participation in the education of children and the matters relative to their maintenance.

205. An adoption application is deliberated according to the special procedure pursuant to the requirements of Articles 480-490 of the Code of Civil Procedure. Adoption of a ten-year-old child is conditional on the child's written agreement, which is furnished to court. When the child is adopted by one of the spouses, a written agreement of adoption is required from the second spouse. Such agreement is not necessary if the court decides that the spouses must live separately, or in case of an undetermined location or recognition of legal incapacity of a spouse.

206. For the purpose of deliberating cases according to the claim and simplified procedure, the rights and obligations of the parties (claimant and defendant, applicant and interested parties) are established under the Code of Civil passed in 2002. The parties have the right to get familiarised with the case material, make extracts and copies thereof, raise objections, provide evidence, participate in their examination, interrogate other participants in the case, submit explanations to the court, provide own arguments and opinions, obtain copies of court decisions, rulings or judgements, by which the case is decided, appeal against court decisions, rulings or judgements and enforce other procedural rights awarded to them by virtue of the Code of Civil Procedure. Therefore all interested parties involved in cases have the right to participate in the claim investigation process and express own views.

207. In addition, the child who is capable of forming his views must be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or where such direct participation is impracticable, through a representative. A respective decision must be taken giving due weight to the opinion of the child, if it is consistent with his or her best interests. The child's opinion can be expressed by word of mouth, in written or any other ways selected by the child. A 14-year aged child's application in favour of or against the claim must be expressed in written or registered in the court sitting protocol and signed by the child.

208. A child's rights protection agency must participate each time when court is hearing the cases on restriction of parental powers or deliberating applications on the child's separation from parents, also disputes concerning children. The aforementioned body, having examined the conditions of life of the family, furnishes to the court a conclusion regarding the dispute.

209. The Civil Code provides opportunity for parents to communicate with the child in critical circumstances (detainment, arrest, imprisonment, placement in the in-patient treatment establishment, etc.). In such cases parents communicate with children in accordance with the procedure established by special laws. For example, when a minor is incarcerated by court judgement, the minors and their parents communicate in accordance with the procedure established in the Code of Serving Punishments. The right of a child treated in a psychiatric hospital to communicate with parents, and his other rights are established in the Law on Mental Health Care (6 June 1995, No. I-924). In addition, the right to associate with parents is guaranteed for children educated and cared for in special education and care homes.

Also see comment on Article 8 to the Convention (concerning the right to maintain relations with close relatives when the child's liberty is restricted or when the child is imprisoned).

### **Article 10 - Family reunification**

210. According to Article 6 of the Republic of Lithuania Law on the Legal Status of Aliens children under 18 years of age have the right to enter the Republic of Lithuania accompanied by their parents, one of parents or other legal representative, or alone when they are going to their parents, to one of the parents or other legal representative.

211. By virtue of Article 19 of the same Law a child is eligible to obtain a permit of temporary residence in the Republic of Lithuania provided one or both of the child's parents, who are citizens of the Republic of Lithuania, reside in the Republic of Lithuania.

In 2001 5 applications were filed for issuing a permit of temporary residence in the Republic of Lithuania for children when one or both of the alien's parents, who are citizens of the Republic of Lithuania, reside in the Republic of Lithuania (in 2002 – 12 applications, and by May 2003 - 4 applications respectively).

**Permits of temporary residence in the Republic of Lithuania issued to children when one or both of the child's parents, who are citizens of the Republic of Lithuania, reside in the Republic of Lithuania**

Citizenship	2001	2002	2003 (by May)
Russian	3	7	2
The Ukrainian	-	1	1
Greek	1	1	-
Belarusian	-	2	-
American	-	2	-
French	-	1	-
Total	4	14	3

Data provided by Migration Department under Ministry of the Interior.

212. Children or foster parents aged below 18 also have the right of temporary residence in the Republic of Lithuania, if their parents, adoptive parents, or one of parents or foster parents:

Have retained the right to the citizenship of the Republic of Lithuania in the manner prescribed by the Law on Citizenship;

One or both of the parents, who are citizens of the Republic of Lithuania, reside in the Republic of Lithuania;

The spouse who is a citizen of the Republic of Lithuania resides in the Republic of Lithuania or has a permit of permanent residence in the Republic of Lithuania;

Have sufficient means of subsistence from lawful activities in the Republic of Lithuania or abroad;

Register in the prescribed manner an enterprise of foreign capital with the authorised capital or the value of shares held at least LTL 250,000;

Come to the Republic of Lithuania to undertake scientific research or take up teaching positions at institutions of higher education, research or educational institutions;

Have been issued a permit of work in the Republic of Lithuania;

Have been issued a permit of temporary residence in the Republic of Lithuania for humanitarian reasons .

In 2001 594 applications to issue a permit of temporary residence in the Republic of Lithuania to children who have arrived with both parents or one of the parents (in 2002 – 483 applications, by May 2003 – 145 applications respectively).

**Permits of temporary residence in the Republic of Lithuania issued to children  
who have arrived together with both parents or one of the parents**

Citizenship	2001	2002	2003 (by May)
Russian	115	163	49
American	76	60	21
The Ukrainian	34	45	14
Belarusian	61	65	11
Vietnamese	11	16	6
Estonian	11	9	6
Armenian	9	9	5
Czech	4	4	3
Kazakhstan	8	5	3
Chinese	16	10	2
Uzbekistan	2	2	2
Israeli	10	10	2
Polish	4	8	2
Norwegian	-	2	2
Moldavian	2	2	1
Stateless	2	5	1
German	14	-	1
Latvian	7	8	1
Kirghiz	-	-	1
Finnish	10	2	-
Swedish	9	2	-
Danish	9	1	-
Canadian	8	1	-
British	7	1	-
Belgian	6	-	-
Georgian	6	5	-
Korean Republic	6	6	-
Azerbaijan	3	7	-
Yugoslavian	3	6	-
Dutch	3	1	-
French	3	-	-
Australian	2	-	-
Indian	2	2	-
Ghana	1	1	-
Spanish	-	1	-
Turkmen	-	1	-
Austrian	-	1	-
<b>Total</b>	<b>464</b>	<b>461</b>	<b>133</b>

Data provided by Migration Department under Ministry of the Interior.



213. According to Article 48<sup>(4)</sup> of the Republic of Lithuania Law on the Legal Status of Aliens children or adoptive children aged below 18 years of a national of the European Union Member State have a right to be issued a permit of temporary residence in the Republic of Lithuania when they enter the Republic of Lithuania to reside together with a national of the European Union Member State or to stay with him (her).

In 2001 2 applications to issue a permit of temporary residence in the Republic of Lithuania to children of a national of the European Union Member State were received (in 2002 – 83 applications, by May 2003 – 14 applications respectively).

**Permits of temporary residence in the Republic of Lithuania issued to children of a national of the European Union Member State**

Citizenship	2001	2002
Danish	15	11
British	8	-
German	20	6
French	5	2
Finnish	6	1
Belgian	4	1
Dutch	7	-
Swedish	3	-
Total	68	21

Data provided by Migration Department under Ministry of the Interior.

214. According to Article 26 of the Republic of Lithuania Law on the Legal Status of Aliens a foreign national has the right to invite to come and live in the Republic of Lithuania his spouse, children and adopted children under 18 years of age if unmarried, as well as parents unable to work due to old age or disability who have remained in a foreign country. Between 2001 and 2003 3 decisions were taken on the reunification of families of such persons.

215. According to the Procedure on Issuance, Replacement and Revocation of Permits of Residence in the Republic of Lithuania to Foreigners approved by the Republic of Lithuania Government Resolution No. 486 of 1 May 2000, parents or other legal representatives of such foreigners have the right to apply for issuance of a permit of temporary residence to a foreigner aged below 18 years. An application to issue a permit of temporary residence to such foreigner must be deliberated no later than within 3 months of its filing, and an application to issue a new permit of temporary residence in the Republic of Lithuania and an application of a national of the European Union Member State or of a family member of such national - no later than within one month of filing. Such applications are deliberated having regard to the principles of non-discrimination, best interests of the child, respect of the child's views, the child's right to life and home. As a rule applications to issue permits of temporary residence in the Republic of Lithuania to children are deliberated no later than within one month taking a positive decision with regard to them.

216. By virtue of Par. 2, Article 22 of the of the Republic of Lithuania Law on the Legal Status of Aliens a permit of permanent residence in the Republic of Lithuania is issued to a child, who arrives for permanent residence to the Republic of Lithuania together with a family member who has retained the right to citizenship of the Republic of Lithuania or is a citizen of the Republic of Lithuania.

217. On 6 June 2000 the Seimas of the Republic of Lithuania recognised as invalid the Republic of Lithuania Law on Emigration and lifted restrictions previously imposed on free movement of citizens of the Republic of Lithuania - individuals who are willing to reside in other countries are not required to obtain a permit from Lithuanian authorities. Citizens of Lithuania are free to move and choose their place of residence in Lithuania or leave Lithuania on their own free will. This right may not be restricted otherwise than in cases provided by law and when it is necessary for the protection of state security, health of the people, or for administration of justice (Article 32 of the Constitution of the Republic of Lithuania)

218. Pursuant to Article 15 of the of the Republic of Lithuania Law on the Legal Status of Aliens a permit of residence in the Republic of Lithuania entitles an alien to choose a place of residence in the country, to change it, to depart from and re-enter Lithuania during the period of validity of the permit. The alien's freedom of movement may be restricted only in the interests of state security or public order in the cases specified by law.

#### **Article 11 - Illicit transfer and non-return**

219. The Civil Code prohibits separating a child from his parents, excluding the cases provided for in the Code. Parents are entitled to require returning to them their minors from any person with whom they are staying on the grounds other than those established by law or court decision. When a father or mother lives separately from the child, the child's place of residence is determined on their mutual agreement. If a dispute arises between parents concerning the establishment of child's place of residence, a respective decision is taken by court. If the circumstances change or one of the parents with whom the child's place of residence has been established allows the child to live with, and to be cared for by, other persons, the other parent may lodge a repeat claim for establishing the place of residence of the child.

220. Article 156 of the Criminal Code establishes criminal liability for a person for abduction of other people's minor or for exchange of the newborns, and for a father or a mother, or for a close relative, the liability for abduction of own or close relatives' minor from the children's care establishment or from a person with whom the child lawfully lives.

221. Article 127 of the Republic of Lithuania Criminal Code in force until 1 May 2003 established criminal liability for abduction of other people's child or exchange of a child for mercenary purposes or for other mean incentives. In 2002 4 such crimes were registered of which one was transferred to court (in 2001 – 4 and 3; and in 2000 – 1 and 0 respectively).

222. On 28 February 2002 the Government of the Republic of Lithuania passed the Resolution No. 302 on Approving the Procedure of the Child's Temporary Movement Abroad. This Procedure establishes that generally a child is allowed to go to a foreign state with both parents (adoptive parents), or one of them, or with a guardian (caregiver). If parents (adoptive parents),

a guardian (caretaker) has no possibility to accompany the child, the child may travel with a legal representative or alone, if he has the required and valid documents for movement to foreign states.

223. The requirements for obtaining permissions from parents to let their child go to a foreign state established under the Procedure of Temporary Movement of Children to Foreign States applicable until 2 March 2002 were rather strict. A child was permitted to go with one of his parents only upon having obtained a permission of the other parent. However, numerous instances of abuse were disclosed during the period of validity of the aforementioned Procedure when the other parent (who actually does not live with the child or does not take care of him) deliberately refuses to give agreement for the child to leave (in separate cases the child's father or mother raising and educating the child are even required in exchange to give money or waive alimony awarded by court). It is obvious that in such situation the child is the greatest victim because he is deprived of the possibility of temporary movement to another state (tourist trips, holidays, sports competitions, contests, etc). In view of the above and having regard to Par. 3, Article 3.165 of the Civil Code, which establishes that all issues related with the upbringing of children must be addressed by mutual agreement of both parents and in observance of item 1, Article 4 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child by virtue of which the legal interests of the child must, at all times and in all cases, be given a priority consideration, a new Procedure of Temporary Movement of Children Abroad was approved which satisfies the requirement to guarantee the child's rights and legal interests, i.e. it is no longer required to obtain a permission from the second parent.

224. The Police Department under the Ministry of Interior and police offices subordinate to it organise and carry out the search for individuals, including children, whose whereabouts are unknown, in accordance with the procedure established by laws and other legal acts.

The Code of Civil Procedure establishes that for the purpose of enforcing court decisions in civil cases the search for a borrower or a child is announced through police on the bailiff's order.

The search for individuals is carried out by police offices in observance of the Instruction on Search for Individuals approved by the Minister of the Interior Order No. 9RN of 4 July 2000.

For the purposes of search for individuals the data from state registers and state and municipal information systems, means and methods of operative activities, mass media and other opportunities may be used. The Police Department under the Ministry of the Interior may announce the international search for individuals through the Interpol channels.

Data about individuals being searched for are accumulated and administered in the international information system of wanted objects which is one of the component parts of the Lithuanian National Schengen Information System.

225. On 19 March 2002 the Seimas of the Republic of Lithuania passed the Law No. IX-793 ratifying the Hague Convention on the Civil Aspects of International Child Abduction (1980). The Convention is in force in Lithuania since 1 September 2002 and is applicable only with regard to countries, which have approved Lithuania's accession to the Convention. At present

the following states have expressed their approval of the Lithuania's ratification of the Convention: Poland, Norway, Belgium, Uruguay, Moldova, Slovakia, a special administrative region of China Macao, Israel, Serbia and Montenegro. The Convention is aimed at ensuring rapid return of children illicitly transferred and held abroad, and guarantees the respect of the right to childcare care and to maintain relations with the child.

226. By virtue of the Republic of Lithuania Government Resolution No. 1322 of 21 August 2002 the Ministry of Social Security and Labour was appointed the Central Authority responsible for discharging the duties established under established under the Convention. Any person or institution who believe that a child has been transferred and is being kept in violation of the rights of care may apply with the Ministry of Social Security and Labour for assistance in ensuring the child's return and the right to communicate with the child. The Social Security and Labour Minister's Order No. A1-92 of 5 June 2003 approved the forms of application for return of the illicitly transferred and held child and application to see the child which might be helpful in obtaining comprehensive information about the child, the applicant, a person suspected of abduction or illicit keeping of the child, also other material circumstances related with the application.

The Central Authorities of the States, Parties to the Convention, are obligated to communicate with each other in ensuring the return of children and attaining other objectives covered by the Convention.

#### **Article 27 (par. 4) - Recovery of maintenance for the child**

227. The Laws of the Republic of Lithuania enforce the obligation of parents to provide material maintenance for their minors and to secure the conditions of living necessary for the child's development. The amount of maintenance must be proportionate to the needs of minors. Both parents in proportion to their material standing must provide material maintenance for their minors. The Supreme Court of Lithuania, when making a ruling of 19 April 2000 in the Civil Case No. 3K-3-471, stated that both parents must be equally involved in providing their minor with a home.

228. Upon discharging their marriage or beginning to live separately, the parents must agree on material maintenance of their children. If the minor's parents fail to reach agreement on the maintenance of their children or both parents (or one of them) default on the obligation to materially maintain their children, such maintenance is awarded by court.

229. According to the data of the National Administration of Courts in 2000 2125 cases were received concerning the awarding of alimony when hearing the cases concerning disputes arising from legal family relations (in 2001 and 2002 - 2537 and 4742 cases respectively), 1797 claims out of resolved cases were satisfied fully or partially (in 2001 and 2002 - 1901 and 3946 respectively). In 2000 8735 cases were received with regard to recovery of alimony for minors without dispute (in 2001 and 2002 - 4611 and 1223 cases respectively), out of completed cases 8165 claims were satisfied fully or partially (in 2001 and 2002 - 4180 and 1009 cases respectively).

230. In accordance with Article 125 of the Criminal Code in force until 1 May 2003, 376 instances (of which 345 were referred to court) of deliberate avoidance by a father or a mother to pay alimony for the maintenance of children awarded by court or judge were registered in 2002 (in 2001 and 2002 – 524 (422) and 663 (536) instances respectively).

231. The obligation of parents to maintain their minors is retained by parents after separation of children or restriction of parental powers, excluding the cases of the child's adoption.

232. The maintenance intended for the child must be used only for the child's best interests.

233. The Civil Code enforces the provision that a brother (sister) who has reached his (her) full age or grandparents must maintain the underage brother (sister) or a grandchild who needs support.

234. Mutual family maintenance (alimony) relations involving an international (foreign) element are unified under international Conventions acceded by Lithuania – the Hague Convention on the Law Applicable to Maintenance Obligations Toward Children (1973) and the Hague Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations.

#### **Article 20 - Children deprived of their family environment**

235. The Civil Code requires that the child's rights protection agency which receives information about the child who needs guardianship (care) must guarantee that it is established within 3 days.

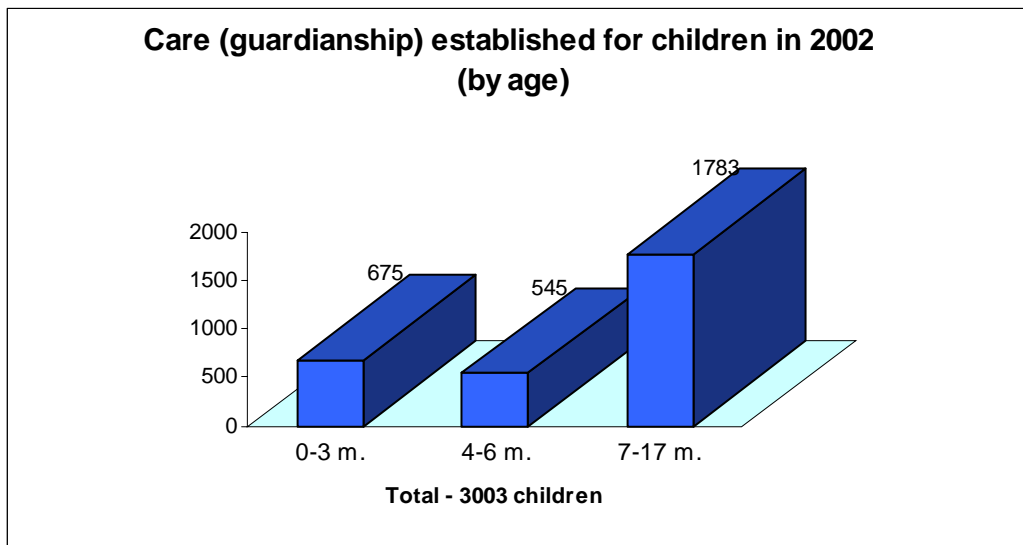
236. A child can be deprived of parental or his relatives' care due to several reasons: if one or the single parent is dead, when parents are temporarily unable to take care of the child due to disease, serving a punishment, other important reasons, also in cases when parents neglect, ignore, don't take care of their child, raise their child in the wrong manner using mental or physical violence, when a child is a foundling and his parenthood or consanguinity relations are not established, and due to other reasons.

237. In 2002, likewise in previous years, the most common reason due to which children were deprived of their family environment was neglect, failure to take care or to educate the child in due manner, by parent's or a single parent (such instances account for 46.2 %). Such situation reflects indifference of parents to the obligation to provide their children with proper education and care, to take care of their children's health, to maintain them, to create favourable environment for the full-fledged and harmonious development of children in view of their physical and mental condition so that the child gets ready for responsible life in the society. See Annexes, Table No. 14.

Change of the number of children deprived of parental care in 1997-2001 by reasons of the loss of care see Annexes to the Report, Table No. 15.

238. Every year guardianship (care) is established for about 3 thousand of children. In 2002 guardianship (care) was established for 3003 children deprived of parental care. It is by 140 children more than in 2001.

239. Distribution of children for whom guardianship (care) was established by age is as follows: 0-3 years of age – for 675, 4-6 years – for 545, and 7-17 years – for 1783 children.

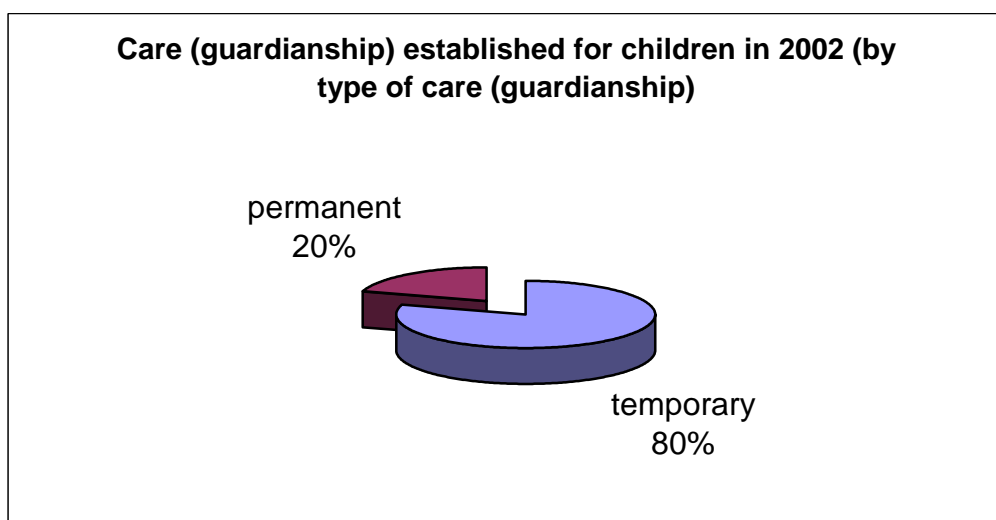


Data provided by Municipal Child's Rights Protection Agencies.

240. A child deprived of parental care is placed under temporary or permanent guardianship (care).

A temporary guardianship (care) - means care established for a child deprived of his family environment, his education, representation and protection of his rights and lawful interests seeking to return the child back to his original family.

A permanent guardianship (care) means care established for a child deprived of his family environment who under the existing circumstances can't be return to his original family, his education, representation of his rights and lawful interests assigned to other persons.



Data provided by Municipal Child's Rights Protection Agencies.

In 2002, like in previous years, the temporary care predominates among other types of established guardianship (care).

241. A child can be placed into a family, foster family, or institutional care.

242. According to the requirement established under the Civil Code, the priority right to become guardians (caretakers) of a child rests upon close relatives of the child, if it is in conformity with the child's best interests. In 2001 and 2002 more than 70 per cent of all children for whom family care was established were placed into families of close relatives. Very often the guardians of children become their grandparents – in 43 per cent, senior brothers, sisters – in 8.3 per cent, other relatives (uncles and aunts) – in 19.7 per cent of all cases. In 2002 29 per cent of children were placed under guardianship (care) of other persons.

**Data on family guardianship (care)**

	2000	2001	2002
Number of children deprived of their family environment	1 287	1 292	1 359
Number of children cared for by their relatives	920	898	965
of which - by the child's grandparent or grandmother	486	524	581
- by the child's brother or sister	138	141	113
- by brother or sister of the child's parents (uncle, aunt)	296	233	271
Other person	367	376	394

Data provided by Municipal Child's Rights Protection Agencies.

243. Despite regular inspections of the work of guardians (caretakers) and reviews of temporary guardianship (care) performed the municipal child's rights protection agencies staff, inadequate preparedness of guardians (caretakers) to take care of a child are still frequent, because most of the guardians (caretakers) are close relatives who are not subject to the requirement to have additional professional knowledge necessary for the education of a child. Municipalities lack social partners capable of properly evaluating the guardians' motivation, delivering the training, as well as assisting the agencies in their work with the families of guardians (caretakers). Funds allocated by municipalities for the development of social services infrastructure and for training the guardians are insufficient. Therefore, one of the tasks of the Programme for Improving the Activities of the Municipal Child's Rights Protection Agencies is to create the system of training and counselling of guardians (caretakers) aimed at guaranteeing the adequate preparedness of the potential guardians (caretakers) to look after a child and at providing the possibilities to assess the quality of the provided services of guardianship (care). To this end methodical material for guardians will be prepared and published on a regular basis and training on the matters of selection of guardians and assessment of care will be provided for the staff of child's rights protection agencies or social partners authorised thereby.

244. The lack of professional skills of guardians (caretakers) is testified by the fact that in 2002 the care for children was refused by 84 guardians (caretakers) on their own initiative, 120 guardians (caretakers) were relieved from duty in the manner established by laws, and 41 guardian was deprived of the right to perform this duty in the manner established by laws.

#### **Development of child guardians (caretakers), 2002**

	Total
Change of a child guardian (caretaker) due to his (her):	281
Death	36
Refusal to take care of the child	84
Relief from duty in the manner established by laws	120
Deprivation of the right to perform this duty in the manner established by laws	41

Data provided by Municipal Child's Rights Protection Agencies.

245. Between 2000 and 2002 the family guardianship (care) accounted for about 45 per cent of all cases of guardianship (care) established during the period. Analysis of statistical data provided by the municipal child's rights protection agencies shows that during the aforementioned period the senior school-age children placed into the childcare institutions outpaced in quantitative terms the children from whom family care was established. The reason for that may be lack of professional skills in families who take care of children and their fair to assume responsibility for a young boy or girl who demonstrates the signs of difficult behaviour.

#### **Tendencies of placement of children deprived of parental care, 2000-2002**

	2000	2001	2002
Children deprived of parental care placed into child care institutions, families and foster families, total	2 834	2 863	3 003
- placed into families	1 287	1 274	1 359
- placed into foster families	45	32	36
- placed into child care institutions	1 502	1 557	1 608

Data provided by Municipal Child's Rights Protection Agencies.

246. One of the major goals of the implementation of the Programme of the Government of the Republic of Lithuania for 2001-2004 is to carry out the childcare system reform, giving priority to family care. The Ministry of Social Security and Labour initiated the performance of scientific research of three forms of childcare established in the Civil Code (family, foster family and institutional care). Information received from scientists shows how the family and foster family care of children should be improved and changed, however, due to abundance, variety, differences in subordination, the highest children maintenance costs, the structure of staff providing services and children's placement into these institutions because of poverty of their families, the survey of the childcare institutions gave rise to numerous questions and caused



great uncertainties as to further tendencies of reorganisation of these institutions. As a result, one more survey is pending aimed at defining conceptual trends of reorganisation of childcare institutions and providing proposals how to improve this system. On the basis of this survey the development and implementation of the Programme in Support of Orphans and Children Deprived of Parental Care and their Social Integration is envisaged for the year 2004.

247. In 40 per cent of cases the child's guardianship (care) ends when the child is returned to his parents. Attempts of municipal child's rights protection services are obvious – as a result of more intensive social work carried out with social risk families the number of children returned to their families in 2002 exceeded that of 2001 by 24 children. However, in the event of the failure to settle family problems in most cases (often due to inadequate social work with problem families, insufficient social services rendered to families), the child's temporary guardianship (care) is replaced by the permanent guardianship limiting parental powers. This again proves the fact that families need more support and social services. Every year about 600 children reach majority while being placed under guardianship (care). Municipalities pay to these children the orphan's settlement benefit established by the state which equals to 60 MSL (LTL 7500) for the acquisition or rent of a dwelling. In 2000 the orphan's settlement benefit was paid to 703 orphans and children deprived of parental care, in 2001 – already to 1,3 thousand, and in 2002 – to as many as 1,5 thousand of individuals. In 2002 the child's guardianship (care) ended when the child attained majority in 967 cases (53.6 %), and for 11.3 per cent of children their guardianship (care) ceased as a result of their adoption.

#### **Cessation of child guardianship (care), 2000-2002**

	2000	2001	2002
Total	1 693	1 874	1 804
Children returned to their parents	788	696	720
Children who attained majority or became emancipated	636	773	967
Adopted children	38	67	109
Married children	12	4	8
Establishment of permanent instead of temporary guardianship	...	...	1 192

Data provided by Municipal Child's Rights Protection Agencies.

248. On 27 March 2002 the Government of the Republic of Lithuania passed the Resolution No. 405 approving the Childcare Organisation Regulations governing detailed principles of organisation of guardianship (care) of a child deprived of his family environment in the territory of the Republic of Lithuania, the procedure of the initial selection, preparation, designation, removal or dismissal from duties of the child's guardian (caretaker), and of the establishment and cessation of the permanent guardianship (care) of the child.

249. By virtue of the Law on State Benefits to Families Growing Children the child's guardian (caretaker) is paid a monthly benefit of 4 MSL (LTL 500) for the maintenance of the child under his (her) guardianship (care) until cessation thereof. Information about financial support to a child deprived of parental care is provided in the comment on Article 26 of the Convention.

250. In implementing the provision of the Convention, which requires that a child temporarily deprived of his family environment is entitled to special protection, including the possibility of adoption, the system of adoption has been established in the Republic of Lithuania. See comment on Article 21 of the Convention.

251. A tendency child's guardianship (care) prior to his adoption is observed in Lithuania. In 2002 as many as 49 families of citizens of the Republic of Lithuania (out of 73 who adopted children deprived of parental care) prior to adoption took children for guardianship (care). The main reasons conditioning the family's decision to take a child for a temporary guardianship (care) are doubts as to the family's preparedness to provide the adoptee with the required education in future, also the problems of psychological compatibility.

252. The Hague Convention of 5 October 1961 concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors enforces the principal rule that the judicial or administrative authorities of the State of the habitual residence of a minor are empowered to take measures directed to the protection of the minor's person or property. If the authorities of the State of the minor's nationality consider that the interests of the minor so require, they may, after having informed the authorities of the State of his habitual residence, take measures according to their own law for the protection of the minor's person or property. The Convention has effect only with regard to the states, which have declared that they accept Lithuania's adherence to the Convention. By 1 July 2003 the following states have accepted Lithuania's adherence to the Convention: Luxembourg, Federative Republic of Germany, Austria, Poland, Spain. By the Republic of Lithuania Government Resolution No. 1356 of 10 September 2002 the Ministry of Social Security and Labour was designated the Central Authority and is empowered to directly receive and deliver information about measures taken by public authorities pursuant to the provisions of the Convention to the authorities of states whose national is the minor and where appropriate to public authorities of the minor's permanent place of residence. Therefore this Convention is aimed at providing any child residing in Lithuania with the required assistance, guardianship or care required under the local legal acts.

253. On 3 July 2003 Lithuania ratified the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children. The enforced Convention will supersede the 1961 Hague Convention concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors.

### **Article 21 - Adoption**

254. Adoption procedures in the Republic of Lithuania are carried out in observance of the Constitution of the Republic of Lithuania, the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, the 1989 United Nations Convention on the Rights of the Child, other international treaties of the Republic of Lithuania, the Civil Code of the Republic of Lithuania, the Code of Civil Procedure of the Republic of Lithuania, the Republic of Lithuania Government Resolution No. 1422 of 10 September 2002 on the Procedure

of Adoption Record in the Republic of Lithuania, Resolution No. 1674 of 23 October 2002 on Approval of the Regulations of the Adoption Agency under the Ministry of Social Security and Labour, Resolution No. 1983 of 17 December 2002 on Approval of the General Regulations of the Child's Rights Protection Agencies, and other legislation of the Republic of Lithuania.

255. The aforementioned legal acts establish that the Adoption Agency under the Ministry of Social Security and Labour is a public authority responsible for organising the adoption for the Republic of Lithuania citizens and foreign nationals in the Republic of Lithuania, coordination of work of the child's rights protection agencies in the field of adoption and protection of related rights and legitimate interests of children. In addition, the Adoption Agency carries out the following functions of the Central Authority transferred from the Ministry of Social Security and Labour – guarantees the implementation of the provisions of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and organises the intercountry adoption according to the requirements of this Convention.

256. The Civil Code established new mandatory conditions of adoption of which the following are of the primary importance and have the greatest effect on the performance of adoption procedures:

- 256.1. In order to adopt a child a written consent must be obtained from the child's parents, guardians (caretakers) (excluding state childcare institutions) approved by court investigating the consequences of adoption and the right to revoke the given consent;
- 256.2. The maximum age limit established for adopters is 50 years. Older individuals are allowed to adopt children only in exceptional cases;
- 256.3. Adoption by divorced persons is permitted only in exceptional cases;
- 256.4. The requirement to examine the preparedness for adoption and to draw a conclusion on the adoptive parents' aptitude to perform this duty;
- 256.5. The requirement to maintain the secrecy of adoption was replaced by the adoption confidentiality emphasising its limits and establishing the child's right to know his origin;
- 256.6. The possibility to transfer a child to the family prior to his adoption;
- 256.7. The possibility for foreign nationals to adopt a child who is a citizen of the Republic of Lithuania only if within six months of the child's entry into the records of children eligible for adoption an application of the Republic of Lithuania citizens to adopt a child or take care of him is not received. This requirement conforms to the provision covered by the Preamble to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and subitem b, Article 21 of the United Nations Convention on the Rights of the Child that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his State of origin;

256.8. All appropriate measures must be taken to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it. This requirement is in line with the provisions of subitem d, Article 21 of the United Nations Convention on the Rights of the Child and Article 8 of Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption;

256.9. Procedure of recognition of intercountry adoption.

257. The Civil Code does not establish the grounds for the annulment of adoption to ensure better protection of the child's rights and legitimate interests. Pursuant to Article 3.227 of the Civil Code adopters are recognised as lawful adoptive parents of a child as from the moment of enforcement of court judgement on adoption and have no right to apply for cancelling the adoption. It is also provided that the child's adoption discontinues legal relationship between the child and his original family.

258. With a view to guaranteeing proper implementation of requirements of the Civil Code, on 10 September 2002 the Government of the Republic of Lithuania passed the Resolution No. Nr.1422 on approval of the Procedure of Adoption Record in the Republic of Lithuania establishing regular and effective arrangement of pre-trial adoption procedures.

259. During preliminary court adoption procedures, the Adoption Agency maintains close cooperation with the municipal child's rights protection agencies. The latter appraise the Adoption Agency about children eligible for adoption. In addition, municipal child's rights protection agencies notify the Adoption Agency about the citizens of the Republic of Lithuania willing to adopt children, submit their documents and inform them about the Adoption Agency's proposals as to the adoption of particular children.

260. The number of adoptive children considerably increased during the recent years as a result of better systematisation and more clear definition of the preliminary adoption procedures. In 2000 the citizens of the Republic of Lithuania adopted 119 children comprising 82 children adopted by the spouse of the child's mother or father and 37 adopted children were attributed to the group of children deprived of their family environment. In 2001 the citizens of the Republic of Lithuania adopted 137 children comprising 81 child adopted by the child's mother or father's spouse and 46 children were adopted from the group of children deprived of parental care. The comparable numbers of adoption in 2002 were 159 children adopted by the Republic of Lithuania citizens of which 84 children adopted by the spouse of the child's father or mother and 75 adopted children were those deprived of parental care. Comparison of 2000–2002 data shows that the citizens of the Republic of Lithuania have become more active in the process of adoption.

**Number of children adopted by citizens of the Republic of Lithuania, 2000-2002**

Year	2000	2001	2002
Adopted children, total	119	137	159
of which - children deprived of parental care	37	56	75
of which - children of spouses	82	81	84

Data provided by Adoption Agency under Ministry of Social Security and Labour.

261. As mentioned before, if within six months of the day of the child's entry into the record of children eligible for adoption attempts to find a family of citizens of the Republic of Lithuania willing to adopt such child and take care of him are unsuccessful, the Adoption Agency, having obtained the consent of the child according to his age and maturity as well as the approval of the childcare institution and the municipal child's rights protection agency, takes a decision to propose this child for adoption to families of foreign nationals.

262. Ratification of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption by Lithuania in 1998, was followed by the establishment of a public adoption authority – the Adoption Agency in 2000, introducing respective amendments into legal acts of the Republic of Lithuania regulating the process of intercountry adoption. One of the key tasks of the Adoption Agency is to guarantee that the intercountry adoption is carried out in observance of the provisions of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, of which one of the main requirements is to organise a preliminary adoption procedure through the central authorities or accredited bodies.

263. The Procedure of Adoption Record in the Republic of Lithuania establishes that citizens of the Republic of Lithuania permanently residing abroad and willing to adopt a child in Lithuania should apply to the Adoption Agency through the Central Authority or a body accredited in the State of their habitual residence. This provision is consistent with the requirements provided for under Article 14 of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

264. Article 16 of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and Par. 3, Article 20 of the United Nations Convention on the Rights of the Child establish that when considering solutions on adoption by foreign nationals due regard should be paid to the desirability of continuity of the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. Such requirement is enshrined in Par. 5, Article 3.224 of the Civil Code and item 52 of the Procedure of Adoption Record in the Republic of Lithuania.

265. The Code of Civil Procedure provides that foreign nationals willing to adopt a particular child must furnish the document certified in accordance with the procedure established by legislation of their country of origin which confirms that the foreign state will recognise the adoption of a particular child and that child will be issued an official permit of entry to, and permanent residence in, the receiving State. This requirement is in conformity with the provisions of Articles 5 and 17 of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

266. In 2000 the nationals of foreign countries adopted 40 children deprived of parental care, in 2001 and 2002 - respectively 43 and 69 children deprived of parental care, and 3 children were adopted by a spouse of the child's mother. Comparison of 2000-2002 data shows that the number of children aged over 5 years adopted by foreign nationals considerably increased (in 2000 11 children older than 5 years were adopted in Lithuania, in 2001 and 2001 - 9 and 24 children respectively).

**Number of children adopted by foreigners, 2000-2002**

Year	2000	2001	2002
Number of adopted children	40	43	72

Data provided by Adoption Agency under Ministry of Social Security and Labour

267. To ensure proper implementation of requirements of the Hague Convention concerning the Protection of Children and Cooperation in respect of Intercountry Adoption, the Adoption Service maintains close liaison with foreign central authorities and accredited bodies. In 2001 the Adoption Agency entered into cooperation agreements with two USA Agencies, also with the Accredited Bodies of Germany, Israel and Sweden. In 2002 the Adoption Agency signed the Protocol on Cooperation with the Central Authority of Italy and Cooperation Agreements with two Italian Accredited Bodies and with the French Accredited Body. For the purpose of the aforementioned agreements, all of the contracting foreign authorities committed themselves to provide information about adopted children from Lithuania every six months during the first two years of adoption, every 12 months – in the subsequent two years, and later- on request of the Adoption Agency.

268. In 2002 the Adoption Agency created the Internet page [www.ivaikinimas.lt](http://www.ivaikinimas.lt), which provides regular information on adoption matters. In addition, the Adoption Agency issues information leaflets in the Lithuanian and English languages. In 2003, on the initiative of the Adoption Agency, a video clip was created on the subject of adoption. Its broadcasting was commenced via TV3, TV4 and regional televisions.

**Article 25 – Periodic review of placement**

269. Enforcement of the provisions of this Article of the Convention on the Rights of the Child in the Constitution is discussed in the Lithuania's Initial Report on the Implementation of the provisions of the United Nations Convention on the Protection of the Rights of the Child.

270. Numerous legal acts were drafted during the last decade to regulate the children's health, safe environment and safe goods (products) intended for children. The following Lithuanian Hygiene Norms have been approximated to the requirements of the European Union *Acquis*:

- 270.1. Lithuanian Hygiene Norm HN 79:1998 "Health-Promoting Summer Camps for Children" approved by the Minister of Social Security and Labour Order No. 127 of 10 March 1998.
- 270.2. Lithuanian Hygiene Norm HN 21:1998 "Hygiene Norms and Regulations for General Education Schools" approved by the Minister of Social Security and Labour Order No. 127 of 17 December 1998.
- 270.3. Lithuanian Hygiene Norm HN 96:2000 "Children's Textile Articles. Hygiene Norms and Regulations" approved by the Minister of Social Security and Labour Order No. 430 of 26 July 2000.

- 270.4. Lithuanian Hygiene Norm HN 103:2001 “Children’s Footwear. Hygiene Norms and Regulations” approved by the Minister of Social Security and Labour Order No. 248 of 2 April 2001.
- 270.5. Lithuanian Hygiene Norm HN 102:2001 “Institutions of Vocational Education and Training. Hygiene Norms and Regulations” approved by the Minister of Social Security and Labour Order No. 475 of 5 September 2001”.
- 270.6. Lithuanian Hygiene Norm HN 111:2001 “Boarding Schools for Children with Special Needs. Hygiene Norms and Regulations” approved by the Minister of Social Security and Labour Order No. 694 of 29 December 2001.
- 270.7. Lithuanian Hygiene Norm HN 75:2002 “Pre-school Education Establishments. Hygiene Norms and Regulations” approved by the Minister of Social Security and Labour Order No. 102 of 4 March 2002.
- 270.8. Lithuanian Hygiene Norm HN 22:2003 “School Textbooks” approved by the Minister of Social Security and Labour Order No. V-345 of 11 June 2003.
- 270.9. Lithuanian Hygiene Norm HN V-556 “School Goods” approved by the Minister of Social Security and Labour Order No V-556 of 25 September 2003.

Institutions of public health care - Public Health Care Centres in the counties and their branches carry out supervision of the implementation of requirements established in the aforementioned legal acts for educational institutions of children.

271. The process of drafting of the Lithuanian Hygiene Norm HN 2003 “Child Care Institutions. General Health Safety Requirements” is under way. This Hygiene Norm obligates childcare establishments to create safe conditions for children’s care, education and development, to create institutional environment which does not pose danger to the health of children and conforms to the requirements of legal acts regulating public health care, to provide children with adequate care, education and development conditions according to their age.

#### **Article 19 – Protection from abuse, neglect or negligent treatment**

272. On 1 May 2003 the Republic of Lithuania Criminal Code entered into effect. The criminal liability for acts (infanticide of a minor, own child, infanticide of a newborn baby by its mother, etc.) committed against children practically did not change. However, for the purpose of the Criminal Code, crimes and criminal offences against the child and family are regulated under a separate chapter (child abduction or exchange of children, child purchase, sale, abandonment, abuse of the rights and obligations of parents, a guardian (caretaker), or other legal representatives of the child, child’s exploitation for the purposes of pornography, etc.). In addition, a separate chapter was included pertaining to criminal liability for sexual coercion against a person and children (rape of a minor and an underage child, sexual harassment, forced participation in sexual intercourse, sexual abuse, molestation of a minor).

Crime	2000	2001	2002
Total number of crimes registered in Lithuania	82 370	79 265	72 646
Total number of crimes whose victims were children	1 329	1 496	1 723
Share of crimes whose victims were children compared with the total number of registered crimes (%)	1.6	1.9	2.4
<b>Crimes against human life, health, freedom and dignity</b>			
Homicides and attempts (Art. 104 CC)	6	4	5
Aggravated homicides (Art. 105 CC)	5	4	3
Premeditated infanticide by a mother of her baby (Art. 106 CC)	6	4	2
Homicides due to negligence (Art. 109 CC)	5	5	2
Premeditated grave bodily injury (Art. 111 CC)	12	13	15
Premeditated bodily injury of average gravity (Art. 112 CC)	35	31	36
Grave and average gravity bodily injury due to carelessness (Art. 115 CC)	9	6	14
Premeditated light bodily injury, infection or giving other rise to the disease (Art. 116 CC)	54	74	109
Infliction of blows and cruel torture (Par. 2-4, Art. 117 CC)	24	19	30
Rape (Art. 118 CC)	72	78	53
Sexual intercourse with a sex-immature person (Art. 120 CC)	13	6	4
Depraving actions (Art. 121 CC)	36	29	67
Sexual intercourse between men (Art. 122 CC)	6	11	5
Child abduction or exchange (Art. 127 CC)	1	4	4
Knowingly leaving without assistance a person whose life is in danger (Art. 128 CC)	8	4	6
Arbitrary deprivation of liberty (Art. 131 CC)	2	11	7
<b>Property crimes</b>			
Theft (Art. 271 CC)	241	286	399
Robbery (Art. 272 CC)	265	349	485
Racketing (Art. 273 CC)	24	44	27
Swindle (Art. 274 CC)	15	13	13
Premeditated property destruction or damage (Art. 278 CC)	3	2	1
<b>Other crimes</b>			
Disorderly conducts (Art. 225 CC)	226	188	180
Infringements of traffic regulations by drivers (Art. 246 CC)	147	155	146
Arbitrary acts (Art. 214 CC)	3	4	4
Theft of personal documents of individuals (Art. 206 CC)	1	-	-
Threatening of homicide (Art. 227 CC)	1	3	3
Driving while intoxicated (Art. 247 CC)	-	1	1

Data provided by Ministry of the Interior.



273. Item 5, Par. 1, Article 60 of the Criminal Code establishes that criminal act committed against a minor is recognised as an aggravating circumstance. Many Articles of the Criminal Code establishing criminal liability for crimes against human health or freedom define qualified elements of crime and more strict sanctions for crimes committed against minors.

274. Crimes against children registered between 2000 and 2002 (by Articles of the Criminal Code applicable until 1 May 2003):

275. Neglect or negligent treatment of a child, maltreatment or wrongful educational measures used by parents are the main reason for the establishment of guardianship (care) for children deprived of their family environment. In 2002 due to this reason 46.2 per cent children in the total number of such children were deprived of parental care. 2.7 per cent of all aforementioned children lost parental care due to physical or mental violence exerted by parents. See Annexes, Table No. 14.

276. Since 6 February 2002 Pars. 1 and 2, Article 181 of the Code of Administrative Transgressions of Law (13 December 1984, No.X-4449) impose administrative liability for the default on the obligations of the child's guardian (caretaker) or for their discharge disregarding the child's best interests, also for the provision of misleading information about minors deprived of parental care and about the need to protect their rights and interests by a municipal child's rights protection agency, also for preventing a child from being placed into guardianship (care).

277. In 2002 public police officers discovered 5465 transgressions of administrative law (in 2001 and 2000 – 5457 and 4681 respectively) according to Article 181 "Default on Parental Powers or Their Use in Violation of the Child's Best Interests" (until 6 February 2002 – "Parents or Their Substitutes' Default on the Obligation to Raise Their Children").

278. Article 3.164 of the Civil Code establishes that a child who thinks that parents are violating his rights is entitled to independently apply for protection with the child's rights protection agency, and from the age of fourteen – with court.

279. Given the increasing number of cases of violence against children, in particular of family violence, on 16 October 2002 the Minister of Social Security and Labour passed Order No. 125 on approval of the Immediate Action Plan for Combating Violence against Children signed by the Minister of Justice, the Minister of the Interior, the Minister of Education and Science, and the Minister of Health Care. This Plan gave rise to the review of work regulations of education, health care, social security institutions and police. The Plan is also aimed at eliminating the barriers in the sphere of interagency cooperation, designating duties and responsibility of individual employees with regard to determining the instances of violence against children, providing support to the child - victim of violence, envisaging to organise training of individuals on the matters of proper education of children, development of civic values and intolerance to crimes of violence against children.

280. Article 3.250 of the Civil Code obligates employees of training, education, health care, police and other institutions, also other individuals aware of the need to protect the juvenile rights and interests (cruel treatment of children by parents, refusal of parents to take back their

children from institutions of training, education or medical treatment, illness, death, departure or unknown whereabouts of parents, etc.) to forthwith notify to the effect the child's rights protection agency of the living place of the child or of their own place of residence.

281. The General Regulations of the Child's Rights Protection Agencies establish that one of the functions assigned to these agencies is to accumulate notifications about children who have suffered violence and to organise assistance to children – victims of violence. Municipal child's rights protection agencies according to their competence also render methodical assistance to employees of municipal bodies related with the protection of the rights of children, provide counselling to parents, teachers and children themselves on the matters of protection of their rights, guardianship (care), adoption and prevention of the violations of law.

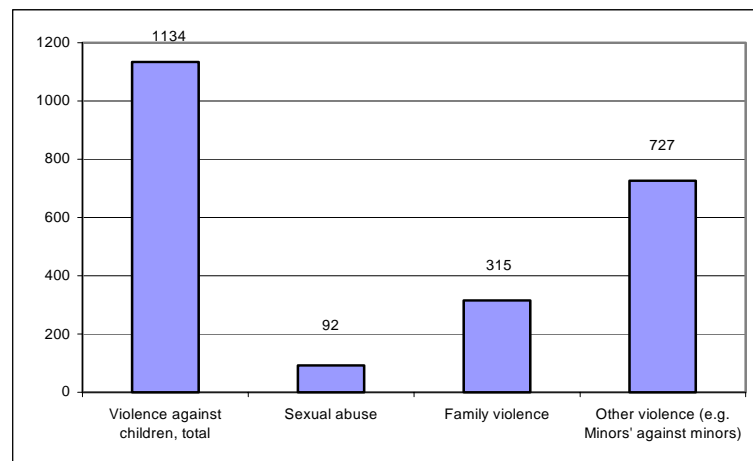
282. The Republic of Lithuania Law on Supplementing Article 56 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child passed on 3 August 2001 establishes that if a father (mother), or another legal representative of a child, violates the rights of the child by violent treatment of the child or abuses parental powers otherwise posing threat to the child's health or life, the child's rights protection agency alone or in concert with the police forthwith takes the child from parents or other legal representatives of the child and establishes for him the guardianship (care) in the manner established in the Civil Code. After establishment of care for the child, the child's rights protection agency forthwith notifies to the effect the child's parents or other legal representatives.

283. In 2002 389 cases of violence were registered as a result of which children were forthwith taken from their families, 213 protocols of administrative transgressions of law concerning violence were drawn, and 510 criminal cases were instituted against perpetrators, out of which 96 cases were initiated by the child's rights protection agencies. In 2000 pre-trial investigation was carried out in 135 cases or they were subjected to court investigation. In 2002 courts examined 272 cases, which resulted in the imposition of punishments on perpetrators, and investigation of 70 cases was terminated. In 2002 children - victims of violence were provided with the following assistance in the municipal territory: psychologist's consultations to children and their families, assistance provided by school social pedagogues, social work with families, delivery of social services (in day care centres) to children, placement of children into temporary care groups set up in municipalities and establishment of temporary guardianship (care) for children.

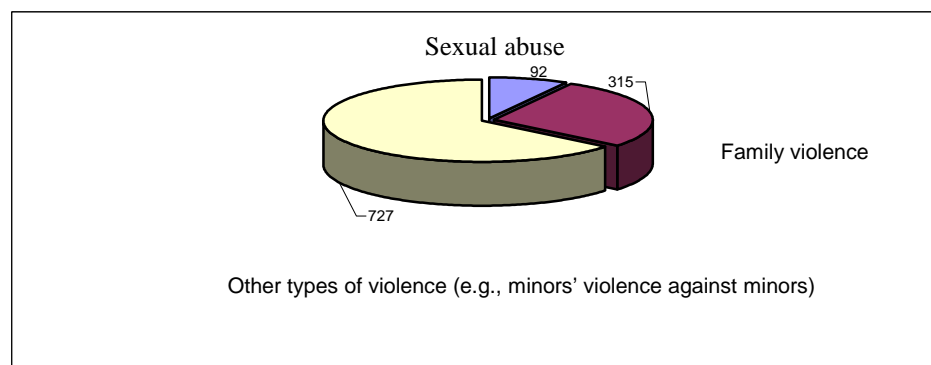
284. Seeking more effective prevention of cases of violence against children, improvement of cooperation between police and other interested authorities aimed at securing the safety and rights of children, the Police Commissioner General on 3 October 2002 signed the Instruction on Intensified Prevention of Violence Against Children. In implementing this Instruction police officers alongside the administration of educational institutions discuss on a regular basis negative processes taking place in schools, communication problems between children and their groups, other adverse factors that give rise to violence against children, accumulate and analyse the registered cases of violence against children in consideration of conclusions drawn, in concert with the child's rights protection agency, pedagogues, medical men, representatives of NGOs envisage general measures of the prevention of violence against children; develop purposive preventive and specialised programmes. Some police bodies are involved in active preventive measures, e.g., the Child's and Mother's Support Centre established by Panevėžys District Police Commissariat.

285. It is not easy to determine the scope of violence against children, since it involves personal links between children and adults who as a rule belong to the same family. Moreover, the number of cases of violence among children themselves without involvement of adults is also increasing. According to the data provided by the municipal child's rights protection agencies in 2002 1134 cases of violence against children were registered, of which 92 cases were concerned with sexual coercion (See Chart No.1). In 315 cases children became victims of family violence (See Chart No.2). Other cases of violence comprise minors' violence against minors and other forms of violence.

**Chart 1**



**Chart 2**



286. For the purpose of implementing the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children, a sociological survey on the spread of sexual abuse and commercial sexual exploitation of children was completed in 2000–2001 to determine the scope of sexual abuse against children and to analyse the situation. The survey focussed on the respondents' attitude towards all forms of abuse, including emotional, physical and sexual abuse. Survey findings showed that almost 10 percent of the Lithuanian children, most of them aged between 13 and 16 years, suffer from sexual abuse. In the opinion of the majority of surveyed children commercial sexual exploitation and sexual abuse as a very serious problem, however, when suggesting solutions to this problem, they tend to rely on repressive measures including more active persecution of perpetrators and strict punishment thereof.

287. In implementing the aforementioned Programme, on order of the Ministry of Social Security and Labour in 2001 the General Basic Education and Specialised Upgrading Programme and Specialised Upgrading Programmes for Specialists aimed at specialised police officers, prosecutors, judiciary, social pedagogues, medical men providing individual health care services, social workers, psychologists and psychotherapists, and Methodical Material intended for specialists working with children – victims of sexual abuse were developed. Based on these Programmes training was offered to the respective specialists and more than 350 individuals upgraded their skills.

288. In 2003 the Ministry of Social Security and Labour organised training on the following subjects: Training of Specialists Working with Children – Victims of Sexual Abuse; Promotion of Interagency Cooperation and Practical Skills Upgrading; Juvenile Perpetrators. Mass Media and Sexual Abuse of Children; Abuse of Disabled Children: Identification and Risk Reduction. Over 1000 specialists raised their qualifications during these trainings: police officers, pedagogues, social pedagogues, municipal child's rights protection agencies' staff, social workers, psychologists, judiciary, prosecutors, representatives of child care homes and boarding schools, journalists, representatives of Youth Centres, and other experts.

On 2 December 2003 the Ministry of Social Security and Labour organised the Conference "Help the Child – Victim of Abuse" to discuss the matters of abuse and violence against children.

289. With a view to setting up a uniform data base on the scope of sexual abuse against children and commercial sexual exploitation thereof, a draft Questionnaire of the Child who has Suffered from Abuse has been developed for accumulating and exchanging information on children – victims of sexual abuse and other violence between institutions in a unified computer database.

290. NGOs dealing with children are being actively involved in the implementation of the aforementioned national programmes.

291. Lithuania has many psychological telephone assistance services, different types of centres for children attributed to the risk group. To combat social indifference and tolerance towards violence against children, miscellaneous information and preventive campaigns are being organised. The Children's Telephone Line – a subdivision of the Child's Development Centre – renders psychological consultations by telephone. In 2002 5983 telephone consultations were provided (20 telephone calls in total). Most consultations concern different forms of abuse.

292. The Baltic Sea States continue cooperation in implementing the IT Project "Children's House" ([www.vaikunamas.lt](http://www.vaikunamas.lt)) aimed at creating a uniform data base on the risk group children of this region, concurrently facilitating cooperation between specialists from different fields.

293. The Ministry of Education and Science has drafted the Comprehensive Programme on the Prevention and Control of Violence in Schools aimed at identifying the main causes and conditions of violence faced by children in educational institutions, providing for the ways to eliminate them and selecting the most suitable means to reach the strategic goal.

The information – preventive material aimed at schools - is being prepared about danger of trafficking in people and business of prostitution.

Counselling is provided to the risk group children and youth who have suffered sexual exploitation, and, in addition, a free anonymous “School Line” has been set up to provide psychological assistance and necessary information about danger of trafficking in people to pupils, parents and pedagogues by telephone. The Pedagogical and Psychological Centre of the Ministry of Education and Science renders regular counselling and necessary information to pedagogues and social workers on how to organise preventive work against trafficking in people and prostitution a schools.

294. According to the data of the survey of the opinion of children and youth “Voices of Youth” organised in 2001 by the Lithuanian National Committee for UNICEF, violent treatment (psychological or physical violence) is characteristic of 65 per cent of the families living in Lithuania (in Western Europe – 55 per cent of families). In the opinion of 14 per cent of the children of Lithuania aggressive treatment is a common behaviour in their families. More boys (70 %) compared with girls (58 %) report aggressive family behaviour. Aggression more often occurs in large families (68-76 %) and is less frequent in small families raising one child (57 %). Data show that children in Lithuania, compared with children from Western Europe, are more tolerant toward physical and psychological family violence and are of the opinion that such measures can help to resolve the arising problems. 29 per cent of children from Lithuania think that the arising problems can be settled by talking (in Western Europe – 51 %). Meanwhile 46 per cent of the Lithuanian children indicated that in some cases problems can be resolved by yelling (in Western Europe – 11 %).

### **Basic health and welfare**

#### **Article 23 - Disabled children**

295. In observance of the Republic of Lithuania Law on the Social Integration of the Disabled (28 November 1991, No. I-2044), disability for children aged below 16 years is established by doctor's consultation commissions in the individual health care establishments of the Lithuanian national health system providing health care services to children. The Ministry of Health approves regulations of the doctor's consultation commissions. Disability for individuals from 16 years of age is established by the state medical social experts' commissions.

296. For the purposes of health care system individuals below the age of 16 years were considered children until the Minister of Health issued Order No.V-138 of 28 February 2003 on the Provision of Individual Health Care Services to Children according to which the age of children provided with individual health care services by paediatricians was changed (the age limit was extended from 16 to 18 years). Disability of children is also established for individuals below 16 years of age respectively. The Draft Law on the Social Integration of the Disabled which is under preparation will include the provision which requires to establish the fact of

disability for individuals below the age of 18 who have limited opportunities to participate in social life, study and develop, or enforce their rights and obligations due to the acquired physical or mental disabilities and unfavourable environment which is not adapted to their needs. The fact of disability will be established after complex examination of the individual's abilities to develop, live an independent daily life, his health condition, effects of environmental factors and other important aspects. The fact of disability will be established by a body authorised by the Government of the Republic of Lithuania. It is also envisaged to classify the disabled children into four groups by the degree of disability, i.e., total, serious, moderate and minor.

297. According to the data on the number of disabled children who receive social pensions, in 2002 there were 13, 8 thousand disabled children below 16 years in Lithuania. About 1,0 thousand of these children suffer from total disability, i.e. such physical and (or) mental disability, which entirely limits the ability of orientation, movement, work, integration and economical independence. The Ministry of Health Care is collecting data about the number of disabled children by groups of diseases. See Annexes, Tables No. 16-19.

298. Disabled children and families growing such children are provided with support guaranteed by the Republic of Lithuania legal acts:

- 298.1. The Republic of Lithuania Law on Social Pensions (29 November 1994, No.I-675) promulgates that child for whom disability is established receive from the state budget a social pension in the amount of the state social insurance base pension (LTL 152). When a disabled child is nursed at home, one of the parents is entitled to a social pension in the amount of the state social insurance base pension for nursing the disabled child. A nursing allowance in the amount of the state social insurance base pension (LTL 152) is additionally allocated and paid to children with profound disability. The nursing allowance is allocated and paid from the state budget irrespective of earnings of the fully disabled person or his (her) guardian;
- 298.2. Compensation applies to 100 per cent of the base price of compensatory medicines included in the List of Diseases and Compensatory Medicines for Their Treatment and in the List of Compensatory Medicines approved by the Minister of Health and of the price for medical aids specified in the List of Compensatory Medical Aids for Out-patient Treatment approved by the Minister of Health;
- 298.3. Compensation applies to the full base price of medical rehabilitation, including health restoration treatment of individuals referred for the completion of treatment after a serious illness or trauma covered by the List approved by the Ministry of Health. In addition, compensation covers 90 per cent of the base price of sanatorium treatment;
- 298.4. Compensatory aids are granted and repaired free of charge;

- 298.5. Compensation applies to the full base price of orthopaedic aids included in the Nomenclature List of Orthopaedic Appliances approved by the Ministry of Social Security and Labour;
- 298.6. Disabled children with established mobility disorder are eligible to receive a monthly compensation of travelling expenses in the amount of 0,25 MSL (LTL 31,25);
- 298.7. Transportation privileges. Disabled persons and one accompanying person are entitled to an 80 percent discount on the purchase of a single ticket for travelling in long-distance distance regular buses and trains, and on the purchase of a single ticket or a monthly registered ticket for travelling in a regular class local public transport, including buses and trains, ships and ferries;
- 298.8. Families raising a disabled child receive a 20 per cent compensation of the amount of acquired housing credit (or credit balance);
- 298.9. Workers who alone are growing a disabled child aged below 16 years may not be engaged without their consent in overtime work and on duty in the enterprise or at home. On request of an employee raising a disabled child below 16 years of age, a part-time work must be established;
- 298.10. Article 22 of the Law on Education establishes that individuals with special needs must be provided with special education and teaching aids and with specially adapted place for studies. Disabled children are educated and trained in consideration of their abilities, inclinations; physical and mental condition in general education and training institutions according to their place of residence, at home or in special institutions.

299. The Ministry of Education and Science has mounted two projects regulating assistance to individuals with special needs: the Project of the Procedure for the Provision of Services in Training Institutions for Individuals with Special Needs and the Project of the Procedure on the Provision of Compensatory Domestic Teaching Equipment for Individuals with Special Needs.

300. The approved secondary legislation of the Law on Special Education (15 December 1998, No. VIII-969) establish pedagogical psychological evaluation and identification of special education needs as well as assignment of special education services, liability of an education establishment and of the family (guardians) in providing such services.

301. The aforementioned legal acts regulate the procedure of identification of special education needs of individuals aged below 21 year and the establishment of special education in the country. Draft secondary legislation was prepared with regard to supplying individuals with special needs with the compensatory equipment in education establishments and at home, and

with regard to providing individuals with special needs with the services of readers, attendants, translators into finger language and assistant pedagogues. These documents will guarantee equal opportunities for all students with special needs in the system of education.

302. The Draft Programme on the Provision of Special Education Services for 2003-2005 has been worked out. The ultimate goal of this Programme is to improve education and learning conditions for individuals with special needs and to guarantee to them equal treatment and equal opportunities in the system of education.

303. Attempts are made to provide an individual with special needs with the opportunity to receive a quality education services in the widest possible environment, living in the family and realising the principle "Scholl for All". As a result of the pupils' integration into the general education schools the total number of pupils in specialised schools reduced during several years. Between 2001 and 2002, 11.1 per cent of the total number of pupils with special education needs attended special boarding schools or specialised (municipal) schools. Annual reduction is observed in the numbers of mentally retarded pupils educated in special boarding schools (since 1990 their number reduced about 43 %). However, the schools of general education (in particular in rural areas) lack specialists qualified in the sphere of work with pupils of special needs.

304. A novelty in the field of reformed special education was teaching children suffering from moderate and serious mental retardation who previously were considered as not eligible for learning. These children as a rule live with their parents and attend education centres or training classes established in schools. Between 2000 and 2001 in Lithuania there were 33 training classes with 250 pupils attending them.

305. In 2003 the College of the Ministry of Education and Science approved the developed draft model of the provision of pedagogical – psychological assistance. Implementation of the new model of the provision of pedagogical – psychological assistance will contribute to the development of the continuous system of education available for all and to guaranteeing the availability and quality of education services.

306. Individuals with special needs can acquire professional qualification in specialised vocational training institutions or groups. Several schools have commenced integrated vocational education and training of individuals with special needs. These schools take care of socialisation and medical servicing of their pupils. While participating in different international projects these schools share experience with their partners. In implementing other projects they develop the infrastructure necessary for education of individuals with special needs and improve the process of education.

307. Given special needs of the disabled and with a view to ensuring their successful social integration through improved availability of higher education for them, since 2002 individuals with disability Groups I or II satisfying tender requirements are admitted to higher schools as



additionally enrolled students whose studies expenses are covered with the state budget funds, establishing individual quotas for them. In order to simplify the conditions of enrolment to higher schools for the disabled, the Students' University Enrolment Conditions coordinated with the Ministry of Education and Science exempt the disabled of Group I from payment of the entrance studies fee upon their admittance to universities. Certain schools have developed special studies programmes for the disabled (the Academy of Physical Culture of Lithuania).

308. On 14 January 2003 the Minister of Education and Science issued Order No. 43 on Additional Enrolment of Foreigners and Individuals with Disability Groups I and II by University, Type, Level and Form of Studies on the basis of which the number of foreigners in 2002 additionally admitted to universities whose studies can be financed with the state budget funds in the manner established by the Republic of Lithuania legal acts and individuals with disability Groups I or II who satisfy the tender requirements but have failed in their university entrance examinations, is approved by type, level and form of studies.

309. The Ministry of Education and Science in concert with the Nordic Council of Ministers has developed and implemented the Project "School for All" which is aimed at developing an effective model of education for children with special needs in Šiauliai and Panevėžys counties and at spreading the acquired experience in other regions.

310. In Implementing the National Programme of Social Integration of the Disabled for 2003-2012 approved by the Republic of Lithuania Government Resolution No. 850 of 7 June 2002, particular attention is paid to addressing the matters of education, employment, adaptation of environment, medical and psychological rehabilitation, development of independence of the disabled. Implementation of the following measures related with the children's needs is envisaged in the field of education:

- 310.1. To develop and approve the state-financed basket of education services for the disabled children (with special needs) in view of the type and degree of disability;
- 310.2. To collect and analyse statistical data about the disabled children (with special needs);
- 310.3. To develop early education programmes for the disabled children (with special needs);
- 310.4. To train pedagogues for the work with children of special needs;
- 310.5. To develop and apply the programmes of transition from the system of education to the labour market or to the system of social assistance;
- 310.6. To work out the procedure for educating the disabled children (with special needs) at home, in care and treatment establishments and implement other measures.

311. In implementing the Plan of Action of the Year of People with Disabilities in 2003, attempts were made to ensure equal treatment and opportunities for the disabled so that they are able to avail themselves of measures aimed at their independence, social and economic integration. Particular attention was paid to realising the measures aimed at the opportunities of the disabled (including children with disabilities) to learn and be educated.

312. For the purpose of the National Health Programme for Retarded Children approved by the Republic of Lithuania Government Resolution No. 559 of 10 May 1996, 40 early rehabilitation agencies were set up in towns and districts of Lithuania providing rural children with better accessibility of services of such agencies. Physically and mentally retarded children receiving assistance of agencies at community level will gradually integrate into the society and this will foster more favourable psychological climate and tolerance of the society and within families. The Programmes cover the following priority trends: health care of a mother and a child, social integration of the disabled, protection of the rights of the child, mental health care.

#### **Articles 6 and 24 - Health and health services**

313. On 1 January 2003 a new version of the Republic of Lithuania Law on Health Insurance came into effect (3 December 2002, No. IX-1219). The Law establishes that:

- 313.1. 100 per cent of the base price of compensatory medicines included in the List of Diseases and Compensatory Medicines for Their Treatment and in the List of Compensatory Medicines is compensated for children aged below 18 years;
- 313.2. Full base price of medical rehabilitation, including health restoration treatment, is compensated for children aged below 18 years;
- 313.3. 90 per cent of the base sanatorium (anti-recurrence) treatment price is compensated for children aged below 7 years and disabled children who have not reached the age of 18.

314. The Health Minister's Order No. V-138 of 28 February 2003 on the Provision of Individual Health Care Services to Children specifies that children below 18 years of age are provided with individual health care services by paediatricians and specialists. Before enactment of the aforementioned Order paediatricians rendered individual health care services to children aged below 16 years of age, therefore statistical data about children's health are limited to children of age groups up to 16 years.

315. With a view to improving health condition of children, protecting them from infections and implementing the right to avail themselves of a quality health care services, the Health Minister issued Order No. 464 of 23 September 2002 approving the Preventive Immunisation Schedule for Children, and Order No. 468 approving the Immunoprophylactic Regulations. Hepatitis B vaccine now is available not only to babies, but also to 12-year old children. Every year 99 per cent of babies get vaccine against tuberculosis and hepatitis B, 95 per cent – against whooping-cough, diphtheria and tetanus, and 97 per cent – against measles, epidemic parotitis, and 97 per cent of children – against German measles.

316. Preventive health examinations of children, most common diseases and mortality are presented in the tables below:

**Results of preventive health examinations of children aged 0-15 years**

Year	Total number of children subjected to prophylactic health examinations	Health groups, percentage				
		I	II	III	IV	V
2001	730 238	45.0	45.4	8.4	1.0	0.2
2002	698 687	43.6	46.2	9.1	1.1	0.1

Year	Per 1 000 of children subjected to prophylactic health examination				
	Deteriorated eyesight	Deteriorated hearing	Speech defects	Irregular carriage	Scoliosis
2001	108.8	2.6	30.3	78.0	22.4
2002	118.3	2.7	30.7	84.9	25.6

**Mortality of children aged 0-5 years, 2001-2002**

	2001	2002
Mortality of infants per 1 000 live births	7.8	7.9
Mortality of children aged below 5 years per 1 000 live births	10.8	10.4

317. Promotion of breastfeeding.

The Programme of the Nutrition of Infants and Young Children to the Age of 3 Years which is being implemented in Lithuania is firstly aimed at promoting the breastfeeding of infants and young children, organising rational and correct supplementary and artificial (when breastfeeding is impossible) diet for infants using products of biological value. Having generalised the data of surveys carried out in implementing this Programme it should be noted that tendencies of natural feeding of infants are improving in Lithuania. Data provided by the Information Centre of Lithuania (according to statistical forms) showed that in 2001 mothers breastfeeding their babies up to 4 months accounted for 42.3 per cent, and in 2002 those breastfeeding the babies aged up to 3 months (at least partly) made up 46.2 per cent, up to 6 months (at least partly) – 26.6 per cent, whereas mothers feeding their infants exclusively with breast milk up to 6 months accounted for 13.8 per cent.

318. The National Food and Nutrition Strategy for 2003-2010 provides for the implementation of measures aimed at promoting healthy nutrition of residents of Lithuania, with its one of the main goals being to guarantee that infants up to 6 months are fed exclusively with breast milk, continuing the breastfeed in the second year of life.

319. All legal and natural persons engaged in producing, packing, transporting, keeping, bringing to the Republic of Lithuania and selling special purpose foodstuffs must observe the Lithuanian Hygiene Norm HN 107:2001 “Special Purpose Foodstuffs”. With a view to promoting and supporting the breastfeeding and given the important role played by information

provided to pregnant women and mothers of infants in selecting the way of feeding their babies, this Hygiene Norm covers such requirements for labelling of baby mixtures and provision of information so as to ensure that information provided guarantees adequate use of food for babies and does not incite mothers against feeding with breast milk (breastfeeding).

320. In observance of the provisions of the Republic of Lithuania Law on Advertising (18 July 2000, No. VIII-1871), breast milk substitutes may be advertised only in publications intended for health care experts and on the packaging of these products in accordance with legal acts of the Republic of Lithuania.

321. About 70% of drinking water obtained from wells in the Republic of Lithuania is polluted with nitrates. Their concentration exceeds the permissible norms by 3-4 times and accounts for 150-200 mg/l of water. In order to avoid using such water for the production of baby mixtures and to prevent the intoxication of babies with nitrates and nitrites, on 30 May 2002 the Minister of Health issued Order No. 30 on the Diagnostics and Prevention of Intoxications with Nitrites and Nitrates which obligates the individual health care establishments to task the county public health care centres to collect information about pregnant women and women with babies up to 6 months who for nutrition purposes use water from excavated wells.

322. As a member of the World Health Organisation (hereinafter – WHO) Lithuania must adhere to the First Action Plan for Food and Nutrition Policy in the European Region for 2000-2005 and to intensify its efforts in implementing the four main statements of Innocenti Declaration as well as to expand baby-friendly network of treatment facilities. In implementing the initiatives of baby-friendly treatment facilities, three hospitals - Vilnius Maternity Hospital, Panevėžys and Kelmė hospitals were granted such status.

323. Liquidation of health disorders caused by iodine deficiency.

Lithuania is considered as an endemic region of iodine deficiency, because iodine is almost entirely absent from its drinking water and soil which also causes the lack of iodine in vegetable and animal food.

324. Since 1995 the National Nutrition Centre of the Ministry of Health in cooperation with the Endocrinology Institute of Kaunas Medical University is working over implementation of the United Nations Children's Fund (UNICEF) supported international programme on the spread of thyroid diseases caused by iodine metabolism disorders in Lithuania, Latvia and Estonia. According to the international requirements 2087 children from general education schools were selected and examined. Urine testing of 2087 children of school age showed that urine iodine contents satisfies the requirements only in case of 40 per cent tested children, i.e. urine iodine contents exceeds or equals to 10 µg/dl. Mild or moderate disorders caused by iodine deficiency were identified in the organisms of 46 per cent children subjected to tests. The risk group with iodine contents under 2 µg/dl accounts for 11 per cent of tested children. Epidemiological surveys of population of Lithuania show that every fourth adult suffers from thyroid disorders and the organisms of over 50 per cent of children aged between 8 and 10 years lack iodine.

325. The provision of eliminating iodine deficiency from the diet is enshrined in the Health Programme of the Republic of Lithuania (approved by the Republic of Lithuania Seimas Resolution No.VIII-833 of 2 July 1998), and in the National Programme of Healthy Environment Promotion Measures for 2003-2006 (approved by the Republic of Lithuania Government Resolution No. 66 of 21 January 2003), in the Plan of Measures for Implementation of the Lithuanian National Public Health Care Strategy for 2002-2004 (approved by Order No. 686 of 29 December 2001 of the Minister of Health), the National Food and Nutrition Strategy and Plan of its Implementation Measures for 2003-2010 (approved by the Republic of Lithuania Government Resolution No. 1325 of 23 October 2003).

326. The Minister of Health Order No. 510 of 25 November 1999 on the Recommended Daily Norms of Nutritious Matter and Energy approved daily norms of iodine in accordance with the recommendations of WHO, UNICEF and the International Council for the Control of Iodine Deficiency Disorders (ICCIDD).

327. In October – December 2000 the iodine deficiency liquidation campaign “Iodine Month” was mounted aimed at familiarising the public with the problem of iodine deficiency, attracting attention to the link between balanced diet and thyroid diseases sickness rate, specifying ways and measures how to supplement the food ration with iodine.

328. Conferences and workshops to discuss the iodine deficiency liquidation problems are held for specialists of public health care centres, importers of iodised salt, producers of foodstuffs containing iodine, and for the general public.

329. According to the recommendations of the UN GA Special Session on Children held in May 2003 Lithuania together with other states committed itself to settle the issue of iodine deficiency in food by the year 2005. To this end the Draft Plan of Measures for Implementing the “IODINE” Programme for 2003-2006 was developed which covers enforcement by virtue of legal acts of Lithuania the consumption of iodinated salt; informing the public about iodine deficiency problem at all levels in Lithuania; development of the monitoring and data accumulation system of thyroid diseases related with iodine metabolism deficiencies; assessment of the spread of thyroid diseases among risk groups of the population of Lithuania; creation of the set of preventive measures aimed at minimising the spread of iodine deficiency caused diseases; development of the system regulating the supply with iodine of organisms of pregnant women and children up to 10 years of age; establishment of the system of regular monitoring and data accumulation of the risk population (newborns, pregnant women and other individuals below 30 years of age), and promotion of consumption of the iodinated salt and foodstuffs complemented with iodine.

330. With a view to increasing to the maximum possible extent the iodinated salt consumption among individuals in order to complement the diet with iodine, the imported iodinated salt is exempt from VAT.

331. All newborn babies in Lithuania are examined to determine the congenital thyroid functioning disorders.

332. Development of healthy environment.

The Government of the Republic of Lithuania issued Order No. 66 of 21 January 2003 approving the National Programme of Healthy Environmental Promotion Measures for 2003-2006 which establishes the long-term objective to protect and promote health of the population of Lithuania, improving to this end the management of healthy environment to make public health an object of long-term economic interests.

333. Children are one of the most vulnerable population groups, which due to physiological, behavioural and other characteristics is particularly sensitive to adverse effects of environmental pollution. For example, chemical, physical and biological pollution of environmental air obviously influences the sickness rate of the population, in particular of children aged under 15 years, speaking about respiratory system and blood circulation diseases and has adverse affects on the developing immune system weakening their resistance to diseases. According to the data of the Lithuanian Health Information Centre the number of people (both, children and adults) suffering from respiratory system and blood circulation diseases is increasing in cities and districts where environmental air pollution is subjected to testing. A frequent increase in the quantities of small hard particles (up to 10 microns) in particular in larger towns under very intensive traffic and meteorological conditions, which are unfavourable for the spread of pollutants, cause serious concern.

334. Implementation of National Programme of Healthy Environment Promotion Measures for 2003-2006 will improve the quality of environment and minimise the risk of adverse effects on the health of population.

335. During the recent years a more comprehensive analysis of the dwelling – health relationship was carried out in Lithuania. In concert with the WHO Regional Office for Europe, the Ministry of Health of Lithuania and the National Public Health Centre carried performed two model studies of dwelling and health in the City of Vilnius. Though it is too early yet to draw any general conclusions from these surveys, certain figures, however, evidence serious danger to the children's health: according to the data provided by 6.3 per cent of housing estates, children have to sleep in rooms filled with smoke, and as many as 40 per cent of children always sleep in such rooms. Passive smoking can cause asthma for children. In 34.3 per cent of examined dwellings children have faced accidents at home. Out of such accidents the most important are those when children fall down or tumble (58.3 %), burn themselves (33.3 %), cut or prick themselves (29.2 %), stumble and hurt themselves (16.7 %). In the opinion of 17.2 per cent of housing estates, there places in their dwellings which pose particular danger to their children. Majority of them think that such danger is associated with electric appliances, including wires and sockets (28.2 %), a stove and oven (15.5 %), a staircase and stairs (11.8 %), a balcony or terrace (11.8 %), kitchen equipment, including knives and forks as well as boilers (9.1 %), and a fireplace (6.4 %).

336. Prevention of accidents.

According to the data of the Ministry of the Interior, in 2000 146 children became victims of car accidents, and in 2001 and 2002 - 154 and 146 respectively.

337. With a view to ensuring implementation of the provisions this Article of the Convention, the general education plans for 2003-2005 of schools of general education provide that traffic safety in the primary education programme is integrated into the teaching subjects. The basic and secondary education programmes include 6 lessons of civil safety per class during a school year, and at least 12-18 lessons for teaching the traffic safety per school year in the first centre of the basic education programme. There are 4 Safe Traffic Schools in the country (in Vilnius, Kaunas, Pasvalys and Kėdainiai) which organise different measures aimed at enhancing the safety of children.

338. Tuberculosis morbidity (incidence rate) among children.

Epidemiological situation of tuberculosis in Lithuania is rather complicated. In consideration of the epidemiological situation in Lithuania, the National Tuberculosis Prevention and Control Programme for 2003–2006 was approved by the Republic of Lithuania Government Resolution No. 1611 of 10 October 2002. The main point of the Programme is to implement a set of measures at the state and municipal levels to protect the country's population from infection of tuberculosis.

**Tuberculosis morbidity (incidence rate) among children  
aged below 15, 2001-2002**

Year	Total	Per 100 000 of children
2001	124	18.4
2002	139	21.5

Data provided by Ministry of Health of the Republic of Lithuania.

339. The principles of diagnostics and treatment of tuberculosis are the same for children and adults. A mother who does not suffer from open tuberculosis can breastfeed her child. Until a mother is sick with tuberculosis and disposes tuberculosis bacteria to the environment, her baby is vaccinated and isolated from the source of infection.

340. All newborns are immunised with BCG vaccine on the second or third day of their life. Additional vaccination takes place at the age of 11 months, and those babies who do not develop a BCG scar are offered a Mantoux test.

341. Vaccination of children from tuberculosis and its timely identification helped to gradually reduce the frequency of contraction of severe local form of tuberculosis among children.

342. Mental health.

Assistance provided to children with mental, behavioural and development disorders and their families is focussed on the individual, family and community needs.

343. Children's mental health care ideas are being gradually realised since restoration of the country's independence in 1990. In 1990 the Ministry of Health established the Child's Development Centre at the University Hospital of Lithuania (then it was called the Child's Mental Health Centre) firstly aimed at developing a new attitude and new methods towards the

system of treatment, rehabilitation and prevention of the children's mental, behavioural and development disorders in cooperation with the Children's Psychiatric and Social Paediatrics Centre of the Medical Faculty of Vilnius University. Implementation of this mission is still under way.

344. Services are integrated into the primary health care, general medicine and community social infrastructure network focussing on team work of experts, cooperation with parents as equal partners.

345. A new model of services pertaining to early rehabilitation of mental health care and development disorders of children has been worked out and implemented. The network of early rehabilitation services (ERS) for children with development disorders has been developed in the country. These services are available to rural as well as urban population. Legal acts of the Republic of Lithuania establish that this type of services financed with the proceeds of the patients' funds can be provided by ERS – structural subdivisions of health care establishments. The purpose of ERS is to identify the child's development disorders as early as possible, to carry out primary, secondary and tertiary prevention of disability of such children, complex rehabilitation of children with development disorders and ensure their integration into the general system of education. Such services are available to young children with psychological, motion system and social development disorders and their risk factors and to parents (guardians) of such children. Priority is given to children aged below 4 years. The team of experts comprises a physician (team leader) who holds the license of the child physician, child neurologist or a physical medicine and rehabilitation doctor and the certificate of a social child physician, and also a medical psychologist, a speech therapist, a kinetic therapist, a special pedagogue, an ergotherapist, a nurse, and a social worker. These services are attributed to the second level individual health care services provided by ERS, which conform to the general requirements of secondary level outpatient services and are functioning at health care establishments providing the secondary level individual health care services. The individual health care consultation and inpatient services of the tertiary level are provided in the individual health care establishment (the Child's Development Centre at the University Hospital of Lithuania) to children up to 7 years of age. Children who avail themselves of the tertiary level consultations are provided with counselling with a view to determining their the need for hospitalisation and developing and adjusting the individual programme of early rehabilitation. Children suffering from complex development disorders the course of which is aggravated by related mental, eyesight, hearing, physical development and other disorders are referred to the in-patient department which provides tertiary level individual health care services after unsuccessful 3-month out-patient treatment of such children. The in-patient department carries out a complex development and psychological diagnostics and applies intensive rehabilitation programme.

346. Principles of organisation of the psychiatry and psychotherapy services for children and youth.

Mental health care of children comprises services of psychiatry, psychotherapy, psychological counselling and psychosocial rehabilitation rendered to children, youth and their parents (guardians, legal representatives of a patient).



347. The psychiatric level services for children and youth are provided by municipal mental health centres or at the psychiatrist's, also in the secondary and tertiary level health care establishments engaged in the provision of individual health care services. These services are available both, to urban and rural children, youth and their families.

348. The primary children and youth psychiatry individual health care services are provided at the municipal health care centres to children and youth aged between 3 and 18 years. At present there are 62 Mental Health Centres in Lithuania which engage psychiatrists of children and adults (126,55 of the establishment is allocated for adult psychiatrists, 40,25 - for psychiatrists of children and adults, 167,65 of the establishment – for nursing specialists, with social workers and clinical psychologists account for 111,55 and 71,45 of the establishment respectively). The team of experts provides the children psychiatry services. The team comprises a physician – children and youth psychiatrist (team coordinator), a medical psychologist, a social worker, and a mental health nurse. Children and youth are consulted and treated separately from adults in specially equipped premises in which the therapeutic environment is created in view of the specific features of the child's development. 1 hour is designated per (diagnostics and therapy) service of the children and youth mental health specialist. The purpose of primary mental children health care specialists is to identify mental and behavioural disorders, organise and apply effective preventive, treatment and psychosocial rehabilitation measures and, if there are certain indications, refer patients to other health care establishments in cooperation with the general practice physicians, paediatric council, education, social welfare institutions, child's rights protection agencies, police and other establishments.

349. The secondary level children and youth psychiatry and psychotherapy individual health care services. Outpatient children and youth psychiatry services are rendered by children and youth psychiatrists, physicians psychotherapists, psychologists psychotherapists, medical psychologists, other specialists. These services are available in health care establishments engaged in the provision of the secondary level outpatient individual health care services.

350. Respective measures are taken to establish and develop the provision of daytime in-patient department services to children and youth at the country level. These services will be provided in children and youth daytime in-patient divisions established under the in-patient psychiatric and paediatric departments for children and youth. In addition, children and youth will be provided with crises intervention in-patient services.

351. Children and youth psychiatric secondary level services are provided in children and youth psychiatric divisions or subdivisions. Psychiatric divisions for children aged between 14 and 18 are functioning in hospitals, and for children below 14 years – in psychiatric hospitals or hospitals, which have departments, treating children's diseases. In 2003 6 in-patient psychiatric departments for children were functioning in Lithuania. They treat children below 18 years with different mental and behavioural disorders including International Statistical Classification of Diseases and Related Health Problems (Tenth Revision) psychiatric diagnostic categories of children and youth. Work in the children's psychiatry in-patient department is organised on team principle. The team comprises a children and youth psychiatrist (team coordinator), a medical psychologist, a social worker, a mental health nurse and child care providers. The in-patient department mostly concentrates on the environmental therapy. Responsibility for this sphere rests on childcare providers and mental health nurses who take regular individual and group care of the hospitalised children.

352. Statistical information about mental and behavioural disorders of children is provided in Annexes to the Report, see Tables No. 20-22.

353. The State Gambling Supervision Commission drew attention of public authorities to the fact that development of gambling activities inevitably reveals individuals with pathological inclination to gamble. Pathological inclination to gamble is attributed to habitual and inclination disorders. In Lithuania this phenomenon is not very common yet, but given the rapidly developing gambling and failure to identify all illegal places where gambling is organised, it is very important to take measures to protect Lithuanian population and in particular the largest risk group – children and youth – from likely adverse effects of the inclination to gamble. In view of the above a working group for organising and taking care of the prevention of pathological inclination to gamble has been set up.

354. Suicide prevention.

Upon restoration of independence and commencement of radical reforms Lithuania suffered a very rapid growth in the numbers of suicides: between 1991 and 1996 - 55 per cent (from 30,8 to 4,78 per 100 thousand of population), in 1998 - 43,8/100 000, in 1999 – 44 /100 000, in 2000 – 46,6/100 000, in 2001 - 44,1/100 000, and in 2002 – 44,7/100 000. The respective average of the European Union Member States is 25/100 000.

In 2002 the largest risk group by age in Lithuania comprised men aged between 40 and 59 residing in rural areas and women aged 45-54 and older than 65.

#### **Suicidal mortality of children aged below 17 years, 1999-2002**

Number of deaths			Per 100 000 of respective age-group population		
2000	2001	2002	2000	2001	2002
33	25	29	3.8	3.0	3.6

355. On 10 April 2003 the Republic of Lithuania Government passed the Resolution No. 451 on approval of the Suicide Prevention Programme for 2003-2005.

356. The Suicide Prevention Programme for 2003-2005 aims at:

- 356.1. Establishing, as a priority, the preventive measures for the highest suicide risk related groups;
- 356.2. Developing suicide and crises prevention training programmes for primary health care specialists and skills upgrading programmes for mental health specialists;
- 356.3. Improving and facilitating the availability of psychological assistance to the Lithuanian children, youth and adults through optimisation and restructuring of the work of the telephone services;
- 356.4. Seeking conformity of training programmes and effective coordination of training activities in all agencies employing voluntary consultants;

- 356.5. Creating the system which would guarantee the provision of regular and continuous services of the professional mental health care specialists and volunteers, also raising qualifications and maintenance of specialists and volunteers;
- 356.6. Providing assistance in beginning to set up new crisis and suicide intervention teams acting as mediators between social and medical services and ensure regular assistance in case of crises;
- 356.7. Teaching members of crisis intervention teams to recognise the likely threat of suicide.

357. The plan of measures for implementing the aforementioned programme provides for organising skills upgrading courses – teaching suicide prevention at school, preparing and issuing psychological assistance (suicide prevention) methodical recommendations for social pedagogues at schools and other specialists to teach them how to work with children and youth attributed to the risk group, providing regular training for employees of different specialities – volunteers, pedagogues, medical men, schoolchildren, parents and representatives of mass media – in the sphere of suicide prevention, delivering lectures aimed at employees of educational, health care and law enforcement institutions and bodies, members of religious and other communities, training specialists (medical men, teachers, employees of social services, child's rights protection agencies, police officers) who deal with risk group individuals to provide complex assistance to children and youth attributed to risk groups in the selected district of Lithuania.

358. The Programme emphasises that particular attention should be paid to ensuring the survival of children and youth, guaranteeing to them all rights to adequate assistance. This would be an investment into the future of the state.

359. HIV/AIDS epidemiological situation.

According to the data of the World Health Organisation, HIV prevalence in Lithuania per 100 000 population is one of the lowest in Europe – 20,36 cases per 100 000 population or 735 HIV infected individuals (at the beginning of 2002).

360. The first HIV case in Lithuania was diagnosed in 1988. According to the Lithuanian AIDS Centre (by 1 January 2002) 735 HIV cases have been registered in the country, of which 55 individuals suffer from AIDS, and 41 - died. The main route for the spread of HIV – is the use of intravenous drugs (81 %). The numbers of HIV infected women are also increasing. Since 2001 the ratio between HIV infected men and women grew from 2:1 to 12:1. Almost all HIV infected individuals fall within 15-30 year age group (48 %).

In 1999 the youngest HIV infected individual was diagnosed – a youth aged below 15 years who got infected through drug injectors. By 1 January 2003 9 HIV infected young boys were registered (aged 15-17 years) of whom 8 got infected through the administration of drugs, and the route of infection of 1 of them is not known. Situation by age is as follows: 1 HIV

infected youth aged fifteen, 2 – sixteen-aged and 6 seventeen-aged youths. They are consulted and supervised by the Lithuanian AIDS Centre and provided with the respective treatment where appropriate.

In 2002 one of the largest nidus of HIV infection was identified – in Alytus strict regime reformatory in which 299 new cases of infection were established.

361. A new stage in the spread of HIV virus began when the first HIV-positive case was diagnosed in 1994. The prevailing route for the spread HIV in 1997 – 2002 was administration of intravenous drugs. The average age of HIV-infected drug addicts (28 years) is lower than of HIV-infected individuals (32 years). The majority of HIV-infected individuals are aged 20–39. This group is becoming younger, because the number of underage drug addicts is continuously increasing. HIV B subtype which prevailed in Lithuania until now has been replaced by HIV A subtype, which is far more easier (by 10–20 times) transmitted sexually.

362. In Lithuania general practitioners and obstetricians – gynaecologists carry out medical care of pregnant women and recommend HIV testing. In 2002 two HIV infected women gave births for the first time. During pregnancy they received antiretroviral treatment and were provided with health care recommended by WHO. Their babies were also provided with antiretroviral treatment.

363. The Lithuanian AIDS Centre in Vilnius, the AIDS Department of Klaipėda City Hospital, the Clinics of Infectious Diseases of Kaunas Medical University take care of HIV/AIDS infected individuals and their families, control their health condition and provide treatment. Two NGOs – the HIV-positive Group and the Association of HIV/AIDS infected women and their families are successfully functioning in Lithuania.

364. The number of registered HIV/AIDS cases is presented in Annexes, see Table No. 25.

365. HIV/AIDS preventive work.

Systematic and coordinated HIV/AIDS preventive work in the country was started in 1989 when the Ministry of Health established the Lithuanian AIDS Centre (hereinafter referred to as LAC) and tasked it with organising HIV/AIDS prevention, diagnostics and control in the country and instructed it to methodically manage all health care and public health establishments in the country in the sphere of HIV/AIDS related matters.

366. On 13 January 2000 the Government of the Republic of Lithuania passed the Resolution No. 41 approving the National Programme of the Prevention of Sexually Transmitted Diseases aimed at reducing sickness rate of sexually transmitted diseases.

The Republic of Lithuania Government Resolution No. 1273 of 14 October 2003 approved the National HIV/AIDS Prevention and Control Programme for 2003-2008 the main aims of which is to minimise the spread of HIV/AIDS and related infections in Lithuania, to reduce adverse effects of HIV and related infections on the individual and society, to provide HIV infected individuals/AIDS patients with adequate health care services, to improve HIV/AIDS monitoring system.

367. On 28 March 1997 the Government of the Republic of Lithuania passed the Resolution No. 290 on the Participation of Lithuania in the European Union Programmes whereby it expressed its intention to participate in the European Union health and social policy programmes, including AIDS prevention.

368. The Government's concern about HIV/AIDS related matters is also reflected in clear objectives established in the Health Programme of Lithuania approved in 1998 by the Seimas of the Republic of Lithuania – to stop the spreading of AIDS by the year 2010.

369. By virtue of the Resolution on the Prevention of Drug Addiction in Lithuania passed by the Seimas of the Republic of Lithuania on 24 January 2002, drug addition and AIDS were recognised as factors causing danger to the national security.

370. HIV/AIDS prevention among schoolchildren and youth.

Two traditional HIV/AIDS prevention projects are being implemented in Lithuania – the drawing, composition, electronic poster and photo competition (since 1994) and the competition of knowledge “Schoolchildren against AIDS” (since 1999). These projects are aimed at involving children in preventive activities, communicating comprehensive information to teenagers, warning about consequences of dangerous behaviour.

371. HIV/AIDS education in the country's educational establishments is started in the primary school and further integrated into the educational subjects of nature and ethics. Since this education also covers the development of life skills, these matters are incorporated in the contents of other training subjects. Direct teaching on HIV/AIDS and related problems is provided to senior-formers.

372. In 2000 the Ministry of Education and Science drafted and approved the document on Drug Abuse and HIV/AIDS Prevention: Methodical Recommendations in observance of which the country's educational establishments organise preventive activities.

373. The following programmes aimed at the prevention of HIV/AIDS and drug addiction have been worked out for pedagogues and recommended by experts of the Ministry of Education and Science: “School without Drugs” (the project of UNDCP and the Ministry of Education and Science), “How to protect the School of Dreams from Drug Abuse” (the project of the Lithuanian AIDS Centre), “Living on a Crossroad” (the project of the “New Life” organisation).

374. In addition, the country is implementing the following programmes:

- 374.1. More and more educational establishments are involved into the “Healthy School” and “Healthy Kindergartens” programme approved by the Ministry of Education and Science. Over 100 schools and more than 150 kindergartens participate in this project;
- 374.2. The Project of “Snowball” on the prevention of alcohol, drug addition and AIDS was initiated by the American Professional Society for Education in Lithuania – American Teachers – for Lithuanian Teachers (APPLE). This Project is being very actively implemented in small towns;

374.3. The Family Planning and Sexual Health Association in implementing the Project “Peer Education” and in cooperation with the Ministry of Health and specialists of the public health centres established Youth Centres in five largest cities of Lithuania engaged in the prevention of HIV/AIDS and related problems on the basis of activity model “peers for peers”.

375. The Internet website <http://www.aids.lt> announces the hottest news about HIV/AIDS. This website is visited by about 100 internet users every day, including schoolchildren (in particular before competitions), teachers, journalists, medical men and other society members. In order to attract youth, references to this website are regularly placed in such popular portals as <http://www.omni.lt>, <http://www.delfi.lt>, <http://www.sala.lt>, etc. Various competitions and campaigns launched in this field include “Me – for You... You – for Me!” (participants of this campaign completed the interactive questionnaire and had the opportunity of receiving free counselling and being HIV-tested), the competition for selecting the motto of AIDS campaigns.

376. Events of the World AIDS Day and of the day to commemorate the diseased victims of AIDS, i.e. the campaigns “Students against AIDS”, “The Red Ribbon” (the Red Ribbon is the international symbol of the prevention and solidarity with HIV infected and AIDS patients), “DJs against AIDS”, etc. are becoming traditional. They are organised and attended by different youth organisations and schoolchildren.

377. The priority sphere of the health care is the mother’s and child’s health protection.

378. The system of perinatal medicine created in Lithuania had crucial effects on the improvement of the quality of perinatal care, reduction of sickness rate and mortality of pregnant and parturient women and infants.

379. In view of experience gained by western countries in the field of perinatology and available economic resources the effective System of Perinatal Medicine was created in the Republic of Lithuania which was approved by the Minister of Health Order No. 117 of 15 March 1999 on Approving the Procedure of Health Care of Pregnant and Parturient Women and Newborns. The Order establishes that all individual health care institutions (including private) in Lithuania must observe the principle of perinatal health care regionalisation and tasks them with providing the data on pregnant and parturient women and also on the newborns to the Republic of Lithuania Health Information Centre and specialists of the Ministry of Health.

380. Perinatal mortality is one of the key indices of the health care quality in the country. Compared with other Baltic States, these indices in Lithuania are better. In addition, perinatal mortality in our country is the lowest among the countries candidates to the European Union.

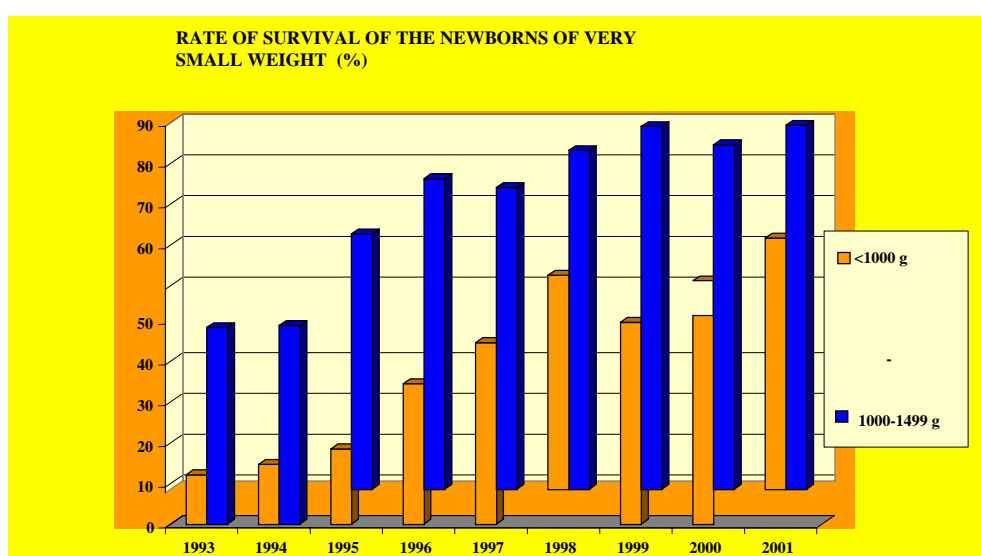
381. Implementation of the perinatology programme reduced perinatal mortality in Lithuania, but the number of stillborns practically did not change. In 2000 the highest perinatal mortality was observed among premature babies and in particular among those of early gestation. 53,7 per cent of babies born before 28<sup>th</sup> week of gestation died in perinatal period.

382. In 2002 the most common causes of perinatal mortality were perinatal asphyxia (25,4 per cent), foetus hypoxia (34,7 per cent), congenital anomalies (24,4 per cent).

383. As a result of implementation of the Perinatology Programme (commenced in 1992) and enforcement of its provisions mortality among infants noticeably diminished mostly due to the reduction of neonatal mortality.

384. The structure of mortality of infants in 2002: mortality rate caused by health conditions of the perinatal period (perinatal asphyxia, birth trauma, etc.) reduced to 29,4 per cent (in 2001 – to 28,8 per cent), mortality caused by congenital anomalies – to 38,7 per cent (in 2001 – to 38 per cent). Many countries consider that infant mortality resulting from traumas and intoxications, respiratory and infectious diseases is avoidable. However, in Lithuania its rate is still going up and in 2002 such causes accounted for 20.6 per cent (in 2001 – 21.6 % respectively) of the total mortality of infants below one year of age.

385. Rate of survival of premature infants of low weight keeps growing.



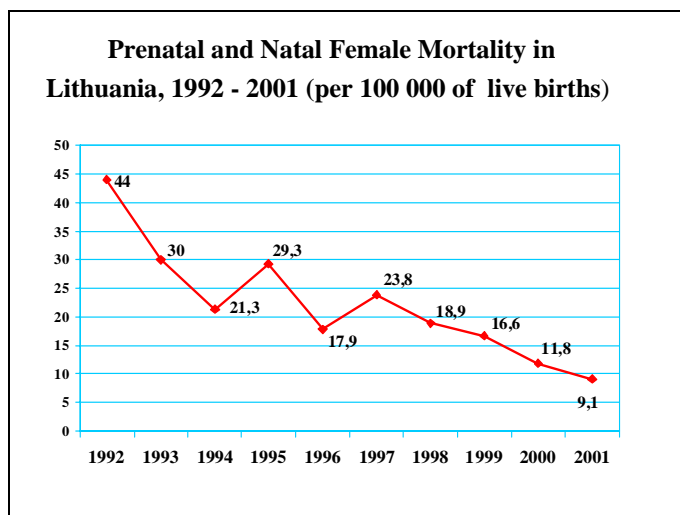
Larger numbers of low birth weight newborns cause new problems: retinopathy, hearing disorders, risk of psychomotor disorders, etc. of premature babies.

386. Divisions for the follow-up supervision, treatment and rehabilitation of the newborns with health disorders were established in the Neonatology Clinics of Vilnius University and Kaunas Medical University. The system of follow-up supervision, care and prevention of early development, diseases of eyes and ears of such children must be improved and developed with a view to reducing the disability from childhood. In 1996 the International Audiology and Phoniatry Centre mounted and implemented the Programme of Early Diagnostics and Rehabilitation of Hearing and Speech Disorders. This Programme helped to improve diagnostics of the diseases of ears and to determine the main causes of a certain degree of hearing loss.

387. Practically all newborns of low birth weight are often sick in childhood and upon reaching maturity, including the ischemic heart disease and mental disorders. It also important that prematurity of infants is one of the risk factors related with loss of hearing of a considerable degree.

388. Sickness and mortality rate of newborns is closely related with the health of women and with their prenatal and natal medical care.

389. Despite the fact that maternal mortality reduced by five times since 1992 a result of the implementation of the Perinatology Programme, it still remains twice as large as the average of the EU. 4 women died during pregnancy and delivery in 2001, and 6 - in 2002.



Data provided by Ministry of Health of the  
Republic of Lithuania.

390. Maternal mortality structure in Lithuania differs from global indices. Almost half of pregnant and parturient women die not from direct causes, such as pregnancy or birth complications, but from serious extragenital diseases. Septic complications are the second cause of mortality.

391. The structure of sickness rate of pregnant and parturient women and the number and structure of complicated births practically remain the same.

	2001	2002
Pregnant women enrolled before 12th week of pregnancy, in per cent	71.0	71.5
Procedures performed for a mother, in per cent:		
Ultrasonography	94.3	94.5
Anti-D immunoprophylaxis	3.4	4.4

*Source:* Annual Statistical Report Form No. 22 “Report on Prenatal and Natal Medical Assistance”.

Pregnant women morbidity (incidence rate) of syphilis and gonorrhoea is diminishing, however it still exceeds the respective average in the EU.



392. The main objectives established under the Health Programme of Lithuania for 1998-2010 include the reduction of population mortality and improvement of life quality. The Programme aims at reducing sickness rate of infants by 30 per cent and increasing the number of 4-6 months breastfed infants to 40 per cent by 2010.

393. The system of health care of pregnant and parturient women and newborns comprises three levels: level one – district, level two – large county and level three – university hospital. The principle of regionalisation defines the types of health care to be provided and determines what pregnant and parturient women and newborns should be treated at each level, designates the required medical facilities, specifies where and when patients should be sent for consultations, and establishes the system and procedure of transportation of newborns.

394. For the purposes of implementing the perinatal medical care of women and newborns the sequence and scope of such care and the provision of different levels with medical facilities was established with the most serious patients and the main resources concentrated in Perinatal Centres of Vilnius and Kaunas. The established procedure of the provision of consultations to natal women and of transportation of the newborns is also in place. As a result of regionalisation of medical assistance to parturient women and newborns the rates of perinatal and neonatal mortality kept gradually reducing.

395. In developing the effective perinatal medicine model, improvements are introduced into the methods of classification of pregnant women by degree of risk and the procedure of their supervision and treatment in the obstetric in-patient departments at different levels; the volumes of obstetric and neonatal services were defined in detail; the principles of activities of private obstetric clinics and women's consultation centres rendering medical assistance to pregnant women were brought in line with the general principles of activities of individual health care establishments; the procedure of organisation of specialised perinatal medical assistance to women and newborns is undergoing positive changes through analysing the causes of perinatal and neonatal mortality and enhancing and developing the system of follow-up supervision and evaluation of the development of the newborns who suffered from early health disorders.

396. The National Mother and Child Health Programme for 2004-2006 is being developed. It is mostly focussed on perinatology, newborns' surgery and early diagnostics and treatment of hearing defects of children. In addition to being one of the key problems of medicine the mother and child's health, prevention of their diseases and mortality rate is also a social and national problem of high relevance.

397. Despite gradual reduction of legally induced abortions their number still remains high in Lithuania: in 2001 – 13 677 (43,4/100 live births), in 2002 - 12 495 (41,4/100 live births).

**Number of abortions by age of girls, 2001-2002**

	2001	2002
Aged below 15	1	3
Aged 15-19	1 009	860

Data provided by Ministry of Health of the Republic of Lithuania.

398. In observance of the Minister of Health Order No. 50 of 28 January 1994 on the Abortion Procedure, girls aged below 18 years willing to undergo an abortion must obtain a permit of their parents or guardians, whereas Article 2.7 and Par. 2, Article 2.25 of the Civil Code require that a girl aged below 14 years who is intending to terminate her pregnancy obtains a court permission.

399. With a view to reducing the rate of abortions, schools are running the sexual education programme integrated into other educational subjects.

400. Health Education Centres and Sexual Health and Family Planning Association established Youth Centres in five largest cities of Lithuania. The Centres provide information about reproductive health, safe sex and teaches pregnancy planning. Polyclinics which have obstetricians gynaecologists offer the reproductive health care services to all patients. In addition, the general practitioners are obligated to appraise their patients on the matters of family planning and use of contraceptives.

### Article 26 - Social security

401. Enforcement of the provisions of this Article is discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child. This Report elaborates on the implemented changes.

402. The average annual funds spent for payment of benefits to all families with children and children deprived of parental care in 2001-2002 amount to almost LTL 260 million (see the Table).

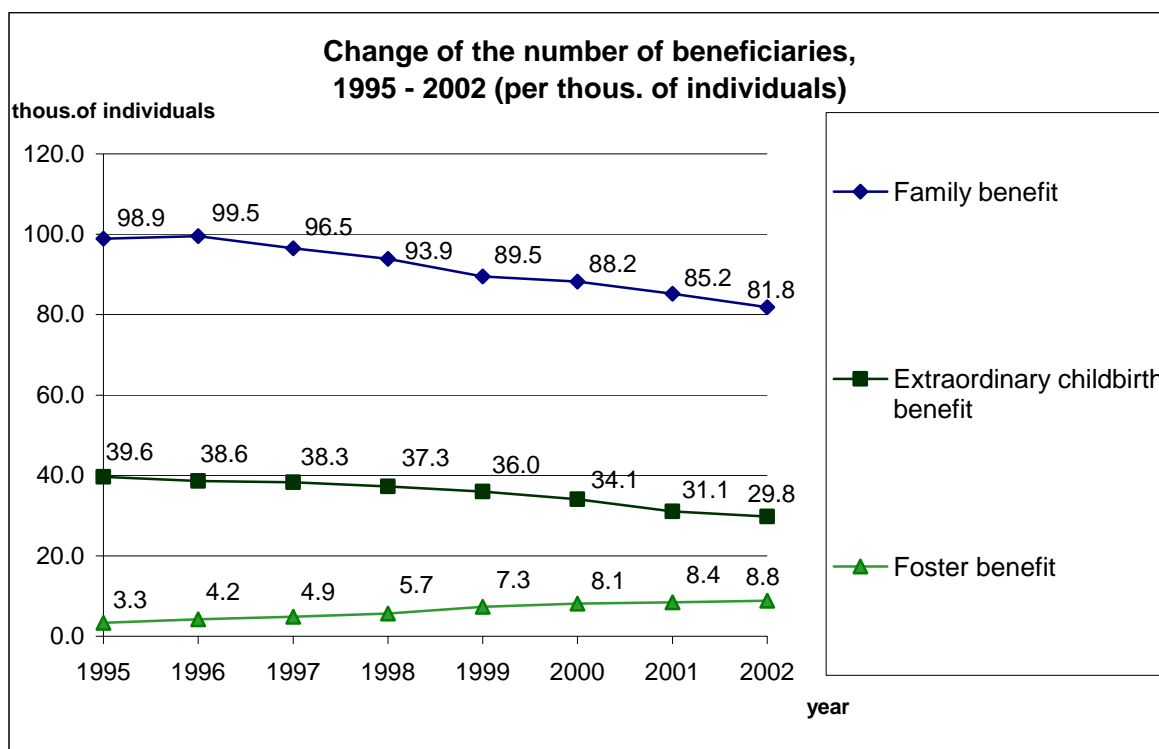
#### Number of recipients of benefits paid to families with children and children deprived of parental care and expenses for such benefits, 2001-2002

Seq. No.	Benefits	Number of recipients*		Expenses	
		thousand of people		LTL thousand	
		2001	2002	2001	2002
I.	Total (1.1.+1.2.)	-	-	260 082	259 416
1.1.	Benefits to families with children, of which:	-	-	199 549	193 311
1.1.1.	Extraordinary childbirth benefit	31.1	29.8	23 299	22 343
1.1.2.	Family benefit	85.2	81.8	93 043	89 259
1.1.3.	Military family benefit	0.07	0.08	136.7	158.5
1.1.4.	Benefit to families growing 3 and more children	45.8	45.6	83 016	81 498
1.1.5.	Pregnancy benefit to studying women	0.25	0.24	54.5	52.7
1.2.	Benefits to families for maintenance and settlement of children deprived of parental care, of which:	-	-	60 533	66 105
1.2.1.	Foster benefit	8.4	8.8	44 515	46 932
1.2.2.	Settlement benefit to orphans and children deprived of parental care	1.28	1.52	4 348	5 841
1.2.3.	Orphan's scholarship	1.95	2.2	11 670	13 332

Data provided by Ministry of Social Security and Labour of the Republic of Lithuania.

\* Line items 1.1.1; 1.1.2; 1.1.3 and 1.2.1 specify the number of children for whom a respective benefit is allocated; line item 1.1.4 covers the number of families.

403. Beneficiaries' dynamics in 1995-2002 shows a tendency of the reduction of benefits to families with children (see the Figure). In 2002 less one-time childbirth benefits were paid than in 1995, family benefits for children aged below 3 years diminished by 17 per cent, one-time childbirth benefits reduced by about 17 per cent compared with 1999-2002 and family benefits for children up to 3 years of age diminished by some 10 per cent. In 1999-2002 childcare (guardianship) benefits went up by about 20 per cent. This is conditioned by the tendency of birth rate reduction which is recently observed in Lithuania and by the growing number of social risk families with parents deprived of their parental rights temporarily or for an unlimited term for the failure to provide their children with proper upbringing or for neglecting them.



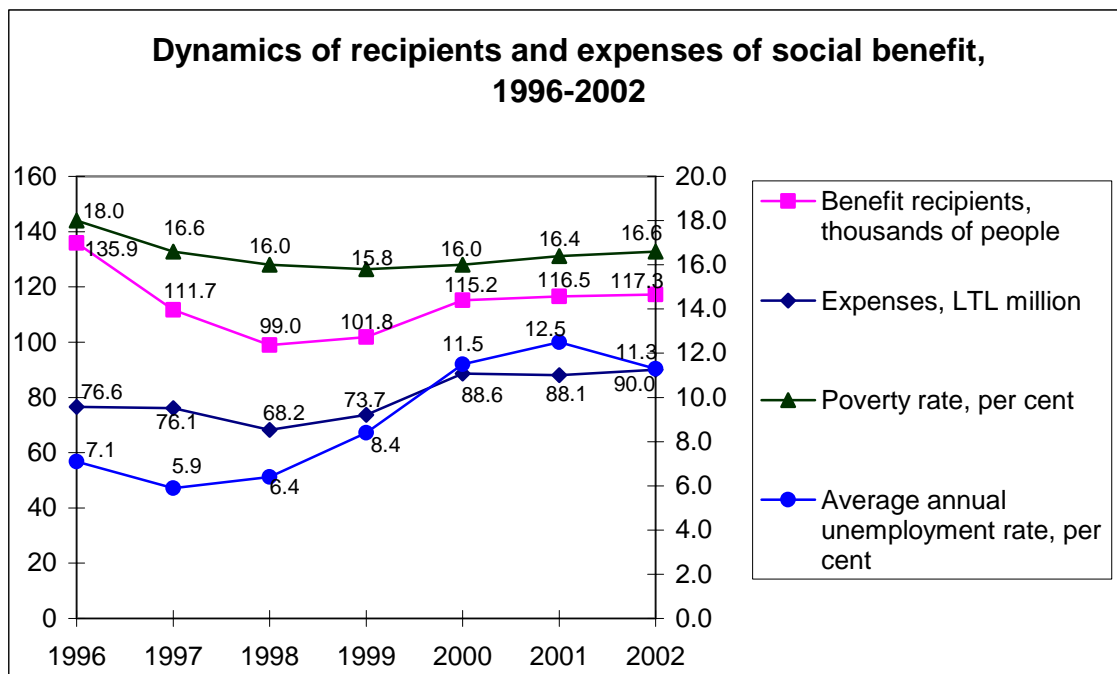
Data provided by Ministry of Social Security and Labour of the Republic of Lithuania.

404. Families lacking sufficient income for living due to objective reasons are provided with means-tested support. They are entitled to receive a social benefit and compensations for heating, cold and hot wares expenses.

405. In 2002 about 117 thousand of individuals received social benefits per month (3.4 % of all permanent residents of Lithuania), with the total amount of LTL 90 million spent for this purpose.

406. Change in the number of social benefit recipients results from movements of unemployment rate, developments of individuals' income and minimum amounts (minimum monthly salary, base pension, etc.), other changes in the country's and regional socio-economic

development. Analysis of the dynamics of social benefit recipients in 1996-2002 shows that in 1998 social benefits started increasing as well as expenses for this benefit (see the Figure). The number of social benefit recipients went up as a result of growth of unemployment rate. Average annual unemployment rate in 1998-2001 grew from 6.4 to 12.5 per cent.



Data provided by Ministry of Social Security and Labour of the Republic of Lithuania.

407. Statistical information and data of different social surveys show that the higher poverty rate is prevalent among families with children (every fifth child of pre-school age lives in a low-income family, and poverty level in families growing many children exceeds 30 %). Social benefit is received by about 7 per cent of all families growing children. These families account for 85 per cent of all families receiving social benefit.

408. By 2002 the aforementioned benefits and compensations were paid from municipal budgets. Municipalities were often short of funds and delayed in paying out benefits and compensations. Having regard to the fact that calculation and payment of statutory benefits and compensations is the function of the State (transferred to municipalities), since 2002 the funds for the calculation and payment of benefits and compensations are allocated from the state budget and transferred to municipalities as a targeted subsidy. Moreover, this measure is aimed at ensuring timely payment of benefits and compensations.

409. In observance of the Law on Sickness and Maternity Social Insurance (21 December 2000, No. IX-110) only the insured individuals who until the beginning of the disability, pregnancy and childbirth leave or of the childcare leave until the child reaches the age of 1 year have social insurance period of a respective length, are entitled to receive

benefits under this Law. Individuals who do not have the required social insurance period and are not eligible to receive the maternity or maternity (paternity) benefits by virtue of the Law on Sickness and Maternity Social Insurance, have the right to receive the family benefit established under the Law of State Benefits to Families Growing Children (3 November 1994, No.I-621). Family benefit to such families is paid from the child's birth until the age of three years. A family benefit to the family, which is entitled to receive the maternity and maternity (paternity) benefit is paid after expiration of payment of maternity (paternity) benefit until the child reaches the age of 3 years. Such coordination of the insurance principle and social support is aimed at providing social guarantees to families with children.

410. In observance of the Law on Social Pensions (29 November 1994, No.I-675) social pensions and compensations are paid from the state budget to individuals nursing disabled individuals and mothers of many children. Social pensions are allocated to individuals who due to objective reasons (disability from childhood, nursing of disabled children or children disabled from childhood, raising 5 and more children, etc.) could not work and acquire the state social insurance pensions insurance period entitling to receive state social insurance pensions.

411. A benefit to pregnant studying women who are not entitled to receive a maternity benefit during pregnancy and confinement is paid from the state budget funds allocated to educational institutions.

412. The purpose of payment of the survivor and orphans' pensions is to guarantee the continuity of the spouse's obligation to maintain his (her) disabled spouse or a successor (child). In 2000 the survivor and orphans' pensions were paid to 200,8 thousands of individuals (in 2001 – 211,8 thousand, and in 2002 – 219 thousand respectively). In 2000 the average amount of the survivor and orphans' pension was LTL 60 (in 2001 and 2002 – LTL 61 and 62 respectively).

413. In addition to financial support children are also provided with other forms of support.

414. Children attending pre-school establishments are entitled to a 50 per cent discount on the fee charged for the child's maintenance in a pre-school establishment, if a child (children) has (have) only one parent, the family is growing three and more children, the father is a conscript of the active military service, the child is being raised in the family of schoolchildren or students in which one of the parents is a student of a day-time department of an educational establishment. By decision of municipalities poor families may be exempted from payment of the aforementioned fee.

415. Schools of general education organise free meals to children from poor families. Pupils are provided with free lunch and those from particularly poor families - with free breakfast and lunch. Free meals are provided in consideration of the amount of family income. The right to free meals is enjoyed by pupils from the families whose income per capita does not exceed 1,5 of state-financed income (LTL 202,5 per month). The daily amount allocated per one pupil's lunch is LTL 3. The State finances free school meals since 1997. As a result of annual allocations of about LTL 60 million almost 27 per cent of all pupils at schools of general education every year can enjoy free meals.

416. By virtue of the Republic of Lithuania Law on Income Tax of Individuals (2 July 2002, No. IX-1007) as from 1 January 2003 individual tax-exempt amounts (TEA) of income (i.e. exceeding the basic LTL 290 per month tax-exempt amount) are applied to the following residents of Lithuania:

- 416.1. LTL 430 per month to persons with 3 and more children (adoptive children) under 18 years of age and older, provided they study at day-time schools of general education and, in addition, the basic TEA is increased by LTL 46 for the fourth and each subsequent child (adoptive child);
- 416.2. LTL 335 per month to a mother (adoptive mother) or father (adoptive father), who is alone growing children (adoptive children) under 18 years of age and older, provided they study at day-time schools of general education and, in addition, the basic TEA is increased by LTL 53 for the second and each subsequent child (adoptive child).

417. The system of social guarantees to families and children lacks coordination and effectiveness. The main objectives in developing the state policy in the field of support to families raising children and to children deprived of parental care are:

- 417.1. To encourage families to raise and maintain their children providing support to each child until he (she) reaches maturity;
- 417.2. To improve efficiency of the system of support to children deprived of parental care: guaranteeing the average subsistence level to children placed into guardianship (care), increasing responsibility of close relatives for children who need support, providing for more purpose-oriented support to those starting an independent life;
- 417.3. To ensure that benefits are used to satisfy the needs of children: enhancing parental responsibility for the maintenance of children, developing social services to families and organising preventive work with social risk families.

418. In 2002 16,6 per cent of the country's population lived below relative poverty line, however, not all individuals who due to objective reasons are deprived of the source of income are provided with social support (e.g., families of long-term unemployed are not supported). Social exclusion of the long-term support beneficiaries is increasing. Means-tested allocation of support without having due regard to the family's property gives rise to abuse.

419. With a view to guaranteeing support to those in greatest need, the Law on Financial Social Support to Low-income Families (Single Persons) was passed on 1 July 2003 (1 July 2003, No. IX-1675), and will come into effect on 1 April 2004. Based on this Law a uniform system of social support based on assessment of income and property was developed. This system is aimed at precluding abuse, extending the rights of municipalities and obligations of beneficiaries, and applying social integration measures to them.

420. In 1998-2000 the reform of the system of support to children deprived of parental care was launched. The reform aims at reorganising this system so as to ensure that priority is given to guardianship (care) of children deprived of parental care in families or foster families, or to adoption, other than to their placement into child care institutions. The amount of a foster benefit was respectively gradually increased as well as financial support to orphans and children deprived of parental care who have reached maturity. Financial support to such children is guaranteed until their maturity, during their studies and upon acquisition of a dwelling.

421. Gradual increase of foster benefits in 1998-1999 and refusal of additional benefits to children placed under care was the main positive stimuli for placing children into families instead of establishing institutional care for them. Nevertheless, a considerable growth of state support to a child placed under care did not increase the number of people willing to take care of children.

422. Until July 1998 childcare benefits were paid for each child below 16 years placed into care. In observance of the provision according to which individuals below 18 years are considered children, the childcare benefit payment period was extended until full age (18 years), emancipation or marriage.

423. After cessation of guardianship (care) upon maturity, emancipation or marriage of individuals they become entitled to an extraordinary benefit in the amount of 50 MSL for dwelling acquisition or settlement, if they are not maintained (provided with accommodation and meals) in the institutions financed by the state or municipalities and when applying for the benefit are younger than 25.

424. Benefits to children deprived of parental care and orphans:

Benefit	Amount			
	Until 1999		From 2000	
Foster benefit <sup>1</sup>	1.5 MSL	LTL 187.5	4 MSL	LTL 500
Orphan's scholarship <sup>2</sup>	1.5 MSL	LTL 187.5	4 MSL	LTL 500
Settlement benefit to orphans and children deprived of parental care	18 MSL	LTL 2 250	50 MSL	LTL 6 250

Data provided by Ministry of Social Security of the Republic of Lithuania.

<sup>1</sup> When a child placed under care is entitled to orphans' pension and (or) alimony, the benefit is equal to the difference between the amount of 4 MSL and these payments.

<sup>2</sup> When a pupil (student) of full age placed under care until maturity becomes entitled to orphans' pension, the scholarship is equal to the difference between the amount of 4 MSL and the received orphans' pension.

### Article 27 (paras. 1-3) - standard of living

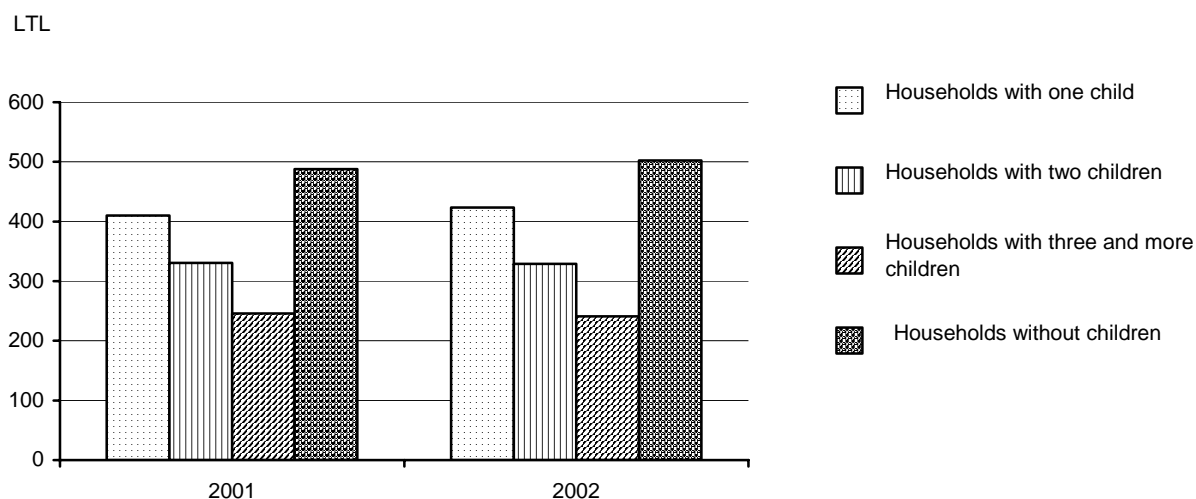
425. Implementation of the provisions of this Article of the Convention largely depends on economic and social conditions of countries.

426. Income.

According to the household budget survey data, in 2002 the disposable income of households with children aged below 18 stood at LTL 362 per capita (86 % of the country's average). Compared with 2001, the disposable income went up by 1.5 per cent, and given the drop of prices the actual income increased by 1.2 per cent. This growth was conditioned by the increase of income from employment. Monetary income accounted for LTL 305, i.e. 84 per cent of total disposable income.

#### Dynamics of disposable income

(per capita, monthly)



427. The living standard of households depends on the type of households and the number of children. The disposable income of households with one child under 18 per capita exceeded by 1,8 times the disposable income of households with three and more children. Due to the growth of income in households with one child this difference experienced a slight annual growth. In 2002 income in households with one child increased by 3.3 per cent, and in households with two, three and more children – reduced by 0.4 and 2 per cent respectively.

428. The main source of income in all of the aforementioned groups of households was employment, however, in the households with 3 and more children the share of income from employment is smaller and the share of benefits in the total income is considerably larger.



429. Income in households consisting of a single adult (as a rule, a mother) and underage children stood at LTL 348 per capita, i.e. by 4 per cent lower than average income in all households with children, and, in addition, one third of all income in these households comprised alimony, family support and similar income.

430. See Annexes to the Report, Table No.26.

431. Consumption expenditure.

In 2002, the amount of monthly consumption expenditure in households with underage children accounted for LTL 357 per capita (in all households – LTL 416).

432. Consumption expenditure in households with 2 children accounted for 82 per cent, and in those with 3 and more children – for 58 per cent of the average country level. Daily expenses on meals per capita in households with many children (three and more minors) were only LTL 3,8 (LTL 5,6 on average in all households), despite the fact that expenses on food in such households accounted for 49 per cent of their consumption expenditure.

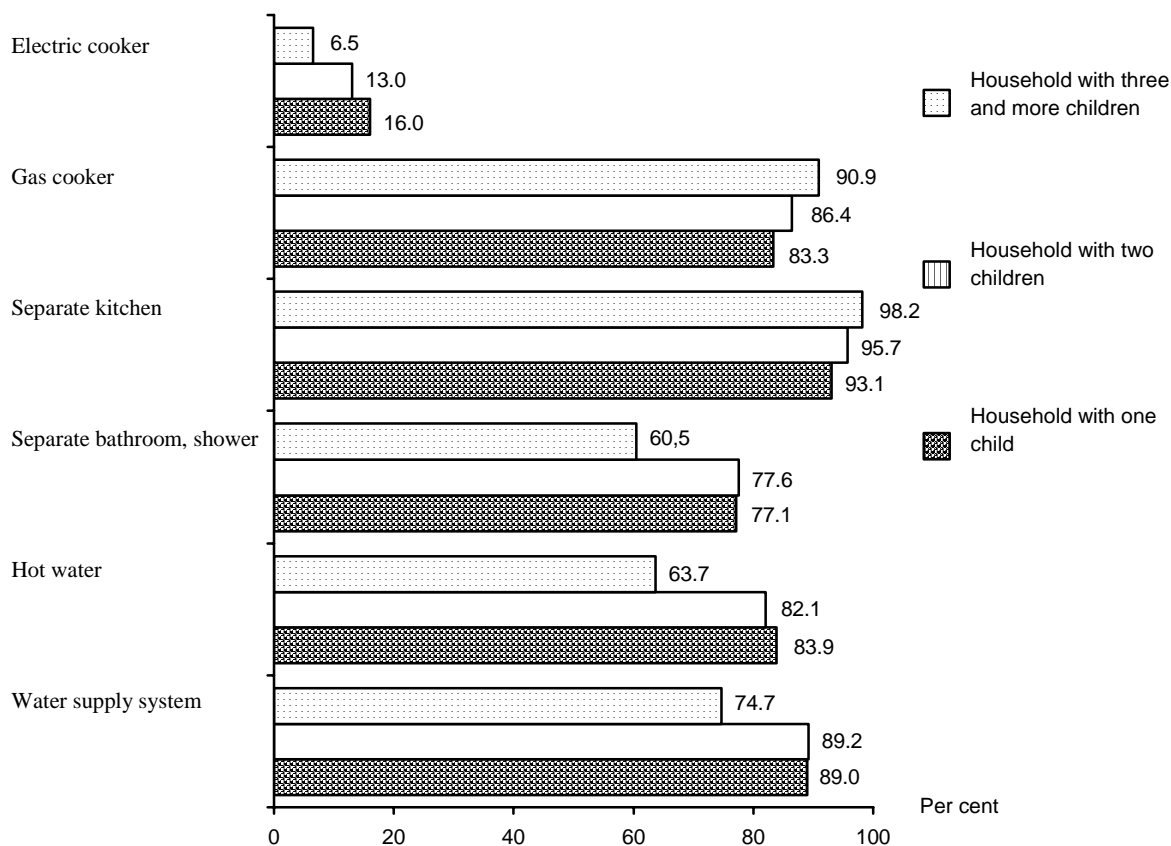
433. Division of all households under survey into deciles by expenditure levels shows that half of the households with 3 and more children falls within the first two deciles (poorest households) and only mere 2 per cent – are attributed to the last two (richest households) deciles. The first two deciles cover 27 per cent and the last two – 11 per cent of households with two minors. The households with many children make up 3.7 per cent of all households covered by the survey, whereas in the first decile they account for 15.4 per cent, and in the tenth – only for 0.2 per cent.

434. See Annexes to the Report, Tables No. 25 and 27 through 29.

435. Living conditions.

Majority of households included in the survey had their own flat or house, however this cannot be said about households with children. Comparison of families with different number of children shows that the larger is the number of children in the family the worse are its living conditions. Rural population, as a rule, have flats (houses) of larger space, which, however is not so well equipped. Poor living conditions of more than half (60%) of households with three and more children are partly attributable to the fact that they live in rural areas.

### Amenities of households with children in 2002



#### 436. Poverty rate.

Poverty rate analysis carried out by the Department of Statistics revealed that households with children aged below 18 years account for the bulk of households living below poverty line, which is equal to 50% of the average consumption expenditure. In 2002 poverty rate of households with minors was 19.5 per cent (the country's average is 16.6%).

437. Calculations performed show that poverty rate largely depends on the number of children in the family. In 2002 the poverty rate in households with one child under 18 was 15.8 per cent, with two children – 18.6 per cent, and in households with three and more children – 34.5 per cent. It is quite obvious that families with many children are very poor. It is most likely that they will be attributed to low-income families.

438. See Annexes to the Report, Table No. 24.

439. Information about financial support to families, which have and grow children is presented in the Report on the Implementation of Article 26 of the Convention.

440. Extraordinary benefits, food and clothing support to families suffering from poverty, sickness, disability, natural disaster, etc. Municipalities in consideration of their budget possibilities establish provision of such support to individuals residing in respective municipal territories.

441. With a view to supporting families of employed individuals growing children and encouraging them to seek and earn income necessary for their subsistence and maintenance of children, the Republic of Lithuania Law on Income Tax of Individuals (2 July 2002, No. IX-1007) established individual tax-exempt amounts (TEA) of income (i.e. exceeding the basic LTL 290 per month tax-exempt amount) applicable to resident families with children:

- 441.1. LTL 430 per month to persons with 3 and more children (adoptive children) under 18 years of age and older, provided they study at day-time schools of general education and, in addition, the basic TEA is increased by LTL 46 for the fourth and each subsequent child (adoptive child);
- 441.2. LTL 335 per month to a mother (adoptive mother) or father (adoptive father), who is alone growing children (adoptive children) under 18 years of age and older, provided they study at day-time schools of general education and, in addition, the basic TEA is increased by LTL 53 for the second and each subsequent child (adoptive child).

The basic tax-exempt amount - LTL 290 per month.

442. An important aspect of family support development is providing favourable conditions to young families and other measures taken to address housing problems.

443. With a view to providing families with better housing conditions, in observance of the Republic of Lithuania Law on State Support for the Acquisition or Rent of a Dwelling (2 November 2002, No. IX-1188) state support is provided for the acquisition of the first dwelling suitable for living and more than 60 per cent for the reconstruction of a worn dwelling, also for the reconstruction of a dwelling which is not suited to the requirements of the disabled with movement dysfunction. For the purpose of this Law state support is provided by paying from the state budget full or partial housing credit insurance contributions and subsidies covering part of the housing credit. A subsidy provided to full age orphans until they reach the age of 35 or to the disabled of disability groups I or II, or to families with a disabled family member of disability group I or II or with a disabled child covers 20 per cent of the housing credit, and 10 per cent of the amount of credit granted to families with three and more children (adoptive children) and to young families raising one child (adoptive child) or more.

444. By virtue of Article 21 of the Republic of Lithuania Law on Income Tax of Individuals for the purpose of calculation of income tax for the taxation period according to the submitted annual income tax declaration income earned by permanent residents of the Republic of Lithuania may be reduced by the amount of interest calculated on credit obtained for construction or acquisition of a dwelling.

445. The Lithuanian Housing Strategy Project the implementation of the aims and tasks whereof is envisaged by the year 2020, is aimed at improving the programmes of active state support for acquisition of a dwelling, guaranteeing legal and financial opportunities for the development of a non-profit lease sector, applying the system of benefits to families renting a dwelling in the private sector.

### **Education, leisure and cultural activities**

#### **Articles 28 and 29 - Education**

446. The system of education of the Republic of Lithuania is discussed in the Initial Report of the Republic of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

447. The number of studying youth keeps continuously growing since 1993/1994 school year. During 2001/2002 school year this number reached 600 thousand in schools of general education, and the total number of studying youth amounted to 800 thousand. Free transportation to schools, scholarships in vocational and higher schools, partly free university studies to a certain extent improved the opportunities of studies and the access to education.

448. Seeking to ensure more accessible education to all children, to develop the child's personality to the fullest potential and to prepare children for responsible life in a developing society by strengthening the motivation to study, from 2000 all schools running the secondary education programme introduced the general profiled education, which enables a pupil to select the contents, and to a certain extent, the form, of education corresponding to his or her abilities, interests and needs, to use the most available sources of information in order to meet individual aspirations.

449. Implementation of computer technologies in the sphere of education became one of the strategic goals of the state. The priority goal of the state is to supply with computer facilities the pupils of grades 9-12 in schools of general education and of grades 1-4 of gymnasiums. By the end of 2001 one computer was provided to 21-22 pupils of the aforementioned grades, and in 2002 – 12 pupils of grades 11-12. According to the plans all pupils must pass the computer literacy credit (ECDL).

450. In 2001 the Programme "Education to Information Society" was launched aimed at providing all schools with the possibility to use the Internet and multimedia resources.

451. The survey of the workload falling on pupils conducted on the initiative of the Ministry of Health showed that pupils have excessive workloads and that their health condition calls for looking for rational ways how to address this issue. To this end, since 2003/2004 school year restrictions were provided for the General Education Plans with regard to home works, timetables, and daily number of lessons; to this end the General Curricula and Education Standards and examination programmes are being revised.

452. For the purpose of provisioning and modernising the general education funds for the acquisition of textbooks are allocated in the pupil's basket. The amount of funds allocated per pupil for the acquisition of textbooks is gradually increased. In 2002 LTL 21 was allocated per pupil, and LTL 36 – to children entitled to social support, LTL 61 – to children with special needs, libraries received LTL 2 per pupil (respective allocations in 2001 accounted for LTL 17,6 per pupil, LTL 25 - to children with special needs, and LTL 0,99 – to libraries).

453. Improvement of the system of profiled education focuses on developing the pupils' preparedness to select the contents of education, spreading positive experience and minimising the work load falling on schoolchildren.

454. The purpose of vocational training is to help the individual to acquire, change or improve his qualification and to get ready for participation in a particular labour market.

455. Admitted to vocational schools are pupils from 14 years of age, if their health condition allows them to study and engage in works of the selected speciality.

456. Vocational schools admit students to the groups of stages I, II, III, and IV.

Stage I - acquisition of a vocational qualification. Persons without basic education are admitted. Duration of studies for those who seek only professional qualification is 2 years. Pupils who have completed 9 grades and are willing to acquire the basic education and vocational qualification study 3 years.

Stage II - acquisition of a qualified worker's profession. Admitted are persons who have acquired the basic education of who have got negative annual marks in maximum two subjects of grade 10 or have not passed credits in at least two 2 subjects. Duration of studies - 2 years.

Stage III - acquisition of a qualified worker's profession and secondary education. Persons who furnish the school director with the basic education certificate confirming the completion of the 6-year basic education programme or a certificate of the results of studies certifying the completion of 10 grades. In separate cases a person possessing the basic education certificate issued in 1995-1998 can be admitted to study according to the secondary education programme, if having tested his knowledge of the basic teaching subjects it is established that it meets the basic education standards. Duration of studies – 3 years. Students willing to study according to the secondary education programmes in technological gymnasium groups study for 2 years. For those who have completed such studies and are willing to acquire professional qualifications the length of studies is 1 year.

Stage IV - acquisition of a qualified worker's profession. Admitted are persons who have acquired the secondary education or listened to the secondary education programme. Duration of studies – 1-2 years.

457. Vocational schools introduce active methods into the process of education, integrating vocational training with the general education, developing individual models, and using information technologies in the process of education. Pupils study information technologies

and the basics of enterprise. These measures improve the quality of vocational training and secondary education, making them more attractive and accessible to children of varying capacities.

458. Cultural and art education in vocational establishments is available to all pupils irrespective of their social status, language or religion. Agricultural schools in rural areas serving as open centres of culture and education to the local community members have a particularly important role to play in this field.

459. More and more attention is paid to the vocational information. Activities in this sphere include the establishment of vocational guidance centres, designation of pedagogues responsible for vocational guidance and counselling in some schools. These measures are aimed at providing guidance to pupils of different abilities and helping them to select further education according to their aspirations. Since 2001 the "Vocational Guide" is published in cooperation with the Coordination Fund in Support of the EU Programme "*Leonardo Da Vinci*". This publication is aimed at pupils, their parents and teachers.

460. In 2002 the Profiled Teaching Model was improved. Introduction of the profiled teaching facilitated in balancing the burden of work falling on pupils and differentiating the education and helped pupils in selecting the contents of education, i.e. subject programmes comprising different compulsory and optional models of general education and also the possible models of vocational training.

461. For the purpose of modernising the general education, the Ministry of Education and Science is developing modern strategies: economical literacy and enterprise, technological education, language teaching.

462. Advanced VET institutions provide vocational education of college level. These institutions admit pupils who have completed secondary education (possess a school-leaving certificate). Length of daytime studies is from 2 to 4 years depending upon the complexity of the programme. Employed young people can choose either evening or extramural studies, which, however, are of longer duration. Conditions of Admission to Colleges provide that when students admitted to colleges receive equal marks priority is given to the disabled or individuals without both parents, also to vocational school graduates whose acquired qualification is close to the selected programme of studies. Those who complete studies receive a diploma of college education under the selected programme certifying the acquisition of college education and awarded vocational qualification.

463. In order to provide youth with better access to vocational training, the aforementioned educational institutions also use modular training programmes. In guaranteeing successive and continuous vocational training, the system of modules applied to graduates of stage III or IV of vocational education and training institutions.

464. The reform of college education was started in 2000. After adoption of the Law on Higher Education (21 March 2000, No. VIII-1586) the setting up of colleges was commenced on the base of professional colleges. Colleges are higher schools of new type providing advanced non-university education. Professional colleges, which do not meet the requirements established for a college, will be reorganised into vocational schools.

465. Since February 2002 the Internet website “IS SCHOOL” was opened to visitor. Its purpose is to inform the public about all types of educational institutions, their teaching permits and rights to issue education or qualification certificates, as well as about the available studies and training programmes. This website also describes professional qualification or education acquisition programmes and therefore might be useful to schoolchildren in selecting subsequent education and profession.

466. In 2003 the work of planning and realisation implementation of the Open Information, Counselling and Guidance System investment project was started. This is a second step towards enhanced integration of the “IS SCHOOL” website. The project is being implemented in concert with the Ministry of Social Security and Labour and is aimed at combining the data of three systems: the data of the Ministry of Education and Science about education possibilities, the data of the Department of Statistics about the number of students, and the information of the Lithuanian Labour Exchange about job vacancies and generalised data on education and professional qualification of the unemployed. In addition, this project should guarantee educative preconditions for the establishment of the systems of vocational information and of vocational guidance and counselling, provide citizens with better access to the Internet sources of information. Completion of the first stage of the implementation of this project is envisaged in 2003, and implementation of the entire project - by the end of 2005.

467. All countries face the problem of school dropouts. With a view to returning children back to schools the Ministry of Education and Science in 2001 introduced the establishment of social pedagogues in the educational institutions. On 1 September 2001 the posts for 169 social pedagogues were established in said institutions and in 2002 their number was increased to 231. According to the data of 1 February 2003 provided by municipalities more than 600 social pedagogues are employed in educational institutions of Lithuania. By 2005 their number in different types of schools will reach 800.

468. Since 2000 free meals are provided to children eligible to social support. The amount of LTL 60 million is allocated annually to provide over 160 000 of schoolchildren with free meals. The possibility to get free meals at school often becomes a stimulus to attend the educational establishment. It also facilitated in attracting more children who did not attend schools due to different social reasons.

469. One of the school financing reform objectives is the reduction of the number of children not attending schools, because the pupil’s basket is an economic stimulus urging schools to look for “own” children and to attract the new ones. The establishment of the pupil’s basket encourages educational institutions and their founders to keep precise records of pupils, because each of them “is accompanied” by the fixed amount of funds.

470. Implementation of the Yellow Busses Programme commenced in 2000 is under way. 149 school busses were purchased during the period from 2000 to 2002, planning to acquire 20 more in 2003. Yellow busses save the time of pupils and improve their school attendance. According to the data of municipalities in 2002/2003 such services were provided to 85 710 pupils.

471. Pupils are attracted to schools through advancement of the school-pupil relationships, implementation of psychological microclimate development projects in educational institutions and improvement of evaluation of educational achievements.

472. At present the project "Evaluation of Advancement and Achievements of Pupils in the Process of Education" is being implemented. A more innovative system of evaluation of the pupils' advancement will encourage them to study and will help to improve the contents and process of education. New methods of evaluation created by teachers will be tested and improved during the process of education, sharing acquired experience with their colleagues, disseminating it in the regions, and working out the pupils' advancement evaluation methods.

473. Returning children back to schools is one of components of the regional policy. The heads of the Ministry of Education and Science, the Open Society Fund – Lithuania and municipal education subdivisions have launched the joint Regional Education Policy Project. Each municipality can develop specific programmes corresponding to the needs of a particular region, but everything depends upon the attitude of the city and district heads.

474. Youth schools help youth who do not attend schools and have lost motivation to study to resume comprehensive education. In 2002 there were 26 youth schools and youth classes were set up in schools of general education.

475. Data provided by various agencies with regard to the number of children who do not attend schools differ. In 2002 all children aged below 16 years were assigned personal codes to facilitate accurate recording of pupils not attending schools.

476. Seeking to prepare young generation to live in rapidly developing social conditions, the Lithuanian school undertakes to help everyone to acquire personal, social and cultural competence which is necessary today and will be necessary indispensable in future, creating conditions for developing moral and civil awareness based on the principles and values of responsibility, humanism and democracy, enhancing inborn individual abilities, critical thinking, problem solution and other skills, improving communication abilities and information culture (knowledge of the native and foreign languages, computer literacy), developing social culture – communication and cooperation skills and competence necessary for harmonious life in multicultural society, fostering self-confidence, initiative, independence, courage to assume liability, resolution and aptitude for lifelong learning and development.

477. The school is responsibly fostering the following values: sincere and open relationships with family and relatives, support and assistance to them, respect of human dignity, tolerance of differences – physical, religious, social and cultural differences of people, love for one's country, resoluteness to defend its freedom and independence, to contribute with own work to its advancement, respect to native traditions, religion, cultural heritage, ethnocultural identity, willingness to protect and develop these values, respect and openness to diversified European and global ethnocultural traditions, positive attitude towards multicultural dialogue, international cooperation, respect to national traditions, principles and institutes, willingness to foster, improve, disseminate and protect them; integrity, sense of duty, responsibility for assumed obligations, responsible attitude towards global problems contributing to their resolution with personal initiative.



478. The system of civic education in schools comprises several components: civic aspects are integrated into the programmes of all subjects (a separate discipline – basics of civic society – was introduced in grades 8 and 10), implementing civic education through democratic development of school community, effective self-government, preparation of the general civic education programme and standards which establish civic attitudes to be developed by pupils, preparation of necessary teaching aids and training of teachers capable of delivering the course of the basics of civic society.

479. According to the Project of Constitutional Values for Youth, which is being implemented together with the Regional Civic Education Centre, the teaching about the country's Constitution was incorporated into the civic education standards. In 2003-2004 the textbooks and other teaching aids on this subject will be prepared and a series of seminars will be organised for pedagogues. All these measures will provide adequate conditions for spreading of the constitutional values, human rights and freedoms among children and youth. The Projects of Democratic Elections, Day of Action in the Municipality, Perspectives of Human Rights within School Community were developed as the long-term projects.

480. Pedagogical society and pupils' organisations are involved in deliberating the newly drafted documents. Pupils are involved in working groups preparing documents pertaining to the pupils' interests and are provided with other incentives (the Pupils Parliament, pupils' organisations).

481. The Pupils' Parents Association was established to perform the role of a mediator between school and parents in addressing the matters of teaching, learning and counselling.

### **Article 31 - Leisure, recreation and cultural activities**

482. Miscellaneous programmes prepared at different levels (national, municipal, local communities, educational establishments) in the Republic of Lithuania are aimed at organising the meaningful free time and leisure of children. Diversified non-formal education of children satisfies the interests of children of different needs.

483. Children are provided with different forms of meaningful development which are acceptable to society and can spend their free time in schools of art, music, fine arts, choreography, sports, non-formal education groups of different profiles, also in clubs, studios and camps. In addition, schools of general education have miscellaneous extra-curricula groups, clubs, etc.

484. Institutions in which education is not a primary activity (libraries, museums, etc.) are also involved in the implementation of educational programmes and projects having regard to local needs.

485. Municipalities have about 277 supplementary education facilities engaging about 77 000 pupils every year. More than 60 000 of pupils attend 5 supplementary education centres of national subordination every year.

486. Addressing the problems of summer-time engagement of children, including those neglected in social and pedagogical terms, the Ministry of Education and Science annually organises competitions of summer camps for children and Juvenile Delinquency Prevention Programmes financed by the Government.

487. Lithuanian pupils actively participate in the national and international Olympiads in different subjects. Highly qualified pedagogues prepare teams of pupils for international competitions. The number of pupils who participated in the international Olympiads in particular subjects and won medals testifies to the results of work carried out with gifted children and indirectly reflects the level of quality education, popularity of teaching subjects and individual contribution of pedagogues.

488. The system of realisation of talents of gifted children has been developed and is being implemented.

489. With a view to ensuring the child's right to leisure, play and recreational activities appropriate to the age of the child, the Ministry of National Defence, in cooperation with the Ministry of Education and Science is working on joint children's engagement projects. Mobile Camps are organised for active recreation of the young riflemen aged 12-18 and other youth during their holidays. In summer of 2003 5920 children spent their holidays in such camps. There are also other camps arranged by public organisations, financed by the Ministry of National Defence and run in concert with military units. In 2002 about 88 such camps were organised for more than 7000 children. In 2001-2002 the Ministry of National Defence and sports clubs organised the international Greek – Roman Wrestling Tournament for Children, orientation competition, other sports games. Joint festivals, doors open days, meetings, excursions, support campaigns, sports competitions, etc. were organised for youth education and care institutions. On the initiative of the Ministry of National Defence compact discs, a video film, books, and posters were issued, involving the Embassy of Czech Republic in organisation of meetings with Lithuanian pupils and pedagogues, delivering lectures and preparing discussions on transatlantic integration and military matters.

490. On 3 February 2003 the Government of the Republic of Lithuania passed the Resolution No. 153 whereby it approved the Programme in Support of Young Artists. The Programme is aimed at providing for ways and measures of support rendered by the state, municipal authorities and public organisations to young artists, to facilitate their integration into the cultural life of Lithuania and becoming active art creators. The Programme is aimed at individuals aged between 16 and 35 and engaged in creative work and artistic performance and is also concerned with children. Funds allocated via the Ministry of Culture on a yearly basis for the implementation measures of this Programme (practically all such measures have been implemented in concert with other institutions) amount to LTL 1 763 000.

491. The College of the Ministry of Culture of the Republic of Lithuania passed the Resolution No. 7 of 25 November 2002 on approval of priorities of the projects of culture. Subitem 1.1.5. of the Resolution establishes the priority financing of projects aimed at providing children and youth with the opportunities to create and participate in cultural life, and subitem 1.2.1. – of projects concerned with the publication of the children's literature.

492. In realising the child's right to participate fully in cultural life and to create works of art, an important role falls on national professional art institutions – theatres and concert organisations. Kaunas Puppet Theatre and Vilnius “Lėlė” Puppet Theatre are out of thirteen national theatres directly involved in educative programmes. During the 2001 theatrical season these theatres showed 524 matinees for children. The other national drama and musical theatres during the same theatrical season performed 927 plays for children (of which – 112 musical theatre plays). Five national music organisations have also developed their own traditions of the cycles of concerts for children. The Lithuanian National Symphonic Orchestra gives Sunday concerts for children (9-10 concerts per season on average), the cycle of educative subscription concerts is organised by the National Philharmonic Society of Lithuania. Outstanding performers and young musicians from musical schools participate in these concerts. There are other concert organisations, like the National Wind Instruments Orchestra “Trinitas”, the Song and Dance Company “Lietuva”, the Chamber Choir “Polifonija” which also give educative concerts in secondary schools. In addition to the national professional art institutions, concerts and plays for children are organised by private organisations: the Lithuanian Musicians Support Fund, the Lithuanian Musicians Society, “Keistuolių” Theatre and other organisations covered by regional, ethnic culture and CSSF projects.

493. Under the Publishing Programme in 2001 publication of 2 books for children was allocated financing (LTL 29800), and in 2002 financing was provided for the issuance of 8 children's books (LTL 78100). Municipal and county public libraries received as a gift from the Ministry of Culture 70-150 copies of each of the aforementioned books. Lithuania participated in the Frankfurt Book Fair where it introduced the last edition of the Lithuanian Catalogue of Books for Children, which was one of 8 catalogues presented during the Fair. In observance of the College of the Ministry of Culture Resolution of 25 November 2002 financing (LTL 161000) was allocated for publishing 19 books for children.

494. Libraries and reading halls are developing into places of studies of particular relevance, given the change in the methods of education and the need to prepare pupils for life in knowledge-based society. Modernisation of libraries of educational institutions is one of the priorities of the system of education.

495. According to the data of 1 January 2003, municipal public libraries set up 15 branches for children in Lithuania. Public libraries established the children's literature departments which accumulate the children's literature and also engage in organising different events and exhibitions. The children's branches of public libraries and the children's literature divisions of libraries cooperate with municipal schools, arrange joint events to commemorate important dates, organise thematic exhibitions of the pupils' works thereby stimulating pupils to be more proactive, creative and to revealing their talents.

496. Public libraries open to community members and continuously diversifying their services also attract more children as visitors. Children spend most of their free time in public libraries, play in playing rooms, use internet reading rooms looking for required information, do their home-works and improve computer skills.

497. According to the data of 1 January 2003, municipal public libraries were equipped with 490 computers intended for visitors, of which 9 computers were installed in the children's branches. In 2002 municipal public libraries registered 705 946 users of which 281 169 were children. The total number of documents issued to visitors (in physical units) account for 21129110, of which those issued to children – for 6922439.

498. The Children's Literature Centre (CLC) set up in the National *Martynas Mažvydas* Library is engaged in accumulating, classifying and storing the Lithuanian original and translated children's literature, publications of the history, theory and reviews of literature, cognitive and information literature, press of different countries on the issues of children's literature. The purpose of CLC is to accumulate as far as possible old original and translated children's literature and books of the Lithuanian emigrant authors. The CLC resources comprise about 102.600 copies of printed matter. The Centre conducts children's reading surveys, analyses the popularity of books, their design, illustrations, translations into other languages. The Children's Literature Centre organises international exhibitions of children's books, seminars, conferences on the children's book and reading issues, presentations of new books, meetings with authors, publishers, illustrators. CLC provides information about the facts of the children's literature to publishers, writers, librarians, illustrators, notaries, writers, organises excursions to CLC and Library, issues the journal "Rubinaitis" about children's books. Every year CLC commemorates the International Children's Book Day during which children select five most popular books and the Lithuanian Branch of the International Board on Books to Young People (IBBY) awards the most distinguished Lithuanian authors of children's books, the best book of poetry for children, the best book of the year for the youngest readers, the most important and artistic translation of the year for children, the book with the best illustrations.

499. Modern museums of Lithuania perform the function of book depositories and also serve as an important place of education and training, a centre of changing information. In the recent years educational activities of museums of Lithuania were focussed on their main visitors – children. The practice of gradually transferring certain school classes to museums already existing in the world for quite a long while, is gradually coming to Lithuania. Schools transfer lessons to museums of history, ethnography, art and literature. These activities also involve the establishment of training centres, creation and implementation of long-term educational programmes. The Ministry of Culture encourages active cooperation between museums and schools – educational activities are among financing priorities of museums-related programmes.

500. The Ministry of Culture in concert with the Ministry of Education and Science have mounted the campaign "Museums Open to Pupils". The campaign was commenced in March 2001 and pursued until the end of the school year. During this campaign schoolchildren had the possibility to visit free of charge the expositions and exhibitions of national museums and had a good chance to get familiarised with the relics and masterpieces of art. Certain municipal museums also participated in this campaign.

501. In 2002 over 130 thousand of pupils attended more than 6 thousand of school classes in museums of Lithuania. Pupils account for about 32% of all visitors of museums.

502. The Ministry of Culture is working on the following programmes:
- 502.1. The Programme of Ethnoculture according to which financing in the amount of LTL 26500 was allocated to 11 projects in 2003;
  - 502.2. The Regional Culture Programme according to which financing in the amount of LTL 97200 was allocated to 33 projects in 2003;
  - 502.3. According to the 2003 Programme of the Ministry of Culture on the Financing of Projects of International Festivals and Competitions held in Lithuania in 2003 financial support was provided to 3 international theatre festivals for children, the two of which took place in Vilnius and one - in Kaunas, and to one international competition. The amount of LTL 145000 was allocated in support of these events;
  - 502.4. On 28 May 2003 the Minister of Culture issued Order No. IV-199 on setting up the working group to prepare the Regional Support Programme for Art Education and Engagement of Children and Youth.
503. Financing priorities of cultural projects of the NGOs cultural projects' include artistic self-expression of children and youth. For the purpose of financing cultural projects of NGOs in 2003 financial support (LTL 150 000) was allocated to 39 cultural projects promoting artistic self-expression of children and youth. These projects cover summer camps, holidays, conferences, lectures, expeditions, festivals, competitions, laboratories, etc. Part of financed projects was aimed at children and youth from families eligible to social support or from asocial families, the disabled children and youth, and children and youth of other ethnicities. The main purpose of these projects is development opportunities for children and youth to engage in creative work and cultural activity.
504. In 2003 the Lithuanian Culture and Sports Support Fund (LCSSF) allocated financing to 49 projects concerned with the implementation of the rights of the child for the total amount of LTL 469300.
505. With a view to realising the child's right to participate fully in cultural life, the Minister of Culture issued Order No. 410 of 5 June 1998 entitling the heads of the Modern Art Centre, national and state museums and recommending to the heads of local heritage museums to apply a 50 per cent discount on the price per excursion and one-time ticket for schoolchildren and students and to allow children of pre-school age, inmates of children's homes and groups of pupils accompanied by teachers to visit museum expositions free of charge from 1 September till 1 May.
506. According to the children and youth opinion survey "Voices of Youth" organised in 2001 by the Lithuanian National Committee for UNICEF the majority of children in Lithuania attend sports clubs (29 %), groups of dance (14 %), music (13 %) and art (13 %). 41 per cent of children do not leisure groups. The majority of children attending leisure clubs are from families with smaller number of children (children from families consisting of 3 persons account for 64 %, from families of 4 persons – for 60 %, and from families of 5 and more persons – for 49 %).

## **Special protection measures**

### **Children in situations of emergency**

#### **Article 22 - Refugee children**

507. On 15 January 2002 the Seimas of the Republic of Lithuania passed the Law No. IX-704 supplementing and amending certain Articles of the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (4 July 1995, No. I-1004). These amendments partly concern the regulation of legal status of underage asylum-seekers who travel without parents or any other person.

508. Par. 3, Article 8 of the Law on Refugee Status in the Republic of Lithuania establishes that the minor's parents and other legal representatives may file an application on behalf of a minor. A minor who is unaccompanied by parents or legal representatives may himself file an application. Laws of the Republic of Lithuania establish temporary care for such minors. The guardian of the minor unaccompanied by parents or legal representatives must confirm the minor's application and represent his lawful interests while his application is being examined.

509. By virtue of Article 10 of the aforementioned Law the principle of a safe third country (the country, other than the foreigner's country of origin, but has acceded the UN Convention on the Status of Refugees (1951) and (or) the Protocol Relating to the Status of Refugees (1967), or the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and (or) the International Covenant on Civil and Political Rights (1966) implementing the provisions of these international instruments and in observance of national legislation actually enabling to seek the refugee status and obtain it in the established manner) may not apply to the unaccompanied by parents or legal representatives.

510. Par. 3, Article 14 of the same Law establishes that the application for granting a refugee status in the Republic of Lithuania filed by an unaccompanied foreign national as a rule is examined under the general examination procedure and provides for the possibility to refuse the emergency examination procedure (when a foreign national comes from a safe country of origin and when the application of the foreign national is manifestly unfounded). It means that applications of the unaccompanied underage asylum-seekers should be examined with particular care without any special procedures aimed at speeding up the examination of applications and that applications must be examined within 6 months. In addition, the safe third country principle constitutes the only grounds to prohibit a foreign applicant for a refugee status to enter the Republic of Lithuania.

511. In observance of the Law on Refugee Status in the Republic of Lithuania a foreign national may be detained for not longer than 48 hours, however, detention of minors is allowed only in exceptional cases. When court is considering the detention of a minor unaccompanied by parents or legal representatives, the minor's interests are represented by a guardian assigned to him. Minors are detained in observance of the Law of the Republic of Lithuania on Fundamentals of Protection of the Right of the Child. According to the Law of the Republic of Lithuania on Fundamentals of Protection of the Right of the Child, arrest, deprivation of liberty,

or any other restriction of liberty of a child must be substantiated, of the shortest possible duration and applied only in exceptional circumstances. A child whose liberty is restricted or deprived must be held separately from adults, with the exception of instances established by laws when it contradicts the child's best interests. Upon restriction or deprivation of the child's liberty the right to education, and physical, mental, spiritual and moral development may not be restricted.

512. Applications of all unaccompanied children for granting a refugee status are deliberated according to the priority procedure. A minor unaccompanied by parents or other legal representatives, who has filed an application for a refugee status should be provided with accommodation in the Refugee Reception Centre, if the minor's guardian does not object. In the Refugee Reception Centre minors can attend a kindergarten and school age children - a secondary school.

513. The Procedure of Examination of Applications for Refugee Status and Issuance of Personal Documents approved by the Minister of the Interior Order No. 528 of 5 October 2001 establishes that examinations of an unaccompanied minor should be carried out with the participation of his or her legal representatives and lawyers. Examinations must be carried out only by three competent and experienced civil servants of the Migration Department familiarised with the provisions of the UN Convention on the Rights of the Child. In observance of item 59 of the Procedure, where the civil servants examining applications of unaccompanied underage asylum-seekers have reasonable doubts as to the age of such children, they have the right to apply in the established manner to respective medical institutions for determining the exact age of the minor. The child's age determination procedure is carried out only if the appointed guardian and legal representative of the minor does not object. Pursuant to item 61 of the same Procedure applications of underage asylum-seekers must be examined within the shortest possible time. As a rule their examination is completed within 2-3 months. Unaccompanied underage asylum-seekers have not been granted a refugee status in the Republic of Lithuania, but they were issued permits of temporary residence in the Republic of Lithuania for humanitarian purposes.

514. A child who by virtue of laws is recognised a refugee is entitled to support and protection. Where appropriate, attempts are made to find the child's parents, relatives or other individuals and institutions who can take care of the child.

515. According to the plan of action prepared in 2003 all unaccompanied children who are foreign nationals (irrespective of whether or not they have filed applications for obtaining a refugee status in the Republic of Lithuania) will be settled in the Refugee Reception Centre in which they will be provided with services of qualified pedagogues, psychologists, social workers.

516. The Republic of Lithuania, in addressing the refugee matters, maintains cooperation with the Office of the United Nations High Commissioner for Refugees, creates conditions necessary for exercising the functions of this Office and pertaining to supervision of observance by the Republic of Lithuania of requirements established in the Convention Relating to the Status of Refugees (1951) and the Protocol Relating to the Status of Refugees (1967), supplies the required information and statistical data about foreign nationals and refugees, implementation of the Convention, the Protocol, and applicable and future legal acts on refugee matters.

517. In 2001 143 children filed applications for granting asylum and in 2002 – 185. In 2001 39 of the aforementioned applicants arrived unaccompanied by parents or legal representatives, and in 2002 – 25. In 2001 a refugee status in the Republic of Lithuania was granted to 2 children, whereas in 2002 and 2003 no children were granted such status. See Annexes to the Report, Tables No. 30-36.

518. In addition to other assistance and services provided to foreign nationals living in the Refugee Reception Centre (hereinafter referred to as the Centre), they are entitled to free legal support concerning the refugee status in the Republic of Lithuania, to handle and notarise documents related with granting of the refugee status in the Republic of Lithuania, to avail themselves of health care services. From September 2002 the Centre employs a psychologist. Underage asylum-seekers (and unaccompanied minors) study at schools of general education and have the right to attend pre-school educational institutions. The inmates of the Refugee Reception Centre have the possibility to use the Centre's library and mass media facilities (TV and radio), to go in for sports, participate in cultural events, engage in work useful for the society, and to attend courses of the Lithuanian language.

519. The Refugee Reception Centre Regulations approved by Order No. 45 of March 29 2002 of the Minister of Social Security and Labour, attribute unaccompanied minors (underage children who file applications for a refugee status and are not accompanied by parents or legal representatives) to a separate group of the Centre inmates for the purposes of the regulation of their reception and settlement in the aforementioned Centre. In observance of Conditions and Procedure of Accommodation of Foreigners in the Refugee Reception Centre and Procedure for Organising the Employment of Foreigners and Imposing Disciplinary Measures Thereon, unaccompanied minors must live separately from adults. Only adult guardians of unaccompanied minors are allowed to live together with minors.

520. At the beginning of 2003 the Refugee Reception Centre completed the installation of premises for underage asylum-seekers. Premises of the Centre are accommodated so that underage asylum-seekers can live separately from adult asylum-seekers.

### **Article 38 - Children in armed conflicts**

521. On 2 May 2000 the Seimas of the Republic of Lithuania ratified the Geneva Conventions for the Protection of War Victims (1949) and two Additional Protocols to these Conventions the special norms whereof define particular status of children in armed conflicts and establish additional safeguards and guarantees. Provisions of the Geneva Conventions are effective in Lithuania since 3 April 1997 (on 7 July 1993 Lithuania acceded them by the Republic of Lithuania Government Decree), however, until the Conventions were not ratified they were not integrated into the legal system of the Republic of Lithuania as its constituent part. The Constitution of the Republic of Lithuania and the Republic of Lithuania Law on the International Treaties (22 June 1999, No. VIII-1248) establish that all international treaties ratified by the Seimas of the Republic of Lithuania are a constituent element of the legal system of the State.



If the enacted international treaty establishes the norms different from those promulgated by the Lithuanian laws, the provisions of the international treaty prevail. This principle guarantees the most favourable conditions for the implementation of the international humanitarian law.

522. The Ministry of National Defence coordinates the implementation of the international humanitarian law within the limits of its competence. On 30 August 2001 the Minister of National Defence issued Order No. 1139 setting up the International Humanitarian Law Enforcement Commission and approving its composition and work regulations. The Commission is an advisory body to the Minister of National Defence. Its main task is to assist the Ministry of National Defence in coordinating the implementation of the international humanitarian law in Lithuania. The Commission comprises representatives from different ministries and institutions. It deliberates all international humanitarian law implementation related matters in Lithuania, performs case analysis, renders proposals on amendments to the applicable national legislation, coordinates dissemination of the international humanitarian law. The international humanitarian law was integrated into the Training Programmes of the Armed and Police Forces of Lithuania. The Lithuanian War Academy, the School of Non-commissioned Officers, the Law University of Lithuania, the Law Faculty of Vilnius University and the Institute of International Relations and Political Sciences also teach the international humanitarian law.

523. In 2002 the International Humanitarian Law Implementation Commission initiated accession to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts (1989) (hereinafter referred to as the Protocol). The Seimas of the Republic of Lithuania ratified this Protocol on 12 November 2002 (its provisions are effective in the Republic of Lithuania since 20 March 2003). Upon ratification of the Protocol, the Seimas of the Republic of Lithuania, in observance of Par. 2, Article 3 of the Protocol, established that in observance of the Republic of Lithuania laws recruitment into the national armed forces is limited to citizens of the Republic of Lithuania aged below 18 years, i.e. citizens of the Republic of Lithuania no younger than 18 years of age may be recruited into active military service, whereas the obligation of the mandatory military service (or alternative national defence service) applies to citizens of the Republic of Lithuania from 19 years of age. By virtue of laws of the Republic of Lithuania forced or coercive recruitment for military of service of children aged below 18 years incurs criminal liability.

524. For the purpose of Article 4 of the aforementioned Protocol on 10 December 2002 the Seimas of the Republic of Lithuania added Article 340<sup>1</sup> to the Criminal Code in force until 1 May 2003. Article 340<sup>1</sup> established criminal liability for the enlistment of children for military service and for using them in hostilities. By virtue of this Article recruitment of individuals aged below 18 years for military service in armed groups, other than those which belong to the military forces of the state, or involvement of such children in hostilities is punishable with imprisonment from 3 to 10 years.

525. Provisions of the Optional Protocol are enshrined in Article 105 on Forced Use of Civilian or War Prisoners in Hostile Army of the Criminal Code enforced on 1 May 2003.

Pursuant to Par. 1 of this Article an individual who during war, international armed conflict, occupation or annexation in violation of the international humanitarian law forced civilians or war prisoners to serve in hostile army, used them as a live shield in a military operation, enlisted or recruited children under 18 years of age for service in armed forces or involved them in hostilities is punishable with imprisonment from 3 to 10 years. Par. 2, Article 105 of the Criminal Code reinforces the provision which was applicable before 1 May 2003 pertaining to recruitment of children for military service in armed groups, other than those which belong to military forces of home country; however, in addition to the children's enlistment for military service, criminalizes their recruitment and extends the length of maximum possible punishment from 10 to 12 years of imprisonment. It means that by virtue of Par. 2, Article 105 of the Criminal Code, an individual who enlisted or recruited children under 18 years of age for military service in armed groups that do not belong to national armed forces or used such children for the purposes of a military operation is punishable with imprisonment from 3 to 12 years. Provisions of Article 105 of the Criminal Code have retroactive effect (Par. 3, Article 3 of the Criminal Code) and are not subject to limitation period (item 7, Par. 5, Article 95 of the Criminal Code).

### **The administration of juvenile justice**

#### **Article 40 - Juveniles in criminal proceedings**

526. In implementing the reform of the penal system in Lithuania three Codes were passed and enforced since 1 May 2003, i.e. the Criminal Code, the Code of Criminal Procedure, and the Code of Serving Punishments governing in a different manner the juvenile criminal liability, procedural rights and guarantees and the procedure of serving punishments applicable to juveniles.

527. Speaking about procedural rights and guarantees applicable to juveniles it should be noted that the Code of Criminal Procedure entitles them to legal assistance and to challenge the legality of the deprivation of liberty on equal terms with other individuals.

528. The Code of Criminal Procedure contains a separate Article, which enforces the following principal rights and guarantees for the purposes of the protection of the individual's rights in criminal proceedings:

- 528.1. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure established by the Code of Criminal Procedure;
- 528.2. Anyone who is deprived of his liberty by arrest or detention must be promptly informed of the reasons of his or her detainment or arrest using the language he or she understands;
- 528.3. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention;

- 528.4. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation;
- 528.5. Anyone arrested or detained on a criminal charge shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal;
- 528.6. Anyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to the procedure established under the Code of Criminal Procedure and recognised by enforced court judgement;
- 528.7. In the determination of any criminal charge against him, anyone shall be entitled to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him and have adequate time and facilities for the preparation of his defence and examine, or have examined, the witnesses against him, to have free assistance of an interpreter, if he cannot understand or speak the Lithuanian language;
- 528.8. In the determination of any criminal charge against him, anyone shall be entitled to defend himself in person or through legal assistance of his own choosing; and to have legal assistance assigned to him, and without payment by him if he does not have sufficient means to pay for it in accordance with the procedure established under law regulating the provision of legal assistance guaranteed by the state;
- 528.9. Anyone shall have the right to full respect of his personal or his family's privacy, home, personal correspondence, telephone conversations, telegraph messages, and other intercommunications. In the course of criminal proceedings such human rights may be restricted in cases and manner established under the Code of Criminal Procedure;
- 528.10. Anyone recognised a victim, shall have the right to require that the offender be identified and punished in due manner and to receive indemnification of damage incurred through a criminal act.

529. With a view to guaranteeing that such rights are enjoyed by, and guaranteed for, the individuals in all stages of criminal proceedings, the judge, the prosecutor and the pre-trial investigation officer are obligated to explain to the participants of the proceedings their procedural rights and to guarantee the possibility to use them.

530. Despite the absence from the Code of Criminal Procedure of a separate chapter enforcing specific features of the procedural status of juveniles, the Code contains provisions regulating certain aspects of juvenile-related proceedings.

531. For the purpose of shortening the length of pre-trial investigation, the Code of Criminal Procedure establishes that the term of first detainment may not exceed 3 months. However, the

Code of Criminal Procedure which was in force until 1 May 2003, provided for the possibility to apply pre-trial detainment (arrest) up to 6 months. With a view to shortening the length of pre-trial detainment of juveniles it was established that when extending the length of this pre-trial measure due to exclusive complexity or extensive scope of the case, the final term may not exceed twelve months. Due to that the newly adopted Code of Civil Procedure obligates the judge to take a decision on extension of the length of arrest or on refusal of such extension, if it determines that within last two months of arrest applied as a pre-trial measure no pre-trial investigation acts were carried out and the prosecutor did not notify any objective reasons for the failure to perform them.

532. Particular Articles of the Code of Criminal Procedure regulate the procedure of examination of juvenile witnesses and victims and specific features of such examination. The Code enforces the provision that participation of the defence counsel is obligatory in the investigation of cases concerning criminal acts of a minor who is alleged or accused of having committed them. In addition, on request of court hearing participants or on court initiative, a representative of the state child's rights protection agency or a psychologist may be invited to participate in the interrogation of accused minor under 18 years of age who provide assistance in examining such minor in view of his social and psychological maturity.

533. When determining the minimum age below which the capacity to infringe the penal law does not exist, the Criminal Code establishes the general age limit of 16 years. However, for certain crimes or criminal offences the lower age limit is established. Par. 2, Article 13 of the Criminal Code promulgates that a person who prior to committing a crime or a criminal offence has reached the age of fourteen is held liable for:

- 533.1. Murder (Article 129);
- 533.2. Serious health disorder (Article 135);
- 533.3. Rape (Article 149);
- 533.4. Sexual harassment (Article 150);
- 533.5. Theft (Article 178);
- 533.6. Robbery (Article 180);
- 533.7. Racketing (Article 181);
- 533.8. Property destruction or damage (Par. 2, Article 187);
- 533.9. Seizure of firearms, ammunition or explosives (Article 254);
- 533.10. Seizure of drugs or psychotropic substances (Article 263);
- 533.11. Damage of vehicles or interior appliances thereof (Par. 2, Article 280).

534. Report on Investigation of Juvenile Criminal Cases in the Court of First Instance for 2000-2002:

	2000	2001	2002
Number of unsolved cases at the beginning of the reporting period	708	531	475
Cases received during the reporting period	1 859	1 891	1 913
Cases solved during the reporting period:			
- examined cases making a judgement	1 853	1 771	1 732
- cases terminated during preliminary hearing and court sitting	96	90	101
- imposition of mandatory treatment on irresponsible criminals	7	5	3
- cases referred for additional investigation of administrative hearing or court sitting	58	64	63
- cases referred according to jurisdiction after commencement of court investigation	21	22	7
- cases referred according to jurisdiction without commencement of court investigation	5	9	5
- total cases solved (sum total of columns 3 through 7)	2 035	1 952	1 906
In cases investigated during the reporting period:			
- individuals accused	2 799	2 642	2 571
- individuals acquitted	28	31	25
- individuals whose cases were terminated	153	140	180
- individuals whose cases were referred for additional investigation	98	106	105
Cases merged	11	13	23
Number of unsolved cases at the end of the reporting period	521	477	493

Data provided by National Court Administration.

535. The Juvenile Criminal Justice Programme implemented between 2000 and 2002 was financed by the United Nations Development Programme. Seeking to teach the officers to associate with children irrespective of whether they are victims or delinquents, skills upgrading courses "Juvenile Criminal Justice" were organised in Vilnius for investigators, criminal police officers and juvenile affairs' police officers. The number of cycles of skills upgrading courses amounts to 14. Courses were completed by 460 police officers and staff of the prosecutor's office, special education and care homes for children and youth schools. In 2002 the survey of investigators, criminal police and municipal police officers was carried out in all police commissariats aimed at identifying the problems faced by officers and at finding opinion thereof

about work of services dealing with juvenile delinquents, the reasons of juvenile delinquency, etc. In concert with the Lithuanian Centre of Human Rights the survey of schoolchildren of Vilnius was performed. The purpose of this survey was to determine the attitude of the pupils of Vilnius towards certain problems of juvenile justice – police work, juvenile delinquency causes and opinion about information on juvenile justice provided in mass media. In December 2002 a sociological survey of juveniles was carried out during which 1032 juveniles aged between 14 and 18 years attributed to the risk group were interrogated. This survey was aimed at determining the juveniles' attitude towards the work carried out by police, causes of juvenile delinquency, experience of cooperation with police officers. Results of surveys will be used in improving police work and condition of juveniles who deal with police.

536. In pursuing the implementation of the Juvenile Criminal Justice Programme, the Ministry of Education and Science is working on the legal – normative framework necessary for the functioning of the juvenile justice system. In 2002 the Concept of the Law on Minimum and Intermediate Supervision of Juveniles was developed and approved by the Republic of Lithuania Government Resolution No. 581 of 9 May 2003. The aim of the Law on Minimum and Intermediate Supervision of Juveniles which is being drafted is to create the system of minimum and intermediate supervision of juvenile delinquents exhibiting irregular social behaviour which corresponds to the rights of children and oriented toward social, pedagogical and psychological assistance.

#### **Article 37 - Children deprived of their liberty and imposition of punishments**

537. For the purpose of enforcing the inviolability of personal freedom, the Constitution of the Republic of Lithuania promulgates that no person may be arbitrarily arrested or detained. No person may be deprived of freedom except on the bases, and according to the procedures, which have been established in laws. According to the Constitution, a person detained in *flagrante delicto* must, within 48 hours, be brought to court for the purpose of determining, in the presence of the detainee, the validity of the detention. In the event that the court does not pass a decision to arrest the person, the detained individual must be immediately released.

538. Differently from the Criminal Code which was in force before 1 May 2003, the newly passed Criminal Code contains a separate chapter regulating specific features of criminal liability of juveniles with a view to:

- 538.1. Ensuring that criminal liability corresponds to the age and social maturity of these persons;
- 538.2. Restricting the punishment by imprisonment and increasing the possibilities for applying correctional measures to such persons;
- 538.3. Assisting a juvenile to change his mode of life and behaviour, combining the punishment for the committed offence with the development of his personality, education and elimination of the causes for unlawful behaviour;
- 538.4. Preventing juveniles from committing new acts of crime.

539. In addition, the Criminal Code establishes the full age limit for individuals. All provisions are applicable to juveniles who at the time of committing a criminal act were younger than 18 years. Nevertheless, the court may decide to apply certain provisions valid for juveniles to individuals who at the moment of committing a criminal act were aged 18, but have not yet reached the age of 21.

540. For the purpose of regulation of the issues of the deprivation of liberty of juveniles, a special chapter of the Criminal Code regulating specific features of criminal liability of juveniles empowers the court to deprive a juvenile of liberty for a fixed-term, provided the court has grounds to presume that other types of punishment aimed at correcting offensive behaviour are not effective or if the juvenile has committed a serious or grave crime. In addition, it is established that when imposing a punishment in the form of the deprivation of liberty, its minimum should account for half of the size of the minimum punishment established in the sanction covered by the Article of the Code in accordance with which a juvenile is being tried (Article 91).

541. In imposing a punishment on a juvenile in accordance with Article No. 91 of the Criminal Code, the court takes into consideration conditions of living and upbringing of a juvenile, health condition and social maturity thereof, previously imposed correctional measures and their efficiency, the juvenile's behaviour after committing an offence.

542. Having regard to the aforementioned objective to limit the cases of the deprivation of liberty and to rely more on corrective measures, the Criminal Code provides for the possibility to replace life deprivation punishment for juveniles by the following correctional measures:

- 542.1. Warning;
- 542.2. Indemnification of damage to property or its elimination;
- 542.3. Free corrective labour;
- 542.4. Placement under care and supervision of parents or other natural and legal persons who take care of children;
- 542.5. Behavioural restrictions for juveniles who are subjected to certain obligations or prohibitions by court judgement;
- 542.6. Placement into a special corrective establishment.

The court may impose on a juvenile person maximum three compatible corrective measures.

543. In view of the Convention which establishes that neither capital punishment nor life imprisonment may be imposed on children, capital punishment in the Republic of Lithuania is abolished since 21 December 1998 and the Sixth Protocol to the European Convention on

Human Rights and Fundamental Freedoms concerning the abolition of the death penalty was ratified by Lithuania on 22 June 1999. On 2 October 2001 Lithuania ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (1989) aiming at the abolition of the death penalty. The Criminal Code prohibits incarceration of juvenile for longer than 10 years (Article 90), i.e. juveniles are not sentenced to life imprisonment.

544. According to the Criminal Code, the court may adjourn the serving of awarded punishment from one to three years in respect of a juvenile on whom penalty, apprehension or deprivation of liberty for an intentional offence was imposed for maximum four years or for an offence committed through negligence (Article 92). However, when a juvenile person for the first time commits a negligent offence or an average gravity or a grave deliberate crime, the court in observance of the Criminal Code may fully exempt such juvenile person from criminal liability (Article 93). In the aforementioned cases the court may impose corrective measures.

545. According to the Criminal Code the court may also conditionally release from punishment before expiration of full term of imprisonment or to mitigate the punishment of the deprivation of liberty for individuals who has not reached the age of 18 when committing a criminal act.

546. In order to protect a child from arbitrary deprivation or restriction of his liberty, Article 49 of the Law on Fundamentals of Protection of the Rights of the Child requires to obtain court judgement prior to placing a child into a special corrective establishment.

547. Conditions and specific features of keeping juveniles in places of imprisonment are regulated by the Code of Serving Punishments which since May 2003 supersedes the previously applied Corrective Labour Code.

548. The Code of Serving Punishments enforces the principles, which have not been clearly defined in the previously applied Corrective Labour Code governing legal relations. In observance of the principle of justice enshrined in the Code the only valid grounds for serving a punishment is the enforced accusative judgement passed by the court of the Republic of Lithuania. In cases provided for in the Republic of Lithuania international treaties enforcement of accusative judgements (decisions) of a foreign court or international law authority constitute the grounds for serving punishments. In addition, the Code enforces one more important principle to be observed in serving punishments awarded by court, i.e. the principle of humanism which requires that an individual serving a punishment may not be subjected to torture, cruel or degrading treatment. In protecting the accused individual's personality he may not be used for any medical, biological and other scientific tests even if they are performed with his consent.

549. The Code of Serving Sentences establishes that juveniles under arrest should be kept separated from adults. For the purposes of the Code juveniles and adults must be incarcerated in different penal institutions and separated or isolated from adults in medical treatment institutions of the places of imprisonment.



550. Number of juveniles in penal institutions (at the beginning of the year):

	2001	2002	2003
Total	201	299	306
Accused	69	183	222
Arrested	132	116	84

By gender:	2001 m.	2002 m.	2003 m.
Boys	68	179	218
Girls	1	4	4

By length of serving the punishment	2001 m.	2002 m	2003 m.
up to 6 months	-	5	7
from 6 months to 1 year	6	12	6
from 1 to 3 years	37	102	124
from 3 to 5 years	15	51	64
from 5 to 10 years	11	13	21

Data provided by Prison Department under Ministry of Justice.

551. For the purposes of the Code of Serving Punishments reformatories for juveniles are distinguished as one of the types of corrective institutions. Activities of reformatories for juveniles are regulated by a separate Article of the Code. The sentence of imprisonment in the juvenile reformatories is served by minors and adults who remain incarcerated in these establishments if they have obviously corrected their behaviour and if with a view to enforcing their corrected behaviour it is expedient to continue keeping them in the juvenile reformatories until they complete serving their punishment, however no longer than until they reach the age of 21.

552. Juveniles awaiting trial and after trial are kept in Kaunas Juvenile Remand – Reformatory Labour Colony for female juveniles. According to the data of 1 July 2001, Kaunas Juvenile Remand – Reformatory Labour Colony with the official capacity of 398 accommodated 132, and of 1 May 2003 - 123 juveniles, whereas the number of accused individuals on 1 July 2001 stood at 101, and on 1 May 2003 at 159. According to the data of 1 May 2003, 4 accused juvenile females were incarcerated in Panevėžys Reformatory (earlier the juvenile females were incarcerated in Kaunas Juvenile Remand – Reformatory Labour Colony).

553. Accused juveniles serving the sentence of imprisonment in reformatories are classified into normal and light groups. By virtue of the Code juveniles attributed to the light group enjoy more rights. Nevertheless, regardless of the group to which juveniles are attributed, they have equal rights provided for the accused juveniles. For example, juveniles serving a sentence of imprisonment have the right to receive unlimited number of fruit – vegetable parcels and other deliveries, which are excluded from the total number of parcels and deliveries. Juveniles have the right for a walk of at least 2 hours. In addition, the accused juveniles who have served at least one third of the punishment awarded by court judgement are entitled to go home on a short-time visit of three days once in three months.

554. By 2005 Kaunas Juvenile Remand – Reformatory Labour Colony is planning to accommodate 3 rooms for long-term appointments. Juveniles incarcerated in this reformatory soon will be able to have long-term appointments with their family members in special rooms.

555. The Code also enforces additional safeguards for juveniles. It prohibits to use against juveniles special measures, trained dogs, water jets and firearms (excluding handcuffs and fetters), except in cases of attacks, armed or force resistance by prisoners themselves.

556. The Code of Criminal Procedure enforces the right of individuals deprived of their liberty to challenge the validity of the deprivation of their liberty and other procedural acts. In observance of the Code of Criminal Procedure the accused have the right to appeal against court judgement on the deprivation of liberty according to the appeals or cassation procedure. The Code also provides for the possibility to appeal against procedural acts and resolutions of pre-trial investigation officers and prosecutors.

557. At present eight correctional labour and social rehabilitation programmes for juveniles are being implemented, including drug abuse prevention programme, violence prevention programme, self-injury prevention programme, social skills programme “Think Yourself”, adaptation programme, the programme of preparation for release, social support programme, art therapy programme.

Despite the fact that the number of programmes reduced (in 2001 - 11 programmes were carried out), the quality of their preparation, organisation and implementation considerably improved. Physical training and library work activities were excluded from the scope of programmes as common activities carried out on a regular basis.

### **Article 39 - Physical and psychological recovery and social reintegration of the child**

558. In implementing the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children, in 2003 the Ministry of Social Security and Labour worked out methodical recommendations for rehabilitation and reintegration of a child - victim of sexual abuse and his family aimed at psychologists, social workers and social pedagogues. These recommendations will be published in 2004. In 2003 the Ministry of Health Care prepared methodical recommendations for the diagnostics of the child – victim of abuse.

559. Completion of the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children in 2004 will be followed by the preparation of the Programme of Rehabilitation and Reintegration of Children – Victims of Sexual Abuse and Commercial Exploitation aimed at providing qualified and timely psychological, legal and social assistance to children – victims of sexual abuse and commercial sexual exploitation with.

560. See comments on Articles 19 and 37 of the Convention.

**Protection from exploitation, including physical and psychological recovery and social reintegration**

**Article 32 - Protection from economic exploitation and child labour**

561. The minimum age of employment of young persons established by the Republic of Lithuania laws and other legal acts conforms to the provisions of the ILO Convention (No. 138) concerning Minimum Age for Admission to Employment (1973) and Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

562. The Labour Code in force since 1 January 2003 establishes that a person acquires full legal capacity in labour relations and the ability to enjoy labour rights and assume employment obligations when he reaches the age of 16 years. Cases of exception are established by this Code and other labour laws.

563. Pursuant to Par. 2, Article 277 of the Labour Code the procedure of recruitment of young persons, their health surveillance and assessment of their capacity to perform specific work, working time, the list of works prohibited for them and the list of dangerous and hazardous factors are approved by the Government.

564. Items 33 and 34 of the Procedure for Employing Individuals Aged under 18, Examining their Health and Determining Their Aptitude for a Particular Job, the List of Working Time, Prohibited Works and Factors Harmful and Dangerous for Health approved by the Republic of Lithuania Government Resolution No. 138 of 29 January prohibits to employ young persons (below 18 years of age) for such works the environment of which may contain factors dangerous and hazardous to health.

565. Lists of works prohibited for young persons and of the factors dangerous and hazardous to their health were compiled in observance of Article 7 of the Directive 94/33 EC.

566. The Labour Code establishes special conditions under which an employment contract for light works may be concluded with a person aged between 14 and 16 years. Par. 2, Article 104 of the Labour Code promulgates that in case of employment of a minor aged between 14 and 16 years, the employer must require his birth certificate, the written consent of his school and of one of the child's parents or his another statutory representative, as well as permission of his attending paediatrician.

567. The minimum employment age established in the Labour Code applies to all categories of works, including work in agriculture, households and family business. Employment conditions for individuals aged between 14 and 16 years apply when employing them for light works the list whereof was approved by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003. The aforementioned Resolution specifies that the possibility to

employ a young person (below 18 years of age ) for a particular work is determined by health care specialists (physicians). The conclusion on the aptitude to perform particular works is specified in a medical certificate to be submitted by young persons aged below 18 years to their employer. Young persons must be subjected to mandatory health examinations at the time of employment and later on a yearly basis until they reach the age of 18 years. Compulsory medical examinations take place during working time. The employer is obligated to pay to his employees the average wage for the working time spent for a medical examination (Par. 6, Article 265 of the Labour Code).

568. Prior to employing young persons, the employer informs young persons and their parents or other legal representatives about likely hazards and measures to avoid them. When concluding an employment contract with a young person, the employer must familiarise the latter against signature with the conditions of future work, rules of employment procedure, other legal acts regulating his employment conditions, and instruct on the matters of safety at work before allowing him to start working.

569. The Procedure for Employing Individuals Aged under 18, Examining their Health and Determining Their Aptitude for a Particular Job, the List of Working Time, Prohibited Works and Factors Harmful and Dangerous for Health specifies that light works comprise works which are safe and do not pose any threat to the child's health, development, school attendance, as well as safe and secure child-friendly works covered by the educational programmes.

Children may engage in the permitted light works during holidays or other time free from school. The aforementioned list establishes the separate procedure for employment of children (individuals aged between 14 and 16 years). An employer who concluded the employment contract with a child of 14-16 years of age must furnish the child's school, one of his parents or any other legal representative and the paediatrician of the child with the description of the employment contract conditions and to obtain an approval from school, one of the child's parents or a legal representative and the permission (certificate) from the child's paediatrician containing the conclusion on the child's health and aptitude to perform works described in the employment contract.

The employer is obligated to inform the territorial branch of the State Labour Inspectorate about concluded employment contracts entered into within 3 business days of their signing, specifying the issuers of approvals and of the permission concerning the child's employment and describing the child's employment contract conditions (nature of light work, work functions, work duration, rest breaks, fixed payment for work).

570. When making changes in the employment contract concluded with a minor, the employer must observe the procedure (practices) described in Par. 569 of this Report.

571. The employment contract concluded with a minor may be terminated at any time on request of the minor, one of his parents or other legal representative, the child's paediatrician or

school attended by the child. Having terminated the employment contract with the child, the employer must appraise to the effect the territorial branch of the State Labour Inspectorate specifying individuals on whose request the employment contract was terminated and the reasons of termination.

572. The Labour Code obligates all enterprises to compile the lists of their employees aged under 18 years and prohibits to employ such minors in more than one workplace if the total working time exceeds the permissible working hours established under the Law on Safety and Health of Workers. Par. 1, Article 41 of the Law on Safety and Health of Workers and the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 establish the following working hours for young persons:

- 572.1. For adolescents – at least 8 hours a day including the daily school hours and maximum 40 hours a week including the weekly school hours;
- 572.2. For children (employed in light works) – up to 2 hours on a school day and 12 hours a week for work performed in term or semester time outside the hours fixed for school attendance, or 7 hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating (these limits may be raised to 8 hours a day and 40 hours a week in the case of children who have reached the age of 15);
- 572.3. For young persons – up to 8 hours a day and 40 hours a week for work performed under combined work/training scheme or an in-plant work-experience scheme. The aforementioned time for young persons covered by the combined work/training scheme includes the working time at the enterprise and the school time.

573. The consecutive rest period fixed for young persons by the Republic of Lithuania Government Resolution No. 138 of 29 January 2003 is as follows: in respect of children – minimum 14 consecutive hours for each 24 –hour period, in respect of adolescents - minimum 12 consecutive hours from 10 p.m. until 6 a.m. Young persons whose daily working time is more than 4 hours are entitled to an additional break of at least 30 minutes during the working time additional break. It shall be included in the working time. Young persons must be provided with at least 2 consecutive rest days a week, and one of them should be on Sunday. The maximum working time and the minimum rest time fixed for young persons is consistent with the provisions of the European Council Directive 94/33/EC on the protection of young people at work.

574. Part daily working time or part weekly working time is set on request of an employee under eighteen years of age (item 4, Par. 1, Article 146 of the Labour Code. Part-time work set for young persons may not result in limitation of guarantees applicable to them by virtue of legal acts: the length of annual leave, calculation of the length of service, skills upgrading, promotion of employees.

575. Employment by age groups:

**In 2001**

	Total employment	Male	Female	Urban	Rural
Total employment, of which by age:	1 351 789	664 468	687 321	944 227	407 562
15	316	99	217	0	316
16	511	390	121	0	511
17	840	770	70	363	477
18	2 950	1 924	1 026	1 508	1 442
19 +	1 347 172	661 285	685 887	942 356	404 816

Data provided by Statistics Lithuania.

**In 2002**

	Total employment	Male	Female	Urban	Rural
Total employment, of which by age:	1 405 877	707 824	698 053	973 320	432 557
15	232	150	82	86	146
16	563	451	112	107	456
17	1 439	1 247	192	378	1 061
18	2 663	1 836	827	1 292	1 371
19 +	1 400 980	704 140	696 840	971 457	429 523

Data provided by Statistics Lithuania.

576. Persons below 18 years of age are prohibited to be engaged in work which is beyond their physical and psychological capacity; work involving exposure to agents which are toxic, carcinogenic, cause genetic mutation or are harmful to health; work involving possible exposure to ionising radiation or other hazardous and (or) harmful agents; work involving a higher risk of accidents or occupational diseases and work which young person might not be able to perform safely due to lack of experience or attention to safety.

577. Laws and other legal acts of the Republic of Lithuania pertaining to the prohibition of night work of young persons are approximated to the provisions of the ILO Convention No. 90 concerning young people's night work in industry and of the European Council Directive 94/33/EC on the protection of young people at work. Pursuant to Par. 3, Article 154 of the Republic of Lithuania Labour Code working at night shall be prohibited for persons below 18 years of age. The night time is defined as the calendar time from 10 p.m. to 6 a.m. Individuals of such age are also prohibited to work on duty in an enterprise or at home and to work overtime.

578. Par. 1, Article 265 of the Republic of Lithuania Labour Code stipulates that employees below 18 years of age must undergo a medical examination upon employment and annually thereafter until the age of 18.

579. The State Labour Inspectorate, within the limits of its competence, in carrying out the prevention of the violations of laws and other legal acts regulating the safety and health at work and employment relations, exercises control over observance of laws and other legal acts regulating the application of safety and health guarantees to individuals aged below 18 years.

580. In observance of the Republic of Lithuania Government Resolution No. 1407 of 26 November 2001 on the Coordination of Control over Illegal Work Practices, the State Labour Inspectorate under the Ministry of Social Security and Labour coordinates the actions of control over illegal work, including work of children and youth, carried out by the State Social Insurance Fund Board, the State Tax Inspectorate under the Ministry of Finance, the Financial Crimes Investigation Service under the Ministry of the Interior, the Police Department under the Ministry of the Interior and territorial branches of the state labour inspectorate.

581. The State Labour Inspectorate, in coordinating control of illegal work practices and actions of the aforementioned authorities and institutions within the limits of its competence, prepares methods and recommendations concerning illegal work practices, organises seminars, establishes the procedure of cooperation between officials of supervisory authorities and institutions in organising joint checks, analyses results of control and furnishes conclusions to all authorities and institutions exercising control over illegal work, organises educational activities aimed at the development of intolerance toward illegal work practices and encouraging the public to participate in identifying such practices, and implements other measures. Having revealed the fact of illegal work during inspections, the State Labour Inspectorate, in observance of the procedure established under the Code of Administrative Transgressions of Law, draws up a Protocol of Administrative Transgressions of Law and refers it for deliberation to courts. According to the data of the State Labour Inspectorate no practices of illegal work of children and youth were established between 2001 and 2002.

582. Par. 3 of Article 41 of the Code of Administrative Transgressions of Law defines sanctions for the established illegal work practices. Illegal work incurs on employers or their authorised persons a fine from three to ten thousand litas per each illegally employed individual. The same acts committed by an individual who has already been subjected to a disciplinary penalty for the violation covered by Par. 1 of this Article incur on employers or their authorised persons a fine from ten to twenty thousand litas per each illegally employed individual.

583. Sanctions covered by Article 41 of the Code of Administrative Transgressions of Law for the established violations of labour laws, safety at work and labour hygiene normative acts incur on employers or their authorised persons a fine from five hundred litas to five thousand litas.

584. Breach of labour laws, safety at work and labour hygiene normative acts incurs on the superiors a fine from three hundred to three thousand litas and on other employees – from twenty to one hundred litas.

585. On 25 March 2003 the Seimas of the Republic of Lithuania passed the Law No. IX-1396 on ratifying the Convention concerning the Prohibition and Immediate Action for the

Elimination of the Worst Forms of Child Labour adopted on 17 June 1999 in Geneva. The purpose of the Convention is to draw attention to globally existing worst forms of child labour and to encourage application of immediate and effective measures aimed at prohibiting and eliminating such labour within the shortest possible time.

586. The children and youth opinion survey “Voices of Youth” organised by the Lithuanian National Committee for UNICEF revealed certain peculiarities, e.g., it showed that 6 per cent of Lithuanian children are employed for occasional works (i.e. sometimes children are engaged for full- or part-time paid work). According to survey data there are more working boys (9 %) than girls (3 %); employed children (9 %) attributed to lower social-economic group outpace working children from the intermediate/higher social-economic group (4 %); the share of working rural children (9 %) exceeds that of employed urban children (5 %).

### **Article 33 - Drug abuse**

587. Since 1995 Lithuania participates in the international European school survey project on abuse of alcohol and other drugs (ESPAD).

588. In 1999 ESPAD survey covered 184 general education schools and 66 vocational education and training establishments and included 5039 interrogated pupils. Abuse survey verified that a large majority of pupils aged 15-18 years have tried smoking at least once (85.5 % of boys and 67.8 % of girls). One fourth of pupils start smoking from 11 years or even at a younger age. The respondents who reported smoking drugs also smoked cigarettes. Nearly one fourth of the surveyed pupils have drunk alcohol 40 times and more. The abuse survey revealed that 54-70 per cent of pupils aged 13 and younger have already tried beer and wine, more than 30 per cent – strong alcoholic drinks, and more than 20 per cent got drunk at least once. 73,6 of the Lithuanian pupils aged 15-16 were drunk at least once in their lives.

By type of school the spread of drugs is wider in vocational education and training institutions (as reported by 19.3 per cent of their respondents from) than in schools of general education (as specified by 14.5 % cent of their pupils).

Marijuana or hashish was indicated by 7.5 per cent of pupils as drugs used by them for the first time. Tranquillisers and soporifics as first-time drugs were indicated by 9.9 per cent of respondents.

Drug abuse survey confirmed the spread of smoking drugs (heroin in particular) and of joining alcohol with marijuana and pills.

589. The second ESPAD survey (the international European school survey project on alcohol and other drugs) is planned for 2003.

590. Activities of the Ministry of Education and Science in this field are aimed at guaranteeing safe and healthy school environment for children, enhancing initial prevention of harmful habits and early intervention measures and developing cooperation with social partners.

591. Smoking is a problem of particular urgency recognised by a large majority of educational institutions. The number of smoking senior graders keeps growing in particular in youth, adult



and basic vocational education and training institutions. About 80 % of pupils smoke every day. In some educational institutions smoking is spread almost among all boys from senior grades. Growing numbers of smoking girls is also a matter of serious concern.

592. Consumption of alcoholic beverages is widespread too. Many pupils begin drinking too early. Some schools report quite a number of facts of the use of alcohol and drunkenness. A considerable rise of annual numbers of drinking pupils in certain vocational education and training institutions is attributable to the increased in beer production volumes, advertising, and organisation of different beer festivals or events excessively supplied with beer.

593. Despite widely organised preventive campaigns the spread of narcotic drugs is not reducing. Up to 95 per cent of pupils know the names of many narcotic drugs; however, many pupils (more than half) lack awareness and understanding of adverse effects of narcotic drugs on human organism and don't believe in addiction produced by their abuse. Pupils believe in different "myths" about light narcotic drugs that are "not dangerous".

594. Article 160 of the Criminal Code establishes criminal liability for the child's involvement in the use of narcotic drugs or other intoxicating substances, Article 161 – for the child's involvement in drinking alcohol, Par. 2, Article 264 – for inciting a minor to use narcotic drugs or psychotropic substances, and Article 261 – for sale of narcotic or psychotropic substances to minors.

Crimes (according to Articles of the Criminal Code in force until 1 May 2003)	2000		2001		2002	
	Registered	Referred to court	Registered	Referred to court	Registered	Referred to court
Inciting a minor to use narcotic drugs or psychotropic substances (Par. 3, Article 232 <sup>5</sup> of CC)	3	3	2	1	-	-
Involving a child in drinking alcohol (Par. 3, Article 241 of CC)	3	3	9	9	4	3
Involving minors in non-medical use of medicines and other non-narcotic substances causing intoxication (CC Article 241 <sup>1</sup> of CC)	-	-	3	3	-	-

Data provided by Ministry of the Interior.

595. The Code of Administrative Transgressions of Law establishes the liability of parents or guardians for their minors aged 14 - 16 who use psychotropic or narcotic substances years without physician's prescription. In 2002 the Code was supplemented with the provision enforcing the liability of parents or guardians for their minors who acquire psychotropic or narcotic substances or keeping them in possession in small quantities for purposes other than for selling or distributing otherwise.

596. Pursuant to Article 178 of the Code of Administrative Transgressions of Law the parents or guardians (caretakers) are held liable for their minors who appear drunk or use alcoholic beverages in public places.

597. Seeking to protect children from drinking and to tighten liability for their involvement in alcohol abuse, a new version of Article 180 of the Code of Administrative Transgressions of Law came into effect on 6 February 2002 imposing additional liability for purchasing or otherwise supplying alcoholic beverages to minors for the purpose of drinking (previously the offender was punished only for making a minor drunk). In 2002 public police officers exposed 453 violations of administrative law according to the aforementioned Article (in 2001 – 403, and in 2000 - 314).

598. In 2002 Article 185<sup>4</sup> on Purchasing or Otherwise Supplying Tobacco Products to a Minor was added to the Code of Administrative Transgressions of Law.

599. In preventing illicit trafficking in medications with narcotic effects and protecting children from the use of intoxicating substances (medications), the preventive police department police officers are obligated to visit the owners and employees of the chemist's and to appraise them of legal liability for illicit pharmacological activities.

600. As from 1 July 2001 the Lithuanian Narcotics Control Board established a free hotline number available to all individuals willing to inform about drug-related problems.

601. The main objectives in the sphere of prevention of drugs is increasing public awareness and taking care of education and health of children and youth. With a view to precluding illicit use of substances that have psychotic effects on minors (pupils) and unauthorised circulation of such substances in educational institutions and for the purpose of implementing the National Drug Control and Drug Prevention Programme for 1999-2003 the Republic of Lithuania Government passed the Resolution No. 437 of 2 April 2002 on Approval of the Procedure for Early Identification of Children (Pupils) Who Use Psychotropic Substances, which regulates the identification of the use of narcotic and other psychotropic substances and medical examination (testing) of a minor (pupil). Many schools have set up the groups' preventive work against abuse of narcotic and psychotropic substances which involve in their activities the minors' affairs inspectors of police commissariats, the staff of the Child's Rights Protection Agencies, social pedagogues from schools, psychologists and representatives of other authorities concerned. During the period of implementation of the aforementioned National Drug Control and Drug Prevention Programme for 1999-2003 the projects of non-governmental organisations concerning prevention of narcotic and other psychotropic substances and rehabilitation of drug-addicts were financed with the state budget funds. Children and youth attributed to the risk group who have suffered from the use of narcotic drugs can stay in psychological – pedagogical rehabilitation camps, participate in extra-curricula drug prevention events; care is also taken of the engagement of children and youth during their free time. Training and retraining seminars and workshops were organised for individuals dealing with the risk group persons and their family members.

602. For the purpose of drug prevention in educational institutions, since autumn 2000 public and criminal police officers in charge of the prevention of law violations are designated to each of the aforementioned institutions. The latter made available to the public the confidence-line numbers of police officers appointed in charge of these educational institutions, of the local police commissariat and of the Police Department under the Ministry of the Interior. Public police officers regularly meet with the heads and pedagogues of the municipal education and health care departments and training institutions to discuss the problems of the spread and use of

narcotic drugs among pupils, to identify what police assistance is needed to preclude the sale and use of narcotic drugs in educational institutions, and to determine special cooperation measures. The heads of educational institutions are also offered assistance of police officers in guaranteeing public order in schools and their neighbourhood. Having regard to the status of the violations of law related with the sale and use of narcotic drugs and in consideration of requests of the management of educational institutions police patrols are specially routed to control schools and their surroundings.

603. The Police Department under the Ministry of the Interior and the AIDS Centre maintain active and fruitful cooperation according to the protocol of cooperation signed in 2000. During March – May 2001 police together with the Lithuanian AIDS Centre organised the campaign of Free Testing of Drug Intoxication Level in Vilnius and Vilnius county. The purpose of this campaign was to enable police commissariats to conduct free testing of individuals detained for, or alleged of, the use of narcotic substances. Educational institutions were informed about this campaign because it also provided opportunities for parents to test free of charge their children concerning the use of narcotic or psychotropic substances. During the aforementioned period parents brought for testing 99 urine samples out of which 29 tests were positive.

604. The Ministry of Education and Science has developed the Strategy of Initial Drug Prevention in Educational Institutions integrated into the Drug Prevention and Drug Control Policy Strategy.

605. Respective measures are undertaken to raise qualification of administration, teachers, psychologists, social pedagogues and other staff on drug and psychotropic substances abuse prevention matters.

606. The heads of county governor's and municipal administrations have been tasked with strengthening initial prevention in educational institutions and providing for cooperation arrangements with pedagogical-psychological services, police, health care institutions, child's rights protection agencies, business and confessional communities as well as NGOs, involving parents into the implementation of active preventive measures and establishing the posts for social pedagogues in educational institutions by way of tender.

607. Since 1 September 2002 the country's educational establishments worked out plans of action for organising drug prevention followed by appointment of individuals responsible for the implementation of this task in educational institutions and municipal and county educational divisions.

608. Heads of educational institutions who have information about cases of sale and use of narcotics in schools or their surroundings are obligated to notify the local criminal police to the effect and to facilitate where appropriate in introducing lessons or a course on the health subject primarily focussed on the formation of healthy lifestyle skills of children, strengthening their psychological immunity, sexual education, prevention of the use of narcotic and psychotropic substances and of HIV/AIDS.

609. Children themselves are also active participants in preventive measures through involvement of children and youth organisations, volunteer work and other partners in the implementation of the aforementioned measures. Peer leaders are trained to organise primary

preventive activities against the use of drugs and psychotropic substances according to the principle “Peers for Peers”, familiarising them with methods of primary prevention of the use of drugs and psychotropic substances through development of life skills and employment of active work methods. The aforementioned activities also include discussions, debates, talks-conversations aimed at primary school pupils, conferences for senior graders and development of diversified projects. In addition, pupils participate in different international projects.

610. For the purpose of preventive activities cooperation is maintained with miscellaneous bodies including higher school lecturers, psychological, health care, child’s rights protection and enforcement institutions, confessionary communities.

611. In 2003 the Ministry of Education and Science worked out the Project of Children and Youth Socialisation Programme aimed at improving engagement of pupils, development of non-formal extra-curricular education, drug control and drug addiction prevention, promotion of democratic and civil education involving NGOs and youth organisations in these activities.

612. According to the data of children and youth opinion survey “Voices of Youth” conducted in 2001 by the Lithuanian National Committee for UNICEF, in Lithuania, compared with Western Europe, more children reported having friends/acquaintances who have tried tobacco (70 %) and alcohol (63 %). Every eighth child in Lithuania has tried more dangerous narcotic substances. Nevertheless the drug addiction phenomenon is more widespread in Western Europe.

#### **Article 34 - Sexual exploitation and sexual abuse**

613. Par. 2, Article 308 of the Criminal Code establishes criminal liability for inducement of a minor to engage in prostitution, Par. 2, Article 307 - for receiving financial gain from prostitution of a minor, or for organising or controlling prostitution of minors, or for delivering a minor with his agreement for prostitution purposes to or from the Republic of Lithuania, Article 162 – for using a child for pornographic purposes, and Article 309 - for producing, acquiring, distributing, demonstrating, or advertising pornographic material.

Articles 149, 150 and 151 establish criminal liability for rape, sexual abuse and coercion to engage in sexual activity of a child and minor, Article 153 – for molestation of a minor.

All of the aforementioned provisions of the Criminal Code are applicable to criminal acts committed both, against girls and boys.

614. Article 120 of the Criminal Code of the Republic of Lithuania, which was in force until 1 May 2003 established criminal liability for sexual relations with sexually immature person. In 2002 4 such crimes were registered and referred to court (in 2001 – 6 (5 referred to court), in 2000 – 13 (12 referred to court). Criminal liability was established for homosexual relations. In 2002 5 such crimes committed with regard to a minor were registered (1 referred to court) (in 2001 – 11 (10 referred to court); in 2000 – 6 (4 referred to court). In 2002 67 cases of sexual abuse against a person aged below 16 years were registered (59 referred to court) (in 2001 – 29 (27 referred to court), and in 2000 – 36 (36 referred to court). Between 2000

and 2002 no cases of engagement of a minor for prostitution were registered. In 2002 1 crime was registered and referred for court investigation according to Par. 2, Article 242 on Using Children aged below 18 for the Production of Printed Pornographic Publications, Pictures, Video Films, Movies or other Pornographic Material, or for Sale or other Distribution Thereof of the Criminal Code applicable until 1 May 2003.

615. In Q4 2003 Lithuania is going to ratify the European Council Convention on Electronic Crimes. For the purpose of approximating requirements of this Convention with the requirements of the Republic of Lithuania legal acts, amendments and supplements will be introduced into the Criminal Code, for example, extending criminal liability for dissemination of pornographic material through information systems and particular provisions will be added to the Code of Criminal Procedure.

616. The Draft Resolution on Approving the Procedure of Making Available to the Public and Disseminating Information which has Adverse Effects on the Minors' Development and Attributed to the Category of Public Information the Publication and Distribution whereof is Restricted passed by the Government of the Republic of Lithuania prohibits to involve minors in distribution or other dissemination of publications, movies and video films of erotic and violent nature.

617. On 17 January 2002 the Government of the Republic of Lithuania adopted the Resolution No. 62 on Approval of the Programme for the Control and Prevention of Trafficking in People and Prostitution for 2002–2004, aimed at eliminating the root causes and conditions of prostitution, destroying networks of criminal groups and associations engaged in organisation of child abuse and commercial exploitation, developing social support systems preventing from involving minors in prostitution. This Programme covers the establishment and implementation in schools of Lithuania the preventive education programme, acquainting youth with dangers stemming from prostitution business, developing moral values in young people. It is also envisaged to develop the system of consultation services to the risk group children and their parents, to prepare and implement measures for improving services delivered by pedagogical, psychological, social, legal and medical consultations covering the provision of assistance needed by risk group children and their parents. Educational institutions of all types prepare lectures about dangers related with trafficking in people and prostitution, premature sexual activities, violence among youth, sexually transmittable diseases, and harm of alcohol and narcotic drugs, also dangers hidden in attractive offers to earn easy money in the West.

### **Article 35 - Child abduction, sale and trafficking**

618. Article 156 of the Criminal Code establishes criminal liability for abduction or exchange of a child, Article 157 – for purchase or sale of a young child, Article 147 – for trafficking in people. According to Article 7 of the Criminal Code, individuals are held liable for the last two criminal acts irrespective of their nationality and place of residence, the place of crime and also regardless of whether or not the criminal act is punishable according to the laws of the place of commitment of a criminal act.

619. In 2002 1 case of trafficking in people in which the victim was a minor was exposed and referred to court for investigation (in 2001 – 2 (of which 1 was referred to court)).

620. In April 2003 the Seimas of the Republic of Lithuania ratified the Protocol supplementing the United Nations Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in People, Especially in Women and Children signed on 15 November 2000 in Palermo.

621. In addition to the aforementioned protection of children from sexual exploitation and prostitution, the Programme for the Control and Prevention of Trafficking in People and Prostitution for 2002–2004 establishes the goals of complex elimination of root causes and conditions of trafficking in people (including minors), development of the system of preventive measures to preclude trafficking in people, destruction of networks of criminal groups and associations engaged in organisation of trafficking in people, consolidation of efforts of the state and society to preclude it, enhancement of international cooperation in the sphere of prevention of trafficking in people. For the purpose of implementing this Programme in 2002 an open tender was announced and financing was provided to 5 projects of governmental organisations and NGOs on social support and reintegration of victims of coercive prostitution aimed. According to the aforementioned Programme 2 information campaigns were carried out in 2002 – the campaign of Vilnius Office of the International Migration Organisation against trafficking in women, Nordic-Baltic information campaign against trafficking in women. 5 thematic seminars were organised for the staff of educational, municipal and non-government organisations in Vilnius, Klaipėda, Utena, Kaunas and Panevėžys.

622. For the purposes of awareness raising of the staff of embassies and consulates on the matters related with the prostitution and trafficking in people, of individuals - about threat stemming from sexual exploitation, and of NGOs capable of providing the required assistance, etc., the Ministry of Foreign Affairs compiled the list of NGOs and Centres able to support the victims of prostitution in foreign countries. The List includes more than 500 NGOs and Centres to which victims of prostitution and trafficking in people abroad can apply for assistance. In addition, methodical recommendations were developed for officers of the Republic of Lithuania diplomatic representative offices and consulates in foreign states.

### **Article 36 - Other forms of exploitation**

623. Article 105 of the Criminal Code establishes criminal liability for recruitment of children aged below 18 years into armed forces during war, international armed conflict, occupation or annexation, or for using children in hostilities (See Par. 525 of the Report), and Article 159 – for the child's involvement into criminal acts.

624. Par. 1, Article 241 of the Criminal Code, which was in force until 1 May 2003 imposed criminal liability for involvement of minors into criminal activity and for using them for gambling or vagrancy purposes. In 2002 301 such crime was exposed (in 2001 and 2000 – 367 and 302 respectively).

### **Article 30 - Children belonging to a minority or an indigenous group**

625. Rights of ethnic, religious or linguistic minorities are guaranteed by a number of legal acts some of which are discussed in the Initial Report of Lithuania on the Implementation of the Provisions of the United Nations Convention on the Rights of the Child.

626. With a view to ensuring equal rights for all children Article 30 of the Law on Education establishes that each citizen of the Republic of Lithuania and a foreign national possessing a permit of permanent or temporary residence in the Republic of Lithuania is provided with the possibility to study in the Lithuanian language and to learn this language. Schools in which pupils are taught in a minority language and which foster ethnic culture the minority language is used in the process of education or for teaching certain subjects. State, municipal and general education schools provide children belonging to ethnic minorities with the possibility of additionally studying their native language if such actual need exists and if there is a specialist of such language and for the purposes of the process of education another teaching language is used. A person who belongs to ethnic minorities can study the native language at school, which implements the programmes of non-formal education or with another provider of education.

627. Possibilities of satisfying the educational needs of ethnic minorities are defined under the Ethnic Minorities Education Provisions approved by Order No. 56 of 16 January 2002 of the Minister of Education and Science. These Provisions define the principles of education of individuals aged below 18 years who belong to ethnic minorities. Provisions of education of ethnic minorities are enforced in the Law on Education, regulations and methods of school financing by allocating additional funds in the pupil's basket (for organisation of the process of education, textbooks), education plans of general education schools, by designating additional hours for teaching the native and Lithuanian languages, in the procedure for supplying with textbooks and other teaching aids, increasing financing for the acquisition of textbooks written in the ethnic minority's language, under the bilingual education implementation programme, guidelines for examinations in general education schools, by awarding the right take examinations of the native language, and in the general regulations of Sunday schools. The diversity and quantity of educational institutions with different teaching languages reflects the willingness of ethnic minorities to preserve the traditionally developed system. Comparison by teaching languages in the country from 1995-1996 to 2001-2002 shows increase in the number of schools teaching in the Polish language (+19) and a considerable reduction in Russian schools (-20). During the same period a noticeable fall (-23) was observed in mixed schools (teaching in several languages), as well as in the numbers of classes and pupils in such schools. In Lithuania there is 1 Byelorussian, 1 Jewish and 1 German school which pay particular attention to the development of national identity with particular focus on it in extra-curricula activities.

628. Article 31 of the Law on Education establishes that teaching of religion as of the subject of moral education is incorporated into the primary, basic and secondary education. On request of parents (guardians) the teaching of religion for their children can be included in the pre-school education programmes. Some schools can provide non-formal religious development and self-education. In schools teaching according to the primary, basic and secondary education programmes, traditional religious community religion or ethics, as one of moral education subjects, must be selected by a pupil himself or by his parents. Between 2000 and 2001 religion was studied by 324 765 pupils (with the total number of school pupils amounting to 586 294).

629. A school which is not able to provide teaching of traditional religious community religion preferred by children or their parents, can pass such pupils in their religion studies in Sunday schools or in any other groups teaching religion.

630. Vocational schools provide children belonging to ethnic minorities with the opportunity to study in the native language taught as a separate teaching subject. This opportunity is reflected in the Ethnic Minorities Education Provisions. The Republic of Lithuania Government is drafting a resolution, which establishes that knowledge of state language of students graduates from stage II vocational education and training institutions which teach in the language, other than the Lithuanian language, is attributed to the second category.

631. The plan of action concerning integration of ethnic minorities into the system of education of Lithuania has been worked out.

632. Sunday schools functioning in Lithuania are aimed at satisfying the needs of self-expression of children belonging to ethnic minorities, their socialisation and retaining their ethnical identity. About 40 schools are open in Lithuania for ethnic minorities, however, not all of them are registered.

633. Pursuing the implementation of Lithuania's Roma Integration Programme for 2000-2004, Roma children attending pre-school classes are provided with free meals. In 2002 LTL 31 thousand was allocated from the state budget to Vilnius City Municipality which is responsible for organising free meals for Roma children attending pre-school classes. The Labour Market Training Authority worked out labour market training programmes for Roma entitling Roma people to acquire a professional qualification of the first level or the right to engage in particular works.

For more about Roma children integration in Lithuania see the comment on Article 2 of the Convention.

634. The Ministry of Education and Science in implementing the Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers, in 2002 -2003 in concert with the Dutch SARDES Agency implemented the project aimed at creating legal and institutional framework for education and cultural development of migrant children. In the course of implementation of this project the Republic of Lithuania Minister of Education and Science drafted the Order of 4 June 2003 on Education of the Children of Foreigners Coming to Lithuania for Working or Residence Purposes in Schools of General Education followed by publication of three books under the common title "My and Your Country – Lithuania" – consisting of the textbooks of the Lithuanian language, socio-cultural and civic education intended for children aged 12-16 years who came to Lithuania from abroad and are VII-IX graders in general education schools, and the teacher's book.

635. The Ministry of Culture, in observance of cooperation agreements signed between the Ministry of Culture of the Republic of Lithuania and the Ministries of Culture of the Russian Federation and Belarus and the Ministry of Culture and Arts of the Ukraine, is mediating in the Republic of Lithuania embassies established in Moscow, Minsk and Kiev, as well as in the Republic of Lithuania consulates general in St. Petersburg (Russia) and Gardin (Belarus) in issuing visas for entry into the Republic of Lithuania without stamp duty (where appropriate) to individual cultural workers, artists, cinema and theatre employees, art companies of these countries, including children going to Lithuania with art company leaders (children's theatre and folklore companies, etc.).



636. Analysis of the opinion of children interrogated during the children and youth opinion survey “Voices of Youth” performed by the Lithuanian National Committee for UNICEF” about treatment of children belonging to different social groups (the disabled, professing other religions, representatives of other ethnic groups, children from poor families), shows that Lithuanian children’s attitudes are more positive compared with those of children living in Western Europe (See the Table).

Opinion of children	Lithuania (%)	Western Europe (%)
Fair treatment		
Disabled children	37	37
Children professing other religions	41	43
Children of other ethnicities	42	36
Children from poor families	28	32
Unfair treatment		
Disabled children	45	46
Children professing other religions	27	36
Children of other ethnicities	29	44
Children from poor families	63	49

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