



**REPUBLIC OF LITHUANIA**

**EUROPEAN SOCIAL CHARTER (REVISED)**

**THE REPUBLIC OF LITHUANIA  
FOURTH REPORT  
ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL  
CHARTER**

(for the period from 1 January 2003 to 31 December 2004, according to Articles 2, 3, 4, 8, 9, 10, 11, 14, 15, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29 and 31)

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## **ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK**

### **1. Constitution of the Republic of Lithuania**

Each employed person shall have the right to rest and leisure, as well as to annual paid holidays.

Working hours shall be established by law (Article 49).

### **2. International legal acts**

- Convention No 47 of International Labour Organisation (ILO) of 1935 On Reduction of Working hours to Forty-Hour Working Week;
- ILO Convention No 49 of 1946 On Limiting Hours of Night Work of Children and Young Persons (Non-industrial Occupations);
- ILO Convention No 90 of 1948 On Night work of Young Persons (Industry) (revised);
- ILO Convention No 171 of 1990 On Night Work.

### **3. Legal acts of the Republic of Lithuania**

- Labour Code No IX-926 of the Republic of Lithuania, adopted on 4 June 2002, came into force on 1 January 2003 (*Official Gazette*, No 64-2569);
- The Law No IX-1672 of the Republic of Lithuania of 1 July 2003 On Safety and Health at Work (*Official Gazette*, No 70-3170);

### **4. Secondary legislation**

- Resolution No 154 of the Government of the Republic of Lithuania of 7 March 1994 On Seasonal Work (*Official Gazette*, 1994, No 19-313);
- Resolution No 354 of the Government of the Republic of Lithuania of 15 May 1992 On Approval of the List of Certain Categories of Workers Eligible to Extended Annual Holidays and Duration Thereof (*Official Gazette*, 1992, No 20-603) (became invalid on 24 July 2003);
- Resolution No 941 of the Government of the Republic of Lithuania of 18 July 2003 On Approval of the List of Workers of Certain Categories Eligible to Extended Annual Leave, and Duration Thereof (*Official Gazette*, 2003, No 73-3375) (came into force on 24 July 2003);
- Resolution No 497 of the Government of the Republic of Lithuania of 22 April 2003 On Approval of the Duration of Annual Additional Leave, Conditions and Procedure of Granting Thereof (*Official Gazette*, 2003, No 39-1787);
- Resolution No 116 of the Government of the Republic of Lithuania of 28 January 2003 On Approval of the Amount of Compensable Benefits and Procedure of Payment Thereof (*Official Gazette*, 2003, No 11-413);
- Resolution No 587 of the Government of the Republic of Lithuania of 14 May 2003 On Approval of the List of Works in which the Working Time of up to Twenty-four Hours per Day May Apply, Specific Features of Work and Rest by Spheres of Economic Activity, Conditions for Using Summary Recording of Working Time, and of the Procedure of

Introduction of the Summary Recording of Working Time in Enterprises, Institutions and Organisations (*Official Gazette*, 2003, No 48-2120);

- Resolution No 1195 of the Government of the Republic of Lithuania of 30 September 2003 On the Procedure for Shortening of Working Time of Workers Whose Work Causes More Mental and Emotional Tensions and on Conditions of Remuneration for such Workers (*Official Gazette*, 2003, No 93-4205);
- Resolution No 115 of the Government of the Republic of Lithuania of 28 January 2003 On Approval of Standard Work Contract Form (*Official Gazette*, 2003, No11-412);
- Resolution No 1043 of the Government of the Republic of Lithuania of 19 August 2003 On Approval of Peculiarities of Employment Contracts (*Official Gazette*, 2003, No 81(1)-3690);
- A List of Dangerous works, approved in Resolution No 1386 of the Government of the Republic of Lithuania on 3 September 2002 (*Official Gazette*, 2002, No 87-3751; 2004, No148-5359);
- Order No V-196 of the Minister of Health of the Republic of Lithuania of 6 April 2004 On Approval of the Establishment of Criteria for Shortening of Working Time, According to Work Environment Factors (*Official Gazette*, 2004, No 54-1841).

#### **ARTICLE 2, PARA. 1**

*„With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

- 1. To provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;*

#### **Question A**

*Please indicate what statutory provisions apply in respect of the working hours, daily and weekly and the duration of the daily rest period.*

Article 144 of the Labour Code provides for regulation of the duration of working time. Working time shall not exceed 44 hours per week. A daily period of work shall not exceed eight working hours. Exceptions may be established by laws, Government resolutions and collective agreements. Maximum working time, including overtime, shall not exceed forty eight hours per week.. The average working time of the above workers during the period of seven days shall not exceed forty eight hours. The duration of working time of specific categories of employees (of health care, care (custody), child care institutions, specialised communications services and specialised accident containment services, as well as other services which work in etc.) as well as of watchmen in premises may be up to 24 hours per day. The duration of working time of such employees must not exceed 48 hours per seven-day period, and the rest period between working days must not be shorter than 24 hours. The list of such works was approved by the Resolution No 587 of the Government of the Republic of Lithuania on 14 May 2003. The Labour Code defines that for employees employed in more than one undertaking or in one undertaking but under two or more employment contracts, the working day (including breaks to rest and to eat) may not be longer than 12 hours.

The rest during a day is defined in Article 160 of the Labour Code. The duration of uninterrupted rest between working days/shifts may not be shorter than 11 consecutive hours per 24-hour period.

The duration of daily uninterrupted rest to employees under 16 years of age must be at least 14 hours, and to persons from 16 to 18 years of age - at least 12 hours and must fall in the time from 10 a.m. to 6.0 p.m.

An uninterrupted weekly rest period shall not be shorter than 35 hours (para.5 of Article 161 of the Labour Code).

**Question B**

***Please indicate what rules concerning normal working hours and overtime are usual in collective agreements and what is the scope of these rules***

By virtue of para. 2 of Article 144 of the Labour Code, daily working time shall not exceed eight working hours. Exemptions can be established by the Laws, resolutions of the Government and collective agreements. The Labour Code defines that working time shall mean any period during which a worker must work carrying out his activity or duties, and other periods equivalent to it.

Working time shall include: 1) the time, actually taken to do any work, hours of duty on call at home and at the place of work; 2) the time of a business errand, business trip to another locality; 3) the time necessary to prepare and arrange a workstation, work equipment, safety measures; 4) rest breaks, included in working time according to statutory acts; 5) the time of mandatory health check-ups; 6) internship, qualification improvement at workplace or training centres; 7) the time of suspension from work, if a worker who is suspended must comply with the order established in his workplace; 8) the period of inactivity; 9) other periods of time set by laws and regulations.

Working time shall not include: 1) absence from work; 2) non-arrival at workplace with permission of the administration; 3) performance of state, public or citizen's duties, military service or military training; 4) the period of incapacity for work; 5) breaks of rest and meals, daily rest (inter-shift), weekly rest, public holidays, annual vacation; 6) other periods of time set by laws and regulations.

Overtime works are regulated by Articles 150, 151 and 152 of the Labour Code. Overtime work is work done by exceeding the working time defined in para.1 of this Code, as well as in its Articles 145 and 146 and in paragraphs 1 and 2 of Article 149. In general overtime works are prohibited.

An employer may apply overtime works only in exceptional cases, which are specified in Article 151 of the present Code.

Overtime work can not be assigned: to persons under 18 years of age; to persons who are studying in secondary and vocational schools without interrupting work - on study days; when factors in the working environment exceed the permitted levels, as well as in other cases established by laws and collective agreement. Pregnant women, women who have recently given birth, breastfeeding women, workers who are taking care of children under three years of age or are solely raising a child under fourteen years of age or a disabled child under sixteen years of age, as well as disabled persons may be assigned to do overtime work only subject to their consent. Moreover, disabled people may be assigned to overtime work provided that this is not forbidden in the conclusions of the disability assessment authority. Work of administration officials which exceed the set working time shall not be deemed overtime work. A list of such positions shall be established in collective agreements and in the internal rules.

Overtime work shall be permitted in the following exceptional cases: 1) when the work to be performed is necessary for national defence and prevention from accidents or dangers; 2) when the work to be performed is necessary for the public, containment of accident, natural disasters, etc.; 3) when it is necessary to finish the work which could not have been finished during the working time under present technical production conditions because of an unforeseen or accidental obstacles, if

an interruption of work may result in deterioration of production materials or breakdown of work equipment; 4) when the work to be performed is related to repairs and renovation of mechanisms and equipment, if the majority of workers should interrupt their work due to the breakdown of the said mechanisms and equipment; 5) when the work is performed instead of another shift worker who has failed to arrive at the workstation and if working process may therefore be impeded; in such cases the administration must replace the worker who is working the second consecutive shift by another worker not later than in the middle of the shift); 6) for execution of work related to loading and reloading and other related transportation work, when it is necessary to empty warehouses of transport enterprises, as well as for the performance of the work related to loading and unloading of transport vehicles in order to avoid the accumulation of freight in dispatch and designation points and idle vehicle time.

Overtime works shall not exceed for each employee four hours per two consequent days and one hundred twenty hours per year. An employer must record a precise accounting of overtime works in working time logs.

It shall be noted that according to Article 61 of the Labour Code, the parties to a collective agreement of an undertaking can define work conditions (including conditions on work and rest time) and guarantees that are not regulated by laws and other regulatory enactments or by a national, sectoral or territorial collective agreement or when these do not contradict the above legal acts or make the position of workers less favourable.

### **Question C**

*Please, indicate the average working hours in practice for each major professional category.*

According to the Yearbook of Labour Statistics 2003, (Lithuanian Statistics, Vilnius, 2005), in 2003 the average working week was 37,84 hours (in agriculture – 40 hours, manufacturing – 39,94 hours, food production – 39,95 hours, construction – 40 hours, trade – 39,91 hours, transport – 39,71 hours, postal – 40 hours, education – 26,24 hours, human health care – 38,90 hours).

### **Question D**

*Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.*

Article 145 of the Labour Code regulates shortened working time. Shorter working time shall be set for persons under 18 years of age - in accordance with the provisions of the Law on Labour Protection; persons who work in the working environment where the concentrations of hazardous factors exceed the acceptable limits set in legal acts on safety and health at work and it is technically or otherwise impossible to reduce these concentrations in the working environment to acceptable levels not hazardous to health, working time shall be set taking into account the working environment, but not exceeding 36 hours per week; workers working at night.

Shorter working time for employees performing work involving heavy mental, emotional strain shall be established by the Government. (more in point C of para. 4 of Article 2).

According to Article 36 (7) of the Law on Safety and Health at Work, the shortened working time shall be established for the following young persons:

1) for adolescents – not more than 8 hours per day counting the daily duration of lessons as working time and not more than 40 hours a week counting the weekly duration of lessons as working time;

2) for children performing light work – two hours on a school day and 12 hours per week for work performed in term-time outside the hours fixed for school attendance, or seven 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 eight hours a day and 40 hours a week in the case of children who have reached the age of 15).

Where a young person is employed by more than one employer, working days and working time shall be cumulative as laid down in paragraph 7 of this Article.

According to para.2 of Article 154 of the Labour Code, working time at night shall be reduced by one hour.

According to Article 153 of the Labour Code, on the eve of holidays work time shall be shortened by one hour with exception of workers engaged in part-time work. In case of six working days week, work before a holiday shall not last longer than 5 hours.

Workers and employers can agree on reduced working time (other than that established in the law) by means of concluding collective agreements.

### **Question E**

*Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period see also Article 2, paras. 2,3 and 5).*

*Please indicate the reference period, to which such measures can be applied.*

*Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.*

According to paragraph 4 of Article 144 of the Labour Code, working time of workers of certain categories (employed in health care, guardianship (custody), child care, energy, communication specialised services and specialised services for liquidating accidents and other services working on a continuous watch regime) and watchers working inside, can total to twenty four hours per day. The average working time of the above workers during seven working days shall not exceed forty eight hours, and rest time between working days shall not be shorter than twenty four hours. The list of such works is approved by the Government.

Paragraph 5 of Article 144 of the Labour Code defines that a working day for employees employed in more than one undertaking or in one undertaking but under two or more employment contracts, the working day (including breaks to rest and to eat) may not be longer than 12 hours.

According to Article 148 of the Labour Code, time to work and to rest in transport, postal, agricultural, health and care (custody) enterprises, as well as in marine and river navigation and other sectors of economic activities may, taking into consideration seasonality nature of work and other conditions, vary from the norms established by this Code. Specific features of the time to work and to rest in the sectors of such activities shall be established by the Government.

Working and rest time peculiarities in the sphere of economic activity is regulated by Resolution No 587 of the Government of the Republic of Lithuania. Working and rest time peculiarities in transport (roads, railways, civil aviation, maritime transport, inland waterways transport), telecommunications, postal, agriculture, agricultural undertakings and energy companies, health care and guardianship (custody) institutions, fishing vessels and other spheres of economic activity (further referred to as Peculiarities of Working and rest time) define the procedure for setting the duration of working and rest time. Peculiarities of working and rest time have been prepared referring to the following legal acts of the European Union, assessing specific work conditions in transport and in companies involved in economic activities indicated in this point.



Article 149 of the Labour Code regulates the total record of working time. In continuously working enterprises, agencies and organisations, also in individual workshops and sections, in jobs where a working day (shift) is organised in sessions and in some jobs where, due to technological processes it is impossible to observe the duration of a working day or working week set for a specific category of workers, the total record of working time may be introduced, having regard to the opinion of representatives of the employees (Article 19 of the Code); however, the duration of work during a reporting period must not exceed the number of working hours set for a particular category of employees. In the case of total record of working time, the average maximum working time per week shall not exceed forty eight hours and twelve hours per working day (shift). The duration of a reporting period may not exceed four months. The jobs, work conditions in the presence of which total record of working time may be introduced, the procedure for the introduction of the summary recording of working time in undertakings, agencies and organisations shall be established by the Government.

Uninterrupted weekly rest is regulated in Article 161 of the Labour Code. Sunday shall be a general rest day and in case of a week of five working days - Saturday and Sunday, with the exception of cases specified in paragraphs 2, 3 and 4 of this Article and in other regulatory enactments. For enterprises and organisations where work cannot be interrupted because due to the need for continuity of services to be provided to the population (public transport, health institutions, public utilities, theatres, museums, etc.) rest days shall be established by the executive municipal body. At enterprises and organisations where work cannot be interrupted on technical grounds or due to the need of continuity of services to be provided to the population, as well as at other enterprises of uninterrupted production, rest days shall be provided on other week days in succession to each group of employees in accordance with the work/shift schedules which shall be drawn up and approved following the procedure set out in Article 147 of this Code. In the case of total record of working time, employees shall be provided rest days in accordance with work/shift schedules. An uninterrupted weekly rest period shall not be shorter than 35 hours. In the cases referred to in paragraphs 2, 3, and 4 of this Article both rest days to be provided must be consecutive. It shall be prohibited to assign work on rest days, with the exception of work which cannot be interrupted on technical grounds (enterprises and organisations of uninterrupted operation), work involving the need to provide services to the population as well as work involving urgent repair and loading activities. Pregnant women, women who have recently given birth to a child, breastfeeding women, workers raising a child under three years of age, and workers raising a child (as single parents) under the age of fourteen, or a disabled child before he has reached the age of sixteen, and persons under eighteen may be assigned work on rest days only subject to their consent. Persons under eighteen years of age must be provided at least two rest days per week

Article 166 of the Labour Code defines that the minimum duration of annual leave shall be a period of 28 calendar days. Annual 35-calendar-day leave shall be granted to: 1) workers under 18 years of age; 2) workers who, as single parents, are raising a child before he has reached the age of fourteen or a disabled child before he has reached the age of sixteen; 3) disabled persons; 4) other persons provided for by law. Annual leave shall not be shortened for part-time employees.

Extended annual leave up to 58 calendar days shall be granted to certain categories of workers whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those workers who work in specific working conditions. The Government shall approve a list of categories of workers eligible to the extended leave and shall define therein the specific duration of the extended leave for each category of workers (Article 167 of the Labour Code).

Additional annual leave may be granted: 1) to workers the conditions of work of which are not in conformity with the normal work conditions; 2) for a long uninterrupted employment at the same workplace; 3) for a specific nature of work. The duration of additional annual leave, the terms and conditions as well as the procedure for providing it shall be determined by the Government. A

contract of employment, a collective agreement or internal work procedure may define a longer additional annual leave or additional annual leave of types other than those specified in this Article (Article 168 of the Labour Code).

**Question F**

*If some workers are not covered by these provisions, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article 1 of the Revised Social Charter).*

Provisions are applied to workers, working according employment contracts..

*In response to the questions provided in the Conclusions of the European Social Rights Committee (pg. 294, 295):*

The Committee asks what the maximum number of overtime hours is that may be worked in absence of collective agreements.

According to Para.1 of Article 152 of the Labour Code, overtime works shall not exceed for each employee 4 hours in two consequent days and 120 hours per year.

The report states that a summary recording of the working time of four months may be introduced in various types of work such as work in continuously working undertakings. The Committee observes that the average duration of the working time should not exceed 12 hours daily and 48 hours weekly. It asks what the absolute maximum daily and weekly working hours are.

According to para.1 of Article 149 of the Labour Code, in case of summary recording of working time, the average maximum working time per week shall not exceed forty eight hours and twelve hours per working day (shift). The duration of the recording period shall not be longer than four months.

The maximum number of hours was not defined, but in this case a common daily rest time (no less than 11 hours) and weekly uninterrupted rest time (no less than 35 hours) is applied.

It should be noted, that provisions mentioned in para.1 of Article 149 of the Labour Code, were amended from 28 May 2005, by anticipating, that, in case of the summary record of working time, an employee cannot work more than forty eight hours per week and twelve hours per day (shift). The duration of the recording period shall not exceed four months. Referring to the above provisions, the maximum working time is 48 hours per week and 12 hours per day.

***ARTICLE 2, PARA.2***

*„With a view of ensuring effective exercise of the right to just working conditions, the Parties undertake:*

- 1. To provide for public holidays with pay“.*

**Question A**

*Please indicate the number of public holidays with pay paid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.*

Article 162 of the Labour Code anticipates that there shall be no work at undertakings, agencies and organisations on the following holidays:

- 1) January 1 - New Year's Day;
- 2) February 16 - Day of Re-establishment of the State of Lithuania;
- 3) March 11 - Day of Re-establishment of Lithuania's Independence;
- 4) (Western Church) Easter Sunday and Easter Monday;
- 5) May 1 - the International Labour Day;
- 6) first Sunday of May - Mother's Day;
- 7) July 6 - Day of the State (Coronation of King Mindaugas)
- 8) August 15 – The Assumption Day;
- 9) November 1 – The All Saints' Day;
- 10) December 25 and 26 - Christmas days

The Labour Code provides for 13 holidays.

### **Question B**

*Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.*

*Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay.*

The Labour Code anticipates the prohibition to work on holidays, except certain exemptions and higher remuneration for work in the case if work is performed on holidays. According to paragraph 2 of Article 162 of the Labour Code, it shall be prohibited to work during holidays, with the exception of work which cannot be interrupted on technical grounds (enterprises and organisations of uninterrupted operation), work involving the need to provide services to the population as well as work involving urgent repair and loading. Pregnant women, women who have recently given birth to a child, breast-feeding women, employees raising a child under three years of age and employees raising, as single parents under the age fourteen or a disabled child before he has reached the age of sixteen, and persons under eighteen may be assigned work during holidays only subject to their consent.

Article 194 of the Labour Code establishes a higher remuneration for work during holidays. Remuneration for work on a rest day or a holiday which has not been provided for in the work schedule, shall be at least at the double rate, or it shall be remunerated, by a request of an employee, by granting to the employee another rest day during the month or by adding that day to his annual leave. Remuneration for work on a holiday which has been provided for in the work schedule shall be at least the double rate of the hourly or daily remuneration.

Paragraph 1 of Article 153 of the Labour Code defines that on the eve of holidays work time shall be reduced by one hour with exception of employees engaged in part-time work.

### **Question C**

*If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state, what proportion of all workers is not so covered (see Article 1 of the Revised European Social Charter)*

The above mentioned provisions on public holidays (establishment of holidays, remuneration, and shortening of working time on the eve of holidays) apply to all workers, engaged under employment contracts. Such provisions apply also to civil servants, however, the provisions on remuneration for work on holidays apply in cases when special legal acts regulating employment relations of such workers do not provide for other rules.

State Labour Inspectorate, referring to the available data on investigated claims and applications, provided the following information: in 2003, the number of investigated claims on daily and weekly rest, overtime and night work, watch hours (i.e. all types of violations) amounted to 156, from which 75 claims were not confirmed; in 2004 – 530 claims (all types of violations), from which 250 claims were not confirmed. In 2003, the number of the identified violations of regulatory enactments regulating working and rest time, totalled to 5673; in 2004 – to 7146. These numbers also include violations of provisions regulating work on public holidays.

*In response to the questions provided in the Conclusions of the European Social Rights Committee (pg.290):*

The Committee asks that the next report indicate how many workers receive a payment of more than the double rate of salary for work performed on a public holiday. It also asks for information on the rates actually paid.

We do not have the above information. The State Labour Inspectorate sets out the requirement for a representative of an employer or a person authorised by an employer to eliminate violations in case if an employer does not pay a worker or pays less than a double rate for work during public holidays.

The Committee asks that the next report explain what is exactly meant by ‘unscheduled work ‘ on a public holiday.

Work time regime is regulated by Article 147 of the Labour Code. The division (change) of work and leisure time for each employee during 24 hours, during a week or accounting period, as well as the beginning and the end of daily work (shift) shall be set under the internal rules of an enterprise, agency, and organisation. The work (shift) schedule shall be approved by the administration upon co-ordination with representatives of employees of an enterprise, agency, and organisation (Article 19 of the Code) or in accordance with the procedure established in a collective agreement. The beginning and end of working time in public and municipal enterprises, agencies, and organisations shall be set by the Government in compliance with the provisions of this Chapter. A five-day working week with two rest days shall be set for employees. A six-day working week with one rest day shall be set for employees of enterprises in which a five-day working week is impossible due to the type of production. Employees must keep to working time (shift) schedules. Working time schedules shall be announced publicly in information boards of enterprises and their subdivisions not later than two weeks in advance. The employer must ensure consistent change of shifts. In case of an employee due to certain circumstances has to go to work on a day when a rest day is indicated in the schedule, such work is done not in accordance to the schedule.

According to paragraph 2 of Article 162 of the Labour Code, it shall be prohibited to work during holidays, with the exception of work which cannot be interrupted on technical grounds (enterprises and organisations of uninterrupted operation), work involving the need to provide services to the population as well as work involving urgent repair and loading. Pregnant women, women who have recently given birth to a child, breast-feeding women, the employees raising a child under three years of age and employees raising, as single parents, a child under fourteen or a disabled child before he has reached the age of sixteen, and persons under eighteen may be assigned work during public holidays only subject to their consent.

The Committee asks whether the conditions governing weekly rest periods apply when work is performed on a public holiday.

In case, when employees work on public holidays, the uninterrupted weekly rest time is regulated by general provisions of Article 161 of the Labour Code. It defines that Sunday shall be a general rest day and where there are five working days in a week - Saturday and Sunday, with the

exception of cases specified in paragraphs 2, 3 and 4 of this Article and in other regulatory enactments. For enterprises and organisations where work cannot be interrupted because it involves the need for continuity of services to be provided to the population (public transport, health institutions, public utilities, theatres, museums, etc.) rest days shall be established by the executive municipal body. At enterprises and organisations where work cannot be interrupted on technical grounds or involving the need for continuity of services to be provided to the population as well as at other enterprises of uninterrupted production rest days shall be provided on other week days in succession to each group of the employees in accordance with the work/shift schedules which shall be drawn up and approved following the procedure prescribed by Article 147 of this Code. In case of the aggregate working time record, employees shall be provided rest days in accordance with work/shift schedules. The uninterrupted weekly rest period shall not be shorter than thirty five hours. In the cases referred to in paragraphs 2, 3, and 4 of this Article both rest days must be consecutive.

### **ARTICLE 2, PARA. 3**

*"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

*1. to provide for a minimum of four weeks' annual holiday with pay;"*

#### **Question A**

*Please Indicate the length of annual holidays under legislative provisions or collective agreements.*

The duration of minimum leave is defined by Article 166 of the Labour Code (the duration of annual minimum leave is 28 calendar days; annual 35-calendar-day leave shall be granted to employees under 18 years of age; employees who, as single parents, are raising a child under fourteen or a disabled child before he has reached the age of sixteen.

Paragraph 2 of Article 165 of the Labour Code defines that annual leave might be minimum, extended and additional. According to Article 167 of the Labour Code, the extended annual leave up to 58 calendar days shall be granted to certain categories of employees whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those employees who work in specific working conditions. The Government of the Republic of Lithuania by its Resolution No 941 of 18 July 2003 approved The List of Categories of Workers Entitled to the Extended Leave and the Duration of Extended Leave“(*Official Gazette*, 2003, No 73-3375).

According to Article 168 of the Labour Code, annual additional leave may be granted to workers for the conditions of work which are not in conformity with the normal work conditions; for long uninterrupted employment at the same work place and for a specific nature of work.

On 22 April 2003 the Government of the Republic of Lithuania passed the Resolution No. 497 on Approval of the Duration of Annual Additional Leave, Conditions and Procedure of Granting Thereof (*Official Gazette*, 2003, No. 39-1787) whereby it approved the list of workers eligible to such leave and established the particular duration of extended leave per each category of workers. Part 2 of this Article defines that a contract of employment, a collective agreement or internal work procedure may define a longer additional annual leave or additional annual leave of types other than those specified in this Article. Besides, Article 185 of the Labour Code defines that collective agreements and employment contracts may provide for a longer leave and leaves of other categories, additional privileges for choosing the time of annual leave, higher remuneration for annual leave and special-purpose leave than those guaranteed by this Code. These privileges, with

the exception of the additional privilege to choose the time of the annual leave, shall not be laid down in collective agreements and employment contracts concluded at state financed agencies and organisations, which are supported from municipal and state social insurance fund budgets and from resources of other funds established by the State, and in the agreements and contracts concluded at the Lithuanian National Bank.

*Please also indicate the minimum period of employment entitling workers to annual holidays.*

The procedure for granting the annual leave is regulated by Article 169 of the Labour Code. Annual leave for each working year shall be granted in the same working year. Annual leave for the first working year shall be granted, as a rule, after six months of uninterrupted work at the enterprise. For the second and subsequent working years annual leave shall be granted at any time of the working year in accordance with the schedule for granting annual leave. The procedure for setting out the schedule shall be stipulated in a collective agreement and, where such an agreement is not concluded, the schedule of annual leave shall be made by agreement of the parties. In case of less than six months of uninterrupted work, annual leave shall be granted at the request of an employee in the following cases: to women before a maternity leave or after it; in other cases established in laws and collective agreements. During the first year of employment, the teaching staff of educational institutions shall be granted the annual leave during the summer holiday of school children and students, irrespective of the date when the staff began to work at the appropriate institution. Paragraph 5 of this Article defines that men shall be granted an annual leave at their request during the maternity leave of their wives. Paragraph 7 of this Article defines that annual leave for persons, who are studying without interrupting their employment, shall be adjusted, at their request, to the time of their examinations, tests, work on the graduation thesis, laboratory work and consultations.

*Please describe, where appropriate, whether measures permitting derogation from statutory rules in your country regarding daily and weekly working hours have an impact on rules pertaining to the duration of annual holidays.*

By virtue of Par. 3, Article 146 of the Labour Code, part-time work shall not result in limitation when setting the duration of annual leave, calculating the length of service, promoting an employee, improving qualification, as well as shall not limit other labour rights of the employee.

#### **Question B**

*Please indicate the effect of incapacity for work through illness or injury during all or part of annual holiday on the entitlement to annual holidays.*

Paragraph 8 of Article 169 of the Labour Code defines that Persons who are taking care of sick or disabled persons at home as well as persons who are suffering from chronic diseases which become more acute depending on the atmospheric conditions, shall be granted their annual leave at the time of their choice subject to the recommendation of a health institution.

*In response to questions provided in the Report of the European Social Rights Committee (pg.297):*

The Committee understood that a worker may be permitted to postpone a leave for three consecutive years. It asks whether this interpretation is correct. It asks to indicate the number of workers voluntarily not taking their annual leave.

Transfer or extension of an annual leave is regulated in Article 174 of the Labour Code. According to paragraph 1 of this Article, it shall be permitted to transfer annual leave only at the request or subject to the consent of the employee. Annual leave shall also be transferred where the

employee is temporarily incapacitated. In case if an employee becomes temporarily incapacitated before the beginning of the annual leave, annual leave shall be transferred to some other time by agreement between an employee and administration. Where the causes specified in paragraph 1 of this Article or any other causes due to which annual leave could not be used, arose before the commencement of annual leave, annual leave shall be transferred to some other time by agreement between the employee and the administration. Where such causes arose during annual leave, the annual leave shall be extended by an appropriate number of days, or, by agreement between the employee and the administration, the unused portion of annual leave shall be carried forward to some other time. The transferred annual leave shall be, as a rule, granted in the same year of employment. At the request or with the consent of the employee, the unused portion of annual leave may be transferred and added to the annual leave of the next year of employment

**Question C**

*Please indicate if it is possible for workers to renounce their annual holiday.*

A worker cannot renounce his (her) annual holiday (unless such worker does not want to take the leave as a result of cessation of employment relations). Paragraph 1 of Article 165 of the Labour Code defines that annual leave shall be a period calculated in calendar days granted to an employee for rest and rehabilitation of working capacity, whereby his job/position and the average wage is retained.

By virtue of Article 16 of the Law on Holidays, monetary compensation in lieu of an annual holiday to employees shall not be permitted. When an employee cannot be granted holidays due to a termination of labour relations or when a worker forgoes a holiday, he or she shall receive monetary compensation. Par. 1, Article 177 of the Labour Code contains likewise provisions.

In addition, Par. 3, Article 174 of the Labour Code establishes that at the request or with the consent of a worker, the unused portion of annual leave may be transferred and added to the annual leave of the next year of employment.

**Question D**

*Please indicate the customary practice where legislation or collective agreements do not apply.*

If to regard the ordinary practice exceeding the framework of laws and collective agreements as violations, then according to the available data on investigates claims and applications, in 2003 there were 177 claims on violations of provisions regulating the leave, from which 67 claims were not confirmed; in 2004 – 228 claims, from which 77 were not confirmed. In 2003 the number of violations of regulatory enactments regulating work and rest time, totalled to 5673, in 2004 – 7146. This number also includes violations of provisions regulating the leave.

Among the most common violations in the above sphere could be the refusal to grant a leave on the same year, granting of a leave of a shorter duration than a defined one, delayed remuneration for annual leave etc.

**Question E**

*If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article I of the revised Social Charter).*

Such data are not available.

*In response to the questions provided in the Report of the European Social Rights Committee (pg.297):*

The Committee asks the explain the meaning of the article 177 in more detail, since it also notes if an employee does not wish to go on leave, he shall be paid in allowance in lieu.

By examination of the law, the Committee understood that employee may be permitted to postpone leave for three consecutive years. It asks whether this interpretation is correct.

Article 177 of the Labour Code defines that the annual leave may not be replaced by an allowance in lieu. If an employee cannot be granted annual leave due to the termination of employment relationship or does not wish to go on leave, he shall be paid an allowance in lieu.

The allowance for the unused annual leave shall be paid by terminating the employment contract irrespective of its term. The amount of the allowance shall be determined in accordance with the number of working days of the unused annual leave for this period of employment. If an employee was not granted annual leave for a period longer than one year, the allowance shall be paid for all the period of the unused annual leave but not more than for three years.

The next report indicates the number of workers voluntarily not taking their annual leave.

No data

#### ***ARTICLE 2, PARA. 4***

*"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

*to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;"*

#### **Question A**

***Please indicate the policies and the legislative measures taken to eliminate or to reduce the inherent risks of dangerous or unhealthy occupations. Please also describe the procedures for periodic review and evaluation.***

Paragraph 1 of Article 48 of the Constitution of the Republic of Lithuania defines that each person has the right to proper, safe and healthy work conditions.

According to Article 11 of the Law on Safety and Health at Work, the duty of the employer is to ensure safety and health of workers at work in all aspects related to work. All measures of safety and health at work shall be financed by the employer himself. In seeking to implement the employer's duty, a person representing the employer shall organise the implementation of preventive measures (technical, medical, legal, organisational, and others) intended for the prevention of accidents at work and occupational diseases, by laying down the procedure for implementing and controlling such measures in an undertaking, appointing the persons authorised by the employer and setting for them concrete assignments on the implementation of the preventive measures. Measures of safety and health of employees shall be financed from employer's funds.

More information - in Paragraph 1 of Article 3 and question A of para. 2 of the Charter.



### Question B

*Please state the occupations regarded as dangerous or unhealthy. If a list exists of these occupations, please supply it.*

In observance of item 1 of the List of Hazardous Occupations approved by the Republic of Lithuania Government Resolution No 1386 of 3 September 2002 on Approval of the List of Hazardous Occupations (*Official Gazette*, 2002, No. 87-3751), a hazardous occupation means work related with higher occupational risk which increases the likeliness of injury or other damage to the health of the worker due to hazardous and (or) dangerous factor (factors) existing in the working environment.

#### According to item 3 of this Resolution dangerous occupations include:

1. Work within premises that are dangerous and very dangerous in terms of danger caused by electric current, specified in Safety Regulations in Operating Electric Facilities DT 11-02 approved by Order No. 40 of 5 February 2002 of the Minister of Economy (*Official Gazette*, 2002, No. 27-974):

Dangerous electricity premises means premises that have at least one of the below-specified characteristics:

- the relative air humidity exceeds 75 % or such premises contain electricity-conductive dust;
- conductive floor (metal, Ferro-concrete, soil, etc.);
- average daily temperature exceeds +35 °C;
- there is a risk of concurrently touching current-conductive unearthed frames of electric devices and current-conductive constructions that are in contact with ground.

Very dangerous premises means premises that have at least one of the below-specified characteristics:

- wet premises;
- premises with chemically or biologically aggressive environment;
- premises that have two or more features characteristic of dangerous premises.

2. Repair and (or) balancing works of electric circuits intended for higher than 10 A circuit and under circuit voltage exceeding 50 V (alternating current) and 75 V (direct current).

3. Work with hazardous chemical substances and preparations referred to in Par. 24, Article 3 of the Republic of Lithuania Law on Chemical Substances and Preparations (*Official Gazette*, 2000, No. 36-987) and their waste:

- Dangerous chemical substances and preparations at least one property of which may be classified into any of the following categories:
- explosive substances and preparations: solid, liquid, pasty or gelatinous substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which, under defined test conditions, detonate, quickly deflagrate or upon heating explode when partially confined;
- oxidising substances and preparations: substances and preparations which give rise to a highly exothermic reaction in contact with other substances, particularly flammable substances;
- extremely flammable substances and preparations: liquid substances and preparations having an extremely low flash-point and a low boiling-point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure;

- highly flammable substances and preparations: substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy; solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition; liquid substances and preparations having a very low flash-point; substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;
- flammable substances and preparations: liquid substances and preparations having a low flash-point;
- very toxic substances and preparations: substances and preparations which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;
- toxic substances and preparations: substances and preparations which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;
- harmful substances and preparations: substances and preparations which may cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin or when the substances or preparations penetrate the human body in any other way;
- corrosive substances and preparations: substances and preparations which may, on contact with living tissues, destroy them
- irritant substances and preparations: substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation;
- sensitising substances and preparations: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced;
- carcinogenic substances and preparations: substances or preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may induce cancer or increase its incidence;
- mutagenic substances and preparations: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may induce heritable genetic defects or increase their incidence;
- substances and preparations which are toxic for reproduction: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or in any other way penetrate the human body, may produce, or increase the incidence of, non-heritable adverse effects in the progeny and/or an impairment of male or female reproductive functions or capacity, or increase incidence of impairment;
- substances and preparations which are dangerous for the environment: substances and preparations which, were they to enter the environment, would or may present an immediate or delayed danger for one or more components of the environment.

4. Works with any materials containing asbestos, also works indicated in Annex No. 2 of the Regulations for Setting up the Workplaces on Construction Sites approved by Order No. 184/282 of 24 December 1998 of the Minister of Social Security and Labour (*Official Gazette*, 1999, No. 7-155):

- works by virtue of which the workers are exposed to danger of collapse, drowning or falling down, the risk of which increases due to the type of construction, working methods or environmental conditions at a workplace or on the construction site;
- works which as a result of chemical and biological materials being used cause particular danger to occupational safety and health of workers or workers employed in which must undergo compulsory health examinations;
- works with sources of ionising radiation which must be carried out under control and supervision established by legal acts;
- works performed in close proximity to high voltage networks (wires);
- works the performance of which pose danger of drowning;
- construction of wells and tunnels, underground works;
- underwater works using the diver's equipment;
- works in cofferdams and bar chambers;
- works with explosives;
- assembling and dismantling of heavy standardised elements.

5. The following works:

- mechanical processing of wood, metals and other materials using manual pushing-machines;
- manual lifting of loads subject to the existence of the factors referred to in Annexes A and B to the General Regulations on Manual Lifting of Loads approved by the Minister of Social Security and Labour Order No.134/493 of 3 September 1998 (*Official Gazette*, 1998, No. 79-2242): too frequent or prolonged efforts which require particular strain of the spinal column; insufficient period of physical rest or recovery during working time; too long lifting, lowering or carrying distances; the speed of work established under a particular process which cannot be changed by the worker; the worker can face danger if he (she): is physically not capable of performing the task; is wearing unsuitable clothes, footwear or using other personal articles that are likely to prevent from safe performance of the works; lack of the necessary knowledge or adequate training;
- lifting of loads using mechanical loading machines, including power lift trucks, but excluding potentially hazardous equipment;
- in ships, including fishing vessels and other floating facilities;
- in workplaces where the daily volume of noise effects may not exceed 85 dBA;
- in wells, excavations, collectors and other underground facilities and construction works (excluding underground passages and crossings), closed reservoirs of all types of substances and partly closed and cramped premises or partly closed openings of cars and other facilities;
- carried out higher than 5 metres above the surface of the ground or soil, span, scaffolding or floor, when the main means of protection from falling down is protective belts;
- with substances used for plant protection purposes;
- with predatory and other dangerous animals;
- with sources of ionising radiation, radioactive substances and their waste;
- in the proximity of electromagnetic radiation sources the radiation of which exceeds permissible levels;
- reconstruction and overhaul of hydro power stations, constructions of hydro technical facilities with the affluent height of more than 3 metres;
- under water (diver's works);
- in the circus.

- in flying aircrafts.
- 6. Logging works (stand cutting, liquidation of wind-fallen and wind-broken trees).
- 7. Drilling works related with extraction of fossils.
- 8. Installation and dismantling works of electricity, communication and open-wire and underground radio communication lines, gas mains, oil pipelines and other products' pipelines.
- 9. Soil excavation and grouting, other works near slopes higher than 1,5 metres and in more than 1,5 metres depth excavations.
- 10. Ground works in the soil contaminated with pathogens, in protective zones of underground electric networks, gas mains and other underground communications (installation and dismantling works of electricity, communications and open-wire and underground radio communication lines, gas mains, oil pipelines and other products' pipelines);
- 11. Works in the potentially explosive environment specified in the Occupational Safety Regulations for Workers Potentially at Risk from Explosive Atmospheres approved by the Minister of Social Security and Labour Order No. 110 of 27 December 1999 (*Official Gazette*, 2001, No. 1-16) worked out in observance of the Directive 1999/92/EC of the European Parliament and of the Council on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres.
- 12. Repairs and dismantling works in wrecking construction works.
- 13. Assembly (disassembly) of trains, technical inspection of trains in railway stations and works in operated railway sections and road carriageways.
- 14. Treatment and care of patients suffering from mental disorders, also from alcohol and toxicological psychosis;
- 15. Provision of health care services to patients ill with dangerous or extremely dangerous contagious diseases, implementation of epidemic prevention measures in the focus of dangerous or extremely dangerous contagious diseases referred to in the Republic of Lithuania Law on the Prevention and Control of Contagious Diseases of People (*Official Gazette*, 1996, No. 104-2363; 2001, No. 112-4069).
- 16. Fulfilment of the state veterinary inspectors' duties, services of veterinary surgeons and surgeon's assistants.
- 17. Works with potentially dangerous equipment, repairs of potentially dangerous equipment, excluding examination of technical condition thereof.
- 18. Work of collectors, security workers and watchmen protecting buildings, premises or other objects.
- 19. Fire extinction, rescue works on sites of industrial and transport accidents, elimination of consequences of natural calamities, chemical and radiation incidents.
- 20. Other works carried out in places of execution of dangerous works (zones), other than works of collectors, security workers or watchmen in buildings, premises or other objects.

**Question C**

*Where it has not yet been possible to eliminate or reduce sufficiently these risks, please state what provisions apply under legislation or collective agreements or otherwise in practice as regards reduced working hours or additional paid holidays in relation to this provision of the revised Charter.*

Referring to Paragraph 3 of Article 40 of the Law on Safety and Health at Work, workers who work in the working environment where the concentrations of hazardous factors exceed the acceptable limits set in legal acts on safety and health at work and it is technically or otherwise impossible to reduce these concentrations in the working environment to acceptable levels not hazardous to health working time shall be set taking into account the working environment, but no

longer than thirty six hours per week. Specific daily and weekly working time of employees, working in the work environment, where the concentration of hazardous factors exceed the acceptable limits and there is no possibility to reduce them by technical and other measures to acceptable limits (amounts) defined in regulatory enactments on safety and health of employees, is defined via evaluation of the results of investigation of working environment, referring to the criteria and procedure for defining a reduced duration of working time according to factors of working environment.

*Response to the questions provided in the Conclusions of the European Social Rights Committee (pg.298 and 299):*

According to the criteria for defining a reduced working time, according to factors of working environment, approved by the Order No V-196 of the Minister of Health of the Republic of Lithuania on 6 April 2004, working time is reduced due to dangerous factors of working environment, exceeding the acceptable limits defined by legal acts regulating safety and health of employees: chemical, biological, physical, ergonomic and psychoanalytical. A reduced (to no more than thirty six hours per week) working time is defined for persons working under professional risk terms, when the amounts of working environment factors dangerous to health, exceed the defined acceptable limits and when it is impossible to reduce their amount by technical, organisational or other measures.

Working time of no more than thirty six hours per week is defined after having carried out the assessment of site defining that the amounts of hazardous factors of working environment exceed the acceptable limits and there is no possibility to reduce them to acceptable limits, defined in regulatory enactments regulating safety and health of workers, by technical, organisational or other measures. A collective agreement may stipulate a shorter weekly working time than that of thirty six hours.

At an undertaking, institution, organisation or other organisational structure, where the unacceptable risk is identified in job places or working environment, or when there is no possibility to reduce the amounts of hazardous factors to acceptable limits defined in regulatory enactments on safety and health of workers, reduction of working time of employees shall be a temporary measure.

A head of an undertaking, when executing the obligation of an employer to ensure safe working conditions, shall immediately organise preparation and implementation of measures necessary for elimination of the unacceptable risk.

Par. 2, Article 145 of the Labour Code establishes that shorter working time for employees performing work involving heavy mental, emotional strain shall be established by the Government. On 30 September 2003 the Government of the Republic of Lithuania issued the Resolution No. 1195 whereby it approved the Procedure for Establishing Shorter Working Time for Employees Performing Work Involving Heavy Mental, Emotional Strain. This Procedure establishes shorter working week for pedagogues and health care workers. At the request of the Committee we indicate categories of employees and the duration of the reduced working time. The reduced weekly working time is applied to the following pedagogues:

1. teachers working in comprehensive, vocational, further, non-formal educational schools, colleges, specialised child care houses – no more than 36 hours;
2. schoolmasters working in:
  - 2.1. pre-school educational institutions - 36 hours;
  - 2.2. comprehensive schools (except special schools and sanatoriums), child care houses - 30 hours;
  - 2.3. special schools and sanatoriums, specialised child care and upbringing houses, infant houses – 24 hours;
3. pedagogic staff of pre-school education of schools - 36 hours;
4. special pedagogues, working in:

- 4.1. pre-school educational institutions - 24 hours;
- 4.2. comprehensive schools - 20 hours;
5. lecturers working in higher and further institutions – no more than 36 hours;
6. concertmasters, accompanists, working at schools, artistic training specialists working in pre-school educational institutions and child care houses – 24 hours;
7. social pedagogues of schools – 36 hours

The minister of Education and Science, after having co-ordinated with the Ministry of Finance and the Ministry of Social security and Labour, shall define a specific weekly working time (lessons, class management, preparation for lessons, work checking etc.) and its duration to teachers indicated in paragraph 1 of this Procedure, and to lecturers of higher educational institutions, indicated in paragraph 5 of this Procedure. Specific duration of weekly working time of state higher institutions is regulated by the procedure defined by the senates of universities or academic boards of colleges, and that of non-state higher schools – by the procedure defined in the statutes.

To nurses of infant houses (chief nursing administrator, a nurse of general practice, community, child or psychic health nurse) a 24 hours working week is defined, for nurses working with groups – a 30 hours working week.

A working week of 36 hours is defined to pharmacology specialists upon the indication of one or several types of the following activities: supervision (analysis) of the quality of medicines and medicinal materials; production of medicines and medicinal materials; packing of medicines and medicinal materials; reception of and/or making the medicines according to orders; selling of medicines and medicinal materials in drug stores.

A working week of 39 hours is defined for health care specialists, providing health care services, for the staff working with and providing direct services to patients or working under the same conditions (further referred to as health care staff), not indicated in other paragraphs of this Procedure.

A working week of 36 hours is defined for health care staff, who:

1. provide health care services to patients ill with mental diseases, dysfunctional patients, persons after heavy head and/or spinal brain injuries (traumas, strokes, tumours, child cerebral paralysis etc.) in health care, in-patient social care or educational institutions;
2. provide health care services to patients with ill with tuberculosis, sexually transmitted diseases or other infectious diseases at health care, in-patient social care or educational institutions;
3. provide anesthesiology-reanimation, intensive therapy or urgent medical assistance services;
4. does the work related to blood or its preparations, parts of body or their secretion, bacterial and virus preparations, other dangerous substances and their manufacturing, analysis, packaging, utilisation or decontamination.
5. work with poison chemical substances, in the trouble spots of infectious diseases or chemical infection, carry out preventive disinfection, disinsectization and extermination.
6. work in premises of mud, sulphur or sulphur hydrogen tubs.

A working week of 33 hours is defined for health care staff, who:

1. provide health care services to Prison Department under the Ministry of Justice for persons retained in subordinate institutions, when the applied custody is the arrest; and for convicts, serving their sentence, fixed term imprisonment or imprisonment for life;
2. are involved in activities related to electromagnetic wave sources, monitor systems or ultrasonic diagnostic equipment.

A working week of 33 hours is defined for therapists, if, according to their official instructions they work with patients in out-patient institutions, dispensary or medical station during the whole day.

A working week of 30 hours is defined for health care specialists, who are involved in activities, related to:

1. radioactive substances or sources of ionized irradiation and laser equipment of 2nd radiation power class;
2. body section and exploration of samples taken from bodies or exploration of tissues of a patient's body.

According to Article 167 of the Labour Code extended annual leave up to 58 calendar days shall be granted to certain categories of employees whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those employees who work in specific working conditions. The Government shall approve a list of categories of employees who are entitled to the extended leave and shall define therein the specific duration of the extended leave for each category of employees

On 18 July 2003 the Government of the Republic of Lithuania passed the Resolution No. 941 whereby it approved List of Certain Categories of Workers Entitled to Extended Annual Holidays and Duration Thereof. This Resolution sets annual extended holidays for pedagogues (56 calendar days), academic workers (56 calendar days), creative workers employed in theatre and concert organisations (42 calendar days), health care workers (42 or 35 calendar days), employees engaged in social work (42 or 35 calendar days), pharmacology specialists (35 calendar days), flights' personnel (58 or 48 calendar days), mariners and fishermen (35 calendar days), Ignalina Nuclear Power Station workers (up to 42 calendar days), drivers employed in emergency medical aid stations (42 calendar days), and the staff of veterinary services (42 calendar days).

Resolution No 354 of the Government of the Republic of Lithuania of 15 May 1992 On Approval of the List of Workers of Certain Categories Entitled to Extended Annual Leave and Duration of Leave" became invalid from 24 July 2003, and from 24 July 2003 a new Resolution No 941 of the Government of the Republic of Lithuania of 24 July 2003 On Approval of the List of Workers of Certain Categories Entitled to Extended Annual Leave and the Duration of Leave" came into force.

In observance of Article 168, additional annual leave may be granted: 1) to the employees for the conditions of work which are not in conformity with the normal work conditions; 2) for a long uninterrupted employment at the same work place; 3) for a special character of work. The duration of additional annual leave, the terms and conditions as well as the procedure for providing it shall be determined by the Government. A contract of employment, a collective agreement or internal work regulations may define a longer additional annual leave or additional annual leave of types other than those specified in this Article.

The Republic of Lithuania Government Resolution No 497 of 22 April 2003 approved the Duration, Conditions and Procedure of Granting Annual Additional Leave. This Procedure stipulates that annual additional holidays are granted for the conditions of work which are not in conformity with the normal work conditions - to persons who work in the working environment where the concentrations of hazardous factors exceed the acceptable limits set in legal acts on occupational safety and health and when it is technically or otherwise impossible to reduce these concentrations in the working environment to acceptable and health-friendly levels - up to 5 calendar days calculated depending (proportionately to) upon the total number of hours worked in such environment per year for which the leave is granted, i.e. when work carried out in such environment accounts for 80 - 100 per cent of the working time, the leave of additional 5 calendar days shall be granted, for 60 - 80 per cent - 4 calendar days, 40 - 60 per cent - 3 calendar days, 20 - 40 per cent - 2 calendar days, up to 20 per cent - 1 calendar day. Annual additional holidays of 2 calendar days shall be granted for a special character of work to employees whose work (at least half of the total working time during the year for which the leave is granted) is carried out during business trips, outdoors, is related with driving or is of moveable nature, and as a result they receive

compensation for respective larger costs in observance of the Republic of Lithuania Government Resolution No. 116 of 28 January 2003 on Approval of the Amount of Compensable Benefits and Payment Procedure Thereof (*Official Gazette*), 2003, No. 11-413).

It should be noted that Article 171 of the Labour Code establishes that additional annual leave shall be added to the minimum annual leave and may be granted either together with it or separately. On discretion of employees entitled to the extended annual leave and to the additional annual leave, they shall be granted either only an extended annual leave or, following the procedure laid down in paragraph 1 of this Article, the additional annual leave granted to such employees shall be added to their minimum annual leave.

In addition, Article 185 of the Labour Code provides for the additional leave privileges. Collective agreements and employment contracts may provide for a longer leave and for other types of holidays, additional privileges to select the time of annual leave, higher pay for annual leave and special-purpose leave than that guaranteed by this Code. These privileges, with the exception of the additional privilege to choose the time of one's annual leave, may not be laid down in collective agreements and employment contracts concluded in agencies and organisations financed from the state, municipal and state social insurance fund budgets and with resources of other funds established by the State, and in the agreements and contracts concluded in the Bank of Lithuania.

Additional leave privileges defined in Article 185 of the Labour Code can be applied to all workers, working according to employment contracts, except workers working in institutions and organisations funded from the state, municipal and state social insurance fund budgets and other state established funds resources, as well as in agreements concluded in the Bank of Lithuania.

State Labour Inspectorate, while carrying out the inspection of undertakings in 2003, in 916 undertakings identified violations of legal acts on harmful working environment factors. In 2004, this number has increased to 1238. In terms of the organisation of work and rest time, in 2003 the State Labour Inspectorate carried out 12,720 inspections (violations were identified in 3972 undertakings, in 2004 – 14,741 inspections (violations identified in 4812 undertakings).

In 2003, 12,492 inspections were carried out in the field of calculation of working time (including violations, related to the organisation of work of workers working under conditions not complying with normal work conditions); violations were identified in 2823 undertakings; in 2004 – 14,305 inspections (violations were identified in 4812 undertakings). In 2003, the amount of fines to employers for the identified violations equalled LTL 73,850, in 2004 – LTL 69,900.

State Labour Inspectorate does not have detailed information on violations of legal acts regulating the additional leave or the reduction of working time for workers working under conditions not corresponding to normal environment or the environment related to occupational risk. Prevention of these specific cases is executed alongside the general prevention of violations of legal acts and labour laws regulating safety and health at work.

#### **Question D**

*If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers concerned is not covered (see Article I of the revised Social Charter).*

Referring to Article 3 of the Law on Safety and Health at Work, safe and healthy working conditions shall be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by this law shall also apply to public servants of State and municipal institutions and agencies.



Article 4 of the Law on Safety and Health of Employees regulates the application of this Law and peculiarities of its application, according to which this law is applied to each undertaking established in the territory of the Republic of Lithuania, taking into consideration the restrictions on the application of this Law.

Provisions of this law and other regulations on safety and health at work shall not apply to military officers and servicemen of National Defence, to officers of the Interior system, Customs, and State Security institutions whose official relations are regulated by appropriate service statutes, when the said persons perform tasks having specific features. The regulations regulating the service of these officers and servicemen must contain safety and health protection requirements, when the said persons perform specific tasks.

When the officers and servicemen referred to in paragraph 2 hereof are performing tasks not assigned to the specific activities referred to in paragraph 2 hereof, the provisions of this law and other regulations on safety and health at work shall apply. The safety and health at work of workers who work with radioactive substances and other sources of ionising radiation shall be regulated by the Republic of Lithuania Law on Radiation Protection, this law and other regulations on safety and health at work.

*Answers to the questions of the Conclusions of the European Social Rights Committee on radiation safety (pg.299) are provided in the Report (on question A of paragraph 2, Article 3).*

#### **ARTICLE 2, PARA. 5**

*"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

*to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest."*

#### **Question A**

*Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.*

*Please indicate whether postponement of the weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.*

*Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.*

Article 161 of the Labour Code guarantees uninterrupted weekly rest. It defines that Sunday shall be a general rest day and where there are five working days in a week - Saturday and Sunday, with the exception of cases specified in paragraphs 2, 3 and 4 of this Article and in other regulatory enactments. For enterprises and organisations where work cannot be interrupted because it involves the need for continuity of services to be provided to the population (public transport, health institutions, public utilities, theatres, museums, etc.) rest days shall be established by the executive municipal body. At enterprises and organisations where work cannot be interrupted on technical grounds or involving the need for continuity of services to be provided to the population as well as at other enterprises of uninterrupted production rest days shall be provided on other week days in succession to each group of the employees in accordance with the work/shift schedules which shall be drawn up and approved following the procedure prescribed by Article 147 of this Code. Where the aggregate working time is calculated, employees shall be provided rest days in accordance with work/shift schedules. An uninterrupted weekly rest period shall not be shorter than thirty five hours.

In the cases referred to in paragraphs 2, 3, and 4 of this Article both rest days to be provided must be consecutive.

It shall be prohibited to assign work on rest days, with the exception of work which cannot be interrupted on technical grounds (enterprises and organisations of uninterrupted operation), work involving the need to provide services to the population as well as work involving urgent repair and loading. Pregnant women, women who have recently given birth to a child, breast-feeding women, the employees raising, as single parents, a child before he has reached the age of three, and employees raising a child before he has reached the age of fourteen or a disabled child before he has reached the age of sixteen, and persons under eighteen may be assigned work on rest days only subject to their consent. Persons under eighteen years of age must be provided at least two rest days per week.

Paragraph 2 of Article 147 of the Labour Code defines a five-day working week with two rest days shall be set for employees. A six-day working week with one rest day shall be set for employees of the enterprises in which a five-day working week is impossible due to the type of production. It shall be prohibited to assign one employee two shifts in succession (part 4 of Article 147 of the Labour Code). Where the aggregate working time is calculated, continuous duration of daily and weekly rest periods established in this Code must be ensured (Part 2 of Article 149).

It should be noted that Article 148 of the Labour Code anticipates the possibility to define specific features of work and rest in certain sectors of economic activity. Time to work and to rest in transport, postal, agricultural, energy, health and care (custody) institutions, as well as in navigation and other sectors of economic activities may, taking into consideration seasonal nature of work and other conditions, vary from the norms established by this Code. Specific features of the time to work and to rest in the sectors of such activities shall be established by the Government. By Resolution No 587 of 14 May 2003, the Government of the Republic of Lithuania approved Peculiarities of Working and Rest time in the Spheres of Economic Activity. Point 1.9 of this document defines that provision of Paragraph 1 of the Labour Code on weekly rest days on Saturday and/or Sunday, and provision of Paragraph 5 of this Article on uninterrupted weekly rest of no less than 35 hours, are not applied for transport and fishing vessels.

The road transport defines (paragraph 2.2 of peculiarities), that a weekly uninterrupted rest shall be provided to a driver after no more than 6 daily driving periods. This rest can be postponed until the end of the sixth day, if total driving time per 6 days does not exceed the maximum time, equal to 6 daily driving periods.

In railway transport (paragraphs 19.7 and 19.8) the duration of interrupted weekly rest of employees escorting and looking after the refrigerator wagons, shall be not shorter than 12 hours. In summer time (June-September) the uninterrupted weekly rest time of employees, supervising passenger trains, special wagons, providing services to passengers in trains, supervising the work of train teams and selling tickets in trains, can be reduced down to 50%. The unused rest hours are remunerated by providing a rest after the end of a season, during the period defined in point 19.1.

In maritime transport (paragraphs 45 and 46), members of a crew shall be given at least a 10 hours rest per day and at least a 77 hours rest during the period of seven days. The time, exceeding a defined 8 hour daily working time, the unused daily rest, weekly rest time, as well as the time of rest and public holidays is aggregated and remunerated to the crew members according to the procedure defined in point 6, after a vessel came back to the Klaipeda State Seaport or after the replacement of a crew in other seaports.

Similar provisions apply to fishing vessels. Items 64 and 65 require guaranteeing at least 77 hours' rest in 7 days. The time exceeding the established working hours, unused time of daily and weekly rest, the time of rest days and holidays should be summed up and compensated in the manner established under item 6, when the crew returns to the port.

**Question B**

*Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.*

The rest time of one day or two days per week is defined in the Labour Code. Certain working time and rest peculiarities (mentioned above) are defined by the above resolution of the Government. In case of violations of these requirements, the State Labour Inspectorate applies administrative penalties set out in the Code on Violations of Administrative Rights.

**Question C**

*If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 1 of the revised Social Charter).*

The provisions apply to all workers engaged under the employment contract irrespective of its type.

*What rules, related to all points of Article 2, are applied to workers working not according an ordinary employment contract (employed for a temporary work, working according to a fixed-term employment contract, freelance workers)?*

The provisions are applied to all workers working according to employment contracts, irrespective of its type.

*In response to the questions provided in the Conclusions of the European Social Rights Committee (pg.300):*

The Labour Code fixes in general a five-day working week with two rest days for employees or a six-day working week with one rest day for employees of enterprises in which a five-day working week is impossible due to the technological processes. The Committee notes that it shall be prohibited to assign one employee to work two shifts in succession. The Committee asks confirmation in the next report that this means that employees may not be asked to defer their rest period.

Article 147 of the Labour Code regulates the working time regime. A five-day working week with two rest days shall be set for employees. A six-day working week with one rest day shall be set for employees of the enterprises in which a five-day working week is impossible due to the type of production. Employees must keep to working time (shift) schedules. Working time schedules shall be announced publicly in information boards of enterprises and their subdivisions not later than two weeks in advance. The employer must ensure consistent change of shifts. It shall be prohibited to assign one employee two shifts in succession. Referring to these provisions, it is prohibited to ask an employee to postpone the rest time.

Resolution No. 587 of May 2003 on Approval of Peculiarities of Working and Rest Time in the Spheres of Economic Activity defines specific features of work and rest in economic activities, such as transport, postal, agricultural, health and care (custody) enterprises. The Committee asks that the next report provide statistics as to how many violations of these provisions were detected by the Labour Inspection.

Referring to the data of the State Labour Inspectorate, in 2003 there were 156 queries on daily and weekly rest, overtime and night work and night watch (all types of violations together), from which 75 were not confirmed; in 2004 – 530 queries (all types of violations together), from which 250 were not confirmed. In 2003, the total number of violations of regulatory enactments,

regulating work and rest time, amounted to 5673, in 2004 – 7146. These numbers include the violations of provisions of regulatory enactments regulating weekly and uninterrupted rest.

#### ***ARTICLE 2, PARA.6***

*"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

*to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;"*

#### **Question A**

***Please indicate the rules (in legislation, collective agreements) or other provisions which apply for informing workers in writing of the essential aspects of their contract or employment relationship.***

Article 99 of the Labour Code establishes that an employment contract must be concluded in writing according to the model form in which the parties agree on the on the essential conditions of the contract: the employee's place of work (enterprise, establishment, organisation, structural subdivision, etc.), and job functions, i.e. on work of a certain profession, speciality, qualification, or specific duties. With respect to certain types of employment contracts labour laws and collective agreements may also provide for other essential conditions, which shall be agreed by the parties in concluding such an employment contract (agreement on the term of the contract, the nature of seasonal work, etc.). For the purpose of each employment contract, the parties shall agree on the conditions of remuneration for work (system of remuneration for work, amount of wages, payment procedure, etc.). Other conditions of an employment contract may be established by agreement between the parties unless labour laws, other regulatory acts or the collective agreement prohibit doing so (trial, combination of professions, liability, etc.). When concluding an employment contract, the employer, or his authorised person, must introduce the person being employed to the conditions of his potential work, the collective agreement, work regulations, other acts regulating his work, which are in force at the workplace.

***Please describe the content and form of this information, as well as the point at which it must be communicated in writing.***

Upon entry into the employment contract, the employer or his authorized person must familiarise the potential employee with conditions of pending work, collective agreement, work regulations, other acts regulating such work applicable at the workplace. This provision is enforced in Para.4 of Article 99 of the Labour Code (the answer to the additional query). The employer or his authorized person allows the worker to start working only after execution of the employment contract, i.e. after it is worked out in two copies and signed by the employer and the worker (including the document confirming the identity of a worker). One copy of signed employment contract is retained by the employer, whereas the second copy is delivered to the employee.

The model form of the employment contract was approved in Resolution No 115 of 28 January 2003 of the Government of the Republic of Lithuania On Approval of Model Form of Employment Contract, which, referring to the Council Directive on employer's obligation to inform workers on the conditions applicable to the contract or employment relationship the regulations on the Model Employment Contract were supplemented with the obligation to familiarize each employee against signature with the amount of compensation for paid leave (item f, Par. 2, Article

2); the period of notice upon termination of the employment contract (item g, Par. 2, Article 2); and typical business day or business week duration (item i, Par. 2, Article 2).

*Please indicate how rules or other measures are applied in practice.*

When concluding an employment contract, the employer or his authorised person must introduce the person being employed to the conditions of his potential work, the collective agreement, work regulations, other acts regulating his work, which are in force at the workplace (paragraph 4 of Article 99 of the Labour Code);

Paragraph 2 of Article 120 of the Labour Code defines the conditions of an employment contract set in Articles 95 (1) and (2) of this Code may be changed with the prior written consent of a worker, except for the cases established in Article 121 of this Code.

An employer shall be entitled to terminate an employment contract in default of fault of a worker, by giving the worker a written notice two months (to some of employees four months) in advance, pursuant to the procedure set out in Article 130 of this Code.

Where new payment conditions are established (Article 120 (3) of this Code) the employer must notify the workers in writing within one month, at the latest, before the conditions become effective (Article 203 of the Labour Code);

Before imposing a disciplinary sanction the employer must request the worker to provide a written explanation on the breach of labour discipline (Article 240 (1) of the Labour Code);

A disciplinary sanction shall be imposed by an order/instruction of the employer or the administration and the worker shall be served a notice of it against his signature (Article 240 (3) of the Labour Code);

Workers shall be introduced to local regulatory enactments on occupational safety and health, approved by an employer, against their signature (Article 264 (3) of the Labour Code).

Usually these norms are observed.

*In response to the questions provided in the Conclusions of the European Social Rights Committee (pg.301):*

The Committee further notes the statement in the report that labour laws, other regulatory acts or a collective agreement may prohibit that other essential conditions are included in the employment contract. The Committee requests clarification as to what is meant by this.

Neither legal acts of the Republic of Lithuania, nor collective agreements cannot prohibit the agreement of additional work conditions in the employment contract.

The Parties can agree on other terms of employment contract, provided that labour laws, other regulatory enactments or collective agreements do not prohibit their setting. By concluding an employment contract, an employer or his authorised representative shall inform a worker with the conditions of his/her future job, collective agreement, work procedure and other legal acts regulating his/her work.

**Question B**

*If the rules are not of a general nature (Appendix to the revised Social Charter), please indicate the exceptions and referring to item b of the Appendix, please state the reason for their exclusion (see Article I of the revised Social Charter).*

Laws of the Republic of Lithuania do not provide for such derogations.

**ARTICLE 2, PARA. 7**

*"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:*

*to ensure that workers performing night work benefit from measures which take account of the special nature of the work".*

**Question A**

***Please indicate the rules (legislation, collective agreements or in practice) in force which ensure that workers performing night work benefit from measures to take account of the special nature of the work (medical examinations, breaks, compensatory time off, access to company services, inspections, circumstances in which it is possible to transfer to day work, etc.). Please indicate in particular the hours to which the term "night work" applies.***

Referring to Article 154 of the Labour Code, the night time is calendar time from 10 p.m. to 6 a.m. According to peculiarities of working and rest time, the night time in road transport is the time from 00.00 to 7 a.m. (Resolution No 587 of the Government of the Republic of Lithuania of 14 May 2003 (*Official Gazette*, 2003, No 48-2120).

Work shall be considered to be night work if three working hours thereof happen to be at night. Working time at night shall be shortened by one hour.

Working at night shall be prohibited for persons under 18 years of age, as well as for persons who are not allowed to work at night according to the conclusions of health care institution.

The disabled people, if not restricted by the Disability and Working Capacity Assessment Authority, pregnant women, women who have recently given birth, breast feeding women, workers raising a child under three years of age, workers who are solely raising a child under fourteen years of age or a disabled child under sixteen years of age, may be assigned to night work only with consent of such persons.

Workers working at night shall receive free health surveillance in accordance with the procedure laid down by the Government, also on their request (if they have complaints related to the work at night). If it is established that work at night has harmed or may cause harm to the employee's health, the employer must, on the basis of the conclusion of a health care institution, transfer the employee to do day work only.

Pursuant to Article 21 of the Law on Safety and Health at Work, night and shift workers must receive health surveillance before their recruitment and periodically in the course of employment—according to the health surveillance schedule of workers. The employer's representative shall be responsible for the organisation of compulsory health surveillance. The employer's representative or, under his instruction, the person authorised by him shall approve the list of workers who must undergo health surveillance and the health surveillance schedule agreed with an appropriate health care establishment the receipt of which the workers shall confirm by signing it. Compulsory health surveillance shall take place during working hours.

Article 21 of the Law on Safety and Health of Employees sets out that the employer shall pay the workers undergoing health surveillance their average pay for the working time spent receiving health surveillance. Employers working at night shall have the right to receive health surveillance at the times differing from those established in the health surveillance schedule if the worker suspects a negative effect of his work or working environment on his health. In all cases the employer shall give enough time for the employee for his/her health surveillance.

Article 145 (1) of the Labour Code indicates that working time shall be reduced for persons working at night.

Pursuant to Article 193 of the Labour Code, the remuneration for night work shall be at least one and a half of the hourly pay/monthly wages established for a worker.

In 1994, the Republic of Lithuania has undertaken the obligations on the night work according to the Convention No 171 of the ILO.

*The response to the question provided in the Conclusions of the European Social Rights Committee (pg.302):*

Article 154 (6) of the Labour sets out that, if it was established that work at night has harmed or may cause harm to the employee's health, an employer must, on the basis of the conclusion of a health care institution, transfer the worker to do day work only. Thus, an employer shall create conditions for such a worker to work during day time.

Besides, Article 278 of the Labour code guarantees, that pregnant women, women who have recently given birth or breast-feeding women may be assigned to work at night only with their consent. If such workers refuse to work at night and submit a certificate that such work would affect their safety and health, they shall be transferred to day-time work. Where it is not possible to transfer such workers to day-time work due to objective reasons, they shall be granted a leave until they go on maternity leave or child-care leave until the child gets 1 year of age. During the period of leave granted before the worker goes on maternity leave she shall be paid her average monthly pay (Article 278 (10) of the Labour Code).

Article 147 (1) of the Labour Code sets out that the work (shift) schedule shall be approved by the administration upon co-ordination with representatives of employees of an enterprise, agency, organisation (Article 19 of the Code) or in accordance with the procedure established in a collective agreement.

#### **Question B**

*Please indicate the proportion of any workers who are not covered (see Article I of the revised Social Charter).*

Article 4 of the Law on Safety and Health at Work regulates the application of this Law and peculiarities of its application, according to which the Law on Safety and Health at Work of the Republic of Lithuania shall apply to each undertaking established in the territory of the Republic of Lithuania, taking into consideration the restrictions on the application of this Law:

Provisions of this law and other regulations on safety and health at work shall not apply to military officers and servicemen of National Defence, to officers of the Interior system, Customs, and State Security institutions whose official relations are regulated by appropriate service statutes, when the said persons perform tasks having specific features. The regulations regulating the service of these officers and servicemen must contain safety and health protection requirements, when the said persons perform specific tasks.

When the officers and servicemen referred to in paragraph 2 hereof are performing tasks not assigned to the specific activities referred to in paragraph 2 hereof, the provisions of this law and other regulations on safety and health at work shall apply. The safety and health at work of workers who work with radioactive substances and other sources of ionising radiation shall be regulated by the Republic of Lithuania Law on Radiation Protection, this law and other regulations on safety and health at work.

## **ARTICLE 3: THE RIGHT TO HEALTHY AND SAFE WORKING CONDITIONS**

### **Legal Acts of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania**

#### **2. International legal acts**

- ILO Convention No 181 „On Labour Inspection in Industry and Trade“

#### **3. Laws of the Republic of Lithuania**

- Republic of Lithuania Labour Code (*Official Gazette*, 2002, No 64-2569);
- Republic of Lithuania Penal Code (*Official Gazette*, 2002, No 73-3098; 200374-3423);
- Republic of Lithuania Code of Administrative Violations of Law;
- Republic of Lithuania Law on Safety and Health at Work (*Official Gazette*, 2003, No 70-3170);
- Republic of Lithuania Law of the State Labour Inspectorate (*Official Gazette*, 2003, No 102-4585);
- Republic of Lithuania Law on Maintenance of Potentially Dangerous Equipment (*Official Gazette*, 2000, No 89-2742);
- Republic of Lithuania Law on Social Insurance of Occupational Accidents and Occupational Diseases (*Official Gazette*, 1999, No 110-3207; 2003, No 114- 5114);
- Republic of Lithuania Public Service Law (*Official Gazette*, 1999, No 66- 2130; , 2002, No 45- 1708).

#### **4. Secondary legislation**

- Specific Features of the Employment Contract Concluded with Home Workers, approved by the Resolution No 1043 of the Government of the Republic of Lithuania on 19 August 2003 (*Official Gazette*, 2003, No 81-3690);
- Model provisions of safety and health services of undertakings, approved by the Order No A1-186/V-6 of the Minister of Social Security and Labour and the Minister of Health of the Republic of Lithuania on 27 November 2003 (*Official Gazette*, 2003, No 114-5186);
- Labour regulation of the State Labour Inspectorate, approved by the Order No 1-108 of the Chief State Labour Inspector on 22 April 2004 (*Official Gazette*, 2004, No 80-2860).

### **ARTICLE 3, PARA. 1 – 4**

*Please indicate how organisations of employers and workers are consulted by the authorities on the measures required to implement each of the paragraphs of Article 3 (procedure and level of consultation, content and frequency of consultation).*



### **ARTICLE 3, PARA. 1**

*“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers’ and workers’ organisations:*

*to formulate, implement and periodically review a coherent national policy on occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;”*

***Please describe policy in the field of occupational safety, occupational health and the working environment and the measures taken to improve occupational safety and health and to prevent health and safety risks. Please describe also the measures of implementation of this policy as well as procedures for its periodic review and evaluation.***

Pursuant to Article 12 (12) of the Law on Safety and Health at Work, safety and health at work means all preventive measures taken in order to secure employability, health and live at work, used or anticipated in all stages of activities of an enterprise, so as to secure employees from occupational risks or to reduce it to the lowest possible level.

According to Article 3 (1) of the Law on Safety and Health at Work, each worker shall be provided safe and healthy working conditions irrespective of the type of activity of an undertaking, the type of the employment contract, the number of workers, profitability of an undertaking, workplace, working environment, work nature, duration of working day or a working shift, citizenship of an employee, the race, nationality, gender, sexual orientation, age, social background, political or religious beliefs. Safety and health guarantees of workers provided for by this Law are also applied to civil servants of public and municipal institutions or agencies.

According to Article 5 (1) of the Law on Safety and Health at Work, the Ministry of Social Security and Labour and the Ministry of Health of the Republic of Lithuania implement the state policy in the sphere of safety and health at work, referring to the Constitution of the Republic of Lithuania, the Labour Code, Resolutions of the Government and other regulatory enactments.

Article 6 of this Law defines that the Safety and Health Commission of the Republic of Lithuania is established according to the principle of tripartite co-operation of social partners (Parties) for co-ordination of interests of employers and workers in the sphere of safety and health at work. The procedure for the establishment of this Commission and its functions are defined in the Provisions of the Commission on Occupational Safety and Health, approved by the Government.

Referring to the provisions of the Commission on Occupational Safety and Health of the Republic of Lithuania, approved by the Resolution No 13 of the Government of the Republic of Lithuania on 9 January 2002 (*Official Gazette*, 2002, No 4-97), this commission shall co-ordinate the interests of the state, employers and workers in the sphere of safety and health at work according to the principle of tripartite co-operation of social partners (the Parties). The Commission on Occupational Safety and Health of the Republic of Lithuania (further referred to as Commission) is an advisory body of the Minister of Social Security and Labour in implementing the policy of occupational safety and health. The main objective of the Commission is to co-ordinate the interests of the state, employers and workers in the sphere of occupational safety and health according to the principle of tripartite co-operation of social partners (the Parties).

While pursuing its mission the Commission:

- analyses draft legal acts and laws on occupational safety and health, submits remarks and proposals to the Ministry of social Security and Labour, the Ministry of Health, other state institutions and agencies and, if needed, submits proposals to relevant state institutions on drafting

the new legal acts on occupational safety and health as well as on the amendment or supplement to the valid legal acts;

- analyses the Report prepared by the State Labour Inspectorate on the status of work safety and law execution, analyses the status of occupational health and safety, submits to the Ministry of Social Security and Labour, the Ministry of Health, other state institutions and agencies, employers' organisations, trade unions and other enterprises the proposals on the measures and ways of improving the status of occupational safety and health;

- considers draft programmes and measures for improvement of occupational safety and health, and the results of implemented programmes;

Meetings of the Commission are held once per month (3rd quarter of the calendar year – no less than once per two months). By the agreement of the Commission and a territorial commission on occupational safety and health of a relevant region, joint meetings of both commissions can be held for investigation of separate issues on occupational safety and health.

Territorial commissions on occupational safety and health of regions (as well as municipal commissions on occupational health and safety) are established according to the principle of tripartite co-operation for consideration of issues on prevention of violations of the requirements on occupational safety and health. The procedure for the establishment of territorial commissions on occupational health and safety of regions (and the municipal commissions) is defined by the minister of social security and labour and the minister of health. Commissions on occupational safety and health of separate spheres of economic activity can be established according to the principle of by-lateral co-operation of employers' organisations of relevant branches and trade unions of the same branch. The procedure for their establishment and composition is defined by the founders of these commissions (Article 7 of the Law on Safety and Health at Work).

*The response to the question provided in the Conclusions of the European Social Rights Committee (pg.306):*

By the Order No A1-183/V-687 of the Minister of Social Security and Labour of the Republic of Lithuania of 24 November 2003 (Official Gazette, 2003, N 113-5088), the Order No 137/573 of the Minister of Social Security and Labour and the Minister of Health of 29 October 2001 On Approval of Provisions of Territorial Commission on Occupational Safety and Health of a Region (*Official Gazette*, 2001, No 95-3369) was recognised as the invalid, and the procedure for the establishment and composition of territorial commissions on occupational safety and health of regions and municipal commissions was approved. According to the above procedure, the territorial Commission on occupational safety and health of a region (further referred to as Regional Commission) and the municipal commission on occupational health and safety (further referred to as Municipal Commission) are established according to the principle of tripartite co-operation of social partners and considers the issues on prevention of violations of the requirements of legal acts on occupational safety and health in undertakings located in the territory of a region or a municipality.

Functions of the Regional Commission:

- analyses the information and data of the territorial unit of the State Labour Inspectorate located in the territory of a region, on the status of safety and health of employees in enterprises, agencies, organisations and other organisational structures of that region (further referred to as enterprises); considers and proposes preventive measures against accidents at work and occupational diseases, and for improvement of observance of the requirements of legal acts on safety and health of employees in enterprises;

- investigates the execution of insurance against accidents at work and occupational diseases (the payment of mandatory contributions of insurers, payment of insurance compensations to

victims of accidents at work and victims of occupational diseases) and submits relevant proposals to insurers and the executor of the insurance;

- submits proposals to the Commission on safety and health of employees of the Republic of Lithuania on amendments and supplements to the valid regulatory enactments on safety and health of employees and on preparation of new draft legislation;

- co-operate in the sphere of safety and health of employees with state institutions and agencies of the region, related to health and safety of employees, with heads of enterprises, employers' organisations, trade unions, representatives of employees of enterprises and with committees of enterprises working in the field of safety and health of employees.

Functions of the Municipal Commission:

- analyses the information of the territorial unit of the State Labour Inspectorate on the status of occupational safety and health in undertakings, institutions and organisations or other organisational structures functioning in the territory of municipality (further referred to as undertakings), considers and proposes preventive measures in order to prevent accidents at work, occupational diseases and to improve the observance of the requirements of legal acts on occupational safety and health in undertakings;

- Analyses the execution of the insurance of accidents at work and occupational diseases (payment of mandatory contributions by insurers, payment of insurance compensations for victims of accidents at work and occupational diseases) and submits relevant proposals to insurers and the executor of insurance;

- submits proposals to the regional Commission on implementation of preventive measures against accidents at work, occupational diseases in municipal undertakings;

- co-operate with municipal institutions and agencies, related to occupational safety and health, with employers' organisations functioning in the territory of the municipality, with representatives of workers of regional undertakings, heads of undertakings, and committees on occupational safety and health of undertakings.

Regional commissions in all ten regions have been functioning since 2002. Territorial units of the State Labour Inspectorate provide, on a quarterly basis, information to these commissions on the status of occupational safety and health in undertakings inspected in the territory of a region. Headquarters of Regional Commissions are in territorial units of the State Labour Inspectorate, the officials of the State Labour Inspectorate execute the functions of secretaries of the commissions.

Regional Commissions are recommended to provide methodological assistance to heads of municipal administrations on the establishment of municipal commissions, on their activity and mutual co-operation, by using the experience in establishing Regional Commissions on occupational safety and health of 2002.

*The response to the question provided in the Conclusions of the European Social Rights Committee (pg.305):*

With a view to implementing the measures for implementation of the programme of 2001-2004 of the Government of Lithuania, approved by Resolution No 1196 of the Government of the Republic of Lithuania on 4 October, 2001 (*Official Gazette*, 2001, No 86-3015), in order to ensure safe and health working conditions, to reduce the number of traumas at work and occupational diseases by creating the conditions which could motivate undertakings to modernise the existing workplaces and work tools, to improve work environment by strengthening state control of work conditions, improving training and information of workers, enhancing the co-operation of social partners, implementing the commitment in the sphere of the occupational health and safety of the EU, the State Programme on Safety and Health at Work (*Official Gazette*, 2002, No 53-2075) was

prepared and approved by Resolution No 730 of the Government of the Republic of Lithuania of 24 May 2002.

The State Programme on Safety and Health at Work anticipates the preventive measures against accidents at work and occupational diseases and, in the first place, the reduction of the occupational risk. To that end, in 2002 the minister of social security and labour and the minister of health have approved the provisions for the assessment of occupational risk and the provisions on occupational safety and health of undertakings and health institutions. By taking into account that the number of accidents in the fields of construction, transport and agriculture, as well as the number of occupational diseases is not decreasing (in comparison to other spheres of economic activity), an in-depth analysis of the status of occupational safety and health was carried out in construction, motor transport and agricultural undertakings, and recommendations prepared for the assessment of occupational risk of separate jobs of the above spheres. In 2002, while implementing the measures of Phare programme "Strengthening of Safety and Health at Work in Lithuania, a Manual for the Evaluation of Occupational Risk was drafted and currently is available in the website of the State Labour Inspectorate. This manual was prepared according to the EU experience in assessing occupational risk and planning preventive measures so as to reduce accidents at work and occupational diseases, and is meant for practical use for undertakings of all spheres of economic activity.

With a view to informing and counselling enterprises on issues of safety and health at work, the Information unit was established in the State Labour Inspectorate in 2002, which disseminates information of this agency on all issues related to safety and health at work.

In 2003, as in 2002, the major focus was given to the assessment of the occupational risk at work. To this end a survey was carried out, on the basis of which specific measures for the development of the network of agencies involved in the assessment of occupational risk and laboratories for investigation of work environment, as well as for the assessment of their competence and material facilities. The material facilities were strengthened in four laboratories involved in the investigation of work environment. They were seeking for the accreditation and selected via the tender. The main objective of this measure is to develop the network of the accredited laboratories involved in the investigation of work conditions in Lithuania, competent in providing services assessing the risk factors to working environment to enterprises. Due to the fact that a possibility to get accreditation of the majority of enterprises are limited because of the lack of funds, the number of laboratories accredited for the assessment of work conditions is being developed. To this end, in 2003, while implementing the Law on Safety and Health at Work, the competence requirements for agencies assessing risk factors were prepared and approved. After the implementation of the above measures, the network of competent laboratories, providing risk assessment services to enterprises, was established. The procedure for the assessment of occupational risk in undertakings was specified according to the Law on Safety and Health at Work. A standard form of a safety and health at work status card has been drafted, as well as the procedure for filling in the above card. The implementation of the above measures provide for a possibility to execute the prevention of accidents at work and occupational diseases after the assessment of work conditions, and provides for legal preconditions for the development of the network of competent laboratories, providing risk assessment services to undertakings.

Since the status of safety and health of workers working in motor transport and construction companies did not improve in 2002, in 2003 specific measures were prepared for the reduction of the number of accidents at work and occupational diseases, as well as monitoring projects for implementation of these measures. Implementation of safety and health measures at work in undertakings of the above economic activity, is anticipated by concluding collective agreements between employers' organisations of the above spheres and trade unions, as is defined in the State Programme on Safety and Health at Work. To this end, recommendations have already been prepared for preparation of these agreements.

Prevention of accidents at work, occupational diseases and illegal employment is executed on a constant basis. Inspections of the State Labour Inspectorate have revealed that improvement of occupational safety and health in undertakings is not performed effectively. In view of this, the chief state labour inspector of the Republic of Lithuania issued the Order No 1-172 (20 June 2003) On Measures to Improve Occupational Safety and Health and committed employers to organise additional instruction of workers of undertakings on safety and health issues, to prepare long-term plans for reduction of impact of work environment factors. Moreover, labour inspectors shall strengthen control and counselling of employers. Taking into consideration the reasons of heavy and fatal accidents at work in 2002 and 2003, indicating that not all undertakings execute the assessment of occupational risk, the improper training and instructing of workers, insufficient internal control of safety and health, and with a view to improving prevention of accidents at work and occupational diseases, the minister of social security and labour issued the Order No A1-131 (19 August 2003) On Additional Measures for Prevention of Accidents at Work, defining the specific measures to be implemented in undertakings. Surveys were carried out on reasons of eye traumas, accidents at work and occupational diseases in wood manufacturing undertakings as well as preventive measures and methodological recommendations for prevention of violence at work. Economic and social consequences of occupational diseases and accidents at work were identified in the Lithuanian economy, as well as preventive measures and recommendations for undertakings and activities of economic spheres. The plan of measures for the improvement of safety and health at work in agricultural and motor transport undertakings has also been prepared.

With a view to promoting the co-operation of social partners, a constant dialogue has been maintained between the Occupational Safety and Health Commission and the territorial Occupational Safety and Health Commissions. In order to promote the co-operation of social partners at regional level, the procedure for the establishment and composition of territorial and municipal Occupational Safety and Health Commission of regions was defined.

Scientific research carried out in 2003:

- Identification of the need for the assessment of occupational risk in the Republic of Lithuania.
- Survey of the consequences of implementation of the EU Directive 2002/44/EC on Protection of Workers from Vibration.
- Economic and social effect of occupational diseases and accidents at work, preventive measures and recommendations for spheres and works of economic activity.
- Preparation of the draft occupational safety and health programme for 2004-2006 according to the occupational safety and health strategy of the European Union for 2002-2006.
- Preparation of the plan of preventive measures and monitoring of accidents at work and occupational diseases in motor transport undertakings.
- Preparation of the plan of preventive measures and monitoring of the status of occupational safety and health in agricultural undertakings.
- Survey of reasons of eye traumas and preventive measures for reduction of eye traumas.
- Survey of accidents at work and occupational diseases in wood manufacturing undertakings, and preventive measures.
- Methodological recommendations for prevention of violence at work.

Other additional measures were also implemented (3 additional surveys on reasons of traumas, 4 recommendations prepared for the assessment of occupational risk).

Regulatory enactments drafted and approved in 2003:

- Law of the Republic of Lithuania on Safety and Health at Work (*Official Gazette*, 2003, No 70-3170).

- Resolution No 587 of the Government of the Republic of Lithuania of 14 May 2003 On Approval of the List of Works for which a 24 hour per Day Working Time can be Applied, Work and Rest Peculiarities in the Spheres of Economic Activity, Conditions under which Cumulative Working Time Accounts for Specific Types of Work can be Introduced, and the Procedure for Introduction of Cumulative Working Time Accounts in Undertakings“ (*Official Gazette*, No 48-2120).
- Resolution No 160 of the Government of the Republic of Lithuania of 3 February 2003 On Approval of the Procedure for the Establishment of Additional and Special Breaks, included into Working Time (*Official Gazette*, 2003, No 14-559).
- Resolution No 138 of the Government of the Republic of Lithuania of 29 January 2003 On Approval of the Procedure for Employment of Persons under 18, Health Surveillance of such Persons and their Special Employment Capacities, Working time, the List of Works Prohibited for those Persons and Dangerous and Harmful Factors to their Health (*Official Gazette*, 2003, No 13-502).
- Resolution No 139 of the Government of the Republic of Lithuania of 29 January 2003 On Approval of Terms and Procedure for Occupational Training of Persons under 18 years of Age (*Official Gazette*, 2003, No 13-503).
- Resolution No 20 of the Government of the Republic of Lithuania On Approval of the Procedure for Obligatory Testing of Knowledge of Employer or Employer’s Representative Responsible for Occupational Safety and Health, and the List of Employers Exempted from Testing of Knowledge on Occupational Safety and Health (*Official Gazette*, 2003, No 5-190).
- Resolution No 340 of the Republic of Lithuania of 19 March 2003 On Approval of the List of Dangerous Working Conditions and Hazardous Factors for pregnant Women, the Women who have Recently Given Birth and Breast Feeding Women (*Official Gazette*, No 2003, No 29-1184).
- Resolution No 501 of the Government of the Republic of Lithuania of 24 April 2003 On Requirements for Installation of Home, Sanitary and Hygiene Facilities (*Official Gazette*, 2003, No 40-1820).
- Order No A1-186/V-694 of the Minister of Social Security and Labour and the Minister of Health of 27 November 2003 On Approval of Model Provisions on Occupational Safety and Health in Undertakings and Health Institutions“ (*Official Gazette*, No 114-5186).
- Order No A1-158/V-611 of the Minister of Social Security and Labour and the Minister of Health of 16 October 2003 On Approval of a Model Form of Safety and Health at Work status Card for Workers of Undertakings and the Procedure for Filling in the Card (*Official Gazette*, No 100-4503).
- Order No A1-183/V-687 of the Minister of Social Security and Labour and the Minister of Health of 24 November 2003 On Approval of the Procedure for Establishment and Composition of Territorial and Municipal Occupational Safety and Health Commissions of Regions (*Official Gazette*, No 113-5088).
- Order No A1-186/V-694 of the Minister of Social Security and Labour and the Minister of Health of 27 November 2003 On Approval of Model Provisions of Occupational and Health Units of Undertakings (*Official Gazette*, No 114-5186).
- Order No A1-216 of the Minister of Social Security and Labour of 24 December 2003 On Approval of Safety Requirements for Blasting Works (*Official Gazette*, No 13-393).
- Order No A1-224/V-796 of the Minister of Social Security and Labour and the Minister of Health of 31 December 2003 On Approval of Competence Requirements for Risk Assessment Institutions (*Official Gazette*, 2004, No 5-105).
- Order No A1-223/V-792 of the Minister of Social Security and Labour and the Minister of Health of 31 December 2003 On Approval of General Provisions on Training and Attestation on Occupational and Health Issues“(*Official Gazette*, No 13-395).

In 2004, with a view to ensuring safe and healthy working conditions to workers, reducing the industrial traumas of workers and the incidence of occupational diseases, legal and organisational measures for reduction of occupational injuries were implemented.

- Regulations on Survey and Record of Accidents at Work (*Official Gazette*, No 69-2398) were approved by Resolution No 1118 of the Government of the Republic of Lithuania on 2 September 2004;

- Regulations on Survey and Record of Occupational Diseases (*Official Gazette*, 2004, No 69-2398) were approved by Resolution No 487 of the Government of the Republic of Lithuania of 28 April;

- The Procedure for Testing the Knowledge and Training of Safety and Health Co-ordinators in the Sphere of Construction (*Official Gazette*, 2004, No 8-203) were approved by the Order No D1-1/A1-5 of the Minister of Environment and the Minister of Social Security and Labour on 7 January 2004;

- A List of Competence Requirements for Institutions Providing Training and Other Services for Undertakings in the Sphere of Occupational Safety and Health (*Official Gazette*, 2004, No 133-4801) were approved by Resolution No 1072 of the Government of the Republic of Lithuania on 26 August 2004;

- The Criteria and Procedure for Establishment of a Reduced Working Time According to Factors of Work Environment were approved (*Official Gazette*, 2004, No 54-1841);

- Lists of Occupations and Positions of Workers Vaccinated from Funds of Employers, were set out and approved (*Official Gazette*, 2004, No 155-5664).

Referring to the spread of occupational diseases because of noise and vibration in workplaces, and with a view to co-ordinating legal acts of the Republic of Lithuania with relevant legal acts of the European Union:

- Regulations for Protection of Workers from Vibration Risk (*Official Gazette*, 2004, No 41-1350) were approved by the Order No A1-55/V-91 of the Minister of Social Security and Labour and the minister of Health on 2 March 2004;

- Survey on possibilities and the effect of implementation of the Directive 2003/10/EC of the European Parliament and European Council on the Minimum Safety and Health Requirements regarding the Exposure of Workers to the Risks Arising from Physical Agents (Noise) was carried out;

- New wording of Regulations on Protection of Workers From Risks Arising from Noise (*Official Gazette*, 2005, No 53-1804) were prepared and approved by the Order No A1-103/V-265 of the minister of social security and labour and the minister of health on 15 April 2005, referring to the survey on possibilities and the effect of implementation of the Directive of European Parliament and Council 2003/10/EC On the Minimum Safety and Health Requirements regarding the Exposure of Workers to the Risks Arising from Physical Agents (Noise) and to the Directive itself.

- Regulations on Asbestos at Work (*Official Gazette*, 2004, No 116-4342) were prepared according to Council Directive 2003/18 EC and approved by Order No A1-184/V-546 of the minister of social security and labour and the minister of health on 16 July 2004.

With a view to analysing the impact of illegal work, legal acts, regulating working conditions, violations, threats of a representative of an employer or impact of other psychological nature on work results of workers and on their safety and health, a survey was carried out, as well as recommendations disseminated on prevention of illegal work and possible psychological violence at work.

In order to develop counselling services to employers, information-counselling publications were issued on risk assessment and on prevention of accidents at work and occupational diseases in the field of construction, namely: „A Survey of Accidents at Work in Undertakings in 2000-2003“,

„Protection of Workers from Danger of Explosion in Potentially Explosive Environments. Manual of the Best Practice“, „Dangerous Chemical Substances“ etc. A video film „Prevention of Accidents at Work in the field of Construction“ has also been prepared and disseminated.

In 2004, with a view to promoting the dialogue of social partners in the field of occupational safety and health, a seminar for social partners „Occupational safety and health and tasks of Lithuania, a new member of the European Communities“ has been organised. The status of occupational safety and health was analysed during the seminar, as well as preventive measures of occupational injuries discussed for the year 2005. Another seminar for social partners was organised under the title „United Europe – general occupational safety and health principles in construction objects“. Participants of the seminar considered occupational safety and health problems in the field of construction and defined specific measures for prevention of occupational diseases. In 2004 the Commission on Occupational Safety and Health of the Republic of Lithuania held 10 meetings and considered draft legal acts prepared by the Ministry of Social Security and Labour, the Ministry of Health, the State Labour Inspectorate and other relevant institutions. They also investigated the status of occupational safety and health and measures for their improvement. Afterwards the Plan of measures on prevention of occupational injuries for 2005-2006 was prepared and approved by the Tripartite Council of the Republic of Lithuania. This plan also anticipates the measures, relevant for implementation of the Occupational Safety and Health Strategy of the European Union for 2002-2006.

### **ARTICLE 3, PARA.2**

*"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with employers' and workers' organisations:*

*to issue safety and health regulations;"*

#### **Question A**

*Please list the principal legislative or administrative provisions issued in order to protect the physical and mental health and safety of workers, indicating clearly:*

*a. their material scope of application (risks covered and the preventive and protective measure provided for) and;*

*b. their personal scope of application (whatever the legal status – employees or not – and whatever their sector of activity, including home workers and domestic staff).*

*Please specify the rules adopted to ensure that workers under atypical employment contracts enjoy the same level of protection as other workers in an enterprise.*

The following legal instruments were adopted in 2003: a new wording of the Law of the Republic of Lithuania „On Safety and Health at Work“, the Law of the Republic of Lithuania „On State Labour Inspectorate“, the Law of the Republic of Lithuania „On Social Insurance of Accidents at Work and Occupational Diseases“. Relevant regulatory enactments were also approved.

Pursuant to Paragraph 12 of Article 2 of the Law on Safety and Health at work, Occupational safety and health at work means all preventive measures intended for the preservation of functional capacity, life and health of workers at work, which are applied or planned in all stages of an undertaking's activity in order to protect the workers from occupational risks or to minimise this risk.



Therefore the responsibility of the employer is to ensure safety and health of workers at work in all aspects related to work. All measures of safety and health at work shall be financed by the employer himself. In seeking to implement the employer's duty, a person representing the employer shall organise the implementation of preventive measures (technical, medical, legal, organisational, and others) intended for the prevention of accidents at work and occupational diseases, by laying down the procedure for implementing and controlling such measures in an undertaking, appointing the persons authorised by the employer and setting for them concrete assignments on the implementation of the preventive measures (Article 11 of the Law on Safety and Health at Work).

According to Article 19 of the Law on Safety and Health at Work, the employer's representative shall, when organise work in the undertaking, establish the internal control of the occupational health and safety status, working time and rest periods, payment for work in such a way which would motivate the workers to obey safety and health requirements.

The employer shall take measures to ensure workers' safety and health at work and shall organise internal control of occupational safety and health status in the undertaking. For this purpose the employer's representative or, under his instruction, the person authorised by the employer shall:

- 1) assess the risk to workers' safety and health in accordance with Article 39 of this Law and other regulations on safety and health at work;
- 2) organise the preparation of the safety and health at work status card and its filling-in. A model form of such card shall be established by the Minister of Social Security and Labour and the Minister of Health Care;
- 3) on the basis of the results of the assessment of occupational risks, establish the procedure for the control of the compliance of safety and health at work in the undertaking;
- 4) approve the Regulations of the Safety and Health at Work Service in the Undertaking and (or) job instructions of safety at work specialists;
- 5) obligate the heads of subdivisions with regard to the implementation of the measures for improvement of safety and health at work, and to the control of compliance with the safety and health at work requirements.

The employer's representative, when establishing the internal control of safety and health at work status in the undertaking and planning the measures for improvement of safety and health shall be guided by the following general principles of risk assessment and guarantee of safety and health at work:

- 1) avoiding any risks to safety and health, decreasing of risk factors and their impact;
- 2) evaluating the possible impact of unavoidable risks on safety and health at work;
- 3) removing the established causes of risk;
- 4) evaluating the worker's capacities to perform the assigned work by adapting the work process to the capacities of the worker, by fitting out of workstations, choosing work equipment, work methods, and setting a work or production rate;
- 5) adapting to technical progress in designing workstations, creating safe and healthy working environment and selecting work equipment;
- 6) replacing dangerous work processes with not dangerous or less dangerous ones;
- 7) giving priority to collective measures of safety and health at work over personal protective equipment;
- 8) providing with personal protective equipment;
- 9) training and instructing of workers and giving them mandatory instructions in order to satisfy requirements on safety and health at work;
- 10) applying other necessary measures of safety and health at work.

When establishing the procedure for internal control of safety and health at work, the employer's representative shall discuss it with the workers, workers' representatives with specific responsibility for the safety and health of workers and the safety and health at work committee and shall inform them about the assignments given to the heads of the subdivisions as to internal control of safety and health at work, and the implementation of measures in the undertaking, subdivisions, and workplaces.

Pursuant to Article 28 of the Law on Safety and Health at Work, the installation of collective safety and health equipment in workstations and/or working premises must be provided for when designing work or technological processes, taking into account the substances and work equipment to be used in the course of the work or technological processes and potential risk factors. Upon the change of work or technological processes or the beginning of use of substances, work equipment, the employer shall, having evaluated the occupational risk, when necessary, improve the present and (or) install new collective protective equipment. When collective protective measures are not sufficient to protect the workers against risk factors, the workers must be provided with personal protective equipment. Personal protective equipment shall be provided only upon the evaluation of the risk factors affecting the workers, and must be such that would be able to protect the workers from the impact of the risk factor. Personal protective equipment must be adapted to work and comfortable to use, should not pose any additional risks to the safety of workers and should meet the requirements of regulatory enactments on safety and health at work.

Persons authorised by the employer shall organise the storage, drying, washing, cleaning, repair and inspection of personal protective equipment in the manner as described in the producer's documentation provided by the producer alongside the concrete personal protective equipment. If works are associated with soiling, the workers shall be provided with personal hygiene supplies (soap, towels, etc.) free of charge. Upon the introduction of dangerous chemical substances or their preparations, neutralisers must be supplied free of charge to workers, taking into account the information on these chemical substances about the characteristics of the substance or preparation and indications on the use of neutralisers. The Regulations of the Supply of Workers with Personal Protective Equipment and mandatory requirements for the safety of this equipment shall be adopted by the Minister of Social Security and Labour.

Article 18 of the Law on Safety and Health at Work indicates that if dangerous chemical substances and preparations, as well as biological substances are used in the course of activities of the undertaking (used, produced, packaged, labelled, stored, transported, supplied to other users, their waste is managed), the undertaking shall provide for and implement measures for safeguarding the health of workers. Seeking to safeguard workers from the exposure to dangerous chemical substances and preparations, as well as biological substances, the employer's representative or, upon his instruction, the person authorised by the employer shall:

- 1) undertake measures aiming at replacing dangerous chemical substances and preparations with not dangerous or less dangerous ones,
- 2) undertake all necessary measures aimed at safeguarding workers from the exposure to dangerous chemical substances and preparations, as well as biological substances;
- 3) organise work in such a way that the number of workers exposed or likely to be exposed to dangerous chemical substances and preparations, as well as biological substances is kept as low as possible;
- 4) use such work equipment, work methods and production technologies which would ensure that dangerous chemical substances and preparations, as well as biological substances would not harm workers' health;
- 5) draw up plans for preventative measures and rescue work in the event of accidents during which workers, other persons, and the environment may be exposed to dangerous chemical substances and preparations, as well as biological substances.

When using dangerous chemical substances and preparations, as well as biological substances, the limit values (amounts) of their concentration in the atmosphere of the working environment must not be exceeded. The Minister of Health and the Minister of Social Security and Labour shall fix the limit values of the concentration in the atmosphere of the working environment of dangerous chemical substances and preparations.

All workers of undertakings the activity of which is related to usage of dangerous chemical substances, preparations and biological substances, must be informed about the effect on their health of specific dangerous chemical substances and preparations, as well as biological substances used the undertaking. The workers whose activities (work) involve dangerous substances and preparations, as well as biological substances, must be instructed and trained on the safe work with the said specific substances, preparations and biological substances.

Premises of undertakings where any activity involving dangerous chemical substances and preparations, as well as biological substances is carried out, must be marked by special warning and/or mandatory signs. When working with dangerous chemical substances, it shall be obligatory to act in compliance with the information and requirements, indicated in the safety data sheet. The said sheet must be provided by the producer alongside with chemical substances and preparations, as well as biological substances placed on the market. The subdivisions of an undertaking and/or workstations in which dangerous chemical substances and preparations, as well as biological substances are present, shall be supplied with collective protective equipment. The subdivisions of the undertaking and/or workstations in which inflammable, explosive dangerous chemical substances and preparations, as well as biological substances, and the dangerous chemical substances and preparations, as well as biological substances which may cause fire are present must be equipped with special systems for monitoring the quantities of such dangerous chemical substances and preparations, as well as biological substances in the working environment, as well as alarm systems must be installed warning the workers about danger to safety and health.

In the cases when collective protective measures do not ensure the protection of workers from possible exposure to dangerous chemical substances and preparations, as well as biological substances, the workers who work with dangerous chemical substances and preparations, as well as biological substances must be provided with appropriate personal protective measures.

Persons representing employers, persons authorised by employers, employees of occupational safety and health services of undertakings, workers' representatives, and workers must know how to apply special first aid measures in the cases of sudden damage to health by the exposure to dangerous chemical substances and preparations, as well as biological substances. The list of such first aid measures shall be established by the Minister of Health. The requirements for the protection of workers from the exposure to dangerous chemical substances and preparations, as well as biological substances shall be laid down in respective regulations on safety and health at work, approved by the Minister of Social Security and Labour and the Minister of Health. The general requirements laid down in this Article for the protection of workers from the risk of dangerous chemical substances and preparations, as well as biological agents shall apply to any activity related to the management of waste of dangerous chemical substances and preparations, as well as biological substances.

Pursuant to Paragraph 5 of Article 29, the workers who are at risk to fall ill with a communicable disease, shall be vaccinated at the expense of the employer. The list of occupations and positions of the workers who are vaccinated at the expense of the employer shall be approved by the Minister of Health.

Pursuant to Paragraph 3 of Article 40 of the Law on Safety and Health at Work, working time of persons working in the environment, where amounts of dangerous factors exceed the limited size (amount) of dangerous factors defined in legal acts on safety and health at work, shall not exceed 36 hours for the workers who perform work in the working environment in which the proportions of hazardous factors exceed the permitted limits and it is technically or otherwise

impossible to reduce them to the permitted limit values as established in regulations on safety and health at work. The concrete daily or weekly working time of the workers who perform work in the working environment in which the proportions of hazardous factors exceed the permitted limit values and it is technically or otherwise impossible to reduce them to the permitted limit values as established in regulations on safety and health at work, shall be set by evaluating the results of working environment investigations, complying with the criteria and procedure for setting shorter working time taking into account the working environment, approved by the Minister of Health.

According to the criteria for the establishment of a reduced working time (referring to factors of work environment), approved by the Order No V-196 (*Official Gazette*, 2004, No 54-1841) of the Minister of Health of the Republic of Lithuania on 6 April 2004, working time is reduced due to hazardous environmental factors (chemical, biological, physical, ergonomic, psychosocial) exceeding the permitted levels defined by legal acts, regulating occupational safety and health. A reduced working time of not more than 36 hours a week is defined for persons, working under conditions of occupational risk, when amounts of environmental factors hazardous to health, exceed the permitted levels and when it is impossible to reduce their amount to the permitted levels by technical, organisational or other measures.

Working time of no more than 36 hours a week is established after the assessment of the workplace and identification that levels of dangerous environmental factors is exceeding the permitted levels and there is no possibility to reduce their amount by technical, organisational or other measures, defined in regulatory enactments regulating occupational safety and health. The collective agreement can establish a shorter working time than a 36 hours a week.

In cases when unacceptable risk is established in workplaces or environment of an undertaking, institution, organisation or other organisation and when there is no possibility to reduce it by technical, organisational or other measures to the amount admissible by regulatory enactments, the reduction of working time of a worker shall be a temporary measure.

The head of an undertaking, while implementing his obligation to establish safe and healthy working conditions, shall immediately organise preparation and implementation of measures so as to eliminate the unacceptable risk.

Pursuant to Paragraph 2 of Article 145 of the Labour Code, shorter working time for employees performing work involving heavy mental, emotional strain shall be established by the Government.

According to Article 167 of the Labour Code, extended annual leave up to 58 calendar days shall be granted to certain categories of employees whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those employees who work in specific working conditions. The Government shall approve a list of categories of employees who are entitled to the extended leave and shall define therein the specific duration of the extended leave for each category of employees.

Pursuant to Article 22 of the Law on safety and Health at Work, each undertaking and its subdivisions must have evacuation plans of workers. Workers shall get familiarised with evacuation plans upon recruitment. Evacuation plans shall be placed on information boards in clearly visible places in the undertaking and subdivisions thereof. Evacuation plans, accident prevention and accident containment plans and measures must be well known to persons authorised by the employer, members of Occupational Safety and Health Committees and workers' representatives with specific responsibility for the safety and health of workers.

The employer's representative or, upon his instruction, the person authorised by the employer shall designate a number of workers (upon their consent) and train them on a regular basis in protecting safety and health of workers in the event of danger, supply them with first aid and other necessary facilities taking into account the nature of the activities and size of the undertaking. In the event of danger in the undertaking or its subdivision, the employer's representative, persons authorised by the employer shall:

1) immediately inform the workers who may be exposed to danger and inform other workers in the undertaking about the danger and instruct them on the measures which will be taken to protect life and health of the workers and on actions to be taken by the workers themselves;

2) take all necessary measures to suspend work, issue orders for the workers to suspend work if the workers are trained in doing so; issue orders for the workers to leave working premises and move to a safe location;

3) immediately inform relevant internal and external emergency services (civil safety, fire-fighting, ambulance, and police) about the danger, workers injured;

4) until the arrival of external services, start eliminating dangers to the workers' safety and health with the help of the specially trained workers specified in paragraph 3 hereof, as well as members of the safety and health at work service of the undertaking, and workers' representatives with specific responsibility for the safety and health of workers;

5) organise provision of first aid to the injured, as well as the evacuation of workers.

If after the accident has been contained, the fire extinguished etc., the danger to safety and health of workers persists, the employer's representative, the head of a subdivision or another persons authorised by the employer shall not give an order to resume or commence work.

In the event of danger the workers shall have the right to terminate work and leave working premises and workstations. The actions of workers in the event of danger may not have adverse effects on the workers. The actions of workers in the event of danger aimed at protecting themselves and other workers from the danger shall not incur disciplinary or administrative penalties or material or other liability.

Undertakings, which produce and (or) use dangerous chemical substances shall implement special working environment control systems or equipment intended for the control of technological processes and accident prevention, shall draw up accident prevention and accident containment measures plans. The installation of the working environment control systems and devices, the implementation of accident prevention and accident containment plans shall be supervised by the Civil Safety Department under the Ministry of the Interior and State Labour Inspectorate.

A worker(s) shall have the right to refuse to work, works must be suspended if the head of the subdivision or another person authorised by him, the employer's representative fails to take appropriate measures to remove the violations of requirements for safety and health at work and to protect the worker (workers) from possible danger to safety and health in the following events: the worker (workers) has not been trained in safe work; in the event of a breakdown of working equipment or imminent accident; if work is continued upon violations of technical regulations; if workers are not provided with appropriate collective and (or) personal protective equipment; in other cases when the working environment is hazardous and/or dangerous to health or life. The procedure for suspending works shall be as follows:

1) Occupational Safety and Health Commission of an undertaking, employer's representatives shall have the right to request that the head of the subdivision or another person authorised by the employer, or the employer's representative would suspend works;

2) if the head of the subdivision or another person authorised by the employer, or the employer's representative refuses to act on the request of a workers' representative with specific responsibility for the safety and health of workers at work or the safety and health committee of an undertaking, the committee or a workers' representative shall inform about it the State Labour Inspectorate;

3) a State labour inspector, having evaluated the safety and health situation in the undertaking, may adopt the decision to suspend works and draw up a request for the employer's representative;

4) should the head of the subdivision, or another person authorised by the employer, or the employer's representative refuses to comply with the labour inspector's request, the said inspector

shall have the right to seek help from the police in order to enforce the request to suspend work and to evacuate workers from dangerous workstations and zones;

5) before the request of the workers' representative, the safety and health committee of the undertaking or a labour inspector to suspend work is executed, workers who are exposed to danger shall have the right to terminate work, leave the workstation or premises. In such case the employer's representative may not administer disciplinary punishments or incur upon them other liability.

If labour inspectors during inspection visits establish the existence of danger to safety and health of workers, they shall have the right to demand that the employer's representative or the head of a subdivision, or another person authorised by the employer suspend work

With a view to establish the requirements for protection of safety and health of workers working with dangerous asbestos, Regulations on Work with Asbestos were approved in the Order No 87/236 (Official Gazette, 1998, No 44-1225) of the minister of social security and labour and the minister of health on 6 May 1998. These regulations established the main occupational safety and health protection requirements.

*Response to the question provided in the Conclusions of the European Social Rights Committee on measures prohibiting the usage of asbestos and compliance with the European Council Directive 83/477/EEC of 19 September 1983 (pg.308):*

Upon the implementation of the 2<sup>nd</sup> separate Directive On the Protection of Workers from the Risks Related to Exposure to Asbestos, based on Article 8 of the Directive 80/1107/EEC, and the Council Directive 2003/18/EEC, the new wording of Regulations for Work with Asbestos were approved by the Order No A1-184/V-546 of the Minister of Social Security and Labour and the Minister of Health of 16 July 2004 (*Official Gazette*, 2004, No 116-4342).

Regulations for Work with Asbestos establish the requirements for protection of workers from the risks related to the exposure to asbestos at work, and preventive measures from risks to the health related to the exposure to asbestos. The Regulations also establish the limit value (limit amount) of concentration of asbestos dust, ensuring more effective protection of workers from risks, arising due to contact with asbestos in working environment, by replacing asbestos by less dangerous substances.

The Regulations shall be observed by undertakings, institutions and organisations of all types of economic activity (further referred to as undertakings). The regulations are applicable to types of activities, when workers can or are affected by dust, caused by asbestos or by substances with asbestos. In the regulations „asbestos“ means the following fibred silicates:

- asbestos actinolite, CAS No 77536-66-4 (the number given by the Chemical Abstracts Service (CAS);

- brown asbestos (amosite) CAS No 12172-73-5;

- antophyllite, CAS No 77536-67-5;

- chrysotile, CAS No 12001-29-5;

- crocidolite, CAS No 12001-28-4;

- tremolite, CAS No 77536-68-6.

If any of the activities arouse risks, that a worker can be affected by the asbestos dust or substances containing asbestos, this risk is assessed by means of establishing the nature and level of impact of dust on employees. The risk is assessed referring to Regulations for Assessment of Occupational Risks, approved by the Order A1-159/V-612 (*Official Gazette*, 2003, No 100-4504) of the Minister of Social Security and Labour and the Minister of Health on 16 October 2003. Employees and/or their representatives are consulted on the assessment of the indicated risk. The

assessment of risk is revised if there is a background to assume that it is incorrect or subject to the total modification of work conditions.

It is prohibited to use asbestos as a sprayer as well as other work methods, during which low density (less than 1g/cm<sup>3</sup>) insulation or noise proof substances, containing asbestos, are used. Without violation of provisions of legal acts of the European Community and the Republic of Lithuania on asbestos trade and its usage, the activity, during which workers are affected by asbestos filaments when obtaining asbestos and processing of asbestos products, or when producing and processing products, where asbestos was put deliberately, is prohibited, except processing and elimination of products, obtained after elimination of asbestos.

In case of engagement in types of activities indicated in Regulations, the impact of dust of asbestos or substances containing asbestos on employees at workplace shall be reduced to the minimal actually possible level, however, in any case to the level lower than the limit amount (limit value) of concentration of asbestos dusts, established in paragraph 11 of Regulations, by taking the following measures:

- reduction of the number of workers who are or can be affected by asbestos or asbestos dust, to the minimal possible number:
- organisation of work processes so as to prevent from asbestos dust or, if impossible, by avoiding the occurrence of asbestos dust into the air of work environment;
- regular and effective supervision of all premises and devices used for processing of asbestos;
- storage and transportation of asbestos or dusty substances containing asbestos in proper hermetic packages.
- collection and exportation of the waste from the workplace in proper hermetic package with the label, indicating that the package contains asbestos. This measure is not applied in mining works. The waste is managed referring to the Waste Management Regulations, approved by the Order No 217 of the Minister of Environment of the Republic of Lithuania on 14 July 1999 (*Official Gazette*, 1999, No 63-2065; *Official Gazette*, 2004, No 68-2381) and Regulations for Establishment, Operations and Closure of Dumps and Supervision of Dumps after Closure, approved by the Order No 444 of the Minister of Environment of the Republic of Lithuania on 18 October 2000 (*Official Gazette*, 2000, No 96-3051).

Pursuant to paragraph of the above regulations, employers shall ensure that not a single worker is exposed to concentration of asbestos dust in the air, exceeding 0,1 fibre/cm<sup>3</sup>, measured or estimated during 8 hours. In case if the limit amount (limit value) of concentration of asbestos fibres in the air of working environment is exceeded, the causes of this overrun shall be identified and necessary measures taken to reduce the concentration of asbestos fibres in the air of working environment.

Work in the polluted territory can be preceded only after necessary measures were taken for protection of workers. In case if impact of asbestos cannot be mitigated by other measures and if personal protective measures for protection of respiratory system shall be worn so as to comply with the limit amount (limit value) of the concentration of asbestos fibres, established in paragraph 11 of Regulations, this situation cannot be permanent and the time, during which protective measures of respiratory system are used, shall be limited for each specific worker to the minimum. During working periods, when the requirement is established to use the above measures, breaks shall be foreseen in compliance with physical and climate conditions and, if needed, it is necessary to consult workers and/or their representatives. Breaks are provided referring to the procedure for the establishment of additional special breaks, included into working time, approved by the Resolution No 160 of the Government of Lithuania of 3 February 2003 (*Official Gazette*, 2003, No 14-559).

Paragraph 2 of Article 10 of the Law on Safety and Health at Work establishes, that collective agreements may provide for additional and more favourable provisions for ensuring

safety and health at work than the valid regulations on safety and health at work. Implementation of these provisions shall be supervised by the persons representing the employer, the persons authorised by the employer, workers' representatives in the manner prescribed by collective agreements, as well as the State Labour Inspectorate.

Safe and healthy working conditions shall be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by this law shall also apply to public servants of State and municipal institutions and agencies.

The worker's right to work in safety shall be guaranteed by the Constitution of the Republic of Lithuania, this Law and by other regulations on safety and health at work. Employers must provide health and safe working conditions. A worker shall have the right to apply to a workers' representative, a head of a subdivision or another person authorised by the employer, the safety and health committee in the undertaking, the State Labour Inspectorate under the Ministry of Social Security and Labour or other State institutions with respect to the provision of safe and healthy working conditions.

*Response to the question of the European Social Rights Committee on the sphere of application of these provisions (pg.309):*

These provisions are applied to all workers, including part-time workers and the workers employed by different employers.

Article 4 of the Law on Safety and Health at Work regulates the application of this law and peculiarities of its application, according to which this law shall apply to each undertaking established in the territory of the Republic of Lithuania, taking into consideration the following restrictions on the application of this Law:

Provisions of this law and other regulations on safety and health at work shall not apply to military officers and servicemen of National Defence, to officers of the Interior system, Customs, and State Security institutions whose official relations are regulated by appropriate service statutes, when the said persons perform tasks having specific features. The regulations regulating the service of these officers and servicemen must contain safety and health protection requirements, when the said persons perform specific tasks.

When the officers and servicemen referred to in paragraph 2 hereof are performing tasks not assigned to the specific activities referred to in paragraph 2 hereof, the provisions of this law and other regulations on safety and health at work shall apply.

The safety and health at work of workers who work with radioactive substances and other sources of ionising radiation shall be regulated by the Republic of Lithuania Law on Radiation Protection, this law and other regulations on safety and health at work.

*Response to the question of the European Social Rights Committee on the sphere of application of these provisions (pg.309):*

The Law on Safety and Health is not applied to self-employed workers, i.e. the workers with whom employment contracts are not concluded.

Articles 115 and 116 of the Labour Code defines provisions on employment contracts with home workers and contracts on the supply of personal household services. The nature of this type of employment contracts shall be established by the Government.



Referring to Articles 113 and 114 of the Labour Code establish provisions on temporary employment contracts and contracts on additional work and secondary job. The nature of the above contracts shall be established by the Government. Provisions of the Labour Code, the Law on Safety and Health at Work and other regulatory enactments shall be applied to home workers and workers employed according to contracts on the supply of personal household services, as well as to workers working according to temporary employment contracts and additional work and secondary job employment contracts.

*Response to the question of the European Social Rights Committee on safety of workers working with radioactive substances (pg.299 and 309):*

**The legal background of the radiation safety in Lithuania includes the following legal acts:**

- Republic of Lithuania Law on Radiation Protection (*Official Gazette*, 1999, No 11-239).
- Republic of Lithuania Law on Nuclear Energy (*Official Gazette*, 1996, No119-2771).
- Republic of Lithuania Law on Management of Radioactive Waste (*Official Gazette*, 1999, No 50-1600).
- Republic of Lithuania Law on Environmental Protection (*Official Gazette*, 1992, No 5-75).
- More legal acts:
- Republic of Lithuania Law on Environmental Monitoring (*Official Gazette*, 1997, No 112-2824).
- Republic of Lithuania Law on War Status (*Official Gazette*, 2000, No 52-1482).
- Republic of Lithuania Code on Administration Violations of Law.

The Law on Radiation Protection establishes the legal background for radiation protection, providing for a possibility to protect the people and environment from the hazardous impact of radiation. It is prohibited, without the licence, issued by the Radiation Protection Centre, to produce, utilise, trade, keep, assemble, supervise, repair, process and transport sources of ionizing radiation and manage the radioactive waste. Licences for the above activity are issued by the Radiation Protection Centre. Regulations for licensing the practices involving sources of ionizing radiation are approved by the resolution of the Government of the Republic of Lithuania. These regulations establish certain conditions under which a licence can be suspended or terminated. The Law on Radiation Protection also establishes types of practices, for which the licence is not necessary.

Main legal acts, regulating the radiation protection in the Republic of Lithuania:

- Resolutions of the Government of the Republic of Lithuania: regulate the licensing of practices, disposal of radioactive waste, execution of control of sources of ionizing radiation, irradiance and dosimetric control in case of radiological accidents; management of illegal radioactive sources and radioactive substances.
- Orders of the minister of health of the Republic of Lithuania: establish radiation protection requirements in separate spheres of practices with sources of ionizing radiation, regulation procedures and rules.
- Orders of the minister of Environment of the Republic of Lithuania: regulate the exhaust of radioactive substances into environment and non-controlled levels of radioactive substances and radioactive waste.

- Orders of the minister of health and the minister of environment of the Republic of Lithuania: regulate the procedure for execution of monitoring of environmental and construction materials.
- Orders of the director of the Radiation Protection Centre: regulate specific practical requirements and the procedure for assurance of radiation protection.

A full list of legal acts on radiation protection is provided in the Internet page: <http://www.rsc.lt/index.php/pageid/445>

The Lithuanian Hygiene norms provide for generalised main and practical-specific requirements on radiation protection. The main requirements on radiation protection shall be applicable to all types of practices involving sources of ionizing radiation and are presented in the Lithuanian Hygiene Standard HN 73:2001 „Basic Standard for Radiation Protection“, approved by the Order No 663 of the Minister of Health of the Republic of Lithuania on 21 December 2001 (*Official Gazette*, 2002, No 11-388). Other hygiene norms establish specific requirements on radiation protection for different types of practices.

Legal acts, including hygiene norms, establish all relevant elements of radiation protection: protection from occupational, citizens and medical irradiance, management of radioactive waste, transportation of radioactive substances and waste, protection from accident irradiance etc. Practical-specific legal acts on radiation protection include all possible ways for usage of sources of ionizing radiation in Lithuania. These legal acts are co-ordinated with the EU requirements (directives, regulations etc.), as well as with the requirements indicated in the document „Basic Standard for Radiation Protection“ of the International Atomic Energy Agency (IAEA), other related international protection norms, relevant publications issued by IAEA.

Article 10 of the Radiation Protection Law establishes that a legal person or an undertaking without the status of a legal person licensed to conduct practices specified in paragraph 1 of Article 8 of this Law and conducting activities specified in the licence shall:

- 1) ensure registration of the sources of ionising radiation, their proper technical condition, safety and safe operation and duly notify, in accordance with the procedure stipulated by legal acts, the State Register of Sources of Ionising Radiation and Exposure of Workers about the sources in possession;
- 2) minimise the exposure of workers;
- 3) if the sites where practices are conducted are visited by members of the population or workers of other enterprises, institutions or organisations are temporarily working there, ensure radiation protection of the said persons in accordance with the requirements of this Law and other legal acts relating to radiation protection;
- 4) in order to achieve compliance with the requirements of this Law and other legal acts relating to radioactive protection and supervision of their enforcement, appoint qualified competent persons or establish units of radiation protection;
- 5) ensure that workers are of relevant qualifications;
- 6) carry out exposure monitoring of workers and their workplaces in accordance with the procedure established by the Radiation Protection Centre;
- 7) in the manner prescribed by legal acts, register workers and submit the data to the State Register of Sources of Ionising Radiation and Exposure of Workers;
- 8) on its own initiative or at the request of the executive bodies of public administration, control institutions, and local government, discontinue practices which do not comply with the requirements of radiation protection;
- 9) in accordance with the procedure established by the laws and other legal acts of the Republic of Lithuania, deliver for disposal sources of ionising radiation that are unsuitable for use or are no longer in use;

10) in accordance with the procedure established by the Government or an institution designated by it, conduct monitoring of the impact on the environment;

11) upon request, make available to the Radiation Protection Centre objective information about the conditions in which practices are conducted, products with sources of ionising radiation manufactured, imported into the Republic of Lithuania, marketed, and exported from it;

12) take preventive measures against radiological accidents, in a timely and detailed manner inform the population and the executive bodies of public administration, control institutions and local government of the Republic of Lithuania about the risks associated with the practises; in the event of a radiological accident, take actions and measures for the containment of causes hazardous to human health and the environment and elimination of the consequences; in accordance with the procedure set forth in this Law and other laws, compensate for the damage to human health and the environment resulting from breach of the regulations of radiation protection committed by a licensed legal person or an enterprise without the status of a legal person;

13) in accordance with the procedure prescribed by legal acts, label the sources of ionising radiation and their containers, and duly provide information to the consumers about protection against ionising radiation;

14) in accordance with the manner prescribed by this Law and other legal acts, those authorised to market or transfer for use sources of ionising radiation ascertain that a legal person or an enterprise without the status of a legal person to whom those sources of ionising radiation are being sold or transferred, are in possession of a license to use them;

15) perform other duties set forth in other laws and legal acts.

**The legal basis for the procedure of licensing the practice with sources of ionizing radiation is regulated in the following legal acts:**

- Republic of Lithuania Law on Radiation Protection;
- Regulations for Licensing the Practice with Sources of Ionizing Radiation, approved by the Resolution No 653 of the Government of the Republic of Lithuania on 25 May 1999 (replaced by Resolution No 205 of the Government of the Republic of Lithuania of 23 February 2004) (*Official Gazette*, 2004, No 30-991);
- Order No 2 of the Director of the Radiation Protection Centre of 13 January 2004 On the Approval of the Application Form of License for the Practices with Sources of Ionizing Radiation and on Approval of the License Forms (*Official Gazette*, 2004, No 14-444);
- Order No 26 of the Director of the Radiation Protection Centre of 17 June 2004 On Description of Filling the Application of License for Conducting the Practice with Radiation Sources, Documents for License and Its Annex Completion (*Official Gazette*, 2004, No 97-3612).

The Order No 285 of the minister of health of the Republic of Lithuania of 25 May 2000 On Approval of Regulation for Supervision and Control of State Radiation Protection“ (*Official Gazette*, 2000, No 44-1279) establishes the frequency of inspections, defined according to the category of insecurity of objects, executing practices with sources of ionizing radiation. This regulation also defines the background for planning the supervision and control, types of supervision and control and responsibilities of officials, executing supervision and control of radiation protection etc.

**The Lithuanian Hygiene Standard HN 73:2001 „Basic Standard for Radiation Protection“ defines the following dose limits for occupational and public exposure:**

	Limited dose	
	Occupational exposure	Public exposure
Effective dose	100 mSv in a consecutive 5 year subject to a maximum effective dose of 50 mSv in a single year	1 mSv in a year, in special circumstances-up to 5 mSv in a single year, provided that the average dose over 5 consecutive years does not exceed 1 mSv per year
Annual equivalent dose:		
In the lens of the eye	150 mSv	15 mSv
For the skin	500 mSv	50 mSv
For the extremities (hands and feet)	500 mSv	

Requirements of the Lithuanian Hygiene Standard HN 73:2001 are co-ordinated with the Safety series No 115 of the International Atomic Energy Agency (IAEA) „International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources“ and European Council Directive 96/29/ERATOM „Basic Safety Standards for the Protection of the Health of Workers and the General Public from Ionizing Radiation“. Thus, recommendations, presented in 90<sup>th</sup> publication of the International Radiation Protection Commission, are observed.

Pursuant to Article 7 of the Law on Radiation Protection of the Republic of Lithuania (Official Gazette, 1999, No 11-239), and the Order No V-612 of the Minister of Health of the Republic of Lithuania of 22 July 2005 (*Official Gazette*, 2005, No 94-3516), the Radiation Protection Centre is the regulatory body co-ordinating the activities of executive and other bodies of public administration and local government in the field of radiation protection, exercising state supervision and control of radiation protection, monitoring and expert examination of public exposure.

**The main objectives of the Radiation Protection Centre:**

1. to supervise the compliance of natural and legal persons with the Radiation Protection Law of the Republic of Lithuania, other laws and legal acts, regulating radiation protection requirements, and apply administrative responsibility for the offence of the above legal acts;
2. to co-ordinate the activities of executive and other bodies of public administration and local government in the sphere of radiation protection,
3. to protect the society and radiation workers, as well as the environment from hazardous impact of ionizing radiation,
4. to carry out the expertise and the assessment of occupational and public exposure at national level,
5. to implement the radiation protection policy set out by the Government of the Republic of Lithuania and the Ministry of Health.

**Responsibilities of the Radiation Protection Centre:**

1. preparation of draft laws and legal acts on radiation protection;

2. licensing of practices with sources of ionizing radiation, temporal suspension, suspension and renewal of licenses according to the order, established by the Government;
3. supervision and control of compliance of legal and natural persons with the requirements of the Radiation Protection and apply envisaged responsibility for violations of these requirements; other legal documents and licenses;
4. organization and performing of monitoring of radioactive contamination of air, foodstuff and raw materials, construction materials and their products and other items, which may cause exposure of humans, take and receive the necessary specimen pursuant to the order established in laws and legal acts;
5. organization and performing, within the limits of competence, of surveys on the status of radiation protection and making proposals to state governance, control and self-governance executive institutions on issues of radiation protection; public information;
6. organization and performing of monitoring of individual exposures of members of public, workers and separate groups under the normal conditions and in the event of radiological accidents, as well as the survey and assessment of impact of ionizing radiation on humans;
7. organisation and performance, within the limits of competence, of surveys on the status of radiation protection and public expertise works;
8. execution of surveys of radiation accidents, forecasting of their after-effects and submit proposals on their prevention and liquidation;
9. keeping of the State Register of Sources of Ionising Radiation and Exposure of the Workers.

Requirements of the European Commission directives and recommendations are enforced in legal acts regulating radiation protection. Requirements of the European Council Directives 96/29/ERATOM Basic Safety Standards for the Protection of the Health of Workers and the General Public from Ionizing Radiation and 97/43/EURATOM On Health Protection of Individuals Against the Dangers of Ionizing Radiation in Relation to Medical Exposure“, are enforced in the Lithuanian Hygiene Standard HN 73:2001 Basic Radiation Protection Standards, approved by the Order No 663 of the minister of health on 21 December 2001 (*Official Gazette*, 2002, No 11-388). Requirements on safety at work of the European Council Directive 90/641/EURATOM of 4 December 1990 On the Operational Protection of Outside Workers Exposed to the Risk of Ionizing Radiation during Their Activities in Controlled Areas, are enforced in the Lithuanian Hygiene Standard HN 83:2004 Radiation Protection and Safety of Outside Workers, approved by the Order No V-889 of the minister of environment on 9 December 2004 (*Official Gazette*, No 182-6744).

During the above period a special attention was given to the preparation of legal basis as one of the main constituent parts of radiation protection infrastructure. The following legal acts were drafted and approved:

1. Resolution No 205 of the Government of the Republic of Lithuania of 23 February 2004 On Resolution No 653 of the Government of the Republic of Lithuania of 25 May 1999 On Replacement of Approval of Regulations of Licensing the Practices Involving Sources of Ionizing Radiation” (*Official Gazette*, No 2004, No 30-991).
2. Lithuanian Hygiene Standard 78:2003 Quality Control in Medical x-ray Diagnostics. General Requirements and Evaluation Criteria adopted by the Order No V-748 of the Minister of Health of 22 December 2003 (*Official Gazette*, 2004, No 30-996).
3. Lithuanian Hygiene Standard HN 85:2003 Natural Exposure. Standards of Radiation Protection, approved by the Order No V-749 of the Minister of Health on 22 December 2003 (*Official Gazette*, 2004, No 30-997).
4. Lithuanian Hygiene Standard HN 94:2004 Quality Control in Conventional and Computer Tomography and Prophylactic Mammography. Requirements and Evaluation Criteria,

adopted by the Order No V-888 of the Minister of Health on 9 December 2004 (*Official Gazette*, No 182-6743).

5. Order No V- 584/486 of the Minister of Health and the Minister of Environment of 6 October 2003 On Approval of Regulations for Sampling in Case of Nuclear or Radiation Accident (*Official Gazette*, 2003, 99-4457).

6. Order No V- 489 of the Minister of Health of 1 July, 2004 On Approval of Maximum Permitted Levels of Activity of Caesium Radio nuclides, Applied to the Agricultural Products following the Chernobyl Accident (*Official Gazette*, 2004, No 116-4337).

7. Order No V-393 of the minister of health of 1 July 2003 On Requirements for Treatment of Foodstuffs and Their Ingredients with Ionizing Radiation (*Official Gazette*, No 70-3206), by which the following European Union's legal acts were implemented:

7.1. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 On the Approximation of the Laws of the Member States Concerning Foods and Food Ingredients Treated with Ionising Radiation;

7.2. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 On the Establishment of a Community List of Foods and Food Ingredients Treated with Ionising Radiation;

7.3. 2002/840/EC: Commission Decision of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods.

8. Order No V-834 of the Minister of Health of 26 November 2004 On Approval of Local Regulations on the Import, Export, Transit and Transportation of Radioactive Materials and Radioactive Waste (*Official Gazette*, 2004, No 176-6527), by which the requirements of the following EC regulations were implemented: Council Directive 92/3/Euratom of 3 February 1992 On the Supervision and Control of Shipments of Radioactive Waste Between Member States and into and out of the Community; Council Regulation (Euratom) No 1493/93 of 8 June 1993 on Shipments of Radioactive Substances Between Member States; Commission Decision 93/552/Euratom of 1 October 1993 establishing the standard document for the supervision and control of shipments of radioactive waste referred to in Council Directive 92/3/Euratom.

9. Order No V-312 of the Minister of Health of 3 May 2004 On Approval of the Radiological Monitoring of „Food Bag“ and Execution of Requirements for Monitoring of the Amount of Radio nuclides in Precipitation and the Equivalent of Public Exposure in Kupiškis and Ignalina Regions“ (*Official Gazette*, 2004, No 89-3298).

Radiological monitoring in the sphere of occupational and public exposure and construction materials has been continuing.

Radio nuclides in foodstuffs and drinking water – one of the sources of public exposure ,thus, the provisions of Article 36 of the Euratom Agreement recommend to carry out a survey on the activity of radio nuclides in the „food bag“.

By the Order No V-312 of 3 May 2004, the Minister of Health of 3 May 2004 approved Requirements for Execution of Radiological Monitoring of the „Food Bag“ and Requirements for Monitoring of the Amount of Radio nuclides in Precipitation and the Equivalent of Public Exposure in Kupiskis and Ignalina regions. The Radiation Protection Centre is one of the institutions, responsible for the execution of the radiological monitoring by carrying out the radiological survey of the environment and related components – drinking water, milk and „food bag“. The dense network of monitoring includes the entire territory of the country. Usually for radiological research local foodstuffs are taken. Specimen of milk and drinking water are taken on a quarterly basis in 7 monitoring places, specimen of meat and fish – twice per year (in spring and autumn), vegetables – by the end of summer, mushrooms – during the entire mushroom growing season. In the sparse network specimen of milk, drinking water and processed food (ration of one day) are taken each month. The results of surveys are used for the evaluation of the annual effective dose of citizens, predetermined by the ionised radiation of radio nuclides in food.

View a view to strengthening administrative capacities, special attention was given to the strengthening of the Radiation Protection Centre – the authorised institution on radiation protection issues.

By the end of 2003 Lithuania ratified Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (*Official Gazette*, 2004, No 36-1176).

The Final Plan for Decommissioning of the Ignalina Nuclear Power Plant was prepared in 2003, as well as the programme and report for the assessment of negative impact of the decommissioning of the Ignalina Nuclear Power Plant, which have currently been finalised. Projects on decommissioning are being prepared and they involve different stages of decommissioning of the Ignalina Nuclear Power Station.

Studies and technical projects for the establishment of the site for disposal of radioactive waste (where it is anticipated to bury the radioactive waste composed during the operations and decommissioning, and to provide storage facilities for the spent nuclear fuel), have also been finalised.

In 2004 the Plan of measures for the implementation of the programme on decommissioning of the public enterprise Ignalina Nuclear Power Plant, Station 1 was prepared. The information publication „Preparation for Decommissioning of the Ignalina Nuclear Power Plant“ includes a separate chapter defining the protective measures from occupational and public exposure in getting prepared for the decommissioning of the Ignalina Nuclear Power Station.

Public was also informed on the plans of termination of operations of the nuclear plant.

From 2001, the Radiation Protection Centre, together with other state governance institutions, has been participating in the implementation of the Project LIT/4/002 Support for Decommissioning Station 1 of the Ignalina Nuclear Power Plant, financed by the IAEA. The main objective of the Project is to provide support in getting prepared for the decommissioning of Station 1 of the Ignalina Nuclear Power Station, by providing relevant equipment and measures, organising training of specialists and exchange of information and experience, necessary for execution of supervisory works on decommissioning. From the end of 2004 a PHARE Project has been implemented, the objective of which is to provide support to authorised institutions in evaluating the documents for decommissioning of the Ignalina Nuclear Power Plant, and to strengthen the competence of the Radiation Protection Centre in the above field.

Relevant measures for violations of radiation protection requirements are anticipated in the Code of Administrative Violations of the Republic of Lithuania.

### **Question B**

*Please indicate the special measures taken to protect the health and safety of workers engaged in dangerous or unhealthy work.*

See Question A, Article 3 Para. 2.

### **ARTICLE 3, PARA. 3**

*"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with employers' and workers' organisations:*

*to provide for the enforcement of such regulations by measures of supervision."*

### Question A

*Please indicate the methods applied by the Labour Inspectorate to enforce health and safety regulations and please also give information, inter alia, statistical, on:*

- 1. the places of work, including the home, subjected to the control of the Labour Inspection, indicating the categories of enterprises exempted from this control;*
- 2. the number of control visits carried out;*
- 3. the proportion of workers covered by these visits.*

The Republic of Lithuania has undertaken the commitment according to the ILO Convention No 81 on labour inspection in industry and trade.

The Labour Inspectorate is a state control institution under the Ministry of Social Security and Labour. Pursuant to Article 4 of the State Labour Inspectorate is responsible for the prevention of accidents at work, occupational diseases, occupational safety and health and violations of regulatory enactments in the sphere of labour, as well as the control of the Labour Code of the Republic of Lithuania, laws and other regulatory enactments regulating occupational safety and health and labour relations in undertakings, institutions, organisations and other structures irrespective of the form and type of their ownership, the nature of activity, as well as in cases when an employer is a natural person.

Pursuant to Article 6 of the Law on the State Labour Inspectorate, the State Labour Inspectorate shall, within its competence:

- 1) inspect if employers observe laws, other regulatory enactments and provisions of collective agreements, regulating occupational safety and health and labour relations and submit to employers their requirements and instructions;
- 2) control the setting up of occupational safety services of undertakings and commissions and organisation of the internal control of occupational safety and health;
- 3) examine whether working equipment in operation, workplaces, and technological processes as well as employment conditions conform to the requirements of legal acts, control the observance of the procedure established for the maintenance of potentially dangerous equipment, requirements for safe use of electricity, heat and gas facilities and how the transport is organised in undertakings
- 4) examine the preparedness of undertakings to carry out the works of mining, blasting, extraction and processing of mineral resources, geological borings, seismic explorations, processing of flammable gas, chemistry, oil, as well as for technological processes during which cases of blasting, fire or poisoning are possible, and submit conclusions and proposals to undertakings in the manner established under legal acts
- 5) control if employers comply with safety requirements in organising and utilising the production of hazardous and dangerous substances and apply preventive measures of industrial accidents;
- 6) control if employers identify dangers and execute risk assessments and evaluations;
- 7) examine whether the undertakings are equipped with industrial amenity rooms, collective safety means (where appropriate), whether the safety equipment is issued and used in observance of the established procedure, whether the lists of workers who must undergo compulsory health surveillance are compiled in proper manner, and exercise control over the manner of organisation of compulsory health surveillance by employers



8) control the application of safety and health guarantees established in the laws and other regulatory enactments, as well as organisation of work and rest time for persons under 18 years of age, pregnant women and the employed disabled;

9) investigate in the established manner the causes and circumstances of serious and fatal accidents at work. In the instances of serious and fatal accidents at work the State Labour Inspectorate shall refer the accident material to the prosecutor's office. Examine if enterprises comply with the established procedure for investigation labour accidents, how preventive measures are implemented in order to prevent labour accidents and occupational diseases

10) organise and, together with representatives of health care institutions, investigate circumstances and causes of occupational diseases;

11) Register serious and fatal accidents at work, accumulate information received from undertakings about light accidents at work, keep certificates of investigation of the causes of accidents at work and occupational diseases;

12) control the estimation and remuneration of damage to health of a worker, when employers are responsible for remuneration of damage;

13) participate in investigating the accidents of installations and objects;

14) analyse circumstances and reasons of accidents at work, occupational diseases and breakdowns, violations of occupational safety and health, prepare proposals on improvement of the situation in the sphere of occupational safety and health;

15) investigate applications and claims within the framework of competence of the State Labour Inspectorate and ensure confidentiality of applicants;

16) carry out the control of illegal labour relations and coordinate, according to the established procedure, the activity of institutions executing the control of illegal employment;

17) submit conclusions on the prepared training programmes on occupational safety and health, designed for training of workers working with potentially dangerous installations, carrying out permanent mandatory maintenance of the above installations during their operations, for employers' representatives, and persons authorised by employers and specialists of occupational safety and health services; and participate in verification of their skills. It also shall control if workers have been properly instructed, trained and certified on occupational safety and health issues;

18) submit remarks and proposals on draft regulatory enactments in the sphere of occupational safety and health;

19) analyse the practice for application of labour laws, and regulatory enactments on occupational safety and health, submit proposals on the replacement of valid laws or other regulatory enactments;

20) provide consultations to workers, workers' representatives, persons representing employers, persons authorised by employers on occupational safety and health requirements, execution of the labour law, establishment of collective agreements etc.;

21) participate in defining the suitability for use of working places, their units or new work place;

22) arrange the register of Potentially Dangerous Installations, organise the preparation of draft regulatory enactments on supervision of potentially dangerous installations;

23) at the end of the calendar year prepare the report on the implementation of the laws on safety and health at work as well as labour laws and submit it by 1 July to the Ministry of Social Security and Labour and to the Republican Occupational Safety and Health Commission. It shall also prepare the annual Report on implementation of the Convention No 81 of the International Labour Organisation On Labour Inspection in Industry and Trade; provide information to the Ministry of Social security and Labour on observance of other conventions ratified in the country and related to occupational safety and health and labour relations;

24) execute other functions, established in other regulatory enactments.

In 2003 public information campaign was carried out pursuant to the agreements with the Lithuanian Radio and TV on permanent broadcasting of audio clips on confidence telephone, radio broadcasts on education in the sphere of labour law; with publication „Lietuvos profsąjungos“ („Lithuanian Trade Unions“), „Sargyba“ (The Guard“); at regional level – with the Klaipėda State Labour Inspectorate and Radio station „B-91“, Alytus State Labour Inspectorate and publication „Alytaus naujienos“ („News of Alytus“), Panevėžys State Labour Inspectorate and newspaper „Panevėžio balsas“ („Voice of Panevėžys“), Šiauliai State Labour Inspectorate and publication „Šiaulių kraštas“ („Šiauliai region“), Tauragė State Labour Inspectorate and newspaper „Voice of Tauragė“.

In 2003 major Lithuanian publications published about 70 announcements on the telephone of confidence of the State Labour Inspectorate, including short announcements on the harm of illegal employment and responsibility for the illegal employment. Certain offices of the State Labour Inspectorate also provided information on protocols registered due to offences of the Administrative Law on illegal employment and fines established by the courts.

Analogous announcements were broadcasted about 150 times via the Lithuanian radio, 45 times via the radio station „Lietus“; about 300 times via the radio station „B-91“ of the Klaipėda region.

Representatives of the State Labour Inspectorate participated in 25 radio broadcasts; from them 25 broadcasts on legal education were organised by the State Labour Inspectorate.

The State labour Inspectorate took part in 14 TV broadcasts, including: the National TV, Vilnius TV (Vilnius Office of the State Labour Inspectorate), TV of Higher Lithuania (Panevėžys Office of the State Labour Inspectorate), Balticum TV (Klaipėda Office of the State Labour Inspectorate).

70 articles, including interviews, were published in various publications of the country and regions. Information and consultations, announced in the publication of „The Lithuanian Trade Unions“, are constantly updated in the Internet page of the State Labour Inspectorate.

10 statements were announced to the media, from them on: violations of the requirements of the Labour Code, offences of laws in terms of non-calculated working time; two resolutions of the Chief Lithuanian State Labour Inspector presented in 2003; information provided on the European Week on safety and health at work, on the results of the investigation of the accident in the JC „Ukmergės gelžbetonis“, as well as consideration of causes of the accident with representatives of undertakings; and announcements on the campaign „Safe Construction Site“. According to the above statements, information was published in the national daily newspapers „Lietuvos žinios“, „Respublika“, „Kauno diena“, „Litovski Kurjer“; the regional daily newspapers also provided the above information. 11 statements and relevant information of the State Labour Inspectorate have been available in the Internet page of „Verslo žinios“. A tripartite conference „The Importance of Cooperation of Social Partners in the Sphere of Occupational Safety and Health after Lithuania's become a member of the EU“ was organised.

In the field of public relations, the State Labour Inspectorate has signed agreements with the Lithuanian radio and TV on the announcement of the telephone of confidence of the Inspectorate; on legal educational broadcasts of the State Labour Inspectorate. Agreements have been concluded with the daily newspaper „Respublika“, publications „Lietuvos profsąjungos“, „Statyba“ on permanent announcement of information. Audio clips in the Lithuanian Radio were created according to different actual issues presented by the State labour Inspectorate.

The announcements of permanent weekly information on accidents at work received by the State Labour Inspectorate, commenced in 2004. The above information has been publicised in the publication of social partners „Lietuvos profsąjungos“, a special newspaper „Statyba“, one of the national daily newspapers; it has also been sent to news agencies and other information sources. The information has been available in the Internet page of the State Labour Inspectorate. After the update

of the home page of the website, it includes general information on fatal cases, serious impairments at work, administrative and criminal responsibility for offences of the requirements of occupational safety and health and the labour laws.

The names of employers, penalised by labour inspectors for violations of the established work and rest regimes and calculations of working time, as well as for usage of illegal labour force, are announced in the daily newspaper "Respublika" and in the internet page of the State Labour Inspectorate.

In its activity, the State Labour Inspectorate refers to the Constitution of the Republic of Lithuania, international agreements of the Republic of Lithuania, the Labour Code of the republic of Lithuania, the Law on State Labour Inspectorate of the republic of Lithuania, other laws and regulatory enactments, regulating occupational safety and health and labour relations.

Para. 8, Article 2 of the Law on Labour Protection defines the term of the workstation. A workstation means a place where the worker works, or where he must perform the work agreed under employment contract, or performs the function of public administration. The workstation of each employee must conform to the requirements of the Law on Labour Protection and other legal acts regulating the occupational safety and health of workers. Workstations should be installed so as to protect the workers from possible injuries and to eliminate from their working environment the risk factors dangerous and hazardous to the health of workers. Installation of workplaces shall be carried out in observance of physical capacities of a worker. Inspectors of the State Labour Inspectorate, while executing their main function – the control of observance of labour laws – shall execute these functions at their workstations, as well as execute inspections in undertakings, institutions and organisations according to the procedure established in the Law on State Labour Inspectorate, its provisions and other regulatory enactments. The established working time regime for inspectors of the State Labour Inspectorate is 40 hours per week, and during the above time workers of the State Labour Inspectorate shall be in their workstations, or, by order of the head of a division, in an undertaking, institution or organisation, where they inspect the observance of labour laws.

Article 108 of the Labour Code enacted on 1 January 2003 specifies the employment contract concluded with home workers as one category of employment contracts. In observance of the provisions of the Specific Features of the Employment Contract Concluded with Home Workers approved by the Republic of Lithuania Government Resolution No. 1043 of 19 August 2003 the home work means work carried out by a person at home according to the arrangement entered into with the employer and for the agreed consideration. Work equipment used by a home worker must conform to the requirements established under legal acts regulating the safety and health of workers. Before entering into the employment contract with the home worker, the employer must assess the occupational risk at the workstation of the home worker in the manner established by legal acts. The State labour Inspectorate executes the control of activity of home workers.

Pursuant to Article 4 of the Law on Safety and Health at Work, this Law shall be applied to each undertaking established in the territory of the Republic of Lithuania with the exception of the below defined specific features

1. Provisions of this law and other regulations on safety and health at work shall not apply to military officers and servicemen of National Defence, to officers of the Interior system, Customs, and State Security institutions whose official relations are regulated by appropriate service statutes, when the said persons perform tasks having specific features. The regulations regulating the service of these officers and servicemen must contain safety and health protection requirements, when the said persons perform specific tasks.

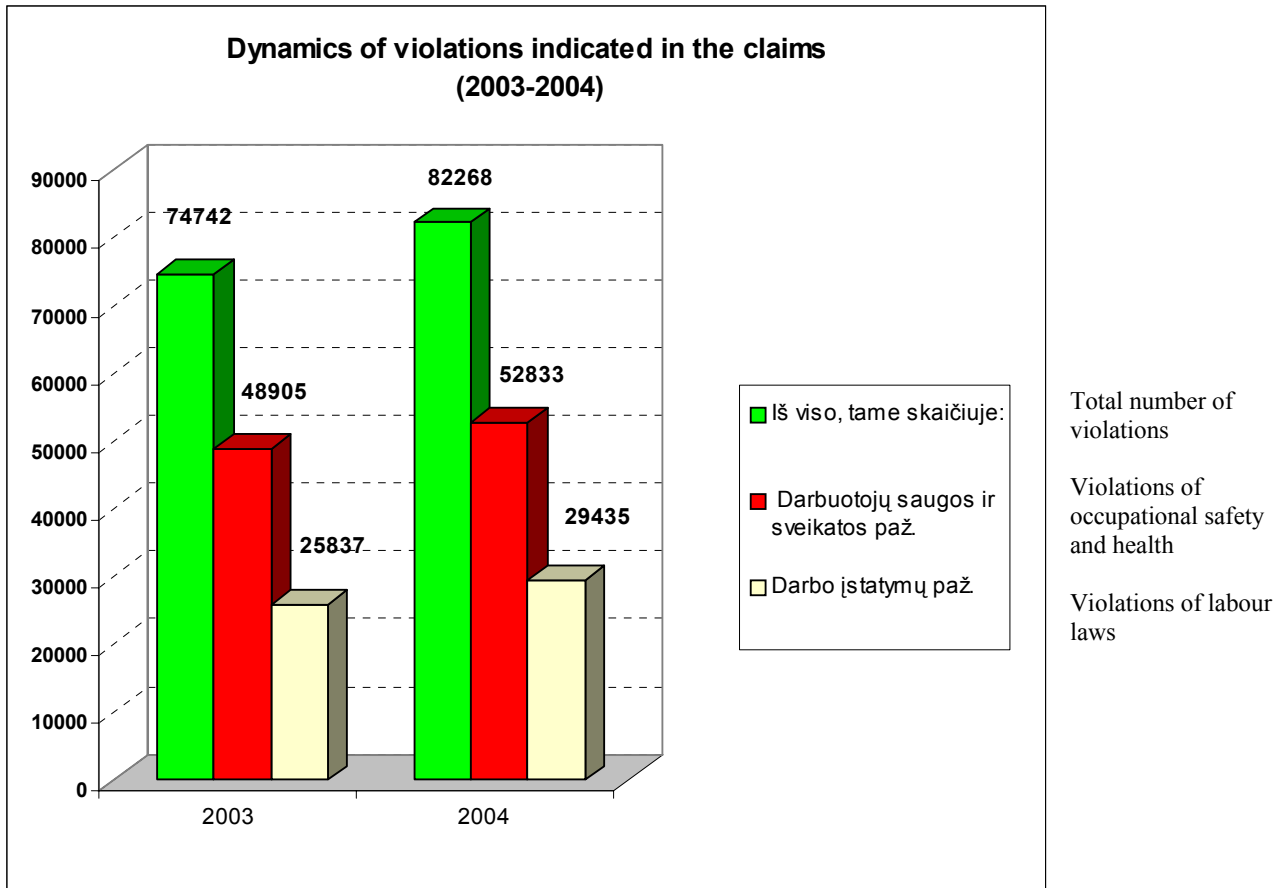
2. Safety and health of workers, working with radioactive substances and other sources of ionizing radiation, is regulated by the Law on Radiation Protection, the Law on Safety and Health at Work, and other regulatory enactments on occupational safety and health.

**Inspections:**

During the year 2003, inspectors of the State Labour Inspectorate examined 18,738 undertakings on issues related to occupational safety and health, observance of labour laws, investigations of claims and requests and execution of the applied measures (in 2004 – 21,081 undertakings). Each year the inspections involves about 50% of the employed in the country.

During the period of 2003-2004, inspections of the said undertakings revealed 157,010 violations of legal acts regulating the occupational safety and health and observance of labour laws. Inspectors lodged 23,595 claims to eliminate the established violations. The dynamics of violations indicated in the claims is presented in the Figure (see Figure 3.3.1).

**Figure 3.3.1**



Response to the question of the European Social Rights Committee on paragraph 3 of Article 3 (pg.311 and 312):

**The authority of inspectors of the State Labour Inspectorate in getting into the Workstation without an in advance warning, and taking of documents and other evidences for investigation:**

Inspectors of the State labour Inspectorate have the following rights, established in Article 9 of the Law on State labour Inspectorate (*Official Gazette*, No 102-4585):

1. upon delivery of the official certificate and authorisation, to freely and without an in advance warning to enter, during any time of the day, any workstation with a view to inspecting if the requirements of labour laws, the law on occupational safety and health and other regulatory enactments are observed;

2. to get the data and documents from employers (their copies and extracts) and other evidences, necessary for the execution of functions of the State Labour Inspectorate;

3. to take, temporarily – up to 7 working days - from the employer the journal for registration of employment contracts upon signing and submitting the act of taking the journal, to make extracts and copy documents, necessary for execution of functions of the State Labour Inspectorate;

4. to obtain from employers' representatives, persons authorised by the employer, and workers verbal or written explanations on violations of labour and occupational safety and health laws, other regulatory enactments, regulating occupational safety and health and labour relations, or on non-execution of instructions of the State Labour Inspectorate (in case if there is no possibility to obtain this information on the spot, a person representing the employer or a person authorised by the employer shall be invited to the territorial Office of the State Labour Inspectorate or the administration of the State labour Inspectorate);

5. in case of investigation of accident at work or occupational diseases, to obtain from the employer the data and documents relevant for investigation, and from a person representing the employer or a person authorised by the employer and witnesses – explanations on circumstances and causes of the accident at work or occupational diseases; if needed the expertise shall be initiated; inspectors should also obtain additional information, according to the procedure established in the regulatory enactments, from health care institutions, legal enforcement and other institutions.

6. to perform audit measurements of parameters of working environment.

#### **The number of inspectors of the State Labour Inspectorate by 1 January 2004.**

Number of labour inspectors – 196

From them - 128 with technical education; 49 lawyers; 19 hygienists

#### **Training of inspectors from State Labour Inspectorate**

Inspectors of the State Labour Inspectorate are civil servants and shall comply with general (including qualification) requirements, established in Articles 7 and 9 of the Civil Service Law.

Pursuant to Article 16 of Civil Service Law, civil servants have the right to training at the expense of the State's budget funds. Training of inspectors of the State labour Inspectorate is regulated by Articles 45, 46 and 47 of the Civil Service Law.

The procedure on organisation of training of civil servants is established by the Minister of Internal Affairs. Annual training and qualification upgrading plans are established according to priority training objectives and referring to the analysis of training needs, which are also submitted to the Ministry of Social Security and Labour and to the State Service Department.

Types of training courses include: introductory training and qualification upgrading.

Introductory training is executed as introductory training of a civil servant or pursuant to the Programme for basic (introductory) training of inspectors of the State Labour Inspectorate, approved by the State Labour Inspectorate.

The basic training programme for an inspector of the State Labour Inspectorate with technical education comprises 417 hours, from them 243 hours of theory and 170 hours of practical training. Main subjects of theoretical training: organisation of work of a labour inspector, organisation of occupational safety and health in the undertaking, basic labour hygiene, the system

of technical law and safety of occupational safety, occupational safety of separate spheres of industry, and basic training for work with personal computer.

Training programme of a labour inspector on labour hygiene comprises 324 hours, from them 209 hours of theory and 115 hours of practical training. Main subjects: work organisation, fundamentals of labour law, organisation of occupational safety and health in the undertaking, fundamentals of labour hygiene, and basic training for work with personal computer.

Training programme of a labour inspector on labour law comprises 241 hours, from them 126 hours of theory and 115 hours of practical training. Main subjects – work organisation, fundamentals of labour law and basic training for work with personal computer. The programmes are currently updated, by anticipating the following social issues:

Further education is carried out pursuant to following training programmes:

- development of special vocational skills;
- training related to the EU;
- foreign language skills;
- formation of computer literacy skills;
- other training programmes.

### **Sphere of inspection**

Issues of occupational safety and health are investigated in undertakings during each inspection, except target inspections on compliance with the requirements of labour laws executed upon the instruction of the authority of the inspectorate.

### **Number of inspected economy entities**

The number of inspected entities by the State Labour Inspectorate in 2004 comprised 237350.

### **Consultations with employers and employees' organisations**

Main forms and trends for the development and promotion of social dialogue:

*- Agreements of the Labour Inspectorate with the high level confederations representing employees and employers.*

Labour Inspectorate has signed special co-operation agreements with three confederations of trade unions and two employers' organisations. Thus, a legal background has been established for the periodic exchange of information, preparation of joint information and inspection campaigns, submission of recommendations, co-operation in preparing draft legal acts, organisation of seminars etc.

*- Information and counselling of representatives of employees and employers*

This activity is carried out in different forms: inspections of undertakings by means of investigating requests of social partners and verbal and written counselling. To that end, the media has been involved on a systematic basis: radio broadcasts two times a week (representatives of the Ministry of Social Security and employees and employers' organisations are constant guests of the above broadcasts), republican, regional and special newspapers (where the State Labour Inspectorate has its pages or separate columns), TV and special bulletin „Safe Work“, issued on a monthly basis.

*- Promotion of the establishment of occupational safety and health committees in undertakings, and social dialogue.*

Labour inspectors take part in the process of training of employees' representatives, preparation of training programmes, deliver lectures in undertakings, participate in the meetings of occupational safety and health commissions or invite representatives of employees to participate in meetings of the head of an undertaking in considering the results of inspection.

*- Prevention of accidents at work and occupational diseases.*

Representatives of employees and employers take active part, together with inspectors, in the investigation of accidents at work and occupational diseases; proposals of employees and employers' organisations are evaluated when funds for prevention are allocated from the fund for insurance of accidents at work and occupational diseases.

*- Activity of the Lithuanian Focal point of the European Agency for Safety and Health at Work*

The State Labour Inspectorate executes the function of the organisation of activity of the Lithuanian Focal Point of the above Agency. The members of the Focal Point network involve 26 state, educational and scientific institutions, representatives of employees and employers' organisations. In the Internet pages of this service and the State Labour Inspectorate, participants of the process on occupational safety and health have a possibility to get acquainted with all relevant legal acts, good practices, news from the European Union and Lithuania in the sphere of occupational safety and health.

### **Question B**

***Please describe the system of civil and penal sanctions guaranteeing the application of health and safety regulations and also provide information on violations committed:***

- 1. the number of violations;***
- 2. the sectors in which they have been identified;***
- 3. the action, including judicial, taken in this respect.***

By virtue of Article 3 of the Law on Labour Protection, safe and healthy working conditions shall be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract (of indefinite duration or fixed-term contract), number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The worker's right to enjoy safe and health conditions of work is guaranteed by the Constitution of the Republic of Lithuania, the Republic of Lithuania Law on Labour Protection, other regulatory enactments pertaining to safety and health at work. The responsibility of the employer is to ensure safety and health of workers at work in all aspects related to work. The worker has the right to demand safe and healthy working conditions and make proposals to this end to the employer, head of a subdivision, workers' representative, or the safety and health committee in the undertaking, as well as providing the right to apply to the State Labour Inspectorate under the Ministry of Social Security and Labour (hereinafter referred to as State Labour Inspectorate) or other state institutions when safety and health at work is not guaranteed at the undertaking. Employers or their authorised representatives who have violated the requirements of legal acts regulating the safety at work are subject to disciplinary, administrative and criminal liability.

Article 41 of the Code on Administrative Violations establishes that the offence of employment laws and regulatory enactments regulating safety and hygiene at work is punishable by a fine for employers or their authorised representatives in the amount of LTL 500 to LTL 5000. Article 176 of the Penal Code of the Republic of Lithuania imposes more stringent criminal liability on employers or their authorised representatives for the aforementioned violations. Par. 1 of the same Article establishes that the employer or his authorised representative defaulting on the requirements established in the laws on occupational safety or on the requirements concerning safety and health at work covered by other legal acts, if such default resulted in an accident to people, an incident, or occurrence of other serious consequences, shall be deprived of the right to

engage in a certain work or activity or subjected to a fine or imprisonment, or arrest. The acts covered by this Article shall also be considered as criminal when they have been committed due to negligence.

*Response to the question of the European Social Rights Committee (pg.312):*

**Administrative and legal procedures when labour inspectors define violations of legal acts and labour laws regulating safety and health at work.**

Upon the establishment of violations of legal acts and labour laws regulating safety and health at work, inspectors of the State Labour Inspectorate set out protocols, requirements, acts and other documents of a defined form. Pursuant to labour regulation of the State Labour Inspectorate, approved by the Order No 1-108 of the chief state labour inspector on 22 April 2004 (*Official Gazette*, 2004, No 80-2860), the requirement, indicating the established violations and terms for elimination of violations no later than within 5 working days after the establishment of a violation or the day of finalisation of the investigation, shall be submitted to the employer's representative or authorised person against his/her signature or sent by mail. If necessary, the term can be extended to 5 working days (upon the decision of the head of a division or service) or to 7 working days subject to motivated circumstances upon the decision of the deputy chief state labour inspector. Representatives of employees of undertakings shall be informed on the inspection results and relevant documentation upon their request. Instructions provided in the requirements by the inspector of the State Labour Inspectorate shall be obligatory to the employer. The employer's representative or an authorised person shall inform on their execution in a written form according to the terms and address indicated in the requirement. Persons, not executing instructions of the officials of the State Labour Inspectorate, shall suffer the consequences according to Article 41-2 of the Code on Administrative Violations (hindering the officials of the State Labour Inspectorate from executing the assigned functions or refusal to execute their requirements).

In case if a protocol on the offence of administrative law is set out for the offence of labour laws and legal acts regulating safety and health at work, it shall, according to Article 261 of the Code on Administrative Violations, be referred, no later than within 3 days from the moment of setting the protocol, to the official, authorised to investigate the case on the transgressions of the administrative law, which, according to Article 282 of the Code on Administrative Violations, shall be investigated within 15 days from the day, when the body (official) having the right to investigate the case, received the protocol on administrative transgression of the law and other relevant material to the case.

Officials of the State Labour Inspectorate have the right to draw up the statement on violations of administrative laws for violations of labour laws and legal acts regulating safety and health at work, and investigate the cases pursuant to Article 41-1 of the Code on Administrative Violations (violation of labour laws and regulatory enactments on occupational safety and health and occupational hygiene); Article 41-4 (paragraph 1) (violation of the procedure for estimation and payment of remuneration); Article 41-5 (paragraph 1) (violation of calculation of working time); Article 41-7 (violation of Law on European Labour Councils), Article 41-8 (violation of the law on guarantees of the Republic of Lithuania for posted workers); Article 41-9 (violation of the Law of the Republic of Lithuania "On Participation of Workers in the Decision-making of European Companies) and Article 167-3 (paragraph 1) (violation of the requirements on safety in production of explosives and blasting works)

Officials of the State Labour Inspectorate also shall draw up the statement on administrative offences, according to which cases on administrative transgressions of the law are investigated by courts: Article 41-2 of the Code on Administrative Violations (hindering the



officials of the State Labour Inspectorate from executing the assigned functions or refusal to fulfil requirements); Article 41-3 (Illegal employment); Article 41-4, paragraphs 2, 3 and 4) (violation of the procedure for estimation of wages and remuneration); Article 41-5 (paragraph 2) (violation of calculation of working time).

In 2003 the State labour Inspectorate has issued, for transgressions of legal acts on occupational safety and health and labour laws, as well as legal acts regulating working and rest time, 1330 protocols on administrative violations; in 2004 – 1521 protocol (in 2003 the penalties for the established violations amounted to LTL 529,230, in 2005 – LTL 594,450). It should be emphasised that investigations of the case and the establishment of administrative penalties are executed pursuant to the requirements of the Code on Administrative Violations, i.e. the nature of the offence, personality of a violator, as well as aggravating and extenuating circumstances.

**Table 3.3.1. Statistics of administrative violations of law**

	<b>2003</b>	<b>2004</b>	<b>Total</b>
<b>Registered protocols on administrative violations of law</b>	<b>1330</b>	<b>1521</b>	<b>2851</b>
<i>From them, to employers</i>	1324	1482	2806
according to Article 41 of the Code on Administrative Violations (CAV) <b>(violations of labour laws and legal acts on occupational safety and health)</b>	665	859	1524
according to Article 41-1, para.1 of CAV <b>(concealment of accident at work)</b>	3	8	11
according to Article 41-1, para. 2 of CAV <b>(violations of the procedure for investigation of accident at work)</b>	18	25	43
according to Article 41-2 of CAV <b>(refusal to fulfil legitimate requirements of labour inspector)</b>	158	183	341
according to Article 41.3, para.1 of CAV (illegal employment <b>(to employers)</b> )	238	247	485
according to Article 41-4, para. 1 of CAV <b>(violations of the procedure for estimation of wages and remuneration)</b>	111	63	174
according to Article 41-4, para. 2 of CAV <b>(violations of the procedure of remuneration of persons, who have already been penalised)</b>	4	3	7
according to Article 41-5, para.1 of CAV <b>(violations in calculating working time)</b>	129	132	261
<b>Decisions of the State Labour Inspectorate to impose a fine (number of cases)</b>	<b>892</b>	<b>1056</b>	<b>1948</b>
<i>From them, to employers (number of cases)</i>	887	1017	1904
<b>Sum of imposed fines in LTL</b>	<b>529230</b>	<b>594450</b>	<b>1123680</b>
<i>From them, to employers</i>	528270	581900	1122720
According to Article 41 of CAV. (number of cases)	641	837	1478
Sum of imposed fines in LTL	373080	473430	846510
Article 41-1, para.1 of CAV (number of cases)	3	8	11
Sum of imposed fines in LTL	2500	7450	9950
Article 41-1, para. 2 of CAV (number of cases)	17	25	42
Sum of imposed fines in LTL	7050	9800	16850
Article 41-4, para. 1 of CAV (number of cases)	105	59	164
Sum of imposed fines in LTL	72750	33370	106120
Article 41-5, para 1 of CAV (number of cases)	126	127	253
Sum of imposed fines in LTL	73850	70400	144250
<b>Fines paid (number of cases)</b>	<b>545</b>	<b>768</b>	<b>1313</b>
<i>Sum of paid fines in LTL</i>	301270	414520	715790

State Labour Inspectorate investigates the circumstances and reasons of serious and fatal accidents at work. In case of serious and fatal accidents at work, the inspector of the State Labour Inspectorate hands over the material on the investigation of accident at work to legal enforcement institution, where, within the competence of an institution, a decision is made on the responsibility.

### Question C

*Please provide statistical information on occupational accidents, including fatal accidents, and on occupational diseases by sectors of activity specifying what proportion of the labour force is covered by the statistics. Please describe also the preventive measures taken in each sector.*

## ACCIDENTS AT WORK IN 2003-2004

**Accident at work is** an accident in workplace, including accident on the way to/from work, investigated according to the set procedure and recognised as accident at work, i.e. an even during which a worker suffers a trauma (minor, serious, fatal). Accident at work when a worker died due to diseases not related to job, is not attributed to the accident at work.

According to their consequences, accidents at work and accidents on the way to/from work shall be classified according to their consequences into:

- minor accident at work: an event during which a worker suffers a trauma and loses working capacity for at least one day and which is not classified as a serious accident at work;
- serious accident at work: an event during which a worker suffers a trauma which poses risk to his health and/or life.
- fatal accident at work : an event during which a worker suffers a trauma which poses a risk to his health and/or life and in consequence of which the worker dies immediately or some time later.

According to the relation of an accident at work to work, accidents at work shall be classified to those related to work and not related to work:

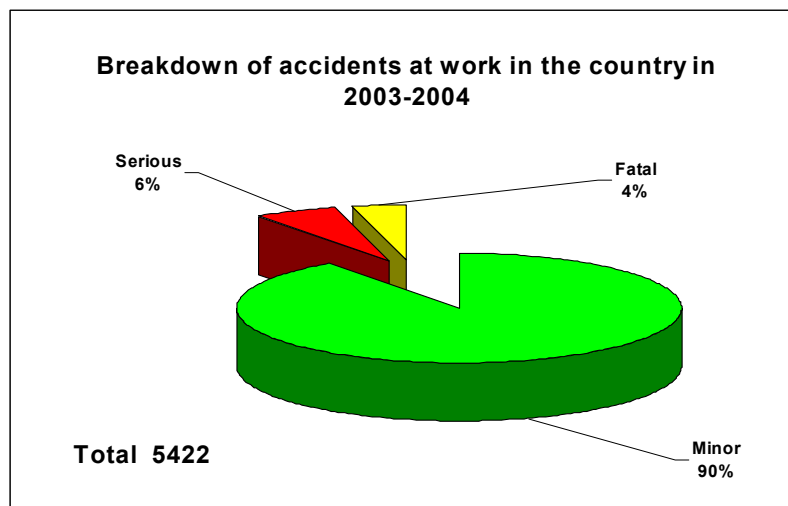
- an accident at work which is related with work means an incident which after the investigation is established to have taken place in the course of performing work agreed upon in the employment contract or other work assigned by or with the consent of the employer (drawing up a certificate of Form N-1), or on the way to work or from work (drawing up a certificate of Form N-2);
- an accident at work which is not related with work means an incident which resulted in the worker's injury or death shall not be classified as an accident at work if after the investigation it is established that the worker consciously tried to kill or injure himself/herself; that the worker suffered from violence the circumstances and reasons of which are not related to work, that the worker was committing a criminal offence or that the worker was performing a task arbitrarily (without the consent of the employer) in pursuit of his own goals).
- 

Certificates of investigation of all accidents at work shall be registered and included in the accounting with the State Labour Inspectorate.

Prevention of violations of legal acts on safety and health of workers and accidents at work is analysed by kind of economic activity: manufacturing undertakings (metal and wood processing and production of timber articles), agriculture and forest management, construction, transport, electricity, gas and water supply, production of explosives and technologies, mining and quarrying as well as undertakings using potentially dangerous equipment.

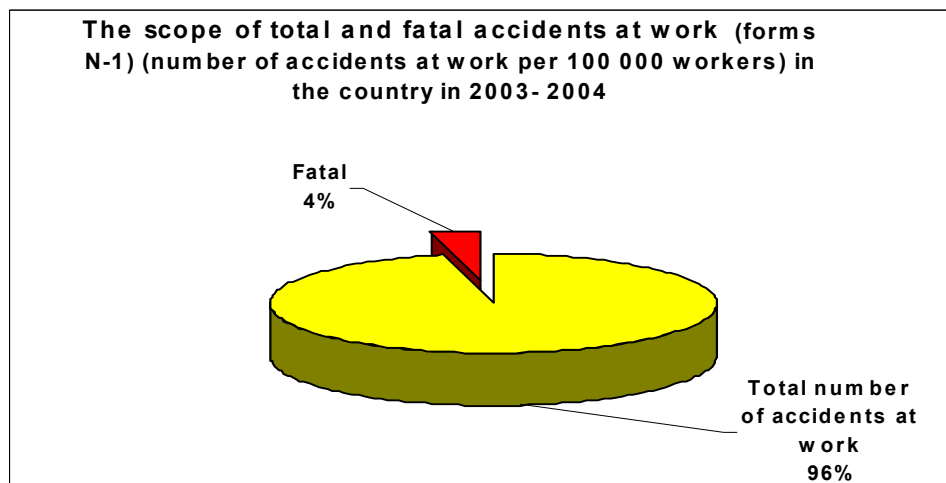
According to the specified data of 1 March 2006, the number of accidents at work in 2003 amounted to 2719, in 2004 – 2703 (*reports of the prescribed form N-1 on Accidents at Work*). The breakdown of accidents at work during 2003-2004 is presented in Figure 3.3.2.

**Figure 3.3.2**



In 2004, in comparison to 2003, the scope of total accidents at work (the number of accidents at work per 100,000 workers), has decreased by 3%, and the number of fatal cases by 25%. The scope of total and fatal accidents at work (forms N-1) (the number of accidents at work per 100,000 workers) in the country in 2003 – 2004 is presented in Figure 3.3.3.

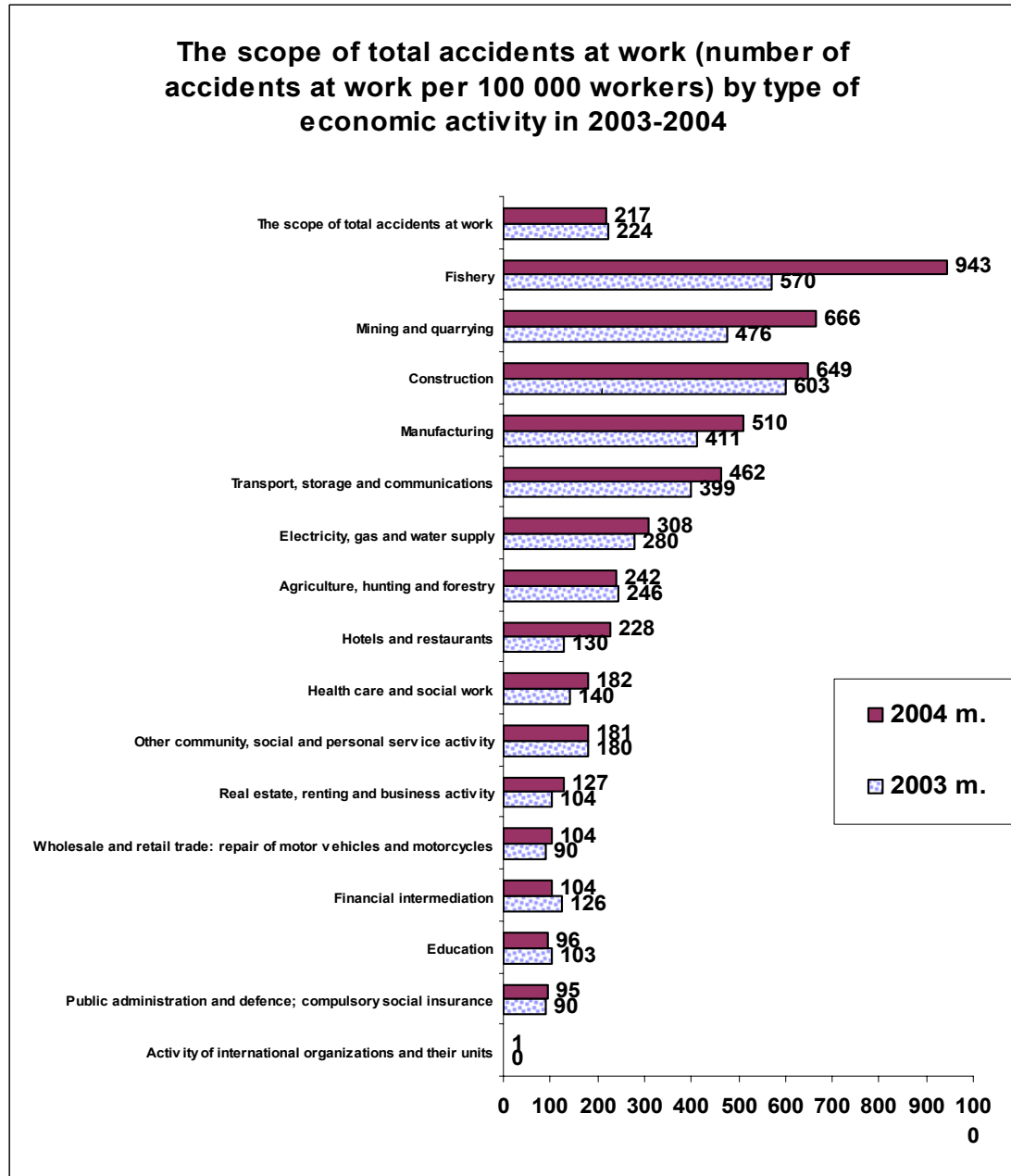
**Figure 3.3.3**



The level of scope of accidents at work (minor, serious, fatal) (number of accidents at work per 100,000 workers) according to the types of economic activity in 2003-2004 is presented in Figure 3.3.4.

There is no such an economic activity to escape at least one accident at work. The most dangerous types of activities are, as earlier, undertakings involved in manufacturing, construction, transport, agriculture and forestry (see Annex 1).

**Figure 3.3.4**



Explosive and flammable production and technologies, hazardous and dangerous substances, dangerous installations (drainage and water-supply wells, tanks, gas balloons) are very dangerous to occupational safety and health. In 2004, 35% of all accidents at work (26 serious and 31% fatal) occurred in the above working environment.

It was established, during the investigation of accidents at work, that 38% of accidents at work happen because of violations of occupational safety and health requirements by workers themselves, and in case of fatal accidents – nearly 30% of these happened due to bad organisation of work.

Causes of technical character predetermine those accidents at work, when risk and dangers have not been properly assessed, when requirements of legal acts on the establishment of workplaces, usage of installations, prepared according to the EU directives, are not observed. It is especially important in terms of dangerous works or work with potentially dangerous instalments, where about 23% of serious and 29% of fatal accidents occur.

Car accidents are among the gravest scourges. During the period of two years, 72 persons perished (34% of all the perished) and 57 (17%) experienced serious traumas. The most frequent cause of accidents to/from work was the offence of road traffic rules: inobservance of safe speed, traffic mobility, air conditions, road condition and insobriety of drivers.

According to the data of the Lithuanian Statistics, by the end of 2004, in Lithuanian there were 8440 registered manufacturing undertakings. They comprise 11,7% of all undertakings registered in the country. The most dangerous among the manufacturing ones are wood and metal processing undertakings. During two years, one third of accidents at work in manufacturing industry occurred in wood and metal manufacturing – 22%. Workers of the above undertakings are usually traumatized by operational devices, mechanisms, flying splinters, billets.

When analysing accidents at works in timber and metal processing undertakings, it was defined that the majority of them (65% in timber and 58% in metal) occurred due to causes related to individual actions. Out of all defined technical violations the most frequent were improper work tools and workplace.

According to the data of the Lithuanian Statistics, at the beginning of 2005, the number of registered operating undertakings amounted to 3302; they comprise 4,6% of all registered operating undertakings in the country and employ 5,5% of all employees (insured) of the country.

During the year 2004, the number of accidents at work in construction undertakings comprised 16% of all, 29 – serious and 33% fatal accidents at work in the republic. In comparison to 2003, total number of accidents at work has decreased by 2%, however, the number of fatal accidents at work has increased by 43%.

The majority of traumas occurred, as in the year 2003, due to falling down from height (22%). In 2004, 3,5% of all, 19% serious and 32% fatal accidents at work happened to not sober workers.

Employees who have little experience and are inadequately trained and instructed are the most frequent victims of injuries. Too little attention is paid to new workers in undertakings – 45% of all, 57% fatal and 50% serious accidents at work were suffered by individuals working in the enterprise for the first year.

## **PREVENTIVE MEASURES OF ACCIDENTS AT WORK IN 2003- 2004**

Upon the assessment of the occupational safety and health condition in undertakings of the country, and the obligation of an employer to provide safe and health work conditions in terms of all aspects related to work of employees, and in order to avoid accidents at work in undertakings, the chief labour inspector, while tightening the requirements of the already adopted legal acts on

occupational safety and health, instructed the heads of undertakings via the Resolution No 172 of 20 June 2003:

1. to organise additional instructing of workers of undertakings on observance of legal acts on occupational safety and health:

1.1. to establish the procedure according to which within the period of 2003-2004, workers newly employed in the undertaking, shall be periodically instructed twice per year.

1.2. during the period of 2003-2004, to periodically (three times per year) instruct employees working under a very serious danger to get head trauma;

1.3. together with trade unions, members of occupational safety and health commissions of undertakings and workers' representatives, to discuss, anticipate and implement preventive measures, preventing insobriety at work.

2. To heads of construction, manufacturing (wood and metal processing, food, textile), transport, electricity, gas, water supply and forestry undertakings:

2.1. to commit the specialists of occupational safety and health services, together with members of occupational safety and health commissions of undertakings and workers' representatives responsible for safety and health at work, as well as trade unions and other workers' representatives, to draw up the procedure for the control of the observance of the requirements on occupational safety and health in terms of persons working with potentially dangerous devices, dangerous jobs and works in big heights. They also shall improve preventive system by anticipating and implementing the measures for the organisation of a more effective internal control of occupational safety and health, for training and improvement of instructing the workers on occupational safety and health issues.

2.2. upon the implementation of the prevention system in the construction sector, it is recommended to use the questionnaire "Reports of Member States" of the campaign of the European Community executed in the construction sector.

3. To labour inspectors:

3.1. to provide consultations to heads of undertakings and their authorised persons, workers and their representatives on issues related to implementation of measures defined in the resolution; to supervise its implementation during inspections of undertakings, during investigations of accidents at work, occupational diseases and accidents, as well as investigations of claims and requests of workers; also to refer to this resolution when participating in trainings, work of attestation commissions and seminars;

3.2. to strengthen the control of the organisation of compulsory health surveillance of workers and dangerous works executed in undertakings;

4. Recommendations:

4.1. To chairmen of territorial occupational safety and health commissions of regions: upon investigation of the state of occupational safety and health in regions, to evaluate the implementation of measures ensuring the mitigation of fatal accidents at work and occupational diseases in undertakings.

Besides, the plans of activities of the State Labour Inspectorate for 2003-2004 on prevention of accidents at work included the following objectives:

1. To inform the society on accidents at work and on their prevention via co-operation with territorial state Labour Inspectorate offices.

2. To announce information in media on statements about accidents at work received by the State labour Inspectorate.

3. To take active part in the activity of the Lithuanian radio and TV by providing topicalities, creating video and audio clips, advertising broadcasts.

4. To submit proposals to relevant legal acts so as to strengthen the role of labour inspectors in the system of insurance from accidents at work and improve prevention of violations.

5. To implement information and intervention campaigns on the establishment of joint target teams for execution of complex inspections.

6. To organise information campaign on issues of the Council Directive 92/57/EEC of 24 June 1992 On the Implementation of Minimum Safety and Health Requirements at Temporary or Mobile Construction Sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), (to train 40 labour inspectors, execute thematic inspection of construction sites on issues related to work on roofs, on the staging and usage of ladders).

7. To organise seminars in territorial offices of the inspectorate under the title „Practice of Investigation of Accidents at Work“.

8. To regularly analyse and generalise violations of occupational safety, i.e. the causes of accidents at work.

9. To take part and support the information campaign – a week of occupational safety and health of Europe – „Let’s Construct Safely“.

10. To update computer systems designed for the registration and analysis of accidents at work.

All the above measures have been implemented.

#### OCUPATIONAL DISEASES IN 2003-2004

**Occupational disease** is a chronic or acute health disorder of workers, caused by one or more hazardous factors and/or dangerous factors of the working environment and recognised, pursuant to the established procedure, as the occupational disease.

According to the data of the state register on occupational diseases, during the period of 2003-2004, 1747 occupational diseases were registered for 1039 persons. During 2004, 939 diseases registered for 556 persons. This is by 131 occupational diseases and 73 persons more than in 2003 (in 2003 – 808 occupational diseases recognised for 483 persons).

The biggest number of occupational diseases was recognised for persons between the age of 50-59: in 2003 occupational diseases were established for 433 (53,6%) persons between 50-59; 240 (29,7%) occupational diseases were established for 60-year old and senior persons; 116 (14,4%) cases for persons between the age of 40-49.

Usually persons with a job record of 30-39 years are ill with occupational disease due to the impact hazardous working conditions. In 2003, 352 (43,6%) cases of occupational diseases were established for persons with job record of 30-39 years, in 2004 – 532 (56,7%) cases of occupational diseases.

In 2003, out of the total number of the established occupational diseases, 46,5% cases referred to the employed persons and 53,7% - to non working persons. In 2004, out of the total number of the registered cases of occupational diseases, 47,7% referred to the employed persons and 52,3% - to non- working persons.

In agriculture, two thirds of occupational diseases have been established for the already non-working persons. All occupational diseases are remunerated and the limit shall not be applied for the identification of occupational diseases. For some persons these compensations become the additional source of living.

The majority of undertakings, to workers of which occupational diseases were established, have been liquidated (collective farms, agricultural companies), reorganised or went bankrupt. Most frequently occupational diseases are established for the already non-working persons with long service records: tractor-drivers, drivers of diggers, bulldozers and other techniques. The major cause of occupational diseases: working with the obsolete technologies without the technical surveillance certificate, when the limit of noise and vibration exceeds the permitted limit values. Upon the

liquidation of collective farms, agricultural companies, private farmers have acquired this very old, depreciated machinery. Until now self-employed farmers have been working with the agricultural technologies written off ten years ago. Little by little the newly established agricultural and other undertakings replace their old equipment by implementing new technologies, installations and techniques. The State Labour Inspectorate has been directly inspecting undertakings and informing them (including consultations) on issues related to the assessment and mitigation of the occupational risk and prevention of occupational diseases, via the media and training of specialists of employers and workers on occupational safety and health.

**Table 3.3.2. Ratio of working and non-working persons by types of economic activity of undertakings in 2003 m.**

Types of economic activity	Occupational diseases defined for working persons		Occupational diseases defined for non-working persons		Total
	Number of cases	Percentage	Number of cases	Percentage	
01 Agriculture, hunting and related service activities	91	33,6	180	66,4	271
02 Forestry and logging and related service activities	14	50	14	50	28
05 Fishing, fish farming and related service activity	2	100		0	2
10 Mining of coal and lignite; extraction of peat	3	75	1	25	4
11 Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction, except surveying	5	62,5	3	37,5	8
14 Other mining and quarrying		0	2	100	2
15 Manufacture of food products and beverages	33	50	33	50	66
17 Manufacture of textiles	16	61,5	10	38,5	26
18 Manufacture of wearing apparel dressing and dyeing of fur	12	75	4	25	16
19 Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear	1	100		0	1
20 Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	16	50	16	50	32



21 Manufacture of pulp, paper and paper products		0	1	100	1
23 Manufacture of coke, refined petroleum products and nuclear fuel		0	2	100	2
26 Manufacture of other non-metallic mineral products	5	33,3	10	66,7	15
27 Manufacture of basic metals		0	1	100	1
28 Manufacture of fabricated metal products, except machinery and equipment	1	25	3	75	4
29 Manufacture of machinery and equipment n.e.c.	6	66,7	3	33,3	9
31 Manufacture of other electrical equipment n.e.c.	5	50	5	50	10
34 Manufacture of motor vehicles, trailers and semi-trailers		0	2	100	2
35 Manufacture of other transport equipment	2	100		0	2
36 Manufacture of furniture; manufacturing n.e.c.	5	100		0	5
40 Electricity, gas, steam and hot water supply	8	47,1	9	52,9	17
41 Collection, purification and distribution of water	4	66,7	2	33,3	6
45 Construction	85	52,1	78	47,9	163
50 Sale, maintenance and repair of motor vehicles and motorcycles; retail sale of automotive fuel	1	25	3	75	4
51 Wholesale trade and commission trade, except of motor vehicles and motorcycles	1	20	4	80	5
52 Retail trade, except of motor vehicles and motorcycles; repair of personal and household goods	1	20	4	80	5
60 Land transport; transport via pipelines	23	59,0	16	41,0	39
63 Supporting and auxiliary transport activities; activities of travel agencies		0	4	100	4
64 Post and telecommunications	1	16,7	5	83,3	6

73 Research and development		0	2	100	2
74 Other business activities	2	100		0	2
75 Public administration and defence; compulsory social insurance	8	80	2	20	10
80 Education	5	71,4	2	28,6	7
85 Health care and social work	9	64,3	5	35,7	14
90 Sewage and refuse disposal, sanitation and similar activities	5	50	5	50	10
92 Recreational, cultural and sporting activities	1	100		0	1
93 Other service activities	3	50	3	50	6
<b>Total</b>	<b>374</b>	<b>46,3</b>	<b>434</b>	<b>53,7</b>	<b>808</b>

**Table 3.3.3. Ratio of working and non-working persons by types of economic activity in 2004**

Type of economic activity	Occupational diseases diagnosed for working persons		Occupational diseases diagnosed for non-working persons		Total
	Number of cases	Percentage	Number of cases	Percentage	
01 Agriculture, hunting and related service activities	93	35,9	166	64,1	259
02 Forestry, logging and related service activities	29	64,4	16	35,6	45
05 Fishing, fish farming and related service activities	2	66,7	1	33,3	3
10 Mining of coal and lignite; extraction of peat		0	2	100	2
11 Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction, excluding surveying	3	60	2	40	5
13 Mining of metal ores		0	2	100	2
14 Other mining and quarrying	2	33,3	4	66,7	6
15 Manufacture of food products and beverages	34	51,5	32	48,5	66
17 Manufacture of textiles	19	52,8	17	47,2	36
18 Manufacture of wearing apparel; dressing and dyeing of fur	3	50	3	50	6
19 Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and	1	100		0	1

footwear					
20 Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	15	57,7	11	42,3	26
21 Manufacture of pulp, paper and paper products	2	66,7	1	33,3	3
22 Publishing, printing and reproduction of recorded media	3	100		0	3
23 Manufacture of coke, refined petroleum products and nuclear fuel	2	100		0	2
24 Manufacture of chemicals and chemical products		0	2	100	2
26 Manufacture of other non-metallic mineral products		0	10	100	10
27 Manufacture of basic metals	3	42,9	4	57,1	7
28 Manufacture of fabricated metal products, except machinery and equipment	7	46,7	8	53,3	15
29 Manufacture of machinery and equipment n.e.c.	5	50	5	50	10
31 Manufacture of electrical machinery and apparatus n.e.c.	10	90,9	1	9,1	11
32 Manufacture of radio, television and communication equipment and apparatus	2	40	3	60	5
35 Manufacture of other transport equipment	1	50	1	50	2
36 Manufacture of furniture; manufacturing n.e.c.	6	66,7	3	33,3	9
37 Recycling	2	100		0	2
40 Electricity, gas, steam and hot water supply	6	46,2	7	53,8	13
41 Collection, purification and distribution of water	4	50	4	50	8
45 Construction	118	52,7	106	47,3	224
51 Wholesale trade and commission trade, except of motor vehicles and motorcycles		0	6	100	6
52 Retail trade, except of motor vehicles and motorcycles; repair of personal and household goods	2	22,2	7	77,8	9
60 Land transport; transport via pipelines	42	53,2	37	46,8	79
62 Air transport		0	2	100	2

63 Supporting and auxiliary transport activities; activities of travel agencies	1	20	4	80	5
73 Research and development	2	100		0	2
74 Other business activities		0	1	100	1
75 Public administration and defence; compulsory social security	4	33,3	8	66,7	12
80 Education	7	70	3	30	10
85 Health and social work	9	81,8	2	18,2	11
90 Sewage and refuse disposal, sanitation and similar activities	5	55,6	4	44,4	9
92 Recreational, cultural and sporting activities	2	100		0	2
93 Other service activities		0	3	100	3
<b>Total</b>	<b>446</b>	<b>47,5</b>	<b>493</b>	<b>52,5</b>	<b>939</b>

In 2003, the occupational diseases in the field of agriculture comprised 37% (299 occupational diseases), in manufacturing – 23,6% (191 cases), in construction – 20,2% (163 cases), in transport undertakings – 5,8% (47 occupational diseases).

In 2004 the biggest number of occupational diseases according to types of economic activity was registered in agriculture – 27,6% (259 occupational diseases), in construction – 23,9% (166 occupational diseases), land transport – 8,4% (79 occupational diseases), manufacture of food products and beverages – 7% (66 occupational diseases), forestry, logging and related service activities – 4,8% (45 occupational diseases), manufacture of textiles – 3,8% (36 occupational diseases).

In 2003 physical factors influenced 84,6% (683) occupational diseases; ergonomic (physical work load and intensity) influenced 11,6% (94) occupational diseases.

In 2004, the majority of occupational diseases – 83,7% (786 occupational diseases) was caused by physical factors 11,3% (106 occupational diseases – by ergonomic factors (physical work load and tension).

**Table 3.3.4. Causes (origin) of occupational diseases during the period of 2003-2004**

<b>Hazardous work environment factors</b>	<b>Number of diagnosed occupational diseases in 2003-2004</b>	<b>Percentage</b>
Biologic factors	12	0,7
Chemical substances	25	1,4
Dust (aerosols)	42	2,4
Physical factors	1468	84,0
Tension factors	200	11,4
<b>Total</b>	<b>1747</b>	<b>100,0</b>

## **Preventive measures of occupational diseases in 2003-2004**

1. With a view to encouraging the employers to assess occupational risk and mitigate the impact of hazardous working environment on health of workers, specialists of the State Labour Inspectorate perform, free of charge, the control measurements of noise, vibration, thermal environment, electromagnetic fields, exposure and volatile chemical substances.

2. Labour inspectors, while investigating causes and circumstances of occupational diseases shall instruct an the employer to assess the occupational risk and take the measures for improvement of work conditions so as to prevent from such occupational diseases in the future. A reinforced control is undertaken for the implementation of instructions in the undertaking, provided by labour inspectors in compliance with the acts of surveys of occupational diseases and requirements of the State labour Inspectorate.

3. Three seminars were organised with the objective to inform the doctors of labour medicine, general practitioners and therapists on issues of occupational health. Training was organised on causes of occupational diseases and the procedure for their diagnosis.

4. Specialists of the state Labour Inspectorate organise permanent training courses for employers and specialists of occupational safety and health by emphasising the dangerous impact of noise and vibration on workers and indicating the measures for protection of workers from these factors.

5. State Labour Inspectorate organised the control of the implementation of requirements on manual handling of cargo in undertakings according to the set out surveillance questionnaire. Usually up to 800 undertakings are inspected each year. All the analytical data of inspections, proposals on what should be done according to the State Labour Inspectorate in order to avoid the indicated violations, are presented, in different forms, to the society, employers' associations and trade union organisations.

6. In 2004, via co-operation with social partners, 102 health care institutions of counties have been inspected, from them: 36 (49% of the total number) general practice and oncological hospitals, 34 (47% of all) hospices and boarding-houses, 32 (54 of the total number) emergency medical services. During the inspection the focus was given to the organisation of work of the staff of health care institutions, who have to lift and carry patients; the measures applicable so as to avoid the lesion of the bone-muscle system. During inspections questionnaires of a defined form have been filled in, their data summarised and analysed. The prepared recommendations were submitted to the Ministry of Health.

7. A special questionnaire for the inspection of undertakings has been prepared with the objective to assess the level of noise in undertakings and the applied noise mitigation measures.

*Response to the question provided in the Conclusions of the European Social Rights Committee (pg.310):*

The origin of all diagnosed and registered occupational diseases is known.

### **ARTICLE 3, PARA. 4**

*“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers’ and workers’ organisations:*

*to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions”.*

**Question A**

***Please indicate whether occupational health services (health, security and occupational health services) exist in all companies and in all sectors. If not, please state whether plans have been made to establish them, when they will be implemented in practice and/or whether provision is made for inter-company services.***

Pursuant to Article 12 of the Law on Safety and Health at Work, in order to ensure safety and health at work, the employer shall establish a safety and health service, consisting of one or more workers - specialists in safety and health at work. If a service is not being established, the employer shall enlist an external safety and health at work service or one or more specialists (from outside the undertaking) to perform the said functions, or such functions shall be carried out by a person representing the employer or a person authorised by the employer. In any case the number of designated or enlisted specialists must be sufficient, taking into account the size of the undertaking and occupational risk of workers, for organising preventive measure related to safety and health at work. The employer has the discretion to decide as to establishment of either a common safety and health service in the undertaking or a separate safety at work service and employment medical service.

The procedure for the establishment of safety and health services in undertakings, their functions, rights, duties, general qualification requirements for specialists of these services shall be established by the Model Regulations of the Safety and Health at Work Services in Undertakings, which are approved by the Minister of Social Security and Labour and the Minister of Health. These Regulations shall determine the types of economic activities in the undertakings of which safety and health services have to be established taking into account occupational risks and/or the number of workers, and the fields of economic activities, in which such services may not be established and their functions shall be performed by a person representing the employer or a person authorised by the employer whose knowledge must be tested according to the procedure established by the General Regulations of Training and Testing of Knowledge in Safety and Health at Work, which are approved by the Minister of Social Security and Labour and the Minister of Health. Referring to the Model Regulations of the Safety and Health at Work Services in Undertakings, regulations on occupational medicine health service of an undertaking or separate undertaking be prepared and approved by the head of an undertaking.

During the period of 2003-2004, according to the data of the State Labour Inspectorate, 2,3% of heads of existing undertakings use the services of hired safety and health services while considering occupational safety and health problems. In other undertakings occupational safety and health services are established or their functions are performed by employers.

**Question B**

***Please describe the functions, organisation and operation of occupational health services.***

Pursuant to paragraph 14 of the Regulations of the Safety and Health at Work Services in Undertakings, approved by the Order No A1-186/V-694 of the minister of social security and labour and the minister of health of the Republic of Lithuania on 27 November 2003, the Service on Safety and Health at Work of an undertaking shall execute the following functions:

14.1. to provide consultations to the head of an undertaking, persons authorised by the employer on occupational safety and health, heads of units, representatives of an employer

responsible for occupational safety and health on issues related to prevention of accidents at work and occupational diseases and other issues related to occupational safety and health:

14.1.1. on the matters of application of the safety and health at work legal acts, establishment of the work and rest time, preparation of normative documents pertaining to health and safety of the undertaking's workers;

14.1.2. when ordering projects for construction works and technological processes, designing workstations and acquiring new work equipment, also upon adapting them in workstations to physiological capabilities of the worker, as well as when acquiring and selecting personal protective equipment;

14.1.3. on the matters of occupational risk assessment, prevention of accidents at work and occupational diseases

14.2. by organising the preparation of preventive measures against accidents at work and occupational diseases:

14.2.1. instruct workers in the manner established under legal acts on safety and health at work and normative documents of the undertaking pertaining to the safety and health at work, where appropriate, teach employees safe work methods or participate in training;

14.2.2. compile the lists of workers subject to compulsory health surveillance, organise such surveillance, analyse the results thereof (upon engagement of a worker and on regular basis), and notify such results to the employer and organise the implementation of recommendations of health surveillance of workers;

14.2.3 together with heads of units organise and co-ordinate the assessment of occupational risk in an undertaking;

14.2.3.1. compile the lists of workstations or other risk-related objects which must be assessed in terms of risk

14.2.3.2. organise investigations of risk factors, according to results of investigations identify workstations in which preventive measures must be implemented, together with persons authorised by employers, and heads of units, prepare technical, organisational and other preventive measures to prevent from accidents at work, occupational diseases and other accidents;

14.2.3.3. supervise the observance of terms on implementation of preventive measures;

14.2.3.4. on instruction of the employer participate in the investigation of accidents at work and occupational diseases, analyse circumstances and causes of accidents at work and occupational diseases and propose to a person responsible for occupational safety and health preventive measures aimed at avoiding them;

14.2.3.5. in observance of the internal procedure of supervision and control of safety and health at work in the undertaking established by the employer, supervise and control the conformity with the requirements of safety and health at work in the undertaking and, where appropriate, notify a person authorised by the employer on occupational safety and health or the head of an undertaking;

14.3.1. how persons authorised by the employer, heads of subdivisions organise work of division in a safe manner;

14.3.2. how the workers are instructed and trained and how they fulfil the requirements established under legal acts regulating the safety and health at work;

14.3.3. about the provision of workers and whether they properly use collective and/or personal protective equipment, also about installation of industrial amenity and personal hygiene premises in the undertaking;

14.4. in the manner established by legal acts, carry out health surveillance of workers, render medical (health care) services to workers, organise and render emergency medical aid in cases of diseases and accidents at work;

14.5. the undertaking's service, in cases of danger to safety or health of workers, shall notify to the effect the employer, and on the latter's instructions:

14.5.1. forthwith notify the workers exposed to danger and also the other workers of the undertaking to the effect, specifying measures to be taken in case of danger to protect the workers' safety and health and the actions to be taken by workers themselves;

14.5.2. instruct persons authorised by an employer, and heads of subdivision to discontinue the works;

14.5.3. instruct workers to abandon workstations, exit workplace and move to a safe location;

14.5.4. appraise of the existing danger the undertaking's workers designated and trained by the employer to provide assistance to workers in case of danger (until the undertaking is provided with the assistance by an external health care establishment (-s), render provide first medical aid to injured workers);

14.5.5. until the danger to the worker's safety and health is eliminated, implement other measures aimed at protecting workers from danger;

14.6. according to the procedure established by the head of an undertaking, organise preparation of documents on occupational safety and health of an undertaking;

14.7. in the manner established under legal acts on safety and health at work, register in the undertaking the accidents at work, occupational diseases and incidents, accumulate other data related with the occupational safety and health of workers, on instruction of the employer fill in the passport of the undertaking's workers safety and health condition as well as the statistical report thereon;

14.8. deliberate the workers' complaints and applications on the matters of safety and health of workers and render related proposals to a person responsible for occupational safety and health authorised by the head, or to the head of an undertaking;

14.9. provide information to the undertaking's Occupational Safety and Health Commission about safety and health condition of workers and observance of requirements of legal acts pertaining to safety and health at work in the undertaking

14.10. participate in the activity of the occupational safety and health commission and provide consultations on the considered issues;

14.11. render proposals as to the improvement of the safety and health of workers in preparing a collective agreement

14.12. participate in the preparation and implementation of the measures for occupational rehabilitation of workers and integration of the disabled into the labour process;

14.13. execute other functions related to occupational safety and health. Specific functions of the service of an undertaking are established in the regulations of the service on occupational safety and health of an undertaking.

The service of an undertaking is a structural subdivision of the undertaking, directly subordinate to the head of the undertaking or a person responsible for occupational safety and health authorised by the head of the undertaking, and is established by order of the head of the undertaking or by other regulatory document. The number of specialists of the service of an undertaking, shall be adequate, taking into consideration the number of workers of an undertaking and the occupational risk of the economic type of activity, so as to organise efficient preventive measures in cases of accidents at work or occupational diseases.

Service of an undertaking, referring to the internal procedure for supervision and control of the occupational safety and health status in an undertaking, shall organise and implement preventive measures of accidents at work and occupational diseases, via co-operation with heads of subdivisions and other persons authorised by the employer, the occupational safety and health commission, representatives of workers on safety and health and with employees.

Specialists of the service of an undertaking are employed according to the procedure established by the laws. The responsibilities of specialists of an undertaking, hired institutions or



hired specialists in performing the functions of the service of an undertaking or part of functions, as well as their working time and co-operation are established correspondingly in the agreements between the head of an undertaking or a person responsible for occupational safety and health authorised by the employer, and the hired institution, or in the agreement between the head of an undertaking or a person responsible for occupational safety and health authorised by the employer and the hired specialist (specialists) on the provision of such services.

Responsibilities and rights of services of a specific undertaking are defined in their official regulations (descriptions). In case if functions of the service of an undertaking are carried out by the head of an undertaking or a person on occupational safety and health authorised by an employer, the requirements in terms of the competence of that person in the sphere of occupational safety and health are the same as those of specialists of the service of an undertaking, and their competence shall be approved referring to general provisions for Training and Testing on Occupational Safety and Health issues, approved by the minister of social security and labour and the minister of health. If needed, the head of an undertaking or a person on occupational safety and health authorised by an employer, can hire health care specialists for execution of occupational health care functions of an undertaking. In case if the head of an undertaking or a person on occupational safety and health authorised by an employer have the licence for health care activity issued according to the procedure of the minister of health, he/she can execute health care services himself/herself.

Specific requirements on competence of occupational safety and health specialists are established, after having assessed the occupational risk in undertakings of different types of economic activity, in training programmes of these specialists, and their knowledge is tested according to general provisions of Training and Testing of Occupational Safety and Health approved by the minister of social security and labour and the minister of health. The competence requirements for health care specialists are defined by the minister of health.

The procedure for provision of medical services by the occupational health specialists of an undertaking is established by the minister of health. Specialists of the services of an undertaking shall be equipped with relevant tools necessary for execution of their functions, work premises complying with the requirements of regulatory enactments on occupational safety and health; the necessary inventory, devices, pharmaceuticals, literature and other work instruments. The head of an undertaking shall inform the State Labour Inspectorate on the establishment of the service of an undertaking or when functions of this service are executed by a hired service or hired specialists, or when functions of the service are executed by the head of an undertaking or a person on occupational safety and health authorised by an employer. A hired institution or specialists shall report to the head of an undertaking or a person responsible for occupational safety and health authorised by an employer.

According to the data of the State Labour Inspectorate, during the period of 2003-2004, 2,3% of heads of existing undertakings, used services of hired safety and health services whilst considering occupational safety and health issues, the remaining undertakings have their internal occupational safety and health services or their functions are executed by employers.

## **ARTICLE 4: RIGHT TO A FAIR REMUNERATION**

### **Legal acts of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania**

Every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment (Article 48).

#### **2. International legal acts**

- Convention No 100 of 1951 On Equal Remuneration for Men and Women Workers for Work of Equal Value;
- Convention No 131 of 1970 On Minimum Wage Fixing, with Special Reference to Developing Countries;
- Convention No 173 of 1992 On the Protection of Workers' Claims in the Event of the Insolvency of their Employer.

#### **3. Laws of the Republic of Lithuania**

- Republic of Lithuania Labour Code IX-926 (*Official Gazette*, 2002, No 64-2569);
- Republic of Lithuania Law on Safety and Health at Work (No IX-1672, adopted on 1 July 2003).
- Republic of Lithuania Law on Equal Opportunities, No VIII-947 (*Official Gazette*, 1998, No 112-3100);
- Republic of Lithuania Law Diplomatic Service, No VIII-1013 (*Official Gazette*, 1999, No 7-140);
- Republic of Lithuania Law on Public Service, No IX-855 (*Official Gazette*, No 45-1708).

#### **4. Secondary laws of the Republic of Lithuania**

- Resolution No 937 of the Republic of Lithuania of 18 July 2003 On the Increase of the Minimum Wage (*Official Gazette*, 2003, No 73-3371);
- Resolution No 316 of the Republic of Lithuania of 24 March 2004 On the Increase of the Minimum Wage (*Official Gazette*, 2004, No 46-1511).

### **ARTICLE 4 PARA. 1**

*„With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:*

- 1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living“.*

*„...The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.*

**Question A**

*Please state what methods are provided and what measures are taken to provide workers with a fair wage, having regard to national living standards and particularly to the changes in the cost of living index and in national income.<sup>1</sup>*

Article 48 of the Republic of Lithuania establishes that every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate remuneration and social security in the event of unemployment.

Article 186 of the Labour Code of the Republic of Lithuania establishes that workers' wages shall depend on labour supply and demand in the labour market, quality and quantity of labour, and the results of the enterprise's activities

Article 187 of the Labour Code indicates that Government, upon the recommendation of the Tripartite Council, shall determine the minimum hourly pay and the minimum monthly wage.

Article 188 of the Labour Code indicates that conditions for determining the wage, rates, tariffs and qualification requirements for professions and positions, work quotas, the procedure of setting tariffs for work and the employees shall be laid down in collective agreements.

With a view to applying an objective remuneration fixing system, upon the agreement of the Tripartite Council of the Republic of Lithuania, a methodology for the assessment of works and official positions has been prepared in 2004. It was recommended to apply this methodology in undertakings, institutions and organisations. Heads of the Lithuanian Labour Federation, the Lithuanian Trade Unions Confederation, the Lithuanian Trade Union „Solidarumas“, the Lithuanian Confederation of Industrialists and the Confederation of the Lithuanian Business Employers have signed the agreement on 13 June 2005 „On Application of the Methodology for the Assessment of Works and Official Positions“ in undertakings and organisations“. Heads of undertakings and organisations as well as trade unions are recommended to apply the methodology for the assessment of works and official positions, and to anticipate that in the collective agreement.

**Question B**

*Please specify if these include methods for fixing the minimum wage standards by law or collective agreements.*

The minimum wage (the minimum monthly wage and the minimum hourly pay), which is guaranteed by the Labour Code, was increased in 2003 and 2004:

- Two amounts of the minimum wage were approved by Resolution No 937 of the Government on 18 July 2003:

- minimum monthly wage was increased to LTL450 (4,6%) and
- minimum hourly pay to LTL 2,67 (5,5%).

Pursuant to the provisions of the Labour Code, upon offering of the Tripartite Council, the Government has a possibility to define different amounts of the minimum hourly pay and minimum monthly wage to separate branches of economy, regions or groups of workers. Referring to these provisions the Government decided to continue the application of the earlier defined minimum wage (LTL 430 and LTL 2,55) to workers of agricultural activity entities, when income of these entities from the realised agricultural production during the last calendar year comprised more than 50% of all income; as well as to wage-earners hired by farmers, to farmers for whom the minimum

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<sup>1</sup> If your country has accepted Article 16, there is no need to give information here concerning family allowances, etc.

monthly wage is applied according to the procedure established by legal acts, and to state politicians, lawyers, state officials, the military and civil servants.

Pursuant to the Resolution No 316 of the Government of 24 March 2004 On the Increase of Minimum Wages from 1 May 2004 the minimum wage to workers employed according to employment contracts, was increased as follows: the minimum wage for agricultural workers – by 16%, to other workers – by 11%, the minimum monthly wage to LTL 500 (it was LTL 430 and LTL 450 correspondingly) and the minimum hourly pay to LTL 2,95 (was LTL 2,55 and LTL 2,67). In terms of state politicians, lawyers, state officials, the military and civil servants, to whom the minimum monthly wage is applied for estimation of official wage, the minimum monthly wage of LTL 430 and minimum hourly pay of 2,55 continued to be applied.

### **Question C**

***Please indicate what proportion of wage-earners is without protection in respect of wages, either by law or collective agreements.***

The Labour Code and other legal acts of the Republic of Lithuania does not provide for any derogations concerning the application of the minimum wage.

Article 187 of the Labour Code promulgates that the hourly pay or the monthly wage of an employee may not be less than the minimum rates determined by the Government. Extra pays guaranteed by virtue of laws should be paid in addition to the hourly pay or a monthly wage. Collective agreements may establish higher rates of the minimum wage determined by the Government.

The failure to pay the minimum wage to workers means the breach of labour laws. During the inspection of undertakings in 2003, it was defined that 843 workers did not receive the minimum wage guaranteed by Article 187 of the Labour Code, in 2004 – 1091 worker. In 2003 the number of workers who were not paid relevant premiums, bonuses, compensations (e.g. for night work, overtime activity etc.) equalled 2018, in 2004 – 1848. In 2003 the delayed wage was paid to 1131 worker, in 2004 – 979 workers.

In 2003, in claims and applications of workers, they raised 634 questions on delayed remuneration, from which 84 were not confirmed; in 2004 there were respectively 3309 and 858 claims; 179 claims were received on remuneration for work during rest time and public holidays, as well as for overtime and night work, from which 78 were not confirmed; in 2004 respectively 445 and 180 claims; in 2003, 1261 claim was received on final settlement upon discharge from work (among them on unpaid compensation for unused leave), from which 306 claims were not confirmed, in 2004 respectively: 1570 and 358 claims.

### **Question D**

***Please provide information on:***

- 1. national net average wage<sup>2</sup> (i.e. after deduction of social insurance contributions and taxes<sup>3</sup>);***

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<sup>2</sup> In principle the net average wage should be the overall average for all sectors of economic activity. The average wage may be calculated on an annual, monthly, weekly, daily or hourly basis. Wages covers remuneration in cash paid directly and regularly by the employer at the time of each wage payment. This includes normal working hours, overtime and hours not worked but paid, when the pay for these latter are included into returned earnings. Payments for leave, public holidays and other paid individual absences may be included insofar as the corresponding days and hours are also taken into account to calculate wages per unit of time.

<sup>3</sup> The net wage (average and minimum) should be calculated for the Standard case of a single worker. Family allowances and social welfare benefits should not be taken into account. Social insurance contributions should be calculated on the basis of the employee contribution rates laid down by law or collective agreements etc. and withheld by the employer. Taxes are all taxes on earned income. They should be calculated on the assumption that gross earnings represent the only source of income and that there are no

2. *national net minimum wage if applicable or the net lowest wages actually paid (i.e. After deduction of social insurance contributions and taxes<sup>4</sup>).*

Please provide information, where possible, on:

1. *the proportion of workers receiving the minimum wage or the lowest wage actually paid i.e. After deduction of social insurance contributions and taxes);*
2. *the trend in the level of the minimum net wage and/or the lowest wage actually paid compared to national net average wage and any available studies on this subject*

During the period of 2003-2004 the average gross wage (AGW) in the economy of the country has increased. In 2003, the average gross wage in the economy of the country (including personal companies) comprised LTL 1072,6 and, compared to former years, has increased by 5,8%, in 2004 – LTL 1149,3 and increased by 7,2%. This was related to the increase of the average gross wage in such types of economic activity as wholesale and retail trade, construction, public administration and defence, compulsory social insurance, manufacturing etc. The increase of the average gross wage was also influenced by the increase of the minimum monthly wage.

The net wage in the economy of the country (including personal companies), comprised LTL 786,4 and, compared to the year 2002, has increased by 8,0%, in 2004 – LTL 835,5 and increased by 6,2%. The increase of the net wage was influenced by the increase of the average gross wage and the increase of the basic non-taxable minimum of income (from 1 January 2003 it was increased by 16,0% and comprised LTL 290) and approved additional amount of non-taxable income (LTL 29 for each child).

The actual paid wage in 2003-2004 varied unevenly. In 2003, in comparison to former years, it has increased in the economy of the country by 9,3%, in 2004 – by 4,9%. A more rapid increase of the actual paid wage in 2003 was predetermined by the increase of the amount of non-taxable income and the reduction of consumer prices (the index of consumer prices in 2003, compared to 2002, comprised 98,8%, in 2004 (compared to 2003), the consumer prices have increased by 1,2%).

During the period of 2003-2004, the minimum monthly wage (MMW) varied. From 1 September 2003 it amounted to LTL 450 (earlier – LTL 430). In 2003 the MMW of LTL 430 was applied to certain groups of workers: workers of agricultural entities, when income of these entities from the realised agricultural production comprised (during the last calendar year) more than 50% of all income; wage-earners hired by farmers; farmers, to whom minimum monthly wage is applied according to the procedure established by legal acts; state politicians, lawyers, state officials, the military and civil servants. In 2003 the minimum monthly wage of LTL 430 was applied. From 1 May 2004, the MMW amounted to LTL500, except state politicians, lawyers, state officials, the military and civil servants (their MMW comprised LTL 430).

In 2003, the minimum monthly wage in the economy of the country, compared to the average gross wage, comprised 40,7%, in 2004 – 42,1%. In certain types of economic activity quite high variations of MMW were observed, compared to the average gross wage; in 2003 they comprised 75,2%, in 2004 – 73,7%; in the sphere of financial intermediation in 2003 – 17,4%, in 2004 – 18,9%.

By October 2003, in the economy of the country (excluding personal companies), 18,4% of wage-earners received a minimum monthly wage and under, in 2004 – 20,0%. The majority of

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special grounds for tax relief other than those associated with the situation of a single worker receiving either the average wage or the minimum wage. Indirect taxes are thus not taken into account.

<sup>4</sup> The net minimum wage should be given in units of time comparable to those used for the average wage.

workers, receiving the MMW and under, worked in the following spheres: hotels and restaurants (in 2003 – 43,9%, in 2004 – 41,8%), in wholesale and retail trade; repair of motor vehicles and motorcycles, repairs of personal and household goods (in 2003 – 29,1%, in 2004 – 29,5%), agriculture, hunting and forestry (in 2003 – 28,8%, in 2004 – 29,8%) etc.

By October 2003, employees working the entire working day or a week and receiving the minimum monthly wage and less, have comprised in the economy of the country 10,2%, in 2004 – 12,1% of workers. The majority of them were employed in the following spheres: hotels and restaurants (in 2003 – 27,6%, in 2004 – 27,8%), wholesale and retail trade; repair of motor vehicles and motorcycles, repairs of personal and household goods (in 2003 – 18,3%, in 2004 – 20,2%); agriculture, hunting and forestry economic activity (in 2003 – 14,5%, in 2004 – 17,2%).

**Table 4.1.1 Average monthly earnings of hired employees and indices in the whole economy in 2003–2004**

Types of economic activity	Year	Average monthly earnings, LTL		Indices of average monthly earnings previous year = 100			MMW <sup>1</sup> as compared with the average gross monthly earnings, %
		gross	net	gross	net	actual	
<b>Total</b>	<b>2003</b>	<b>1072,6</b>	<b>786,4</b>	<b>105,8</b>	<b>108,0</b>	<b>109,3</b>	<b>40,7</b>
	<b>2004</b>	<b>1149,3</b>	<b>835,5</b>	<b>107,2</b>	<b>106,2</b>	<b>104,9</b>	<b>42,1</b>
A Agriculture, hunting and forestry	2003	805,9	615,7	105,6	108,4	109,7	54,2 <sup>2</sup>
	2004	887,1	667,7	110,1	108,4	107,1	54,5 <sup>2</sup>
B Fishing	2003	701,9	549,1	101,8	105,5	106,8	62,2
	2004	989,5	733,1	141,0	133,5	131,9	48,8
C Mining and quarrying	2003	1568,0	1103,4	103,0	106,2	107,5	27,8
	2004	1617,7	1135,3	103,2	102,9	101,7	29,9
D Manufacturing Manufacturing	2003	1015,7	749,9	103,5	105,9	107,2	43,0
	2004	1085,2	794,4	106,8	105,9	104,6	44,5
E Electricity, gas and water supply	2003	1584,6	1114,0	106,6	108,1	109,4	27,6
	2004	1691,5	1182,5	106,7	106,1	104,8	28,6
F Construction	2003	1002,8	741,7	107,5	109,6	110,9	43,5
	2004	1075,4	788,2	107,2	106,3	105,0	44,9
G Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	2003	881,6	664,1	111,4	113,3	114,7	49,5
	2004	1006,0	743,8	114,1	112,0	110,7	48,0
H Hotels and restaurants	2003	580,5	471,4	107,4	110,8	112,1	75,2
	2004	656,0	519,8	113,0	110,3	109,0	73,7
I Transport, storage and communication	2003	1179,2	854,6	105,7	107,7	109,0	37,0
	2004	1249,7	899,7	106,0	105,3	104,1	38,7
J Financial intermediation	2003	2503,3	1702,0	102,5	103,6	104,9	17,4
	2004	2559,5	1738,1	102,2	102,1	100,9	18,9
K Real estate, renting and business activities	2003	1213,2	876,4	104,8	106,9	108,2	36,0
	2004	1257,3	904,6	103,6	103,2	102,0	38,4
L Public administration and defence; compulsory social insurance	2003	1750,5	1220,2	107,5	108,8	110,1	24,9 <sup>3</sup>
	2004	1866,5	1294,5	106,6	106,1	104,8	25,9 <sup>3</sup>
M Education	2003	990,0	733,5	104,4	106,9	108,2	44,1

N	Health and social work	2004	1017,2	750,9	102,7	102,4	101,2	47,5
		2003	891,3	670,4	103,6	106,4	107,7	49,0
O	Other community, social and personal service activities	2004	966,9	718,7	108,5	107,2	105,9	50,0
		2003	925,4	692,2	104,0	106,6	107,9	47,2
		2004	1042,2	766,9	112,6	110,8	109,5	46,4

<sup>1</sup>MMW – minimum monthly wage equalled .LTL 436.67 in 2003 and LTL 483.33 in 2004.

<sup>2</sup>MMA LTL 430 in 2003 have been fixed for the certain groups of employees: employees of agricultural activity units, when income from agricultural production sold over the previous calendar year made up over 50 per cent of total income, wage-earners of farmers and farmers; and LTL 476.67 – in 2004.

<sup>3</sup>MMW LTL 430 have been fixed for state politicians, lawyers, state officers and civil servants in 2003–2004.

**Table 4.1.2 The number of wage-earners<sup>1</sup> receiving MMW<sup>2</sup> and under in October 2003–2004 (Per cent)**

Types of economic activity	Year	Whole economy		Public sector		Private sector	
		total	full-time employees	total	full-time employees	total	full-time employees
<b>Total</b>	<b>2003</b>	18,4	<b>10,2</b>	11,3	<b>5,1</b>	24,2	<b>14,4</b>
<b>Total</b>	<b>2004</b>	20,0	<b>12,1</b>	11,9	<b>5,6</b>	25,7	<b>16,7</b>
<b>A Agriculture, hunting and forestry</b>	<b>2003</b>	<b>28,8</b>	14,5	<b>6,1</b>	1,9	<b>37,2</b>	20,0
	<b>2004</b>	<b>29,8</b>	17,2	<b>7,3</b>	2,0	<b>37,5</b>	23,2
<b>B Fishing</b>	<b>2003</b>	<b>26,9</b>	20,0	•	•	<b>27,1</b>	20,1
	<b>2004</b>	<b>26,1</b>	15,5	•	•	<b>29,5</b>	17,9
<b>C Mining and quarrying</b>	<b>2003</b>	<b>6,9</b>	4,4	•	•	<b>7,1</b>	4,5
	<b>2004</b>	<b>7,6</b>	5,6	•	•	<b>8,5</b>	6,3
<b>D Manufacturing</b>	<b>2003</b>	<b>17,7</b>	10,9	<b>4,7</b>	2,1	<b>17,9</b>	11,1
	<b>2004</b>	<b>20,5</b>	14,1	<b>2,5</b>	1,3	<b>20,9</b>	14,3
<b>E Electricity, gas and water supply</b>	<b>2003</b>	<b>2,0</b>	0,9	<b>1,5</b>	0,6	<b>7,2</b>	4,6
	<b>2004</b>	<b>1,9</b>	1,0	<b>1,7</b>	0,8	<b>2,5</b>	1,3
<b>F Construction</b>	<b>2003</b>	<b>14,9</b>	10,8	<b>4,6</b>	3,9	<b>15,4</b>	11,2
	<b>2004</b>	<b>18,5</b>	13,7	<b>4,3</b>	3,3	<b>19,1</b>	14,2
<b>G Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods</b>	<b>2003</b>	<b>29,1</b>	18,3	<b>14,3</b>	5,8	<b>29,2</b>	18,3
	<b>2004</b>	<b>29,5</b>	20,2	<b>17,7</b>	6,7	<b>29,6</b>	20,4
<b>H Hotels and restaurants</b>	<b>2003</b>	<b>43,9</b>	27,6	<b>9,2</b>	3,4	<b>44,9</b>	28,5

<b>I Transport, storage and communication</b>	<b>2004</b>	<b>41,8</b>	27,8	<b>14,9</b>	7,7	<b>42,4</b>	28,3
	<b>2003</b>	<b>18,8</b>	8,0	<b>8,8</b>	0,5	<b>27,6</b>	14,8
<b>J Financial intermediation</b>	<b>2004</b>	<b>19,0</b>	8,7	<b>8,6</b>	0,8	<b>27,1</b>	15,0
	<b>2003</b>	<b>12,3</b>	3,3	•	•	<b>13,4</b>	3,7
<b>K Real estate, renting and business activities</b>	<b>2004</b>	<b>14,3</b>	4,1	•	•	<b>15,4</b>	4,4
	<b>2003</b>	<b>24,9</b>	13,3	<b>8,6</b>	2,8	<b>33,3</b>	19,4
<b>L Public administration and defence; compulsory social insurance</b>	<b>2004</b>	<b>25,8</b>	15,3	<b>(10,5)</b>	(4,8)	<b>32,6</b>	20,5
	<b>2003</b>	<b>(2,6)</b>	(0,7)	<b>(2,5)</b>	(0,7)	•	•
<b>M Education</b>	<b>2004</b>	<b>1,9</b>	0,4	<b>1,8</b>	0,3	<b>96,1</b>	62,5
	<b>2003</b>	<b>19,4</b>	10,9	<b>19,2</b>	10,8	<b>32,6</b>	18,2
<b>N Health and social work</b>	<b>2004</b>	<b>20,4</b>	11,3	<b>20,3</b>	11,3	<b>33,3</b>	15,9
	<b>2003</b>	<b>10,9</b>	3,9	<b>9,8</b>	3,4	<b>30,2</b>	15,0
<b>O Other community, social and personal service activities</b>	<b>2004</b>	<b>11,2</b>	4,8	<b>10,1</b>	4,2	<b>28,3</b>	15,1
	<b>2003</b>	<b>22,6</b>	10,8	<b>14,4</b>	6,6	<b>43,8</b>	24,0
	<b>2004</b>	<b>26,7</b>	15,1	<b>17,5</b>	9,5	<b>45,2</b>	28,4

<sup>1</sup>Personal companies are excluded.

<sup>2</sup>MMW –minimum monthly wage, in 2003 equalled LTL 436.67, in 2004 – 483.33.

#### **Explanation of symbols**

- Confidential data
- () Incomplete or insufficiently verified data

#### **ARTICLE 4 PARA. 2**

„With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases.“

„...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions“.

#### **Question A**



*Please mention what provisions apply according to legislation and collective agreements as regards overtime pay, the method used to calculate the increased rates of remuneration and the categories of work and workers to which they apply.*

*Please specify what provisions apply in respect of overtime pay on Saturdays, Sundays and other special days and hours (including night work).*

In the Labour Code the overtime work is regulated in the Article 150 „Limitation of overtime work“, Article 151 „Exceptional cases or permitted overtime work“ and Article 152 „Maximum overtime work“. Paragraph 1 of Article 152 indicates that overtime works shall not exceed for each worker 4 hours in two consequent days and 120 hours per year. In 2005, after the adoption of the Law on the amendment and supplement of separate articles of the Labour Code (12 May 2005, No X-188), paragraph 1 of Article 152 was amended so as to define that the collective agreement can define different maximum annual overtime work, but no more than one hundred eighty hours per year.

Paragraph 2 of Article 152 defines that the employer must record a precise accounting of overtime works in working time logs.

Article 193 of the labour Code indicates that the pay for overtime and night work shall be at least one and a half of the hourly pay/monthly wages established for the worker.

Article 193 of the Labour Code also anticipates the pay for night work (no less than 1,5 average wage established for the worker). Article 194 regulates the pay for work on rest days and public holidays: the pay for work on a rest day or a holiday which has not been provided for in the work schedule, shall be at least at the double rate, or it shall be compensated for by granting to the employee another rest day during the month or by adding that day to his annual leave. The pay for work on public holidays which has been provided for in the work schedule shall be at least the double rate of the hourly or daily pay. These provisions shall also be applied in terms of payment for overtime work.

### **Question B**

*Please mention any special cases for which exceptions are made.*

*Please indicate, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on remuneration or compensation for overtime.*

Article 148 of the Labour Code specifies that time to work and to rest in transport, postal, agricultural, health and care (custody) undertakings, as well as in maritime and river navigation and other sectors of economic activities may, taking into consideration the seasonal nature of work and other conditions, vary from the norms established by this Code. Specific features of the time to work and to rest in the sectors of such activities shall be established by the Government.

Paragraph 5 of Article 150 of the Labour Code indicates that work of administrative officials which exceed the set working time shall not be deemed overtime work. A list of such positions shall be established in collective agreements and the internal procedure.

*Response to the questions provided in the Conclusions of the European Social Rights Committee (pg.315):*

*It asks this is indeed always the case or whether in cases compensatory time off is granted; the workers receive some form of additional payment for the overtime work performed.*

There is no such data.

The Committee asks that the next report explain in detail the number of workers in these categories and provide information on any rules established by the Government applicable to payment for overtime work.

Lithuanian Statistics accumulates the information on categories of workers and on their worked time, however, due to very small sampling, only 0,4% of the Lithuanian citizens are inquired and information by small groups of professions is not reliable.

It also asks whether home-workers, workers who belong to the workers family, family day carers and domestic employees receive remuneration for overtime work performed.

The above workers, if they work according to employment contracts are paid for overtime work.

In order to assess the impact of working time flexibility measures on compensation of overtime work the Committee requests that the next report provide appropriate information on this particular issue.

Investigation of the above nature was not executed.

### **ARTICLE 4 PARA. 3**

*„With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:*

*1. to recognise the right of men and women workers the equal pay for work of equal value“.*

*„...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions“.*

#### **Question A**

***Please indicate how the principle of equal pay for work of equal value is applied; state whether the principle applies to all workers.<sup>5</sup>***

The Labour Code of the Republic of Lithuania came into force on 1 January 2003 (4 June 2002, No IX-926), which specifies the general definition of wages (Article 186). It is applied also to the workers of private sector.

The Government, upon the recommendation of the Tripartite Council, shall determine the minimum hourly pay and the minimum monthly wage. The hourly pay or the monthly wage of a worker may not be less than the minimum rate established by the Government (Article 187). The wage is indexed according to the procedure established by the laws. Referring to the price modification indices, the wage is indexed according to the procedure established in the Law on Guarantee of Income of Citizens of the Republic of Lithuania.

The valid Law on Equal Opportunities the Republic of Lithuania (1 December, 1998, No VIII-947), as well as paragraph 3 of Article 186 and paragraph 3 of Article 188 of the labour Code define that the employer, while implementing equal opportunities of women and men, shall pay for the same work or work of equal value the same wage.

Prior to the enforcement of the Labour Code of the Republic of Lithuania (1 January 2003), the Law on Remuneration for Work specified that it shall be prohibited to reduce wages because of gender, age, race, nationality and political beliefs.

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<sup>5</sup> The concept „equal pay for work of equal value“ in this documents is understood as it is defined in the Article 1 of the ILO Convention No 100 „Equal Remuneration“.

Article 188 of the Labour Code anticipates, that specific hourly pay on the rate basis, monthly wages, other forms of remuneration for work and conditions, work requirements (output, time, service and other requirements) shall be laid down in collective agreements and contracts of employment. When applying the work classification system for determining the wage, the same criteria shall be equally applied to both men and women, and the system must be developed in such a way so as to avoid discrimination on the grounds of sex. Thus, this issue can be considered, apart from the legitimate background, via collective agreements between employers and workers, the decisions of which cannot violate the national laws. The Government cannot regulate (except issues related to the requirements of laws) the content of collective agreements and employment contracts.

The amounts of wages and conditions of workers of institutions and organisations financed from the state and municipal budgets are regulated by the resolutions of the Government of the Republic of Lithuania, depending on work complexity, responsibility, work conditions, qualification of workers and work results, but not on the gender of a worker. Their work relations and social guarantees are regulated by the Labour Code of the Republic of Lithuania.

The Law on Public Service of the Republic of Lithuania sets out that remuneration of a civil servant shall comprise: 1) the basic salary; 2) bonuses for the length of service; 3) additional pays. The basic salary shall be paid for the grade of the civil servant and shall be the same for all the positions in the same grade. The bonus is paid for the number years served by a civil servant in the public service, as well as additional pays for the qualification category (15, 30 and 50%). The civil servants shall be entitled to the following additional pays: 1) for work on days off, holidays and at night; 2) for work in harmful, highly harmful and hazardous conditions; 3) performing duties beyond the scope of their normal job description or for additional assignments. Additional assignments must be formulated in a written instruction

The Law on Equal Opportunities of the Republic of Lithuania regulates that, while implementing equal rights of women and men, the employer shall pay the equal wage for the same work or for work of equal value. The above law establishes that activities of an employer shall be considered as violating equal rights of women and men, when he/she applies less (more) favourable conditions in terms of employment or remuneration for the same work or for work of equal value on the grounds of gender. Persons can apply to the Equal Opportunities Ombudsman on the offence of the above law.

### **Question B**

*Please indicate the progress which has been made in applying this principle.*

Results of the Survey “Barometer of Work Life in the Baltic States in 2002” were announced at the beginning of 2003. This Survey was aimed at analysing and assessing the current employment relations in Latvia, Estonia and Lithuania and their most recent developments. In January – February 2002 the Baltic Survey anonymously interviewed 909 employed individuals in Lithuania. The survey covered employees aged 16-64 who were interrogated on different employment matters, also including wages. The survey in the Baltic States was carried out for the second time. The first survey was conducted in 1999. Analysis of employment relations in Lithuania revealed the increasing spread of a positive phenomenon – reduction in the difference between wages paid to men and women. This difference in Lithuanian is the smallest compared to all Baltic States. At present (net) wages paid to men and women differ by 17 per cent

This difference according to the data of the previously conducted survey was 24 per cent. Such reduction of the difference was caused by the fact that wages in the public service grew more than in the private sector. Given the largest numbers of women employed in the public sector, this

positive tendency of wages in the public sector has direct influence on the reduction of the difference between wages paid to men and women.

Nevertheless, better opportunities provided to employees with regard to exerting more influence on conditions of work and more rapid rates of work of employees in Lithuania deserve positive assessment. About half of the surveyed employees were of the opinion that the influence they can exert on this matter is great or sufficiently great. Moreover, in recent years the number of individuals with such opinion increased. In this respect differences are observed in both, the public and private sectors. Employees of the public sector have considerably more opportunities to exert influence on working conditions than those in the private sector.

The National Programme of Equal Opportunities for Women and men for 2003-2004 provided for taking measures to promote fixing equal pay for men and women for work of equal value in the private sector. To this end the Labour and Social Research Institute has prepared, by the order of the Ministry of Social Security and Labour, the standard methodology for the assessment of works and positions applicable in determining the wage, and presented the analysis of differences of wages of men and women and their reasons. During the course of preparation of "The Methodology for the Assessment of Works and Positions", consultations were organised with social partners, a draft methodology was considered in a special workshop. Upon the agreement of the Tripartite Council, the Methodology is recommended for undertakings and organisations of the country, and can be regarded as a tool for the improvement of transparency of remuneration systems and contribution to the reduction of differences in remunerating the work of women and men. The presentation of the Methodology to social partners is executed via the implementation of the measures of the State programme of 2005-2009 on equal opportunities of women and men. Besides, by means of implementing the measures of the State programme on equal opportunities of women and men, efforts are made to reduce other causes influencing differences of wages. Training courses have been organised for social partners with a view to mitigating the stereotype approach towards the role of women and men in the economic activity, as well as seminars for women, related to the enhancement of motivation and self-confidence of women, mitigation of stereotype approaches towards "women's" and "men's" professions; training for specialists of labour market institutions so as to promote non-traditional vocational guidance and non-traditional employment. Quite a substantial support in implementing the projects on equal opportunities of women and men in the labour market (including the adjustment of family and labour obligations), was allocated by the EU Structural Funds and the programme EQUAL.

According to the statistical data, in Q4 of 2004 the average wages in the economy of the country equalled LTL1310,2, meanwhile the average wage of men equalled LTL 1448,6, that of women – LTL1178,7. Thus, the average wage of men was higher by 23% than the average wage of women. In Q4 2004, in the state sector the difference of wages between men and women equalled 31,8%, and in the private sector – 23,3%. The average annual wages of men – LTL1366 – was also higher by 23% than the average annual wage of women – LTL 1110.

By sectors of economic activity differences of average wages between women and men were also established, e.g. according to the data of 2004, the average wage of men working in the sphere of manufacturing was higher by 30,9% than that of women, in the sphere of health care and social work it was respectfully higher by 23,6%. The largest difference between AW payable to men and women, however, was in the sphere of financial intermediation – the average wage of men was higher by 70,1%. Only in some spheres of economic activity, such as forestry, logging and related service activity the average wage of women was inconsiderably higher than that of men (by 3,7%), and in the sphere of transport and storage activity – by 7,2%.

These differences between wages payable to men and women are conditioned by numerous factors, of which the main are the following: 1) the structure of employment of men and women, their distribution by economic activity and employment category (workers, servants); 2) occupational structure; 3) qualification degree.

We hereby include the data of Statistics Lithuania about monthly gross wages of men and women in the country's economy by sector in 2004 (in LTL):

No	Types of economic activity	Men	Women	That of men in comparison to women (%)
	Total	1366,0	1110,0	123,0
1.	Agriculture, hunting and forestry	980,0	877,0	111,7
2.	Fishery	1080,0	971,0	111,2
3.	Manufacturing	1312,0	1002,0	130,9
4.	Construction	1276,0	1218,0	104,7
5.	Wholesale and retail trade, repair of motor vehicles and motorcycles, repairs of personal and household goods	1246,0	999,0	124,7
6.	Hotels and restaurants	824,0	757,0	108,8
7.	Transport, storage and communications	1332,0	1266,0	105,2
8.	Financial intermediation	3625,0	2130,0	170,1
9.	Real estate, renting and other business activity	1507,0	1236,0	121,9
10.	Public administration and defence; compulsory social insurance	1981,0	1850,0	107,1
11.	Education	1098,0	1052,0	104,4
12.	Health and social work	1179,0	954,0	123,6
13.	Other community, social and personal service activity	1193,0	974,0	122,5

In 1st quarter of 2005, the average monthly gross wage of women comprised 83,1% of the wages of men. The difference of wages has decreased, in comparison to the year 2004, when the average monthly gross wage of women comprised 81,4% of the men's wages. In Q1 2005 in the public sector this difference was 77,6%, in private sector – 83,6%. Statistical data show that in the sectors economy in which female workforce predominates wages are considerably lower than in the sectors where men prevail. The wages in economic sectors where female workforce predominates - health care and social work, education, hotels and restaurants – in Q1 2005 were the lowest. The wages in economic sectors, where men prevail - public administration and defence, transport, storage and communications, electricity, gas and water supply – in Q1 2005 were higher than those of women. The difference of wages in private sector are mostly predetermined by a horizontal segregation of the labour market, or a distribution into “women's and men's” sectors; whilst in the public sector these differences are mostly influenced by a vertical segregation of the labour market.

**Question C**

*Please describe the protection afforded to workers against retaliatory measures, including dismissal.*

*Please indicate the procedures applied to implement this protection.*

While implementing the principle of equal remuneration for work of equal value, the relevant legislative framework has been established and the institution of the Ombudsmen of Equal Opportunities established. An administrative responsibility has been anticipated for violations of laws and non-observance of legitimate requirements of inspectors.

A person, whose rights, freedoms or other legitimate personal interests were violated, can be defended not only in the court.. Each person who thinks that the wage to him or her is paid under less favourable terms shall have the right to apply to the Equal Opportunities Ombudsman.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision: to refer the material to investigative bodies if indications of an offence have been established; to address an appropriate person or institution with a recommendation to discontinue the actions violating equal opportunities or to repeal a legal act relating to that; to hear cases of administrative offences and impose administrative sanctions; to warn about the committed violation

More information on the Office of Ombudsman of equal opportunities is provided in the response to questions of Article 26.

The employer persecuting the employee who has lodged with the Equal Opportunities Ombudsman a complaint concerning sexual abuse, commits a breach of item 4, Article 6 of the Law on Equal Opportunities, which prohibits the persecution of an employee who has filed a complaint because of discrimination. Such acts shall incur administrative liability on the employer.

Article 41(6) of the Code on Administrative Violations of Laws also establishes the responsibility for violation of equal rights of women and men. This Article defines that violation of equal rights of women and men, established in the Law on Equal Opportunities of the Republic of Lithuania, is an offence and draw upon the officials, employers or their authorised persons from one hundred to two thousand litas. The second part of this Article sets out that „the same acts committed by a person previously penalised by administrative penalty for the acts foreseen in the first part of the article, draw upon the officials, employers or their delegated persons a fine from two thousands to four thousand litas“.

Labour laws also establish the procedure of labour disputes (Chapter XIX of the Labour Code of the Republic of Lithuania). Labour dispute means a disagreement between the worker and the employer regarding the exercise of the rights and fulfilment of duties established in the regulatory acts, employment contract or collective agreement, which has not been regulated through negotiations. Labour disputes shall be resolved by the Labour Disputes Commission and the court.

Labour Disputes Commissions shall be formed from an equal number of representatives of the employees and the employer. The employer shall be responsible for the establishment of the Labour Disputes Commission and the security of its activities. A person can appeal against the judge's decision to the court pursuant terms defined in the laws.

#### ***ARTICLE 4 PARA. 4***

*„With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:*

- 1. to recognise the right of all workers to a reasonable period of notice for termination of employment“.*

*„...the exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions“.*

[The Appendix to the revised Charter stipulates that this provision shall be so understood as not to prohibit immediate dismissal for any serious offence].

**Question A**

***Please indicate if periods of notice are provided for by legislation, collective agreements, and by practice, and if so, indicate the length of such periods, notably in relation to seniority in the enterprise.***

Article 130 of the Labour Code of the Republic of Lithuania stipulates the terms for notice on the termination of the employment contract (except the cases, when employment contract is terminated without a notice). An employer, while dismissing a worker on his (employer's) initiative (without in default of guilt of an worker) shall provide the worker with a written notice on the anticipated termination of the employment contract two months in advance.

The employer, while terminating the employment contract with workers, for whom no more than 5 years has left until the entitlement of the old age pension, persons under 18, the disabled workers and workers raising children under 14 years of age, shall give a written notice to the above persons 4 months before the termination of the employment contract. The employment contract can be terminated with these persons only in special cases, when the retention of a worker in work place would in principle offend the interests of the employer.

***Please indicate whether the periods of notice established by legislation can be derogated by collective agreements?***

Employment contracts or collective agreements may provide for longer periods of notice. However, they may not set the periods of notice shorter than those provided by law, because such periods can worsen the condition of employees.

***Please indicate the periods of notice applicable to part-time workers and home workers.***

The periods of notice about termination of employment contract apply to employees who are employed under part-time, secondary or seasonal employment contracts and also to home workers. A seasonal employment contract may be terminated before the expiry of the period of notice on the employee's application, having notified the employer to the effect 5 calendar days in advance and in cases when seasonal works in the undertaking, institution or organisation have been suspended for a period exceeding 2 weeks on technological grounds or due to the reduced scope of works in cases when a worker does not come to work for more than one month due to temporary incapacity (in cases, when working capacity has been lost due to impairment (trauma) at work or occupational diseases during the season, the workplace shall be retained for a worker until he/she regains his/her working capacity or a level of disability is assessed, but for no more than until the end of the term of the employment contract).

***Please indicate in which cases a worker may not be given a notice period.***

Pursuant to Article 136 of the Labour Code, the employment contract can be terminated only in cases established by the laws. An employment contract must be terminated without notice in the following cases:

1) upon an effective court decision, or when a court judgement whereby a worker is imposed a sentence, which prevents him from continuing his work, becomes effective;

- 2) when a worker is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws;
- 3) upon the demand of bodies or officials authorised by laws;
- 4) when a worker is unable to perform these duties or work in accordance with an opinion of the medical commission or the commission for the establishment of disability;
- 5) when a worker under 14 to 16 years of age, one of his parents, or the child's statutory representative, or his attending paediatrician, or the child's school demand that the employment contract be terminated;
- 6) upon the liquidation of an employer, if under laws his labour obligations were not placed on another person.

An employer shall be entitled to terminate an employment contract without giving a worker prior notice thereof:

- 1) when the worker performs his duties negligently or commits other violations of labour discipline provided that disciplinary sanctions were imposed on him at least once during the last 12 months;

- 2) when the worker commits one gross breach of duties

Upon terminating an employment contract under paragraph 3 of this Article, an employer must observe the rules for imposing disciplinary sanctions (Chapter XVI of the Code).

*Please indicate whether provision is made for notice period in the case of fixed-term contracts which are not renewed.*

Legal acts of the Republic of Lithuania do not provide for the employer's obligation to notify the employee about expiration of the fixed-term employment contract, because the latter must be specified in the employment contract.

#### **Question B**

*Please indicate whether wage-earners may challenge the legality of such notice of termination of employment before a judicial authority.*

The periods of notice shall be established by law and the failure to observe them shall be considered a breach of laws which incurs administrative liability. If an employer defaults on the periods of notice and dismisses an employee from work, the employee shall be entitled to apply with court in the manner established by laws and within one month of the date of the receipt of a respective order or document.

In addition, an employee shall have the right to challenge the validity of the periods of notice before an institution deliberating labour disputes – the Labour Disputes Commission.

#### **ARTICLE 4 PARA.5**

*„With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:*

1. *to permit deductions from wages only under conditions and to the extent prescribed by national laws and regulations or fixed by collective agreements or arbitration awards“*

*„...the exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions“.*



[The Appendix to the revised Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exception being those persons not covered].

**Question A**

*Please describe why and to what extent observance of this paragraph is ensured in your country, specifying the ways in which this right is exercised, both as regards deductions made by the employer for his own benefit and for the benefit of third parties.*

*Please indicate whether legislation, regulations and collective agreements provide for the non-seizability of a part of a wage.*

See question B of paragraph 5 of Article 4.

**Question B**

*Please state whether the measures described are applicable to all categories of wage-earners. If this is not the case, please give an estimate of the proportion of workers not covered, and, if appropriate, give details of the categories concerned.*

In Lithuania deductions from income taxes and social insurance contributions of natural persons are regulated by laws.

Deductions from wages are legalised in Article 224 of the Labour Code of the Republic of Lithuania, when deductions from the wages of workers to cover their debt to the enterprise, agency or organisation where they are employed may be made by an order of the administration.

Pursuant to Article 225 of the Labour Code, the limitation on *wage deductions* is established: *the total amount of all the deductions made from wages of workers, not exceeding the minimum monthly wage established by the Government*, to redeem the debt to an undertaking, institution or organisation in which he/she is employed, may not be in excess of 20 percent, and when recovering the compensation for health impairment or loss of life and damage caused by a wilful crime - of 50 percent of the wage payable to the employee. When making deductions from the wage, *not exceeding the minimum monthly wage established by the Government*, under several writs of execution, 50 percent of the wage payable to the employee shall be reserved for him.

The above deductions shall not be executed from the redundancy, compensation or other payments, from which the deduction is not made according to the laws.

Restrictions of deductions are applicable to all workers.

*Response to the questions provided in the Conclusions of the European Social Rights Committee (pg. 317):*

Accordingly it asks whether the 50% threshold applies to workers earning the minimum wage.

Referring to Article 225 of the Labour Code, the total amount of all the deductions made from wages of workers, not exceeding the minimum monthly wage established by the Government, to redeem the debt to an undertaking, institution or organisation in which he/she is employed, may not be in excess of 20 percent, and when recovering the compensation for health impairment or loss of life and damage caused by a wilful crime - of 50 percent of the wage payable to the employee.

When making deductions from the wage, not exceeding the minimum monthly wage established by the Government, under several writs of execution, 50 percent of the wage payable to the employee shall be reserved for him.

From the part of wages, exceeding the minimum amount of monthly wages established by the Government, 70 percent of payable wages shall be deducted unless the court defines a small amount of deduction.

## **ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY**

### **Legal acts of the Republic of Lithuania**

**1. Constitution of the Republic of Lithuania** (*Official Gazette*, 1992, No 31- 953; No 33-1014)

### **2. International legal acts**

- Convention No 171 of ILO on Night Work

### **3. Laws of the Republic of Lithuania**

- Republic of Lithuania Labour Code IX-926 (*Official Gazette*, 2002 No 64-2569);
- Republic of Lithuania Law on Safety and Health at Work (No IX-1672, adopted on 1 July, 2003).

### ***ARTICLE 8 PARA. 1***

*„With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:*

- 1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks“.*

### **Question A**

***Please indicate the length of maternity leave, showing, where appropriate, its division before and after confinement.***

Constitution of the Republic guarantees that the law shall provide for paid maternity leave before and after childbirth, as well as for favourable working conditions and other privileges (Article 39 of Constitution).

Article 179 of the Labour Code of the Republic of Lithuania regulates that women shall be entitled to maternity leave: 70 calendar days before the child birth and 56 calendar days after the child birth (total number of days – 126) (in the event of complicated confinement or birth of two or more children – 70 calendar days). This leave shall be added up and granted to the woman as a single period, regardless of the days used prior to the confinement. An allowance provided for in the Law on Social Insurance of Sickness and Maternity shall be paid for the established period of leave.

The Law on Social Insurance of Sickness and Maternity of the Republic of Lithuania stipulates that the maternity benefit shall be paid to women for 126 calendar days forthwith, calculating 70 calendar days before (upon expiration of 28 weeks of pregnancy and more) and 56 calendar days after confinement. In case of complicated confinement and in cases of birth of more than one child the maternity benefit shall be paid for 70 calendar days after confinement. The aforementioned benefit shall be paid for the full period set before and after confinement regardless of the actual number of days before confinement.

The employed women not entitled to social insurance maternity benefits, shall be entitled to a monthly allowance of 0,75 MSL according to the Law on State Allowances to families Raising Children of the Republic of Lithuania.

**Question B**

*Please indicate whether in some cases the total duration of leave before and after confinement may be less than fourteen weeks.*

The pregnancy and confinement leave may not be shorter than established by law.

The maternity benefit to women who deliver a child on the 22-28 week of pregnancy shall be paid for 28 calendar days after confinement. If the baby survives 28 days and longer, the benefit shall cover (paying the difference of the benefit) 70 days after confinement.

The maternity benefit to adoptive parents of a child, or to the guardian appointed thereto shall be paid as from the day of adoption or establishment of guardianship until the child reaches the age of 70 days.

**Question C**

*Please indicate whether the benefits during maternity leave are provided in the form of paid leave (if normal pay is reduced, please indicate the amount), under a social security system of from public funds, stating whether the payment of benefits is subject to conditions and if so, which.*

The Law on Social Insurance of Sickness and Maternity of the Republic of Lithuania establishes that the right to receive maternity benefits from the State Social Insurance budget during the period of pregnancy and confinement leave shall be enjoyed by individuals who have obtained such insurance cover and who have been granted a pregnancy and confinement leave, if before the first day of pregnancy and confinement leave they have the disability and maternity social insurance period of at least 3 months during the past 12 months or at least 6 months during the past 24 months. The sickness and maternity social insurance period shall comprise periods during which the compulsory social insurance contributions were, or had to be, paid for sickness and maternity social insurance; the period during which the sickness, maternity, maternity (paternity) benefits were received; the period during which the sickness benefits due to accidents at work or occupational disease were paid; the period of payment of social insurance unemployment benefits.

The amount of the maternity benefit makes up 100 per cent of the beneficiary's compensable wage. Such monthly benefit may not be less than one fourth of the average insured income approved during the current year for the month of pregnancy and confinement leave.

The average monthly compensable wage of the beneficiary of the maternity benefit used for the purpose of calculation of the benefits may not exceed the sum of 3,5 amounts of insured income of the last current year approved by the Government.

The compensable wage on the basis of which maternity benefit amount is determined shall be calculated according to the insured income received during the quarter before the pregnancy and confinement leave, i.e. income from which the compulsory sickness and maternity social insurance contributions were paid, and sickness, maternity, maternity (paternity) benefits (including two first days of disability paid for by the employer), as well as disability benefits due to accidents at work or occupational disease, and unemployment benefits were received by the insured.

If the average compensable wage of the beneficiary of the maternity benefit is smaller than one fourth of the average insured income approved by the Government during the current year for the month of pregnancy and confinement leave, the maternity benefit shall be calculated applying the latter value.

The basis for allocating the maternity benefit shall be a certificate of pregnancy and confinement leave issued in accordance with the established procedure.

Women who do not have the required maternity social insurance period and are not eligible to receive the maternity benefit in observance of the Law on Sickness and Maternity Social Insurance, shall be entitled to receive a family benefit in the amount of 0,75 MSL per month established under the Law on State Benefits to Families Raising Children. A family benefit shall be paid until the child reaches the age of three years. A family benefit to the family which has the right to receive a maternity (paternity) benefit is paid after expiration of the period of payment of the maternity (paternity) benefit until the child reaches the age of three years.

#### **Question D**

*Please indicate the circumstances where part or all of benefits payable during maternity leave are not covered by paid leave, the amount of social security benefits or benefits from public funds in monetary terms and, as appropriate, as a percentage of the wages previously paid to the worker.*

Pursuant to the provisions of the Law of the Republic of Lithuania on Sickness and Maternity, the maternity allowance for the period of pregnancy and childbirth shall be paid from the State Social Insurance Fund funds from the first day. The amount of the allowance is defined in question C.

In 2001, maternity allowances from the funds of the State Social Insurance Fund have been disbursed to 19,6 thousand women (in monetary terms – LTL 55 million 231 thousand).

In 2002, maternity allowances from the funds of the State Social Insurance Fund have been disbursed to 19,5 thousand women (in monetary terms – LTL 55 million 115 thousand).

In 2003, maternity allowances from the funds of the State Social Insurance Fund have been disbursed to 21,6 thousand women (in monetary terms – LTL 60 million 100 thousand).

In 2004, maternity allowances from the funds of the State Social Insurance Fund have been disbursed to 19,3 thousand women (in monetary terms – LTL 66 million 800 thousand).

#### **Question E**

*Please indicate any sanctions that may be imposed on an employer failing to observe this provision, and state whether the employed woman has the option of voluntarily giving up all or part of her maternity leave.*

The pregnancy and maternity leave shall be paid by the State Social Insurance Fund Board in accordance with the procedure established under the Law on Sickness and Maternity Social Insurance; therefore, the employer must observe the provisions thereof. The employer who grants the pregnancy and maternity leave shorter than required under the Law shall be subject to administrative liability and shall be held liable in the manner established by laws.

An employed woman may refuse to take all pregnancy and confinement leave; however, having regard to applicable legal acts, such woman shall not be paid the maternity benefit from the State Social Insurance Fund proceeds. Upon refusal of part of the aforementioned leave, the benefit shall be paid only for the part of the leave taken.

#### **Question F**

*Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including national from other Contracting countries to the Charter.*

The legal acts of the Republic of Lithuania do not impose any restrictions on payment of maternity benefits to women employed under a fixed-term employment contract, if they become entitled to the pregnancy and confinement leave during the period of employment and satisfies the requirements established under the Law on Sickness and Maternity Social Insurance with regard to the sickness and maternity social insurance period. The maternity benefit shall also be disbursed to a woman dismissed from employment during her pregnancy, since the term of the fixed-term contract has not expired (if she corresponds to the requirements of the above law on sickness and maternity social insurance record).

#### **ARTICLE 8 PARA. 2**

*„With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:*

*To consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies the employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period“.*

#### **Question A**

***Please indicate what arrangement exists to give effect to this provision.***

Paragraph 1 of Article 132 of the Labour Code stipulates the guarantee that an employment contract may not be terminated with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, except for the cases specified in Articles 136 (1) and (2) of this Code.

*Response to the questions provided in the Conclusions of the European Social Rights Committee (pg.319):*

*The Committee asks for information on the exceptions provided for by law to the general prohibition.*

Paragraph 1 of Article 136 of the Labour Code indicates the basic principles upon which an employment contract shall be terminated without notice: upon an effective court decision, or when a court judgement whereby a worker is imposed a sentence, which prevents him from continuing his work, becomes effective; when a worker is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws; upon the demand of bodies or officials authorised by laws; when a worker is unable to perform these duties or work in accordance with an opinion of the medical commission or the Disability and Working Capacity Authority under the Ministry of Social Security and Labour; when a worker under 14 to 16 years of age, one of his parents, or the child's statutory representative, or his attending paediatrician, or the child's school demand that the employment contract be terminated; upon the liquidation of an employer, if under laws his labour obligations were not placed on another person.

Paragraph 2 of Article 136 stipulates that an employment contract shall expiry upon the death of an employer if the contract was concluded for the supply of services to him personally, as well as when the employer has no legal successor.

Pursuant to the Law of 15 May 2005 (came into force on 28 May 2005), paragraph 1 of Article 132 was complemented – „employment contract shall not be terminated with a pregnant woman from the day when the employer has received a medical certificate on pregnancy and one more month after the expiry of a maternity leave, except the cases indicated in paragraphs 1 and 2

of Article 136 of this Code, as well as a temporary employment contract after the expiry of its term“. Pursuant to Article 113 of the Labour Code, a temporary employment contract shall be an employment contract concluded for a period not exceeding two months. Grounds for the conclusion of a temporary employment contract (circumstances under which a temporary employment contract may be concluded), the characteristics of the change and expiry of such a contract, as well as of the working and rest time of temporary workers shall be established by the Government (Resolution No 1043 of 19 August 2003 „On Approval of Peculiarities of Separate Employment Contracts“).

**Question B**

*Please also indicate the sanctions provided for dismissals in breach of this provision.*

For breach of the above provisions of the law the administrative liability is set for the employer. Besides, a worker, can apply to the court in case of disagreement with dismissal (see the response to question C).

**Question C**

*Please indicate if reinstatement is ensured in cases of dismissal in breach of this provision and, in the exceptional cases where this is not possible, the amounts of compensation awarded.*

Paragraph 1 of Article 297 stipulates that an employee who disagrees with the changing of the working conditions, suspension from work on the employer's initiative, dismissal from work shall be entitled to apply to the court within one month from the day of receipt of the appropriate notice (document).

*Response to the questions provided in the Conclusions of the European Social Rights Committee (pg.319):*

*It requests information on the amount of severance pay payable where woman has been unlawfully dismissed.*

Pursuant to paragraphs 3 and 4 of Article 297 of the Labour Code, if a worker is dismissed without a valid reason or in violation of the procedure established by laws, the court shall reinstate him in his previous job and award him the average work pay for the entire period of involuntary idle time from the day of dismissal from work until the day of execution of the court decision.

If the court establishes that the worker may not be reinstated in his previous job due to economic, technological, organisational or similar reasons, or because he may be provided with conditions not favourable for work, it will pass a decision to recognise the termination of the employment contract as unlawful and award him severance pay in the amount specified in Article 140(1) of this Code as well as the average wage for the period of involuntary idle time from the day of dismissal from work until the effective date of the court decision. In this case the employment contract shall be considered terminated from the effective date of the court decision.

Paragraph 1 of Article 140 stipulates that upon the termination of the employment contract under Article 129 of this Code, the dismissed worker shall be paid a severance pay in the amount of his average monthly wage taking into account the continuous length of service of the employee concerned at that workplace:

- 1) under twelve months – one monthly average wage;
- 2) from twelve to thirty six months – two monthly average wages;
- 3) from thirty six to sixty months – three monthly average wages;
- 4) from sixty to one hundred twenty months – four monthly average wages;

- 5) from one hundred twenty to two hundred forty months – five monthly average wages;
- 6) over two hundred forty months – six monthly average monthly wages.

**Question D**

*Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties.*

The guarantee enforced in paragraph 1 of Article 132 of the Labour Code, is applicable in both types of contracts – fixed-term and non-terminated contracts. However, this guarantee does not change the nature of the fixed-term contract – the term of the contract ex lege agreed by parties is extended until the disappearance of circumstances defined in the above article of the Labour Code and the employment contract is terminated after the disappearance of these circumstances.

**ARTICLE 8 PARA. 3**

*With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:*

1. *To provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose“*

*Please indicate the rules which apply in this respect, stating whether time off for breastfeeding is considered as working hours and paid as such.*

Pursuant to paragraph 8 of Article 278, in addition to the general break to rest and to eat, a breast-feeding woman shall be at least every three hours given at least 30-minute breaks to breast-feed. At the mother's request the breaks for breast-feeding may be joined or added to the break to rest and eat or given at the end of the working day, shortening the working day accordingly. Payment for these breaks to breast-feed shall be calculated according to the average daily pay of the employer.

*Response to questions presented in the Conclusions of the European Social Rights Committee (pg.320):*

According to Article 146 of the Labour Code, a breastfeeding woman is a mother who submits to the employer a certificate of a health care institution confirming that she has given birth and is breastfeeding. Thus, the above breaks for breastfeeding are provided insofar as a woman has a certificate of a health care institution on nursing and breastfeeding an infant.

**ARTICLE 8 PARA. 4**

*„With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:*

1. *to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants.*



*Please give details on the regulations of night work of pregnant women, women who have recently given birth or who are nursing their infants and stating in particular the hours to which the term „night work“ applies.*

According to paragraph 1 of Article 154 of the Labour Code, night time is calendar time from 10 p.m. to 6 a.m. Work shall be considered to be night work if three working hours thereof happen to be at night (paragraph 2 of Article 154 of the Labour Code).

Referring to paragraph 4 of Article 154, pregnant women, women who have recently given birth, women who breastfeed may be assigned to night work only with consent of such persons.

In 1994 the Republic of Lithuania took the responsibility on night work according to Convention No 171 of the ILO.

*Response to the question provided in the Conclusions of the European Social Rights Committee (pg.320):*

According to paragraph 10 of Article 278 of the Labour Code, if the above workers refuse to work at night and submit a certificate that such work would affect their safety and health, they shall be transferred to day-time work. Where it is not possible to transfer such workers to day-time work due to objective reasons, they shall be granted a leave until they go on maternity leave or child-care leave until the child is 1 year of age. During the period of leave granted before the worker goes on maternity leave she shall be paid her average monthly pay.

Paragraph 6 of Article 154 of the Labour Code stipulates that worker working at night shall receive free health surveillance in accordance with the procedure laid down by the Government, also on their request (if they have complaints related to the work at night). If it is established that work at night has harmed or may cause harm to the worker's health, the employer must, on the basis of the conclusion of a health care institution, transfer the worker to do day work only.

#### **ARTICLE 8 PARA. 5**

*„„With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:*

- 1. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women“.*

#### **Question A**

*Please give details of measures to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining.*

*Please indicate the point in time when this protection takes effect and ceases. Please indicate the measures taken to protect the employment rights of these women.*

The underground mining is prohibited for pregnant women, women who have recently given birth and women who are nursing their infants, pursuant to the list of hazardous working conditions and dangerous factors, approved by the Resolution No 340 of the Government of the Republic of Lithuania on 19 March 2003. The above work for women who have recently given birth is considered as the work under hazardous working conditions, therefore a person representing the employer shall apply the measures indicated in Article 278 of the Labour Code.

More information is provided in question B of paragraph 5 of Article 8.

**Question B**

*Please indicate what other kind of unsuitable occupations by reason of its dangerous, unhealthy or arduous nature is prohibited and what measures are taken to give effect to such prohibition.*

Pursuant to Article 37 of the Law on Safety and Health at Work, pregnant or breast-feeding women or women who have recently given birth must be provided with safe and healthy conditions of work. It shall be prohibited to assign pregnant and breast-feeding women and women who have recently given birth to perform work that may be hazardous to the health of the woman or the child. The list of hazardous working conditions and dangerous factors for pregnant women, women who have recently given birth or breast-feeding women shall be approved by the Government. In compliance with the lists of hazardous working conditions and dangerous factors, as well as occupational risk assessment results, it shall be obligatory to establish potential risk to safety and health of pregnant woman, woman who has recently given birth and breast-feeding woman. Upon assessment of the potential effect, the employer's representative must take necessary measures specified in Article 278 of the Labour Code.

According to paragraph 1 of Article 278 of the Labour Code of the Republic of Lithuania, and upon the implementation of the European Council Directive 92/85/EEC of 19 October 1992 On the Introduction of Measures to Encourage Improvements in the Safety and Health at Work of Pregnant Workers and Workers who have Recently Given Birth or are Breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), the Government of the Republic of Lithuania has approved, by its Resolution No 340 of 19 March, 2003, the list of hazardous working conditions and dangerous factors for pregnant women, women who have recently given birth and who are nursing their infants, according to which the following occupations are prohibited for pregnant and breastfeeding women:

- divers and submarines (for pregnant women);
- typesetters, lino operators and workers of related professions;
- underground mining;
- works related to usage of lead and its compounds.

Where the following chemical elements are present:

- Basic lead acetate;
- Pigment C.I./yellow 34/ lead sulfochromate yellow;
- Lead (II) metansulfonate;
- Lead 2, 4, 6-/ trinitro-m-phenylene dioxide /lead 2, 4, 6-trinitroresorcinoxide/ lead styphnate;
- Alcylic lead compounds;
- Lead chromate;
- Lead diacetate ;
- Lead diazide/ lead azide;
- Lead hexafluorosilicate;
- Lead hydroarsenate;
- Lead compounds;
- Trilead diortofosfate.

Where the following dangerous physical factors are present:

- vibration, noise, electromagnetic field affecting the whole human body (to pregnant women);

- ionizing radiation (for pregnant and breastfeeding women, as well as for women who have recently given birth)
- thermal environment (for pregnant and breastfeeding women).

Where the following biological factors are present:

- German measles (work is prohibited if a woman has not been vaccinated against the agents of the indicated diseases);
- Agents of toxoplasmosis.

The list of hazardous working conditions and dangerous factors in terms of pregnant and breastfeeding women and women who have recently given birth, includes also other dangerous factors, causing the risk to pregnant or breastfeeding women and to women who have recently given birth.

*Please indicate the point in time when this protection takes effect and ceases. Please also indicate the measures taken to protect the employment rights of these women.*

Response to the questions provided in the Conclusions of the European Social Rights Committee (pg.321 and 322):

Pursuant to Article 278 of the Labour Code, the employer shall, in compliance with the list of hazardous conditions of work and working environment risk assessment results, establish the nature and duration of potential effect to safety and health of woman who has recently given birth and breast-feeding woman. Upon assessment of the potential effect, the employer must take necessary measures to ensure that the above risk is eliminated. Where the elimination of dangerous factors is impossible, the employer shall implement measures to adjust the working conditions so that exposure of a woman who has recently given birth or a breast-feeding woman to risks is avoided. If the adjustment of her working conditions does not result in avoidance of her exposure to risks, the employer must transfer the woman (upon her consent) to another job (workplace) in the enterprise, agency or organisation. Having been transferred to another job (workplace) in the enterprise, agency or organisation, the pregnant woman, the woman who has recently given birth or the breast-feeding woman shall be paid not less than her average pay she received before being transferred to another job (workplace). If transferring a pregnant woman to another job (workplace) where her and her expected child's exposure to risks could be avoided is not technically feasible, the pregnant woman shall, upon her consent, be granted a leave until she goes on her maternity leave and shall be paid during the period of extra leave her average monthly pay. If it is not technically feasible to transfer a woman who has recently given birth or a breast-feeding woman after her maternity leave to another job (workplace), where her or her child's exposure to risks could be avoided the woman shall, upon her consent, be granted an unpaid leave until her child is 1 year of age and shall be paid for the period maternity insurance contributions prescribed by law. Where a pregnant woman, a woman who has recently given birth or a breast-feeding woman has to attend medical examinations, she must be released from work for such examinations without loss in her average pay, if such examinations have to take place during working hours. Pregnant women, women who have recently given birth or breast-feeding women may not be assigned to work overtime without their consent. Pregnant women, women who have recently given birth or breast-feeding women may be assigned to work at night, on days off or on holidays, or be sent on business trips only with their consent. If such employees refuse to work at night and submit a certificate that such work would affect their safety and health, they shall be transferred to day-time work. Where it is not possible to transfer such employees to day-time work due to objective reasons, they shall be granted a leave until they go on maternity leave or child-care leave until the child is 1 year of age.

During the period of leave granted before the employee goes on maternity leave she shall be paid her average monthly pay.

**Question C**

*Please give details on all authorised exceptions.*

The legislation of the Republic of Lithuania does not provide for any exceptions.

## **ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE**

*„With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the disabled, to solve problems related to occupation choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including school children, and to adults“.*

### **Regulatory enactments of the Republic of Lithuania**

#### **1. International legal acts**

- Convention No 142 of the International Labour Organisation on Vocational Guidance and Vocational Training in the Development of Human Resources (*Official Gazette*, 1996, No 30-738), according to which vocational guidance is closely related to the employment policy. It emphasises that „each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment“.

#### **2. Laws of the Republic of Lithuania**

- Republic of Lithuania Law on Vocational Training (*Official Gazette*, 1997, No 98-2478);
- Republic of Lithuania Law on Education (*Official Gazette*, 1998, No 67-1940).
- Republic of Lithuania Law on Support of the Unemployed (*Official Gazette*, 1998, No 8-165)

#### **3. Secondary legislation**

- Resolution No 471 of the Republic of Lithuania of 24 March 2001 on Approving the Programme for Establishing the Posts of Special Pedagogues in Educational Institutions for 2001-2005 (*Official Gazette*, 2001, No 36-1220).

##### ***Orders of the Minister of Education and Science***

- Order No 465 of the Minister of Education and Science of 20 March 1998 on the Vocational Guidance Procedure (*Official Gazette*, 1998, No 39-1046).

##### ***Orders of the Minister of Education and Science and the minister of Social Security and Labour***

- The Order No ISAK-1635/A1-180 of the minister of education and science and the minister of social security and labour of 19 November 2003 on Approval of the Strategy of Vocational Guidance and Plan of Activities for Implementation of the Strategy“ (*Official Gazette*, 2004, No 56-1955).
- Order No ISAK-415/A1-71 of the minister of education and science and the minister of social security and labour of 23 March 2004 on Approval of the Plan for Implementation of Vocational Guidance Strategy (*Official Gazette*, 2004, No 56-1956).

### **Question A**

*Please give a description of a service – its functions, organisation and operation specifying in particular:*

- 1. whether access to services is free of charge;*
- 2. whether vocational guidance work is carried out in the private or public sectors;*
- 3. the measures taken to supply all persons with adequate information on the choice of employment;*
- 4. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;<sup>6</sup>*
- 5. the measures in hand for improving the services;*
- 6. the details of special measures to assist disabled persons.*

In Lithuania all residents benefit from free vocational guidance and counselling services. Like in many other foreign states, vocational guidance and counselling in Lithuania is implemented in two directions – through the educational system and via the labour market. In observance of the Republic of Lithuania Law on Vocational Education and Training, vocational guidance and counselling in schools of general education and in vocational institutions is organised by the Ministry of Education and Science, whereas the labour market and extra-curriculum vocational counselling – by the Ministry of Social Security and Labour.

The provision of labour market and extra-curriculum information and counselling services shall be organised by the Ministry of Social Security and Labour, the Lithuanian Labour Market Training Authority under the Ministry of Social security and Labour and territorial labour market training and counselling centres. The Lithuanian Labour Market Training Authority is committed to execute the functions of vocational guidance, vocational counselling and methodological management. The subordinate 6 territorial training and counselling offices provide vocational guidance and counselling to adults and youth. Territorial offices have been established in the biggest cities of the country: Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys and Alytus. In 2004 a new territorial centre has been established in Utena. Representatives of vocational counselling have also been working in Tauragė, Naujoji Akmenė, Kuršėnai and Ignalina.

Two trends can be distinguished in the work with customers by type – individual work with customers and group counselling. The counsellors also go to territorial labour exchanges and execute testing (selection to vocational training programmes), conduct motivation enhancement workshops (for long-term unemployed) and programmes for activation in the labour market (job clubs). They also execute psychological education and vocational informing and counselling at schools, prisons and provide consultations to victims of trafficking in human beings etc.

The main customers of vocational guidance and counselling services provided by the Lithuanian Labour Market Training Authority are unemployed individuals, secondary school pupils, and employed people. Work with socially excluded persons with special needs – the long-term unemployed, the disabled, convicts, military men, women returning to work after a long period of unemployment, ethnical minorities (the Roma), elderly people and unqualified youth - is also being developed.

With a view to improving vocational guidance services, by the end of 2004 a new Counselling and Testing Information System has been established and implemented. The system includes services of E-Government, integrated into the network [www.darborinka.lt](http://www.darborinka.lt) of the Lithuanian Labour

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<sup>6</sup> In case if your country adopted paragraph 1 of Article 10 and provided there such information, there is no need to repeat it here.

Market Training Authority, and established in the territorial labour market training and counselling centres. The provided services include:

- Counselling via Internet – interactive counselling services, providing for a possibility for a customer to register in the labour exchange and receive free of charge counselling on selection of a profession, career planning and job search. Having no access to Internet services, have a possibility to submit their queries and get the answers on the next day;
- Six computer based vocational singleness tests, providing for a possibility to customers to get counselling on selection of a vocational and educational establishment, training, re-qualification and motivation to be active job-seekers. Upon finalisation of tests, examples of possible professions are provided, as well as specific descriptions of these professions and information on educational institutions.
- „Job Search Steps“ is an interactive methodological material making the job search more consistent and effective.

Since 2003, a newly established database for the analysis and record of the counselled persons has been applied with a view to improving the record and monitoring of vocational counselling.

During individual and group counselling sessions psychological-diagnostic methodologies are used. In 2004, the adaptation of the test of vocational interests (PIT II), designed for the establishment of vocational aptitudes was finalised.

The strategy of vocational guidance (approved by the Order No ISAK-1635/A1-180 of the Minister of Education and Science and the Minister of Social Security and Labour of the Republic of Lithuania on 19 November 2003, has been partially implemented by the measures of the Project No ESF/2004/2.4-K01-065/SUT-291, „Establishment and Implementation of the Vocational Guidance Strategy“, prepared in 2004.

Disabled individuals are provided with counselling on individual basis and through their involvement in active job-search and working skills development programmes. During the year 2003, consultations were provided to 952 disabled persons, in 2004 – 1,3 thousand. The disabled are counselled individually and in groups as well as in joint groups. Group work programmes created specially for the disabled include “Self-cognition and Self-assistance”, “Positive Self-assessment”, “Revealing Individual Capabilities and Internal Reserves” and are aimed at recovering emotional balance of participants, assessing own experience, developing positive thinking.

With a view to integrating the disabled into the labour market, the co-operation is mostly developed with the Lithuanian Society of the Disabled. A Project „The Development of Integration of the Disabled into the Labour Market“ was prepared for acquisition of the support from the European Social Fund according to measure 2.3 of the Lithuania Single Programming Document. Upon implementation of the above Project the following products will be established:

1. Programmes for the disabled in respect of development of motivation and skills, necessary for the integration into the labour market: „Self-Cognition and Motivation“, „Job Search and Placement Skills“, „Skills of Social Competence“.
2. „Methodology for Planning Individual Occupational Rehabilitation services“, designed for occupational rehabilitation counsellors for their work with the disabled.
3. Special publications: „Self-Cognition and Motivation: training of the disabled unemployed“, „Job search and Placement Skills: training of the disabled unemployed“, „Skills of Social Competence: training of the disabled unemployed“.
4. Information catalogue „Occupational Rehabilitation Services for the Disabled“.
5. 30 occupational rehabilitation counsellors have been prepared.

All vocational guidance and counselling services in the Lithuanian Labour Market Training Authority are provided free of charge.

As mentioned before, in Lithuania vocational guidance and counselling is also developed in the educational system, where the main customers are school children and students.

Lithuania takes active part in the vocational guidance network *Euroguidance*, involving 65 centres in 31 European countries. In Lithuania there are various institutions providing counselling services to school children (centres for planning the career of youth), which have been accumulating and providing information on different professions and assisting in the career planning.

The vocational counselling institutions providing services to school children can be divided into three major groups:

- Republican post-curriculum educational institutions: the Centre for Career Planning at the Republican Chamber of Technical Creation of School Children, the Centre of the Young Naturalists of Lithuania in Vilnius. The above budget institutions are functioning as informal post-curriculum educational institutions, i.e. they organise their further after-class education in various spheres. Separate subdivisions of these institutions execute functions of career centres, i.e. prepare cycles of information lectures for school children and pedagogues on selection of a profession; provide individual consultations to school children on the selection of the educational profile and the profession; specify the abilities and capacities to be developed in the future, and organise their after-school training; provide information to school children, their parents and pedagogues on training institutions; provide information and counselling to parents and pedagogues on the ways for solving the problems related to the selection of a profession; set out and implement the programmes on the development of qualification of occupational counsellors; prepare qualification development seminars for pedagogues and psychologists of comprehensive schools who are interested in the activities of occupational guidance in training institutions; take part in drafting and implementation of the career planning programmes in comprehensive and vocational schools.
- Five major universities of the country (Vilnius University, Vilnius Gediminas Technical University, Kaunas Technological University, Šiauliai University, Klaipėda University) have centres of vocational guidance and career. They provide counselling to future students of universities on issues related to the selection of a profession, provide information to students and graduates, as well as to Lithuanian and foreign companies on a professional career, as well as counselling on planning, staff management, organisation of internship of young specialists, placement. The career of students is being traced, they receive counselling on the strategy and job search tactics.
- 26 territorial psychological-pedagogical offices (subordinate to municipal administrations). During the period of 2003 – 2004, they have mostly employed social pedagogues, speech therapists and psychologists. The above offices rendered psychological and pedagogical assessment of a child, provided counselling to parents and teachers, applying because of problems school children with special needs; prepared recommendations on their post-secondary education (the Order No ISAK-897 of the Minister of Education and Science of the Republic of Lithuania of 25 June 2003 On the Model for Provision of Pedagogical and Psychological Assistance (Official Gazette, 2003, No 74-3451). Psychologists of pedagogical-psychological offices of Alytus, Ignalina, Kaunas, Pasvalys, Šiauliai, Utena, Vilnius and Visaginas (8 in total) provided vocational guidance services.

During the period of 2003-2004, the number of psychologists in the Lithuanian comprehensive schools amounted to 233 (the instructions of psychologists include the recommendation of provision of vocational guidance services (Order No 629 of the Minister of Education and Science of the Republic of Lithuania of 11 May 1999 on Approval of the Official Instruction“ (*Official Gazette*, 1999, No 47-1489). A similar number of the above specialists (236) worked in comprehensive schools until the reporting period, i.e. the year 2001 (in 2002 – 228



psychologists). Currently in the majority of the Lithuanian municipalities (44) at least one psychologist has been employed. The majority of them are women (more than 90%).

Out of private institutions, paid vocational guidance services were provided only by one private organisation, however the demand for these services was minor.

It should be noted that in 2003-2004, the major part of school children were provided with counselling services on the selection of a profession in six territorial labour market training and counselling centres; whereas the educational institutions provided counselling only to 1-2% of school children. Vocational guidance and counselling of school children is usually initiated for 10-12 grade pupils.

With a view to developing the vocational guidance and career planning capacities of school children, a EU Phare Project has been implemented in 2003 („Assistance for Implementation and Development of the National Strategy for Career Counselling“). Specialists of the Centre for Career Planning took active part in the implementation of the Project (together with foreign and national partners). The objective of the Project – to prepare specialists of schools for work with school children of different age, i.e. to teach them the fundamentals of career planning). Upon the implementation of the Project a training programme was prepared and 200 pedagogues from all over the country received training. The above specialists have applied the acquired knowledge in their daily activities and exchanged the information with their colleagues. The Centre for Career Planning organised and conducted training courses, registered the participants, co-ordinated the activities of lecturers, generalised the assessment questionnaires and participated in the organisation of the final Project conference.

In 2003-2004 information on vocational counselling was provided in the Internet website [www.mokykla.smm.lt](http://www.mokykla.smm.lt). This Internet page publicised information on universities, colleges, vocational schools and their implemented programmes, including the issued diplomas and many other information relevant to school children, teachers, employers and politicians. The data of the website was updated on a daily basis. In 2004, on the basis of the above website, a pilot version of the software for the open system of informing, counselling and guidance (AIKOS) was established. The Open Information, Counselling and Guidance System (AIKOS), which will soon commence its operations, will integrate the constantly updated information from three different sources – educational system, labour exchange and employers – into one package. This will provide for a direct monitoring of changes in the educational system and labour market, and record a permanent interaction between the labour market and education. The information designed for the education will be especially detailed, thus providing for an opportunity to have a clear picture on what is going on in one or another field of education. The development of the educational information system has been stipulated in the resolution No 131 of the Government of the Republic of Lithuania of 29 January 2003 on Distribution of Capital Investment Anticipated for 2003 in the Public Investment Programme for 2003-2005, by Managers of Allocations and Investment Projects (*Official Gazette*, 2003, No 13-495).

### **Question B**

***Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.***

With a view to encouraging occupational and social development the services of vocational guidance and counselling are being continuously developed and improved. New active job-search and working skills development programmes are being prepared for group work with unemployed persons and pupils having regard to the needs of individuals being counselled. The programmes are worked out for particular target groups of individuals: youth without vocational qualifications, long-term unemployed, older people, disabled, women growing children and willing to return to the

labour market, etc. The aforementioned programmes are aimed at understanding specific needs of separate groups of individuals and helping them to reintegrate into the labour market.

In observance of the Programme of Increasing Employment of the Republic of Lithuania for 2001 – 2004, the Lithuanian Labour Market Training Authority is implementing measures for refreshing vocational knowledge and practical skills of the long-term unemployed. The labour market training centres implement the programmes of skills rehabilitation and introductory training for the long-term unemployed, whereas territorial labour market training and counselling services organise motivation strengthening exercises. All these measures are aimed at helping the long-term unemployed to refresh their previously acquired occupation and working skills and to encourage their motivation to acquire an occupation, which is on demand in the labour market.

A long-term counselling Employment Opportunities Programme has been newly established (6 months, 192 hours). It was set up during the Project „Support to Long-term Unemployed through Development of Local Networks, implemented by Lithuanian and the Dutch Matra partners in 2003. This Programme is aimed at changing the attitude of people, encouraging them to understand their values and likings and to make use of them in the labour market. Activities of Employment opportunities centres are aimed at providing the long-term unemployed with support guarantees ensuring that the unemployed person who makes a step from exclusion towards the labour market will have access to continuous and effective support.

While implementing the state programme on equal opportunities of 2003-2004, the training course was organised to the vocational counselling specialists of all national territorial labour exchanges, labour market training services, labour market training centres on issues related to vocational guidance of men and women and on improvement of job search activity. The objective of training – to enhance the implementation of equal opportunities in the labour market, to change the old stereotypes of the society on the place of a woman and a man in the economic activity of the country; to enforce provisions, ensuring equal employment and economic opportunities of women and men. 157 persons participated in six training seminars „Mainstreaming in the Process of Occupational Career“.

### **Question C**

***Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.***

Lithuanian Labour Market Training Authority annually collects the most recent information about vocational training, studying opportunities, educational institutions of all levels, and admission conditions. In view of approaching date of membership in the EU, information is also being accumulated about the possibilities of studies in the European Union countries.

The Classification of Occupations of Lithuania is placed in the Lithuanian Labour Market Training Authority website together with the database of the labour market vocational training programmes and authorities, the collection of non-formal training programmes, information about the labour market vocational training and counselling opportunities.

Information about vocational guidance and counselling services is disseminated through educational divisions of municipalities by concluding cooperation agreements on the provision of counselling services in the districts, and appraising administrations of general education schools.

Information about vocational guidance and counselling services for adults is disseminated via territorial labour exchanges and local press, radio, TV, the Lithuanian Labour Market Training Authority Internet website, and during miscellaneous events – conferences, workshops, exhibitions, etc.

In collaboration with social partners information publications, advertising booklets and leaflets are printed for pupils, youth, adults and other groups of customers with special needs.

Information and advertising material is disseminated through territorial labour market training and counselling services maintaining direct cooperation with customers

**Question D**

*Please, provide the following data:*

***1. the total amount of public expenditure devoted to vocational guidance services during the reference period;***

During the period from 1 January 2003 to 31 December 2004, the public expenditure of the Lithuanian Labour Market Training Authority for vocational guidance services comprised:

LTL 2,248 million from the Employment Fund of the State Social Insurance Fund;

LTL 188 thousand from the state budget.

The total public expenditure during the reference period equalled LTL 2,436 million.

The Vocational guidance strategy and plan for implementation of the strategy have been prepared, in co-operation of the Ministry of Education and Science, and approved by the Order No 415 (A1-71) of the Minister of Education and Science and the Minister of Social Security and Labour of 23 March 2004 (Official Gazette, 2004, No 56-1956). The above legal acts defined strategic Lithuanian vocational guidance provisions facilitating the establishment of a qualified vocational guidance system in Lithuania. Allocations from the state budget have been assigned to the Ministry of Education and Science for provision of vocational guidance services upon the implementation of the programme “Education for Information Society”. In 2004, for the implementation of this programme, LTL 15,421,3 thousand was allocated from the State budget; in 2003 – LTL 17,924 thousand.. However, it should be noted that not all measures for implementation of the programme “Education for Information Society” of 2003-2004 were related to the improvement of vocational guidance system, therefore in 2003 and 2004 about 1/7 of all funds allocated to the above programme have been spent for provision of vocational guidance services.

***2. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators etc);***

Territorial labour market training and counselling services employ 35 qualified consultants psychologists who provide vocational guidance, information and counselling services. The Lithuanian Labour Market Training Authority’s Career Planning Division responsible for coordination of vocational guidance activities of territorial services engages 4 qualified psychologists.

Five workers have been employed in the Centre for Career Planning of the Republican Chamber of Technical Creation of School Children in Vilnius; from them four have the qualification of a psychologist and provide consultations, one specialist is responsible for maintenance of computer hardware.

Six persons having the qualification of a psychologist are employed in the National Centre of the Young Naturalists in Vilnius.

More than 70 specialists work in Career Centres of higher institutions, from which the majority (60%) are psychologists by qualification.

At least one post of a psychologist has been established in territorial pedagogic-psychological services, but certain services employed more than one psychologist: the pedagogic-

psychological service of Šiauliai city – 5 specialists, Kaunas – 8, Vilnius – 10, Utena – 4, Alytus – 3.

**3. the number of persons benefiting from vocational guidance broken down by age, sex, gender and educational background;**

**Table 9.1. The number of persons, consulted by the territorial labour market training and counselling services :**

	<b>2003</b>	<b>2004</b>
Total number of counselees	70176	64231
Individually	36070	31268
In groups	34106	32963
Adults	57149	50319
Women		30800
Unemployed	55931	49345
School children, their parents and pedagogues	13027	13947

During 2003 – 2004, the Career Planning Centre of the Republican Chamber of Technical Creation of School Children provided more than 2000 individual consultations on vocational guidance to school children and their parents.

Within the period of 2003- 2004 more than 50 000 school children and pedagogues have participated in various events arranged by the National Centre of Young Naturalists. They were counselled on vocational guidance issues and higher studies of subjects of natural science.

During the period of 2003-2004 the career planning centres of major universities of the country provided vocational guidance and counselling services to more than 40000 future students and persons studying at universities.

Within the period of 2003-2004 vocational counselling services in territorial pedagogic-psychological services have been provided to 3 % of all Lithuanian school children, attending comprehensive schools.

**4. the geographical and institutional distribution of vocational guidance services.**

Territorial labour market training and counselling services are subordinate to the Lithuanian Labour Market Training Authority. Their network covers the entire territory of Lithuania. The services are set up in Vilnius, Klaipėda, Šiauliai, Panevėžys, Alytus, and have their representatives in Tauragė, Naujoji Akmenė, Kuršėnai and Ignalina.

See the response to question A of Article 9.

**Question E**

***Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.***

Vocational guidance and counselling services of the Lithuanian Labour Market Training Authority are guaranteed and available to all interested customers, including citizens of the Republic of Lithuania and persons lawfully resident or working regularly in the territory of Lithuania. Priority customer groups include unemployed enrolled with the Labour Exchange, pupils

and students, but counselling is provided to everyone who faces difficulties in the labour market, is willing to find a new job, to acquire a new occupation or to change it. Customers who apply with regard to other matters are appraised of the opportunities to obtain information they are interested in and are referred to respective authorities that can provide such information.

*Response to the Conclusions of the European Social Rights Committee on equal opportunities in receiving vocational guidance services (pg.323-326):*

During the period of 2003-2004 the work has been carried out with convicts, persons released from imprisonment, victims of trafficking in human beings and prostitution, long-term unemployed, ethnic minorities (the Roma).

In 2003, 257 convicts of the Panevėžys correction house have participated in the lectures under the title „Psycho-intervention probation programmes for convicts“, after which 241 women participated in vocational training programmes. 210 convicts have been counselled in group lectures according to programmes „Self-Cognition Portraits“ and „Correction of Non-Adaptive Behaviour“. 263 convicts received counselling in Pravieniškės treatment and correctional house. In 2004, 306 persons were counselled and professional qualification was acquired by 162 convicts.

100 convicts were counselled in the Pravieniškės treatment and correctional house according to the programme „Integration of Convicts into the Labour Market and Society“: 28 assessments of vocations, interests, potential capacities and personal qualities were carried out. The results have been discussed during the individual counselling sessions. Psychological training according to the module „Factors influencing general social adaptation, abilities of planning self-activities and self-control“ was carried out for 44 persons. 28 to-be-released persons attended practical seminars „active job search and preparation for life changes“.

34 to be released convicts from the Marijampolė correction house attended seminars under the title „Self-cognition and preparation for active job search“.

103 convicts from the Panevėžys correction house received consultations according to the programme „Self-cognition and defeat of non-adaptive behaviour“, from them 63 in the group lectures „Self-cognition portraits“ and 40 in the group lectures „Correction of non-adaptive behaviour“. 42 convicts have received individual consultations. 34 formerly detained convicts participated in various group lectures.

The programme for group counselling „Selection of a profession“ has been specifically prepared for persons released from imprisonment. Remarks and proposals have been submitted on the Project „Provisions for training and attestation of imprisoned persons (working with potentially dangerous installations) on occupational safety and health issues“. During 2004, 66 persons released from imprisonment received consultations.

In June 2003 a programme of psychological rehabilitation, vocational guidance and employment for 2003-2004 was prepared for victims of trafficking in human beings and prostitution. This programme was financed from the state budget. In 2003 a training seminar was organised for counsellors-psychologists of territorial services, and was also attended by social partners – representatives of non governmental organisations, such as the Women’s Crisis Centre and the Centre for social and psychological assistance and Lithuanian Caritas organisations.

They discussed co-operation trends and concluded co-operation agreements on the implementation of the programme in Vilnius and Klaipėda regions. Victims of trafficking in human beings and prostitution is a new group of counselees. Victims of sexual abuse expressed their wish to acquire a profession and find a job. During individual consultations social situation of women was identified (they have small children, have no permanent source of living), the plan of activities has been discussed with each of the customer. During 2004, upon the implementation of the programme of Psychological rehabilitation, vocational guidance and employment of victims of

trafficking in human beings and prostitution for 2003-2004, counselling was provided to 31 customers.

In terms of integration of the disabled into the labour market, the co-operation has been mostly maintained with the Lithuanian Society of the Disabled. During 2003, counselling was provided to 852 disabled persons; more than 60% of the disabled received group counselling, mostly according to programmes on enhancement of motivation and activation in the labour market. In 2004, counselling was provided to 1,3 thousand disabled persons, from them 0,5 thousand individual consultations, 0,8 thousand participated in group work programmes. Palliative therapy was mostly applied during consultations. During group seminars persons practiced relaxation, psychogenic, positive thinking exercises, a positive active position in terms of own health was enhanced.

Quite a lot of work has been done in 2003 in the sphere of integration of long-term unemployed (36 070 persons) to the labour market. Training was attended by 10,358 persons, counselling – by 25,712 persons. During the year 2003, long-term unemployed were presented with 5 training measures (programmes) (2 cognitive and 3 on renewal of knowledge and skills). By the end of the year they were presented with 35 training measures programmes – 15 cognitive and 20 on renewal of skills and knowledge. Upon the implementation of „The measures for renewal of occupational knowledge and practical skills of long-term unemployed“, long-term unemployed participated in the motivation enhancement lectures and were selected to various training courses. During the seminars the long-term unemployed received the up-to-date theoretical and practical knowledge, and acquired the skills for self-presentation to the employer, adaptation in the new working environment, acquired elementary communication skills. In 2004 consultations were provided to 24,2 thousand long-term unemployed (9,9 thousand individual counselling and 14,3 thousand – group counselling). From them, 6,6 thousand participated in the motivation enhancement seminars; 5,9 thousand of long-term unemployed participated in the selection to various skills and knowledge renewal and cognitive training measures.

According to the inquires, the majority of the unemployed have positively evaluated applicable measures. The majority of those who participated in cognitive training course continued training according to vocational training programmes.

In the course of implementation of the Lithuanian-Dutch Matra Project „Support to Long-term Unemployed in Lithuania through the Development of Local Networks“ in 2003, 171 long-term unemployed took part in seminars of the programme on employment opportunities of three territorial services (Alytus, Panevėžys and Klaipėda). After finalisation of the Project, by the end of the year, the programme of employment opportunities has been implemented in all territorial services and training courses commenced with 88 long-term unemployed. In 2004 all territorial services (except Utena) organised the programme of employment opportunities for 157 long-term unemployed. This was a long-term programme (200 hours per 6 months), established during the implementation of the Lithuanian-Dutch Matra Project „Support to Long-term Unemployed in Lithuania through the Development of Local Networks“ (2001-2003).

In 2004 counselling was provided to 29 persons from the Roman community. 21 persons participated in job club seminars, seven in motivation measures for long-term unemployed „Psychological readiness for active job search“. One person from the Roman community was assisted in choosing the training courses of vegetable growers in greenhouses.

## **ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING**

### **Legislation of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania** (*Official Gazette*, 1992, No 33-1014)

#### **2. Laws of the Republic of Lithuania**

- [Republic of Lithuania Law on Vocational Education and Training](#) (*Official Gazette*, 1997, No 98-2478)
- Republic of Lithuania Law on Education (*Official Gazette*, 1998, No 67-1940)
- Republic of Lithuania Law on Science and Studies (*Official Gazette*, 1991, No 7-191)
- Republic of Lithuania Law on Long Term Financing of Science and Education (*Official Gazette*, 2000, No 110-3516)
- Republic of Lithuania Law on Higher Education (*Official Gazette*, 2000, No 27-715)
- Republic of Lithuania Law on the Social Integration of the Disabled (*Official Gazette*, 1991, No 36-969)
- Republic of Lithuania Law on Special Education (*Official Gazette*, 1998, No 115-3228)
- Republic of Lithuania Law on Religious Communities and Associations (*Official Gazette*, 1995, No 89-1985)
- Republic of Lithuania Law on Equal Opportunities (*Official Gazette*, 1998, No 112-3100)
- Republic of Lithuania Law on Value Added Tax (*Official Gazette*, 2002, No 35-1271)
- Republic of Lithuania Law on Budgetary Institutions (*Official Gazette*, 1995, No 104-2322)
- Republic of Lithuania Law on Public Establishments (*Official Gazette*, 1996, No 68-1633)
- Republic of Lithuania Law on State Registers (*Official Gazette*, 1996, No 86-2043)
- Republic of Lithuania Law on Chambers of Commerce, Industry and Crafts (*Official Gazette*, 1995, No 99-2201)
- Republic of Lithuania Law on Chamber of Agriculture (*Official Gazette*, 1997, No 49-1167)
- Republic of Lithuania Law on Non-formal Adult Education (*Official Gazette*, 1998, No 66-1909)

#### **3. Subordinate legislation**

- Resolution No 670 of the Government of the Republic of Lithuania as of 31 May 2004 “On Approval of a New Version of the Concept of the Republic of Lithuania Law on Vocational Education and Training” (*Official Gazette*, 2004, No 88-3231)
- Resolution No X-43 of the Seimas of the Republic of Lithuania as of 14 December 2004 “On the Programme of the Government of the Republic of Lithuania” (*Official Gazette*, 2004, No 181-6703);
- Resolution No 1390 of the Government of the Republic of Lithuania as of 11 November 2003 “On Approval of the First Stage Implementation Measures of the Concepts of Decentralisation and Deconcentration of Certain Functions Performed by Central Administration Institutions” (*Official Gazette*, 2003, No 107-4793);

- Resolution No 1080 of the Government of the Republic of Lithuania as of 26 August 2004 “On Approval of the Statute of the Vocational Education and Training Council” (*Official Gazette*, 2004, No 133-4809);
- Resolution No 1311 of the Government of the Republic of Lithuania as of 10 November 1998 “On Harmonisation of the Conditions and Rules of Admission of Students to State Higher Institutions” (*Official Gazette*, No 84-3846);
- Resolution No 209 of the Government of the Republic of Lithuania as of 23 February 2004 “On Approval of the Programme of Socialization of Children and Youth” (*Official Gazette*, 2004, No 30-995);
- Resolution No 759 of the Government of the Republic of Lithuania as of 28 May 2002 “On Approval of the Programme of Improvement of Schools” (*Official Gazette*, 54-2130);
- Resolution No 131 of the Government of the Republic of Lithuania as of 29 January 2003 “On Allocation of Capital Investment Provided for 2003 in the Programme of State Investment for 2003-2005 by Appropriation Managers and Investment Projects” (*Official Gazette*, 2003, No 13-495);
- Resolution No 1178 of the Government of the Republic of Lithuania as of 19 July 2002 “On Amending Resolution No 922 of the Government of the Republic of Lithuania as of 19 June 2002 “On the Framework of Students’ Admission to the State Higher Schools, University Research Institutes and State Research Institutes in 2002” (*Official Gazette*, 2002, 74-3177);
- Resolution No 850 of the Government of the Republic of Lithuania as of 7 June 2002 “On Approval of the National Programme of Social Integration of Persons with Disabilities for 2003-2012” (*Official Gazette*, 2002, No 57-2335);
- [Resolution of the Government of the Republic of Lithuania “On Approval of the Rules of Education Licensing” \(\*Official Gazette\*, 2004, No 103-3797\)](#)
- [Resolution of the Government of the Republic of Lithuania “On Approval of Establishment of a Register of the Studies and Teaching Programmes and its Regulations” \(\*Official Gazette\*, 1998, No 25-647\)](#)
- [Resolution of the Government of the Republic of Lithuania “On Registration of Education Certificates” \(\*Official Gazette\*, 1999, No 28-804\)](#)
- [Resolution of the Government of the Republic of Lithuania “On Approval of the Regulations of the Certificates of Education Acquired in the Republic of Lithuania” \(\*Official Gazette\*, 1993, No 55-1068\)](#)
- [Resolution of the Government of the Republic of Lithuania “On Approval of the Procedure of Registering the Forms of Education Certificates” \(\*Official Gazette\*, 2001, No 32-1084\)](#)

#### ***Orders of the Minister of Social Security and Labour of the Republic of Lithuania***

- Order No 38 of the Minister of Social Security and Labour of the Republic of Lithuania as of 22 March 2002 “On Approval of the Regulations of the Procedure of Organising and Administering the Labour Market Non-formal Vocational Education and Training and the Digest of Programmes of the Labour Market Non-formal Vocational Education and Training” (*Official Gazette*, 2002, No 33-1259)
- Order No 89 of the Minister of Social Security and Labour of the Republic of Lithuania as of 10 October 2000 “On Approval of the Procedure of the Labour Market Vocational Education and Training” (*Official Gazette*, 2000, No 92-2906)
- Order of the Minister of Social Security and Labour of the Republic of Lithuania “On the Regulations of the Labour Market Vocational Education and Training” (*Official Gazette*, 1998, No 65-1897)



- Order of the Minister of Social Security and Labour of the Republic of Lithuania “On Approval of the Procedure of Organising and Administering Measures for Updating Professional Knowledge and Practical Skills of Long-term Unemployed” (*Official Gazette*, 2002, No 96-4224)
- Order of the Minister of Social Security and Labour of the Republic of Lithuania “On Approval of the Procedure of Conducting Examination for Issuing an Authorization (Licence) to Teach According to the Labour Market Vocational Education and Training Programmes” (*Official Gazette*, 1999, No 79-2349)
- Order of the Minister of Social Security and Labour of the Republic of Lithuania “On the Procedure of Selecting the Labour Market Vocational Training Institutions and Companies for External Examinations” (*Official Gazette*, 2002, No 58-2357)
- Order No A1-278 of the Minister of Social Security and Labour of the Republic of Lithuania as of 15 December 2004 “On Approval of the Description of the Procedure of Conducting Examination for Following the Labour Market Vocational Education and Training Programmes and the List of Conformity of the Labour Market Vocational Education and Training Programmes” (*Official Gazette*, 2004, No 182-6740)

***Orders of the Minister of Education and Science of the Republic of Lithuania***

- Order No ISAK-1871 of the Minister of Education and Science of the Republic of Lithuania as of 23 December 2003 “On Approval of Methodology of Calculating the Funds of Initial Vocational Education and Training” (*Official Gazette*, 2004, No 5-102)
- Order No ISAK-1875 of the Minister of Education and Science of the Republic of Lithuania as of 24 December 2003 “On Approval of the List of Vocational Education Institutions Planned to be Reorganised into Public Institutions in 2004”
- Order No 868 of the Minister of Education and Science of the Republic of Lithuania as of 29 May 1998 “On the Regulations of Certification of Vocational Teachers” (*Official Gazette*, 1998, No 52-1438)
- Order No 3 of the Minister of Education and Science of the Republic of Lithuania as of 19 February 1998 “On the Regulations of Certification of Pedagogues” (*Official Gazette*, 1998, No 22-561)
- Order No ISAK-1743 of the Minister of Education and Science of the Republic of Lithuania as of 5 December 2003 “On Approval of the Procedure of Qualification Examinations of Initial Vocational Education and Training” (*Official Gazette*, 2003, No 116-5308)
- Order No 489 of the Minister of Education and Science of the Republic of Lithuania as of 29 March 2002 “On the Model of Profile Education” (*Official Gazette*, 2002, No 38-1414)
- Lithuanian Teaching Programmes of General Education Schools and General Education Standards approved by Order No 1465 of the Minister of Education and Science of the Republic of Lithuania as of 21 August 2002
- Order No ISAK-897 of the Minister of Education and Science of the Republic of Lithuania as of 25 June 2003 “On the Model of Providing Pedagogical and Psychological Assistance” (*Official Gazette*, 2003, No 74-3451)
- Order No 629 of the Minister of Education and Science of the Republic of Lithuania as of 11 May 1999 “On Approval of Job Description” (*Official Gazette*, 1999, No 47-1489)

***Orders of the Ministers of Education and Science and Social Security and Labour of the Republic of Lithuania***

- Order of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania “On the Procedure of Supervision of Vocational Education Institutions” (*Official Gazette*, 2001, No 4-112)
- Order of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania “On the Regulations of Certification of the Labour Market Vocational Teachers” (1997, No 883-81)
- Order of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania “On the Procedure of Admission of Persons under 18 Years of Age to the Labour Market Vocational Education Institutions” (*Official Gazette*, 1999, No 40-368)
- Order No ISAK-433/A1-83 of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania as of 26 March 2004 “On Approval of the Strategy Ensuring Lifelong Learning and its Implementation Plan of Action” (*Official Gazette*, 2004, No 56-1957);
- Order No ISAK-771/A1-91 of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania as of 30 May 2003 “On Approval of the Regulations of the Structure of Vocational Training Standard and Drafting, Updating and Legitimizing Vocational Training Standards” (*Official Gazette*, 2003, No 56-2512);
- Order No 415 (A1-71) of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania as of 23 March 2004 “On Approval of the Strategy of Vocational Guidance and its Implementation Plan of Action” (*Official Gazette*, 2004, 56-1956).

#### **ARTICLE 10 PARA. 1**

*“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

1. *to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers’ and workers’ organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude.”*

#### **Question A**

***Please give an account of the functions, organisation, operation and financing of the services designed to provide vocational training for all persons including those with disabilities, specifying in particular:***

1. *the rules laid down by legislation, collective agreements or carried out otherwise;*
2. *the total amount of public expenditure devoted to vocational training;*
3. *the number of vocational and technical training institutions (at elementary and advanced levels);*
4. *the number of teachers in such schools in the last school year;*
5. *the number of pupils, full-time and part-time in such schools in the last school year.*

At the end of 2004, 261 institutions had a licence to teach according to the labour market vocational training programmes: 14 labour market training centres, 87 educational institutions, 8

public enterprises, 20 companies, 70 private limited companies, 25 sole proprietorships, 37 organisations.

A labour market training centre is a non-profit limited liability public legal entity that engages in its activities following the Constitution of the Republic of Lithuania, the Civil Code of the Republic of Lithuania, the Republic of Lithuania Law on Public Establishments, other laws and legislation and the Statute of the institution.

Activity objectives of labour market training centres are the following:

- vocational training of labour market persons, upgrading their qualification;
- updating professional skills of labour market persons;
- vocational education of labour market persons;
- introducing state-of-the-art technologies.

The main activity directions of labour market training centres are training, retraining and advanced training of adults, including the unemployed. Labour market training centres earn their income from their activities – training services and other economical activities. In 2003-2004 no funds were allocated from the state budget.

The persons accepted for training are either directed by employers and labour exchanges, or they seek training independently. The training of the unemployed is financed by the Labour Exchange from the Employment Fund. People who seek training independently pay for it themselves.

Training centres apply a wide range of training forms such as theoretical and practical training, laboratory tasks, distance training, which is becoming more and more popular, and individual studying. Maximum duration of training according to labour market training programmes does not exceed 1 year. The length of training depends on the chosen training programme.

In 2003, labour market training centres employed 487 teachers, of them 121 were full-time teachers and 366 – freelance teachers. In 2004, there were 481 teachers, of them 120 were full-time teachers and 361 – freelance teachers.

**Table 10.1.1 Number of persons trained by labour market training centres in 2003 and 2004:**

	<b>2003</b>	<b>2004</b>
Trained, total	28485	28118
The unemployed and persons, who have received notices of dismissal, directed by labour exchanges	17191	16219
Persons directed by employers	8172	8234
Persons who came on their own initiative	2881	3771

One of the links of education policy of the Republic of Lithuania that ensures the right of the residents to vocational training is vocational education and training and non-university studies (a network of higher educational establishments – colleges – that provide non-university studies has been created, even 9 of the currently operating 16 colleges are non-state).

The principal legal source regulating vocational training is the Republic of Lithuania Law on Vocational Education and Training adopted in 1997 that governs vocational education and training of young people and labour market. Following this Law, a unanimous network of vocational education and training institutions operates in the Republic of Lithuania, and these institutions have the right to train both young people and adults (the same institutions that are responsible for

vocational education and training of young people provide continuous training services for adults). Such a provision enables to more efficiently use rather limited available resources and ensures considerably better access of continuous education to adults.

The activities of vocational education and training institutions in the Republic of Lithuania are based on the principle of decentralising vocational education and training functions, according to which part of the functions inherent in the vocational education and training system is transferred to vocational education and training institutions (vocational schools), and social partners together with local government structures are involved in the decision-making, vocational education and training organisation processes. In the system of vocational education and training, the Ministry of Education and Science, being the main state institution that is responsible for organisation of vocational education and training, performs such state governed functions as establishing the institutions that issue qualification certificates recognised by the state and issuing of licences for formal vocational education, as well as setting qualification requirements for teachers and organising qualification upgrading, accreditation of formal vocational education programmes, establishing the extent of general education subjects. Responsibility for establishing educational needs, preparing teaching curricula and selecting teaching methods, organising intermediate and final examinations is delegated to vocational schools instructing them to closely cooperate with local government and local employers' structures. The state controls the range and level of granted qualifications with the help of the Register of Studies and Training Programmes (Regulations of the Register approved by Resolution No 294 of the Government of the Republic of Lithuania as of 9 March 1998).

Quality of vocational education and training is ensured through certification of vocational teachers organised by the Ministry of Education and Science of the Republic of Lithuania by creating a possibility for vocational teachers to attend relevant training courses. Furthermore, part of higher schools – Kaunas Vytautas Magnus University, Vilnius Gediminas Technical University and the Lithuanian University of Agriculture – organise professional educology master studies for working teachers. In 2003-2004, Kaunas Vytautas Magnus University prepared 70 vocational teachers on the state funds; in 2003, 62 participants attended training seminars for vocational teachers.

Pursuant to the Law on Vocational Education and Training, after evaluating different needs of young people, vocational schools of the Republic of Lithuania have even 4 types of vocational education and training programmes: (1) for those who do not have a basic education, (2) for those who have a basic education and seek for acquiring only vocational qualification, (3) for those who have a basic education and beside a vocational qualification want to acquire secondary general education and (4) for those who have a general secondary education and want to acquire a vocation of a qualified worker. The tendency can be observed of the constantly reducing number of those persons who choose the programmes of type 2, which testifies the increased demand for further studying. At the same time the tendency can be observed that the number of students in type 1 programmes is increasing (in 2003-2004, these programmes were chosen by even 31 per cent of all students entering vocational schools).

Pursuant to the Law on Vocational Education and Training, the right to vocational training shall be guaranteed and vocational training organised for persons of certain target groups as well. Currently there are 3 vocational schools in Lithuania that teach vocation to children with slight intellectual disability, as well as vocational schools for the deaf and hearing impaired, the blind and visually impaired, and a range of schools offer studying conditions for persons with movement disabilities. Vocational education and training is also organised at imprisonment institutions.

It should be noted that with the view of creating possibilities for as big a number of persons to acquire vocational education and qualification, as well as guarantee access to vocational training system for all, and, through implementing the priority of lifelong learning, during 2003 the draft concept on amending the Law on Vocational Education and Training was developed. By Resolution

No 670 as of 31 May 2004, the Government of the Republic of Lithuania approved of the new version of the draft concept of the Law on Vocational Education and Training. After approval of the new version of the draft concept of the Law on Vocational Education and Training, a draft law amending the Law on Vocational Education and Training will be prepared. Namely this law will establish the system of qualifications, drawing up of standards, legitimating of competences acquired in non-formal and self-educational way, guaranteeing and monitoring of vocational education quality, and the conditions to improve access to vocational education, training, guidance and counselling. According to the new concept, the law amending the Law on Vocational Education and Training will lay down the measures applied for socially excluded persons, persons with special needs, persons of limited mobility, and young persons who have early left the educational system to return them and include into the system of vocational education and training. It will also regulate the employers' financial support for continuing training. Furthermore, the new Law on Vocational Education and Training will transfer considerably more functions to social partners, involving them into vocational training process management and assessment; in the concept of law, vocational training will be considered as a lifelong process rather than only initial granting of qualification or training for the first vocation; establishment of the national qualifications system that would guarantee transparency and mobility in the entire Europe of the qualifications recognized in Lithuania will be provided. A working group was formed to draft the new version of the concept of the Law on Vocational Education and Training by the order of Minister Algirdas Monkevičius, where specialists from the Ministry of Education and Science, Ministry of Social Security and Labour, the Lithuanian Labour Market Training Authority, the Association of Lithuanian Chambers of Commerce, Industry and Crafts, the Lithuanian Trade Union Confederation, the Chamber of Agriculture of the Republic of Lithuania, the Association of Vocational Schools Directors and representatives from other state institutions worked or submitted their observations. The new version of the Law on Vocational Education and Training is planned to be finished in the fourth quarter of 2006.

Moreover, the Ministry of Education and Science of the Republic of Lithuania, following Point 46 of the Implementation Measures of the Programme of the Government of the Republic of Lithuania for 2001-2004 approved by Resolution No 1196 of the Government of the Republic of Lithuania as of 4 October 2001, drafted the necessary legal acts regulating reorganisation of vocational education establishments into public vocational education establishments.

***The situation of vocational training in 2003-2004 can be described by the following general statistical data:***

- In 2003, LTL 4244 was allocated for the studies of one vocational school student, and LTL 4836 – in 2004. It is notable that since 1 January 2004, in accordance with the Law on Education and the provisions of the National Education Strategy for 2003-2012, the new provisions of the Procedure for Financing Vocational Schools came into effect. In 2003, vocational schools received more funds for the acquisition of the main means than in 2002. In 2002, LTL 408 thousand was used from the state budget and LTL 600 thousand – from the funds received from the rendered services, whereas in 2003 the assignments for the same purposes were bigger. 448 computers, 14 multi-projectors and software for LTL 1499861 were allocated centrally for vocational and post-secondary education schools. Since the beginning of 2004 vocational schools have been funded according to the new methodology: study funds were allocated for those students who had concluded a contract. Analogical principle (“pupil’s basket”) is already applied when funding general education schools. Funds for vocational training consist of the teachers’ salary, money for upgrading qualification of vocational teachers, for teaching books, psychological and special aid, for the staff of the school library, as well as money for professional technical literature, technical visual aids, materials and tools for

practical training. The new methodology of funding vocational schools is expected to allow more efficient usage of the allocated funds and creation of equal opportunities for rural and urban pupils to acquire a marketable vocation. According to the new funding methodology, from LTL 800 to LTL 6209 annually will be allocated for training of one vocational school pupil, subject to the level and duration of training. The biggest share of funds is allocated for vocational training of pupils with special needs – from LTL 2589 for pupils with intellectual disability to LTL 6209 for the blind. LTL 1655 on the average will be provided for the training of one vocational school pupil who has concluded a contract. Whereas so far vocational schools were funded having regard to the number of pupils and the price of preparation of the granted qualifications. However, no separate funds were provided for teaching means, materials necessary for practical training, and teachers' qualification;

- In 2003-2004, vocational training services were provided by 79 state vocational schools and 5 vocational divisions of post-secondary education agricultural schools in the Republic of Lithuania. Currently optimisation of the network and number of vocational schools is being implemented in Lithuania in accordance with Resolution No 1390 of the Government of the Republic of Lithuania as of 11 November 2003 “On Approval of the First Stage Implementation Measures of the Concepts of Decentralisation and Deconcentration of Certain Functions Performed by Central Administration Institutions”, Order No ISAK-1871 of the Minister of Education and Science as of 23 December 2003 “On Approval of Methodology of Calculating the Funds of Initial Vocational Education and Training” and Order of the Minister of Education and Science No ISAK-1875 as of 24 December 2003 “On Approval of the List of Vocational Education Institutions Planned to be Reorganised into Public Institutions in 2004”. The implementation of this strategy of optimising vocational schools aims at ensuring wider independence of vocational education establishments, their better orientation to the needs of the labour market, creating possibilities to establish public vocational training institutions – regional vocational training centres. In 2004, the experiment of reorganising the selected vocational education institutions from solely budgetary institutions to public institutions was practically started. Changing the status created legal preconditions for increasing the number of founders of vocational education institution and their diversity. Upon success of the experiment, all country's vocational education institutions will be reorganised into public institutions. For example, in 2004, while optimising the network of vocational education institutions and post-secondary education institutions, 3 vocational training centres (in Vilnius – joining 4 vocational schools, in Šiauliai – 5, in Alytus – 3) were established, and 3 vocational education institutions were reorganised into public institutions.
- According to the data of the Ministry of Education and Science of the Republic of Lithuania, at the end of 2003, 79 vocational schools employed 4111 teachers: 1626 teachers of general education subjects and 2485 vocational teachers. 82 per cent of teachers of general education subjects and 81 per cent of vocational teachers were certified. As compared to the data of 2001, within two years there was a considerable increase in certified teachers of general education subjects and vocational teachers (in 2001, 55.1 per cent of vocational teachers and 52.7 per cent of general education teachers were certified). Qualification of teachers of vocational schools (teachers of general education subjects and vocational teachers) is one of the key indicators of teachers' competence and quality of vocational education (certification of vocational teachers is regulated by Order No 868 of the Minister of Education and Science of the Republic of Lithuania as of 29 May 1998 “On the Regulations of Certification of Vocational Teachers” (*Official Gazette*, 1998, No 52-1438), and of other teachers

working in vocational education institutions – Order No 3of the Minister of Education and Science of the Republic of Lithuania as of 19 February 1998 “On the Regulations of Certification of Pedagogues” (*Official Gazette*, 1998, No 22-561). Teachers’ qualification is assessed according to the acquired qualification categories. In Lithuania, teachers of general education subjects at vocational schools may acquire the qualification category of a teacher, senior teacher, teacher methodologist and teacher expert; vocational teachers – the qualification category of a vocational teacher, senior vocational teacher, vocational teacher methodologist, and vocational teacher expert. In 2003, about half of the teachers of general education subjects and vocational teachers had the qualification category of a senior teacher/senior vocational teacher (51.3 per cent and 48 per cent respectively). Those who had the qualification of a teacher/vocational teacher made one-fifth, and those with the qualification of a teacher methodologist/vocational teacher methodologist – about one-tenth of teachers of vocational schools. The smallest share (about 1 per cent) was teachers who had a qualification of a teacher expert/vocational teacher expert.

- In 2003, factual number of students in vocational schools totalled 39107 (including students with special needs), and 14783 students acquired vocational qualification during 2003. In 2004, 38339 students studied at vocational schools, and 13183 students acquired vocational qualification.

*Regarding the question of the European Committee of Social Rights on recognition of vocational qualification acquired in non-formal way (through practical vocational activity) (pp. 327-328)*

It should be noted that this issue is regulated by the Provisional procedure of assessing knowledge acquired in the system of non-formal adult education and independently and of acquiring the documents recognized by the state certifying the completion of post-secondary education and vocational education and training or certain level or module thereof and qualification (*Official Gazette*, 2001, No 88-3111) approved by Order No 1353 of the Minister of Education and Science as of 1 October 2001. Taking the provisions of this Procedure into consideration, a person who wants to acquire a qualification certificate or a diploma of a qualified worker (hereinafter referred to as the external student) has the right to take external examinations and acquire qualification if his/her length of service is not less than 1 year and he/she is not younger than 18 years of age. An external student may take qualification examinations and acquire qualification in any vocational school that holds a licence for that training programme and implements it. Upon external student’s request to obtain a qualification certificate, a vocational training establishment or a company shall determine the timetable of accounting for those parts of the programme that are necessary for the acquisition of the qualification certificate and of taking a qualification examination. If an external student requires obtaining a diploma of a qualified worker, the given vocational school shall draw up the timetable of the examinations of obligatory subjects and final qualification examinations.

Qualification examinations and examinations of a qualified worker are conducted in accordance with the procedure established in the labour market vocational training regulations or final qualification examinations of initial vocational education established by the order of the Minister of Education and Science. Protocols of examining theoretical knowledge and practical skills, whereby vocational qualification is granted, are signed by the chairman of the commission and all its members. The costs of qualification examinations and examinations of a qualified worker are defrayed by a person taking the examination, if he comes on his own initiative, by an employer who sends his employee to take an examination, by a territorial labour exchange, if it sends an unemployed person or a person who has received a notice of dismissal. Participant of non-formal

adult education or a person who studies independently may repeatedly apply for examinations not earlier than after one year.

A person who seeks to acquire post-secondary education and who studies the subjects provided in the training programme independently or in non-formal education institutions may take external credit tests and examinations. After passing all credit tests and examinations provided in post-secondary education studies programme, an external student acquires the right to defend the final thesis (project) and/or take final examinations. An external student may be a person who has at least secondary education and a 3 year length of service.

External studies are organized in post-secondary education institutions. An application for assessing knowledge, competence and skills in the current school year is submitted to the institution until 15 September. Upon receipt of the application, the institution draws up an individual timetable of assessing knowledge, competence and skills until 30 September. To record all credit tests and examinations passed by an external student, an institution issues a studies book, and examinations and credit tests of external subjects are conducted by subject teachers. The Ministry of Education and Science delegates its representative to the Commission of final examinations and final theses (projects) to supervise final examinations and final theses (projects). The Commission takes a decision on the right to defend the final thesis (project) and take final examinations and sets the dates thereof, examines external students and organizes defence of final theses (projects) as well as conducts final examinations.

If an external student does not agree with the resolution of the Commission, he/she has the right to appeal to the representative of the Ministry of Education and Science in the Examinations Commission. If the representative delegated by the Ministry of Education and Science to the Examinations Commission does not agree with the resolution of the Commission, the Ministry of Education and Science shall, basing on the explanatory letter of its representative in the Commission, within 10 days make a decision on annulment of the results of the final thesis (project) or final examinations and on the procedure of repeated assessment. Concerning the assessment of knowledge, competence and skills, an external student may repeatedly appeal to the institution, which implements post-secondary education studies programme, not earlier than after one year.

Examination costs are defrayed by the person taking the examination, if he comes on his own initiative, by an employer who sends his employee to take an examination, by a territorial labour exchange, if it sends an unemployed person or a person who has received a notice of dismissal. An external student who has defended the final thesis (project) and/or passed final examinations shall acquire post-secondary education and vocational qualification and shall be issued a diploma of post-secondary education recognized by the state.

*Regarding the question of the European Committee of Social Rights on the number of students graduating from post-secondary education schools (p. 328):*

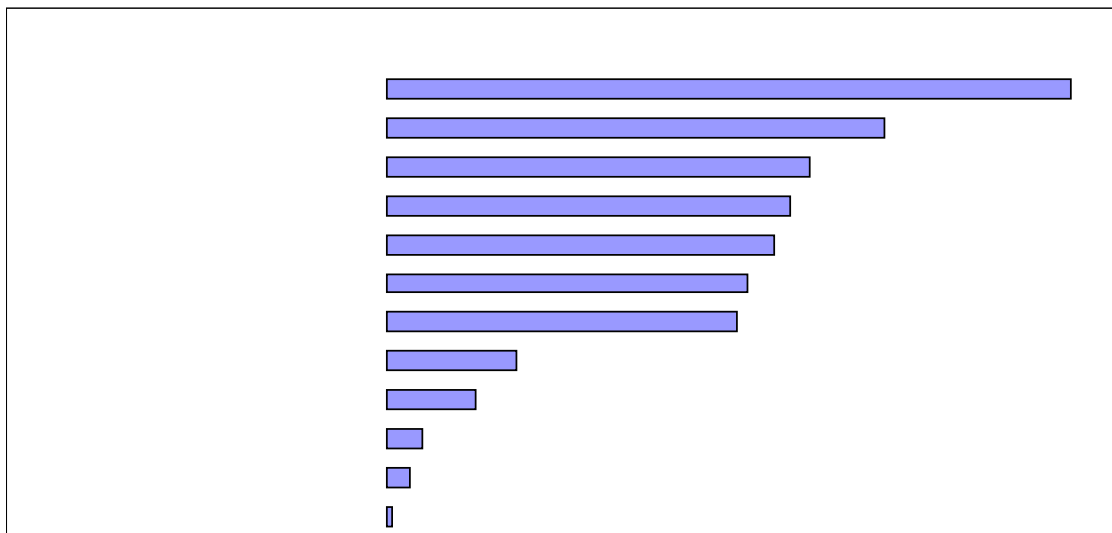
In 2003, 6893 students acquired post-secondary education in post-secondary education schools and colleges, 295 of them – in non-state post-secondary education schools (total number of students in post-secondary education schools and colleges in 2003 was 29990). In 2004, 7165 students acquired post-secondary education (total number of students was 29733). It is notable that most students acquired post-secondary education in 2003-2004 in the following fields: business and administration (over 1500 students), teacher training and pedagogy (over 900 students), engineering (over 700 students) and healthcare (over 600 students).



**Question B**

*Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.*

**Graph 10.1.1**



Distribution of students of post-secondary education schools and colleges by study fields is presented in the answer to *Question D of Article 10 Para. 3*.

No other data available.

**Question C**

*Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;*<sup>7</sup>

Vocational guidance orients towards the labour market demand, training supply, job search training, and each person's individuality. This ensures a close link between vocational guidance and training on the one hand and employment on the other. Moreover, programmes and projects that ensure direct link between vocational guidance and training and employment are implemented.

In accordance with the Law on Vocational Education and Training, one of the fundamental principles of vocational training strategy and policy is the principle of social dialogue, i.e. cooperation with employers and business structures, as well as with local self-government and regional institutions. With a view to consistent implementation of the principle of social dialogue by its Resolution No 1080 as of 26 August 2004, the Government of the Republic of Lithuania approved of the Regulations of Vocational Education and Training Council drafted by the Ministry of Education and Science, which create wider possibilities for social partners to take part in

<sup>7</sup> If your country has accepted Article 9, it is not necessary to describe these measures here.

vocational education and training. The key goal of the Council is to consult the Seimas of the Republic of Lithuania, the Government, ministries, local authorities, education providers, and employers in deciding strategic questions of vocational education and training. The Council shall be comprised of the organisations representing employers: representatives of the Lithuanian Confederation of Industrialists, the Lithuanian Business Employers' Confederation, the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture; representatives of the organisations representing employees, trade unions, and various ministries. The Government shall approve of its personal composition. Members of the Council shall perform their functions on a voluntary basis.

Thus, on a national level the Lithuanian Vocational Education and Training Council operates as a consultative structure for the Ministries of Education and Science and Social Security and Labour to ensure close link between vocational guidance and training on the one hand and employment on the other. Meanwhile, on the level of economy branches, in order to evaluate education needs and determine necessary competences, expert groups of economy branches are set up, and on the regional level an increasingly important role is played by regional vocational education and training councils. On the level of vocational training institutions social partners take part in school administration, programme drafting and implementation of practical training.

In the sphere of decentralization and transfer of state functions in vocational education and training to social partners in 2003-2004, gradual transfer of organising final qualification examinations to the organisation representing employers of the future graduates of vocational schools – the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture (Order No ISAK-1743 of the Minister of Education and Science of the Republic of Lithuania as of 5 December 2003 “On Approval of the Procedure of Qualification Examinations of Initial Vocational Education and Training” (*Official Gazette*, 2003, No 116-5308) – was very important. This step aimed at separating training and assessment, thus ensuring consistency of assessment, as well as creating favourable conditions to formalize non-formally acquired qualification. In 2004, pupils of vocational schools took their final examinations with and were granted the qualification by the organisation representing employers – the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture. Thus since 2004, the function of final assessment of vocational qualification has been fully transferred to the social partners.

In 2004, with the view of ascertaining the quality of vocational training examinations organised by the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture, the Ministry of Education and Science of the Republic of Lithuania inspected 78 vocational education and training institutions. It was stated that examinations were performed basically following the procedure of qualification examinations of initial vocational education. However, not all vocational education and training institutions provided pupils with means, tools and materials necessary for the practical part of the qualification examination; the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture, while preparing for the qualification examinations, fulfilled not all obligations provided in the agreements with the Ministry of Education and Science. Findings of the inspections of the concrete district and concrete school were presented in the reports of the districts and published in separate issues of the publication “Švietimo naujienos” (*Education News*). After inspections, the Chambers of Commerce, Industry and Craft and the Chamber of Agriculture were suggested analysing the shortcomings and problems that had arisen while organising and implementing the 2004 qualification examinations and that were mentioned in the inspection report, and discussing them with the heads of vocational schools; and when preparing for the 2005 examinations, performing all their obligations provided in the agreements with the Ministry of Education and Science on organisation and implementation of qualification examinations.

Furthermore, vocational schools have been annually taking part in the tenders for the provisions of training services announced by the Labour Exchange and carrying out vocational training of specific groups of the unemployed according to the drafted programmes and concrete

orders. The basic source of information, according to which vocational education and training programmes are corrected and admission to separate specialities is performed, is “labour market barometers” prepared by the Lithuanian Labour Exchange – the reports where forecasts of the demand for vocations up to one year are given. These reports are drafted after analysing data of the unemployed registered with the Labour Exchange, interviewing employers and using evaluation of experts. According to the “Barometer of employment possibilities in the country”, in 2004-2005, the following occupations of workers will be marketable in Lithuania: constructors, metalworkers and mechanics, international transportation drivers, cooks, bakers, culinary specialists, waiters and barmen, sales assistants and store demonstrators, electronic equipment assemblers, mechanics, repairers, tailors, machinists. Workers of all the above mentioned occupations, excluding international transportation drivers, were trained in Lithuanian vocational schools (in 2003-2004, number of pupils of vocational schools by separate marketable occupations was as follows: constructors – 1942, metalworkers and mechanics – 5341, cooks, bakers, culinary specialists – 5419, waiters and barmen – 3970, sales assistants and store demonstrators – 46, electronic equipment assemblers, mechanics, repairers – 1024, tailors – 2423, machinists – 98. The plans of admission to vocational schools are annually coordinated with regional institutions – county governors’ administrations.

The principle of social dialogue is implemented in creating and updating the contents of the vocational training programmes where the most important indicator is the requirements of the labour market. All vocational training programmes provide teaching of foreign languages and informational technologies and contain the module of entrepreneurship education. In order to take better consideration of the needs of the labour market, the Ministry of Education and Science of the Republic of Lithuania drafts and approves vocational training standards wherein competences necessary for a relevant occupation are formulated after qualifications research (Order No ISAK-771/A1-91 of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania as of 30 May 2003 “On Approval of the Regulations of the Structure of Vocational Training Standard and Drafting, Updating and Legitimizing Vocational Training Standards”). In 2003, the standards for 18 occupations were drafted and in 2004 – for 50 occupations. Moreover, in order to improve conformity of qualifications of the prepared specialists to the needs of the labour market, the schools are instructed to carry out preliminary qualification researches on their own.

According to the Programme of Increasing Employment for 2001-2004 of the Republic of Lithuania, the Lithuanian Labour Market Training Authority implements measures of updating professional knowledge and practical skills of long-term unemployed. Labour market training centres organise the programmes of updating skills and cognitive training for the long-term unemployed, and the territorial labour market training and counselling services hold workshops on boosting motivation. The aim of all these measures is to help long-term unemployed update their professional competences, practical skills and boost their motivation to acquire a marketable occupation.

*Regarding the questions of the European Committee of Social Rights on employment possibilities of persons who have graduated from post-secondary education schools and on coordination of post-secondary education studies with the needs of the labour market (p. 327-328):*

In 2003-2004, an assessment of preparation of post-secondary education schools to implement non-university studies was carried out (in 2003, 11 post-secondary education schools aiming to implement non-university studies were assessed and 17 assessment visits to colleges that started implementing new study fields were organised) and within their framework a network of 14 state colleges was formed, and over 10000 students were annually admitted to colleges (in 2004,

there were 16 state and 11 non-state colleges in Lithuania with over 43 thousand students: more than 33 thousand – in state colleges, and over 10 thousand students – in non-state colleges). This improved access to higher education in various regions of the country, and pupils from poorer families were provided possibilities to seek for higher education nearer their homes.

One of the key elements of coordination of post-secondary education schools to the labour market needs could be the fact that in 2003-2004 post-secondary education schools sought to provide a possibility to working persons to upgrade their qualification through post-secondary education level programme modules offered in the form of extramural (distance) learning. Due to this reason, in 2003-2004, post-secondary education schools provided education according to qualification upgrading programmes while fulfilling orders of the labour exchange.

It should be noted that the Ministry of Education and Science has no comprehensive studies on employment opportunities of graduates of post-secondary education schools (in 2003, only the study on competitiveness of university graduates in the labour market was carried out). However, it can be stated that due to the network of colleges formed since 2000 in Lithuania qualified specialists for business are prepared. They receive high estimates from the employers and regional government. This was confirmed by the results of employers' questionnaires organised in 2004 by the Ministry of Education and Science. Social partners (employers) often noted in the questionnaires that colleges became one of the most important factors of the region's development. Still, there are niches for activity in the regions, especially in applied research and consultation activity, and increase in demand of highly qualified specialists in the regions only contributes to popularity of colleges.

#### **Question D**

***Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude.***

Paragraph 3 of Article 41 of the Constitution of the Republic of Lithuania stipulates that higher education shall be accessible to everyone according to his individual abilities, and citizens who are good at their studies shall be guaranteed education at State schools of higher education free of charge. In accordance with Article 3(1) of the Law on Higher Education, persons who completed, as a minimum, their secondary education, shall, in accordance with abilities and knowledge, be entitled under the procedure established by this Law to seek to acquire higher education in Lithuania's higher education establishment. Article 60 of the mentioned Law establishes that free education shall be guaranteed to good students of higher education establishments – their tuition fees shall be covered with the State funds. Good students shall be 30 per cent of students of every study programme of each semester, except the students referred to in Article 61 of this Law, who are selected each semester according to the best study results (in the first study semester – according to the enrolment results). In accordance with Article 60(2) of the Law on Higher Education, State funds shall cover tuition fees of not less than 50 per cent of full-time students, except the students referred to in Article 60 of this Law, who are selected pursuant to the competition procedure of a higher education establishment according to study results (in the first semester – according to the enrolment results). Each year the Government shall determine the number of the students, who that year enrolled in a higher education establishment according to study stages and forms, the tuition fees of whom shall be covered with the State budgetary funds. The number of students fixed during the admission to a higher education establishment, whose tuition fees are covered with the State budgetary funds, shall remain constant during the whole established period of studies.

One of the measures in ensuring equal opportunities for all graduates of schools to acquire higher technical education and university education on the basis of the sole criterion of individual aptitude, is a common admission procedure of nearly all Lithuania's higher schools (16 higher

education establishments in total), which has been effective since 2003. Moreover, in 2004, persons entering higher schools, which were participants in the common admission system, paid smaller enrolment fees than in 2003. This was provided and legalized in the Rules of Admission of Students to State Higher Institutions (Resolution No 1311 of the Government of the Republic of Lithuania as of 10 November 1998 “On Harmonisation of the Conditions and Rules of Admission of Students to State Higher Institutions” (*Official Gazette*, No 84-3846). As compared with the previous year, in 2004 the fixed amount of the enrolment fee when applying for 1-2 studies programmes of higher schools participating in the common admission was reduced from LTL 70 to LTL 50. The fee when applying for more studies programmes was also reduced accordingly. Furthermore, with the view to simplifying the conditions of enrolment to higher schools, some higher schools (for example, Vilnius Pedagogical University, Klaipėda University, Kaunas University of Technology, Lithuanian Veterinary Academy, Lithuanian Academy of Physical Education, etc.) reduced the number of competitive subjects – instead of four marks of maturity examinations only three marks were required in 2004. It should also be noted that in 2004 all higher schools coordinated their admission rules with the Minister of Education and Science. The Rules lay down the principles of formation of a competitive grade and the list of competitive subjects according to concrete study programmes, as well as other information relating to admission. Thus the system of selecting future students became more objective and clearer. Finally, in 2004, the Draft of the common selection system of persons entering Lithuania’s higher schools were drawn up and submitted for deliberation.

Moreover, with a view to improving accessibility of higher education in various regions of the country and providing possibility to children of poorer families to seek for higher education nearer their homes, an assessment of readiness of post-secondary education schools to implement non-university studies and within their framework a network of higher non-university education institutions – 14 state colleges providing higher technical education – has been formed. In 2003, 11 post-secondary education schools aiming to implement non-university studies were assessed and 17 assessment visits to colleges starting to implement new study fields were organised. In 2003, the conditions of admission of students of 15 colleges were also coordinated, General provisions for persons entering colleges were approved, thus clarifying and simplifying the enrolment procedure.

The Government of the Republic of Lithuania, with the view of complexly solving study issues of the disabled, adopted Resolution No 1178 as of 19 July 2002 “On Amending Resolution No 922 of the Government of the Republic of Lithuania as of 19 June 2002 “On the Framework of Students’ Admission to the State Higher Schools, University Research Institutes and State Research Institutes in 2002” (*Official Gazette*, 2002, 74-3177). Point 1.4 of the Resolution states that “State higher schools may admit persons with I or II disablement group, who meet the requirements of the competition but who did not enter state higher schools, to additional places. Tuition fees of these persons shall be paid by the Ministry of Education and Science with the funds planned for meeting general needs of the education and studies system from 1 January 2003”.

More and more disabled students study in higher schools each year. According to the data of the Ministry of Education and Science, in 2003-2005 about 290 disabled students studied in higher schools. Biggest numbers of such students were recorded in Vilnius University, Kaunas University of Technology, Vilnius College, Marijampolė College, Vilnius Gediminas Technical University, Šiauliai University, Kaunas Vytautas Magnus University, Vilnius Pedagogical University, Lithuanian Academy of Physical Education, Vilnius Law and Business College. Each year, while implementing the National Programme of Social Integration of People with Disabilities for 2003-2012 (*Official Gazette*, 2002, No 57-2335), higher schools that have submitted well drafted projects on adaptation of the environment to the disabled are allocated funds.

### Question E

*Please indicate whether equality of access to vocational training opportunities is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.*

Point 3 of Article 4(3) of the Law on Vocational Education and Training of the Republic of Lithuania (hereinafter referred to as the Law) provides that the composite part of the vocational education and training system of the Republic of Lithuania shall be specialized VET institutions for persons with special needs (with disabilities, prisoners, etc.). Point 3 of Article 4(3) of the Law also stipulates that these persons may study also at vocational schools, performing theoretical and practical VET as well as general education, and at vocational training centres and courses organising theoretical and practical training. These provisions guarantee the right and possibility of the disabled persons to get proper vocational training services. When analysing how this provision of the Law is implemented practically, it is notable that in 2003-2004 persons with special needs studied in 10 vocational education and training institutions according to 18 study programmes, and the total number of pupils with special needs (the disabled) was over 1100. 20 pupils, who have graduated from the basic schools according to the adapted programmes, were admitted to the groups of type 3 of 10 vocational education and training institutions.

Persons with special educational needs could acquire vocational qualification at vocational schools, vocational schools specializing in vocational education and training of the disabled, vocational education and training divisions of special boarding schools, specialized groups for the disabled at vocational schools and vocational education and training system of the labour market. Vocational education and training institutions offer eighteen training programmes for such pupils: osier weaver, cook, hotel worker, rural trade worker, housekeeper, tailor, knitter, woodworker, constructor, etc. In 2003-2004 school year 1080 disabled (intellectually disabled, deaf and hearing impaired, blind and visually impaired) studied in the following vocational education and training institutions: Lithuanian Centre of Vocational Rehabilitation (404), Šilutė School of Agriculture (82), Kaunas School of Constructors (269), Vilnius Centre of Vocational Rehabilitation for the Deaf and Hearing Impaired (116), Lithuanian Training Centre of the Blind and Visually Impaired (35), Kaunas Food Industry School (46), Vilnius Light Industry and Household Services School (15), Gelgaudiškis Special Boarding School (32), Šiauliai Special Training Centre "Ringuva" (28), Vilnius Special Boarding School (36), Alytus School of Fine Crafts (19).

In 2003, the concept of vocational education and training of the disabled was drafted and approved by experts, and pursuant to it in 2003 the programmes for the disabled were started to be drafted. Correspondingly, a network of vocational education and training programmes adapted to the persons with special needs was developed – Vilnius Light Industry and Household Services School started training stitchers in 2003.

According to the data of the Ministry of Education and Science, 229 pupils with special needs, who in 2003-2004 school year completed the programmes of Kaunas Constructors', Šilutė Agricultural Vocational Schools, Lithuanian Centre of Vocational Rehabilitation, Vilnius Centre of Vocational Rehabilitation for the Deaf and Hearing Impaired started successfully working according to their acquired occupations.

It is also notable that Article 25(1) of the Law lays down the following conditions of admission to initial VET institutions: "Persons no younger than 14 years of age shall be admitted to initial VET institutions who: 1) have no vocation; 2) desire to acquire another vocation as a qualified worker". Article 25(2) of the Law stipulates that the founder shall establish the conditions and procedure of student admission; however, he cannot violate general conditions of admission to such schools as defined in Article 25(1) of the Law. Article 25(1) of the Law does not exclude the rights of the citizens of the Republic of Lithuania and foreign nationals, who legally and permanently reside in Lithuania, to use vocational education and training services and does not

establish a provision that such services are rendered only for the citizens of the Republic of Lithuania, therefore, basing on this provision of the Law, accessibility of foreign nationals to vocational education and training services, including vocational education and training in educational establishments, shall be guaranteed.

All persons, who legally and permanently live or work in Lithuania and who want to receive state support to study in labour market training centres, shall register in territorial labour exchanges at the prescribed procedure. Their training shall be funded from the Employment Foundation at the prescribed procedure.

The Lithuanian Labour Market Training Authority has adapted 69 marketable vocational training programmes for the disabled. With a view to providing vocational training programmes for as big a number of the disabled, 37 distance training programmes are applied. The disabled are trained according to formal and non-formal education programmes.

Measures aimed at improving the quality of vocational education and training of the disabled and their retraining:

- Specialists of the Lithuanian Labour Market Training Authority attended courses for the improvement of communication skills with the disabled, and a training handbook “Etiquette of disability. How to communicate with disabled persons” was prepared.
- In 2004, a project for the support from the European Social Fund under Measure 2.3 of the Lithuanian Single Programming Document 2004-2006 “Development of integration of the disabled into the labour market” was drafted. During the project, 32 new vocational training programmes adapted for the disabled will be developed.
- In 2004, a project for the support from the European Regional Development Fund under Measure 1.5 of the Lithuanian Single Programming Document 2004-2006 “Development of infrastructure of the labour market training network to meet the needs of vocational rehabilitation of the disabled”. A project is aimed at adapting the infrastructure of education institutions of the Lithuanian Labour Market Training Authority to the needs of the disabled.

*Regarding the questions of the European Committee of Social Rights on equal opportunities and rights for the nationals of the other Contracting Parties to the European Social Charter and revised European Social Charter to acquire secondary and post-secondary education (p. 329)*

Article 25 of the Law on Education (*Official Gazette*, 2003, No 63-2853) provides that each citizen of the Republic of Lithuania, also each alien having a permanent or provisional residence permit for the Republic of Lithuania, has the right to study, attain an education level and a qualification. The State guarantees each citizen of the Republic of Lithuania, also each alien having a permanent or provisional residence permit for the Republic of Lithuania: 1) primary, basic and secondary education; 2) access to special education, post-secondary and higher education study curricula or vocational training curricula that result in the acquisition of a primary qualification (Article 25(3) of the Law on Education). Basing on the provisions of the mentioned laws, nationals of the Contracting Parties to the European Social Charter and revised European Social Charter have the right to permanently or provisionally reside in the Republic of Lithuania, like the citizens of the Republic of Lithuania, are ensured equality of access and the right to secondary and post-secondary education in the Republic of Lithuania.

#### **ARTICLE 10 PARA. 2**

*“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

1. *to provide and promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments”.*

*In response to the questions A, B and E of Article 10(2), the answer is also given to the question of the European Committee of Social Rights on what measures are taken in order to adapt general education school curricula and qualifications provided at these schools to the labour market needs (p. 327-328).*

#### **Question A**

***Please give an account of the legal framework and the functions, organisation and application of apprenticeships and/or other systems for training boys and girls in various jobs in your country.***

With the view to prepare Lithuania's pupils for various jobs, to improve children's occupation, to develop their self expression, big attention is paid to non-formal children's education and training. Pursuant to Article 2(18) of the Law on Education, non-formal education according to a variety of programs is geared to satisfy individual education needs, to provide in-service education and to provide for acquisition of an additional competence. Thus, in addition to education provided at children educational institutions, which is organised according to educational programmes set, approved and registered according to legally established procedure and which give elementary, general or secondary education, pupils have a possibility to acquire additional competences and relevant professional knowledge and skills by participating in non-formal children's education programmes. The purpose of non-formal children's education is not only to satisfy young persons' cognition and development needs but also to help them integrate into society and become its active members, to develop their citizenship, initiative, activities and stimulate their self-expression. Today, the importance of the development of these competences is especially highlighted because they help a young person more effectively to find their place in the dynamic global society, to apply their knowledge in practice, and to find a job.

Pursuant to Article 16 of the Law on Education, non-formal children's education programmes are implemented by music, art, sports and other schools, freelance teachers and other education providers (today there are 110 music and art schools, 103 sport schools and centres and a number of other non-formal education institutions in Lithuania). Music, art, sports and other schools that implement pre-set programs of formal education or modules thereof are considered as the same type as those that implement formal education. The following institutions can be considered the main Lithuanian non-formal children's education schools: Lithuanian Youth Centre, Lithuanian Young Naturalists Centre, Lithuanian Youth Tourism Centre, The Republic House of Technical Creation of Pupils, Lithuania's Children Aviation School of Bronius Oškinis, Lithuanian Pupils Centre of Physical Training and Sports.

During school vacations, non-formal children's education programmes can be implemented according to a procedure established by the founder of the school or by the education provider. Also, a competence acquired in the course of non-formal learning may be recognised as a part of a formal education program or a qualification, according to a procedure established by the Government or its authorised institution, or according to a procedure established by schools of higher education. A long-term arts curriculum completed at a children's music, art, sports or other school may be recognised as a module of vocational training.

The 2004-2008 action programme of the Government of the Republic of Lithuania (approved by Order No X-43 of the Seimas of the Republic of Lithuania of 14 December 2004 On the Programme of the Government of the Republic of Lithuania) plans to improve non-formal education and children's occupation, to achieve that the majority of children would attend



afterschool activities, to use school halls, classrooms for these purposes, to provide funding for teachers of afterschool activities.

Moreover, on 23 February 2004 the Government of the Republic of Lithuania approved the Programme of Socialisation of Children and Youth (*Official Gazette* 2004, No 30-995). This programme seeks to ensure the welfare of children and young persons under the age of 18 by creating and implementing targeted occupation, prevention and education programmes (strategies) based on social partnership, which determine successful children and youth socialisation, develop their cultural maturity, citizenship, social skills, self-expression, abilities and aptitudes, and help to create better social and educational development conditions.

The Ministry of Education and Science will coordinate the implementation of the Programme and will implement it together with other ministries, administrations of county governors and municipalities, educational institutions, and non-governmental organisations. The starting and the end dates of the implementation of the Programme are 2004-2014. The Programme will be implemented by three stages. The first stage will last from 2004 to 2006. It will be dedicated to the analysis and evaluation of the impact of current actions and to the planning of other measures, in addition to existing programmes, necessary to ensure children and youth socialisation. 200 million Litas are to be earmarked from the state budget for the implementation of the Programme in 2004-2014. The preparation of legal acts for the implementation of the Programme started in 2004, including the Criteria for the Evaluation of Children and Youth Programmes, the Conception of Non-formal Children's Education, the Model of Financing Non-formal Children's Education, the Methodology of the Audit of Non-formal Children's Education Institutions, etc.

The children and youth socialisation measures were also implemented in 2004 by carrying out the Ministry of Education and Science Programme of Securing Children and Youth Education. The purpose of this Programme is to take care of Lithuanian pupils' self-expression, occupation and socialisation and to make preventive activities more effective at educational institutions. According to this Programme, such events were organised in 2004 as the Lithuanian Pupils' Songs Festival, the Contest "Dainų Dainelė", the EU National Contests for Young Scientists, the Lithuanian Pupils Parliament, the Week of Action initiated by UNESCO and EU Week of Universally Available Education, as well as other events of non-formal children's education.

One of the means to solve problems of youth employment and pupils' readiness for relevant profession is professional counselling. This principle is the basis for the guidance of education towards the development of personal skills necessary to the labour market, for the development of various forms of education, accessible system of professional counselling, economic literacy and entrepreneurship at schools.

According to statistical data, every fifth young unemployed in Lithuania does not have basic education. Therefore, the Ministry of Education and Science implements the Programme of Schools Improvement (approved by the Order No 759 of the Government of the Republic of Lithuania of 28 May 2002) and other measures aimed at strengthening schools providing basic education because many graduates of these schools usually become potentially unemployed. At the same time it is very important to focus on pupils' professional counselling and guidance so that they would get qualified consultations in time before choosing their profession. Schools should provide such conditions as provided by the current Law on Education (Article 26(3)).

With the participation of the Ministry of Education and Science, Professional Guidance Strategy and its Implementation Plan were set up and approved by the joint Order No 415 of the Minister of Education and Science and the Minister of Social Security and Labour of 23 March 2004 (*Official Gazette*, 2004, 56-1956). This legal act defines the Lithuanian professional guidance strategic provisions, which help to create a qualified professional guidance system in Lithuania.

Lithuania participates in the professional guidance network *Euroguidance*, uniting 65 centres in 31 European countries. Respectively, there are various institutions providing professional counselling services for pupils in Lithuania (youth career planning centres), which gather

professional information, give advice on different jobs and help pupils to plan their career. They include the aforementioned non-formal education institutions, such as the Career Planning Centre of The Republic House of Technical Creation of Pupils, also the Lithuania's Young Naturalists Centre. The four biggest Lithuanian universities run professional guidance and career centres, which consult future university students on issues related to choosing a profession, give information to students and graduates, also to Lithuanian and foreign companies about professional career, give consultations on such issues as planning, human resources management, organisation of practical training for young specialists and recruitment, follow the career of graduates, consult on job searching strategy and tactics.

The functions of these career centres are as follows: to organise lecture series for pupils and pedagogues on issues of choosing a profession, to give individual consultations to pupils on issues of academic profile and job options, to identify which skills and abilities they should develop and to arrange their development through afterschool activities, to give information to pupils, parents and pedagogues about educational institutions; to inform and consult parents and pedagogues on how to solve pupils' problems of choosing a profession, to organise training programs for professional advisers and implement these programmes, also to organise training seminars for pedagogues and psychologists of general education schools, who are interested in professional guidance services at educational institutions; to participate in organisation and implementation of career planning programmes at secondary education and vocational schools.

In 2003-2004, 26 territorial psychological-pedagogical bodies (subject to the administrations of municipalities) had special and social pedagogues, speech specialists and psychologists who evaluate a child psychologically and pedagogically, consult parents and teachers, dealing with children with special educational needs who have learning, behaviour, emotional and communication problems, and prepare recommendations on their further education (Order No ISAK-897 of the Minister of Education and Science of the Republic of Lithuania of 25 June 2003 On the Model of Providing Pedagogical and Psychological Assistance (*Official Gazette*, 2003, No 74-3451).

Psychologists of some pedagogical-psychological bodies give professional guidance services. Also, in the year 2003-2004, 233 psychologists worked at general education schools. Psychologist's job description recommends that this job includes provision of professional guidance services (Order No 629 of the Minister of Education and Science of the Republic of Lithuania of 11 May 1999 On Approval of Job Description (*Official Gazette*, 1999, No 47-1489).

Only one private organisation provided paid professional guidance services but demand for such services was not high.

It should be noted that the majority of pupils received a consultation on career guidance in 2003-2004 in six territorial labour market training and counselling authorities, while only 1-2% of pupils a year receive such consultations at educational institutions. Pupils' professional guidance starts in 10-12 grades. Organisations providing professional guidance services mainly employed people with psychological education.

With the purpose of promoting pupils' professional guidance and career planning possibilities, Assistance in Implementing and Developing National Career Counselling System Strategy under the project of the European Union programme Phare was implemented in 2003. Career Planning Centre specialists together with foreign and local partners actively participated in the implementation of this project. The aim of the project is to prepare specialists at schools for work with pupils of different ages (namely to teach them basis of career planning). The training programme was prepared and 200 pedagogues around Lithuania were trained in the course of the project. These specialists applied their gained experience in their work and shared it with the colleagues. The Career Planning Centre organised and conducted trainings, registered participants, coordinated the work of lecturers, summarised evaluation questioners, and participated in organising the final project conference.

Information on professional guidance in 2003-2004 was also provided on the internet site [www.mokykla.smm.lt](http://www.mokykla.smm.lt). Here pupils could find relevant and official information about universities, colleges, vocational schools, programmes they offer, diplomas they give and a lot of other information necessary for pupils, pedagogues, employers and politicians. The web site was updated every day. On the basis of this web site, a trial version of Open Information, Counselling and Guidance System (AIKOS) software was set up in 2004. The information system AIKOS (Open Information, Counselling and Guidance System) will soon come into operation. It will integrate constantly updated information from three different sources: the educational system, the labour exchange and employers. This will allow direct observation of constant changes in the educational system and labour market and recording constant interaction of the labour market and the educational system. The system will provide detailed information on education, which will allow to see developments in different subsectors of the education system. The development of the Lithuanian education information system is provisioned in the Order No 131 of the Government of the Republic of Lithuania of 29 January 2003 On the Allocation of Capital Investment Provided for 2003 in the Public Investment Programme of 2003-2005 According to Appropriators and Investment Projects (*Official Gazette*, 2003, No 13-495).

The Ministry of Education and Science prepared and published a number of informational publications on job options in 2004. Among them, the publication *Careers Guidebook 2003* presented at the Ministry of Education and Science in 2004 is worth to be mentioned. This publication presents professions and ways how to acquire them at Lithuanian vocational schools, schools of post-secondary education and colleges. It gives information about more than 300 different jobs, including the type of a job, professional or career development possibilities, the educational institution and the length of studies. Also, the book contains a lot of other useful information about labour market vocational training, university studies, vocational training of disabled, also it provides links for pupils to help them in choosing their profession. The book is primarily addressed to pupils of general education schools, who choose their profession or academic profile at school. It is also useful for teachers, profession counsellors and parents. The publication is distributed to Lithuanian general education schools, labour exchanges, labour market authorities, as well as town and district libraries. *Careers Guidebook 2003* was published by the Informational Centre of Professional Guidance Resources under the EU Leonardo da Vinci Foundation.

Finally, it should be noted that 2000 was a year when study profiles were introduced in Lithuanian general education schools, allowing to reduce learning scope and to focus on the main academic subjects requisite for choosing future studies (Order No 489 of the Minister of the Education and Science of the Republic of Lithuania of 29 March 2002 On the Model of Profile Education). Pupils can choose profile study programmes in XI-XII grades. These programmes include subjects which ensure pupils' vocational education and professional skills development. A study profile chosen in XI-XII grades is a study path ensuring better conditions for pupils to acquire deeper, broader and more targeted knowledge and skills oriented to future professional activity or study programme they will choose. One of these study paths is a technological profile. Technological subjects develop a personality universally, they help school graduates to find their place in a labour market, and ensure equal opportunities for technologically gifted pupils.

General study programmes and general education standards of Lithuanian general education schools, approved by the Order No 1465 of the Minister of Education and Science of the Republic of Lithuania of 21 August 2002, establish that technological training programmes are also included into general education school programmes in XI-XII grades. Technological training in general education schools is understood very broadly as training integrating creation and engineering processes. It covers designing and engineering technologies joining two main work areas: designing and engineering. Technology programme helps to develop a curious, thinking, creative, active and responsible personality rather than a passive task operator. A general technological education

course is meant for those students who want to acquire broader knowledge of certain technologies but do not plan to study them at vocational schools, colleges or universities. A general course creates conditions for pupils to broaden their general cultural education in the area of technologies and to apply it in practical life, to acquire more knowledge about main problems of selected technology, to get more experience and skills in solving not complicated technological problems by doing project work. A general course in technology covers widely used concepts (in specific technology), scientific explanation of technological development, recognition and application of materials, and technological processes, as well as forecasts of the development of selected technology. An extended course in technologies is meant for those pupils who want to study technologies at vocational schools, colleges or universities. An extended course is broader than a general one and covers more knowledge, skills and practical competences oriented to more exhaustive studies. It teaches pupils to use knowledge and methods of selected technology in solving practical and theoretical tasks and to develop independent studying skills through project work. At the end of the last school year, a pupil can take a school exam from the selected area of technologies. The exam programme is prepared according to educational standards for extended course. Lithuanian general education schools offer the following technological courses giving pupils relevant vocational knowledge: tourism, car maintenance, business, construction technologies, wood technologies, metal technologies, leather technologies, food production technologies, textile technologies, clothes design and making technologies, hotel service.

*Regarding the question of the European Committee of Social Rights on whether persons doing practical training get state social insurance (page 330)*

Article 4(1) of the Law on State Social Insurance (*Official Gazette*, 2004, No 171-6925) establishes that persons getting a salary for their job (persons working under labour contracts) are insured by obligatory state social insurance. According to Article 26(1.2) of the Law on Vocational Education and Training, a student of vocational school has a right to receive compensation for work at an enterprise in the course of practical training. According to Articles 93 and 98 of the Labour Code (*Official Gazette*, 2002, No 64-2569), an employment contract shall be an agreement between an employee and an employer whereby the employee undertakes to perform work in accordance with the work regulations established at the workplace, whereas the employer undertakes to provide the employee with the work specified in the contract, to pay him the agreed wage and to ensure working conditions as set in labour laws, other regulatory acts, the collective agreement and by agreement between the parties.

This allows us to make a conclusion that a person studying at a vocational school and doing a professional (practical) training in an enterprise has to receive wages and sign an employment contract with an enterprise (as an employer). Accordingly, such person doing practical training is insured by obligatory state social insurance as provided by Article 4(1) of the Law on State Social Insurance.

However, according to the Order No 1167 of the Minister of Education and Science of the Republic of Lithuania of 18 July 2001 On General Requirements for Basic Vocational Training Programmes (*Official Gazette*, 2001, No 65-2393) practical training can be done not only in an enterprise (i.e. with a certain employee) but also at school if a school has a base with real work conditions. Therefore, when practical training is done at a vocational training institution, a trainee does not receive compensation for work according to Article 26(1.2) of the Law on Vocational Education, and he/she does not get obligatory state social insurance.

*Regarding the question of the European Committee of Social Rights on the demand and supply of professional training and the selection of trainees (p. 330):*

Pursuant to the Order No 1167 of the Minister of Education and Science of the Republic of Lithuania of 18 July 2001 On General Requirements For Basic Vocational Training Programmes (*Official Gazette*, 2001, No 65-2393), every student of a vocational school has to do practical training in the course of their vocational studies (Article 27(2) of the Law on Vocational Education and Training). The duration of practical training depends on the duration of vocational education programme: if educational programme lasts 1 year – practical training lasts 8 weeks, if 1.5 years – 12 weeks, and if 2 or 3 years – 15 weeks. Places for a practical training are chosen by the school, taking into consideration requirements for the respective study programme (if school has a base with real work conditions, practical training is done at the educational institution itself, otherwise it is done at a respective enterprise). It should be noted that when practical training is done at an enterprise (with an employer), pursuant to Article 11(2) of the Law on Vocational Education and Training (*Official Gazette*, 1997, No 98-2478), the Chambers of Commerce, Industry and Crafts – the organisation representing interests of employers – is responsible for registering the contracts of the VET institution, enterprise and the student's practical training, and performing general supervision in the formation of practical vocational training contracts and implementation thereof.

*Regarding the question of the European Committee of Social Rights on the selection of vocational practical training supervisors (p. 330):*

Article 29 of the Law on Vocational Education and Training (*Official Gazette*, 1997, No 98-2478) provides that the Ministry of Education and Science shall stipulate the qualification requirements for teachers of initial VET institutions. Therefore, when professional training is done at the vocational education institution, it can be supervised only by teachers meeting qualification requirements set by the Ministry of Education and Science. When professional training is done at an enterprise according to a specific basic vocational education programme approved by the Ministry of Education and Science, these enterprises are chosen and the eligibility of its worker to supervise a trainee is evaluated pursuant to the procedure established in Article 16 of the Law on Vocational Education and Training. Enterprises engaged solely in the practical training of the students of VET training institutions, must have a license for vocational training, issued by the Chambers of Trade, Industry and Crafts and Chamber of Agriculture. It is highlighted that pursuant to this provision of the Law, it is the school that chooses a specific place of practical training according to the requirements of a specific study programme.

*Regarding the question of the European Committee of Social Rights on the conditions and procedure of the termination of practical (professional) training contracts (p. 330):*

Specific procedure of concluding and termination of such contracts is not defined, therefore, when professional training is done with an enterprise and according to Article 1(2) of the Law on Vocational Education and Training (*Official Gazette*, 1997, No 98-2478) and Articles 93 and 98 of Labour Code (*Official Gazette*, 2002, No 64-2569), and a contract is signed with a trainee, general provisions of employment contract termination as defined by Articles 124-141 of Labour Code are followed. Since the employment contract signed with a trainee is fixed term (i.e. is concluded for a specific pre-defined period of practical training), the main conditions of its termination are as follows:

- upon the expiry of an employment contract an employer or employee are entitled to terminate the employment contract. (Article 126 of Labour Code);

- an employee is entitled to terminate a non-term employment contract, as well as a fixed-term employment contract prior to its expiry by giving his employer written notice thereof at least 14 days in advance; an employee is entitled to terminate a fixed-term employment contract prior to its expiry by giving his employer notice thereof at least three days in advance, where his request to terminate the employment contract is justified by the employee's illness or disability restricting proper performance of work, or for other valid reasons established (Article 127 (1) and (2) of Labour Code).
- an employer is entitled to terminate a fixed-term employment contract before the expiry thereof only in extraordinary cases where the employee cannot, with his consent, be transferred to another work, or upon the payment of the average wage to the employee for the remaining period of the employment contract. (Article 129(5) of Labour Code);
- an employer is entitled to terminate an employment contract without giving an employee prior notice thereof: 1) when the employee performs his duties negligently or commits other violations of labour discipline provided that disciplinary sanctions were imposed on him at least once during the last 12 months; 2) when the employee commits one gross breach of duties (Article 136(3) of Labour Code).

### **Question B**

*Please give an account of the measures taken to implement this provision, stating approximately, if possible, the number of young persons benefiting from training systems.*

As mentioned before, apprenticeship, development of relevant professional knowledge and assistance in acquiring relevant professional knowledge in the Republic of Lithuania are organised in two different ways:

- 1) through non-formal (afterschool) pupils' education;
- 2) by introducing technological education modules (subjects) in formal pupils' education programmes.

During 2003-2004, over 385,000 pupils participated in afterschool activities at general education schools (in 2003-2004, 33,790 afterschool activity groups were registered and attended by 385,287 pupils at full-time general education schools). Municipalities allocated a part of public funds for education to non-formal education schools, such as art, music schools, youth and leisure centres, etc. Over 112,000 pupils participated in their programmes in 2003-2004. The biggest number of pupils involved in afterschool activities in 2003-2004 was registered in the municipality of Kupiškis district (93,2% of all pupils studying at municipality full-time general education schools). Similar numbers were registered in Rietavas (86,7%), Varėna (86,5%) and Alytus (84,8%) municipalities. The smallest part of pupils attending afterschool activities was observed in Šakiai (41,6%) and Lazdijai (44,3%>) district municipalities. Relatively a small number of pupils attended afterschool activities at schools of Vilnius City municipality (54,7%). This is influenced by the big number of children education institutions outside schools in the city.

In 2003-2004, there were 339 complementary education and non-formal education institutions (292 complementary and 47 non-formal education institutions). In 2003-2004, 112,863 pupils participated in the educational programmes of non-formal children's education institutions. 60,127 pupils or more than a half out of the total participated in short-term programmes (up to 1 year) and 52,736 pupils participated in long-term programmes (more than 1 year). 11,464 pupils participated in several one field programmes. Short-term programmes due to their specifics constantly attract new pupils, therefore, the number of participants is large in these programmes.

5358 educational personnel (351 of them were school heads) worked in the educational programmes of non-formal children's education institutions in 2003-2004. The majority of all educational personnel had the qualifying category of a senior teacher (40%), others had the

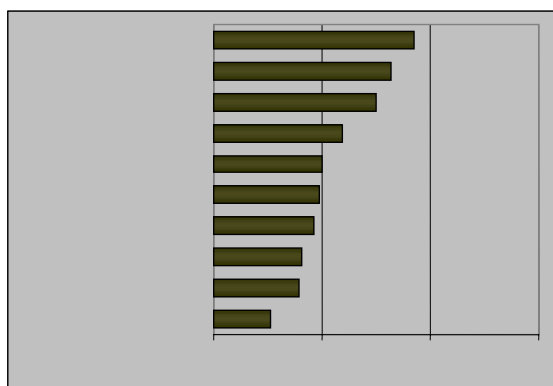
category of a teacher-methodologist (19%), a teacher (16%) and a teacher-expert (3%). 21,6% educational personnel of complementary education institution were not assessed.

**Table 10.2.1 The organisation of complementary education at full-time general education schools in 2003-2004**

Schools	Total number of afterschool activity groups	Number of pupils participating in afterschool activities
Total	33790	85285
Out of them: at county schools	286	2334
ministerial schools	112	1182
non-state schools	104	921
municipality schools	33288	80848

Meanwhile, pupils can choose technological subjects at 21 % of Lithuanian general education schools. The majority of such schools are located in Tauragė, Panevėžys, Šiauliai counties, while the smallest number is registered in Utena and Klaipėda counties.

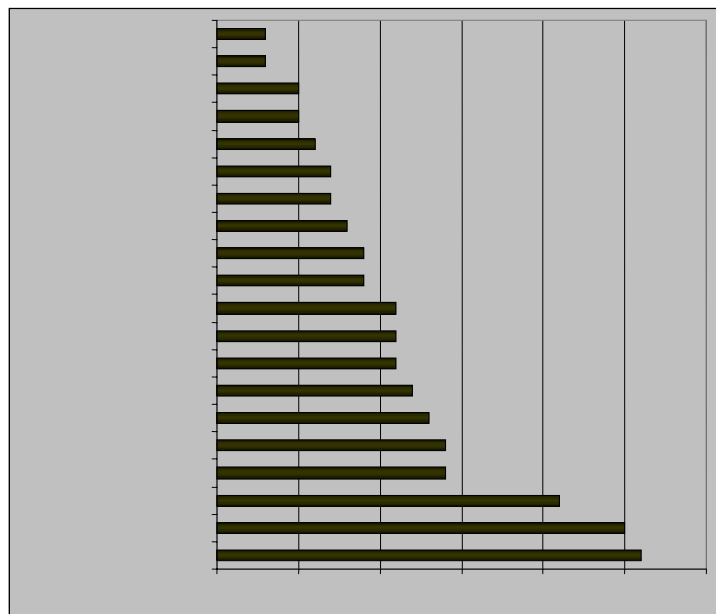
**Picture 10.2.1 Territorial distribution of school offering technological profile subjects**



The scientific study carried out in 2004 for the Ministry of Education and Science “On Problems of Profiled Education” showed that the possibilities of choosing technological subjects are sufficient at Lithuania general education schools because the majority of pupils do not plan to choose subjects of this profile at all. For the reason they indicate poor possibilities of applying technological subjects in later studies. In order to see which subjects and subject modules are chosen most frequently by pupils, the ranking was made based on the data of the above mentioned survey. The English language subject modules were at the top of the ranking (26 % of respondents chose them), followed by mathematics (25% of respondents) and native language (21% of

respondents) subject modules. The least popular subjects were choreography and psychology (3% of respondents), the French language and music (5% of respondents) and technology, geography and arts (6 and 7% respectively).

**Picture 10.2.2 The ranking of optional subjects and subject modules by pupils choice**



**Question C**

*Please indicate how arrangements for vocational training are divided between the various types of vocational activity.*

The most popular pupils' non-formal education activity at general education schools in 2003-2004 was sports and health (28% of pupils were involved). A number of pupils were involved in different arts: music (16%), choreography (12%) and art (10,5%). Tourism and regional studies received the least interest (5%). The biggest number of pupils attended music (about 25.6%), safe traffic (18.1%), nature and ecology (17.4%), and art (10.2%) groups at special non-formal education institutions. Information technologies received the least interest (0.9%) from pupils at these institutions.

**Table 10.2.2 The number of pupils involved in the programmes of non-formal children's education institutions in academic year 2003-2004**



Music	28873
Art	11 541
Choreography	6334
Theatre	1429
Sports	2375
Technical creation	3219
Tourism	1868
Nature-ecology	19634
Safe traffic	20463
Information Technologies	974
Saturday (Sunday) schools	127
Other	16026
<b>Total</b>	<b>112863</b>
Out of them: involved in several one field programmes	10237

#### **Question D**

*Please describe any measures under which private apprenticeship schemes are assisted out of public funds.*

Article 69 of Law on Education stipulates that non-formal children education programmes are financed from state and municipal funds on the principle of setting teaching funds for one pupil (“pupil’s basket principle”). Over 95 million Litas, i.e. 144 Litas for one pupil per year, were allocated from the pupil’s basket for non-formal education in 2003-2004. According to Article 72(9) of the Law on Education, the founder (primarily municipalities) determines fees for non-formal education (except pre-primary education) provided by a school. The fee is reduced taking into account learners’ talents (abilities) and the income status of parents (foster parents, guardians). Following this principle, non-formal education is not free of charge at non-formal children’s education institutions (art, music schools, youth or leisure centres, etc.) established by municipalities and the fees are set and monitored by municipality. The 2003 survey carried out by the Ministry of Education and Science on the status of education titled “The Efficiency of Afterschool Activities” showed that the fee for non-formal children’s education is affordable for most pupils but material basis and communication need improvement. Taking this into consideration, the working group of the representatives of different political parties and education experts, gathered by the President of the Republic of Lithuania, prepared the strategic provisions of education development for 2003-2012 and submitted them to the Seimas of the Republic of Lithuanian for the approval. According to these provisions, the principle of pupil’s basket should be applied in financing non-formal education. Also, it should be noted that technological profile subjects taught in XI-XII grades of general education schools as a part of general education programme are financed from state funds.

#### **Question E**

*Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.*

In academic years 2003-2004, over 69% of all general education school pupils participated in non-formal education afterschool activities. That means that the majority of

pupils were involved in complementary education activities organised by schools. Around 20% of all pupils participated in the activities of non-formal children's education municipality schools in 2003-2004. Three times more pupils were involved in afterschool activities in general education schools, compared to non-formal children's education institutions. It is possible to say that a school provides good conditions for the development of pupils' self-expression and skills and these activities are more accessible to pupils, especially at rural schools.

With the purpose of developing accessibility to education, the Strategic Provisions of Education provide that non-formal education should become accessible to all children. This means the development of the supply of non-formal education programmes (the aim will be to involve 75% of pupils in non-formal education programmes according to their needs).

Regarding technological profile subjects in XI-XII grades and their accessibility to all pupils (boys and girls) it should be noted that the scientific survey on The Problems of Profiled Studies carried out in 2004 for the Ministry of Education and Science showed that the possibility of choosing technological subjects exists in those schools where around a third of pupils study in 11-12 grades. The aforementioned survey showed that a number of pupils and their parents (over 50%) say that pupils have enough possibilities to choose academic subjects of technological profile. This allows us to make a conclusion that the possibilities of choosing technological profile subjects at Lithuanian general education schools are sufficient.

#### **Question F**

*Please indicate whether equality of access to apprenticeship training is ensured for all those interested, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.*

Article 25(1) of the Law on Education stipulates that each citizen of the Republic of Lithuania, also each alien having a permanent or provisional residence permit for the Republic of Lithuania, has the right to study, attain an education level and a qualification. According to Article 25(2) of Law on Education, the State takes measures so that each child in Lithuania studies according to primary, basic, secondary or special education curricula. The State guarantees each citizen of the Republic of Lithuania, also each alien having a permanent or provisional residence permit for the Republic of Lithuania: 1) primary, basic and secondary education; 2) access to special education, post-secondary and higher education study curricula or vocational training curricula that result in the acquisition of a primary qualification (Article 25(3) of Law on Education). These provisions ensure that all Contracting Parties have a possibility to receive vocational training services as a part of education services provided and guaranteed by the state.

Regarding the question of the European Committee of Social Rights on equal possibilities and rights to do a professional training for citizens of European Social Charter and European Social Charter (amended) (p. 330):

Article 25(1) of Law on Vocational Education and Training (*Official Gazette*, 1997, No 98-2478), defining main conditions of admission to vocational education and training institutions, does not make a distinction between the rights of citizens of the Lithuanian Republic and aliens having legal and permanent residence permit for the Republic of Lithuania to benefit from vocational training services and does not establish the provision that such services are provided only to citizens of the Republic of Lithuania, therefore, based on the aforementioned provision of the Law, every alien is eligible to receive vocational training services, including practical training.

### **ARTICLE 10 PARA. 3**

*“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

1. *to provide or promote, as necessary:*
  - a. *adequate and readily available training facilities for adult workers;*
  - b. *special facilities for retraining of adult workers needed as a result of technological development or new trends in employment”.*

*Answers to the questions (p. 331) of the European Committee of Social Rights given by answering the questions of Article 10(3).*

#### **Question A**

***Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.***

Article 19 of Law on Support of the Unemployed (*Official Gazette*, 1991, No 2-25; 2003, No 32-1313) stipulate vocational training of unemployed individuals and employees who have been given a notice of dismissal. Unemployed individuals to whom the labour exchange is not in the position to offer, in the established manner, work suitable for their professional qualification and state of health, also unemployed individuals who lack adequate training may be placed into vocational training to acquire requisite skills meeting the local market demands or to upgrade their qualification.

*The purpose of organising vocational training for unemployed individuals* is to seek for the harmonisation of qualifications in demand in the labour market and work force supply.

*Goals of vocational training:*

- to prepare expeditiously requisite qualification employees for an employer, taking into consideration the ongoing structural changes in country’s economy;
- to provide unemployed individuals with the possibility to improve their skill for competition in the labour market by acquiring new and additional qualifications meeting the requirements of the labour market.

Vocational training for employees who have been given a notice of dismissal is also financed from the Employment Fund.

*The aim of preventive training organised for employees who have been given a notice of dismissal* is to give a possibility to persons who have been given a notice of dismissal to acquire professional qualification required by an employer and suitable for their work place.

*Goals of preventive training:*

- to give expeditious support for employers willing to maintain a responsible, honest, experienced employee by giving them higher than the current one or new qualification.
- to help employees to adapt themselves to constantly changing labour market requirements – to acquire requisite qualification and remain employed in the same enterprise or get employed in another.

Labour market vocational education and training is organised and implemented according to the Procedure of Labour Market Vocational Education and Training as approved by the Law No 89 of the Minister of Social Security and Labour of the Republic of Lithuania of 10 October 2000.

The aim of labour market vocational education and training is to seek for the harmonisation of qualifications in demand in labour market and work force supply. The goal of labour market vocational education and training is to create conditions for unemployed individuals and employees who have been given a notice of dismissal to acquire state approved qualifications or to upgrade them according to training programmes registered in the Register of Studies and Training Programmes and the list of non-formal training programmes.

Vocational training is provided by vocational education and training institutions and enterprises, also by institutions and organisations which have a certificate (a licence) issued by the Ministry of Education and Science to teach or give practical training according to labour market vocational training study programmes, also by Lithuanian non-formal education institutions, general education, vocational education, post-secondary and higher education schools with non-formal adult education branches, by other legal and natural persons, who, in the established manner of the Government or its authorised institution, have a right to provide non-formal adult education.

Educational institutions and study programmes for education and training of unemployed individuals and employees who have been given a notice of dismissal are chosen by the Lithuanian Labour Exchange or authorised territorial labour exchanges according to the Law on Public Procurement of the Republic of Lithuania and other legal acts regulating public procurement.

The size of student groups is determined by the number of practical training places. Maximum two students can work in one work place. The maximum number of students in a group is 25. If there are no conditions for arranging practical training for the whole group then such a training group can be divided into subgroups. Students have to work 8 hours per day unless otherwise set by the legal acts of the Lithuanian Republic and hygiene norms according to different job areas.

Unemployed individuals, registered in the labour exchange in the established manner, can be sent for acquiring a profession according to labour market vocational education and training programmes. During the training period, unemployed individuals receive unemployment training benefit amounting to 1.3 of the unemployment benefit and no higher than two minimum living standards. Unemployed persons, who were not eligible to receive unemployment benefit before the beginning of their training, receive unemployed training benefit equal to state supported income level during the training period.

Vocational training of unemployed and unemployed training benefits are financed from the Employment Fund no longer than six months. In certain cases, where vocational training lasts longer, the financing of vocational training and payment of training allowance may be extended for up to 10 months on the proposal of the tripartite commission at the labour exchange.

If training is provided in the non-resident location of an unemployed individual:

- unemployed individuals travelling to an educational institution or an enterprise in the course of their training are paid their travelling expenses;
- vocational education and training institutions or an enterprise are paid for the expenses of student accommodation and obligatory screening for disease.

Unemployed individuals and persons given a notice of dismissal who finished labour market vocational training successfully receive qualification certificates of the type approved by the competent institution.

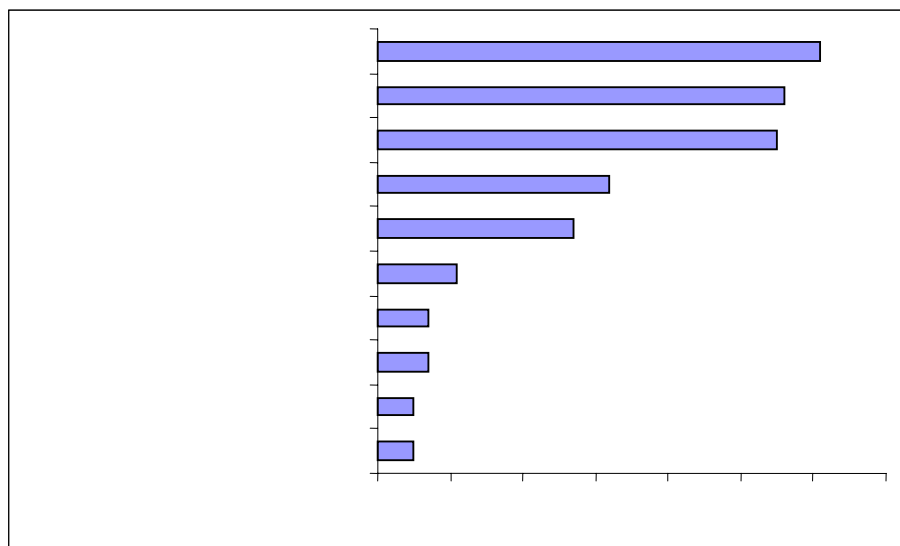
During 2003-2004, 33,100 unemployed individuals and 6,000 employees who have been given a notice of dismissal were sent to acquire or upgrade their vocational qualification according to vocational training programmes. 53 % of all unemployed individuals sent for training acquired their first qualification. Every third participant of a training programme were under 25 years of age. During preventive training, every second employee who has been given a notice of dismissal is offered qualification upgrading training programmes.

**Question B**

*Please indicate how arrangements for vocational training are divided between the various types of vocational activity.*

In 2003-2004, 26,600 unemployed persons completed vocation training programmes and acquired vocational qualifications. Their vocational qualifications divide according to vocational activity as follows:

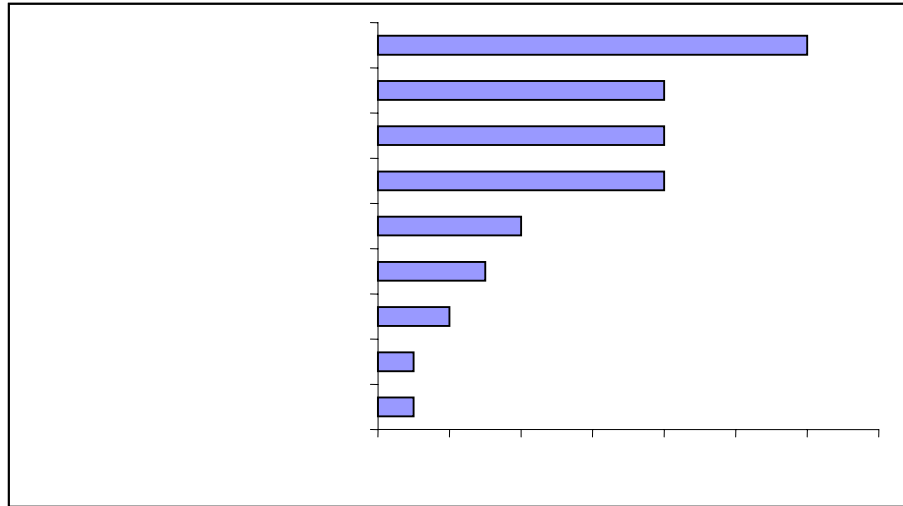
***Picture 10.3.1***



The biggest number of persons was trained to work in a service sector. Respectively, the biggest number of vacancies was registered in this sector. In 2004 alone, territorial labour exchanges together with employers implemented 182 specific training projects, the majority of which were meant for training and employing qualified salespersons. 174 specific training projects were implemented in the industry sector, mainly for sewing and wood processing enterprises. Construction sector received 66 training projects. Vacancies in agricultural and forestry sectors make only 3.5% of all registered vacancies. The training programme of wood cutters was the most popular.

In 2003-2004, 4,400 employees who have been given a notice of dismissal acquired a new or upgraded their current vocational qualification. Their vocational qualifications divide according to vocational activity as follows:

***Picture 10.3.2***



In 2004 alone, 500 target agreements were prepared and implemented in cooperation with employers regarding retraining or upgrading the qualification of employees who have been given a notice of dismissal. A number of agreements were prepared together with health care and medical institutions, which allowed employees who have been given a notice of dismissal to acquire basic computer skills, vocational qualifications and competences of nurse assistant, nursing theory and practice, community nursing care, mental health care, nursing and rehabilitation, first medical aid, and social worker assistant.

**Question C**

*Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training and retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned.*

Participants of vocational training can be:

- 1) unemployed individuals older than 18;
- 2) unemployed individuals younger than 18;
  - persons over 16 who have basic vocational education;
  - persons who do not have basic vocational education only with the consent of parents, adoptive parents or foster parents, if training programme does not have any medical, age or legal restrictions to do a certain job and student's education allows him/her to study according to the selected programme.

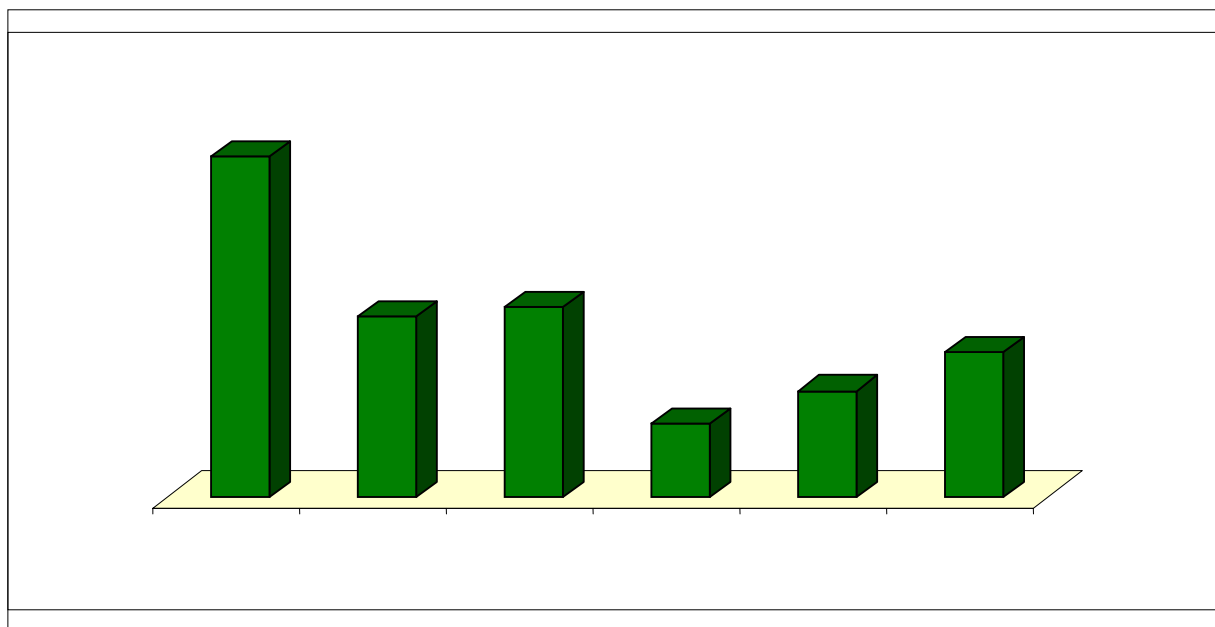
3) employees who have been given a notice of dismissal and received a notice of employment contract termination.

Training programmes are chosen taking into consideration health state, education (according to required qualification or education indicated in the training programme), skills and aptitudes of an unemployed individual. Persons without elementary or basic education could not participate in labour market vocational training programmes because at least basic education is required according to training programmes registered in the Register of Studies and Training Programmes.

The following unemployed individuals get additional support in the labour market:

- 1) disabled persons, pursuant to the order established by the Law on the Social Integration of the Disabled;
- 2) persons aged between 16 and 25 seeking their first job;
- 3) graduates of vocational schools, schools of post-secondary and higher education, who start doing the job they have been trained for;
- 4) the long-term unemployed whose unemployment period lasts more than 2 years from the date of registration with a labour exchange;
- 5) persons who are within 5 years of becoming eligible to receive an old-age pension;
- 6) a mother or a father who actually raise a child under 8 years old;
- 7) persons who have been released from places of imprisonment, when the duration of imprisonment lasted more than 6 months.

*Picture 10.3.3*



**Question D**

*Please indicate the approximate number of adult workers who have participated in training or retraining measures.*

8172 persons referred by employer in 2003 and 8234 persons in 2004 studied in the labour market training centres which fall under the control area of the Lithuanian Labour Market Training Authority Under the Ministry of Social Security and Labour.

The main providers of primary vocational training are vocational schools, professional colleges and colleges, which provide training according to 2-5 education level (ISCED 97) programmes.

**Table 10.3.1 Vocational training by level of education**

Beginning of the academic year 2004-2005

ISCED 1997	Total number of students	Compared to the total number of students of the given level, %	Percentage of females	Percentage of males
<b>Vocational schools</b>				
ISCED 2 programmes	6345	2,0	22,2	77,8
ISCED 3 programmes	29835	25,4	38,2	61,8
ISCED 4 programmes	10164	100,0	56,9	43,1
<b>Professional colleges</b>				
ISCED 5B programmes	4387	7,8	61,0	39,0
<b>Colleges</b>				
ISCED 5B programmes	52185	92,2	60,2	39,8

Primary vocational training programmes are oriented towards development of vocational skills and competences. According to data of the Register of Studies and Training Programmes of the Ministry of Education and Science, there were 414 vocational training programmes in 2004, which is 22 programmes more than in 2003. Engineering and engineering trade training programmes made the biggest part of all vocational training programmes (96 in 2003, 99 in 2004). Business and administration vocational training programmes totalled 48 in 2003 and 50 in 2004.

In 2004, the most popular vocational training programmes were auto-mechanic (1281), food preparation employee (1102), and joiner (821). Construction and construction engineering training programmes received 13.2 % of all first year students of vocational schools. The smallest number of students was admitted to chemical substances and chemical processes, medical diagnostics and medical technologies vocational training programmes. At professional colleges, the majority of students chose primary education, artistic shaping, pre-primary education study programmes.

**Table 10.3.2 Number of students admitted, by fields of education**

Beginning of the academic year

Mokymo sritis (LŠK 1999)	Profesinės mokyklos <i>Vocational schools</i>		Aukštesniosios mokyklos Professional colleges		<i>Fields of education (ISCED 97)</i>
	2003–2004	2004–2005	2003–2004	2004–2005	
<b>Iš viso</b>	<b>20638</b>	<b>20595</b>	<b>440</b>	<b>371</b>	<b>Total</b>
Mokytojų rengimas ir pedagogika	-	-	23	105	<i>Teachers training and education</i>
Menas	910	583	84	83	<i>Arts</i>



Kompiuterija	55	83	-	-	Computing
Teisė	-	-	1	-	Law
Verslas ir administravimas	5055	5018	57	48	Business and administration
Inžinerija ir inžinerinės profesijos	5198	4786	25	28	Engineering and engineering trades
Gamyba ir perdirbimas	2763	2729	81	11	Manufacturing and processing
Architektūra ir statyba	2517	2771	13	10	Architecture and building
Žemės ūkis, miškininkystė ir žuvininkystė	507	567	-	19	Agriculture, forestry and fishery
Sveikatos priežiūra	35	44	28	31	Health
Socialinės paslaugos	270	313	65	28	Social services
Paslaugos asmenims	2861	2974	33	-	Personal services
Transporto paslaugos	392	458	30	8	Transport services
Saugos paslaugos	75	269	-	-	Security service

**Table 10.3.3. Vocational school students, by fields of education**

Beginning of the academic year

Mokymo sritys (LŠK 1999)	Iš viso mokinių Number of students		iš jų merginų of which females		Baigė mokyklą Number of graduates		iš jų merginų of which females		Fields of education (ISCED 97)
	2003–2004	2004–2005	2003–2004	2004–2005	2003	2004	2003	2004	
<b>Iš viso</b> (be technologinių gimnazijos klasių)	43728	45465	17549	18242	14465	12541	5960	5315	<b>Total</b>
Menas	1842	1202	1085	896	296	333	218	262	Arts
Kompiuterija	55	122	18	41	-	-	-	-	Computing
Verslas ir administravimas	10125	10904	6082	6587	3063	2952	2024	1938	Business and administration
Inžinerija ir inžinerinės profesijos	11343	11220	222	155	3852	3179	41	26	Engineering and engineering trades
Gamyba ir perdirbimas	6281	6234	4317	4091	1997	1979	1383	1346	Manufacturing and processing
Architektūra ir statyba	5443	5689	205	203	1474	1479	54	51	Architecture and building
Žemės ūkis, miškininkystė ir	1128	1182	337	376	312	213	51	58	Agriculture, forestry and fishery

Žuvininkystė									
Sveikatos priežiūra	48	75	17	33	11	12	-	5	<i>Health</i>
Socialinės paslaugos	591	696	567	649	140	161	116	154	<i>Social services</i>
Paslaugos asmenims	6559	6924	4846	5106	2935	1853	2023	1422	<i>Personal services</i>
Transporto paslaugos	736	825	46	38	293	263	33	42	<i>Transport services</i>
Saugos paslaugos	252	392	32	67	92	117	17	11	<i>Security service</i>

**Table 10.3. 4. Vocational school students, by age**

End of year

	Total number of students		of which females	
	2003	2004	2003	2004
<b>Total</b>	<b>44403</b>	<b>46344</b>	<b>17774</b>	<b>18592</b>
of which by age, years:				
14	63	65	14	6
15	424	376	60	46
16	2382	2059	632	489
17	8964	8811	2941	2955
18	10905	11113	4298	4113
19	10850	11240	4689	4655
20	4973	5924	2392	2843
21	1841	2344	814	1155
22	969	1097	423	533
23	613	610	297	300
24	387	363	178	192
25	302	291	141	150
25+	1730	2051	895	1155

**Table 10.3.5 lentelė. Professional college students, by fields of education**

Beginning of the academic year

Studijų sritys (LŠK 1999)	2003	2004–	2003	2004–	2003	2004	2003	2004	Fields of education (ISCED 97)
	students	2005	graduates	2005	graduates	of which	of which		
							females		

Iš viso (be bendrojo lavinimo skyrių)	11647	4387	7303	2676	6893	5337	4517	3608	<i>Total</i>	
Mokytojų rengimas ir pedagogika	1780	580	157	3	502	921	763	808	668	<i>Teacher training and education science</i>
Menas	324	207	264	179	217	144	149	103		<i>Arts</i>
Humanitariniai mokslai	53	-	40	-	15	-	12	-		<i>Humanities</i>
Verslas ir administravimas	2678	1070	2225	859	1574	1309	1360	1158		<i>Business and administration</i>
Teisė	158	29	95	16	236	77	151	52		<i>Law</i>
Kompiuterija	-	-	-	-	3	-	2	-		<i>Computing</i>
Inžinerija ir inžinerinės profesijos	1643	724	93	39	776	668	50	54		<i>Engineering and engineering trades</i>
Gamyba ir perdirbimas	837	417	646	320	327	375	226	296		<i>Manufacturing and processing</i>
Architektūra ir statyba	822	220	183	69	414	383	101	94		<i>Architecture and building</i>
Žemės ūkis, miškininkystė ir žuvininkystė	652	242	361	142	415	357	266	199		<i>Agriculture, forestry and fishery</i>
Veterinarija	-	-	-	-	22	-	15	-		<i>Veterinary</i>
Sveikatos priežiūra	650	178	534	122	670	471	602	416		<i>Health</i>
Socialinės paslaugos	633	179	597	175	357	255	325	234		<i>Social services</i>
Paslaugos asmenims	518	139	353	83	361	218	274	185		<i>Personal services</i>
Transporto paslaugos	590	349	259	151	237	251	100	120		<i>Transport services</i>
Aplinkosauga	127	53	53	19	48	66	27	29		<i>Environmental protection</i>
Saugos paslaugos	182	-	27	-	300	-	49	-		<i>Security services</i>

**Table 10.3.6. Enrolment of professional colleges, by age**

End of year

	2003		2004	
	Total number of students	of which females	Total number of students	of which females
<b>Total</b>	<b>12262</b>	<b>7651</b>	<b>4842</b>	<b>2936</b>
of which by age, years:				

	2003		2004	
	Total number of students	of which females	Total number of students	of which females
Up to 16 years	100	64	65	30
16	187	112	92	59
17	187	104	150	90
18	148	80	133	78
19	455	254	82	48
20	1688	916	300	173
21	2343	1450	749	405
22	1453	863	551	345
23	845	499	379	208
24	513	321	277	141
25	472	286	189	104
26	424	276	206	125
27	405	259	173	111
28	366	231	162	111
29	400	268	125	82
30–34	1063	769	524	346
35–39	645	451	371	246
40 +	568	448	314	234

**Table 10.3.7. College students, by fields of education**

Beginning of the academic year

<i>Fields of education (ISCED 97)</i>	<i>Iš viso studentų Number of students</i>		<i>iš jų merginų of which females</i>		<i>Iš viso parengta specialistų Number of graduates</i>	
	2003–2004	2004–2005	2003–2004	2004–2005	2003	2004
<b>Total</b>	<b>40472</b>	<b>52185</b>	<b>25055</b>	<b>31398</b>	<b>4602</b>	<b>8750</b>
<i>Teacher training and education</i>	1848	2797	1623	2497	15	275
<i>Arts</i>	856	1296	565	883	9	148
<i>Humanities</i>	408	531	327	436	40	49
<i>Business and administration</i>	17950	22028	12974	15722	2692	4242
<i>Law</i>	3572	3502	2245	2145	440	922
<i>Computing</i>	1208	1240	243	187	160	252
<i>Engineering and engineering trades</i>	4788	7142	496	837	250	565
<i>Manufacturing and processing</i>	920	1127	654	814	105	193
<i>Architecture and building</i>	1104	2575	200	595	-	147
<i>Agriculture, forestry and fishery</i>	984	1296	537	540	11	128

Fields of education (ISCED 97)	Iš viso studentų Number of students		iš jų merginų of which females		Iš viso parengta specialistų Number of graduates	
	2003–2004	2004–2005	2003–2004	2004–2005	2003	2004
<i>Veterinary</i>	96	59	60	40	-	33
<i>Health</i>	2854	3398	2476	2994	668	1124
<i>Social services</i>	2255	3028	2024	2744	116	361
<i>Personal services</i>	559	814	438	660	-	100
<i>Transport services</i>	851	1040	82	166	96	165
<i>Environmental protection</i>	219	312	111	138	-	46

**Table 10.3.8. College students, by age**

End of year

	2003		2004	
	Total	of which females	Total	of which females
<b>Total</b>	<b>40472</b>	<b>25055</b>	<b>52185</b>	<b>31398</b>
of which by age, years:				
17	21	7	6	3
18	1738	1080	1336	788
19	6741	3877	7486	4383
20	6682	3867	8342	4702
21	4317	2574	6794	3869
22	2813	1640	4191	2252
23	2158	1255	2855	1532
24	1681	1014	2343	1269
25	1459	904	1840	994
26	1331	839	1714	984
27	1357	864	1634	963
28	1199	838	1628	1023
29	1131	776	1553	1041
30–34	3788	2681	4898	3395
35–39	2068	1374	3012	2192
40+	1988	1465	2553	2008

**Question E**

*Please describe special measures to assist adult women wishing to take up or resume employment.*

In 2003, women comprised 47.5 % and in 2004 - 49.5% of all unemployed registered in the labour exchange. During 2003-2004, 234,300 women were registered in labour exchanges. 66% of them were not prepared for the labour market and 33% of them did not have vocational training. During this period, 40% of women were employed under non-term employment contract, 61% of women participated in active labour market policy measures, 19% participated in employment support programmes, and about 9% participated in vocational training programmes.

Article 7 of Law on Support of the Unemployed stipulates that unemployed individuals who have or may have difficulties to get employed because of inadequate qualification or work experience, long-term unemployment or loss of working capacity, may be additionally supported when employing them. Among the unemployed additionally supported on the labour market are a mother (or a father) who actually raise a child under 8 years old (see Question C of Article 10).

17,300 persons were registered in this group of additionally supported unemployed individuals at the beginning of 2003. During 2003-2004, the number totalled 47,600. 10,900 of these persons remained in the group at the end of 2004. With the help of territorial labour exchanges, 50% of mothers and fathers who raise a child under 8 were employed and 50% were sent to programmes in 2003. The respective numbers in 2004 were 59% and 52%. During the above mentioned period, the majority of these persons (10,700) participated in work clubs, a number of them (5,100) did public works and 5,000 persons studied to acquire a profession.

#### **Question F**

*Please indicate whether equality of access to adult training and retraining is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.*

Article 2 of Law on Support of the Unemployed provides that this Law shall be applicable to foreign nationals and stateless persons in the general manner, except for the cases regulated by separate laws or international agreements.

Article 12 of the Law on the Social Integration of the Disabled of the Republic of Lithuania establishes that all disabled persons have a right to education irrespective of their disability level or employment level. Disabled persons are trained at schools or other institutions which provide training according to their special training needs, skills and physical and mental state.

Only two vocational rehabilitation centres provided vocational rehabilitation services in Lithuania: Valakupiai Rehabilitation Centre in Vilnius and Lithuanian Vocational Rehabilitation Centre in Radviliškis. Several education/training centres of different subordination provided services with vocational rehabilitation content, including Lithuanian Centre of Blind and Visually Impaired People, Vilnius City Municipality Centre of the Disabled Training “Mes Esame”, Vilnius Rehabilitation Centre of the Deaf and Hearing Impaired.

9817 disabled persons were registered in territorial labour exchanges in 2004 which is 24% more than in 2003 (7897). About 735 persons with different disability addressed labour exchanges every month in 2004, which is 12% more than in 2003 (658). Disabled persons made 4.3% of all registered unemployed, and 8.7% of all persons additionally supported on the labour market. With the purpose of increasing possibilities of disabled integration into the labour market, the increasing attention is paid to their participation in active labour market policy measures. During 2003-2004, 1,500 disabled persons got employed in job vacancies, 900 got employed in subsidised jobs, 2,200 did public works, 100 did supported works, 600 participated in vocational training programmes, 3,500 worked in work clubs and 500 obtained business certificates. 39% more disabled persons participated in active labour market policy measures in 2004 compared to a year ago.

#### **ARTICLE 10 PARA. 4**

*“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

- 1. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed”.*

***Please indicate the special measures taken to provide or promote the retraining and reintegration of long-term unemployed, including as far as possible information on the number of participants and the results achieved.***

According to the Lithuanian Labour Exchange, long-term unemployed individuals are those who are in the unemployment more than a year. Article 7 of Law on Support of the Unemployed stipulates that unemployed individuals who have or may have difficulties to get employed because of inadequate qualification or work experience, long-term unemployment or loss of working capacity, may be additionally supported when employing them. The long-term unemployed whose unemployment period lasts more than 2 years from the date of registration with a labour exchange are also additionally supported on the labour market.

In cases provided for by the Law on Support of the Unemployed, the State shall guarantee the citizens:

- free vocational counselling and consultation services, as well as information concerning available jobs;
- free labour exchange services when getting employed;
- free vocational training in the event of unemployment;
- the possibility, in the event of unemployment, to perform public works and works financed from the Employment Fund.

The 2001-2004 Programme for Increasing Employment in the Lithuanian Republic approved by Order No 529 of the Government of the Republic of Lithuania of 8 May 2004, envisages actions for increasing employment: labour market policy activation and improvement of employment skills, by distinguishing two groups of unemployed – the youth starting employment and long-term unemployed.

The Lithuanian Labour Exchange in its strategic and action plan for 2003-2005 established action aims and goals for the improvement of employment capacities of unemployed individuals who are most difficult to integrate into the labour market:

- to introduce and implement target measures of long-term unemployment prevention – first step in the labour market;
- to update knowledge and practical skills of long-term unemployed individuals relating that to labour market active policy measures;
- to develop support of unemployment by employing persons to subsidised jobs.

Priority actions for long-term unemployment prevention:

- identification of unemployed individual groups with increased risk for long-term unemployment;
- implementation of survey model for finding motivation of unemployed individuals;

- aim to ensure that every new registered young unemployed (under 25) and adult during 6 months and 12 months respectively is offered and provided with motivation stimulation and labour market policy measures according to their individual needs;
- preparation of labour exchange consultants for an interview with a long-term unemployed individual;
- carrying out group activities by allocating time for reviewing Employment plans.

For upgrading professional knowledge and practical skills of long-term unemployed individuals:

- to carry out a comprehensive analysis of the position of long-term unemployed individuals in the labour market;
- to ensure efficiency and continuity of Employment plans by planning specific measures;
- inclusion in measures of updating professional knowledge and skills and cognitive measures;
- referring to psychological activities in order to increase motivation;
- harmonisation of measures of skill updating with intended participation in active labour market policy measures;
- inclusion of long-term unemployed individuals who are in the unemployment more than 24 months in to specialised work club activities according to their personal needs;
- referring to employment support programmes by applying subsidies and supported employment in order to improve work and professional skills.

The number of long-term unemployed individuals started to fall since the beginning of 2002. This tendency continued in 2003-2004. The number of long-term unemployed individuals decreased from 58,300 (30.5% of all registered unemployed) at the beginning of 2003 to 36,900 (29.2%) at the end of 2004.

One of the main preconditions determining the level of employment possibilities is education and vocational training of unemployed individuals. More than half (62%) of long-term unemployed have professional qualification, however, quite a number of them (38%) are without vocational training. There are several reasons why acquired education did not help people to find their place in the labour market. One of the main reasons is qualifications without demand in contemporary labour market. A second important reason is age. More than 40% of long-term unemployed individuals are over 50 years old. Young long-term unemployed individuals under 25 years old make only about 3%.

It is a difficult task to integrate into labour market those unemployed individuals who do not have vocational training, education, who are of pre-retirement age or are in the unemployment for a long period of time. Long unemployment and a gap with the labour market prevent people from evaluating their possibilities realistically, and their work motivation is often rather low. Therefore, reintegration of long-term unemployed individuals is one of the underlying labour exchange policies. This problem is being solved by involving long-term unemployed into active labour market policy measures.

With the purpose of encouraging long-term unemployed to search for a job actively and be appropriately ready for competition in labour market, 111,400 long-term unemployed individuals were sent to active labour market policy programmes, 38,100 – to employment support programmes and 42,800 got employed during 2003-2004. When a person is in the long-term unemployment, they not only lose qualification but also their motivation decreases and self-esteem changes, therefore, a big number of long-term unemployed individuals (48,500) are sent to targeted work club activities. Since every second long-term unemployed individual does not have a qualification, they were offered a temporary employment programme – public works (33,900). About 7000 long-term unemployed individuals acquired or upgraded their vocational qualification.



In order to help long-term unemployed individuals who are looking for a job the Ministry of Social Security and Labour approved the Procedure of Organising and Administering Measures for Updating Professional Knowledge and Practical Skills of Long-term Unemployed (*Official Gazette*, 2002, No 96-4224) in 2002. According to it, long-term unemployed can participate in short-term (up to one month) training courses in their place of residence. During courses they not only acquire knowledge about the current situation and how they should behave in it but also they get information about professions which they could choose or in which they could update their current knowledge.

Measures for updating professional knowledge and practical skills of long-term unemployed individuals are aimed at:

- helping long-term unemployed individuals to update their current professional knowledge and practical skills;
- helping long-term unemployed individuals who do not have vocational qualification to choose a profession which is in demand in the labour market;

Measures of updating skills of long-term unemployed consist of:

- professional knowledge and practical skills updating measures and cognitive measures.
- psychological and professional counselling activities.

The Lithuanian Labour Market Training Authority prepared, coordinated with the Lithuanian Labour Exchange and registered course programmes for updating long-term unemployed individuals' professional knowledge and practical skills, which include 14 **cognitive** measures dedicated to long-term unemployed individuals without vocational training, and 20 **knowledge and skill updating measures** dedicated to long-term unemployed individuals who were in unemployment for a long period but have professional and practical skills.

Territorial labour exchanges started the implementation of measures for updating long-term unemployed individuals' skills from 22 October 2002. Territorial labour exchanges carried out research and surveys of long-term unemployed individuals. The surveyed long-term unemployed were asked about their motivation level and how they were planning to increase their future employment capacities:

- want to acquire or change their current profession,
- work according to their current vocational education or improve themselves,
- do not have possibilities to participate in updating their professional skills due to age, family or other reasons,
- plan to be employed or registered in the labour exchange for a certificate or social guarantees.

Main reasons for unemployment are as follows: low qualification or education, passive search for a job, health problems, addressing labour exchange for certificates, age, family circumstances (small children), transport problems, passivity of unemployed individuals themselves.

Based on the results and conclusions of research and surveys of long-term unemployed individuals, Employment Plans of these unemployed were made and specified. Long-term unemployed individuals who were to take part in the skill updating measures and cognitive measures were sent to consultations of psychologists of labour exchange training and counselling authority. During 2003-2004, over 16,200 long-term unemployed individuals participated in psychological consultations dedicated to increasing work motivation. 15,200 long-term unemployed individuals were sent to measures dedicated to updating professional knowledge and practical skills,

12,500 of them participated in cognitive and 2,700 in skill updating courses. The most popular skill updating courses were the ones of sales assistant, social worker, cook, sewer and accountant. The most popular cognitive courses were the ones of construction, food preparation, sales assistant and wood processing.

**ARTICLE 10 PARA. 5**

*“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:*

1. *to encourage the full utilisation of the facilities provided by appropriate measures such as:*
  - a. *reducing or abolishing any fees or charges;*
  - b. *granting financial assistance in appropriate cases;*
  - c. *including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;*
  - d. *ensuring, through adequate supervision, in consultation with the employers’ and workers’ organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.”*

**Question A**

*Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.*

According to Constitution of the Republic of Lithuania, education at State and municipal schools of general education, vocational schools and schools of post-secondary education are free of charge. Higher education is accessible to everyone according to his individual abilities. Citizens who are good at their studies are guaranteed education at State schools of higher education free of charge (Article 41 of the Constitution). Article 72(1) of the Law on Education of the Republic of Lithuania (*Official Gazette*, 1998, No 67-1940) establishes that instruction in State-run and municipal schools according to pre-school, pre-primary, primary, basic, secondary, vocational training and post-secondary studies curricula is free of charge.

**Question B**

*Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).*

*Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all the Contracting Parties to the Charter lawfully resident or working regularly in your territory.*

In accordance with the order established by the Government, students of higher education, post-secondary education and vocational schools are eligible to receive an allowance or material support. Pursuant to Order No 473 of the Government of the Republic of Lithuania of 13 March

1995 On Allowances for Students of Non-University, First and Second Cycle Studies of State Schools of Higher Education, Post-secondary Education and Vocational Schools (*Official Gazette*, 1995, No 30-692), schools of higher education, post-secondary education and vocational schools are managing allowance fund, which is organised as follows:

- for schools of higher education – 85 % of full-time students, receiving an allowance in the amount of 0.97 of minimum living standard;
- for schools of post-secondary education – 70 % of full-time students receiving an allowance in the amount of 0.86 minimum living standard;
- for vocational schools – 70 % of full-time students receiving an allowance in the amount of 0.76 minimum living standard;

Also the above mentioned Order determines the size of social allowance: 0.33 of minimum living standard for student of higher education schools, 0.3 – for students of post-secondary education schools and 0.27 – for students of vocational schools. Social allowances are paid to all students of the above mentions schools who do not receive any other allowances (except for orphan allowance) but who have passed all exams of the session in time.

Every citizen of the Republic of Lithuania, also each alien having a permanent or provisional residence permit for the Republic of Lithuania is guaranteed by the State the accessibility to the programmes of vocational education and training, giving first qualification, and the eligibility to receive financial support.

According to Article 19 of Law on Support of the Unemployed, during the period of training the unemployed individuals is paid training allowance payable to the unemployed in the amount of 1.3 of unemployment benefit, which can not exceed two minimum living standards. The Employment Fund resources is used to finance vocational training of unemployed individuals and pay the unemployed training allowance for the maximum period of 6 months. In certain cases, where vocational training lasts longer, the financing of vocational training and payment of training allowance may be extended for up to 10 months on the proposal of the tripartite commission at the labour exchange.

The funding of labour market vocational training is determined by the Procedure of Labour Market Vocational Training, approved by the Order No 89 of the Ministry of Social Security and Labour (*Official Gazette*, 2000, 92-2906; 2003, No 111-4956). Labour market vocational training is financed from the Employment Fund and other resources.

Vocational training for employees who have given notice of the termination of an employment contract is financed from the Employment Fund according to Employment Fund income and expenditure estimates approved by the Minister of Social Security and Labour.

If training is organised outside unemployed individual's residence, territorial labour exchange covers all their expenses of travelling to and from an educational institution during the training according to a submitted monthly ticket, except for public transport expenses, no rarer than once per month. If transport tickets are not submitted, travelling expenses are covered after the end of the training according to approved transport rates of buses and trains (in a common carriage).

Persons who study independently at labour market vocational training institutions or enterprises finance their studies themselves or receive funding from other sources.

*Regarding the question to the European Committee of Social Rights about the amount and payment procedure of allowances payable to students of vocational schools, schools of post-secondary education, colleges and schools of higher education (p. 334):*

In 2003-2004, 82.5% of all vocational school students, 69% of post-secondary education school students, 54% of college students and 53% of full-time basic university studies students who

do not pay for their studies received allowances. It should be noted that the proportion of vocational school students receiving state allowances had been increasing since 1998, although general percentage of vocational school students receiving different allowances slightly decreased in 2003. The majority of students receiving social and orphan allowances studied at vocational schools. The biggest proportion of students receiving any kind of allowance also was registered at vocational schools.

The number of students receiving an allowance at professional colleges and colleges was increasing. While compared to 2002, the number of university students receiving an allowance decreased in 2003-2004. This is highly related to in an increasing number of university students, and funds allocated for allowances cannot catch up the faster growing number of students. The analysis of information about allowances paid in 2003-2004 to university students shows that about a half of both first and second cycle studies students, whose studies are covered by the State, received an allowance. Students receiving social or orphan allowances usually studied at basic cycle university studies.

The Order No 358 of 25 March 2003 and Order No 1693 of 24 December 2003 of the Government of the Republic of Lithuania determined the size of allowance fund and specified the procedure of allowance allocation for 2003 and 2004 at vocational schools, schools of post-secondary education, colleges and schools of higher education (universities). Following this procedure, schools of post-secondary education and vocational schools manage the allowance fund which is organised according to rules defined by Order No 473 of the Government of the Republic of Lithuania of 13 March 1995 On Allowances for Students of Non-University, First and Second Cycle Studies of State Schools of Higher Education, Post-secondary Education and Vocational Schools (*Official Gazette*, 1995, No 30-692).

According to the above mentioned Order, the Fund of Allowances is allocated to:

- schools of higher education (except The General Jonas Žemaitis Military Academy of Lithuania, Police Faculties of Lithuanian Law University, and Lithuanian Maritime College) where 65% of full-time basic, integral and second cycle studies students (hereinafter – students), admitted to places where studies are completely or partially financed from the budget of the Lithuanian Republic, receive an allowance equal to one minimum living standard;
- police faculties of the Lithuanian Law University where 100% of students receive an allowance. Those who were admitted to the educational institution as officers of structural divisions of the home affairs system and have minimum two years of work experience in the home affairs system, receive an allowance equal to 2.16 minimum living standard, and those students, who were admitted to the educational institution with work experience in the home affairs system shorter than two years or without work experience, receive an allowance equal to 1.62 minimum living standard;
- Lithuanian Maritime College, where 100% of students receive an allowance equal to 1.4 minimum living standard;
- schools of post-secondary education (except Klaipėda Police School of the Ministry of the Interior) where 70% of full-time students receive an allowance equal to 0.86 minimum living standard;
- Klaipėda Police School of the Ministry of the Interior where 100% of students receive an allowance. Those who were admitted to the educational institution as officers of structural divisions of the home affairs system and have minimum two years of work experience in the home affairs system, receive an allowance equal to 2.16 minimum living standard, and those

students, who were admitted to the educational institution with work experience in the home affairs system shorter than two years or without work experience, receive an allowance equal to 1.4 minimum living standard;

- schools of vocational education (except Visaginas Border Guards School of State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania) where 70% of full-time students receive an allowance equal to 0.76 minimum living standard;
- Visaginas Border Guards School of State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania where 100% of full-time students receive an allowance equal to 1.4 minimum living standard;

Students of higher education schools receive allowances of the following types and amounts:

- allowances based on study results in the amount of up to 2.5 minimum living standard;
- social allowances in the amount of up to 1 minimum living standard; Social allowances are paid to the following students (in the order of priority): when their monthly family income for one person does not exceed the amount of state supported income; who lost one of their parents (in case of death or divorce) and are unemployed; who come from families with three or more children under 16 years old and older ones who study at general education, vocational, post-secondary education schools or higher education school full-time programmes; who is a single parent or another parent of a child is also studying full-time and is unemployed.

The distribution of the Fund of Allowances according to types of allowances and the allocation of allowances to students of higher education institutions (except The General Jonas Žemaitis Military Academy of Lithuania, Police Faculties of Lithuanian Law University, and Lithuanian Maritime College) are regulated by the Regulations of Allowance Allocation, which are approved according to the order established by the school of higher education with the consent of Students Representation or, in its absence, general students meeting (conference). Students, except those receiving orphan students allowance, are eligible to receive only one allowance payable from the fund of allowances of higher education schools.

Social allowance payable to post-secondary education school students (except for Klaipėda Police School of the Ministry of the Interior) equals 0.3 minimum living standard, to students of vocational schools (except for Visaginas Border Guards School of State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania) it equals 0.27 minimum living standards. Social allowances are paid to all students of the above mentions schools who do not receive any other allowances (except for orphan allowance) but who have passed all exams of the session in time. Allowance based on academic results payable to post-secondary education school students (except for Klaipėda Police School of the Ministry of the Interior) equals up to 0.86 minimum living standards, to students of vocational schools (except for Visaginas Border Guards School of State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania) it equals up to 0.76 minimum living standards.

Students of post-secondary education and vocational schools, except those receiving orphan student's allowance, are eligible to receive only one allowance payable from the fund of allowances of these schools. Allowances are paid from expenditure approved as payable for allowances in the expenditure estimates of schools of higher education, post-secondary education and vocational schools.

The conditions of paying an orphan allowance to students of vocational, post-secondary education and higher education schools were established by the Law on Benefits to Children of the Republic of Lithuania (*Official Gazette*, 2004, No 88-3208). Pursuant to Article 7 of the Law, unemployed individuals who are in child care until the age of majority, emancipation or marriage, also unemployed individuals whose both parents (single parent) are dead, and who are studying full-time to acquire Bachelor or Master degree or professional qualification for the first time at schools of higher education, post-secondary education and vocational schools, receive orphan allowance in the amount of 4 minimum living standards until the age of 24. They also are eligible to receive allowances based on their academic results. Orphan student's allowance is not paid to those persons who started studying repeatedly in the educational institution of the same study cycle and who get support (accommodation and food) at institutions financed by the state or municipality. For the aforementioned persons receiving orphan's pension in accordance with the statutory order, the amount of orphan student's allowance equals the difference between the amount of orphan student's allowance set in Paragraph 1 of this Article and the amount of receivable orphan's pension. It should be noted that funds for orphan's benefits are allocated from the appropriations dedicated to state budget educational institutions.

#### **Question C**

*Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours.*

Paragraph 1(6) or Article 143 of Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569) says that working time includes a study programme, qualification improvement in a workplace or training centres;

#### **Question D**

*Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeship and other training arrangements for young workers.*

Lithuania has set up a structure which should help to ensure an effective process of *social partnership* on the national, regional and institutional levels. Social partners participate in forming educational content, evaluating education achievements and managing educational institutions.

With the purpose of ensuring unified evaluation of achievements, *the function of professional qualification evaluation* has been given to social partners (Chambers of Commerce Industry, and Crafts, Chamber of Agriculture).

In order to determine benefits of unemployed training and to find potential problems, a survey evaluating benefits of training is carried out every year according to provisions of Law on Public Procurement. The Lithuanian Labour Exchange carries out evaluation surveys twice a year about services which territorial labour exchanges provide to employers. Involved employers also evaluate professional qualification of unemployed individuals who got employed.

#### **Question E**

*Please indicate if the provision of sub-paragraphs (a), (b) and (c) of Article 10 para. 4 are applicable to the great majority of the persons concerned.*

Provisions of sub-paragraph (a) say that education at state and municipality schools of general education, vocational and post-secondary education schools is free of charge, and labour market vocational training to unemployed is also free of charge.

Provisions of sub-paragraph (b) are applicable to all participants of labour market vocational training.

There is no information regarding sub-paragraph (c).

## **ARTICLE 11: THE RIGHT TO PROTECTION OF HEALTH**

### **Laws of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania**

Article 53 of Chapter IV National Economy and Labour of the Constitution of the Republic of Lithuania (*Official Gazette*, 1992, No 31-953; No 33-1014) provides that the State shall take care of people's health and shall guarantee medical aid and services in the event of sickness. The procedure for providing medical aid to citizens free of charge at State medical facilities shall be established by law. Article 38 of Chapter III Society and the State provides that family, motherhood, fatherhood, and childhood shall be under the care and protection of the State. Article 39 of the same Chapter provides that the State shall take care of families bringing up children at home, and shall render them support in the manner established by law. The law shall provide for paid maternity leave before and after childbirth, as well as for favourable working conditions and other privileges. Children who are under age shall be protected by law. Article 48 stipulates that every person shall have the right to adequate, safe and healthy working conditions.

The right of a patient to refuse treatment and the right of a health care service provider to receive patient's consent is provided for in Article 21 of Chapter II The Human Being and the State in common right to inviolability of a person and dignity. This right is related to the right to body's inviolability and integrity, person's right to birth and death in dignity. Also, this Article stipulates that no person may be subjected to scientific or medical testing without his or her knowledge thereof and consent thereto. Article 25 stipulates an individual's right to have their own convictions and freely express them, and they must not be hindered from seeking, obtaining, or disseminating information or ideas. This also includes the right to obtain information concerning oneself and ones health. Article 30 provides that the law shall establish the procedure for compensating material and moral damage inflicted on a person.

#### **2. International legislation**

- United Nations Convention on the Rights of the Child, 1989. Came into force 01 March 1992 (*Official Gazette*, 1995, No 60). Article 33 of the Convention obliges everybody to protect children from the illicit use of narcotic drugs;
- Amendment to Paragraph 2 of Article 43 of the United Nations Convention on the Rights of the Child adopted by the UN General Assembly on 21 December 1995. Came into force on 18 November 2002 (*Official Gazette*, 2002, No 13);
- United Nations Single Convention on Narcotic Drugs 1961. Came into force on 30 March 1994 (*Official Gazette*, 2001, No 51);
- United Nations Convention on Psychotropic Substances 1971. Came into force on 29 May 1994 (*Official Gazette*, 2001, No 50);
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988. Came into force on 6 September 1988 (*Official Gazette*, 1998, No 38);
- Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, 1950. Signed on 14 May 1993. Came into force on 20 June 1995 (*Official Gazette*, 1995, No 40; 2000, No 96);



- International Health Regulations approved by the World Health Assembly on 23 May 2005. Will come into force on 15 June 2007.

### 3. Laws

- Law of the Republic of Lithuania on Public Health Care (*Official Gazette*, 2002, No 56-2225);
- Law of the Republic of Lithuania on Public Health Monitoring (*Official Gazette*, 2002, No 72-3022);
- Law of the Republic of Lithuania on the Health System (*Official Gazette*, 1994, No -63-1231; 1998, No 112-3099);
- Law of the Republic of Lithuania on Health Insurance (*Official Gazette*, 1996, No -55-1287; 2002, No 123-5512);
- Law of the Republic of Lithuania on Health Care Institutions (*Official Gazette*, 1996, No -66-1572; 1998, No 109-2995);
- Law of the Republic of Lithuania on Prevention and Control of Communicable Diseases in Humans (*Official Gazette*, 1996, No 104-2363; 2001, No 112-4069);
- Law of the Republic of Lithuania on Product Safety (*Official Gazette*, 1999, No 52-1673; 2001, No 64-2324);
- Law of the Republic of Lithuania on Drinking Water (*Official Gazette*, 2001, No 64-2327);
- Law of the Republic of Lithuania on Control of Poisonous Substances (*Official Gazette*, 2001, No 64-2330);
- Law of the Republic of Lithuania on Mental Health Care (*Official Gazette*, 1995, No 53-1290);
- Law of the Republic of Lithuania on Narcological Care (*Official Gazette*, 1997, No 30-711);
- Law of the Republic of Lithuania on Alcohol Control (*Official Gazette*, 1995, No 44-1073; 2004, No 47-1548);
- Law of the Republic of Lithuania on Safety and Health at Work (*Official Gazette*, 2003, No 70-3170);
- Law of the Republic of Lithuania on Tobacco Control (*Official Gazette*, 1996, No 11-281; 2003, No 117-5317);
- Law of the Republic of Lithuania on the Rights of Patients and Compensation of the Damage to their Health (*Official Gazette*, 1996, No 102-2317; 2004, No 115-4284);
- Law of the Republic of Lithuania on Ethics of Biomedical Research (*Official Gazette*, 2000, No 44-1247);
- Law of the Republic of Lithuania on Education (*Official Gazette*, 2003, No 63-2853).

### 4. Secondary legislation

#### *Orders of the Seimas and the Government of the Republic of Lithuania*

- Order No IX-2110 of the Seimas of the Republic of Lithuania of 8 April 2004 On Approval of the National Programme of Narcotic Drug Control and Drug Addiction Prevention 2004-2008 (*Official Gazette*, 2004 No 58-2041);

- Order No 5 of the Government of the Republic of Lithuania of 6 January 2004 On Approval of the Procedure of Funding Health Care at Schools (*Official Gazette*, 2004, No 5-96);
- Order No 970 of the Government of the Republic of Lithuania of 6 September 1999 On Approval of the National Programme of Narcotic Drug Control and Drug Addiction Prevention 1999-2003 (*Official Gazette*, 1999 No 76-2291; 2001, No 8-235);
- Order No 651 of the Government of the Republic of Lithuania of 27 May 2004 On Approval of the Annual Programme of Children's Health (*Official Gazette*, 2004, No 87-3177);
- Order No 1332 of the Government of the Republic of Lithuania of 01 December 99 On Approval of the Procedure of the Sanitary and Medical-Quarantine Protection of the Lithuanian National Borders and Territory (*Official Gazette*, 1999, No 104-2988);
- Order No 558 of the Government of the Republic of Lithuania of 19 May 2005 On Approval of the Programme of Human Trafficking Prevention and Control 2005-2008 (*Official Gazette*, 2005 No 65-2333);
- Order No 14 of the Government of the Republic of Lithuania of 9 January 2002 On Approval of Physiological Nutrition Norms for Persons Under Detention and in Imprisonment Institutions (*Official Gazette*, 2002, No 4-98);
- Order No 1388 of the Government of the Republic of Lithuania of 3 September 2002 On Approval of the Procedure of Programme Supervision of Drinking Water Publicly Supplied to Consumers Through Water Supply Distribution Network (*Official Gazette*, 2002, No 87-3753);
- Order No 730 of the Government of the Republic of Lithuania of 24 May 2002 On Approval of the State Occupational Safety and Health Programme (*Official Gazette*, 2002, No 53-2075);
- Order No 731 of the Government of the Republic of Lithuania of 30 May 2002 On the National Programme of Children Day Centres of Non-governmental Organisations 2002-2004 (*Official Gazette*, 2002, No 53-2076);
- Order No 1026 of the Government of the Republic of Lithuania of 1 July 2002 On Amendment of the Order No 1267 of the Government of the Republic of Lithuania of 11 November 1999 On Approval of the Procedure of Announcement and Revocation of Infected Territories and Quarantine of Infected Territories and the Use of Prophylactic and Control Measures for Infections Diseases in Infected Territories (*Official Gazette*, 2002, No 69-2826);
- Order No 1145 of the Government of the Republic of Lithuania of 16 July 2002 On Amendment of the Order No 544 of the Government of the Republic of Lithuania of 7 May 1999 On the List of Jobs and Activity Areas which Require Compulsory Health Examination for Communicable Diseases before Employment and Regularly Thereafter and Procedure of Such Health Examinations (*Official Gazette*, 2002, No 73-3127);
- Order No 1174 of the Government of the Republic of Lithuania of 19 July 2002 On Amendment of the Order No 1046 of the Government of the Republic of Lithuania of 22 September 1999 On Establishment of the State Register of Communicable Diseases Pathogens and Approval of its Regulations (*Official Gazette*, 2002, No 74-3173);
- Order No 1611 of the Government of the Republic of Lithuania of 10 October 2002 On the State Programme of Tuberculosis Prophylaxis and Control 2003-2006 (*Official Gazette*, 2002, No 99-4408);

- Order No 66 of the Government of the Republic of Lithuania of 21 January 2003 On Approval of the National Programme of Actions of Environment Health Promotion 2003-2006 (*Official Gazette*, 2003, No 8-288);
- Order No 941 of the Government of the Republic of Lithuania of 27 July 2001 On Approval of the Lithuanian National Public Health Care Strategy (*Official Gazette*, 2001, No 66-2418);
- Order No 1380 of the Government of the Republic of Lithuania of 20 November 2001 On Approval of the Programme of Bathing Water Quality Monitoring (*Official Gazette*, 2001, No 98-3494);
- Order No 451 of the Government of the Republic of Lithuania of 10 April 2003 On Approval of the Programme of Suicide Prevention 2003-2005 (*Official Gazette*, 2003, No 36-1575).

***Orders of the Minister of Health and the Minister of Education and Science of the Republic of Lithuania***

- Order No V-28 of the Minister of Health of the Republic of Lithuania of 28 January 2004 On Procedure of Submitting Applications for Funding Health Care at Schools (*Official Gazette*, 2004, No 15-475);
- Order No V-62 of the Minister of Health of the Republic of Lithuania of 11 February 2004 On Competence of Public Health Care Specialist Providing Health Care for Pupils (*Official Gazette*, No 26-829);
- Order No 686 of the Minister of Health of the Republic of Lithuania of 28 December 2001 On the Plan of Measures of Implementing Lithuanian National Public Health Care Strategy (*Official Gazette*, 2002, No 12-426);
- Order No 464 of the Minister of Health of the Republic of Lithuania of 23 September 2002 On the Calendar of Prophylactic Vaccination of Children of the Republic of Lithuania (*Official Gazette*, 2002, No 96-4225);
- Order No ISAK-210 of the Minister of Education and Science of the Republic of Lithuania of 11 February 2004 On Procedure of Support of Primary Drug Addiction Prevention and Targeted Children Occupation Projects in 2004 (*Official Gazette*, 2004 No 33-1060);
- Order No ISAK-1462 of the Minister of Education and Science of the Republic of Lithuania of 17 September 2004 On Prevention of Violation of the Law, School Non-Attendance, Use of Narcotic and Psychotropic Substances, HIV/AIDS, Violence and Crime (*Official Gazette*, 2004 No 145-5281);
- Order No 169/299 of the Minister of Health and the Minister of Education and Science of the Republic of Lithuania of 30 March 2000 On Strategic Guidelines of Children and Pupils Health Care Policy (*Official Gazette*, 2000, No 27-738);
- Order No 301 of the Minister of Health of the Republic of Lithuania of 31 May 2000 On Prophylactic Health Examinations at Health Care Institutions (*Official Gazette*, 2000, No 47-1365);
- Order No 322/772 of the Minister of Health and the Minister of Education and Science of the Republic of Lithuania of 12 June 2000 On Coordination of Children and Pupils Health Promotion Activities (*Official Gazette*, 2000, No 49-1425);
- Order No 916/385 of the Minister of Health and the Minister of Education and Science of the Republic of Lithuania of 5 July 2000 On Procedure of Providing Special Pedagogical Aid at Home for Children of Pre-School Age with Special Education Needs (*Official Gazette*, 2000, No 66-2004);

- Order No 657 of the Minister of Health of the Republic of Lithuania of 9 November 2000 On Special Requirements for Orthopaedic Traumatology Stationary Services for Children and Adults (*Official Gazette*, 2000, No 106-3381);
- Order No 728 of the Minister of Health of the Republic of Lithuania of 14 December 2000 On Requirements for Organisation Principles, Description and Provision of Second and Third Level Services of Early Rehabilitation of Children Development Disorders (*Official Gazette*, 2000, No 109-3488);
- Order No 730 of 14 December 2000 On Requirements for Organisation Principles, Description and Provision of Psychiatric and Psychotherapy Services for Children and Adolescents (*Official Gazette*, 2000, No 109-3489);
- Order No 758 of 28 December 2000 On Special Requirements for Provision of Vascular Surgical Stationary Services for Children and Adults (*Official Gazette*, 2001, No 5-151);
- Order No 248 of the Minister of Health of the Republic of Lithuania of 2 April 2001 On Approval of Hygiene Norm HN 103:2001 “Children Footwear. Hygiene Norms and Rules” (*Official Gazette*, 2000, No 31-1044);
- Order No 386 of 17 July 2001 On Approval of the List of Diseases Preventing a Person to be Appointed Child’s Guardian (Foster Parent) (*Official Gazette*, 2001, No 64-2373);
- Order No 629 of 4 December 2001 On Medical Norm MN 91:2002 “Children’s Nurse. Rights, Duties, Competence and Responsibility” (*Official Gazette*, 2001, No 105-3769);
- Order No 661 of the Minister of Health of the Republic of Lithuania of 21 December 2001 On Epidemiological Poliomyelitis Surveillance in the Republic of Lithuania (*Official Gazette*, 2002, No 5-196);
- Order No 694 of the Minister of Health of the Republic of Lithuania of 29 December 2001 On Approval of Lithuanian Hygiene Norm HN 111:2001 “Boarding School for Children with Special Needs. Hygiene Norms and Rules” (*Official Gazette*, 2002, No 21-812);
- Order No 21 of 15 January 2002 On Approval of the Form of Child’s Birth Certificate (*Official Gazette*, 2002, No 9-333);
- Order No 248 of the Minister of Health of the Republic of Lithuania of 29 May 2002 On Approval of Action Plan of Epidemiological Surveillance of Poliomyelitis with Lithuania Certificated as a Free Country from Poliomyelitis Virus (*Official Gazette*, 2002, No 58-2360);
- Order No 276 of the Minister of Health of the Republic of Lithuania of 13 June 2002 On Approval of Procedure of Limited Quarantine Regime Control (*Official Gazette*, 2002, No 62-2525);
- Order No 277 of the Minister of Health of the Republic of Lithuania of 13 June 2002 On Approval of the List of Dangerous and Especially Dangerous Communicable Diseases Which Prevent Ill Persons or Suspected Ill Persons as well as Carriers of Pathogens from Continuing their Employment until Family Doctor’s Permission (*Official Gazette*, 2002, No 62-2526);
- Order No 288 of the Minister of Health of the Republic of Lithuania of 18 June 2002 On Approval of Procedure of Compulsory Prophylactic Elimination of Environmental Harm (Disinfection, Disinsection, Deratization) (*Official Gazette*, 2002, No 63-2551);
- Order No 317 of the Minister of Health of the Republic of Lithuania of 28 June 2002 On Approval of Lithuanian Hygiene Norm HN 38:2002 “The Biggest Allowable Amounts of Harmful Substances in Tobacco Products” (*Official Gazette*, 2002, No 70-2934);

- Order No 468 of the Minister of Health of the Republic of Lithuania of 23 September 2002 On Approval of Rules of Doing Immunoprophylaxis (*Official Gazette*, 2002, No 62-4229);
- Order No 673 of the Minister of Health of the Republic of Lithuania of 24 December 2002 On Approval of Procedure of Compulsory Epidemiological Registration, Compulsory Information Content About Objects of Epidemiological Registration and Compulsory Communication of Information (*Official Gazette*, 2003, No 12-444);
- Order No 674 of the Minister of Health of the Republic of Lithuania of 24 December 2002 On Approval of the List of Areas of Public Health Monitoring and its Operators (*Official Gazette*, 2003, No 12-445);
- Order No 5-197 of the Minister of Health of the Republic of Lithuania of 7 April 2003 On Approval of the List of Communicable Diseases Pathogens Which Can be Used as Biological Agent (*Official Gazette*, 2003, No 37-1625);
- Order No V-729 of the Minister of Health of the Republic of Lithuania of 12 December 2003 On Approval of Lithuanian Hygiene Norm HN 122:2003 “Rules and Requirements for Research of Blood-Sucking Arthropods” (*Official Gazette*, 2004, No 6-123);
- Order No V-248 of the Minister of Health of the Republic of Lithuania of 21 April 2004 On Approval of Lithuanian Hygiene Norm HN 45:2004 “Infection Control at Odontological Institutions: Safety and Health Requirements for Employees, Hygienic Surveillance of Equipment and Surfaces” (*Official Gazette*, 2004, No 88-3236);
- Order No V-344 of the Minister of Health of the Republic of Lithuania of 10 May 2004 On Approval of Definitions of Cases (Diseases) of Communicable Diseases Named in EC Decisions 2000/96/EC and 2003/542/EC (*Official Gazette*, 2004, No 82-2958);
- Order No V-397 of the Minister of Health of the Republic of Lithuania of 28 May 2004 On Approval of the List and Procedure of Information Communication of Communicable Diseases and Special Health Problems Which Require Compulsory Epidemiological Surveillance (*Official Gazette*, 2004, No 90-3317);
- Order of the Minister of Health of the Republic of Lithuania of 8 February 2005 On Approval of Lithuanian Medical Norm MN 137:2005 “Disinfection Specialist. Rights, Duties, Competence and Responsibility” (*Official Gazette*, 2005, No 21-672);
- Order No 168 of the Minister of Health of the Republic of Lithuania of 10 March 2005 On Implementation of Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 Establishing a European Centre for Disease Prevention and Control;
- Order No V-946 of the Minister of Health of the Republic of Lithuania of 5 December 2005 On Approval of the Description of Procedure of Compulsory Elimination of Environmental Harm (Disinfection, Disinsection, Deratisation) of Dangerous and Especially Dangerous Communicable Disease Sources (*Official Gazette*, 2005, No 146-5336);
- Order No V-802 of the Minister of Health of the Republic of Lithuania of 12 November 2004 On Approval of Epidemiological Surveillance Rules (*Official Gazette*, 2004, No 167-6153);
- Order No V-716 of the Minister of Health of the Republic of Lithuania of 14 October 2004 On Approval of the List of Professions and Occupations of Employees Who Are Vaccinated from Employer’s Funds (*Official Gazette*, 2004, No 155-5664);

- Order No V-646 of the Minister of Health of the Republic of Lithuania of 16 September 2004 On Approval of the Calendar of Prophylactic Vaccination of Children of the Republic of Lithuania (*Official Gazette*, 2004, No 142-5210);
- Order No V-313 of the Minister of Health of the Republic of Lithuania of 29 May 2003 On Approval of the Plan of Epidemiological Surveillance of Measles and Congenital Rubella Syndrome and Prophylactic Vaccination 2003-2007 (*Official Gazette*, 2004, No 56-2497);
- Order No 730 of the Minister of Health of the Republic of Lithuania of 14 December 2000 On Requirements for Organisation Principles, Description and Provision of Psychiatric and Psychotherapy Services for Children and Adolescents (*Official Gazette*, 2000, No 109-3489);
- Order No V-805 of the Minister of Health of the Republic of Lithuania of 12 November 2004 On Amendment of the Order No 256 of the Minister of Health of the Republic of Lithuania of 27 May 1999 On Approval of Requirements for Provision of Primary, Secondary and Tertiary Level Psychiatric and Psychotherapy Services for Adults and Their Basic Prices (*Official Gazette*, 2004, No 168-6203);
- Order No 204 of the Minister of Health of the Republic of Lithuania of 3 May 2002 On Approval of Standards of Treatment and Rehabilitation of Addictive Disorders (*Official Gazette*, 2002, No 47-1824).

All available information necessary for responding to the questions given in the conclusions of the European Committee of Social Rights concerning Article 11 is provided by answering questions of Article 11.

*General aspects*<sup>8</sup>

**Question A**

*Please indicate the forms of ill-health which at present raise the greatest public health problems in your country by reason of their frequency, gravity and any sequels*

*Please indicate what illnesses were the main causes of death.*

In 2000-2004, the mortality rate per 1000 population increased by 8 per cent. 41,300 people died in 2004, which is 350 more than in 2003. In 2004, the mortality rate of Lithuanian population was 12.0, which is four times bigger than the average of the European Union countries (9.5) but smaller than in Latvia (13.8) and Estonia (13.4).

**Table 11.1. Mortality rate**

	2000	2001	2002	2003	2004	
Deaths, thou	38,9	40,4	41,1	41,0	41,3	Deaths, thous.
Rate per1000 population	11,1	11,6	11,8	11,9	12,0	Rate per 1000 population

<sup>8</sup> States having accepted one or more paragraphs of Article 11 are invited to respond to the questions under this heading.

In 2004, mortality rate for men was 28.3 per cent higher than that for women. The mortality rate among rural population was 1.5 times higher than that among urban. This is mainly influenced by the fact that there are more old-aged people living in the rural areas.

**Mortality rate by age groups.** In 2004, 240 children younger than 1 year died, which is 34 children more compared to 2003. The mortality of children of this age group per 1000 live births increased from 6.8 to 7.9 and was 1.4 times higher in rural areas compared to cities.

In 2000-2004, the mortality rate of people aged 1-14 and 15-59 remained almost unchanged, and was 0.3 and 4.6 of deaths per 1000 population respectively. The mortality rate of people in the age group of 60 and over was 44.7 deaths per 1000 population in 2004. During the period 2000-2004 this rate increased by 4 per cent.

**Causes of death.** The structure of death causes has remained the same for many years in Lithuania and is similar to the one of the European Union countries. Three main causes of death (86% of all death cases) are diseases of the circulatory system, malignant tumours and external death causes (accidents, poisoning and injuries).

### **Main causes of death**

#### 2003 males:

Diseases of the circulatory system – 46.0 %  
 Malignant tumours – 19.8 %  
 Injuries and poisoning – 18.6 %  
 Diseases of the respiratory system – 5.2 %  
 Diseases of the digestive system – 4.3 %  
 Other – 6.1 %

#### 2004 males:

Diseases of the circulatory system – 45.6 %  
 Malignant tumours – 20.4 %  
 Injuries and poisoning – 18.1 %  
 Diseases of the respiratory system – 5.3 %  
 Diseases of the digestive system – 4.2 %  
 Other – 6.4 %

#### 2003 females:

Diseases of the circulatory system – 64.0 %  
 Malignant tumours – 18.4 %  
 Injuries and poisoning – 6.1 %  
 Diseases of the respiratory system – 2.6 %  
 Diseases of the digestive system – 3.5 %  
 Other – 5.4 %

#### 2004 females:

Diseases of the circulatory system – 64.5 %  
 Malignant tumours – 18.0 %  
 Injuries and poisoning – 5.8 %  
 Diseases of the respiratory system – 2.4 %  
 Diseases of the digestive system – 3.7 %  
 Other – 5.6 %

The biggest number of people die of diseases of the circulatory system. The number of deaths from these diseases increased by 8 per cent in 2000-2004. In 2004, ischaemic heart diseases accounted for the majority of deaths (62.6%), cerebrovascular diseases accounted for 4.5 per cent, and atherosclerosis – for 4.5 per cent of all deaths.

In 2004, 45.6 per cent of all deaths among men and 64.5 per cent among women were caused by diseases of the circular system. Mortality rate due to these diseases is higher among rural population compared to urban. Especially, the mortality rate due diseases of the circular system is 1.8 times higher among rural women than women living in cities. The biggest mortality rate due to diseases of the circular system is among people aged 60 and over (88.9%).

In 2004, every fifth person died of malignant tumours. The mortality rate due to these diseases rose by 5 per cent during the last five years. The mortality rate for men was 1.5 times higher than for women in 2004, that is 278 men and 191 women out of 100,000 died of malignant

tumours. The mortality rate among rural population due to malignant tumours is by quarter higher than that among urban population.

The mortality from trachea, bronchial and lung malignant tumours among men in rural areas was 1.6 times higher than among city men, while the mortality rate from genital malignant tumours was 1.2 times higher among rural women compared to cities.

In 2004, 5077 persons (12.3% of all deaths) died of accidents, poisoning or injuries. The number of deaths from these causes decreased by 6.4 per cent in 2001-2004. Mortality from accidents, poisoning and injuries was four times higher for men than for women in 2004. Mortality from accidents, poisoning and injuries was 60 times higher among rural population compared to cities.

In 2004, 1381 suicides were recorder, 863 people died in transport accidents, 431 died of poisoning by alcohol, 434 died of accidental falls, 307 persons drowned and 293 were killed. Mortality due to suicides and drowning was five times higher among men compared to women, while the number of deaths from transport accidents and accidental poisoning by alcohol was respectively four times higher.

Although mortality from suicides decreased by 16 per cent in 2000-2004, it remains one of the highest in Europe. 40 suicides per 100,000 population were registered in 2004 (70 men and 14 women).

**Average life expectancy** In 2004, life expectancy (number of years that a certain generation would live, if mortality of every age group remained stable) for men and women was 66.4 and 77.8 years respectively. In the period from 2000 to 2004 average life expectancy of men decreased by 0.4 years, while that of women increased by 0.3 years.

Still there is a big difference (11.4 years) between men's and women's average life expectancy. The difference is especially big in rural areas – 12.5 years.

The average life expectancy of Lithuanian men and women is shorter than the European Union average, which was 8.5 and 3.5 for men and women respectively in 2004 . Compared to Latvia and Lithuania, the average life expectancy is higher in Lithuania: 0.9 and 0.4 years for men and 0.5 and 0.8 for women respectively.

**Table 11.2. Deaths by cause of death and sex**

Cause of death (ICD-10)	2000			2003			2004		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
All causes	<b>38919</b>	<b>20408</b>	<b>18511</b>	<b>40990</b>	<b>21859</b>	<b>19131</b>	<b>41340</b>	<b>21867</b>	<b>19473</b>
Certain infectious and parasitic diseases	490	365	125	479	351	128	451	343	108
malignant Diseases of the circulatory system	7723	4320	3403	7839	4325	3514	7959	4453	3506
Diseases of the respiratory system	20931	9077	11854	22295	10047	12248	22531	9974	12557
Diseases of the digestive system	1560	1048	512	1635	1134	501	1630	1161	469
External causes of mortality of which:	1273	703	570	1609	945	664	1632	914	718
transport accidents	5102	3945	1157	5241	4073	1168	5077	3952	1125
accidental	769	606	163	852	654	198	863	673	190
	362	294	68	358	298	60	307	252	55



Cause of death (ICD-10)	2000			2003			2004		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
drowning and submersion									
accidental poisoning by and exposure to alcohol	344	258	86	436	343	93	431	326	105
intentional self-harm	1631	1317	314	1455	1199	256	1381	1124	257
assault	345	250	95	332	232	100	293	200	93
Other external causes of mortality	1651	1220	431	1808	1347	461	1802	1377	425
Other diseases	1840	950	890	1892	984	908	2060	1070	990

**Table 11.3. Mortality by cause of death and sex**

Per 100 000 average population

Cause of death (ICD-10)	2000			2003			2004		
	Iš viso Total	Vyrai Males	Moterys Females	Iš viso Total	Vyrai Males	Moterys Females	Iš viso Total	Vyrai Males	Moterys Females
<b>All causes</b>	<b>1112,1</b>	<b>1246,2</b>	<b>994,2</b>	<b>1186,7</b>	<b>1355,2</b>	<b>1039,0</b>	<b>1203,3</b>	<b>1363,8</b>	<b>1062,8</b>
Certain infectious and parasitic diseases	14,0	22,3	6,7	13,9	21,8	7,0	13,1	21,4	5,9
malignant Diseases of the circulatory system	220,7	263,8	182,8	226,9	268,1	190,9	231,7	277,7	191,4
Diseases of the respiratory system	598,1	554,3	636,7	645,4	622,9	665,2	655,8	622,0	685,4
Diseases of the digestive system	44,6	64,0	27,5	47,3	70,3	27,2	47,4	72,4	25,6
External causes of mortality	36,4	42,9	30,6	46,6	58,6	36,1	47,5	57,0	39,2
of which:	145,8	240,9	62,1	151,7	252,5	63,4	147,8	246,5	61,4
transport accidents	22,0	37,0	8,8	24,7	40,5	10,8	25,1	42,0	10,4
accidental drowning and submersion	10,3	18,0	3,7	10,4	18,5	3,3	8,9	15,7	3,0
accidental poisoning by and exposure to alcohol	9,8	15,8	4,6	12,6	21,3	5,1	12,5	20,3	5,7
intentional self-harm	46,6	80,4	16,9	42,1	74,3	13,9	40,2	70,1	14,0
assault	9,9	15,3	5,1	9,6	14,4	5,4	8,5	12,5	5,1
Other external causes of mortality	47,2	74,5	23,1	52,3	83,5	25,0	52,4	85,9	23,2
Other diseases	52,6	58,0	47,8	54,8	61,0	49,3	60,0	66,7	54,0

**Question B**

*Please describe the measures aimed at ensuring universal access to health care. Please also indicate on what conditions the various health services are made available to the whole country, describing the geographical distribution of these services.*

According to 6 Article of the Law Amending the Law of the Republic of Lithuania on Health Insurance, citizens of the Republic of Lithuania, foreign nationals, and stateless persons permanently residing in the Republic of Lithuania as well as foreign nationals and stateless persons temporary residing in Lithuania provided they are legally employed in the Republic of Lithuania and minor members of their family are entitled to health care funded from the budget of Compulsory Health Insurance Fund.

Pursuant to Article 6(4) of the Law of the Republic of Lithuania on Health Insurance *following persons shall be considered as the covered persons insured with public funds*: persons entitled to any type of pension set by the laws of the Republic of Lithuania; persons of working age who are registered with the employment service of their place of residence as willing and able to accept suitable work; unemployed persons of working age with the period of pensionable service, set by the laws of the Republic of Lithuania, compulsory to receive state social insurance old-age pension; expectant mothers on maternity leave determined by law as well as unemployed expectant mothers 70 days before giving birth (after 28 weeks of pregnancy and later) and 56 days after giving birth; one of the parents until their children become 8 years of age, and also one of the parents with two or more children until the latter become of age; full-time students of schools of general education, professional education, higher schools and higher educational institutions; persons supported by the state who are entitled to social benefit; persons determined as disabled by law; persons ill with diseases which are on the list compiled by the Ministry of Health, etc. The aforementioned persons are provided with free health care services as determined by law (they are covered from the funds of the Compulsory Health Insurance Fund budget).

According to Article 15(1) of the Law on the Health System, the acceptability, accessibility and adequacy of the public health care are the main principles of the public health care.

The Programme of Ensuring Health Care Quality 2005-2010 was approved by the Order No V-642 of the Minister of Health Care of the Republic of Lithuania of 14 September 2004 (*Official Gazette*, 2004, No 144-5268). The programme plans to prepare and approve the indicators of health care service accessibility during the first half of 2006.

Health care development and service costs are covered from the Compulsory Health Insurance Fund Budget (hereinafter—CHIB), state and municipality budgets, European Union structural funds, private financial resources, charity and other legal sources.

Strategy for Restructurisation of Health Care Institutions as approved by the Order No 335 of the Government of the Republic of Lithuania of 18 March 2004 On the Strategy of Restructurisation of Health Care Institutions was implemented. The principal aims of this strategy are as follows:

- to improve the quality and accessibility of health care services;
- to optimise the size and structure of stationary services according to the health care service needs of various age groups.

The main conditions for the implementation of these aims are:

- reorganisation of the primary health care chain based on family doctor model;
- orientation of emergency medical aid service towards the development of family doctor practice;
- development of day stationary services;
- development of mental health centres;
- organisation of nursing and supportive care services.

The Ministry of Health as an intermediary institution is administering the Joint Programming Document 2004-2006 (hereinafter – JPD) facility titled Restructurisation and Modernisation of Health Care Institutions of the Lithuanian. This facility aims at modernising the infrastructure of the national health care system: to rationalise the size and structure of health care services provided, to improve the quality of health care services and to ensure equal accessibility of services, taken into consideration patients’ (consumers’) needs. This facility is closely related to the Strategy for Restructurisation of Health Care Institutions and its aims as approved by the aforementioned Order No 335 of the Government of the Republic of Lithuania of 18 March 2003.

According to the facility 1.4 of the JPD the following practice areas are supported:

a) The strengthening and development of cardiology health care services in the process of modernisation of health care institutions.

With the aim of implementing one of the strategic goals of the development of the Lithuanian health care system – to decrease morbidity and mortality from cardiovascular diseases – the Strategy for Decreasing Morbidity and Mortality of the Lithuanian Population from Cardiovascular Diseases was approved by the Order No V-805 of the Minister of Health of 31 December 2003. The implementation of the strategy is to be financed from the European Union structural funds and appropriations from the state budget, earmarked for the implementation of the facility Restructurisation and Modernisation of Health Care Institutions of the Ministry of Health Care. The Lithuanian Health Programme 1997-2010 approved by the Seimas of the Republic of Lithuania plans to decrease the mortality from cardiovascular diseases of persons younger than 65 and of persons aged 65-74 by 15 per cent and 10 per cent respectively by 2010.

The Project On Decreasing Morbidity and Mortality of the Eastern and South Eastern Lithuanian Population from Cardiovascular Diseases by Modernising and Optimising the Infrastructure and Services of Health Care System is under the implementation.

b) The development and modernisation of the infrastructure of general practitioners’ (hereinafter – family doctors) services. With the aim of implementing one of the strategic goals of the development of the Lithuanian health care system – to improve the quality and accessibility of primary health care services – the Strategy for Development and Modernising the Network of General Practitioners’ Services was approved by the Order No V-805 of the Minister of the Health Care of 31 December 2003. The implementation of the strategy is to be financed from the European Union structural funds and appropriations from the state budget, earmarked for the implementation of the facility Restructurisation and Modernisation of Health Care Institutions of the Ministry of Health Care. This strategy underlines that qualitative and effective functioning of primary health care chain, especially in rural areas, is a necessary condition for ensuring the organisation of universal primary health care system capable of solving main problems of health preservation, prophylaxis of diseases, timely diagnostics of diseases, treatment and social problems.

**Table 11.4 The use of project funds for primary health care**

Counties and financed item	Use of funds ( LT )			Total
	2001	2002	2003 I quarter	
<b>Alytus county</b>				
Medical equipment, medical and other furniture, personal computers		2.240.014,40	929.398,08	3.169.412,48
Cars		1.647.123,60		1.647.123,60

Maintenance works	1.722.489,65	1.261.329,46	135.723,79	3.119.542,90
<b>Total Alytus county</b>	<b>1.722.489,65</b>	<b>5.148.467,46</b>	<b>1.065.121,87</b>	<b>7.936.078,98</b>
<b>Kaunas county</b>				
Medical equipment, medical furniture, personal computers		1.373.296,57	434.910,64	1.808.207,21
Automobiliai		411.780,95		411.780,95
Remonto darbai	643.754,29	617.394,99	1.215.443,15	2.476.592,43
<b>Total Kaunas county</b>	<b>643.754,29</b>	<b>2.402.472,51</b>	<b>1.650.353,79</b>	<b>4.696.580,59</b>
<b>Vilnius county</b>				
Medical equipment, medical furniture, personal computers		1.791.669,95	1.030.678,64	2.822.348,59
Cars		494.137,08		494.137,08
Maintenance works	1.419.907,03	2.310.215,45	432.998,61	4.163.121,09
<b>Total Vilniaus county</b>	<b>1.419.907,03</b>	<b>4.101.885,40</b>	<b>1.463.677,25</b>	<b>6.985.469,68</b>
<b>Utena county</b>				
Medical equipment, medical and other furniture		523.919,89	464.699,04	988.618,93
Cars		1.152.986,52		1.152.986,52
Maintenance works	482.840,85	722.200,95	47.989,96	1.253.031,76
<b>Total Utena county</b>	<b>482.840,85</b>	<b>2.399.107,36</b>	<b>512.689,00</b>	<b>3.394.637,21</b>
<b>Total</b>	<b>3.786.150,97</b>	<b>14.051.932,73</b>	<b>4.691.841,91</b>	<b>22.529.925,61</b>

Support is given for renovation and computerisation of the infrastructure of the service network of family doctors of primary health care institutions, for implementation of new technologies and medical equipment, for establishment of new primary health care institutions providing services of family doctors.

During the first invitation to submit applications according to this area of practice, the support for the development of this field was planned to go to the Southern and Western districts (Marijampolė, Tauragė and Klaipėda counties). The support was directed to these counties, because they received the least support for the strengthening of their primary health care chain. The first invitation to submit applications was announced in the summer 2004. 47 contracts worth 22,7 million litas (amount of support) were signed. The second invitation (provisioned amount – 57,4 million litas) to submit applications was announced in the summer 2005, when institutions from Marijampolė, Tauragė, Klaipėda, Telšiai, Šiauliai, Panevėžys counties and Kaunas county Raseiniai district were invited to participate.

Thus, problematic territories and regions with higher morbidity and mortality rates, social and economic problems and lower standard of living will be pushed closer to the national average.

After the evaluation of the results of the first stage of the health care institutions restructurisation, the Government of the Republic of Lithuania prepared the draft order On the Strategy for the Second Stage of Restructurisation of Health Care Institutions.

The aim is to solve the majority of all health problems at the primary health care chain, to develop day stationary and day surgery services and services at patient's home, to further strengthen an institution of a family doctor, to develop nursing and supportive treatment services, to use stationary bed fund more rationally shortening the average bed occupation duration and improving bed functioning rates.

The aim is to create equal conditions for private and public health care institutions.

Complicated health care services based on modern and advanced technologies are centred around university and large city health care institutions.

Emergency medical aid concept is approved and emergency aid car park is being reconstructed.

### Question C<sup>9</sup>

*Please indicate how public services are organised in your country and state, if possible:*

- a) *the number of private or public preventive and screening clinics (if possible distinguish between general and specialised, particularly in the fields of tuberculosis, sexually transmitted diseases, AIDS, mental health, mother and child welfare, etc.) and the annual attendance of them making special mention of services for schoolchildren;*

**Table 11.5 Ambulatory institutions and outpatients' clinics (in the system of the Ministry of Health) in Lithuania in 2003-2004 where specialists providing primary and secondary health care services can do prophylactic examinations.**

Name and type of institutions	Number of institutions	Number of institutions in 2003	Number of institutions in 2004
In the system of the Ministry of Health			
Ambulatory institutions and outpatients' clinics in total	452	445	432
Out of them:			
1.1. Outpatients' clinics	96	91	89
1.2. Primary health care centres	89	89	91
1.3. Dispensaries	200	190	181
1.4. Family doctor offices	14	22	25
1.5. Specialised outpatients' clinics out of that number:	49	45	43
Isolation hospital	3	2	2
Tuberculosis	8	7	6
dermal and venereal diseases	1	1	1
Oncological	2	2	2
mental health and psychotherapy centres	24	23	21
Narcology centres	5	4	5
sport medicine centres	5	5	5

<sup>9</sup> If the statistical information requested under this provision is available from publications of Eurostat, WHO or OECD you are invited to refer to the relevant publication.

AIDS centre	1	1	1
1.6. odontology outpatients' clinics and cabinets	4	8	3
Private primary health care institutions (excluding odontological)	106	133	149

In 2002, the following number of persons were preventively examined for tuberculosis in outpatients' clinics (dispensaries):

61,877 samples of tuberculin for children younger than 14; in 2003 – 63,109; in 2004 – 39,433

13,587 samples of tuberculin for persons over 15 years; in 2003 – 16,589;

In 2004 – 11,006. Out of them for adolescents (15-17 years) – 6,581; in 2003 – 8,296; in 2004 – 5,868.

192,446 persons examined for syphilis; in 2003 – 166,815; in 2004 – 153,543.

911,564 persons, who have to undergo compulsory health examination, were examined prophylactically; in 2003 – 955,782; in 2004 – 1,000,734. Out of them:

171,656 working in harmful conditions; in 2003 – 177,481; in 2004 – 194,489; conscripts – 19,354; in 2003; in 2004 – 3,814;

pregnant women – 30,074; in 2003 – 30,081; in 2004 – 26,048;

Prophylactic mental health examinations in the system of the Ministry of Health were performed by:

- Mental health care centres belonging to primary mental health care centres. In 2003 – 48, in 2004 – 47.
- Mental health care centres (with the status of legal person). In 2003 – 14, in 2004 – 16;
- Mental health care centres (private). In 2003 – -2, in 2004 – 16;
- Centres of addictive diseases (narcological centres). In 2003 – -5, in 2004 – 16;

Mental health care centres did 160,006 and 149,109 prophylactic health examinations in 2003 and 2004 respectively; centres of addictive diseases – 20,559 in 2004.

***b) the regular examinations arranged for the population in general or for a part thereof, and their intervals;***

Health care services when prophylactic health examinations are performed are provided following the Order No 301 of the Minister of Health of the Republic of Lithuania of 31 May 2000 On Prophylactic Health Examinations at Health Care Institutions (*Official Gazette*, 2000, No 47-1365), (hereinafter – the Order). (*see Annexes 11-1 and 11-2*)

Prophylactic health examinations are performed to all citizens in the Republic of Lithuania. Different frequency and procedure of health examinations is determined for separate groups of society. Bigger attention is paid to and more frequent health examinations are performed to pregnant women, according to procedure established in Annex 2 of the Order (*Annex 11-3*), infants (a doctor examines them in three days after leaving maternity unit and at 2-3 weeks of age, infants from 1 to 6 months of age – once per months, infants from 6 months to 1 year and 6 months – once per three months), children and adolescents (until 5 years of age – once a year, 6 years of age – twice a year, from 7 to 18 years of age – once a year according to procedure established in Annex 3 of the Order (*see Annex 11-4*), persons doing sports, according to procedure established in Annex 5

of the Order (*see Annex 11-5*). Health of drivers is also examined according to established procedure.

Health examination is compulsory upon employment and regularly thereafter for those employees whose jobs are included in the Lithuanian Job Classification (*Official Gazette*, 2001, No 21-708), and who work under potential professional risk conditions, at night or shifts or do jobs, included into the List of Dangerous Jobs approved on 3 September 2002 by the Order No 1386 of the Government of the Republic of Lithuania (*Official Gazette*, 2002, No 87-3751).

Prophylactic examinations during different periods are compulsory for people who want to be employed or are employed periodically (certain jobs), for whom certain health problems might prevent them from adequately performing their duties. For example, drivers, doctors, civil aviation specialists, seafarers, etc., are appointed according to health examinations (tests, specialist consultations) taking into consideration factors of professional risk and job specifics.

Health examinations are also compulsory entering schools of higher and further education and before starting the employment and in the employment in a certain area (customs officers, prosecutors, lawyers, notaries, etc.). The aim of these examinations is to determine whether the examined person due to his or her health status can do a certain job.

*c) the number of general hospitals and public and private establishments for specialised treatment (especially for tuberculosis, psychiatry – including day hospital –, cancer, after-care, functional and occupational rehabilitation). Give the respective proportion of public and private establishments. Please indicate the number of beds available (or of places in case of day hospitals or rehabilitation clinics accepting out-patients);*

**Table 11.6 Number of hospitals and beds in 2002-2004**

Type of hospitals	Number of hospitals			Number of beds		
	2002	2003	2004	2002	2003	2004
In the system of the Ministry of Health (excluding private institutions)						
<b>1. Total number of hospitals</b>	<b>188</b>	<b>181</b>	<b>169</b>	<b>30503</b>	<b>29428</b>	<b>28593</b>
<b>Out of them:</b>						
1.1. General hospitals	72	71	69	20598	20074	19670
Out of them:						
City hospitals	27	26	25	12181	12269	12280
District and county hospitals	45	45	44	8417	7805	7390
1.2. Nursing hospital	77	72	66	2929	2773	2648
1.3. Specialised hospitals	36	34	30	6356	5811	5460
Out of them:						
Isolation hospitals	3	2	2	431	204	274
Tuberculosis hospitals	15	14	10	1790	1575	1235
Oncological hospitals	2	2	2	822	763	750
Psychiatry hospitals	11	11	11	3110	3066	2962
Narcology hospitals	5	5	5	203	203	239
1.4. Rehabilitation hospitals	3	4	4	620	770	815

Availability of main profile beds for 10,000 heads of population in the system of the Ministry of Health in 2000-2005 is given in the Annex 11-6.

**Table 11.7. Mental health care centres (staff) 1 January 2003**

Mental health care centres with the status of legal person	Psychiatry specialists					Narcology specialists				
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.	
<i>In cities and districts</i>										
Akmenė district	1,5	0,5	1,0	1,0	0,5	0,5	1,0	0,5	-	
Elektrėnai district	1,0	0,5	1,4	1,25	0,5	0,5	0,6	0,5	0,3	
Joniškis district.	1,25	0,75	3,0	2,0	0,75	0,5	0,5	-	-	
Jurbarkas district.	1,5	0,25	1,0	1,0	1,0	0,5	1,0	0,5	-	
Kaišiadoriai district	1,0	0,5	1,5	1,0	0,5	1,0	1,0	1,0	0,5	
Kelmė district	1,0	0,5	1,0	1,0	0,5	1,0	1,0	1,0	-	
Klaipėdos Galinis Pylimas	7,75	2,75	11,5	7,0	5,0	-	-	-	-	
Kretinga district	1,25	0,5	2,25	1,8	1,2	0,5	0,5	0,8	0,6	
Raseiniai district	1,0	0,5	1,5	1,0	0,5	1,0	1,0	1,0	0,25	
Rokiškis district	1,5	0,5	1,0	1,0	1,0	-	1,0	1,0	-	
Šilalė district	1,25	-	1,25	1,25	0,75	0,5	0,5	-	-	
Šilutė district	1,0	0,5	2,5	1,25	1,25	0,75	0,75	1,0	-	
Trakai district	0,25	1,0	1,5	0,5	1,0	0,75	0,5	0,5	-	
Visaginas city.	1,5	0,5	1,0	1,25	1,0	0,75	1,0	1,25	-	

Mental health care centres belonging to the primary health care centre	Psychiatry specialists					Narcology specialists				
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.	
<i>In cities</i>										
Druskininkai	1,0	0,5	1,0	1,0	0,75	1,5	1,0	-	-	
1. Kaunas Centre	3,0	1,0	3,5	2,5	1,5	-	-	-	-	
2. Kaunas Dainava	3,5	1,0	5,5	3,25	1,75	-	-	-	-	
3. Kaunas Kalniečiai	3,0	1,0	4,0	2,0	2,0	-	-	-	-	
4. Kaunas Šančiai	1,75	0,25	1,5	1,25	1,0	-	-	-	-	
5. Kaunas Šilainiai	5,25	0,5	6,25	3,5	1,5	-	-	-	-	
Panevėžys	7,0	2,0	9,0	6,0	2,0	0,5	2,0	-	-	
Plungės Rietavas	0,3	-	0,5	0,25	0,5	0,35	0,5	0,25	0,25	
Šiauliai	5,0	1,5	6,5	4,0	2,0	1,5	1,0	-	-	
Šiaulių Dainai	3,0	1,0	5,25	3,5	2,25	1,0	1,0	0,5	0,25	
1. Vilnius Antakalnis	6,0	2,0	5,75	4,5	2,75	-	-	-	-	
2. Vilnius Karoliniškės	3,0	1,0	5,0	3,5	2,0	1,0	0,5	0,5	0,5	
3. Vilnius Lazdynai	1,25	0,25	1,5	1,25	0,75	-	-	-	-	
4. Vilnius N.Vilnia	1,5	0,5	1,75	1,25	0,75	-	-	-	-	
5. Vilnius Pylimas	5,25	1,5	6,75	3,5	3,5	-	-	-	-	
6. Vilnius Šeškinė	5,0	2,0	7,0	3,5	2,5	-	-	-	-	
7. Vilnius Naujininkai	2,0	0,5	2,5	0,75	1,0	-	-	-	-	
<i>In districts</i>										
Alytus district	4,5	1,25	6,5	4,75	1,75	1,0	1,0	1,0	-	
Anykščiai district	1,0	0,5	1,75	0,5	1,0	1,0	1,0	0,5	-	
Ignalina district	1,0	-	1,25	1,0	-	-	-	-	-	
Jonava district	2,0	1,0	1,5	1,25	1,0	1,0	1,0	0,75	0,5	
Kaunas district, Garliava	2,0	-	2,75	1,75	1,25	0,5	-	-	-	
Kaunas district, Pakaunė	1,0	0,25	1,0	1,0	0,75	0,25	0,25	0,5	0,5	
Kėdainiai district	3,25	0,5	4,75	1,25	1,5	1,0	1,25	1,25	-	
Klaipėda district	1,75	-	1,75	0,5	1,0	0,5	0,5	1,0	-	
Marijampolė district	3,5	-	3,75	3,0	1,0	1,0	1,0	1,0	1,0	
Mažeikiai district	1,0	1,0	3,0	2,5	1,5	1,0	1,0	0,5	-	
Molėtai district	1,25	-	1,0	1,0	0,75	0,25	0,25	-	-	



Mental health care centres belonging to the primary health care centre	Psychiatry specialists					Narcology specialists			
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.
Pakruojis district	1,0	0,5	1,5	2,0	0,5	-	0,5	1,0	0,5
Panevėžys district	2,0	0,5	1,5	1,0	0,5	0,5	1,0	1,0	0,5
Pasvalys district	2,0	-	1,0	1,0	0,5	0,5	1,0	0,5	0,25
Plungė district	1,5	-	1,0	1,75	1,0	0,25	1,0	-	-
Prienai district	2,0	-	2,0	1,0	0,5	0,25	-	-	-
Radviliškis district	1,0	0,5	2,0	2,0	0,5	0,5	1,0	1,0	0,5
Skuodas district	0,5	0,5	1,0	1,0	0,5	0,5	0,5	0,5	-
Šakiai district	1,5	1,0	3,0	1,5	1,25	-	1,0	-	-
Šalčininkai district	1,0	0,5	1,5	0,75	0,5	0,5	0,5	0,75	-
Širvintos district	1,0	0,5	1,0	1,0	0,5	0,5	1,0	1,0	0,5
Švenčioniai district	1,0	0,5	2,0	0,75	0,75	0,5	1,0	-	-
Tauragė district	2,0	0,5	2,25	2,0	1,5	1,0	1,0	1,0	-
Telšiai district	1,0	1,0	3,0	2,0	1,0	1,0	1,0	0,5	-
Ukmergė district	1,0	1,0	2,0	1,0	1,0	1,0	-	-	1,0
Utena district	1,0	0,5	2,5	1,0	0,75	1,0	1,5	1,0	-
Varėna district	1,0	0,5	1,5	1,25	1,0	1,0	1,0	-	-
Viekšniai	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25
Vilkaviškis district	1,25	0,25	1,5	1,0	1,0	1,0	1,0	1,0	1,0
Vilnius district	1,75	1,5	2,75	2,5	2,25	1,25	1,5	1,0	-
Zarasai district	1,0	-	0,75	0,5	0,25	1,0	0,75	0,5	0,25
<b>TOTAL in the Republic</b>	126,55	40,25	167,65	111,55	71,45	34,1	40,1	27,8	9,4

**Table 11.8 Mental health care centres (staff) 1 January 2004**

Mental health care centres with the status of legal person	Psychiatry specialists					Narcology specialists				
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.	
<b>In cities and districts</b>										
15. Akmenė district	1,5	0,5	1,0	1,0	0,5	0,5	1,0	0,5	0	
16. Anykščiai district	1,0	0,5	1,75	1,5	1,0	1,0	1,0	0	0	
17. Elektrėnai district	1,0	0,5	1,4	1,25	0,5	0,5	0,6	0,5	0,25	
18. Joniškis district	0,75	0,5	3,0	2,0	1,0	0,5	0,5	0	0	
19. Jurbarkas district	1,5	0,25	1,0	1,0	1,0	0,5	1,0	0,5	0	
20. Kaišiadoriai district	1,0	0,5	1,0	1,0	0,5	1,0	1,0	1,0	0,5	
21. Kelmė district	1,0	0,5	1,0	1,0	0,5	1,0	1,0	1,0	1,0	
22. Klaipėda Galinis Pylimas district	7,35	3,0	11,75	9,5	7,5	0	0	0	0	
23. Kretinga district.	1,25	0,5	1,75	1,0	0,6	0,5	0,5	0,8	0,6	
24. Raseiniai district.	1,0	0,5	1,5	1,0	1,0	1,0	1,0	1,0	0	
25. Rokiškis district.	1,5	0,5	1,0	1,0	1,0	0,25	1,0	1,0	0	
26. Šilalė district.	1,25	0	1,25	1,25	0,75	0,5	0,5	0	0	
27. Šilutė district.	1,0	0,5	3,5	1,25	1,25	0,75	0,75	1,0	0	
28. Trakai district	0,25	1,0	1,5	0,5	1,0	0,75	0,5	0,5	0	
VISO	21,35	9,25	32,4	24,25	18,1	8,75	10,35	7,8	2,35	

Mental health care centres belonging to the primary health care centre	Psychiatry specialists					Narcology specialists				
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.	
<b>In cities</b>										
63. Druskininkai	1,0	0,5	1,0	1,0	0,75	1,5	1,0	1,0	0,75	
64. 6. Kaunas Centre	2,5	1,0	3,5	2,5	1,5	0	0	0	0	
65. 7. Kaunas Dainava	4,5	1,0	5,0	3,5	2,75	0	0	0	0	
66. 8. Kaunas Kalniečiai	4,0	1,0	4,0	2,0	2,0	0	0	0	0	
67. 9. Kaunas Šančiai	1,75	0,25	1,5	1,25	1,0	0	0	0	0	

	Mental health care centres belonging to the primary health care centre	Psychiatry specialists					Narcology specialists			
		Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.
68.	10. Kaunas Šilainiai	5,75	1,0	6,25	3,0	1,5	0	0	0	0
69.	Panevėžys	7,5	2,0	9,0	5,0	1,75	0,5	2,0	0	0
70.	Plungės Rietavas	0,35	0	0,5	0,25	0,25	0,35	0,5	0,25	0,25
71.	Šiauliai	5,0	1,5	6,5	4,0	2,0	1,5	1,0	0	0
72.	Šiaulių Dainai	3,0	0	5,0	3,5	1,25	1,0	1,0	0,5	0,25
73.	8. Vilnius Antakalnis	6,0	1,0	4,75	4,5	2,75	0	0	0	0
74.	9. Vilnius Karoliniškės	3,0	1,0	5,0	3,5	2,0	1,0	0,5	0,5	0,5
75.	10. Vilnius Lazdynai	1,25	0,25	1,5	1,25	0,75	0	0	0	0
76.	11. Vilnius N.Vilnia	1,75	0,5	2,0	1,25	1,0	0,5	0,5	1,25	1,0
77.	12. Vilnius Pylimas	6,0	1,25	6,25	3,5	4,0	0	0	0	0
78.	13. Vilnius Šeškinė	5,0	2,0	7,0	3,5	2,5	0	0	0	0
79.	14. Vilnius Naujininkai	2,0	0,5	2,5	0,75	1,0	0	0	0	0
80.	Visaginas	1,5	0,5	1,0	1,0	1,5	0,5	1,0	0	0
	<b>TOTAL</b>	<b>61,85</b>	<b>15,25</b>	<b>72,25</b>	<b>45,25</b>	<b>30,25</b>	<b>6,85</b>	<b>7,5</b>	<b>3,5</b>	<b>2,75</b>
<b>In districts</b>										
81.	Alytus district	4,25	1,25	5,25	4,0	2,25	1,25	1,25	1,25	1,5
82.	Ignalina district	1,0	0	1,5	1,0	0	0	0	0	0
83.	Jonava district	2,5	1,0	1,5	1,25	1,0	0,5	1,0	0,75	0,5
84.	Kaunas district, Garliava	2,0	0	2,75	1,75	1,25	0,75	0	0	0
85.	Kaunas district, Pakaunė	1,0	0,25	1,0	1,0	0,75	0,25	0,25	0,5	0,62
86.	Kėdainiai district	3,25	0,5	4,5	1,25	1,5	1,0	1,0	1,25	0
87.	Klaipėda district	1,75	0	1,75	0,5	1,0	0,5	0,5	1,0	0
88.	Marijampolė district	3,5	0	4,0	3,25	1,5	1,0	1,0	1,5	1,5
89.	Mažeikiai district	1,0	1,0	3,0	2,5	1,5	1,0	1,0	0,5	0
90.	Molėtai district	1,25	0	1,0	1,0	0,75	0,5	0,25	1,0	0,75
91.	Pakruojis district	1,0	0,5	1,5	2,0	0,5	0	0,5	2,0	0,5
92.	Panevėžys district	2,0	0,5	1,5	1,0	0,5	0,5	1,0	1,0	0,5
93.	Pasvalys district	2,25	0	2,5	1,5	0,5	0,5	1,0	0,5	0,25
94.	Plungė district	0,75	0,25	1,0	1,0	0,75	0,25	0,5	0,25	0
95.	Prienai district	2,0	0,25	2,0	1,75	1,0	0,25	0	0	0
96.	Radviliškis district	1,0	0,5	2,0	2,0	0,5	1,0	1,0	1,0	0,5
97.	Skuodas district	0,5	0,5	1,5	1,5	0,5	0,5	0,5	0,5	0
98.	Šakiai district	1,5	1,0	3,0	1,5	1,5	0	1,0	0	0
99.	Šalčininkai district	1,0	0,5	1,5	1,0	1,0	0,5	0,5	0	0
100.	Širvintos district	1,0	0,5	1,0	1,0	0,5	0,5	1,0	1,0	0,5
101.	Švenčioniai district	1,3	0,5	2,0	0,75	0,75	0,5	1,0	0	0
102.	Tauragė district	2,0	0,5	2,25	2,0	1,0	1,0	1,0	0,25	0,5
103.	Telšiai district	1,0	1,0	3,0	1,0	1,0	1,0	1,0	0,5	0,5
104.	Ukmergė district	1,0	1,0	2,0	1,0	1,0	1,0	0	1,0	0
105.	Utena district	1,0	0,5	1,5	1,0	1,0	1,0	1,5	1,0	0
106.	Varėna district	1,0	0,5	0,5	1,25	1,0	1,0	1,0	0	0
107.	Viešniai	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25
108.	Vilkaviškis district	1,0	0,5	1,5	1,0	0,25	1,0	1,0	1,0	1,0
109.	Vilnius district	1,75	1,5	3,0	2,5	2,25	1,25	1,5	1,0	0
110.	Zarasai district	1,0	0	0,75	0,5	0,25	1,0	0,75	0,5	0,5
	<b>TOTAL</b>	<b>45,8</b>	<b>14,75</b>	<b>60,5</b>	<b>43,0</b>	<b>27,5</b>	<b>19,75</b>	<b>22,25</b>	<b>19,5</b>	<b>9,87</b>
<b>Private centres</b>										
111.	Plungė district "Klišonio"	1,0	0	1,0	0,5	0,5	1,0	1,0	0,5	0,5
112.	Plungė district "Zamulskio"	0,5	0	0,5	0,5	0,25	0	0	0	0
	<b>TOTAL</b>	<b>1,5</b>	<b>0</b>	<b>1,5</b>	<b>1,0</b>	<b>0,75</b>	<b>1,0</b>	<b>1,0</b>	<b>0,5</b>	<b>0,5</b>

<b>TOTAL in the Republic</b>	<b>130,5</b>	<b>39,25</b>	<b>166,65</b>	<b>113,5</b>	<b>76,6</b>	<b>36,35</b>	<b>41,1</b>	<b>31,3</b>	<b>15,47</b>
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**Table 11.9. Mental health care centres (staff) 1 January 2005**

Mental health care centres with the status of legal person		Psychiatry specialists					Specialists of addictive disorders			
		Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.
<b>In cities and districts</b>										
29.	Akmenė district	0,75	0,5	1,0	1,0	0,5	0,25	1,0	0,5	0
30.	Ankščiiai district	1,5	0,5	2,25	1,0	0,5	0,5	0,5	0,25	0,25
31.	Elektrėnai district	1,0	0	1,5	1,25	0,5	0,5	0,5	0,5	0,5
32.	Joniškis district	0,75	0,5	3,0	2,0	1,0	0,5	0,5	0	0
33.	Jurbarkas district	1,5	0,5	1,0	1,0	1,0	0,5	1,0	0,5	0
34.	Kaišiadoriai district	1,0	0,5	1,0	1,0	0,5	1,0	1,0	1,0	0,5
35.	Kelmė district	1,0	0,5	1,0	1,0	0,5	0	0	0	0
36.	Klaipėda Galinis Pylimas	7,0	3,0	11,75	10,5	7,25	0	0	0	0
37.	Kretinga district	1,25	0,5	1,75	1,0	0,6	0,5	0,5	0,8	0,55
38.	Raseiniai district.	1,0	0,5	1,5	1,0	1,0	1,0	1,0	1,0	0
39.	Rokiškis district.	1,25	0,5	1,0	1,0	1,0	0,25	1,0	1,0	0
40.	Šakiai district	1,5	0,5	3,0	1,5	1,5	0,2	0	0	0
41.	Šilalė district	1,1	0	1,25	1,25	0,75	0,5	0,5	0	0
42.	Šilutė district.	1,5	0,5	2,75	1,25	1,0	0,75	0,75	1,0	0,25
43.	Telšiai district	1,75	0,75	3,5	2,5	1,5	0,5	1,0	1,0	0
44.	Trakai district.	0,25	1,0	1,5	0,5	1,0	0,75	0,5	0	0,5
	<b>Total</b>	<b>24,1</b>	<b>10,25</b>	<b>38,75</b>	<b>28,75</b>	<b>20,1</b>	<b>7,7</b>	<b>9,75</b>	<b>7,55</b>	<b>2,55</b>

Mental health care centres belonging to the primary health care centre		Psychiatry specialists					Specialists of addictive disorders			
		Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.
<b>In cities</b>										
113.	Druskininkai	1,0	1,0	1,0	1,0	0,75	1,0	1,0	1,0	0,75
114.	11. Kaunas Centre	2,75	1,0	3,0	2,5	1,5	0	0	0	0
115.	12. Kaunas Dainava	4,5	1,0	4,5	3,5	2,25	0	0	0	0
116.	13. Kaunas Kalniečiai	4,0	1,0	4,0	1,5	2,0	0	0	0	0
117.	14. Kaunas Šančiai	1,75	0,25	1,5	1,5	1,0	0	0	0	0
118.	15. Kaunas Šilainiai	5,5	1,0	6,25	4,5	3,25	0	0	0	0
119.	Panevėžys	4,75	1,0	9,0	4,0	1,5	0,5	2,0	0	0
120.	Plungės Rietavas	0,35	0	0,5	0,25	0,25	0,35	0,5	0,25	0,25
121.	Šiauliai	5,5	1,0	6,5	4,25	2,5	1,5	1,0	0	0
122.	Šiaulių Dainai	2,75	0	5,0	2,5	1,25	1,0	1,0	0,5	0,25
123.	15. Vilnius Antakalnis	5,5	1,5	4,5	4,5	2,5	0	0	0	0
124.	16. Vilnius Karoliniškės	3,0	1,0	5,0	3,5	2,5	1,0	0,5	0,5	0,5
125.	17. Vilnius Lazdynai	1,25	0,25	1,25	1,25	0,75	0	0	0	0
126.	18. Vilnius N.Vilnia	1,75	0,5	2,0	1,25	1,0	0,5	0,5	0,25	1,0
127.	19. Vilnius Pylimas	6,0	1,25	7,25	5,5	4,0	0	0	0	0
128.	20. Vilnius Šeškinė	5,0	2,0	7,0	2,5	2,5	0	0	0	0
129.	21. Vilnius Naujininkai	2,0	0,5	2,5	0,75	1,0	0	0	0	0
130.	Visaginas	1,5	0,5	2,0	1,25	0,75	0	0	0	0
	<b>TOTAL</b>	<b>58,85</b>	<b>14,75</b>	<b>72,75</b>	<b>46</b>	<b>31,25</b>	<b>5,85</b>	<b>6,5</b>	<b>2,5</b>	<b>2,75</b>
<b>In districts</b>										
131.	Alytus district	4,0	1,25	6,25	3,75	2,25	1,25	1,25	3,0	1,5
132.	Ignalina district	1,0	0	1,5	1,0	0	0	0	0	0
133.	Jonava district	2,5	1,0	2,5	1,25	1,0	0,5	1,0	0,75	0,5
134.	Kaunas district, Garliava	1,75	0	2,75	1,75	1,0	0,5	0	0	0
135.	Kaunas district, Pakaunė	1,0	0,25	1,0	1,0	0,75	0,25	0,25	1,0	0,75

Mental health care centres belonging to the primary health care centre	Psychiatry specialists					Specialists of addictive disorders				
	Adults	Children	Nursing specialists	Social workers	Psychol.	Narcolog.	Nursing specialists	Social workers	Psychol.	
136. Kėdainiai district	3,25	0,5	4,5	1,25	1,5	1,0	1,0	1,25	0	
137. Klaipėda district	1,75	0	1,75	0,5	1,0	0,5	0,5	1,0	0	
138. Lazdijai district	1,5	0,25	2,0	1,0	0,25	0,5	1,0	1,0	0,25	
139. Marijampolė district	4,25	0	4,25	3,25	2,0	1,0	1,75	1,5	2,0	
140. Mažeikiai district	1,0	1,0	3,0	2,5	1,5	1,0	1,0	0,5	0	
141. Molėtai district	1,25	0	1,0	1,0	0,75	0,25	0,25	1,0	0,75	
142. Pakruojis district	1,0	0,5	1,5	2,0	0,75	0	0,5	2,0	0,75	
143. Panevėžys district	1,5	0,5	1,5	1,0	0,5	0,5	1,0	1,0	0,5	
144. Pasvalys district	2,25	0	2,5	1,5	0,5	0,5	1,0	0,5	0,25	
145. Plungė district	1,25	0,25	1,25	0,75	0,5	0,25	0,25	0,25	0	
146. Prienai district	2,0	0,25	2,0	1,75	1,0	0,25	0	0	0	
147. Radviliškis district	1,5	0,5	2,0	2,0	1,0	1,0	1,0	1,0	0	
148. Skuodas district	1,0	0	1,0	1,0	0,5	0,5	0,5	0,5	0	
149. Šalčininkai district	1,0	0,5	1,5	1,0	1,0	0,5	0,5	0	0	
150. Širvintos district	1,0	0,5	1,0	1,0	0,5	0,5	1,0	1,0	0,5	
151. Švenčioniai district	1,3	0,5	2,0	1,0	0,5	0,5	1,0	0	0	
152. Tauragė district	2,0	0,5	1,75	2,0	1,0	1,0	1,0	0,25	0,5	
153. Ukmergė district	1,0	1,0	2,0	1,0	1,0	1,0	1,00	1,0	0	
154. Utena district	1,0	0,5	2,0	1,0	1,25	1,0	1,0	1,0	0	
155. Varėna district	1,0	0,5	0,5	1,25	1,0	1,0	1,0	0	0	
156. Viekšniai	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25	0,25	
157. Vilkaviškis district	1,0	0,5	1,5	1,0	0,75	1,0	1,0	1,0	1,0	
158. Vilnius district	2,0	1,5	3,0	2,5	2,25	1,0	1,5	0	0,5	
159. Zarasai district	1,5	0	1,5	1,0	0,75	1,5	0,75	1,0	0,75	
<b>TOTAL</b>	<b>46,8</b>	<b>12,5</b>	<b>59,25</b>	<b>41,25</b>	<b>27,0</b>	<b>19,0</b>	<b>22,25</b>	<b>21,75</b>	<b>10,75</b>	

Private centres										
160. Plungė district "Klišonio"	1,25	0	1,0	0,5	0,5	1,25	1,0	0,5	0,5	
161. Plungė district "Zamulskio"	0,5	0	0,5	0,5	0,25	0	0	0	0	
<b>TOTAL</b>	<b>1,75</b>	<b>0</b>	<b>1,5</b>	<b>1,0</b>	<b>0,75</b>	<b>1,25</b>	<b>1,0</b>	<b>0,5</b>	<b>0,5</b>	

<b>TOTAL in the Republic</b>	<b>131,5</b>	<b>37,5</b>	<b>172,25</b>	<b>117</b>	<b>79,1</b>	<b>33,8</b>	<b>39,5</b>	<b>32,3</b>	<b>16,55</b>
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**Table 11.10. Visits to a psychiatrist at mental health care centres in 2003**

Patient groups	Total	Out of them due to a disease	At home
Adults	593516	447382	5950
Adolescents	18154	10049	18
Children	32751	26964	100
<b>Total</b>	<b>644421</b>	<b>484395</b>	<b>6068</b>

**Table 11.11. Visits to a psychiatrist at mental health care centres in 2004**

Patient groups	Total	Out of them due to a disease	At home
Adults	609045	471490	5635

Adolescents	16295	10160	209
Children	31857	26438	116
<b>Total</b>	<b>657197</b>	<b>508088</b>	<b>5960</b>

**Table 11.12. Psychiatry hospitals 2002-2004**

Name of institution	Number of beds in 2002		Number of beds in 2003		Number of beds in 2004	
	Adults	Children	Adults	Children	Adults	Children
Republic	2921	99	2826	104	2846	92
Vilnius Republican Psychiatric Hospital	682	24	682	24	682	24
Žiegdžiai psychiatric hospital	490	-	490	-	444	-
Švėkšna psychiatric hospital	310	-	310	-	270	-
Rokiškis psychiatric hospital	295	20	290	25	340	
Kaunas psychiatric hospital	345	-	315	-	315	-
Vilnius city mental health centre	175	-	175	-	170	-
Klaipėda psychiatric hospital	250	25	250	25	250	25
Šiauliai psychiatric hospital	224	-	210	-	210	-
Kaunas Univeristy psychiatric clinic	70	15	70	15	70	15
Šaukėnai	80	-	80	-	75	-

psychiatric hospital Child's development centre Public institution Šiauliai hospital	-	15	-	15	-	22
			20		20	6

**Table 11.13. Psychiatric divisions at general hospitals in 2002-2004**

Name of an institution	Number of beds in 2002		Number of beds in 2003		Number of beds in 2004	
	<i>Adults</i>	<i>Children</i>	<i>Adults</i>	<i>Children</i>	<i>Adults</i>	<i>Children</i>
Public institution Šiauliai hospital	20		20		20	
Šiauliai clinic of children diseases, children subdivision	-	6		6		6
Public institution Panevėžys hospital	60	-	60		60	
Public institution Kėdainiai hospital	23	-	23		23	
Public institution Tauragė county hospital	40	-	40		35	
Public institution Marijampolė distric Kazlų Rūda hospital	30	-	40		45	
Public institution Marijampolė hospital	45	-	45		45	
Public institution Pasvalys hospital	17	-	17		17	
Public institution Sapiegos hospital (Vilnius)	20	-	25		25	

Public institution Telšiai county hospital	35	-	35		35	
Public institution Jurbarkas hospital	10	-	10		10	
Public institution Mažeikiai hospital	25	-	25		30	
<b>Total:</b>	<b>325</b>	<b>6</b>	<b>340</b>	<b>6</b>	<b>345</b>	<b>6</b>

782,382 patients visited mental health centres in 2002. 644,421 patients – in 2003, and 657,197 – in 2004. A more detailed distribution of patients is given in tables 11.10 and 11.11.

In 2002, 11 public psychiatric hospitals were registered in Lithuania, in 2003 and 2004 – 12 public psychiatric hospitals. Table 11.12 shows the names of the hospitals and the number of beds they had.

General hospitals had 12 psychiatric divisions in 2002-2004. They are given in table 11.13. It also shows the number of beds they had. It should be noted that 297 additional places were registered in day hospitals in 2002, 290 – in 2003 and 317 – in 2004.

Tuberculosis remains one of the most topical health problems of the society. Epidemiological situation of tuberculosis in Lithuania has had the tendency to stabilise during recent years (from 1998-2005). Epidemiological indicators of tuberculosis show this (see Annex 11-7). However, the biggest cause for concern is increasing number of cases of resistant tuberculosis. Based on the comparative statistical data of 1998 and 2005 of the National Tuberculosis Registry, morbidity due to tuberculosis decreased by 25.4 per cent (804 cases), and the number of new cases was 25.4 per cent smaller (719 cases). However, while lung tuberculosis was reduced by 21.1 per cent (467 cases) in 1998 in Lithuania, morbidity of open form of lung tuberculosis increased by 8 per cent (99 cases). Mortality from tuberculosis fell by 31 per cent in 1998-2005.

After the National Programme of Tuberculosis Prophylaxis and Control was approved, our country started implementing DOTS tuberculosis control strategy (directly observed, controlled, short treatment course), which is recommended by WHO as one of the most effective tuberculosis control strategies. It should be noted that following WHO recommendations primary health care chain, which primarily aims at early suspicion and detection of persons with tuberculosis, is being actively integrated in the tuberculosis control.

According to the National Tuberculosis Registry, there are 33 patients with both tuberculosis and HIV/AIDS. 7 new such cases were registered in 2005.

120 new cases of contracting human immunodeficiency virus (HIV) were diagnosed in 2005 in Lithuania. This is 15 persons fewer than in 2004 (2004 – 135; 2003 – 110) As of 1 March 2006, 1,113 persons were diagnosed as HIV carriers, out of them 976 males and 137 females.

The aim is to stop the spread of HIV/AIDS by 2015 and to reverse the process towards decreasing. 56 persons with HIV were treated with antiretroviral medication from public funds last year. HIV treatment is decentralised in Lithuania, which means that HIV patients can choose their health care institution and their doctor.

*d) the number per 1 000 persons of doctors, dentists, midwives and nurses, indicating, if possible, the situation in urban and rural areas;*

**Table 11.14**

*per 10 000 persons:*

<b>Year</b>	<b>Doctors</b>	<b>Dentists</b>	<b>Midwives</b>	<b>Nurses</b>	<b>Hospital beds</b>
<b>2002</b>	40,0	6,7	3,6	77,7	89,6
<b>2003</b>	39.7	6.9	3.3	76.1	87,0
<b>2004</b>	39.1	6.6	3.2	74.8	84,6

There are no separate numbers for rural and urban areas for the reference period concerned.

*e) the number of pharmacies per 1 000 persons and if possible their geographic distribution;*

On 1 January 2002 there were 1,280 pharmacies registered in Lithuania. At the end of 2002, their number fell to 1,109.

1,418 enterprises in 2003 and 1,488 enterprises in 2004 had licences to carry out pharmaceutical activities in Lithuania.

There were 6.5 pharmacists (pharmaceutical chemists and masters of pharmacy) per 10 000 persons in 2002, 6.9 – in 2003 and 7.4 – in 2004.

*f) Please indicate the percentage of GDP allocated to health expenditure.*

**The percentage of GDP allocated to health expenditure:**

2003 – 5.71%;

2004 – 6.03%.

**The percentage of GDP allocated from public sector to health expenditure:**

2003 – 3.94%;

2004 – 4.26%.

This data is not calculated according to OECD methodology. (provided by the Lithuanian Health Information Centre)

**ARTICLE 11 PARA. 1**

*“With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with the public or private organisations, to take appropriate measures designed inter alia:*

*1. to remove as far as possible the causes of ill-health.”*

**Question A**

*Please indicate infant and perinatal mortality rates for the reference period concerned.*

*Please indicate the life expectancy at birth in your country?*



**Table 11.1.1. Infant and perinatal mortality in 2001-2004**

	2001	2002	2003	2004
Infant mortality per 1000 live births	7,82	7,86	6,8	7,9
Perinatal mortality per 1000 live births	8,07	9,63	8,0	8,3

Early neonatal mortality per 1000 live births in 2000 – 3.4, in 2001 – 2.8, in 2002 – 3.2, in 2004 – 3.4.

**Question B**

*Please describe any special measures taken to protect the health of:*

*a. pregnant women, mothers and babies;*

According to the Order No 1920 of the Government of the Republic of Lithuania of 10 December 2002, 3,086.00 litas were allocated to the Programme of Medical Support for Mother and Child in 2002.

Health care of pregnant women and infants is regulated by the Order No 117 of the Minister of Health of 15 March 1999 On the Approval of the Procedure of Pregnant Women, Childbearing Women and Infant Health Care. The Order obliges all Lithuanian individual health care institutions (including private) to keep to the perinatal aid regionalisation principle and give data about pregnant women, childbearing women and infants to the Lithuanian Health Information Centre and to the senior specialists of the Ministry of Health. The procedure of prophylactic examination of pregnant women has been established, as well as the methodology of distribution based on risk levels and the procedure of care and consulting of high risk pregnant women have been set.

Health care for pregnant women, childbearing women and infants is provided according three stage system: the first stage – district hospitals, the second stage – big county hospitals, and the third stage – university hospitals. The principle of regionalisation defines what aid can be given, what pregnant women, childbearing women and infants can be treated at every stage, what medical equipment should be in place, where and when patients are referred for consultations. The system and procedure of infant transportation has been set up. Priority and scope of health care provision for pregnant women, childbearing women and infants have been defined, as well as supply of medical equipment to hospital divisions, providing services of different levels. The most serious patients are concentrated in Vilnius and Kaunas university perinatal centres.

Due to the regionalisation of aid to childbearing women and infants, perinatal and infant mortality was constantly decreasing.

In 1992, infant mortality was 16.5 and in 2005 – 6.9 per 1000 live births.

In 1992, mortality of pregnant and childbearing women was 44, and in 2005 – 9.8 per 100,000 live births.

Perinatal medicine system is managed by respective divisions of Vilnius University and Kaunas University of Medicine.

Neonatology clinics of Kaunas University of Medicine and Neonatology clinics of Vilnius University established divisions for further monitoring, treatment and rehabilitation of ill infants. It is planned to continue to improve and develop the system of further monitoring and care and prophylaxis of early development, vision and hearing disorders of children in order to reduce disability from childhood. Since 1996, the programme Diagnostics and Rehabilitation of Early

Hearing and Speech Disorders of Lithuanian Children at the International Centre of Audiology and Phoniatrics was carried out. In the course of the implementation of the programme, diagnostics of hearing disorders improved and the main reasons for impaired hearing were determined.

With the aim of improving health care of pregnant women, childbearing women and infants, the National Programme of Mother and Child was approved by the Order No 754 of the Government of the Republic of Lithuania of 16 June 2004 (*Official Gazette*, 2004, No 96-3534). This programme is aimed at reducing morbidity and mortality of pregnant women, childbearing women and infants, at improving their health and creating an effective and secure system of health care of pregnant women, childbearing women and infants meeting Lithuanian conditions and international standards. 4,5 million litas was allocated for the implementation of this programme in 2004-2006.

Morbidity of children younger than 5 years per 1000 live births in Lithuania in 1992 was 19.8 and in 2004 – 9.57 children. Therefore, the aim to reduce mortality of children younger than 5 years by two thirds is being implemented in reality.

**b. children and adolescents;<sup>10</sup>**

Implementing Law of the Republic of Lithuania on Health Insurance (*Official Gazette*, 1996, No -55-1287; 2002, No 123-5512), with the consent of the ministerial panel, the Order No V-138 of the Minister of Health of the Republic of Lithuania of 28 February 2003 On the Provisioning of Individual Health Care Services to Children determined that patients under 18 year if they are not registered with a general practitioner, are provided with primary individual health care services by children's doctors, while second and third level health care services are provided by specialists of children diseases and other specialist according to legal acts.

A person under 18 has to have his or her health checked once a year according to the Order No 301 of the Minister of Health of the Republic of Lithuania of 31 May 2000.

Following Article 265 of Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569), employees under 18 years of age must undergo a medical examination upon employment and annually thereafter until they reach 18 years of age. Article 277 determines that the procedure of health surveillance of persons under 18 years of age shall be approved by the Government. The Ministry of Health implementing the facility provisioned in Paragraph 2.2 of the plan on drafting the laws and other regulatory legal enactments which have to be harmonised with the Labour Code of the Republic of Lithuania as approved by the Order No 1189 of the Government of the Republic of Lithuania of 19 July 2002 On the Approval of the Plans of Implementing of Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 74-3187), prepared the project on The List of Jobs in Which Employed Persons Must Undergo Medical Examination Upon Employment and Regularly Thereafter and On the Procedure of Medical Examinations.

The Government of the Republic of Lithuania adopted the Order No 209 On Approval of the Programme of Socialisation of Children and Youth on 23 February 2004.

The year 2004 were declared the year of children health. Methodical Recommendations on Diagnostics of Violence against Children were prepared according to the provisions of Article 19 of the Convention on the Rights of the Child.

24 Article of the Convention on the Rights of the Child stipulates the right of the child to adequate nutrition from the first day. The plan of measures of the development of the Network of Hospitals Friendly to Infants (HFI) and the demand for funds in 2004 (100,000 litas were allocated) were approved by the Order No V-550 of the Minister of Health of the Republic of Lithuania of 16 July 2004.

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<sup>10</sup> If your country accepted paragraphs 9 and 10 of Article 7, it is not necessary to repeat information here.

With the aim of developing the HFI network in Lithuania requirements for maternity stationeries willing to become HFI were approved by the Order No V-613 of the Minister of Health of the Republic of Lithuania of 27 August 2004 On Approval of Temporary Rules for the Evaluation of Stationary Individual Health Care Institutions according to the Requirements for a Hospital Friendly to Infants. The requirements are as follows: all staff of an institution, including administration and personnel who take care of patients directly, have to know how to implement the measures of the programme on infant nursing and its support according to their competences; all pregnant women who are patients of an institution have to be informed about nursing benefits to an infant, a mother, a family and about shortcomings and dangerous of artificial feeding; all pregnant women should be taught how to nurse an infant correctly and to extract milk by hands if necessary; an institution has to create conditions for a mother to start nursing an infant during the first half an hour after his birth and to leave him with a mother (under supervision of personnel) for an indefinite period of time until an infant will be breastfed for the first time, etc.

Requirements for an International Code of the Marketing of Mother's Milk Substitutes Applied at Health Care Institutions were approved by the Order No V-612 of the Minister of Health of the Republic of Lithuania of 27 August 2004.

All measures of the development of the network of Hospitals Friendly to Infants under the programme of the Year of Children's Health were implemented according to the plan approved in 2004.

1. The analysis of evaluation of the need to teach health care specialists theory and practice of lactation management and consulting on infant nursing was carried out.

2. Hospital personnel trainings were organised, educational literature based on three levels of knowledge application in practice was published, methodical instructions for health care specialists Nursing of Infants and Young Children were prepared and published.

3. Training of teachers was organised. On 22-27 November 2004, in Birštonas, courses for teachers on infant nursing and lactation management were organised, where 11 specialists were trained (one from all counties). These specialists will help to train personnel of county hospitals willing to become Hospitals Friendly to Infants (HFI) and will coordinate the implementation of infant nursing initiatives in counties, train and consult colleagues and mothers on the issues of nursing and lactation management.

4. Evaluation of maternity stationary establishments. In 2004, there were six hospitals with the status of a hospital friendly to infants in Lithuania. Three hospitals were committed to become HFI.

The prophylaxis of teeth caries for children was ensured. In 2004, cheek-teeth of children of 6-8 years of age were covered with sealants. 1 million litas were allocated from Compulsory Health Insurance Fund for this purpose. In 2005, cheek-teeth of children of 5-13 years of age were covered with sealants. 2 million litas were allocated for that. This programme is continued this year as well.

The Minister of Health of the Republic of Lithuania, the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Education of the Republic of Lithuania jointly drafted and approved the Order No V-188/A1-84/ISAk.-487 of 23 March 2005 On Approval of Description of Criteria and Procedure of Determining Disability Level (*Official Gazette*, 2004, No 39-1277), meeting the provisions of Article 23 of the Convention on the Rights of the Child.

Implementing 2003-2005 project Youth Friendly Services in Lithuania which was supported by the United Nations agencies (UNDP, UNICEF, UNFPA, WHO), Youth Health Centres were established in Akmenė and Utena counties. These centres give information about health care, social security and educational institutions and specialists capable of solving or helping a child. an adolescent or a young person to solve health problems as well as implement programmes on disease prevention, organise peer education on different health and human right issues. During the course of

this project, publications for health care specialists were published. They were the main material in training course for health care specialists on health of adolescents (adapted WHO reference programme for health care specialists). Publications about mobile services organisation were prepared especially for HIV/AIDS vulnerable youth – peer education on youth health. Information databases about health of children and youth in Lithuania and institutions providing social and psychological aid have been created. They are free and available to everybody on the internet sites of the Youth Psychological Aid Centre ([www.jppc.lt](http://www.jppc.lt)) and Lithuanian Health Information Centre ([www.lsic.lt](http://www.lsic.lt)).

#### Rehabilitation and sanatorium treatment

Treatment in these institutions is divided into medical rehabilitation (ambulatory rehabilitation, stationary rehabilitation, supportive rehabilitation, health restoring treatment) and sanatorium (anti-recrudescence) treatment. Rehabilitation and sanatorium treatment institutions receive those persons who are ill with diseases included into the lists of medical rehabilitation and sanatorium treatment indications. These lists are approved by the Ministry of Health. Today the Order No V-444 of the Minister of Health of the Republic of Lithuania of 11 July 2003 On the Organisation of Rehabilitation and Santorium (anti-recrudescence) Treatment is applied. Medical rehabilitation services are prescribed by a treating doctor based on the conclusion of a consultation with a physical medicine and rehabilitation doctor about services provided during the first stage of rehabilitation and motives for the necessity of second stage rehabilitation.

After the new edition of the Law of the Republic of Lithuania on Health Insurance came into force since 1 January 2003, sanatorium (anti-recrudescence) treatment services for adults are not covered from the Compulsory Health Insurance Fund budget.

#### *c. the elderly;*

Taking into consideration the fact that the population is ageing, Lithuania started developing geriatric aid in recent years.

The Order No 453 of the Minister of Health of 18 October 1999 approved the medical standard of a geriatrics doctor. This standard defines rights, duties, competence and responsibility of a geriatric.

Since 1999, Kaunas University of Medicine, the Faculty of Nursing prepares nurses who are specialised to work with elderly people.

Since 2000, doctors geriatricians are prepared in the tertiary residency of medicine profile

The magazine Gerontology is published since 2000.

The Faculty of Medicine of Kaunas University of Medicine and Vilnius University include a course in geriatrics both in undergraduate and postgraduate medicine studies.

Psychiatric aid for elderly persons at primary health care institutions is provided by specialist teams working at the Centres of Mental Health (psychiatrist, nursing specialist, social worker). Functions of these specialist also include home visits, if necessary.

The measures of implementation of 2004–2008 Programme of the Government of the Republic of Lithuania underline the attention to solving problems of health care and long-term care (nursing):

- development of ambulatory nursing services including services at patient's home;
- legalisation of nursing services rates by setting a higher rate for care of seriously-ill patients;
- development of nursing and supportive treatment services;
- promotion of establishing community nursing home;
- promotion of co-operation with social security sector in solving health and social problems.

Following the principle of strengthening family and community by improving health care and life quality of the elderly, the description of procedure of general provision of nursing and social services has been prepared, according to which Lithuanian citizens and patients would be ensured availability of integrated services. This description is based on principles of co-operation and team work between individual health care institutions and institutions providing social services.

Requirements for the provision of services at nursing homes and ambulatory health care institutions are under preparation. One of the aims of these requirements is to legalise rates of nursing services: to set a higher rate for care of seriously-ill patients, to promote voluntary support of these services, to co-operate with the social sector and develop home nursing services.

According to 2004 data of the Lithuania Health Information Centre, nurses make 32 % of all health care service providers in the health care system. There are 24,523 persons providing nursing services in all establishments.

During restructurisation of health care institutions, the issues of population age structure and ageing society were taken into consideration. While the number of beds in internal diseases, obstetrics, gynaecology and other areas was reduced in recent years, the number of beds for nursing increased. Supportive treatment and nursing services are provided following the medical norm MN 80:2000 "Supportive Treatment and Nursing Hospital". Following the plan of the measures of implementation of 2004-2008 programme of the Government of the Republic of Lithuania, legal acts, regulating provision of palliative care services, are being drafted.

Nursing practice and competence of nurses is regulated by the Law of the Republic of Lithuania On Nursing Practice as well as legal acts and medical norms implementing it.

With the aim of improving availability of services by providing more services at patient's home, services of the disabled health care at home and nursing procedures at home additionally covered from the Compulsory Health Insurance Fund budget at basic prices were included into the approved List of Incentive Primary Ambulatory Individual Health Care Services.

The system of information exchange among family doctors, nurses and other individual health care specialists, social workers and public health care specialists is to be developed.

*d. disadvantaged persons or groups (for example he homeless, families with many children, drug addicts and the unemployed, etc.).*

The Lithuanian Red Cross Society received 299,000 litas from the state budget in 2002 for implementing the Programme of Red Cross Society Nurses. During the implementation of the Programme in 2002, 828 socially supported persons were nursed, out of them – 16% males and 84% females. 57,483 medical services (13,407 injections) were provided.

The project on AIDS prophylaxis and control, sexually transmittable diseases prophylaxis, and tuberculosis prophylaxis and control is under implementation. Also, the National Health Programme Development Project was implemented in 2002.

Drug prevention was carried out by implementing 2001-2003 measures (reduction of drug demand and damage: rehabilitation, integration, education and treatment of narcological patients; strengthening of the control of narcotic (psychotropic) substances and precursors) of the National Drug Control and Drug Addiction Prevention Programme 1999-2003 approved by the Order No 73 of the Government of the Republic of Lithuania of 23 January 2001 On Partial Amendment of the Order No 282 of the Government of the Republic of Lithuania of 28 February 1995 and of the Order No 970 of the Government of the Republic of Lithuania of 6 September 1999.

Following the Law of the Republic of Lithuania on Mental Health Care, the Law on Narcological Care and the orders of the Government of the Republic of Lithuania, mental health centres, detoxification and rehabilitation institutions which watch drug users are established in cities and districts and provide health care and supervision and deal with rehabilitation issues. Every year the State Council of Youth Affairs finance projects on prevention of drug use, AIDS and other

sexually transmittable diseases. Youth Psychological Aid Centre (established in 22 March 1993) is providing social and psychological aid and carrying out drug and crime prevention, education of the youth, adolescents and children, education of community life skills and civil responsibility, etc. This centre implemented Social Counselling Programme in 2000-2002. The Youth Psychological Aid Centre Information Programme started in 2001 and in 2002 the Internet Counselling Group "A Friend" giving answers to questions of young persons on the internet started its activity. The Centre is giving psychological-psychotherapeutic consultations, providing information, organising lectures, seminars, volunteer training courses, etc.

*Please supply information on all measures taken to protect reproductive health of all persons, in particular adolescents.*

With the aim of changing society's attitude towards health, programmes of universal health education and family and gender awareness education were prepared at Lithuanian general education schools. The principle of these programmes is that mature gender awareness education is possible only when it is perceived as an indispensable part of moral education. For the purpose of the implementation of this principle, meetings with parents, schoolchildren and teachers were organised.

In 1995, Family Planning and Sexual Health Association was established uniting more than 200 members of different professions: doctors, pedagogues, psychologists, journalists, etc. The goal of this association is healthy and happy families in Lithuania. It encourages society to be interested in family planning, sexual and reproductive health and seeks to reduce the number of abortions in the country. This association organises lectures, seminars, courses, conferences, publishes written and video information material, creates projects and programmes. The Association is running sex education programme for youth at five Youth Health Education Centres in the biggest Lithuanian cities: Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys. According to the sex education programme prepared by the Association, schoolchildren are offered to attend a study cycle. During one year, Youth Health Education Centres made contacts with 100 Lithuanian schools, and conducted over 1000 conversations with 45,000 young persons about reproductive health.

During the implementation of the project Youth Friendly Services in Lithuania, publications about peer education on youth health and adolescents health for health care specialists were prepared. These publications give useful information about child's development, changes at adolescence, reproductive health and various health problems, arising due to unhealthy and insecure way of live. Health care specialists from municipalities of Akmenė and Utena districts attended the training course on health of adolescents and peculiarities of adolescence.

Big attentions is paid to safe abortion. Procedure of termination of pregnancy in our country is regulated by the Order No 50 of the Minister of Health of the Republic of Lithuania of 28 January 1994 On Procedure of Performing Operation of Pregnancy Termination (*Official Gazette*, 1994, No 18-229). At women's will pregnancy can be terminated until 12 week of pregnancy, and in case of medical indications – until 22 week. It is possible to say that our country has all conditions for safe abortions, therefore, no women died due to abortion complications in recent years. Though the number of abortions remains high in Lithuania compared to the Western countries, it has been constantly decreasing during the past years.

**Table 11.1.2 Number of artificial abortions per 100 live births**

Country	Number of artificial abortions per 100 live births
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	(2002)
Lithuania	44,1
Latvia	79,6
Estonia	92,3
Denmark	24,6
Sweden	34,7
Finland	19,0/
Norway	24,5
Germany	17,6
Slovenia	44,8
Russia	141,6

**Table 11.1.3 Dynamics of artificial abortions in Lithuania in 1996-2004**

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004
per 100 live births	71,1	60,1	56,9	52,2	48,1	44,1	42,5	38,7	36,1

**ARTICLE 11 PARA. 2**

*“With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:*

*1. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health.”*

**Question A**

*specify the services provided by advisory and inspection services:*

*a. to schools;*

In 1993 Lithuania was officially adopted to the European Network of Health Promoting Schools established by joint efforts of the Council of Europe (CoE), the European Community (EC) and the World Health Organisation Regional Office for Europe (WHO/EURO). 18 general education schools of our country became members of the European Network of Health Promoting Schools. That was the commencement of the first stage of activities (pilot stage) intended for planning and implementation of activities meeting the needs, conditions and resources of every school participating in the international project.

During the second stage (1996-1998) the efficiency of activities of health promoting schools was assessed. Lithuania’s participation in the activities of the European Network of Health Promoting Schools and the scientific assessment of efficiency of health promoting and educational activities both showed the opportunities and necessity of developing the national network of health promoting schools.

During the third stage (starting from 2000) emphasis was placed on the activity development at the regional and municipal levels and on the activity integration into the current structures at the

national level. During this period ten general education schools of our country became full-fledged members of the European Network of Health Promoting Schools.

At the end of 2004 98 general education schools participated in the National Network of Health Promoting Schools.

The health promoting and educational activities in educational institutions are performed in accordance with the provisions of the National Education Strategy for 2003-2012 approved by Resolution No. IX-1700 of the Parliament of the Republic of Lithuania of 4 July 2003 (*Official Gazette*, 2003, No. 71-3216); the European Union Public Health Programme for 2003-2008 approved by Decision No. 1786/2002/EC of the European Parliament and of the Council of 23 September 2002, the Strategy for Children and Adolescents in Europe adopted at the 55<sup>th</sup> session of the World Health Organisation Regional Office for Europe on 12-15 September 2005 (EUR/RC55/6) regarding children's health promotion and creation of favourable conditions for promoting healthy way of living.

Health education is based on a life skill education strategy covering all age groups with certain deliverables planned for in line with the child's age and the level of maturity. Health promoting/education activities are implemented in close cooperation with the school community members and involving partners outside schools (healthcare specialists, the police, youth organisations, etc.).

The purpose is to ensure that health education at schools would become an integral part of health promoting activities covering psychosocial and physical aspects of health care and learning environment – nutrition and healthcare services and would be treated as such in the general context of the entire educational system. Health preservation and promoting competences are developed throughout the entire educational process: by integrating specific health topics (promotion of physical activity; healthy nutrition; prevention of tobacco, alcohol and other drug use; prevention of accidents, traumas and violence; aspects of sexual education and family preparation; mental health and factors of the learning environment) into curricula of specific subjects and detailing them in extracurricular, project and other activities and by allocating time thereto.

General natural science educational programmes and educational standards of the elementary and general level are dominated by topics in human physiology, anatomy and biochemistry. Public health issues are limited to explanation of the impact of key risk factors (alcohol, tobacco smoking, drugs, contagious diseases). Some public health topics are united under environmental aspects (pollution, noise impact). Natural science educational programmes and standards lack education of managerial competence of the valeological nature (recommendations for primary prevention of contagious and non-infectious diseases).

The need for including health economy information (outline of health insurance, economic consequences of diseases and traumas, alcohol, tobacco and drug use) into social education programmes (forms 9-11) is increasing.

Those problems are solved by revising and supplementing elementary and general education curricular and educational standards with the above issues.

The provisions of the National Education Strategy for 2003-2012 approved by Resolution No. IX-1700 of the Parliament of the Republic of Lithuania of 4 July 2003 (*Official Gazette*, 2003, No. 71-3216) provide that pedagogical and social programmes intended for risk children will start functioning at schools implementing general education and vocational training programmes.

Implementation of such guidelines will be based on measures included into the draft National Programme for Development of Health Promoting Schools for 2006-2012 whose drafting started at the end of 2004. This draft Programme has been drafted in implementation of measure plans of the Strategy for Implementation of the National Demographic Policy for 2005-2007 (approved by Resolution No. 572 of the Government of the Republic of Lithuania of 23 May 2005 (*Official Gazette*, 2005, No. 66-2367) and measure plans of the Strategy for the National Children's Wellbeing Policy and Implementation Measures Thereof for 2005-2012 (approved by Resolution



No. 184 of the Government of the Republic of Lithuania of 17 February 2005 (*Official Gazette*, 2005, No. 25-802).

Lithuania's experience in developing the network of health promoting schools was positively assessed in Hungary at the Meeting of National Coordinators of the European Network of Health Promoting Schools organised by the WHO/EURO on 13-15 November 2003 on the issues of assessing the activities of health promoting schools and at the Meeting of National Coordinators of the European Network of Health Promoting Schools organised by the WHO/EURO-CoE-EC (Copenhagen, WHO/EURO, 13-15 September 2004).

A report to the Technical Secretariat of Health Promoting Schools of the WHO/EURO about the implementation of EGMOND agenda in Lithuania was drafted in 2003.

Part was taken in the preparatory works of the WHO/EURO workgroups for advocacy, information, education and communication in the field of promoting healthiness of the children's environment in preparation for the 2004 conference of European Ministers Future For Children.

In 2004 the Youth Friendly Services in Lithuania (YFS) programme supported by the UNDP, UNFP and UNICEF was implemented in Lithuania.

Health promoting activities at schools are continued by annually organising competitions of young natural scientists in Lithuania. The work of expert groups of the Public Health Section of those competitions is joined by the specialists of the State Environmental Health Centre. Pupils choose for their research such topics that are closely related to their lives and are relevant and interesting for them proper such as healthy nutrition, unsafe food, diet supplements, early sexual life of adolescents, habits harmful for health and opportunities for preventing them at school, fear, anxiety, stress, ecological dwelling, environment pollution. Pupils' works are ended with recommendations and output presentations to school communities and the public.

To encourage involvement of non-governmental organisations in health promoting activities, the Minister of Health of the Republic of Lithuania approved Order No. V-206 of 23 March 2006 Regarding the Programme of Incentives for Non-Governmental Organisations Participating in Health Promoting Activities. With a view to improving health promoting, prevention and educational activities, further cooperation with patients' and other non-governmental organisations will be continued to raise public awareness about a healthy and physically active way of life (as the majority of the Lithuanian pupils are exposed to the health risk factor of physical passivity: health promoting activity among pupils of forms 5-11 is characteristic of only 9.8% of girls and 18.6% of boys), to form healthy eating habits in order to promote human health and reduce spread of non-infectious chronic diseases related to improper diet and habits harmful to health.

***b. to other groups.***

According to the data of country public health centres, in 2004 more than 135 thousand of respondents took part in health education research and surveys undertaken in Lithuania. More than a half (57%) of all studies were devoted to the topic of personal hygiene and prevention of contagious diseases, the rest of them covering prevention of cancer diseases (9.3%), health safety and promoting, general issues of healthy lifestyle and prevention of diseases (7.9%), healthy nutrition (5.9%), prevention of heart diseases (4.9%) and other topics.

In 2004 the Public Health Education Centre performed a study of health information dissemination via media (television and press). According to the study data, five largest and most popular television channels (LTV, LNK, BTV, TV3 and 5TV) daily devote the average of 1 hour 33 minutes to the health topic; three dailies (*The Lietuvos Rytas*, *The Respublika* and *The Lietuvos Žinios*) daily devote the total of 2 pages thereto. This constitutes about 1.6% of the total show time of the above television channels per week and 3% of the space in the above newspapers. The comparison of the data of the 2004 research with the 1998 study shows that health programmes on

commercial television channels have become more numerous, the number of illustrated and health promoting publications has increased and now seeks about 17% of the total space of publications on health topics. The Public Information Office of the Public Health Education Centre performed the analysis of flows in the reception of the Ministry of Health. Within a year 2,860 applicants were received and explained the procedure of service provision at primary health care institutions, referral to in-patient and rehabilitation treatment, medicine compensation and allowances and consulted on the issues of health promotion and other relevant topics.

Much attention is devoted to professional development of specialists (teachers and healthcare workers) in the field of health promotion and education.

In 1998-2003 seeking to create a teacher professional development system that would help to train specialists capable of shaping healthy lifestyle habits in children and youth and integrating the health issues into the entire life of an educational institution, the Teacher Professional Development Centre drafted and implemented a complex programme for professional development of teachers entitled Healthy Way of Living – Lifestyle since Childhood. In continuation of that work, a model of dissemination of teaching qualification in health education issues and training of teachers consultants in health issues was drafted.

Many municipal education centres in cooperation with higher education schools, public health care institutions and schools draft and implement professional development programmes for teachers in the field of health promotion.

Therefore, in 2003 expanding health promoting activities at schools in cooperation with specialists of the Education Development Centre, Kaunas Vytautas Magnus University, Klaipėda University, Vilnius University, the Pedagogical University, the Teacher Professional Development Centre, the Hygiene Institute and the State Environmental Health Centre the Life Skills Development Programme together with the package of methodological materials was drafted and implementation thereof started. The Programme is intended for specialists working with pre-school children and pupils of elementary school, forms 5-8 and forms 9-10. The Programme was approved by the Ministry of Education and Science and in 2005 the second edition thereof was drafted. This is a programme for developing personal and social skills in children and youngsters whose purpose is to prepare children and youngsters for life outside school and for adult life in a rapidly changing society.

### **Question B**

*Specify all measures taken in the health education field and when preparing information campaigns.*

Many children attend educational institutions for children and spend one third of their day there, which is why it is very important to ensure that they would be provided with safe and healthy conditions for growing up, developing and learning. Of all educational institutions the most are general education schools (about 1,940) and pre-school institutions (about 864) where about 632,919 (or 81%) of children are educated and taught, which is why public health care institutions mainly focus namely on care for those institutions.

Health surveys of pupils of general education schools performed in 2003 by the State Public Health Care Service under the Ministry of Health show that morbidity among pupils<sup>1</sup> of the country's general education schools is still high. The highest pupil morbidity is observed in kindergarten-type schools: about 76% of children have various health disorders. In elementary schools morbidity reaches about 72%, in secondary schools – 72%, in basic schools – about 69%. Gymnasiums and youth schools are attended by pupils having fewer health disorders (56% and 47% respectively). The indicator of distribution of pupils by health groups has not improved for several years. Pupils in the first health group (the healthiest) annually become less numerous. In 2001 there were 45% of them, in 2002 – 42.4%, in 2003 – 41.1%. The number of pupils in the second health

group (risk group) per year has slightly decreased but the number of pupils in the third health group has increased. This health group is filled by pupils previously attributed to the second group, which may mean that hygiene sanitary conditions of those pupils' family or at school have deteriorated. The number of children with eyesight and bearing disorders is annually increasing. The above survey has shown that already the first classes of elementary school receive about 16% of children with eyesight disorders, about 30% of children having scoliosis and about 86% of children with wrong bearing including children whose weight is too small (about 11%) or too big (about 12%). The survey results show that health of the country's pupils is not very good and that it should be necessary to ensure proper hygiene sanitary conditions in the family and school as this factor is the one mostly influential on children's health.

**Table 11.2.1. Children's Health 2003 (Number)**

	Kindergarten-type schools	Elementary schools	Basic schools	Secondary schools	Gymnasiums	Youth schools
Actual number of children <sup>3</sup>	10,901	32,391	111,352	307,932	70,400	2,378
Total morbidity	8,274	23,316	74,414	222,194	39,573	1,108
Number of cases per 1,000 children	759.01	719.83	668.	721.57	562.12	465.94
Morbidity with digestion tract diseases (total)	376	857	3,452	9,278	1,507	120
Number of cases per 1,000 children	34.49	26.46	31.00	30.13	21.41	50.46
Morbidity with nervous system diseases (total)	135	475	2,368	5,469	1,253	63
Number of cases per 1,000 children	12.38	14.66	21.27	17.76	17.80	26.49

*Data source: Analysis of pupil morbidity by the State Public Health Care Service under the Ministry of Health of 2003.*

Article 23 of the Law on Education stipulates that the purpose of health care at school is to help the pupil to preserve and strengthen health. Pursuant to Article 23(2) of the Law on Education health care at school is realised by a public health care specialist. Such a specialist performs primary public health care, provides methodological and counselling assistance in health promoting activities to teachers, pupils and their parents (custodians, carers) and performs other activities in accordance with the procedure laid down by the Ministry of Health and the Ministry of Education and Science. Statistical information about pupils' health, health risks and learning factors is used for audit and monitoring.

Educational institutions performing their activities follow hygiene norms and rules approved by ministers of the Republic of Lithuania:

1. Order No. V-476 of the Minister of Health of the Republic of Lithuania of 9 June 2005 [Regarding the Approval of the Lithuanian Hygiene Norm HN 21:2005 General Education School. General Health Care Requirements](#) (*Official Gazette*, 2005, No. 76-2770);
2. Order No. 475 of the Minister of Health of the Republic of Lithuania of 5 August 2001 Regarding the Approval of the Lithuanian Hygiene Norm HN 102:2001 Vocational Training Institutions. Hygiene Norms and Rules (*Official Gazette*, 2001, No. 78-2734).
3. Order No. 1257 of the Minister of Education and Science of the Republic of Lithuania of 5 July 2002 Regarding Prevention of Use of Tobacco, Alcohol, Drugs and Other Psychoactive Substances in Educational Institutions was signed to ensure a secure and healthy environment in educational institutions for children, to enhance primary prevention and early intervention activities and to develop cooperation with social partners.

At present health care at school in the Republic of Lithuania is also regulated by by-laws: the Procedure for Financing Health Care at Schools (Resolution No. 5 of the Government of the Republic of Lithuania of 6 January 2004); the Procedure for Filing Applications for Financing Health Care at Schools (Order No. V-28 of the Minister of Health of the Republic of Lithuania of 28 January 2004); the Competence of a Public Health Care Specialist Performing Health Care of Pupils (Order No. V-62 of the Minister of Health of the Republic of Lithuania of 11 February 2004). Also, in 2004 the draft Programme for Health Care in Educational Institutions for 2004-2007 was drafted and coordinated with the Ministry of Health.

Pursuant to Resolution No. 5 of the Government of the Republic of Lithuania of 6 January 2004 Regarding the Approval of the Procedure for Financing Health Care at Schools, public health care specialists have been returned to schools and the current number thereof in the country's schools is over 700. Positions for public health care specialists at schools are financed by the Mandatory Health Insurance Fund. In 2004 appropriations for health care of pupils were increased. LTL 4.5 million allocated for health care at schools from the funds of the Mandatory Health Insurance Fund budget were distributed among 60 municipalities. In Lithuanian schools functions set out in Order No. V-62 of the Minister of Health of 11 February 2004 Regarding Competence of a Public Health Care Specialist Performing Pupils' Health Care (*Official Gazette*, 2004, No. 26-829) is performed by public health care specialists or community caregivers.

Moreover, with a view to advocating for healthy way of living among pupils and encouraging them to be personally responsible for their health, in 2004 the following measures of the Lithuanian Physical Training and Sports Strategy were implemented at educational institutions:

- participation in workgroups drafting proposals with regard to improvement of the physical training programme;
- cooperation with regional education centres, general education schools promoting health and participants of the Olympic project implementation;
- organisation of 11 seminars for physical training teachers;
- implementation of the project Olympic Education of Children and Youth at the Country's Schools;
- organisation of the international literary competition Education and Olympic Movement;
- organisation of 26 various sports competitions among pupils of different types of schools;
- at the initiative of the Minister of Health the campaign I Want – I Do Sports was carried out in the country involving 1,929 schools (during the campaign pupils were provided with an opportunity to use sports stadiums of schools during the summer holidays). When organising the campaign more than one fifth of the country's schools managed to ensure that school sports facilities would be functioning also in summer and that children would be able to get a ball and find a place to play during their leisure time. It was noticed that schools of rural regions were much more active and community-oriented.

Assuring pupils' health special attention is paid to prevention of drug use among pupils. The ESPAD survey performed in 2003 shows that the use of drug substances by children aged 15-16 has stabilised and reaches 15.6%. This demonstrates that active preventive activities carried out at schools deliver positive results. In counties, municipalities and schools there are persons appointed who are in charge of drug use prevention work. Preventive work at schools is organised in 2 directions: through lessons – by integrating preventive materials into the contents of school subjects and through extracurricular activities – by organising hobby groups, class hours, hikes, campaigns, etc. 89 health education consultants work in the regions. Schools employ over 800 social teachers and more than 300 psychologists, and the project of health promoting schools is joined by 289

institutions including 124 schools and 165 pre-school institutions. In 2003 the Ministry of Education and Science allocated LTL 214,000 for the implementation of the Programme.

In implementation of paragraphs 1.5 and 1.7 of the 2001-2003 Measures for Implementation of the National Drug Control and Drug Use Prevention Programme for 1999-2003 annexed to the National Drug Control and Drug Use Prevention Programme for 1999-2003 approved by Resolution No. 970 of the Government of the Republic of Lithuania of 6 September 1999 (*Official Gazette*, 1999, No. 76-2291; 2001, No. 8-235), 11 publications were published (4 books, 3 methodological recommendations, 1 newsletter, 1 leaflet, 2 CDs and 2 video films). In 2003 the Ministry of Education and Science financed 64 drug use prevention projects by organising a tender procedure and organised 9 conferences on Drug-Free Schools in counties and the international conference at the Parliament on 12-13 November 2003 on Experience, Problems and Prospects of Prevention of Use of Drugs and Psychotropic Substances at Educational Institutions of the Baltic States.

Following the Procedure for Support of Primary Drug Use Prevention and Targeted Children Employment Projects in 2004 (Order No. ISAK-210 of the Minister of Education and Science of 11 February 2004), in 2004 the Ministry of Education and Science also implemented the Programme for Organising Children's Summer Holidays, the Programme for Crime Prevention among Children and Adolescents and the National Drug Control and Drug Use Prevention and Targeted Employment Programme. The additional amount of over LTL 6 million was allocated for that. In total in 2004 214 primary drug prevention projects were implemented and 3 publications were published on the issues of drug use prevention at educational institutions. Moreover, training for teachers was organised: 150 seminars, 1 international conference and 1 competition were held.

To ensure a secure and healthy environment for pupils and create proper conditions for a child's wellbeing the Ministry of Education and Science of the Republic of Lithuania issued Order No. ISAK-1462 of 17 September 2004 approving the Recommendations on Legal Offences, Absence from School, Prevention of Use of Drugs and Psychotropic Substances, HIV/AIDS, Violence and Crime for Municipalities and School Management (*Official Gazette*, 2004, No. 145-5281). School management was obliged to keep account and control of strangers accessing schools as well as integrate into the educational curricula preventive courses about the harm of drugs, alcohol and tobacco organised by teachers, social teachers, public health care specialists and form masters. The school management was entitled to execute agreements with regard to provision of help at schools or outside schools with institutions and non-governmental organisations doing preventive work.

The school management ensures that the literature and visual means recommended by the Ministry of Education and Science would be used for implementing preventive programmes relating to drug use, HIV/AIDS, violence, crime and others. The school management is also assigned to ensure that during school holidays local community children would be provided conditions for using the base and sports facilities of schools. Municipality administrations are assigned to provide support for organising preventive work at schools and provide for cooperation measures together with the police, health care services, children's rights protection services and psychological teacher services involving non-governmental organisations, communities, pupils' parents and business representatives. Municipality administrations are also assigned to organised professional development courses for teachers, social teachers, psychologists, form masters and other specialists doing preventive work. Those provisions apply to all groups and types of schools irrespective of their subordination and ownership forms.

In total in 2004 about 154 thousand events for popularising health knowledge and educating the society were organised making it 448 events per 10,000 inhabitants. The majority of health promoting and education events were organised for children and youth (41.3%), patients (19.5%) and the public (18.8%). The prevailing topics included health care and enhancement (10.8% of all

public education events), personal hygiene and prevention of contagious diseases (9.9%), prevention of AIDS and sexually transmitted diseases (9.9%), drug use prevention (8%), harm of smoking (7.8%), harm of alcohol (7.2%), oral hygiene and prevention of tooth decay (7%) and healthy eating habits (6.6%). That was in line with the national priority directions set in health education.

In total in 2004 in Lithuania 144,008 persons for whom health education was mandatory were trained including 84,317 employees for whom hygiene training was mandatory, 52,220 employees for whom first medical aid training was mandatory, 6,273 persons for whom training about harm of alcohol and drugs to health was mandatory and 36 navigators trained in first medical aid and care giving.

In 2004 about 5 thousand publications of the total circulation of over 1 million copies were drafted for publishing and published to promote health knowledge. Of that number the total of 900 were original (independent press) publications with the total circulation of 800 thousand copies.

In 2004 787 health enhancement and disease and trauma prevention programmes were being implemented in counties and regions of Lithuania. The prevailing programmes included health care and enhancement, general healthy way of living and disease prevention (19.7%), prevention of addictions – tobacco smoking, alcohol and drug use (14.6%), environmental health (9.3%), physical activity (7.6%), personal hygiene and prevention of contagious diseases (6.4%) and oral hygiene and prevention of tooth decay (6%).

### **ARTICLE 11 PARA. 3**

*“With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:*

*3. to prevent as far as possible epidemic, endemic and other diseases. “*

#### **Question A**

*List measures except for the ones already mentioned taken to prevent epidemic, endemic and other diseases (mandatory or voluntary vaccination, disinfection, policy of combating epidemics).*

To prevent accidents in emergencies the following training programmes for pupils and students have been drafted and approved:

the Civil Security Training Programme for General Education Schools approved by Order No. ISAK-820 of the Minister of Education and Science of the Republic of Lithuania of 10 June 2003 (*Official Gazette*, 2003, No. 64-2922);

the General College Programme for Civil Security Studies approved by Order No. ISAK-1745 of the Minister of Education and Science of the Republic of Lithuania of 8 December 2003 (*Official Gazette*, 2004, No. 8-210);

the Fire Safety Training Programme for General Education Schools approved by Order No. ISAK-820/IV-208 of the Minister of Education and Science and of the Minister of the Interior of 10 June 2003 (*Official Gazette*, 2003, No. 60-2743).

Epidemiological surveillance and control of contagious diseases in the country is regulated by the Law of the Republic of Lithuania on Prevention and Control of Communicable Diseases in Humans (*Official Gazette*, 1996, No. 104-2363; 2001, No. 112-4069) and by-laws.

Pursuant to the provisions of the National Long-Term Strategy approved by Resolution No. IX-1187 of the Parliament of the Republic of Lithuania of 12 November 2002, prevention and control of communicable diseases are performed through corresponding programmes.

In implementation of the National Immunoprophylaxis Programme, the Lithuanian children are vaccinated in accordance with the Calendar of Preventive Vaccination of Children of the Republic of Lithuania which is the main executive document of the National Immunoprophylaxis Programme approved by Order No. V-646 of the Minister of Health of 16 September 2004 (*Official Gazette*, 2004, No. 142-5210). Newborns, babies and children are vaccinated against tuberculosis, hepatitis B, whooping cough, diphtheria, tetanus, poliomyelitis, measles, epidemic parotiditis, German measles, B type infection of *Haemophilus Influenzae* using *the state funds* (vaccination of children under 5 against HiB was started in June 2004). The state funds are also allocated for vaccination against rabies for persons who are victims of rabid or suspected rabid animals, and after traumas – against tetanus (active immunisation).

In implementing the Lithuanian National Public Health Care Strategy, in 2002 12-year-old children were started to be vaccinated against hepatitis B. The second dose of vaccine against measles, epidemic parotiditis and German measles is now used for vaccinating 6-7-year-old children before they start attending school.

Moreover, with a view to even better ensuring care for children's health by enhancing disease prevention and control, in 2004 the Annual Children's Health Programme was adopted and approved by Resolution No. 651 of the Government of the Republic of Lithuania of 27 May 2004 (*Official Gazette*, 2004, No. 87- 3177). Pursuant to the Programme provisions, special emphasis is placed on type B infection of *Haemophilus influenzae* (hereinafter referred to as HiB) and since 2004 universal vaccination of babies and children in the second year of their life with the vaccine against type B infection of *Haemophilus influenzae* was started (to vaccinate children under 5 years of age against HiB infection LTL 1,100 thousand were allocated).

The main principles based whereon the National Immunoprophylaxis Programme is being implemented:

- accessibility (the state guarantees vaccination against communicable diseases for every child in the country);
- adequacy (the Programme is orientated towards the epidemiologic situation with communicable diseases); effectiveness (the most effective vaccines are selected, vaccination reduces morbidity and mortality from communicable diseases);
- management (possibility to change the vaccination calendar);
- progressiveness (use of safe and effective vaccines, introduction of new vaccines).

Lithuania as well as other European countries implements the National Immunoprophylaxis Programme reaching vast vaccination scope and reducing morbidity related to communicable diseases. During the last decade in Lithuania morbidity of whooping cough, measles, epidemic parotiditis and German measles has significantly reduced. For already many years no cases of developing the German measles syndrome or neonatal tetanus have been registered; diphtheria and tetanus are registered as only single cases among elderly people, and morbidity of hepatitis B is characterised by reduction.

**Table 11.3.1. Vaccination Scope in Lithuania in 2003-2004**

Scope, %	2003	2004
BCG (newborns)	99.4	98.9
Diphtheria, tetanus 3 (children aged 1)	94.2	94.0
Whooping cough 3	94.2	93.9

(children aged 1)		
Poliomyelitis (children aged 1)	97.0	96.4
Measles 1 (children aged 2)	97.7	97.7
Epidemic parotiditis 1 (children aged 2)	97.7	97.7
German measles 1 (group aged 2)	97.7	97.7
Hepatitis B (newborns)	99.4	98.5

Epidemiological surveillance and laboratory diagnostics of poliomyelitis and acute languid paralysis organised is in line with the recommendations of the World Health Organisation. Lithuania like other European countries was in June 2002 certified as a poliomyelitis-free country. The World Health Organisation recommends further preserving vast coverage of vaccination against poliomyelitis and implementing a quality epidemiological surveillance system for poliomyelitis and acute languid paralysis based on laboratory tests. Epidemiological surveillance and control of poliomyelitis and acute languid paralysis is performed in accordance with the procedure regulated by orders of the Minister of Health.

Lithuania performs epidemiological surveillance of flu providing recommendations on seasonal preventive vaccination, information and flue prevention and control measures following the Rules for Epidemiological Surveillance of Flu approved by Order No. V-802 of the Minister of Health of 12 November 2004 (*Official Gazette*, 2004, No. 167-6153).

Data on epidemiological surveillance of flu is provided under the EISS (European Influenza Surveillance Scheme).

Epidemiological surveillance of measles and the innate German measles syndrome is performed by carrying out a comprehensive epidemiological test in each suspected case, analysing information about every suspected/proved case and surveillance the scope of vaccination against measles, epidemic parotiditis and German measles.

In implementing the Measure Plan for Implementation of the National Public Health Care Strategy for 2002-2004 approved by Order No. 686 of the Minister of Health of 29 December 2001, the Minister of Health issued Order No. V-65 of 5 February 2003 to approve the Programme for Epidemiological Surveillance and Control of Communicable Diseases for 2003-2006. In November 2002 the draft Programme for Epidemiological Surveillance and Control of Communicable Diseases for 2003-2006 was drafted. The Programme provides for the main direction in the health strategy – preservation and strengthening of health and disease prevention.

The Programme for Epidemiological Surveillance and Control of Communicable Diseases for 2003-2006 consists of 5 parts:

- the System for National Epidemiological Surveillance of Hospital Infections;
- Epidemiological and Epizootological Surveillance and Control of Rabies;
- Epidemiological Surveillance and Control of Tick-Borne Encephalitis and Lyme Disease;
- Epidemiological Surveillance and Control of Trichinellosis;
- Epidemiological Surveillance and Control of Acute Intestinal Infections (Shigellosis, Salmonellosis).

The Centre for Prevention and Control of Communicable Diseases performs state registration of communicable diseases and pathogens thereof by collecting, systemising, analysing and keeping data on communicable diseases.

Each month information is provided about morbidity of communicable diseases in Lithuania to the Ministry of Health, the State Food and Veterinary Service under the Government of the



Republic of Lithuania, the WHO and other countries. Information about annual communicable disease morbidity in Lithuania is provided to the Department of Statistics and the Health Information Centre.

Preventing outbreaks of communicable diseases and ensuring the ability to timely respond to any emerging threats to public health, the country has joined the Early Warning Response System (EWRS) of the European Community.

In implementing Directive (2003/99/EC) of the European Parliament and of the Council on the monitoring of zoonoses and zoonotic agents, data about zoonoses and zoonotic agents is provided to the European Food Safety Authority and the European Centre for Disease Prevention and Control. Interagency cooperation on the above issue has improved between the Ministry of health and the State Food and Veterinary Service.

To improve epidemiological surveillance of communicable diseases, it is planned to install a computerised system of messaging on communicable diseases in the country as well as the most advanced methods of microbiological diagnostics of infectious diseases.

The aforementioned Annual Children's Health Programme adopted in 2004 and approved by Resolution No. 651 of the Government of the Republic of Lithuania of 27 May 2004 (*Official Gazette*, 2004, No. 87-3177) is largely focused on prevention of tooth decay among children attending educational institutions.

According to the data of the research in the scientific work at Kaunas University of Medicine (Milčiuvienė, S. *Prevalence and Intensity of Tooth Decay in 12-Year-Old Pupils in Lithuania*. – Stomatologija, 2001, Vol. III, No. 3), in Lithuania the teeth of 59.4 to 96.8% of 12-year-old children are decayed, and intensity of tooth decay reaches up to 4.43 teeth (i.e. in the mouth of one 12-year-old the average of up to 4.4 teeth are decayed, and in the mouth of a 15-year-old – already 5.1). Molars become decayed soon after they cut. Therefore the above Annual Children's Health Programme provides for application of tooth decay prevention measures financed by the state for children aged 6-8 (by covering the chewing surface of children's permanent first molars with sealants). Pursuant to the above Programme, to cover the chewing surface of children's permanent first molars with sealants LTL 1 million has been allocated.

The Annual Children's Health Programme approved by Resolution No. 651 of the Government of the Republic of Lithuania of 27 May 2004 also provided for organising in 2004 educational and information events at educational institutions promoting healthy way of living and drawing attention of the public to children's health, preservation thereof, promotion of healthy way of living and involving children into preventive activities against addictions (especially drug use) to help them to seek healthy life and to activate cooperation between pupils, health care specialists, parents and teachers. In 2004 LTL 120 thousand were allocated for these activities from the state budget.

Special attention in educational institutions is devoted to prevention of HIV epidemic spread among pupils. In implementation of the National Drug Control and Drug Use Prevention Programme for 2004-2008 (approved by Resolution No. IX-2110 of the Parliament of the Republic of Lithuania of 8 April 2004), the Ministry of Education and Science together with the Lithuanian AIDS Centre in 2004 organised the competition We Against AIDS. The Minister of Education and Science by Order No. ISAK-1596 of 12 October 2004 approved the regulations of the competition We Against AIDS dedicated to the World AIDS Day. Over 1,000 pupils participated in the competition. Social advertisements, drawings, computer drawings, photography or compositions were submitted for the competition. Participants of the competition of social advertisements about HIV/AIDS were pupils aged 14 to 19 as well as youth clubs, organisations, schools and informal groups in teams of 6 persons. They presented a block of social advertisements about HIV/AIDS – a poster, a leaflet and a video clip. The purpose was to present the HIV/AIDS problem to peers in a clear and understandable manner. The competition We Against AIDS was dedicated to the commemoration of the World AIDS Day and was also held in 2003. During the competition pupils

competed for the main prize – a tourist trip – and other valuable gifts. The purposes of the competition were to provide information about HIV/AIDS and harm done by drug use, to warn peers about consequences of risky behaviour and to draw attention to the problems of HIV/AIDS and drug use in Lithuania and globally.

### **Question B**

#### ***List general measures taken in the field of public health:***

1. Lithuanian Health Programme approved by Resolution No. VIII-833 of the Parliament of the Republic of Lithuania of 2 July 1998 (*Official Gazette*, 1998, No. 64-1842);
2. Law of the Republic of Lithuania on the Health System (*Official Gazette*, 1994, No. 63-1231; 1998, No. 112-3099),
3. Law of the Republic of Lithuania on Public Health Care (*Official Gazette*, 2002, No. 56-2225),
4. Law of the Republic of Lithuania on Public Health Monitoring (*Official Gazette*, 2002, No. 72-3022),
5. Law of the Republic of Lithuania on Alcohol Control (*Official Gazette*, 1995, No. 44-1073; 2004, No. 47-1548),
6. Law of the Republic of Lithuania on Tobacco Control (*Official Gazette*, 1996, No. 11-281; 2003, No. 117-5317),
7. National Public health Care Strategy approved by Resolution No. 941 of the Government of the Republic of Lithuania of 27 July 2001 (*Official Gazette*, 2001, No. 66-2418),
8. National Programme for Promoting Healthy Environment for 2003-2006 approved by Resolution No. 66 of the Government of the Republic of Lithuania of 21 January 2003 (*Official Gazette*, 2003, No. 8-288),
9. National Programme for Public Health Monitoring for 2003-2005 approved by Resolution No. 1589 of the Government of the Republic of Lithuania of 10 December 2003 (*Official Gazette*, 2003, No. 117-5344),
10. National Mental Disease Prevention programme approved by Resolution No. 1441 of the Government of the Republic of Lithuania of 20 December 1999 (*Official Gazette*, 1999, No. 109-3186),
11. National Alcohol Control Programme approved by Resolution No. 212 of the Government of the Republic of Lithuania of 25 February 1999 (*Official Gazette*, 1999, No. 21-603),
12. National Tobacco Control Programme approved by Resolution No. 954 of the Government of the Republic of Lithuania of 30 July 1998 (*Official Gazette*, 1998, No. 69-2010),
13. Programme for Suicide Prevention for 2003-2005 approved by Resolution No. 451 of the Government of the Republic of Lithuania of 10 April 2003 (*Official Gazette*, 2003, No. 36-1575),
14. National Food and Nutrition Strategy and the Measure Plan for Implementation of the National Food and Nutrition Strategy for 2003-2010 approved by Resolution No. 1325 of the Government of the Republic of Lithuania of 23 October 2003 (*Official Gazette*, 2003, No. 101-4556),
15. National Trauma Prevention Programme for 2000-2010 approved by Resolution No. 423 of the Government of the Republic of Lithuania of 14 April 2000 (*Official Gazette*, 2000, No. 32-903),
16. National Radiation Protection Programme approved by Resolution No. 764 of the Government of the Republic of Lithuania of 1 July 2000 (*Official Gazette*, 2000, No. 54-1584), etc.

The sector of state public health care institutions performed important work in harmonising the EU legal acts, forming and implementing the EU Food Safety, Health and Consumer Affairs

Policy in Lithuania (in the fields of food safety, pupils' health, communicable and non-communicable diseases, etc.).

The Community Public Health Programme (2003-2008) approved by Decision No. 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 is actively implemented.

Public health was monitored in cooperation with the World Health Organisation Regional Office for Europe and other agencies of the United Nations and the European Centre for Disease Prevention and Control.

**a. – air pollution prevention,**

Order No. D1-265/V-436 of the Minister of Environment of the Republic of Lithuania and of the Minister of Health of the Republic of Lithuania of 26 May 2005 Regarding the Procedure of Provision of Information about Excess of Pollutant Danger Thresholds in Ambient Air (*Official Gazette*, 2005, No. 74-2688) was drafted and approved.

**- water pollution prevention,**

The Law No. IX-1863 of the Parliament of the Republic of Lithuania of 2 December 2003 on Ratification of the Protocol on Water and Health of the 1992 Convention on Protection and Use of Transboundary Watercourses and International Lakes ratified the Protocol on Water and Health of the 1992 Convention on Protection and Use of Transboundary Watercourses and International Lakes.

Order No. V-452/D1-346 of the Minister of Health of the Republic of Lithuania and of the Minister of Environment of the Republic of Lithuania of 21 June 2004 was drafted and approved whereby the group for coordination of the implementation of the Protocol on Water and Health of the 1992 Convention on Protection and Use of Transboundary Watercourses and International Lakes was formed (*Official Gazette*, 2004, No. 100-3734).

Order No. V-14/D1-22 of the Minister of Health of the Republic of Lithuania and of the Minister of Environment of the Republic of Lithuania of 12 January Regarding the Approval of the Outline of Implementation of the Protocol on Water and Health of the 1992 Convention on Protection and Use of Transboundary Watercourses and International Lakes was drafted and approved (*Official Gazette*, 2005, No. 11-348).

By Order No. V-201 of the Minister of Health of the Republic of Lithuania of 8 April 2003 HN 44:2003 on Establishment and Supervision of Sanitary Protection Zones of Water Bodies was approved (*Official Gazette*, 2003, No. 42-1957).

By Order No. V-513 of the Minister of Health of the Republic of Lithuania of 22 June 2005 HN 43:2005 Wells and Springs: Installation and Supervision Requirements for Health Care was approved (*Official Gazette*, 2005, No. 90-3376).

**- soil pollution prevention;**

By Order No. V-114 of the Minister of Health of the Republic of Lithuania of 8 March 2004 HN 60:2004 on Maximum Allowable Concentrations of Dangerous Chemical Substances in Soil was approved (*Official Gazette*, 2004, No. 41-1357).

**b. protection from pollution with radioactive substances;**

Pursuant to the provisions of Article 7 of the Law of the Republic of Lithuania on Radiation Protection (*Official Gazette*, 1999, No. 11-239) and the Regulations of the Radiation Protection Centre approved by Order of the Minister of Health of 22 July 2005, the Radiation Protection

Centre is an authorised institution entrusted to perform management functions in the field of radiation protection in accordance with the procedure laid down in the laws.

Main objectives of the Radiation Protection Centre:

- to control compliance of legal and natural persons with requirements of the Law of the Republic of Lithuania on Radiation Protection, other laws and legal acts regulating radiation protection and to impose administrative liability for violations thereof;
- to coordinate actions of state and municipal institutions and other institutions in the field of radiation protection;
- to seek to protect residents and workers exposed to sources of ionising radiation and the environment from harmful effects of ionising radiation;
- to perform assessment and expert evaluation of exposure of residents and workers to radiation at the national scale;
- to implement the Radiation Protection Policy of the Government and the Ministry of Health of the Republic of Lithuania.

Implementing the objectives, the following main functions are performed:

1. to draft laws and other legal acts on radiation protection;
2. in accordance with the procedure established by the Government, to issue, reregister, suspend, renew or revoke licences for conducting practices;
3. to supervise and control compliance of legal and natural persons with radiation safety requirements and hold them liable in accordance with law for breach of these requirements;
4. to organise and conduct monitoring of contamination by radionuclides of air, drinking water, foodstuffs and their raw materials, building materials and their products as well as other objects which may result in the exposure of humans and take and obtain necessary samples in accordance with the procedure set forth in laws and other legal acts;
5. to prepare, within the limits of its competence, reviews of radioactive safety and make proposals relating with regard to radioactive safety to the executive bodies of state administration, control institutions and local government of all levels and provide information to the public;
6. to organise and carry out monitoring of individual exposure of the population, workers and their separate risk groups under the normal conditions and in the event of radiological accidents and to undertake studies and assessment of the impact of ionising radiation on humans;
7. to organise and conduct, within the limits of its competence, study and state expert examination of radioactive protection;
8. to carry out study of radiological accidents, forecast their consequences and make proposals for their prevention and containment;
9. to keep the State Register of Sources of Ionising Radiation and Exposure of the Workers.

The requirements of directives and recommendations of the European Commission are legalised in legal acts regulating radiation protection. The requirements of Directive 96/29/EURATOM of the Council of Europe laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation and Directive 97/43/EURATOM of the Council of Europe on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure are stipulated in the Lithuanian Hygiene Norm 73:2001 Basic Radiation Protection Norms (*Official Gazette*, 2002, No. 11-388). The requirements of Council Directive 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas are stipulated in the Lithuanian Hygiene Norm HN 83:2004 ,Radiation Protection of Outside Workers (*Official Gazette*, 2004, No. 182-6744).

During the above period special attention was devoted to drafting the legal base as one of the main components of the radiation protection infrastructure. The following legal acts were drafted and approved:

1. HN 78:2003 Quality Control in Medical X-Ray Diagnostics. Main Requirements and Assessment Criteria (*Official Gazette*, 2004, No. 30-996).
2. HN 85:2003 Natural Irradiance. Radiation Protection Norms (*Official Gazette*, 2004, No. 30-997).
3. HN 94:2004 Quality Control of Ordinary and Computer Tomography and Preventive Mammography. Requirements and Assessment Criteria approved (*Official Gazette*, 2004, No. 182-6743).
4. Order of the Minister of Health Regarding the Approval of the Rules for Sampling in the Event of a Nuclear or Radiation Accident (*Official Gazette*, 2003, No. 99-4457).
5. Order of the Minister of Health Regarding the Approval of the Maximum Allowable Levels of Activity of Caesium Isotopes Applicable to Agricultural Products after the Accident at Chernobyl Nuclear Power Plant (*Official Gazette*, 2004, No. 116-4337).
6. Order of the Minister of Health Regarding the Approval of the Requirements to Processing Foodstuffs and Ingredients Thereof with Ionising Radiation (*Official Gazette*, 2003, No. 70-3206) implementing the following legal acts of the European Union:
  - 6.1. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation;
  - 6.2. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation;
  - 6.3. Commission Decision 2002/840/EC of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods.
7. Order of the Minister of Health Regarding the Approval of the Rules for Import, Export, Transit and Domestic Transportation of Radioactive Substances and Radioactive Waste (*Official Gazette*, 2004, No. 116-4337) implementing the requirements of Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community, Council Regulation (Euratom) No. 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States and Commission Decision of 1 October 1993 establishing the standard document for the supervision and control of shipments of radioactive waste referred to in Council Directive 92/3/Euratom and seeking to ensure radiation protection of people and the environment during shipments of radioactive substances and/or radioactive waste.
8. Resolution No. 205 of the Government of the Republic of Lithuania Regarding the Amendment to Resolution No. 653 of the Government of the Republic of Lithuania of 25 May 1999 Regarding the Approval of the Regulations for Licensing Activities with Sources of Ionising Radiation (*Official Gazette*, 2004, No. 30-991).
9. Order of the Minister of Health Regarding the Approval of the Requirements to Performing Radiological Monitoring of the Food Basket and Monitoring of Quantities of Radionuclides in Precipitation and Equivalent of the Exposure Dose of Residents from the Environment in Kupiškis and Ignalina Regions ([Official Gazette, 2004, No. 89-3298](#)).

Radiological monitoring of exposure of workers and residents and construction materials were continued.

Radionuclides in food and drinking water are one of the sources of human exposure, which is why the provisions of Article 36 of the Euratom Treaty recommend performing tests of radionuclide activities in the food basket.

In 2004 by Order the Minister of Health approved the Requirements to Performing Radiological Monitoring of the Food Basket and the Requirements to Performing Monitoring of Quantities of Radionuclides in Precipitation and Equivalent of the Exposure Dose of Residents from the Environment in Kupiškis and Ignalina Regions. The Radiation Protection Centre is one of institutions in charge of performance of radiological monitoring of the environment performing radiological tests of the environment and related components – drinking water, milk and the food basket. The dense network of monitoring covers the entire territory of the country. For radiological tests local origin food products are taken. Samples of milk and drinking water are taken each quarter at 7 monitoring points; meat and fish samples are taken twice per year (in spring and autumn); vegetable samples are taken at the end of summer; mushrooms – during the entire season of their growth. In the sparse network milk, drinking water and cooked food (daily diet) samples are taken every month. Test results are used to assess the annual effect dose to which residents are exposed because of ionising radiation of radionuclides contained in food.

In strengthening administrative capacities, special attention was devoted to strengthening the Radiation Protection Centre – the authorised institution for radiation protection.

The European Commission project on Development of the Radiation Protection Infrastructure and Auxiliary Services was implemented. A quality system was developed at the Radiation Protection Centre and laboratories were accredited.

At the end of 2003 Lithuania ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (*Official Gazette*, 2004, No. 36-1176).

In 2003 the Final INPP Decommissioning Plan and the Programme for Assessment of the Effect of INPP Decommissioning on the Environment and the report were drafted. The drafting of decommissioning projects covering separate stages of decommissioning of Ignalina NPP was started.

Studies and technical design projects for installation of radioactive waste repositories (trench-type and surface) to bury radioactive waste generated during operation and decommissioning and to temporarily store spent nuclear fuel were initiated.

The measure plan for implementation of the Programme for Decommissioning of the 1<sup>st</sup> Unit of the State Enterprise Ignalina Nuclear Power Plant for 2004 was drafted.

Much attention was paid to informing the public about preparation for the decommissioning. A separate section about measures to ensure radiation protection of workers, residents and the environment while preparing for the decommissioning of Ignalina NPP was drafted for the information publication Preparation for the Decommissioning of Ignalina Nuclear Power Plant.

Since 2001 the Radiation Protection Centre together with other state authorities has been participating in implementation of TATENA-financed project LIT/4/002 Support for Decommissioning of the 1<sup>st</sup> Unit of Ignalina NPP whose main purpose is to help to prepare for the decommissioning of the 1<sup>st</sup> Unit of INPP providing equipment and measures, organising training of specialists, disseminating experience accumulated by other countries in the field of supervision of the decommissioning works. Since the end of 2004 PHARE support project has been implemented with a view to providing support to authorised institutions in evaluating the decommissioning documents as well as strengthening the competence of the Radiation Protection Centre in this field.

*c. protection from acoustic pollution;*

By Order No. V-520 of the Minister of Health of the Republic of Lithuania of 3 September 2003 HN 33-1:2003 Acoustic Noise. Allowable Levels in Living and Working Environment. General Requirements of Measurement Methodology was approved (*Official Gazette*, 2003, No. 87-3957).

On 26 October 2004 the Parliament of the Republic of Lithuania adopted the Law No. IX-2499 of the Republic of Lithuania on Noise Management (*Official Gazette*, 2004, No. 164-5971).

The Law on Noise Management provides for competence and responsibilities of institutions relating to management of noise spread by various sources and the level of sound perceived by human beings and its effect on health and the environment, regulates functions of various institutions (ministries, municipalities and other agencies) and stipulates measures helping to protect health from the harmful effects of the environment noise.

The Law implements the requirements of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise and the main aspirations and actions applicable in the European Union Member States provided for in the Green Paper of the European Commission.

*d. inspection of food hygiene;*

According to the competence set out in the Law of the Republic of Lithuania on Food, the Ministry of Health sets scientifically grounded mandatory food safety requirements based on assessment of risk to human health: maximum allowable pollutant concentrations in food, food additive and food substance safety, special nutrition, irradiated, new, genetically modified food safety, safety of products in contact with food, food hygiene and health of persons handling food. The Ministry of Health also coordinates implementation of the policy for improvement of food safety and population nutrition and reduction of food-related morbidity, drafts programmes for improvement of food safety and population nutrition, performs monitoring of population nutrition, food safety relating to population health and food-related morbidity and educates healthy eating habits. Food safety, quality and handling supervision in the Republic of Lithuania is performed by the State Food and Veterinary Service having divisions and laboratories in all counties. The Lithuanian food companies perform internal self-control – they work in accordance with the HACCP principles mandatory in the European Union.

By May 2004 all the EU food legislation was fully transposed into the national law and later and further was timely and fully transposed into national legal acts. The main laws and legal acts regulating food safety and monitoring of indicators of public health relating to food are the following:

1. Laws

Law of the Republic of Lithuania on Food (*Official Gazette*, 2000, No. 32-893; 2002, No. 64-2574; 2003, No. 92-4139; 2004, No. 93-3397);

Law of the Republic of Lithuania on Genetically Modified Organisms, 12 June 2001, No. IX-375 (*Official Gazette*, 2001, No. 56-1976; 2003, No. 34-1419);

Law of the Republic of Lithuania on Drinking Water (*Official Gazette*, 2001, No. 64-2327);

Law of the Republic of Lithuania on Public Health Monitoring (*Official Gazette*, 2002, No. 72-3022);

Law of the Republic of Lithuania on Plant Protection (*Official Gazette*, 1995, No. 9-2013; 2003, No. 102-4583).

2. Statutory legislation

*2.1. Resolutions of the Government of the Republic of Lithuania*

Resolution No. 1325 of the Government of the Republic of Lithuania of 23 October 2003 Regarding the Approval of the National Food and Nutrition Strategy and the Measure Plan for Implementation Thereof for 2003-2010 (*Official Gazette*, 2003, No. 101-4556);

Resolution No. 1092 of the Government of the Republic of Lithuania of 10 July 2002 Regarding Laboratories Performing Tests of Samples Taken for State Food Control (*Official Gazette*, 2002, No. 72-3040);

Resolution No. 1150 of the Government of the Republic of Lithuania of 21 September 2001 Regarding the Approval of the Procedure of Conducting of and Payment for the State Expert Evaluation of Product Safety (*Official Gazette*, 2001, No. 83-2888);

Resolution No. 652 of the Government of the Republic of Lithuania of 27 May 2004 Regarding the Approval of the Rules for Performance of Expert Evaluation of Public Health Safety (*Official Gazette*, 2004, No. 87-3178);

Resolution No. 652 of the Government of the Republic of Lithuania of 27 May 2004 Regarding the Approval of the Rules for Performance of Expert Evaluation of Public Health Safety (*Official Gazette*, 2004, No. 87-3178);

Resolution No. 418 of the Government of the Republic of Lithuania of 8 April 2003 Regarding the Approval of Physiological Nutrition Norms for Persons Residing in the Registration Centre for Foreigners of the State Border Guard Service under the Ministry of the Interior (*Official Gazette*, 2003, No. 35-1473);

Resolution No. 14 of the Government of the Republic of Lithuania of 9 January 2002 Regarding the Approval of Physiological Nutrition Norms for Persons Kept in Pre-Trial Detention and Imprisonment Institutions (*Official Gazette*, 2002, No. 4-98);

Resolution No. 1589 of the Government of the Republic of Lithuania of 10 December 2003 Regarding the Approval of the National Programme for Public Health Monitoring for 2003-2005 (*Official Gazette*, 2003, No. 117-5344);

Resolution No. 1388 of the Government of the Republic of Lithuania of 3 September 2002 Regarding the Procedure for Programme Supervision of Drinking Water Publicly Supplied to Consumers through the Water Supply Distribution Network at Water Consumption Points (*Official Gazette*, 2001, No. 87-3753).

## 2.2. Orders of the Ministry of Health

Order No. 328 of the Minister of Health of the Republic of Lithuania of 17 June 1998 Regarding the Procedure for Registration of Special-Use Food Products and Food Additives (*Official Gazette*, 1998, No. 57-1610; 2004, No. 7-164);

Order No. 108 of the Minister of Health of the Republic of Lithuania of 8 March 1999 Regarding the Procedure for Performance of Hygiene (Public Health Safety) Expert Evaluation (*Official Gazette*, 1999, No. 25-721);

Order No. 510 of the Minister of Health of the Republic of Lithuania of 25 November 1999 Regarding the Approval of the Recommended Daily Norms of Nutrients and Energy (*Official Gazette*, 1999, No. 102-2936);

Order No. 357 of the Minister of Health of the Republic of Lithuania of 26 June 2001 Regarding Draft Company Standards (*Official Gazette*, 2001, No. 58-2096);

Order No. 250 of the Minister of Health of 30 May 2002 Regarding Diagnostics and Prevention of Poisoning with Nitrites and Nitrates (*Official Gazette*, 2002, No. 58-2361);

Order No. 316 of the Minister of Health of the Republic of Lithuania of 28 June 2002 Regarding the Approval of the Procedure for Import of Pistachio and Products Thereof from Iran (*Official Gazette*, 2002, No. 70-2933; 2004, No.81-2914; 2005, No. 84-3127);

Order No. 316 of the Minister of Health of the Republic of Lithuania of 24 December 2002 Regarding the Formation of the Scientific Committee for New Food Products and the Approval of the Regulations Thereof (*Official Gazette*, 2003, No. 4-133);



Order No. V-33 of the Minister of Health of the Republic of Lithuania of 22 January 2003 Regarding the Establishment of the Scientific Food and Nutrition Committee (*Official Gazette*, 2003, No. 12-450);

Order No. V-393 of the Minister of Health of the Republic of Lithuania of 1 July 2003 Regarding the Approval of the Requirements to Processing Foodstuffs and Ingredients Thereof with Ionising Radiation (*Official Gazette*, 2003, No. 70-3206; 2004, No. 81-2913; 2005, No. 51-1727);

Order No. V-573 of the Minister of Health of the Republic of Lithuania of 30 September 2003 Regarding the Approval of the Procedure for Import of Peanuts and Products Thereof from China (*Official Gazette*, 2003, No. 99-4452; 2004, No. 81-2910);

Order No. V-574 of the Minister of Health of the Republic of Lithuania of 30 September 2003 Regarding the Approval of the Procedure for Import of Figs, Hazel Nuts and Pistachio and Products Thereof from Turkey (*Official Gazette*, 2003, No. 99-4453; 2004, No. 81-2912);

Order No. V-575 of the Minister of Health of the Republic of Lithuania of 30 September 2003 Regarding the Approval of the Requirements to Supply of Some New Foodstuffs and New Food Ingredients to the Market (*Official Gazette*, 2003, No. 99-4454; 2004, No. 81-2909);

Order No. V-731 of the Minister of Health of the Republic of Lithuania of 12 December 2003 Regarding the Approval of the Procedure for Import of Peanuts and Products Thereof from Egypt (*Official Gazette*, 2004, No. 6-124, No. 81-2911);

Order No. V-787 of the Minister of Health of the Republic of Lithuania of 31 December 2003 Regarding the Approval of Sampling Methods for Establishing Concentrations of Residual Pesticides in Foodstuffs (*Official Gazette*, 2004, No. 45-1488);

Order No. V-249 of the Minister of Health of the Republic of Lithuania of 21 April 2004 Regarding the Amendment to Order No. 697 of the Minister of Health of the Republic of Lithuania of 30 November 2000 Regarding the Approval of the Regulations for Official Recognition of Natural Mineral Water in the Republic of Lithuania (*Official Gazette*, 2004, No. 65-2296);

Order No. V-259 of the Minister of Health of the Republic of Lithuania of 22 April 2004 Regarding the Approval of the List of Sensitive Food Products (*Official Gazette*, 2004, No. 65-2299, No. 152-5564; 2005, No. 3-35);

Order No. V-343 of the Minister of Health of the Republic of Lithuania of 7 May 2004 Regarding the Approval of the Procedure for Import of Hot Peppers and Products Thereof (*Official Gazette*, 2004, No. 81-2915);

Order No. V-980/B1-1108 of the Minister of Health of the Republic of Lithuania and of the Director of the State Food and Veterinary Service of 30 December 2004 Regarding the Exchange of Information on Food Safety (*Official Gazette*, 2005, No. 3-49);

Order No. V-56 of the Minister of Health of the Republic of Lithuania of 24 January 2005 Regarding the Approval of the Rules for Coordination of the Use of Food Additives in Production of Foodstuffs (*Official Gazette*, 2005, No. 12-398, No. 71-2572);

Order No. V-658 of the Minister of Health of the Republic of Lithuania of 18 August 2005 Regarding the Approval of the Rules for Issue of Non-Food Product Hygiene Certificate for Substances and Products Coming in Contact with Foodstuffs" (*Official Gazette*, 2005, No. 104-3855);

Order No. V-846 of the Minister of Health of the Republic of Lithuania of 7 November 2005 Regarding the Approval of Sampling and Analysis Methods for Establishing Concentrations of Pollutants in Foodstuffs (*Official Gazette*, 2005, No. 135-4865);

12 good hygiene practice rules intended for small and medium food-handling enterprises were approved by letters of the Ministry of Health.

#### *Lithuanian Hygiene Norms*

Order No. V-675 of the Minister of Health of the Republic of Lithuania of 1 September 2005 Regarding the Approval of the Lithuanian Hygiene Norm HN 15:2005 Food Hygiene (*Official Gazette*, 2005, No. 110-4023);

Order No. V-771 of the Minister of Health of the Republic of Lithuania of 24 December 2003 Regarding the Approval of the Lithuanian Hygiene Norm HN 16:2003 Substances and Products in Contact with Food (*Official Gazette*, 2004, No. 451486; No. 56, amendments, No. 168-6204; 2005, No. 58-2044, No. 80-2924, No. 95-2527);

Order No. V-772 of the Minister of Health of the Republic of Lithuania of 24 December 2003 Regarding the Approval of the Lithuanian Hygiene Norm HN 17:2003 Food Supplements (*Official Gazette*, 2004, No. 7-158; 2005, No. 43-1382);

Order No. V-455 of the Minister of Health of the Republic of Lithuania of 23 July 2003 Regarding the Approval of the Lithuanian Hygiene Regulation HN 24:2003 Safety and Quality Requirements to Drinking Water (*Official Gazette*, 2003, No. 79-3606);

Order No. V-758 of the Minister of Health of the Republic of Lithuania of 23 December 2003 Regarding the Approval of the Lithuanian Hygiene Norm HN 28:2003 Requirements to Use and Supply to the Market of Natural Mineral Water and Spring Water (*Official Gazette*, 2004, No. 7-154, No. 65-2295);

Order No. 646 of the Minister of Health of the Republic of Lithuania of 10 November 1998 Regarding the Approval of the Lithuanian Hygiene Norm HN 26:1998 Food Raw Materials and Products. Maximum Allowable Microbial Pollution Level (*Official Gazette*, 1998, No. 99-2753; 1999, No. 50-1630);

Order No. 683 of the Minister of Health of the Republic of Lithuania of 29 December 2001 Regarding the Approval of the Lithuanian Hygiene Norm HN 106:2001 New Foodstuffs and New Food Ingredients (*Official Gazette*, 2002, No. 26-945; 2003, No. 99-4456; 2004, No. 109-4093);

Order No. 666 of the Minister of Health of the Republic of Lithuania of 22 December 2001 Regarding the Approval of the Lithuanian Hygiene Norm HN 107:2001 Special-Use Foodstuffs (*Official Gazette*, 2002, No. 5-199; 2003, No. 12-447, No. 99-4451, No. 65-2297; 2005, No. 43-1683);

Order No. 677 of the Minister of Health of the Republic of Lithuania of 24 December 2002 Regarding the Approval of the Lithuanian Hygiene Norm HN 119:2002 Labelling of Foodstuffs (*Official Gazette*, 2003, No. 13-530, No. 60-2741; 2004, No. 70-2458, No. 161-5892; 2005, No. 62-2209, No. 110-4024, No. 152-5149);

Order No. V-793 of the Minister of Health of the Republic of Lithuania of 31 December 2003 Regarding the Approval of the Lithuanian Hygiene Regulation HN 53:2003 Food Additives Permitted for Consumption (*Official Gazette*, 2004, No. 45-1491, No. 65-2298, No. 134-4880, No. 176-6526; 2005, No. 71-2574, No. 74-2696);

Order No. 682 of the Minister of Health of the Republic of Lithuania of 29 December 2001 Regarding the Approval of the Lithuanian Hygiene Norm HN 53-1:2001 Food Additives Permitted for Consumption. Flavourings and Raw Materials for Producing Flavourings Permitted for Consumption (*Official Gazette*, 2002, No. 24-891; 2004, No. 81-2907, No. 113-4236);

Order No. 686 of the Minister of Health of the Republic of Lithuania of 24 December 2002 Regarding the Approval of the Lithuanian Hygiene Norm HN 53-2:2002 Food Additives Permitted for Consumption. Specific Criteria of Purity of Sweeteners, Dyeing Substances and Other Food Additives (*Official Gazette*, 2003, No. 91(1)-9135; No. 91(2)-4135; 2004, No. 8-208, No. 113-4234; 2005, No. 11-349)

Order No. V-773 of the Minister of Health of the Republic of Lithuania of 24 December 2003 Regarding the Approval of the Lithuanian Hygiene Norm HN 54:2003 Food Products. Maximum Allowable Concentrations of Residual Pollutants and Pesticides (2004, No. 45-1487, No. 74-2562, No. 139-5077; 2005, No. 37-1210, No. 124-4428; 2006, No. 14-497).

### *2.3. Orders of the Director of the State Food and Veterinary Service*

Order No. B1-230 of the Director of the State Food and Veterinary Service of the Republic of Lithuania of 7 March 2003 Regarding the Approval of the Monitoring Plan for 2003 (*Official Gazette*, 2003, No. 66-3016, No. 47-2100);

Order No. B1-508 of the Director of the State Food and Veterinary Service of the Republic of Lithuania of 5 June 2003 Regarding the Procedure for Authorisation of Laboratories Performing Tests of Samples Taken for State Food Control (*Official Gazette*, 2003, No. 56-2522);

Order No. B1-976 of the Director of the State Food and Veterinary Service of the Republic of Lithuania of 22 December 2003 Regarding the Approval of State Food Control Requirements (*Official Gazette*, 2004, No. 8-217);

Order No. B1-166 of the Director of the State Food and Veterinary Service of the Republic of Lithuania of 20 February 2003 Regarding the Approval of the Control Programme for Substances and Products in Contact with Food (*Official Gazette*, 2003, No. 19-848);

Order No. B1-219 of the Director of the State Food and Veterinary Service of the Republic of Lithuania of 4 April 2005 Regarding the Approval of the Programme for Monitoring of Dioxins and Dioxin-Like Polychlorinated Biphenyls in Fish Caught in the Baltic Sea for 2005 (*Official Gazette*, 2005, No. 47-1578).

### *2.4. Legal acts of other public authorities*

Resolution No. 10-76 of the National Consumer Rights Protection Service under the Ministry of Justice of the Republic of Lithuania of 2 September 2003 Regarding the Approval of the Procedure for Urgent Exchange of Information on Unsafe Products and Products Dangerous for Consumer Health (*Official Gazette*, 2003, No. 85-3898; 2004, No. 78-2780, No. 147-5335);

Order No. 1V-325 of the Minister of the Interior of the Republic of Lithuania of 10 October 2005 Regarding the Approval of Physiological Nutrition Norms According Where to Food Is Provided to Interior Officers During Performance of Special Official Assignments Relating to the Restriction to Leave the Assignment Performance Place and Those in Service Outdoors (*Official Gazette*, 2005, No. 125-4455).

#### *e. minimum accommodation standards;*

Minimum accommodation standards are set out in the following legal acts:

Law of the Republic of Lithuania on Construction (*Official Gazette*, 1996, No. 32-788; 2001, No. 101-3597);

Law of the Republic of Lithuania on State Aid for Purchase or Rental of Accommodation (*Official Gazette*, 1992, No. 14-378; 2002, No. 116-5188);

Resolution No. 60 of the Government of the Republic of Lithuania of 21 January 2004 Regarding the Approval of the Lithuanian Accommodation Strategy (*Official Gazette*, 2004, No. 13-387);

By Order No. D1-338 of the Minister of Health of the Republic of Lithuania of 1 July 2005 the Construction Technical Regulation STR 2.02.09:2005 Detached Residential Buildings was approved (*Official Gazette*, 2005, No. 93-3464);

Construction Technical Regulation STR 2.02.01:2004 Residential Buildings approved by Order No. 705 of the Minister of Environment of 24 December 2003 (*Official Gazette*, 2004, No. 23-721);

Construction Technical Regulation STR 2.03.01:2001 Constructions and Territories. Requirements to Needs of People with Disabilities approved by Order No. 317 of the Minister of Environment of 14 June 2001 (*Official Gazette*, 2001, No. 53-1898);

Construction Technical Regulation STR 1.12.05:2002 Mandatory Requirements to Use and Maintenance of Residential Buildings and Their Implementation Procedure approved by Order No. 351 of the Minister of Environment of the Republic of Lithuania of 1 July 2002 (*Official Gazette*, 2002, No. 81-3504);

Order No. V-895 of the Minister of Health of the Republic of Lithuania of 9 December 2004 Regarding the Approval of the Lithuanian Hygiene Norm HN 105:2004 Polymer Construction Products and Polymer Furniture Materials (*Official Gazette*, 2004, No. 182-6745);

Order No. 549 of the Minister of Environment of the Republic of Lithuania of 21 October 2002 Regarding the Amendment of Order No. 420 of the Minister of Environment of the Republic of Lithuania of 27 December 1999 Regarding the Approval of Regulation STR 2.01.01(3):1999 Essential Construction Requirements. Hygiene, Health and Environment Protection;

Order No. 512 of the Minister of Health of the Republic of Lithuania of 18 October 2002 Regarding the Approval of the Lithuanian Hygiene Norm HN 35:2002 Threshold Values of Concentrations of Air Pollutants in Residential Environment.

Pursuant to the legal acts of the Republic of Lithuania, proper accommodation is accommodation suitable for living for one person or a family and meeting requirements of special norms of the useful area per one family member exceeding 14 square meters (this norm does not apply to social accommodation). The useful area of social accommodation per one resident must not exceed 14 square meters, except for legally stipulated cases. One of the conditions to obtain state aid for purchasing accommodation that are provided for in the law is that the useful area per one family member should not exceed 14 square meters.

The above legal acts set out that the useful area of social accommodation per one household member must be at least 10 square meters. The useful area of a one-room flat must be at least 34 square meters. The area of separate premises of accommodation (bathroom, lavatory) and the width of doorways must be such as to meet needs of people with disabilities.

In 2005 the Law of the Republic of Lithuania on State Aid for Purchase or Rental of Accommodation stipulating state aid for modernising blocks of flats was adopted. It provides that the state would grant non-repayable financial support to owners of flats in blocks of flats implementing modernisation projects of such houses depending on the energy efficiency of such projects: additional support will be provided to households with low income. Implementation of the Law will create conditions for improving the accommodation condition in blocks of flats.

The title of the Law also changed to the Law of the Republic of Lithuania on State Aid for Purchase or Rental of Accommodation and for Modernisation of Blocks of Flats.

Apart from legal acts regulating the minimum accommodation standards, it is also necessary to list the Civil Code of the Republic of Lithuania (*Official Gazette*, 2000, No. 74-2262).

Chapter XXXI of the Sixth Volume of the Civil Code regulates rental of accommodation premises. It stipulates that the object of a residential accommodation rental agreement may be only a residential house suitable for living in, a part thereof, a flat or isolated residential room (of one or several rooms and related auxiliary premises). The object of a voluntary rental agreement may not be a part of a room or a room linked with another room by a common entrance (passable rooms) as well as auxiliary premises (kitchens, corridors, storage premises, etc.).

In 2004 the useful area per one resident was 22.3 square meters, and in 2003 – 21.8 square meters.

*f. measures taken to combat tobacco smoking, abuse of alcohol and drugs as well as various addictions and sexually transmitted diseases.*

The new Measure Plan for Implementation of the National Tobacco Control Programme for 2004-2006 was drafted and approved (*Official Gazette*, 2004, No. 140-5115). The Plan was coordinated with the provisions of the European Tobacco Control Strategy and covered measures recommended by the Lithuanian and the WHO experts.

In implementing the measures of the National Tobacco Control Programme a traditional quiz was organised for pupils at the International Children's and Youth Theatre Festival in Vabalninkas, Biržai Region (300 pupils participated in the event), 7 information presentations were prepared on the topics of smoking prevention and tobacco control, events of the World Tobacco-Free Day were organised, 500 copies of a sticker dedicated to the World Tobacco-Free Day and a memo leaflet 10 Steps to Quit Smoking were issued and a competition for the best event scenario of the World Tobacco-Free Day was organised. On the occasion of the International No Smoking Day a memo leaflet Mommy, Do Not Poison Me was issued for smoking pregnant women, 5 seminars for teachers and school health care specialists were organised, a seminar Tobacco Control and Smoking Prevention was held for the interior health care service specialists, lectures were read at international conferences in Riga (Implementation of Tobacco Control Measures in Lithuania) and at events organised in the Lithuanian cities.

Seeking to ensure the environment free from passive smoking, the Parliament of the Republic of Lithuania approved the Law Supplementing and Amending Articles 19 and 26 of the Law of the Republic of Lithuania on Tobacco Control by providing for prohibition to smoke in public catering places starting from 1 January 2007.

In implementation of the measures of the National Drug Control and Drug Use Prevention Programme, 700 copies of Laima Bulotaitė's books *Drugs and Drug Use. Illusions and Reality* intended for teachers were distributed at general education schools of Lithuania and a memo leaflet for parents *Let's Help Adolescents to Refuse Drugs* was drafted and published in the amount of 10 thousand copies. Two feature films (*Daroškė* and *The Cocktail*) and two documentaries (*Live Healthy: Don't Smoke!* and *Live Healthy: Don't Drink!*) were created, 10 magnetic videotapes and 30 CDs with records of those video clips were transferred to public health education centres to demonstrate through local television and at events. Two posters on the topic of smoking prevention were created for outdoor advertising (for city and regional public transport stops and for illuminated boards), 3 team work training courses were organised for 78 representatives of drug control commissions from 23 municipalities. A set of 10 seminars *Drug Use Prevention at Educational Institutions* was organised in counties and attended by 436 public health care specialists from educational institutions, community caregivers, teachers, social teachers and psychologists. Main focus was on shaping children's skills of healthy living, increasing psychological resistance, prevention of use of drugs and psychotropic substances and HIV/AIDS and support for adolescents having started using the above substances.

In implementation of the measures of the National Programme for Equal Opportunities for Women and Men 12 articles on the topics of health of elderly men and women were prepared and published (about risk factors and prevention of diseases of the prostate, cervix, breast, heart and brain blood vessels) in the newspaper *The Ūkininko Patarėjas* and in weeklies *The Šeiminkė* and *The Valstietis*. Articles were published at the web-site of the Ministry of Health under the heading *Physician's Advice*, at the web-site of the Public Health Education Centre (allowing the local press reprinting those articles), a seminar for 64 health education and training specialists was organised as to how organisers of health education at city and regional public health centres could educate women in the field of contraception and protection from sexually transmitted diseases, 11 thousand copies of a memo leaflet for rural women *About Pregnancy Planning and Sexually Transmitted Diseases* were prepared and published.

## **ARTICLE 14: THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES**

### **Legal acts of the Republic of Lithuania**

#### **1. The Constitution of the Republic of Lithuania**

#### **2. Laws of the Republic of Lithuania**

- The Constitution of the Republic of Lithuania
- The Law on Social Services (*Official Gazette*, 1996, No 104-2367)

#### **3. Subordinate legal acts of the Republic of Lithuania**

- Resolution No 111 of the Government of the Republic of Lithuania of 29 January 1998 “On the Approval of Principles and Procedure for Paying for Social Services” (*Official Gazette*, 1998, No 12-278);
- Order No 137 of the Minister of Social Security and Labour of 4 September 1998 “On the Approval of the Development Trends of Social Services at Home and Regulations for Increasing the Efficiency of In-patient Care Establishments” (*Official Gazette*, 1998, No 94 – 2621).
- Resolution No 360 of the Government of the Republic of Lithuania of 9 May 1994 “On the Framework of Social Assistance” (*Official Gazette*, 1994, No 36-653).
- Order No 31 of the Minister of Social Security and Labour of 30 March 1999 “On the Approval of Methodological Material for Organising Social Services at Home” (*Official Gazette* 1999, No 32-933).
- Order No 112 of the Minister of Social Security and Labour of 17 September 1997 “On the Approval of the Catalogue of Social Services” (*Official Gazette* 1998, No 22-553), Order No 70 of the Minister of Social Security and Labour of 10 July 2000 (*Official Gazette* 2000, No 65-1968), Order No A1-71 of the Minister of Social Security and Labour of 28 April 2003 “On the Amendments to the Order No 70 of the Minister of Social Security and Labour of 10 July 2000 On the Approval of the Catalogue of Social Services 2000” (*Official Gazette* 2003, No 43-1989).
- Order No 20 of the Minister of Social Security and Labour of 23 February 1999 “On the Approval of General Requirements for In-patient Social Care Establishments” (*Official Gazette* 1999, No 28-818).
- Order No 97 of the Minister of Social Security and Labour of 9 July 2002 “On the Approval of the Requirements for In-patient Social Care Establishments and the Procedure for Sending People to In-patient Social Care Establishments” (*Official Gazette* 2002, No 76-3274).
- Resolution No 171 of the Government of the Republic of Lithuania of 6 February 2002 “On the Approval of the Framework of the Reform of Social Services Providing” (*Official Gazette* 2002, No 15-564).
- Resolution No 152 of the Government of the Republic of Lithuania of 10 March 1992 “On Training of Social Security Specialists in Lithuanian Educational Institutions” (*Official Gazette* 1992, No 15-418).
- Order No 31 of the Ministry of Social Security and Labour of 29 January 1998 “On the Approval of the Qualification Requirements for Social Workers and the Procedure for their

Assessment” (amendments: 7 March 2001 and 16 October 2002) (*Official Gazette* 2002, No 101-4521).

- Order No 1<sup>1</sup> of the Minister of Social Security and Labour of 4 January 2000 “On the Approval of the List of Occupations for Employees Engaged in Social Work” (*Official Gazette* 2000, No 4-101).
- Order No 38 of the Minister of Social Security and Labour of 5 April 2000 “On the Approval of the Rate of Work of Social Workers Working in the Social Assistance Units at the Municipalities, in the Assistance at Home Services and in the Child's Rights Protection Offices” (*Official Gazette*, 2000, No 55-1611).

#### **ARTICLE 14 PARA. 1**

*"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:*

*1. to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;"*

#### **Question A**

*Please describe the measures taken to apply this provision and list the principal social services of the type mentioned, describing their functions and the target groups they serve.*

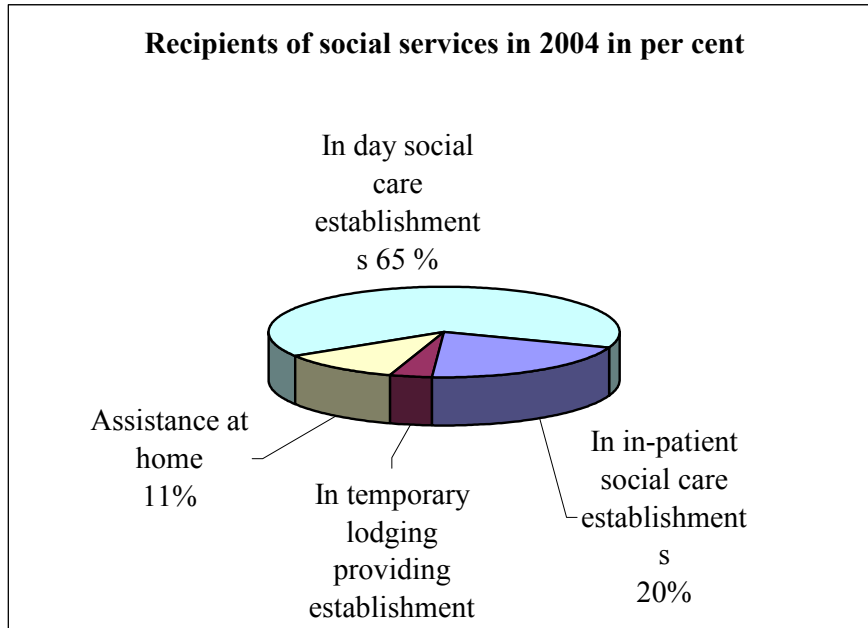
See the second report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 2, 3, 4, 8, 9, 10, 11, 14, 15, 17, 18 (except for 18.2 and 18.3), 21, 22, 24, 25, 26, 27, 28, 29, 31 (except for 31.3) and Question A under paragraph 1 of Article 14 and the third report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 1 (except for 1.4.), 5, 6, 7, 12, 13, 19, 20 and sub-paragraph 3.2 of paragraph 1 of Article 12.

#### **New statistical information on the recipients of social services:**

In 2004, social services were further developed and the number of establishments, recipients of services and social workers was increasing. New legal acts were prepared and the existing ones were improved, programmes related to the development and upgrading of qualifications of social workers were carried out.

According to the data from the Department of Statistics, in 2004, there were approximately 17 800 recipients of social services in in-patient social care establishments, 3 500 – in temporary lodging providing establishments, 9 600 received assistance at home and 56 200 – in day social care establishments (in total - 87 100) in Lithuania. The recipients of social services by types of assistance are presented in Chart 14.1.1.

**Chart 14.1.1**



Moreover, nearly 144 000 residents received other social services of general interest organised by the municipality – free meals, provision of necessary things and personal hygiene items, organisation of transportation services, provision of assistive devices and etc.

New legal acts

**Methodology for the establishment of a person’s need for social services**

The description of principles and procedure for the establishment of a person’s need for social services has been approved by Order of the Minister of Social Security and Labour<sup>11</sup>. The main criteria and the procedure for the establishment of a person’s need for social services are set in this Description. Having assessed physical and social independence of a person, his/her living conditions and the assistance that the person can receive from his family members, social services are recommended. The Description is applied to establish an individual’s need for social services in case a person who has submitted a request for social services organised by the municipality or the state and financed from the municipal or state budgets.

The need for social services for a person is established identifying his/her independence level and taking into consideration the field of a person’s needs and his/her attribution to a social group by filling in the form on the assessment of a person’s need for social services presented in the Annex to the Description. A social worker working in the municipality (sub-district) at the place of residence of the applicant establishes the need for social services and the decision on granting social services is made by the administration of the municipality. In case when a person is receiving social services at home or in social services establishment, the need for social services is assessed by the social worker of the social services establishment or an agency providing assistance at home. Rights

<sup>11</sup> Order No A1-146 of the Minister of Social Security and Labour of 28 May 2004 “On the Approval of the Description of Principles and Procedure for the Establishment of a Person’s Need for Social Services” (*Official Gazette* 2004, No 88-3256).



and obligations of persons requesting social services as well as the procedure for handling the complaints and storing of information about such people are laid down in the Description.

### **Draft Law on Social Services**

Over the period from 2003 to 2004, a new draft Law on Social Services was prepared.

The basic guidelines of organising and managing social services as well as the conditions of providing, granting and receiving of social services, and the principles of control, supervision, financing and payment for social services are laid down in the draft Law.

Upon the adoption of the new Law on Social Services, the groups of recipients of social services will be expanded, a more detailed and objective assessment of a person's need for social services will be set, the functions of the municipalities and the county governors will be specified as well as the sources of financing, and new forms of financing – the practice of financing the establishments subordinate to counties directly from the state budget is going to be gradually abandoned and the practice of allocating state grants to municipalities for organising certain social services will be introduced, equal requirements will be set for providers of social services irrespective of their subordination and equal opportunities for profit-making entities to compete in the social services market will be created. Adhering to the solidarity principle, differentiated payment rates for social services are established taking into consideration the financial possibilities of a person to pay for them – for low-income families, the opportunities to receive social services free of charge are provided, whereas those, who have financial possibilities to pay for the services, will be required to cover the major part of the expenses for social services organised by the municipality or to encourage those people to use the services provided by private entities. A uniform licensing of social care establishments and the system of social care norms will be established.

When reforming the system of social services, the intention was to combine the assessment of a person's (family's) need for social services, organisation and provision of these services with cash social assistance, protection of child rights, employment, granting of social housing, special assistance, and healthcare, education and training measures.

### **Question B**

*Please describe the organisation and administration, the financial resources and working methods of these services, their financial and other relations to the organs of social security and the qualifications of the staff employed by these services.*

See the second report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 2, 3, 4, 8, 9, 10, 11, 14, 15, 17, 18 (except for 18.2 and 18.3), 21, 22, 24, 25, 26, 27, 28, 29, 31 (except for 31.3) and Question B under paragraph 1 of Article 14 and the third report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 1 (except for 1.4.), 5, 6, 7, 12, 13, 19, 20 and sub-paragraph 3.2 of paragraph 1 of Article 12.

We provide updated statistical information on providers of social services.

In 2004, social services were provided by 6 500 social workers and, out of this number, nearly 3 200 were social workers, 2050 assistant social workers and 950 employees providing the attending care services. Approximately 2 200 social workers were employed in care establishments subordinate to counties and nearly 4 000 social workers were working in municipalities and NGOs

establishments. Approximately 300 persons were engaged in social work at healthcare institutions, educational institutions and law enforcement institutions.

In Lithuania, social workers are trained in 5 universities and 6 colleges. Each year, approximately 670 social workers graduate from these institutions. Until 2005, nearly 3 300 social work specialists received a diploma of university, higher, and post-secondary education in social work.

Approximately 41 per cent of all social workers have acquired an education of a social work, i.e. nearly 1 300 of already working social workers have a diploma in social work.

Over the period 1998-2004, a programme for the assessment of social workers was implemented. When implementing the programme, social workers without education in social work were offered qualification upgrading courses and qualification categories were attributed to social workers. 4 300 persons engaged in social work completed the training under this programme and nearly 5 000 social workers practitioners acquired a respective qualification category.

In 2003, seeking to create a constantly operating qualification upgrading system for social workers and to provide methodological assistance to social workers practitioners, the Ministry of Social Security and Labour, in cooperation with the Swedish International Development Cooperation Agency (SIDA) and the University of Stockholm, started implementing an international project on methodological centres for social work.

When implementing the project, the Social Workers Training Centre under the Ministry of Social Security and Labour collected the data and compiled a database about the persons engaged in social work throughout Lithuania. Implementing the project, innovative social care establishments and organisations were selected by way of tender to provide consultations and methodological assistance to other providers of social services, to organise and carry out specialised training, analyse the undertaken activities, the applied advanced work methods, to collect the material and generalise the results as well as to perform their usual functions. The abovementioned institutions will be called methodological centres for social work. After the tender, 12 establishments were selected and they became methodological centres for social work. In 2004, 510 social workers participated in practical training organised by these centres.

Over 2003-2004, the Ministry of Social Security and Labour drafted and approved legal acts regulating further certification of social workers and the system of qualification development of persons engaged in social work:

Order No A1-154 of the Minister of Social Security and Labour of 8 October 2003 (*Official Gazette* 2003, No 97-4368);

Order No A1-181 of the Minister of Social Security and Labour of 21 November 2003 (*Official Gazette* 2003, No 112-5050).

It was laid down in these documents that the qualification development programmes for social workers and assistant social workers have to be drafted and implemented by methodological centres for social work, the Social Workers Training Centre under the Ministry of Social Security and Labour, the territorial labour market training and counselling offices, the Lithuanian Labour Exchange, educational institutions for social work and other institutions, enterprises and organisations.

#### Financing of social services

Social services are financed from the state budget:

- By financing target programmes;
- By directly financing the currently operating social care establishments (social care establishments subordinate to counties: care homes for children, for the elderly and for persons with mental disabilities).

Social services financed from the municipal budget:

- By financing target programmes;
- By financing social services establishments founded by the municipalities;
- By financing the NGOs providing social services to the residents of the municipality.

**Table 14.1.1. National budget expenditures to social security and social welfare**

	2002			2003			2004 <sup>12</sup>		
	In thousand LTL	%	%	In thousand LTL	%	%	In thousand LTL	%	%
<b>Expenditures to social sphere</b>	<b>5336632</b>	<b>100.0</b>	<b>x</b>	<b>5613582</b>	<b>100.0</b>	<b>x</b>	<b>6008823</b>	<b>100.0</b>	<b>x</b>
<b>Expenditures to social security and social welfare</b>	<b>1108851</b>	<b>20.8</b>	<b>100.0</b>	<b>1152594</b>	<b>20.5</b>	<b>100.0</b>	<b>1519148</b>	<b>25.3</b>	<b>100.0</b>
Social security	842343	15.8	76.0	866003	15.4	75.1			
Social welfare	190004	3.6	17,1	194900	3.5	16.9			
<i>Care institutions for children</i>	<i>41797</i>	<i>0.8</i>	<i>3.8</i>	<i>31787</i>	<i>0.6</i>	<i>2.8</i>			
<i>Care homes for the elderly (pensions)</i>	<i>40321</i>	<i>0.8</i>	<i>3.6</i>	<i>41130</i>	<i>0.7</i>	<i>3.6</i>			
<i>Institutions taking care of people with disability</i>	<i>78379</i>	<i>1.5</i>	<i>7.1</i>	<i>89532</i>	<i>1.6</i>	<i>7.8</i>			
<i>Other care institutions and measures</i>	<i>21065</i>	<i>0.4</i>	<i>1.9</i>	<i>23729</i>	<i>0.4</i>	<i>2.1</i>			
<i>Institutions providing assistance for persons eligible for social services at home</i>	<i>8442</i>	<i>0.2</i>	<i>0.8</i>	<i>8722</i>	<i>0.2</i>	<i>0.8</i>			
Other functions of social security and social welfare	52841	1.0	4.8	64537	1.1	5.6			
Maintenance of central and municipal institutions	22657	0.4	2.0	25962	0.5	2.3			

Source: Statistical yearbook of Lithuania 2003  
 Statistical yearbook of Lithuania 2004  
 Statistical yearbook of Lithuania 2005

<sup>12</sup> In 2004, the allocation of the state and municipal budgets' expenditures to social security was changed

**Table 14.1.2. National budget expenditures to social security in 2004**

	<i>Thousand LTL</i>	<i>%</i>	<i>%</i>
<i>Expenditures to social sphere</i>	<i>60008823</i>	<i>100.0</i>	<i>x</i>
<i>Expenditures to social security</i>	<i>1519148</i>	<i>25.3</i>	<i>100.0</i>
<i>Sickness and disability</i>	<i>203821</i>	<i>3.4</i>	<i>13.4</i>
<i>Sickness</i>	<i>385</i>	<i>0.0</i>	<i>0.0</i>
<i>Disability</i>	<i>203437</i>	<i>3.4</i>	<i>13.4</i>
<i>Old age</i>	<i>519566</i>	<i>8.6</i>	<i>34.2</i>
<i>Social assistance in case of a loss of the breadwinner and in case of death</i>	<i>31718</i>	<i>0.5</i>	<i>2.1</i>
<i>Family and children</i>	<i>387298</i>	<i>6.4</i>	<i>25.5</i>
<i>Unemployment</i>	<i>19867</i>	<i>0.3</i>	<i>1.3</i>
<i>Housing</i>	<i>104645</i>	<i>1.7</i>	<i>6.9</i>
<i>Other socially exclusive persons not attributed elsewhere</i>	<i>147072</i>	<i>2.4</i>	<i>9.7</i>
<i>Scientific research and development in the social security sphere</i>	<i>488</i>	<i>0.0</i>	<i>0.0</i>
<i>Other issues related with social security not attributed elsewhere</i>	<i>104673</i>	<i>1.7</i>	<i>6.9</i>

**Question C**

*Please state what measures have been taken to promote these services during the reference period, whether the individuals are entitled by law to their use or whether those administering have a discretion in granting or withholding them. Please indicate also whether there is a right of appeal against decisions to grant or withhold services.*

See the second report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 2, 3, 4, 8, 9, 10, 11, 14, 15, 17, 18 (except for 18.2 and 18.3), 21, 22, 24, 25, 26, 27, 28, 29, 31 (except for 31.3) and Question C under paragraph 1 of Article 14.

New information about programmes under implementation:

Over 1998-2002, 45 social services establishments were founded or expanded in the municipalities using the funds allocated for the programme, namely, LTL 22.43 million.

By Resolution No 1178 of the Government of the Republic of Lithuania of 18 September 2003 (*Official Gazette* 2003, No 90-4075), the implementation of the Programme for the Development of Social Services Infrastructure was prolonged until the year 2006.

Over 2003-2004, 53 social services establishments were founded or expanded in the municipalities using the funds allocated for the programme, namely, LTL 7.3 million.

Pursuant to Resolution No 731 of the Government of the Republic of Lithuania of 24 May 2002, the implementation of the National Programme of Child Day Care Centres of Non-

Governmental Organisations for 2002-2004 started in the year 2002. When implementing the programme, the projects related to the provision of social services to children living in families at social risk were financed. In 2002, 40 projects were implemented using the funds allocated for the programme and the cost of these projects was LTL 0.6 million.

The National Drug Control and Drug Addiction Prevention Programme was also carried out.

The programmes aimed at social integration of the disabled are financed from the state budget through the Lithuanian Council for the Affairs of Disabled under the Government of the Republic of Lithuania. The above-mentioned organisation, in cooperation with the NGOs is implementing medicinal, professional rehabilitation and social integration programmes in accordance with priorities set in the medicinal, professional rehabilitation and social integration programmes for the disabled: education and employment of the disabled, adaptation of the environment, formation of an independent life of the disabled, availability of information, medicinal rehabilitation and etc. During 2002, the Lithuanian Council for the Affairs of Disabled under the Government of the Republic of Lithuania was allocated LTL 22 923 000 from the state budget for the implementation of the National Programme for Social Integration of the Disabled; in 2003 – LTL 24 873 000 and in 2004 – LTL 27 201 800.

The State Council for Youth Affairs plays an important role when implementing and shaping youth policy in Lithuania. The Council consists of 6 representatives of public institutions and establishments and 6 representatives of youth organisations delegated by the Council of Lithuanian Youth Organisations (LiJOT).

In 2004, the following amounts were allocated from the state budget directly for youth policy (through the structures implementing youth policy):

- Co-financing of the administration of the EU programme YOUTH – LTL 400 000;
- Co-financing of the administration of the EU information network EURODESK – LTL 80 000;
- For coordinators of youth affairs in municipalities (for maintaining 58 officials – LTL 1 840 000);
- For the maintenance and administration of the programmes of the State Council for Youth Affairs – LTL 958 000;
- For projects of youth organisations financed by the State Council for Youth Affairs (projects are financed by way of tender) – LTL 1 400 000.

*Answers to questions posed in the conclusions of the European Committee on Social Rights (pages 346-348):*

**What is the role played by the Ministry of Social Security and Labour in respect of social services?**

The functions of the Ministry of Social Security and Labour when organizing the provision of social services are defined in Article 6 of the Law on Social Services of the Republic of Lithuania (*Official Gazette* 1996, No 104-2368). The Ministry of Social Security shall:

- 1) submit proposals on the policy of social services and shall implement the social services policy of the state;
- 2) be involved in the functioning and development of the system of social services.
- 3) prepare the compulsory standards for provision of social services;
- 4) provide the drafts of state programmes of social services and other social assistance and coordinate and organise their implementation;
- 5) participate in organising the development of social worker qualifications and the attestation thereof;
- 6) collect and analyse information concerning social services;

- 7) initiate methodological assistance, creation of normative acts, dissemination of advanced experience in organising social services;
- 8) establish, reorganise and liquidate the in-patient care institutions in the republic.

It is provided for in Article 11 of the new Law on Social Services (*Official Gazette* 2006, No 17-589), which will become effective as of 1 July 2006, that the Ministry of Social Security and Labour shall implement the state social services policy:

- 1) within the sphere of its competence, submit to the Government proposals on the state social services system and directions for the development of social work as well as draft legal acts on the establishment of a person's (family's) need for social services, granting, provision, financing of and payment for social services, social care norms, licensing of social care establishments, improvement of professional qualifications and regulation of activities of social workers and assistant social workers, etc.;
- 2) submit conclusions to county governors on the establishment, reorganisation or liquidation of social services establishments and the scope of provision and types of regional social services in these establishments;
- 3) analyse and assess the condition of social services in the country and submit proposals to municipalities on the planning and organisation of social services;
- 4) analyse the needs of social workers and assistant social workers for the improvement of professional qualifications and organise the performance appraisal of social workers;
- 5) draw up and implement state social services programmes and projects.

The Committee recalls that in its previous conclusions under Articles 12§4 and 13§3 (Conclusions 2004, p. 369 and 376), it found that, pursuant to Section 22 of the law on the Legal Status of Aliens (1998), in order to become entitled to social services which are based on permanent residence status, a foreign national must have been living in Lithuania without interruption for the past five years. It considers a period of five years of residence to be too long and therefore contrary to the Revised Charter.

Under the provision of the Law on Social Services (*Official Gazette* 1996, No 104-2368), the right to social services shall be held by citizens of the Republic of Lithuania and citizens of other states and individuals without citizenship, who have a permit of permanent residence in the Republic of Lithuania.

It is provided for in the new Law on Social Services (*Official Gazette* 2006, No 17-589), which will become effective as of 1 July 2006, that the right to social services shall be held by aliens, including stateless persons, holding a permanent or temporary residence permit in the Republic of Lithuania and other persons in the cases provided for in international treaties of the Republic of Lithuania. Pursuant to this provision, the requirement that a foreign national must have been living in Lithuania without interruption for the past five years to become eligible for social services will no longer be applied.

Whether this applies to all social services and if free access is available for those persons lacking adequate financial resources in the meaning of Article 13§1. It also asks whether the different kinds of institutions are evenly distributed on the territory.

Social services are provided to people irrespective of their financial possibilities to pay for them. The amount of the payment for the received social services is differentiated taking into consideration the income available to the applicant. All the social services except for provision of information and counselling are free of charge. The recipients of services provided by the municipality who belong to low-income families may be exempted from the payment for the assistance provided to them at home or the amount of the payment may be reduced for them. The

municipality provides other social services of general interest for free – organises free meals, the provision of necessary things and organises personal hygiene services (bathhouses) and etc.

The infrastructure for the provision of social services is not equally and sufficiently developed in each municipality, but the availability of social services of general interest is guaranteed in every municipality (the services of providing free meals and necessary things are organised, the services providing assistance at home are operating, in the majority of municipalities social services centres, day care centres and services providing assistance to families, established by the municipalities or NGOs (financed by the municipalities), are operating).

49 out of 60 (82 per cent) of municipalities have care homes for the elderly established by the municipality or the NGOs and 41 (68 per cent) of municipalities have child care homes or social families.

**How individual privacy, including the protection of data, is ensured?**

It is provided for in paragraph 5 of Article 9 of the Law on Social Services that the institutions that provide social services shall guarantee the confidentiality of information concerning the individuals who receive social services.

**Figures on municipalities expenditures for social services and their share of the total expenditure.**

Approximately 190 million is allocated annually from the national budget for social care and social welfare and, out of this number, 70 per cent – from the state budget and the remaining 30 per cent – from municipal budgets. Social services receive nearly 12 per cent of funds allocated for social assistance.

According to the data submitted by the municipalities, in 2004 the municipalities allocated LTL 88.8 million for social services, which accounted for 2 per cent of the total budget of the municipality. The distribution of funds for social services from the municipal budgets:

<b>Purpose</b>	<b>Share, in per cent</b>
<b>For the maintenance of the establishments founded by the municipality</b>	<b>86.5</b>
<b>Procurement of services from NGOs or other establishments</b>	<b>8.6</b>
<b>Financing of programmes on social services</b>	<b>4.9</b>
<b>In total:</b>	<b>100</b>

**Details on what are the conditions which must be met by providers and what are the supervisory procedures in place to ensure that the conditions are met in practice.**

A person may appeal against the decision on granting or refusing to grant social services passed by the municipal institutions in accordance with the established procedure to the administrator of the municipality or the court within three months after the adoption of the decision.

An appeal against the decision of the administrator of the municipality may be lodged to the administrative court. Under paragraph 1 of Article 4 of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen shall investigate citizens' complaints concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military institutions and institution ranking as such. Pursuant to the provisions of the afore-mentioned Law, every citizen shall have the right to file a complaint with the Seimas Ombudsman about the abuse of office or by bureaucracy of the officer of the state or municipal institution which comes within the competence of the Ombudsman.

The right of the residents of the care establishments to address the administration of the establishment, its founder, supervision and other institutions and establishments on various issues and to create the conditions for proper functioning of the Residents' Council is established in the requirements for in-patient social care establishments approved by Order of the Minister of Social Security and Labour in 2002.

*Excessive length of residence is required for entitlement to social services.*

The need to be placed in the in-patient social care establishments is increasing each year and each year the number of applications that are rejected is decreasing. For example, in 2003 1194 applications to be placed in care homes for the elderly were received and 54 per cent of these applications were satisfied, whereas in 2004 – 1259 applications were received and 66 per cent were satisfied. When a person is enlisted into the waiting list to be sent to the in-patient care establishment, possibilities are sought to ensure the provision of services for this person at home.

#### **ARTICLE 14 PARA. 2**

*"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:*

*1. to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services."*

*Please indicate the measures taken to provide for or to encourage the participation of individuals and charitable organisations and other appropriate organisations in the establishment and maintenance of such services<sup>13</sup>?*

The answer is presented in the second report of the Republic of Lithuania on the implementation of the revised European Social Charter under Articles 2, 3, 4, 8, 9, 10, 11, 14, 15, 17, 18 (except for 18.2 and 18.3), 21, 22, 24, 25, 26, 27, 28, 29, 31 (except for 31.3) and Question C under paragraph 2 of Article 14.

#### Additional information about financing of projects:

One of the goals of the National Programme for the Development of Social Services Infrastructure in 1998-2004, is to encourage the initiative of municipalities and non-governmental organisations to develop the social services system in Lithuania. The funds allocated for the implementation of the Programme are distributed to cover the costs of the reconstruction, major repairs and running repairs of the social services establishments as well as the equipment acquisition costs. Over 1998-2004, 101 social services development projects were financed. Out of

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<sup>13</sup> If paragraph 1 of this Article has been accepted it is sufficient to supplement the reply concerning that paragraph here.



the total number of projects financed over 1998 – 2004, the projects submitted by the NGOs accounted for 35.6 per cent. LTL 9.25 million were allocated for the implementation of these projects.

Seeking to promote the initiatives of the NGOs in provision of social services to children and families, the National Programme of Child Day Care Centres of Non-Governmental Organisations for 2002-2004 is implemented. The funds allocated for the programme are used to finance the activities of the day care centres for children established by the NGOs related with socialisation of children from families at social risk and organisation of social work and occupation of children (catering for children; pre-school and school education; development of work, social and hygiene skills; social, pedagogical and psychological assistance; work with problem families; cooperation with institutions providing assistance to families; wages to the personnel working in day care centres).

Professional volunteer workers account for the majority of the personnel working in day centres founded by non-governmental organisations. The number of such organisations and volunteers employed therein is increasing each year. The number of financed day centres is also increasing – in 2002 40 day centres were financed whereas in 2003 – already 68 and in 2005 – 85 day centres. LTL 5.3 million were allocated from the state budget during 2002-2004 for the implementation of the activities of the day centres.

Answers to questions posed in the conclusions of the European Committee on Social Rights (pages 349-350):

Whether voluntary organisations are given technical support by public providers.

**Table 14.2.1. The number of volunteers in social care establishments**

	2003	2004
<i>In services providing assistance at home</i>	359	259
<i>In day social care services</i>	1143	1927
<i>In child care homes</i>	115	129
<i>In care homes for the elderly and the disabled</i>	112	28
<b><i>In total</i></b>	<b>1729</b>	<b>2343</b>

Voluntary work is regulated in the Procedure for Performing Voluntary Work (2001) and the Procedure for Compensating the Expenses of the People Engaged in Voluntary Work (2002) approved by Resolutions of the Government of the Republic of Lithuania. Pursuant to these legal acts, volunteers are entitled to compensations for incurred expenses that are substantiated by appropriate documents and related with voluntary work: transportation, catering, accommodation, lodging, post, telephone and etc. It can be provided in the agreement on performance of voluntary work that a volunteer shall be insured by an insurance company by a voluntary insurance against accidents at work and health insurance.

The Committee asks that the next report contain information on the procedure that NGOs or other non-state providers must undergo and the conditions they have to fulfil to become service providers, and on how their activities are monitored.

The Committee also asks the next report to indicate whether effective and equal access to social services provided by non-state providers is guaranteed in accordance with the above interpretation of Article 14§2. Finally, it asks information about the involvement of civil society in the elaboration of social services policy.

Non-governmental organisations receive technical assistance cooperating with municipalities, implementing social programmes organised by the state or municipalities and participating in various training programmes. Social services projects drafted by non-governmental organisations are adjusted taking into consideration the needs of the residents of a particular municipality which is responsible for organising social services.

The projects prepared by non-governmental organisations are implemented through the Lithuanian Council for the Affairs of Disabled under the Government of the Republic of Lithuania and the State Council for Youth Affairs (see answer to Question C under paragraph 1 of Article 14). In such way, the non-governmental organisations are involved in the implementation of the social policy. Non-governmental organisations participate in the process of preparing draft legal acts. All the decisions related with the disabled or youth have to be coordinated with the above-mentioned organisations.

**ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY**

**Legal acts of the Republic of Lithuania**

**1. The Constitution of the Republic of Lithuania**

**2. Laws of the Republic of Lithuania**

- Law of the Republic of Lithuania on Social Integration of the Disabled (*Official Gazette*, 1991, No 36-969; 2004, No 83-2983)
- Law of the Republic of Lithuania on Profit Tax (*Official Gazette*, 2001, No 110-3992)
- Law of the Republic of Lithuania on Value Added Tax (*Official Gazette*, 2002, No 35-1271; No 40; No 46; No 48)
- Law of the Republic of Lithuania on Income Tax of Individuals (*Official Gazette*, 2002, No 73-3085)
- Resolution No 1797 of the Government of the Republic of Lithuania of 19 November 2002 “Concerning the Rules for Issuing Business Certificates for Individuals” (*Official Gazette*, 2002, No 112-4992)
- Convention No 159 of the International Labour Organisation “On Vocational Rehabilitation and Employment of Persons with Disabilities” (*Official Gazette*, 1996, No 30-741)
- Law of the Republic of Lithuania on the Support for the Unemployed (*Official Gazette*, 1991, No 2-25)
- Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569)
- Law of the Republic of Lithuania on Law on State Social Insurance Pensions (*Official Gazette*, 1994, No 59-1153)
- Law of the Republic of Lithuania Amending the Law on Social Assistance Pensions (*Official Gazette*, 1994, No 96-1873; 2004, No 21-619)
- Law of the Republic of Lithuania on Sickness and Maternity Social Insurance (*Official Gazette*, 2000, No 111-3574)
- Law of the Republic of Lithuania on Social Services (*Official Gazette*, 1996, No 104-2367)
- Law of the Republic of Lithuania on Special Education (*Official Gazette*, 1998, No 115-3228)
- Law of the Republic of Lithuania on the Health System (*Official Gazette*, 1994, No 63-1231; 1998, No 112-3099)
- Law of the Republic of Lithuania on Health Insurance (*Official Gazette*, 1996, No 55-1287; 2002, No 123-5512)
- Law of the Republic of Lithuania on Education (*Official Gazette*, 1991, No 23-593; 2003, No 63-2853)
- Law of the Republic of Lithuania on Vocational Training (*Official Gazette*, 1997, 98-2478)
- Law of the Republic of Lithuania on Transport Privileges (*Official Gazette*, 2000, No 32-890)

## 1. Subordinate legal acts of the Republic of Lithuania

- Resolution No 850 of the Government of the Republic of Lithuania of 7 June 2002 “On the Approval of the National Programme for Social Integration of the Disabled for 2003-2012” (*Official Gazette*, 2002, No 57-2335)
- Order No 57 of the Minister of Social Security and Labour of the Republic of Lithuania of 18 April 2002 “On the Approval of the Procedure for the Provision of Assistive Technology and the List of Nomenclature of Assistive Technology for Persons with Impaired Mobility” (*Official Gazette*, 2002, No 47-1827)
- Order No V-1 of the Minister of Health of the Republic of Lithuania of 6 January 2004 “On the Approval of the Provisional Procedure for the Compensation of Orthopaedic Devices Provided to the Population and the Provisional Methodology for the Establishment of the Base Prices for Orthopaedic Devices Compensated Using the Funds from State Budget of the Republic of Lithuania” (*Official Gazette*, 2004, No 7-166)
- Order No 92 of the Minister of Social Security and Labour of 20 October 2000 “On the Approval of the Procedure for Payment of Compensations for Transport Expenses, the Expenses Related to the Acquisition of a Special Passenger Car and its Technical Adjustment for Individuals with Impaired Mobility” (*Official Gazette*, 2000, No 96-3049)
- Order No 226/49 of the Minister of Health and the Minister of Social Security and Labour of 28 April 2000 “On the Approval of the Procedure for the Establishment of a Long-term Permanent Loss of Capacity for Work (Disability)” (*Official Gazette*, 2000, No 36-1011)
- Order No 465 of the Minister of Education and Science of 20 March 1998 “On the Procedure for Vocational Guidance” (*Official Gazette*, 1998, 39-1046)

### **ARTICLE 15 PARA. 1**

*„With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*

*1) to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;“*

### **Question A**

***Please indicate the criteria applied to grant disabled status and give an estimation of the total number of persons with disabilities as well as the number of persons with disabilities of working age.***

In 2004, 243 548 persons were receiving invalidity pensions, i.e. 7 per cent of the total population residing in the country (if compared with the year 2003, the number of the disabled has increased by 6.2 per cent).

The majority of the disabled are persons with group II disability – 144 687 (if compared with the year 2003, the number of the disabled has increased by 4.7 per cent), and they accounted for 59 per cent of the total number of the disabled. The number of persons with the most severe disability - group I disability (when, due to illness or any other health problems, a person is not capable of taking care of his personal, social or public life and he needs constant assistance from other persons, nursing care or care) reached 32 702 (if compared with the year 2003, the number has increased by 8.8 per cent) and they accounted for 13 per cent of the total number of the

disabled. In 2004, the number of the disabled with group III disability was 50 038 (if compared with the year 2003, the number has grown by 6.2 per cent) or, in other words, 21 per cent of the total number of the disabled. The number of disabled children under 18 years of age was 16 121, or 7 per cent of the total number of the disabled.

Out of the total number of the disabled, 56 per cent were of working age, i.e. approximately 137 000. The number of the disabled who have reached the old age pension age accounted for 36 per cent of the total number of the disabled.

*Answer to the question posed by the European Committee on Social Rights: Information about the disabled living in care establishments (page 352):*

In 2003-2004, 4 care institutions for children and young people with disabilities were operating. In 2003, 705 children and young people resided there, in 2004 – 711 ones. In 2004, 5 500 people resided in 21 (in 2003- in 22) care institutions for adults with disabilities.

*Answer to the question posed by the European Committee on Social Rights: was there a transition from a medicinal to social definition of disability? (page 352)*

In 2003-2004, disability was still established on the basis of medicinal criteria. The factors of the loss of capacity for work, loss of income and rehabilitation were not sufficiently taken into consideration. The disability establishment procedure, which has not undergone any reform, retarded the development of the possibilities of integration of the disabled, the improvement of their social protection and hindered the implementation of the provisions related with active rehabilitation.

Seeking to reform the disability establishment system, the principles and provisions of social integration model based on the perception of disability as of a conflict between a man and the environment and understanding that treatment and rehabilitation although are important aspects, but only a small part of the actual needs of persons with disabilities and that further integration into the society depends upon the adjustment and changing of the environment and creating of versatile conditions for an independent living was introduced.

*Answer to the question posed by the European Committee on Social Rights: what provisions are established in the new Law on Social Integration of the Disabled (page 352)*

Carrying out the reforms in the field of social integration of the disabled, the Ministry of Social Security and Labour has drafted the Law of the Republic of Lithuania on Social Integration of the Disabled amending the Law of the Republic of Lithuania on Social Integration of the Disabled and the Seimas of the Republic of Lithuania adopted this new Law in May 2004. The Law became effective as of 1 July 2005.

The main focus of the new Law is on the assessment of a person's disability and the opportunities that open up for him. The essential principles of social integration of the disabled are regulated anew and the system of social integration of the disabled is defined.

One of the most prominent aspects of the new Law is different attitude towards a person with disability. The Law abandons the old concepts such as “an invalid”, “invalidity” and introduces new ones – “a disabled person”, “disability” and “the level of capacity for work”.

Under the law, disability is defined as “a permanent impairment of health status and decrease of possibilities to participate in public life and activities due to problems related with a person's body constitution and functions and interaction of unfavourable environmental factors”. A

disabled person is defined as “a person in respect of which a disability level or the level of capacity for work of less than 55 per cent and/or the need to satisfy special needs are established”.

Under a new procedure for the establishment of disability and the level of capacity for work, for persons under 18 years of age (children) the level of disability shall be established (severe, average and mild). Such differentiation guarantees that a person with more severe disability will receive more social and any other type of assistance. The level of capacity for work shall be established taking into consideration the status of health of a person, his/her possibilities of being independent in everyday activities, self-education abilities, the influence of the environment and other significant aspects.

For persons with disabilities who are older than 18 years of age, the level of capacity for work will be established instead of a disability group until they reach the old age pension age. The level of capacity for work is defined in the Law as follows: “a person’s ability to implement formerly acquired professional competence or to acquire a new professional competence or to perform works requiring lower professional competence”. The level of capacity for work is established after the assessment of the status of health of a person and the possibilities of performing works under the acquired qualification, acquiring a new profession or performing works that do not require professional qualifications after all possible medicinal and vocational rehabilitation and special assistance measures had been employed. The level of capacity for work is established at the interval of 5 percentage points, i.e. if the level of capacity for work of 0-25 per cent is established for a person, the person is considered incapable of work; if the level of capacity for work of 30-55 per cent is established for a person, the person is considered partially capable of work; and if the level of capacity for work of 60-100 per cent is established for a person, the person is considered capable of work.

Until now, the decisive criterion when determining the disability group was the state of health of a person. Whereas, after the introduction of the new system, the assessment of the level of capacity for work is not limited only to medicinal criteria, but is assessed employing an integrated approach – considering the entirety of a basic capacity for work (the state of health of a person) and occupational and functional factors and circumstances influencing the capacity for work of a person. Thus, the establishment of the level of capacity for work instead of the disability group will create the conditions for more objective assessment of a person’s capacity for work and receive the required medicinal and vocational rehabilitation services and benefits.

Implementing the provisions of the Law of the Republic of Lithuania on Social Integration of the Disabled and seeking to ensure qualitative establishment of the level of capacity for work and the disability level and consideration and solving of disputes related to the establishment of the level of capacity for work and the disability level, on 1 July 2005, the Ministry of Social Security and Labour reorganised the State Commission of Medical Social Expert Examination under the Ministry of Social Security and Labour into the Disability and Capacity for Work Establishment Service under the Ministry of Social Security and Labour (hereinafter – the Service) and the Dispute Settlement Commission under the Ministry of Social Security and Labour (hereinafter – the Dispute Settlement Commission).

The Service performs public administration functions, i.e. as provided for in the Law of the Republic of Lithuania on Social Integration of the Disabled, it adopts the decisions concerning the level of disability, the reasons thereof, the date of its first manifestation and duration; the level of capacity for work, the reasons thereof, the date of its first manifestation and duration; the establishment of the need for vocational rehabilitation; the nature and conditions of the work performed by the disabled; the general and initial establishment of the special services for the disabled.

One of the most important protective measures of the contemporary social security system is the right of a person to appeal against the decision which does not satisfy him/her. The Dispute Settlement Commission has been established as an independent institution for considering the

appeals concerning the establishment of the level of capacity for work and the disability level with the view to ensuring a high quality and independent system for consideration of the appeals. The Dispute Settlement Commission is accountable to the Ministry of Social Security and Labour.

For persons, who have attained the old age pension age, the level of the need for special needs and the special needs to be satisfied are established instead of the level of capacity for work. Pursuant to the provisions of the new Law, the municipalities have to establish the level of the need for special services to the disabled and to satisfy their special needs. The special needs are satisfied with the help of special assistance measures like technical aids, financial assistance and social services.

It is expected that having changed the procedure for the establishment of disability, the conditions will be created for more fair and efficient application of social security measures for the disabled seeking to restore their capacity for work and independence and integrate them into the society and relate the work incapacity pensions with the lost income.

### **Question B**

*Please describe the measures taken to provide persons with disabilities with education, guidance and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private, and provide information on the following points:*

*a. assessment of the skills of persons with disabilities and criteria used to assess the prospects of rehabilitation of persons with disabilities;*

Taking into consideration the fact that vocational rehabilitation has been one of the weakest chains in the system of social integration of the disabled, vocational rehabilitation of the disabled was regulated in the Law on Social Integration of the Disabled, which became effective as of 1 July 2005. The right and opportunities of persons with disabilities to receive vocational rehabilitation services were legally established as well as the preconditions for the creation of vocational rehabilitation system ensuring high quality services that would help the people, who have lost their job because of a disease or an accident, to return into the labour market.

Vocational rehabilitation is defined in the Law as restoration or increase of a person's level of capacity for work, professional competence and the ability to participate in the labour market by employing educational, social, psychological, rehabilitation and other measures.

The following vocational rehabilitation services are distinguished: vocational guidance and counselling; assessment and restoration of professional capacities and development of new capacities; re-qualification.

Under a new system of the establishment of the level of capacity for work, the level is established for a person after all the medicinal and vocational rehabilitation and special assistance measures had been employed. Before establishing the final level of capacity for work for a person, during the procedure for the establishment of the level of capacity for work, the Disability and Capacity for Work Establishment Service evaluates the need for vocational rehabilitation services for the person considering the following criteria: medicinal (basic capacity for work), functional (the number of hours that the person can work), professional (education of the person, professional qualifications, work experience and skills), the age of the person and his motivation for vocational rehabilitation and work. Having established the need for vocational rehabilitation, the person will be sent for vocational rehabilitation and afterwards the level of capacity for work will be established in respect of that person.

*b. organisation of education for persons with disabilities in ordinary schools and/or specialised schools (access, number of persons and establishments);*

According to the data provided by the Ministry of Education and Science, the number of school students with special educational needs (SENs) who are studying at the general education classes at the general education schools (the form of complete integration) has been increasing each year. In 2003–2004, 54 323 such school students attended general education classes. They accounted for 9.6 per cent of all the school students of the country (in 2002–2003 – 8.8 per cent) and 88.5 per cent of all the school students with SENs studying at day general education schools (in 2002–2003 – 87.4 per cent). In 2003–2004, out of this number, 83 school students were integrated into non-state general education schools.

7089 school students with SENs attended special schools and special classes. Out of this number, 5848 school students were studying at special (boarding) schools and special development centres, 29 – in a non-state special school, and 386 – in schools operating in sanatoriums. These 7089 school students accounted for approximately 11.5 per cent of all the school students with SENs and 1.3 per cent of the total number of school students of day general education schools in Lithuania (in 2002–2003, respectively, 10.4 per cent and 1.1 per cent). In 2003–beginning of 2004, the majority of school children attending special (boarding) schools and development centres were studying at schools for mentally retarded children (3488 school students or approximately 56 per cent). The number of school students in special schools is decreasing each year. In 2003–2004, 130 school students attended rural special schools (for mentally retarded children) and 231 school students were studying at the development centres.

Out of the total number of those studying in special schools and development centres, 3901 school students were living in boarding schools (out of this number, 386 – in schools operating in sanatoriums), 243 school students were living in rural boarding schools.

49 school students were taught at home. 806 orphans and homeless children attended special schools.

826 school students attended special, compensatory and developmental classes in general education schools (in 2002–2003 – 791).

1802 children with SENs were taught in pre-school education classes (in 2002–2003 – 1610 children).

In 2003–2004, 4 428 children attended schools for pre-school education of children with SENs. 893 children were educated at pre-school institutions operating in sanatoriums.

In 2004, upon order of the Ministry of Education and Science, the scientists from Šiauliai University carried out a complex research “Education Quality Management: Integrated Education of Children with Special Needs”. The analysis of the data of this survey has revealed that the quality of assessing and satisfying the needs of children with special needs, as well as those of their teachers and parents is improving; the teachers, especially the younger ones, do not have any stereotypes in respect of such children; the school students look positively towards their contemporaries with SENs.

Positive changes are observed in the field of integration of children with special needs into general education schools and the society. Commissions on Special Education are set up in schools; the network of pedagogical and psychological services (PPS) is actively being developed. In 2004, 24 PPSs were founded and in the end of the year already 50 PPSs were operating and the model of pedagogical and psychological assistance is actually functioning. The development of the PPSs was encouraged by Order No 152 of the Minister of Education and Science of 4 February 2004 “On the Procedure for the Financial Assistance for the Establishment of Pedagogical and Psychological Services in Municipalities in 2004” (*Official Gazette*, 2004, No 23-728) and by Order No 642 of 30 April 2004 “On the Programme for the Establishment of Pedagogical and Psychological Services in Municipalities in 2004” (*Official Gazette*, 2004, No 78-2753). The activities of the above-mentioned services are regulated pursuant to legal acts adopted in 2004 by the Ministry of Education and Science and by other Ministries.



In 2003–2004, the legal base regulating education and vocational training of persons with SENs (and that of the disabled) was improved seeking to improve the availability of studies. The new Law of the Republic of Lithuania on Education became effective (*Official Gazette*, 2003, No 63-2853). Under this Law, persons with SENs can study according to all the formal and non-formal education programmes, the types of assistance to be provided for them are defined to ensure the availability of educational services. Legal acts accompanying the implementation of the Law of the Republic of Lithuania on Education were drafted: “The Description of the Procedure for the Provision of Special Pedagogical Assistance” (*Official Gazette*, 2004, No 92-3385), “The Description of the Procedure for the Provision of Psychological Assistance to School Students” (*Official Gazette*, 2004, No 92-3384) and many other legal acts related with ensuring equal opportunities to study for persons with SENs including the disabled.

Seeking to ensure high quality educational services for children with SENs (including the disabled), the Ministry of Education and Science of the Republic of Lithuania has drafted the Programme for the Provision of Special Education Services, which was approved by the Government of Lithuania in 2004. The objective of this programme is to increase the availability of education to persons with SENs, to create the environment favourable for their education, to ensure the preparedness of teachers to teach persons with SENs of different age. The measures of the programme will be used to adjust schools for students with SENs, for the disabled and for school students with behavioural and emotional disorders, to develop complex special pedagogical, psychological, socio-pedagogical and special support and assistance provided for them (*Official Gazette*, 2004, No 170-6263). Implementing this programme, it is sought to improve the material and methodological base of PPSs and it is intended to modernise 10 schools. Seeking to attain the goals set in the Programme, special attention will be paid to teachers and their assistants: it is planned to establish 500 job positions of a teacher assistant in schools of general education and 40 – in vocational schools, to employ 240 specialists in the sphere of providing assistance to school students (special pedagogues of different specialisation, speech therapists, specialists of applied physical training and other specialists) in pre-school education establishments, schools of general education and vocational schools. The approved measures for the implementation of the programme will be financed from the state and municipal budgets. The implementation of the programme is supervised by the Ministry of Education and Science.

The carriage of school children with disabilities in the counties will improve as 30 busses will be purchased and distributed. In 2004, the Programme concerning the Carriage of School Children with Special Needs for 2005-2008 “A Yellow Bus” was approved by Order of the Minister of Education and Science.

*Answer to the question posed by the European Committee on Social Rights: how many children with special needs who finish schools continue their education or integrate into the labour market? (page 355)*

According to the data from the Ministry of Education and Science of the Republic of Lithuania, 229 school children with special educational needs (SENs) who in 2003–2004 graduated from Kaunas builders and Šilutė agricultural vocational schools, or have completed the programmes of the Lithuanian Rehabilitation and Vocational Training Centre, Vilnius Rehabilitation and Vocational Training Centre for the Deaf and Hearing Impaired successfully started working under the acquired professions. The Ministry of Education and Science of the Republic of Lithuania can not provide exact data about the employment of school children with SENs who have graduated from vocational schools where they studied in accordance with the principles of complete integration.

During 2003–2004, the premises for the deaf-blind were adjusted and a separate division was established in the Lithuanian Education Centre for the Blind and Vision Impaired. The founder

of this Centre is the Ministry of Education and Science. Moreover, the funds allocated for the programmes implemented by the Ministry of Education and Science were also used to update the material methodological base of the pedagogical psychological services (PPS) operating in the municipalities: they were provided with methodological material on the psychological evaluation of a person, methodological material was translated into Lithuanian (LTL 70 000). The Ministry of Education and Science of the Republic of Lithuania since the year 2000 has been actively participating in the activities of the European Agency for Development in Special Needs Education and in 2004 it started paying a membership fee (LTL 100 000) and became full member of this organisation.

*c. organisation of vocational guidance for persons with disabilities (access, number of persons with disabilities receiving guidance through mainstream or specialist provision);*

Significant changes have occurred in the field of the assessment of a child's special educational needs and prescribing of special education. For a long time prevailing medicinal evaluation of a child was eventually replaced by a pedagogical-psychological model. In 2003, upon the initiative of the Ministry of Education and Science, the national system of the provision of special pedagogical and psychological assistance was analysed as it was obvious that it needed improvement and the above-mentioned specialist services had to be provided closer to the place of residence of families who needed such assistance. Moreover, until 2003, a decentralised system of municipal, county and state levels failed to successfully function in Lithuania. For a country with a small population, it is important to have a well-developed network of pedagogical psychological services (PPS) operating on municipal level and the National Centre for Special Needs Education and Psychology operating on the national level and coordinating the provision of the special pedagogical and psychological assistance in the country. Therefore, a Model for Provision of Pedagogical and Psychological Support was drafted and approved in 2003 (*Official Gazette*, 2003, No, 74-3451) and its Action Plan for 2003-2005 (*Official Gazette*, 2004, No13-390). Moreover, in 2003, LTL 35 000 were allocated for acquiring methodological material on pedagogical and psychological evaluation of a child and LTL 35 000 – for translating the latest methodological literature.

Moreover, the following documents were drafted: Model Regulations for a Municipal Pedagogical Psychological Services (PPS) (*Official Gazette*, 2004, No10-277), the Procedure for the Provision of Financial Support for the Establishment of Pedagogical Psychological Services (PPS) in Municipalities in 2004 (*Official Gazette*, 2004, No 23-728) and the Programme for the Establishment of Pedagogical Psychological Services in Municipalities in 2004 (*Official Gazette*, 2004, No 78-2753). This markedly speeded up the development of the establishment of PPSs in the municipalities and made the services closer to schools and families.

The National Centre for Special Needs Education and Psychology under the Ministry of Education and Science and the pedagogical psychological services operating in 52 municipalities provided consultations to children belonging to risk groups and teenagers who have suffered from sexual abuse. In 2003, an anonymous *School Line* was introduced to provide psychological assistance by telephone to children, their parents and teachers.

The National Centre for Special Needs Education and Psychology provides consultations and required information on education and prevention to psychologists, social pedagogues, social workers and teachers.

The Ministry of Education and Science is carrying out the Programme for the Prevention of Trafficking in People and Prostitution. The specialists working in schools are prepared to provide assistance to children victims and their families.

The disabled receive consultations on issues of choosing and acquiring a profession at the Lithuanian Labour Market Training and Counselling Authorities. There are the following

programmes dedicated specifically to the disabled: development of self-confidence, assessing of ones abilities and capabilities, development of communicative skills and development of abilities to actively search for a job. The disabled are consulted both individually and in groups. The disabled are consulted in general groups as well.

When integrating the disabled into the labour market, the most fruitful cooperation is with the Association for the Physically Disabled of Lithuania. In 2003, 952 disabled received consultations. In 2004 – already 1 300 and, out of this number, 500 – individually and 800 – participated in group work programmes.

***d. organisation of vocational training (access, number of persons with disabilities receiving vocational training through mainstream or specialist provision);***

One of the chains of the education policy of the Republic of Lithuania ensuring the right of the people to vocational training is vocational education and non-university studies. The network of higher education institutions offering non-university studies is created in the country and currently 16 colleges are operating, and, out of this number, 9 colleges are non-state ones. The Law on the Vocational Education and Training, adopted in 1997, regulates vocational training of young people and the labour market. An integral network of vocational education and training institutions is operating in accordance with this Law.

Pursuant to the Law on the Vocational Education and Training and having assessed different needs of young people, 4 types of vocational education and training programmes are taught at vocational education and/or training institutions of the Republic of Lithuania: (1) for those without the basic education, (2) for those having acquired the basic education and seeking to acquire a profession, (3) for those having acquired the basic education and seeking to receive a school-leaving certificate alongside with the qualification and (4) for those who have graduated from a secondary school and are seeking to acquire a profession of a worker.

Under the Law on the Vocational Education and Training, the right to vocational education and training is ensured and the vocational education and training is organised for individuals belonging to certain target groups. Currently, in Lithuania there are three specialised vocational education and training (VET) institutions for mentally retarded students where they are acquiring a profession and also there are VET institutions for the deaf and hearing impaired, for the blind and vision impaired, certain schools have created the conditions for persons with mobility impairment to study there.

The situation in the sphere of vocational education and training in 2004 can be best illustrated by providing the following general statistical data: 79 state vocational schools and vocational education units of 5 higher agricultural schools provided vocational education and training services in the Republic of Lithuania. LTL 4 836 were allocated for studies of each student of a vocational school. In 2004, a factual number of students studying at vocational education and training institutions was 38 339 (including the students with special educational needs) and over the year 2004, 14 783 students acquired vocational qualifications.

Persons with special educational needs could acquire a vocational qualification in vocational education and training schools, in vocational education and training schools which specialise in vocational education and training of the disabled, in vocational education and training units established in special boarding schools, in specialised classes for the disabled in vocational education and training institutions and in the labour market vocational education and training system. These vocational education and training institutions offered 18 training programmes: for a basket-maker, a cook, a hotel employee, a rural handicraft worker, a housekeeper assistant, a tailor, a knitter, a joiner - machine operator, a builder and etc.

In 2003–2004, 1 080 disabled (mentally retarded persons, the deaf and hearing impaired and the blind and vision impaired) were studying at the following vocational education and training

institutions: the Lithuanian Rehabilitation and Vocational Training Centre (404), Šilutė Agricultural School (82), Kaunas Builders Vocational School (269), Vilnius Rehabilitation and Vocational Training Centre for the Deaf and Hearing Impaired (116), Lithuanian Rehabilitation and Vocational Training Centre for the Blind and Vision Impaired (35), Kaunas Food Industry College (46), Vilnius School of Light Industry and Daily Services (15), Gelgaudiškis Special Boarding School (32), Šiauliai Special Education Centre *Ringuva* (28), Vilnius Special Boarding School (36), Alytus College of Fine Crafts (19).

The Lithuanian Labour Market Training Authority has adapted 69 training programmes for the disabled. Seeking to provide vocational education and training services to as many disabled as possible, 37 distance education programmes are offered. The disabled can study under formal and non-formal education programmes.

In 2004, 162 persons with disabilities acquired vocational qualification in the Lithuanian Labour Market Training Centres which is a considerable increase in number as in 2003 the number was only 26. 81 persons with disabilities were studying under 36 programmes of formal education. 6 non-formal education programmes were chosen by 6 students with disabilities. 58 long-term unemployed persons with disabilities participated in measures and 17 – in skills and knowledge upgrading courses.

*Answer to the question posed by the European Committee on Social Rights: what measures are applied seeking to integrate young people and adults with disabilities into general education and vocational schools? How the problems related to availability of vocational education and training to the disabled are solved? (page 356)*

It should be said that seeking to create opportunities for as many people as possible to acquire vocational education and vocational qualifications, to ensure the availability of vocational education and training system to everyone and to implement the priority of life-long learning, in 2003, a framework of amendments to the Law on Vocational Education and Training was prepared and approved by the Government of the Republic of Lithuania in 2004. Currently, a draft Law amending the Law on Vocational Education and Training is prepared. Namely this Law will establish the qualifications system, the preparation of standards, recognition of competences acquired non-formally and by way of self-education, ensuring of quality of vocational education and training, monitoring, and the conditions for improving vocational education and the availability of vocational guidance and counselling. Under a new framework, the Law amending the Law on Vocational Education and Training will specify the measures applied in respect of people who suffer from social exclusion, for persons with special needs, for persons with impaired mobility and for young people who have left the educational system too early seeking to return and involve them into the system of vocational education and training. Financial support from the employers for lifelong education will also be regulated. In the new Law on Vocational Education and Training, more functions will be delegated to social partners by involving them into the management and evaluation of vocational education and training processes. In the framework of the Law, vocational education and training are treated as a process ongoing throughout the whole life of a person and not just the initial award of qualifications or preparation for the first profession. It is planned to create the national qualifications system which would ensure transparency and mobility of qualifications recognised in Lithuania throughout Europe. It is intended to finish the new version of the Law on Vocational Education and Training in the fourth quarter of the year 2006. It should be mentioned, that since 1 January 2004, pursuant to the Law on Education and the provisions of the national Education Strategy for 2003–2012, the new Procedure for Financing Vocational Schools became effective. Since the beginning of the current year, vocational schools are financed under a new methodology: funds for education are allocated for an assumed student. This methodology has already been applied for two years when financing general education schools. The funds for

vocational education are allocated for wages for pedagogues, improving the qualifications of teachers who are teaching a certain profession, for textbooks, psychological and special assistance, wages for school librarians, for acquisition of professional and technical literature, technical visual aids and tools for practical training.

This methodology would enable to more efficiently use the allocated funds and would create equal opportunities for students from urban and rural areas to acquire a profession which is in demand in the labour market and improve the possibilities of students with special needs to study together with children of their age. Due to application of this methodology, schools students will receive special pedagogical, special and psychological assistance. The major share of the funds is allocated for vocational education and training of students with special educational needs – from LTL 2 589 for a mentally retarded student to LTL 6 209 for the blind. On average, LTL 1 655 will be allocated for educating one assumed student studying in a vocational school. Until now, vocational schools were financed taking into consideration the number of students and the price for training for a particular profession, but no funds were separately allocated for the acquisition of the teaching aid, materials and tools required for practical training and for upgrading the qualifications of the teachers.

Sub-paragraph 3 of paragraph 3 of Article 4 of the Law of the Republic of Lithuania on Vocations Education and Training (hereinafter – the Law) provides that specialised VET institutions for persons with special educational needs (including those with disabilities), make a constituent part of the vocational education and training system of the Republic of Lithuania. Sub-paragraph 3 of paragraph 3 of Article 4 of the Law also stipulates that these persons may study also at vocational schools, performing theoretical and practical VET as well as general education and also make use of services offered by vocational training centres and courses organising theoretical and practical training. These provisions guarantee the right of and the possibilities for the persons with disabilities to receive appropriate vocational education and training services.

Analysing how this provision of the Law is actually implemented, it should be noted that in 2003-2004, persons with special educational needs were studying in 10 vocational education and training institutions under 18 education programmes and the total number of students with special educational needs (including the disabled) was over 1 100. 20 students who have finished basic schools under adapted programmes were accepted to the 3 stage classes in 10 vocational education and training institutions. The network of vocational education and training programmes adapted for persons with special needs was further developed – since 2003 sewers are prepared in Vilnius School of Light Industry and Daily Services.

The measures aimed at integrating the disabled into the Labour market training centres and training and counselling services:

A project is currently implemented to receive financial support form the European Structural Funds under 2.3. measure of the SPD "The development of integration of the disabled into the labour market". During the project, 32 new educational programmes adapted specifically for the disabled will be created.

Implementing the project, the following new products will be created:

Programmes for the disabled for developing their motivation and skills required for a successful integration of a person into the labour market:

“Self-cognition and motivation”

“Searching for a job and employment skills”

“Social competence skills”

“Methodology for Planning Individual Vocational Rehabilitation Services” for work of vocational rehabilitation consultants with the disabled.

Special publications:

“Self-cognition and motivation: educating unepmployed persons with disabilities”

“Searching for a job and employment skills: educating unempLOYed persons with disabilities”

“Social competence skills: educating unempLOYed persons with disabilities”

Information catalogue “Vocational rehabilitation services for the disabled”.

A project is currently implemented to receive financial support from the European Structural Funds under 1.5. measure of the SPD “Development of the labour market network infrastructure for satisfying the needs for vocational rehabilitation of the disabled”. The project is aimed at adapting the infrastructure of the Lithuanian Labour Market Training Authority education and training institutions to meet the needs of the disabled. The project will be finished in 2008.

*e. adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market;*

Creating or updating the content of the vocational education and training programmes, the most important indicator is the demands of the labour market. Teaching of foreign languages and information technologies is provided in every vocational education programme and a new module – teaching of entrepreneurship is introduced. To better take into consideration the demands of the labour market, the Ministry of Education and Science drafts and approves vocational education and training standards, where competences required for a particular profession are defined after carrying out researches about qualifications. In 2003, standards for 18 professions were prepared and in 2004 – for 50 ones. Moreover, seeking to improve the conformity of the qualifications of prepared specialists with the demands of the labour market, schools are taught how to perform a preliminary survey on qualifications on their own. It was achieved that all the study programmes of colleges were drafted on the basis of relevant competences.

Responsibility for the establishment of the need for training, the preparation of educational programmes and teaching methods, organisation of interim and final examinations is delegated to vocational schools urging them to closely co-operate with the local authorities and the local employers’ bodies. The state controls the range and level of the awarded qualifications with the help of the State Register of Studies and Training Programmes. The showed confidence in vocational schools gave positive results.

Moreover, each year vocational schools participate in the tenders for provision of vocational education and training services announced by the labour market and carry out vocational training of specific groups of unemployed under the prepared programmes and concrete orders. The plans concerning the admission to vocational schools are co-ordinated with county governor’s administrations.

The training centres operating under the Lithuanian Labour Market Training Authority offer the disabled to acquire professions which are in demand in the labour market. The nature and content of educational programmes and the qualifications acquired after completing the training and the possibility to find a job corresponding with the acquired qualification are decisive factors when preparing vocational education programmes for the disabled.

*Answer to the question posed by the European Committee on Social Rights about the availability of higher education (page 356.)*

The Government of the Republic of Lithuania, seeking to solve the issues related to studies pursued by the disabled, on 19 July 2002 adopted Resolution No 1178 on the Amendment of Resolution No 922 of the Government of the Republic of Lithuania of 19 June 2002 “On Basic Regulations for the Admission of Students to the State Higher Education Institutions, University Scientific Institutes and State Scientific Institutes in 2002” (*Official Gazette*, 2002, No 74-3177). It is stipulated in clause 1.4. of the Regulation that “the state higher education institutions may admit persons with disability group I and disability group II who satisfy the admission requirements but

failed to enter the state higher education institutions to additional vacant places. Since 1 January 2003, the Ministry of Education and Science shall cover the study expenses for these people from the funds allocated for satisfying the general needs of education and studies system.”

Each year, more and more students with disabilities study at higher education institutions. According to the data available to the Ministry of Education and Science, during 2003-2005, approximately 290 students with disabilities studied at the higher education institutions. Especially many students study at Vilnius University, Kaunas University of Technology, Vilnius College, Marijampolė College, Vilnius Gediminas Technical University, Šiauliai University, Kaunas Vytautas Magnus University, Vilnius Pedagogical University, the Lithuanian Academy of Physical Education, and Vilnius Law and Business College. Each year, implementing the National Programme for Social Integration of the Disabled for 2003-2012 (*Official Gazette*, 2002, No 57-2335), higher education institutions who submit well prepared projects for adjusting the environment for the disabled, receive funding.

Several higher education institutions have adjusted quite a number of premises for the disabled but the dissemination of information about the actual usage of these premises is insufficient. For example, Vilnius Pedagogical University has made an entrance suitable for wheelchair-users, a WC adjusted for the disabled is also installed there, the Faculty of Mechanics of Vilnius Gediminas Technical University (VGTU) has a big lift, in several faculties there are WC adjusted for the disabled, a library where students from other higher education institutions may come. Vilnius Law and Business College is perfectly well adjusted for the disabled.

***f. financial assistance available to persons with disabilities undertaking vocational rehabilitation.***

Vocational rehabilitation benefit is regulated in the law on Social Integration of the Disabled. It is allocated and paid irrespective of other received income. Vocational rehabilitation benefit is paid each month from the first day of participating in the programme but not longer than for 180 calendar days. The amount of this benefit depends upon the fact whether a person is insured by all types of social insurance or not. If a person participating in the vocational rehabilitation programme is insured, he is entitled to receive the vocational rehabilitation benefit from the State Social Insurance Fund budget funds in the amount and according to the procedure laid down in the Law on Sickness and Maternity Social Insurance. The vocational rehabilitation benefit can amount up to 85 per cent of a person’s compensatory wage but the amount of the benefit per month can not be less than two state social insurance basic pensions. If a person participating in the vocational rehabilitation programme is not insured by the state social insurance or is insured only by the state social pension insurance, pursuant to the procedure established by the Government, he is paid a vocational rehabilitation benefit whose amount is equal to two state social insurance basic pensions.

**Question C**

***Please specify whether the measures mentioned above are available to all persons with disabilities irrespective of age, the nature and origin of their disability.***

In Lithuania, education and vocational education and training are available to all the disabled. Under paragraph 3 of Article 34 of the Law of the Republic of Lithuania on Education, accessibility of education to persons with special needs is ensured by adapting the school's environment, by providing psychological, special-pedagogical and special assistance, by supplying such persons with assistive educational technology and special teaching aids, also in other ways prescribed in laws. Under the Programme for the implementation of the Strategy of Social Integration of the Disabled for 2003-2012, it is intended to further develop the education system

which is available to everyone and to ensure the possibility for persons with special needs to study in all types of schools in a favourable environment under all formal and non-formal education programmes, to gradually reduce the number of special (boarding) schools and to promote the becoming of the most advanced schools methodical assistance centres. The Methodology for Financing a Student's Basket and Methodological Recommendations for the Application of the Methodology for Financing a Student's Basket for Students with Special Needs Studying at General Education Classes have been prepared.

**Question D**

*Please specify:*

***a. the number and nature of the principal institutions giving general education, guidance and vocational training and the number of places available;***

Concerning the organisation of education for the disabled in ordinary and/or special schools – see the answer to question A under paragraph 2 of Article 17;

Concerning the education of the disabled persons in vocational education and training institutions – see the answer to question A under paragraph 1 of Article 10.

***b. the number of persons undergoing such training;***

a, b and d (see b, c and d of B question under Article 15)

***c. the number of staff, their qualifications and the measures taken to ensure their expertise;***

The Ministry of Education and Science ensures the quality of vocational education and training by organising certification of vocational education and training teachers and by creating an opportunity for vocational teachers to attend various courses. Moreover, a number of higher education institutions like Kaunas Vytautas Magnus University, Vilnius Gediminas Technical University and the Lithuanian University of Agriculture organise post-graduate studies in vocational education for pedagogues who are already working. In 2003-2004, in Kaunas Vytautas Magnus University 70 vocational teachers were prepared using the state funds and 62 persons participated in the seminars about training of vocational teachers.

Training is organised for Lithuanian Labour Market Training Authority specialists to develop their communication with the disabled skills and a textbook "Disability Etiquette. How to communicate with persons with disabilities?" has been prepared.

30 vocational rehabilitation consultants were prepared.

***d. the organisation of co-operation between general and specialised services.***

See A question under Article 17 para. 2 and also B question under Article 15.

**ARTICLE 15 PARA. 2**

*"With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*



*1. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”*

#### **Question A**

*Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions. Please provide information on employment obligation for persons with disabilities.*

*Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation for employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).*

In 2005, 7 per cent of the population were recognised as persons with disabilities. According to the data from the Ministry of Social Security and Labour, 58 per cent of persons with recognised disability group were of working age (approximately there are 140 000 persons with disabilities of working age). Employed persons with disabilities accounted for about 19 per cent of the disabled of working age and 10 per cent of the total number of the disabled.

In 2004, according to the data from the Lithuanian Labour Exchange, 8 817 persons with disabilities were registered at the labour exchange and were actively searching for a job. Out of this number, 1 831 persons with 30-40 per cent of working capacity level, 6 986 – persons with 45-55 per cent of working capacity level. 3 206 persons with disabilities were employed and, out of this number, 522 – per cent were persons with 30-40 per cent of working capacity level and 2 684 – persons with 45-55 per cent of working capacity level. 6 806 persons with disabilities participated in the active labour market measures. The majority of persons with disabilities who were employed and participated in the employment programmes were persons with 45-55 per cent of working capacity level (90 per cent). Each month, approximately 735 persons with disabilities address the territorial labour exchanges. In 2005, the disabled accounted for 5.4 per cent among all the unemployed persons. In 2005, the greatest number of persons with disabilities was registered in Vilnius and Kaunas.

In Lithuania, the disabled are employed in the ordinary workplaces or in specially adjusted ones. The requirements for workplaces and professions for the disabled are set by the Ministry of Health and the Ministry of Social Security and Labour. On the recommendation of the Labour Exchange, municipalities prescribe for the employers quotas for employment or creation of additional jobs for persons with group I or II disability; the said quotas make up from 2 to 5 per cent of the total number of employees of an enterprise, if not less than 50 employees work in the enterprise. The disabled have a priority right to receive all the services offered by the territorial labour exchange, payment of the unemployment benefit, labour market vocational education and training, organisation of works supported by the Employment Fund as well as the support for persons intending to set up their own business.

Employers who fail to comply with the quotas for employment or creation of additional jobs shall make payments into the Employment Fund in the amount of 15 minimum monthly wages for each disabled person they have not employed, except in cases where the labour exchange has not

applied for the employment of the disabled. These funds shall be used to create jobs for the disabled.

Pursuant to the Law on Support of the Unemployed and other legal acts, the Lithuanian Labour Exchange each year prepares and implements employment support measures: creates subsidised additional jobs for persons with disabilities, implements the employment of such persons into jobs where quotas are set, persons with disabilities are sent to participate in the public works programme, i.e. temporary jobs are offered for them, and they are employed in works supported by the Employment Fund. The employer who has employed persons to subsidised jobs has to retain them there for 2 and a half (in case of persons with group I or group II disability) or for 2 years (group III disability). The disabled persons are also employed into newly established workplaces under local initiatives projects where the employers undertake to retain the established workplace for at least 3 years.

When employing persons with disabilities into subsidised, newly established, quota or vacant jobs, the employers conclude a typical employment contract and their functions and responsibilities are set in the job description pursuant to the Labour Code and the laws related to integration of the disabled.

When organising works financed by Employment Fund, priority is given to those employers who undertake to keep the persons with disabilities for a permanent job after the completion of these works.

Financing of the labour market policy measures:

1. The employers who have employed the unemployed persons according to a placement of the labour exchange in supported works, each month will receive compensation for the expenses from the Employment Fund in the amount of a minimum monthly wage approved by the Government of the Republic of Lithuania and the amount of social insurance contributions calculated from the minimum wage;

2. The employers who have employed the unemployed persons and other persons according to a placement of the labour exchange in public works, each month will receive compensation from the Employment Fund in the amount of 50 per cent of expenses related to wage calculated in accordance with a minimum hourly pay established by the state for each working day or a minimum monthly wage and the total amount of the social insurance contributions paid by the employer pursuant to the established procedure;

3. The employers who have employed persons with group I or II disability according to a placement of the labour exchange in the jobs established by additional quotas or jobs established under agreement between the labour exchange and the employers, for the duration of their employment, are paid the following employment support subsidies from the Employment Fund to cover expenses related to creation of jobs or adjustment thereof:

during the first 12 months - in the amount of one minimum monthly wage for each month;

during the following 6 months – in the amount of half of a minimum monthly wage for each month.

4. The employers, who have employed persons with group III disability and other additionally supported unemployed persons according to a placement of the labour exchange, for the duration of their employment, are paid employment support subsidies from the Employment Fund to cover expenses related to creation of jobs:

during the first 6 months - in the amount of one minimum monthly wage for each month;

during the following 6 months – in the amount of half of a minimum monthly wage for each month.

5. The employers who are implementing projects under local employment initiatives and have established a new job, during the selection of valid projects, receive a grant from the Employment Fund or the state budget which can not exceed the amount of 40 minimum monthly wages established by the Government.

Article 18 of the Law of the Republic of Lithuania on Social Integration of the Disabled provides that pursuant to the decision of commissions establishing disability, the employers must either hire persons who become disabled due to occupational injury or vocational disease while working in the enterprise, institution, or organization of said employers, or transfer such persons to another job which corresponds to the state of their health.

The Lithuanian laws provide additional guarantees to the disabled not only in respect of employment but also in respect of termination of an employment contract. Under paragraph 4 of Article 129 of the Labour Code regulating termination of an employment contract on the initiative of an employer without any fault on the part of an employee “An employment contract with employees, who will be entitled to the full old age pension in not more than five years, persons under 18 years of age, disabled persons and employees raising children under 14 years of age may be terminated only in extraordinary cases where the retention of an employee would substantially violate the interests of the employer.”

It is stipulated in Article 19 of the Law of the Republic of Lithuania on Social Integration of the Disabled that employers may dismiss a disabled employee without any fault on the part of an employee on their own initiative only upon receiving consent from the social welfare unit of the municipality and sending the disabled employee a written notice of the anticipated dismissal four months in advance. Consent from the social welfare unit of the municipality is not necessary, if the enterprise is under liquidation.

Certain specific work conditions may be applied pursuant to the conclusions of the commission establishing the level of disability: if the commission establishing disability does not provide otherwise, disabled persons may, upon their request, be exempt from working overtime, on holidays, rest days and at night, on the grounds of the conclusions of the commission, part-time work may be provided. They may take a longer annual leave (35 calendar days).

Persons with disabilities are offered to work independently under a business certificate. In certain territories, a significant part of the disabled are exempt from business certificate acquisition fee and during the following 6 months this fee is reduced by 50 per cent. Under applicable legislation, the disabled working under a business certificate do not pay any health insurance or contributions to the State Social Insurance Fund Board. Municipalities of the cities and regions adopt decisions concerning the application of concessions when acquiring a business certificate. Therefore, tax concessions granted by municipalities differ in different territories. Labour exchanges offer the disabled who want to be self-employed to participate in the courses teaching how to organise business, get familiar with relevant information on business at the Youth labour, labour and information and consultations centres.

The work of the disabled persons is organised and the remuneration for work is paid in accordance with the provisions of the Labour Code. The Labour Code does not provide for different payment terms and conditions for the disabled. A minimum wage and a minimum hourly pay is set for workers of separate branches of the economy but the disabled persons are not subject to exceptional treatment (see answer to the question B under paragraph 1 of Article 4 of the report).

*Answer to the question posed by the European Committee on Social Rights: please provide information about specific anti-discriminatory laws. What measures are applied in case of discrimination? (pages 357-359):*

The purpose of the Law of the Republic of Lithuania on Equal Opportunities (*Official Gazette*, 2003, No 114-5115) is to ensure implementation of equal rights of women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of direct or indirect discrimination on the grounds of a person’s age, sexual orientation, disability, race or nationality, religion or convictions. The implementation of the Law is supervised by the Equal

Opportunities Ombudsman. The Office of the Equal Opportunities Ombudsman investigates complaints relating to discrimination or harassment on the grounds of a person's age, sexual orientation, disability, race or nationality, religion or convictions at work, educational institution or when providing services.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- ✓ to submit the investigation material to investigative body, if evidences of an offence are established;
- ✓ to address an appropriate person or institution with a recommendation to terminate the actions violating equal rights or to repeal a legal act relating to that;
- ✓ to hear cases of administrative offences and impose administrative sanctions;
- ✓ to dismiss the complaint if the violations mentioned in it have not been corroborated;
- ✓ to discontinue the investigation if the complainant withdraws the complaint;
- ✓ to admonish about a violation which has been committed;
- ✓ to temporarily halt the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away.

New decisions planned to be adopted in 2006 in respect of the employment of the disabled in the open labour market.

On 1 July 2006, a new law on Support for the Unemployed will come into force and replace the currently effective Law on Support for the Unemployed. The draft law introduces new forms of supporting the employment of the disabled. They are aimed at creating more favourable conditions for the disabled to participate in the open labour market by working in the enterprises together with the healthy people. Persons with recognised 20-40 per cent working capacity level (before 1 July 2005 – persons with group I or II disability) or persons with the medium disability level could be supported all the time by paying the employer each month for each working person throughout the whole period of their employment a subsidy in the amount a wage for actually worked time calculated using a minimum hourly pay approved by the Government. Moreover, a new form of subsidising the employers for the establishment of jobs for the disabled is going to be introduced. The employer establishing a job for the disabled would receive a subsidy from the state for creation of such jobs in the amount of up to 22 average monthly wages for one created job position, if own funds account for at least 35 per cent.

A completely new measure supporting self-employment of the disabled is introduced. Persons with the recognised 20-40 per cent working capacity level (before 1 July 2005 – persons with group I or II disability) or persons with the medium disability level who are starting their own business could receive support for the creation of their job. The amount of the subsidy is up to 22 average monthly wages and the requirement to cover by own funds at least 35 per cent of expenses required to establish a new workplace or to adjust it is not applied in such case.

*Answer to the question posed by the European Committee on Social Rights about the trade unions protecting the interests of the disabled and fighting for additional privileges (page 360):*

We do not have such information about the trade unions. A number of non-governmental organisations are operating in Lithuanian which protect the interests of the disabled covering the employment and integration into the labour market.

### **Question B**

*Please indicate the number (or an approximation) of persons with disabilities who during the reference period found paid employment (whether in specialised institutions or not; in the public or private sector).*

During the period 2003-2004, 4 600 persons with disabilities found paid employment with the help of mediation of the labour exchange. Out of this number, 4 000 persons were employed in private sector and approximately 500 – in public sector, in 230 special enterprises.

**Table 15.2.1. The data from the Lithuanian Labour Exchange about the employment of persons with disabilities in the country in 2001-2005**

Territorial labour exchanges, counties	<i>Persons with disabilities employed on the country</i>					
	Employed in total (number)	Out of this number:				
		In public sector	In private sector	Special institutions	Employed in newly established jobs	Employed in jobs filling the quota
2002	1 884	162	1 567	88	338	93
2003	1 984	161	1 708	71	403	68
2004	2 665	210	2 285	170	473	64
2005	2 871	280	2 414	177	644	32

The Lithuanian Labour Exchange, within its competence, undertakes various initiatives to increase the availability of labour market measures to persons with disabilities. Nevertheless, at present we have to state that not all the labour market measures are available to the disabled.

Only persons with mild disability have an opportunity to find employment with the help of the labour market. Whereas persons with more severe disability - group I or II disability – find it difficult to find a job, as the persons belonging to these groups of disability are considered incapable of work. Therefore, we can speak about an inefficient, in respect of employment, methodology used for the establishment of working capacity level. A person with a more severe disability has no chances of finding a job because of the medical conclusions submitted by medical experts despite the fact that he/she has all the required professional competences and could work. At present, a new working capacity establishment procedure is being drafted, under which a person's working capacity level will be established not only on the grounds of medicinal criteria but also taking into consideration the person's professional skills and capacities.

When employing persons with disabilities, the activities of public organisations of the disabled are also important. These organisations often undertake the initiative themselves by creating new jobs and participating in the international projects during the course of which new jobs for the disabled are established.

### **Question C**

*Please provide information on sheltered employment structures (type, capacity, pay rates for persons with disabilities working there). Please indicate the opportunities which exist to transfer from sheltered employment to open employment.*

A significant number (over 700) of persons with disabilities who are active in the labour market are working in the enterprises established by the biggest Lithuanian non-governmental organisations of the disabled (Lithuanian Association of the Blind and Visually Handicapped, Lithuanian Association of the Deaf, the Association for the Physically Disabled of Lithuania and the Society for the Physically Disabled of Lithuania).

The main spheres of activities of these enterprises: sewing, production of clothes, making and repair of shoes, creation, manufacturing and development of various assistive technology and rehabilitation measures for the disabled, repair of assistive technology and its individual adjustment as well as adjustment of the apartments and the environment for persons with disabilities and etc.

Additional economic privileges are granted to enterprises established by non-governmental organisations of the disabled (the enterprises are exempted from the movable property tax, subsidies for state social insurance contributions and energy costs are granted, relieves in respect of corporate profit tax, value added tax or income tax of individuals are applied, and a possibility to carry out a public procurement from a single source – an enterprise whose 50 per cent of employees are persons with disabilities - is provided for).

Under the Law of the Republic of Lithuania on Wages, effective until 31 December 2002, enterprises had to pay their employees the minimum wage of the set amount. Enterprises employing disabled persons and persons of limited working capacity had to face problems when these employees working under the approved tariffs calculated applying not smaller than a minimum hourly pay failed to fulfil the set norms and earn at least a minimum wage in proportion to the time actually worked.

Since 1 January 2003, paragraph 1 of Article 187 of the Labour Code of the Republic of Lithuania came into force and it provides that different minimum rates of the hourly pay and the minimum monthly wage for different categories of employees may be established. The Tripartite Council of the Republic of Lithuania may undertake the initiative of setting these amounts.

*Problems.* Due to out-dated technologies, insufficient quality of the production and its low competitiveness, the possibilities of selling the manufactured production in the internal market are rather scarce (lack of orders, unequal competition, i.e. the imported analogous products are cheaper, no customs duties are applied in their respect). Enterprises are often making losses.

Various tax relieves to economic entities that were previously effective were repealed prior to the accession to the European Union seeking to harmonize the provisions of the effective laws with the requirements of the legal acts of the European Union concerning equal conditions for competition. The relief in respect of the value added tax, which accounted for the major share of the state support to non-governmental organisations of the disabled, was abandoned since 1 May 2004.

#### Decisions adopted in 2004

Seeking to establish the system for the state support for enterprises employing the disabled and to encourage the employers employ people who find it difficult to get into the labour market, the Law on Social Enterprises was drafted and adopted on 1 June 2004.

The concept of a social enterprise (including a social enterprise of the disabled) and the conditions for acquiring the status of a social enterprise are set as well as the target groups of persons upon employment of whom an enterprise is entitled to receive state support. The rights and duties of social enterprises, peculiarities of labour relations in social enterprises are also stipulated in this Law, the state support to social enterprises and the supervision of such enterprises is regulated therein. This Law regulates the provision of state support to social enterprises which, pursuing their economic activities, create opportunities for persons belonging to the target groups stipulated in the Law (to persons who have lost their professional and general working capacity, to those who are economically inactive or unable to compete in the labour market on equal terms) to

find employment and implement educational and social integration measures helping these people to integrate into the society and open labour market. The Ministry has drafted secondary legislation required for the implementation of the provisions of this Law.

A social enterprise of the disabled is such an enterprise where persons with group I or II disability or persons with the medium disability level or the disabled with the established working capacity level of 30-55 per cent have to account for at least 40 per cent of the average annual number of listed employees and other persons with disabilities – at least 10 per cent.

State support provided to social enterprises of the disabled:

- 1) partial compensation of a wage and state social insurance contributions;
- 2) a subsidy for the establishment of jobs, adjusting the workplaces for the disabled and acquiring or adjusting their tools and other equipment;
- 3) a subsidy for training of employees belonging to the target groups.

A social enterprise of the disabled may also receive additional support from the state:

- 1) a subsidy for adjusting the workplaces, industrial and rest premises for employees with disabilities;
- 2) a subsidy to compensate additional administrative and transport expenses;
- 3) a subsidy to compensate the expenses related to having an assistant (sign language translator).

When the Law on Social Enterprises came into effect, the Government of the Republic of Lithuania adopted Resolution No 852 of 7 July 2004 and, under this Resolution, it delegated the Lithuanian Labour Exchange the function to administer the state budget funds dedicated for financing social enterprises, to consider the applications to grant the status of a social enterprise and to provide the state support to social enterprises. Pursuant to this law, in 2004, the status of a social enterprise was granted to 26 enterprises which employed 758 persons with disabilities and LTL 2 million were allocated to these enterprises from the state budget.

### **ARTICLE 15 PARA. 3**

*“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:*

*1. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”*

#### **Question A**

***Please indicate how national policy promotes the independence, the full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.***

Carrying out the reforms in the field of social integration of the disabled, the Ministry of Social Security and Labour has drafted the Law of the Republic of Lithuania on Social Integration of the Disabled amending the Law of the Republic of Lithuania on the Social Integration of the Disabled and the Seimas of the Republic of Lithuania adopted this new Law in May 2004. The Law became effective as of 1 July 2005.

The main focus of the new Law is on the assessment of a person's disability and the opportunities that open up for him. The essential principles of social integration of the disabled are regulated anew and the system of social integration of the disabled is defined.

It is laid down in this Law that social integration of the disabled is organised in accordance with the following main principles:

- ✓ equal opportunities – the disabled have the same rights as any other members of the society;
- ✓ equal opportunities – the same opportunities for education, employment, leisure time, and participation in the public, political and community life are created for the disabled as for any other members of the society. Only in cases when the same opportunities and measures are inefficient, special conditions, improving the position of the disabled, are provided;
- ✓ discrimination prevention – the disabled are protected from any form of discrimination or exploitation;
- ✓ full-fledged participation – all the issues related to the life and activities of persons with disabilities on all the levels have to be solved together with the disabled and/or their representatives in accordance with the legal acts and taking into consideration their experience;
- ✓ availability – conditions are created for the disabled to engage in any kind of activities in all the spheres of life as well as the possibilities to use the available resources;
- ✓ compensations for disability – various cash and non-cash support forms are used to compensate the disabled for the consequences of the disability.

The system of social integration of the disabled consists of the following components: provision of medicinal, vocational and social rehabilitation services, satisfaction of special needs employing special assistance measures, support of the employment of the disabled, provision of social assistance, award and payment of the state social insurance fund pensions and benefits, award and payment of the compulsory health insurance fund benefits, provision of education services, ensuring of equal opportunities to participate in cultural and sports events and other spheres of public life.

*Answer to the question posed by the European Committee on Social Rights: please provide information about specific anti-discriminatory laws. What measures are applied in case of discrimination? (page 364)*

The goal of the Law of the Republic of Lithuania on Equal Opportunities (*Official Gazette*, 2003, No 114-5115) is to ensure implementation of equal rights of women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of direct or indirect discrimination on the grounds of a person's age, sexual orientation, disability, race or nationality, religion or convictions. The implementation of the Law is supervised by the Equal Opportunities Ombudsman. The Office of the Equal Opportunities Ombudsman investigates complaints relating to discrimination or harassment on the grounds of a person's age, sexual orientation, disability, race or nationality, religion or convictions at work, educational institution or when providing services.

Upon the completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- ✓ to submit the investigation material to investigative body, if evidences of an offence are established;
- ✓ to address an appropriate person or institution with a recommendation to terminate the actions violating equal rights or to repeal a legal act relating to that;
- ✓ to hear cases of administrative offences and impose administrative sanctions;
- ✓ to dismiss the complaint if the violations mentioned in it have not been corroborated;
- ✓ to discontinue the investigation if the complainant withdraws the complaint;
- ✓ to admonish about a violation which has been committed;



✓ to temporarily halt the investigation, if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away.

**Question B**

*Please describe:*

*a. the measures taken to overcome barriers to communication and mobility;*

*b. the measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.*

The Seimas of the Republic of Lithuania joined the initiative of the European countries and announced the year 2003 the Year of the Disabled. On 3 February 2003, the Government of the Republic of Lithuania approved the Action Plan for the Year of the Disabled in Lithuania prepared by the Year of the Disabled Coordinating Committee to strengthen the rights of the disabled and to ensure equal opportunities and allocated LTL 3 million from the state budget for the implementation of this plan.

The goal of the Action Plan for the Year of the Disabled in Lithuania is to ensure the protection of the disabled against discrimination, their equal rights and opportunities to use the measures intended for their independence, social and economic integration and participation in the public life. This Action Plan is intended for all the persons with disabilities residing in Lithuania.

The Action Plan for the Year of the Disabled was implemented in four main directions: improvement of the existing legal acts and drafting of new ones, educating the society and increasing the availability of information, adaptation of physical environment in the educational, training and social services establishments to meet the special needs of persons with disabilities, increasing the possibilities for the disabled to study, be taught and be independent.

The Lithuanian Council for the Affairs of the Disabled under the Government of the Republic of Lithuania was responsible for the coordination and control of the implementation of this Action Plan. Respective ministries and non-governmental organisations of the disabled within their competences implemented the implementing measures of the Action Plan. The cooperation of the implementing authorities with non-governmental organisations of the disabled, the approval and participation of these organisations in implementing concrete measures significantly contributed to the efficiency of the implementation of the Action Plan.

When implementing the Action Plan, the following draft legal acts were prepared – 4 draft legal acts (a new version of the law on Social Integration of the Disabled, a draft Law on Social Enterprises, a new version of the Law on Social Services and the Law Amending the Law on Social Pensions) and 8 draft legal acts in the sphere of education of children with special needs.

Seeking to shape a positive image of the disabled in the society, a creative contest for journalists was organised and reportages about the disabled were shown on TV. Two books written by persons with disabilities were published. An information publication about how to adapt the environment for the needs of the disabled was prepared. Abilympic Contests took place in Lithuania with participation of 122 disabled persons. An international scientific conference “Adapting the Environment for the Disabled” was organised.

Implementing the cultural programme planned for the Year of the Disabled, a fair of the works done by the disabled and a concert in the Cathedral Square in Vilnius were organised as well as the I European orchestra festival of the disabled “Music without Borders” (1 700 people participated in these events and, out of this number, 1 500 - people with disabilities), an international dance festival of wheelchair-users (638 people participated and, out of this number, 488 – the disabled), humour contests of the disabled (500 people participated and, out of this number, 300 – people with disabilities).

A cultural education of the disabled campaign “Theatres for the Disabled” was carried out and during this campaign approximately 2 500 disabled persons visited theatres.

Round table discussions to discuss the problems that the disabled are facing were held in the counties. The counties also organised cultural programmes for the disabled.

11 programmes for integrating the disabled that were prepared by non-governmental organisations received financing.

Internet websites of 5 state institutions and the Lithuanian Association of the Blind and Visually Handicapped were adapted for the needs of the disabled.

Lithuania’s accession to the European Agency for Development in Special Needs Education was financed.

The environment of 3 educational centres was adapted for special needs of the disabled and 140 disabled with serious mental disorders or complex disabilities will be able to attend these centres, as well as the environment of 12 day employment centres (3 583 persons with disabilities will be able to go there), the environment of 8 enterprises providing social services (4 500 disabled will receive the services), the environment of 9 sports clubs for the disabled (1 050 persons with disabilities will be able to attend these clubs). Sports equipment was acquired for members of the teams participating in the Paralympics Games and the team of the deaf people.

Classes for information technologies were equipped in 7 operating centres and as many as 2 450 deaf people will be able to use these services. 3 500 blind and vision impaired persons could make use of the purchased special educational means and assistive devices. Assistive listening devices were sent to 8 educational institutions of the deaf and 105 deaf people received such devices.

*Answer to the question posed by the European Committee on Social Rights: please provide information about the implementation of the National Programme for Social Integration of the Disabled for 2003-2012 (page 361)*

In 2003-2004, the National Programme for Social Integration of the Disabled for 2003-2012 was carried out.

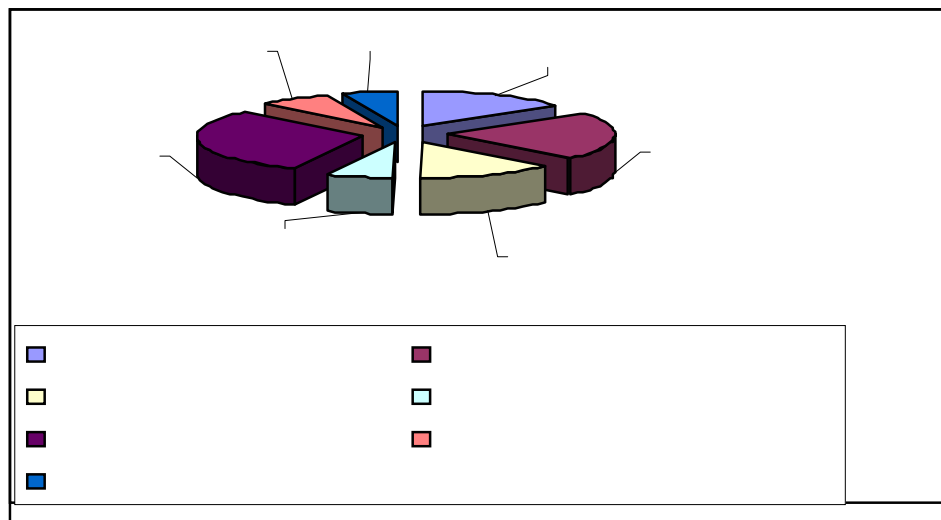
The Lithuanian Council for the Affairs of the Disabled under the Government of the Republic of Lithuania was responsible for coordination of the National Programme for Social Integration of the Disabled for 2003-2012 and monitored and supervised its implementation. Under strategic and priority areas of the National Programme for Social Integration of the Disabled, the Council each year approves the structure of the programme for social integration of the disabled and finances programmes aimed at social integration of the disabled carried out by public institutions of the disabled and state institutions.

In 2003, LTL 24 873 000 were allocated from the state budget and used for the implementation of the National Programme. 30 public organisations of the disabled operating in the country were financed as well as 4 programmes taught at rehabilitation and training institutions under 7 priority areas of the Programme.

As it is clearly seen from the diagram, the major attention was paid to the spheres of **employment of the disabled**, provision of social services and rehabilitation.

In the sphere of employment, it was sought to bring the disabled into the labour market by helping to find a job, by developing outwork and activities pursued under a business certificate, utilisation of information technologies by applying general and individual programmes and ensure and develop alternative forms of employment - work therapy, general employment. To this end, three main measures – employment in the open labour market, work therapy and general employment - were financed.

**Picture 15.3.1. Utilisation of funds allocated for the Programme for Social Integration of the Disabled in 2003 (in thousand LTL and in per cent)**



Implementing the programmes, 10 270 persons with disabilities were employed, engaged in work therapy and other forms of employment.

159 new jobs were created and 285 jobs for the disabled were financed. 30 persons with vision impairment started their own business. The activities of the employment agencies were financed, 4 000 employers were addressed when actively searching for a job, 489 consultations on employment issues were provided, 54 consultations regarding the adaptation of workplaces were assessed and provided, 47 persons with disabilities were employed after they completed vocational rehabilitation course.

**In the sphere of social services,** it was sought to satisfy the special needs that have arisen due to disability by using social services on the community level. To this end, one major measure – social services – was financed.

During the implementation of the programmes, over 20 000 of persons with disabilities received social services.

32 264 persons with disabilities received social services (provision of information and counselling, assistance at home, establishment of the needs, calling a doctor, laundry, bathing, purchase of foods and other daily goods, services of a reader, escort or sign language translator, legal services and etc.). 362 persons with disabilities received regular transport services and 7 715 – onetime services.

21 new establishments providing social services on community level were founded and 83 already operating ones were supported financially, 8 educational institutions where over 20 000 disabled persons received services.

**5 574 persons with disabilities received rehabilitation services and restored independence.**

7 services providing early rehabilitation services received funding (1 572 disabled persons made use of these services). 10 services provided medicinal rehabilitation services to 5 600 persons with disabilities. A school for those ill with the diabetes was operating under the Lithuanian Diabetes Association and 1 800 children attended it, 5 medicinal rehabilitation and complications prevention camps and seminars were organised (189 disabled persons participated there).

22 new and 31 already operating psycho-social rehabilitation and developing the sense of independence service for people with mental disorders were financed (1 485 persons with disabilities received these services). Psychological assistance at home was rendered to 58 disabled persons, 228 disabled persons, including 28 disabled children, participated in psychological assistance and psychological rehabilitation camps.

Vocational training and driving courses were organised.

**In the sphere of education,** it was sought to develop the education of disabled children, young people and adults (those with special needs), to ensure adaptation of educational programmes and provision of social services required for educational process. To this end, two main measures were financed: education of the disabled children and young persons (those with special needs) and non-formal education of the disabled. When implementing the programmes, 8 282 disabled persons participated in the educational process.

According to new methodologies and programmes, 80 persons with disabilities were trained initial skills, 1 519 persons with disabilities, including 837 disabled children, were taught with the help of art, painting and music. 211 disabled persons participated in the activities of self-help groups and educational groups. 35 specialists in music and painting improved their qualification.

2 educational centres for the disabled were established and 33 persons with mental disorders will attend these centres. 4 new and 24 already existing integrated classes at schools were financed (296 disabled children attend these classes) and 3 pre-school education institutions (127 disabled children attend these classes). 20 already operating educational institutions were adapted and supported financially (1 360 disabled persons attend these institutions). 3 068 persons with disabilities, including 3 000 vision impaired persons, were supplied with assistive devices. 115 disabled who were studying at educational institutions (at universities, colleges or special institutions) were supported financially. Typhlopedagogical assistance was provided to 40 families raising children with vision impairment. 830 disabled children participated in after-school classes and camps and 320 young people with disabilities participated in various training and seminars. Regular transport services (to and from educational institutions) were provided to 283 disabled persons and onetime services – to 269 ones.

**In the sphere of environment availability,** it is sought to reduce social isolation of the disabled, to adapt a public, dwelling and information environment for their needs. To this end, three main measures were financed – adaptation of the public physical environment, adaptation of the dwelling-place and adaptation of the information environment.

**When implementing the programmes, 240 objects (buildings and apartments) were adapted for the needs of the disabled.** Out of this number, 215 apartments (210 apartments for the disabled with very serious mobility and self-service functions impairment and 5 apartments for persons with serious disabilities), 25 public objects (6 education and training institutions, 15 social services centres and services, 4 public buildings). Designs of 673 buildings and public objects were coordinated, 604 transfer-acceptance acts were signed by the state commission when accepting various objects and 612 consultations about the adaptation of the environment were provided.

**Implementing the programmes, 4 251 persons with disabilities used the adapted information and communications services.**

Over 18 publications adapted for the disabled were published (literature in Braille and increased font size, a computer, latest technology voiced books, teaching aids adapted for the deaf and methodological literature will be useful for over 2 000 deaf people, both children and adults). Assistive devices were provided to 639 deaf people and 250 blind ones.

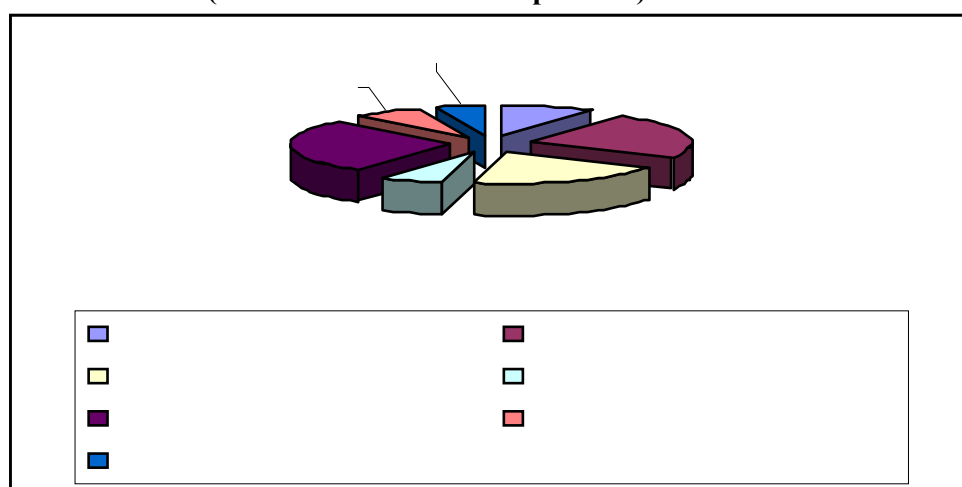
2 information centres for the deaf were established in Vilnius and Kaunas (310 persons with disabilities will be using these services), the centre of sign language translators was founded in Kaunas (1 026 persons with disabilities will receive these services), 3 sign language rooms in the schools for the deaf in Vilnius, Kaunas and Panevėžys (340 deaf children and approximately 60 parents will receive these services). 8 sign language courses were organised for parents raising deaf

children and deaf sign language teachers (125 persons) could improve their qualifications together with 71 surdopedagogues and social workers and, out of this number, 7 were persons with disabilities. Methodological assistance was provided to surdopedagogues (28) working in institutions for the deaf, and 26 deaf people completed computer literacy courses.

For the implementation of the National Programme, LTL 27 201 800 were allocated from the state budget.

In 2004, programmes for social integration of the disabled drafted under 7 priority spheres of the Programme received financing: rehabilitation (vocational, psycho-social and development of skills enabling to live independently), social services, environment availability, education, educating the society and culture, sport and leisure activities.

**Picture 15.3.2. Utilisation of funds allocated for the Programme for Social Integration of the Disabled in 2004 (in thousand LTL and in per cent)**



In 2004, the major attention was paid to the spheres of employment of the disabled, provision of social services and environment availability.

**Employment.** The goal of the programmes for social integration of the disabled in the sphere of employment is to bring the disabled into the labour market by helping to find a job, by developing outwork and activities pursued under a business certificate, utilisation of information technologies by applying general and individual programmes and ensure alternative forms of employment - work therapy, general employment. To this end, three main measures – employment in the free labour market, work therapy and general employment - were financed. Upon implementation of the financed measures, over 5 750 persons with disabilities were employed, engaged in work therapy and other forms of employment.

According to the data from the State Social Insurance Fund Board, the number of employed persons receiving invalidity pension has increased from 24 000 in the beginning of 2004 to 28 700 in the beginning of 2005. In 2004, every seventh pensioner receiving an invalidity pension was working.

According to the data available to the Lithuanian Labour Exchange, in 2004, 9 800 unemployed persons with recognised disability were registered at the Labour Exchange. During the year, 2 700 persons with disabilities found jobs.

**Social services.** The goal of the programmes for social integration of the disabled in the sphere of social services is to satisfy the special needs that have arisen due to disability by using social services on the community level. To this end, in 2004, one major measure – social services –

was financed. Having implemented the financed programmes, 250 200 disabled received social services.

**Rehabilitation.** The goal of these programmes is to restore the bio-social functions of the disabled, increase their independence and restore their vocational (occupational) skills or teach new ones with the help of consistently applied rehabilitation (vocational, independent skills and psycho-social one) measures. To this end, three main measures were financed: psycho-social rehabilitation, development of independent life skills and vocational rehabilitation. When implementing the financed programmes, over 6 720 disabled received rehabilitation services and restored self-sufficiency.

**Education.** The goal of these programmes is to develop the education of disabled children, young people and adults (those with special needs), to ensure adaptation of educational programmes and provision of social services required for educational process. To this end, in 2004, two main measures were financed: education of the disabled children and young persons (those with special needs) and non-formal education of the disabled. Over 8 000 persons with disabilities participated in the educational process.

**Educating the society.** The goal of the programmes for social integration of the disabled in the sphere of education is to raise awareness of the society about social integration of the disabled, the state policy, disabilities, their prevention and services. To this end, four main measures were financed: publication, conferences, seminars, training, other measures used for educating the society, shaping and implementing of the social integration of the disabled policy. Having implemented the financed measures, over 38 000 persons with disabilities received publicly available information on issues related to diseases, prevention, rehabilitation, social services, education, employment and legal issues and other relevant information.

**Environment availability.** The goal of the programmes for social integration of the disabled in the sphere of environment availability is to adapt a public, dwelling and information environment for the needs of the disabled. To this end, three main measures were financed – adaptation of the public physical environment, adaptation of the dwelling-place and adaptation of the information environment. Having implemented the financed programmes, 292 objects were adapted and, out of this number, 243 apartments (20 per cent of the need to adapt the apartments were satisfied) and 49 public objects; over 4 000 disabled made use of the adapted information and communications services.

Provision of orthopaedic and assistive devices to the population. Implementing the Law of the Republic of Lithuania on Social Integration of the Disabled and seeking to improve medicinal, vocational and social rehabilitation of the disabled and their medicinal, social and technical servicing, in 2003, the Ministry of Social Security and Labour implemented the programme for provision of orthopaedic and assistive devices to the population. The main goal of the programme is to supply the disabled persons with orthopaedic devices and assistive devices. The programme is implemented by compensating the expenses for the acquisition of orthopaedic devices and supplying the disabled persons with and compensating for assistive devices as well as for repairing them.

In 2003, LTL 21 364 000 were allocated from the state budget for the acquisition of orthopaedic devices. 85 311 people received services and the need for orthopaedic devices was satisfied by approximately 66 per cent.

Seeking to reform the procedure for compensation of orthopaedic devices, in 2003, the Ministry of Social Security and Labour delegated the function of implementing the Programme for Provision of Orthopaedic Devices to the Population to the Ministry of Health.

In 2003, LTL 2 920 000 were allocated from the state budget for the implementation of the Programme for Provision of Assistive Devices to the Population. The need for assistive devices was satisfied by approximately 67 per cent.

In 2004, LTL 2 735 000 were allocated from the state budget for the implementation of the Programme for Provision of Assistive Devices to the Population. Over 2004, 14 000 people were supplied with technical aids. The need for assistive devices was satisfied by approximately 67 per cent.

Seeking to more efficiently and rationally satisfy the needs of the disabled for technical aids, the Ministry of Social Security and Labour has drafted the Strategy for the Provision of Technical Aids to the Disabled for 2004-2010. The goal of the Strategy is to create an integral legal, economic and organisational system would use the funds from the state budget in a more rational way and would improve the provision of people with mobility, vision and hearing impairments with technical aids and would facilitate medicinal, social and vocational rehabilitation. The Strategy is applied to the activities of the Centre, municipalities, health care institutions and public organisations of the disabled.

The main aspects of Strategy implementation: to improve the legal system and seek to efficiently meet the special needs of the disabled for technical aids; to assess the quality of the provided services and to improve it in separate counties by establishing territorial units in the country; to use the funds from the state budget in a more rational way.

When implementing this strategy, 2 regional units of the Centre of Technical Aid for Disabled People were opened in 2004.

*Answer to the question posed by the European Committee on Social Rights: what services are provided seeking to encourage people with disabilities to live in their own homes? What share of the price do the disabled have to pay for the services? (page 363)*

Assistance at home services are provided to old and senior age people, to the disabled, children from families with social problems, people belonging to risk groups and other persons seeking to create normal living conditions and opportunities to live a full-fledged life at home. Having assessed the level of independence, the following services may be rendered: cleaning of rooms, personal hygiene and care services, purchase of food and cooking, payment of a rent and for the utilities, calling a doctor, purchase of medications, laundry, change of bedclothes, organisation of farm works and etc.

Each municipality establishes the procedure for organisation of assistance at home services. The list of services and the prices for them are approved by the municipality. The amount of the payment for the services depends upon the income of the family, the composition of the family, the state of health of the recipient, the nature of the services, the duration of the provision of services and other circumstances.

The municipalities which, due to objective reasons, can not directly provide assistance at home services may pay care allowance. This allowance is strictly defined as money to pay for provided assistance at home services. The care allowance is allocated upon the decision of the municipality taking into consideration the health status of a person, the need for these services, family status and place of residence.

*Answer to the question posed by the European Committee on Social Rights: what support does the state provide to adapt the public environment and the dwelling-place for the disabled? (page 365)*

The Lithuanian Council for the Affairs of the Disabled under the Government of the Republic of Lithuania finances the programme for the adaptation of the dwelling-place (environment) for the disabled from the funds allocated from the state budget to the programmes on medicinal, vocational and social rehabilitation of the disabled. Pursuant to the requirements for the programme for the adaptation of the dwelling-place (environment) for the disabled approved by the

Council, public organisations of the disabled organise and control the implementation of the programme for the adaptation of the dwelling-place (environment) for the disabled and participate in the work of the Commission which accepts the adapted dwelling-places (environment). Public organisations of the disabled use as many funds from the state budget for the adaptation of dwelling-places (environment) as they manage to raise from other sources (municipalities, charity, etc.). The Commission consisting of municipalities and public organisations of the disabled approve the sequence and scope of works required for adaptation of the dwelling-places (environment).

*Answer to the question posed by the European Committee on Social Rights: what measures are implemented to improve the adaptability of public transport? (page 365)*

The Ministry can not provide information about the adaptation of the public transport to the disabled as municipalities are responsible for availability of the public transport to the population, but we want to emphasize that low floor busses and trolleybuses adjusted for the disabled are already running in the biggest cities.

*Answer to the question posed by the European Committee on Social Rights: what is the legal status of the sign language in Lithuania? (page 364)*

Under the Law of the Republic of Lithuania on Social Integration of the Disabled, the sign language is a native language of the deaf people.

*Answer to the question posed by the European Committee on Social Rights: what support does the state provide to public sports organisations of the disabled? (page 365)*

The Lithuanian Council for the Affairs of the Disabled under the Government of the Republic of Lithuania finances one of the priority spheres of social integration of the disabled – culture, sports and leisure activities - from the funds allocated for the implementation of the National Programme for Social Integration of the Disabled .

In 2003, 12 781 disabled persons participated in cultural, sports and entertainment events carried out when implementing the programmes.

143 cultural events were organised (11 087 persons participated there including 9 581 persons with disabilities), 107 sports events (4 440 persons participated there including 3 851 persons with disabilities), 13 active rehabilitation – recreation camp (2 333 persons participated there including 1 504 disabled persons). 28 sports clubs for the disabled were supported and 3 200 disabled persons participated in sports activities.

In 2004, 3 cultural, 3 sports and 4 entertainment programmes were financed.

233 cultural events were organised when implementing the programmes (commemoration of the International Day of the Disabled, auditions, contests, festivals, songs and theatre festivals, concerts, creative camps, paintings exhibitions) where 14 899 persons participated including 14 279 persons with disabilities. Joint concerts of disabled and healthy artists were organised as well as other events in the retirement homes and various institutions (approximately 3 000 disabled persons participated there).

29 sports clubs for the disabled were supported and 3 200 disabled persons participated in sports activities. 51 sports events were organised (national and international championships, contests, health events), the disabled participated in 26 events for healthy people (3 456 persons including 2 884 disabled persons). 210 persons including 93 disabled ones participated in 17 international events (Paralympics Games in Athens, championships, contests, tournaments, games, Olympiads). The participation of the Lithuanian Paralympics team in the Paralympics Games in Athens was financed and the Lithuanian team won 1 gold, 1 silver and 5 bronze medals. The



Lithuanians won 20 medals and, out of this number, 9 gold, 7 silver and 4 bronze medals in other World and European championships. 10 sports camps were organised to prepare for national and international championships and games (76 persons including 64 disabled ones participated there). 4 healthy living camps were organised (126 persons including 89 disabled ones participated there). 6 sports specialists and judges improved their qualification (including 2 disabled persons). 10 sports and healthy living promoting events, regional sports events and 2 dance marathons were organised (970 disabled persons).

15 healthy living, occupation for deaf children and young people and active rehabilitation and recreation camps were organised (1058 persons participated including 787 disabled). Approximately 400 persons with disabilities participated in the organised pleasure and sightseeing trips and events.

**Question C**

***Please indicate how organisations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.***

Information is provided in the First report of the Republic of Lithuania according to the compulsory Article of the revised European Social Charter.

## **ARTICLE 17: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION**

### **Legal acts of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania**

##### **1. International Legislation**

- Convention on the Rights of the Child (*Official Gazette*, 1995, No 60-1501).

##### **2. Laws of the Republic of Lithuania**

- The Criminal Code of the Republic of Lithuania (*Official Gazette*, 2000, No 89-2741);
- The Criminal Procedure Code of the Republic of Lithuania (*Official Gazette*, 2002, No 37-1341);
- The Penal Code of the Republic of Lithuania (*Official Gazette*, 2002, No 73-3084);
- The Code of Administrative Law Offences of the Republic of Lithuania (*Official Gazette*, 1985, No 1-1);
- The Civil Code of the Republic of Lithuania (*Official Gazette*, 2000, No 74-2262);
- The Law on Special Education (*Official Gazette*, 1998, No 115-3228);
- The Law on Non-formal Adult Education (*Official Gazette*, 1998, No 66-1909).

##### **3. Subordinate Legislation**

- Resolution No IX-2110 of the Seimas of the Republic of Lithuania of 8 April 2004 “On the Approval of the National Programme for Drug Control and Prevention of Drug Addiction (2004–2008)” (*Official Gazette*, 2004, No 58-2041);
- Resolution No IX-850 of the Seimas of the Republic of Lithuania of 18 April 2002 “On the Declaration of 2003 the Year of the Disabled in Lithuania” (*Official Gazette*, 2002, No 42-1562);
- Resolution No 970 of the Government of the Republic of Lithuania of 6 September 1999 “On the Approval of the National Programme for Drug Control and Prevention of Drug Addiction (1999–2003)” (*Official Gazette*, 1999, No 76-2291; 2001, No 8-235);
- Resolution No 643 of the Government of the Republic of Lithuania of 5 May 1999 “On the Approval of Provisional Regulations of Special Educational and Care Homes for Children” (*Official Gazette*, 1995, No 39-971);
- Resolution No 581 of the Government of the Republic of Lithuania of 9 May 2003 “On the Approval of the Conceptual Framework of the Republic of Lithuania Law on the Minimum and Average Standards for Juvenile Care” (*Official Gazette*, 2003, No 47-2080);
- Resolution No 809 of the Government of the Republic of Lithuania of 25 June 2003 “On the Transfer of the Functions of the Founder of the Gruzdžiai Special Child Care Home and the Čiobiškis Special Child Care Home” (*Official Gazette*, 2003, No 61-2789);
- Resolution No 209 of the Government of the Republic of Lithuania of 23 February 2004 “On the Approval of the Socialisation Programme for Children and Young People” (*Official Gazette*, 2004, No 30-995);

- Resolution No 600 of the Government of the Republic of Lithuania of 19 May 2004 “On the Approval of the Juvenile Justice Programme (2004–2008)” (*Official Gazette*, 2004, No 83-3008);
- Resolution No 1475 of the Government of the Republic of Lithuania of 22 November 2004 “On the Approval of the Programme for the Provision of Special Education Services” (*Official Gazette*, 2004, No 170-6263);
- Resolution No 759 of the Government of the Republic of Lithuania of 28 May 2002 “On the Approval of the Programme of School Improvement” (*Official Gazette*, 54-2130);
- Resolution No 405 of the Government of the Republic of Lithuania of 27 March 2002 “On the Approval of the Regulations on Child Care” (*Official Gazette*, 2002, No 35-1275);
- Resolution No 1422 of the Government of the Republic of Lithuania of 10 September 2002 “On the Approval of the Procedure for Recording Adoptions in the Republic of Lithuania” (*Official Gazette*, 2002, No 90-3856);
- National Programme for Child Day Care Centres of Non-Governmental Organisations (2002–2004) approved by Resolution No 731 of the Government of the Republic of Lithuania of 24 May 2002 (*Official Gazette*, 2002, No 53-2076);
- Resolution of the Government of the Republic of Lithuania of 4 August 1997 “On the Approval of the Procedure for Recording School-Age Children under 16 Years of Age” (*Official Gazette*, 1997, No 75-1946);
- Resolution of the Government of the Republic of Lithuania of 28 February 2002 “On the Assignment of the Personal Identification Number to School-Age Children under 16 Years of Age” (*Official Gazette*, 2002, No 24-888);
- Resolution No 471 of the Government of the Republic of Lithuania of 24 April 2001 “On the Approval of the Programme for the Introduction of Social Teachers’ Full Time Equivalents in Educational Institutions (2001–2005)” (*Official Gazette*, 2001, No 36-1220);
- Resolution No 1471 of the Government of the Republic of Lithuania of 25 November 2003 Amending Resolution No 785 of the Government of the Republic of Lithuania “On Implementing Measures for the Reform of Financing Provided to General Education Schools” (*Official Gazette*, 2003, No 112-5026);
- Resolution No 785 of the Government of the Republic of Lithuania of 27 June 2001 “On Implementing Measures for the Reform of Financing Provided to the Schools of General Education” (*Official Gazette*, 2001, No 57-2040);
- Resolution No 759 of the Government of the Republic of Lithuania of 1 July 2000 “On the Approval of the Programme for Integration of the Roma into the Lithuanian Society (2000–2004)” (*Official Gazette*, 2000, No 759).

***Orders of the Minister of Education and Science of the Republic of Lithuania:***

- Order No ISAK-94 of the Minister of Education and Science of the Republic of Lithuania of 22 January 2004 “On the Organisation and Financing of Programmes for the Prevention of Child and Juvenile Delinquency” (*Official Gazette*, 2004, No 15-472);
- Order No ISAK-1699 of the Minister of Education and Science of the Republic of Lithuania of 28 November 2003 “On the Educational Programme for the Prevention of Trafficking in Human Beings and Prostitution (2003–2004)” (*Official Gazette*, 2003, No 13-389);
- Order No ISAK-897 of the Minister of Education and Science of the Republic of Lithuania of 25 June 2003 “On the Model for the Provision of Pedagogical and Psychological Assistance” (*Official Gazette*, 2003, No 74-3451);
- Order No 152 of the Minister of Education and Science of the Republic of Lithuania of 4 February 2004 “On the Procedure for Providing Financial Assistance for the Establishment

of Municipal Pedagogical-Psychological Services in 2004” (*Official Gazette*, 2004, No 23-728);

- Order No 642 of the Minister of Education and Science of the Republic of Lithuania of 30 April 2004 “On the Programme for the Establishment of Municipal Pedagogical-Psychological Services in 2004” (*Official Gazette*, 2004, No 78-2753);
- Order No 838 of the Minister of Education and Science of the Republic of Lithuania of 3 June 2004 “On the Approval of the Description of the Procedure for the Provision of Special Pedagogical Assistance” (*Official Gazette*, 2004, No 92-3385);
- Order No 837 of the Minister of Education and Science of the Republic of Lithuania of 3 June 2004 “On the Approval of the Description of the Procedure for the Provision of Psychological Assistance to Pupils” (*Official Gazette*, 2004, No 92-3384);
- Order No 941 of the Minister of Education and Science of the Republic of Lithuania of 15 June 2004 “On the Approval of the General Rules for the Provision of Special Social Pedagogical Assistance” (*Official Gazette*, 2004, No 100-3729);
- Order No 462 of the Minister of Education and Science of the Republic of Lithuania of 17 September 2004 “On the Prevention of Law Violations, School Non-attendance, Abuse of Psychotropic Substances and Drugs, HIV/AIDS, Violence and Crime” (*Official Gazette*, 2004, No 145-5281);
- Order No 1667 of the Minister of Education and Science of the Republic of Lithuania of 14 December 2001 “On the Approval of Qualification Requirements and Job Descriptions for Social Teachers” (*Official Gazette*, 2002, No 24-896);
- Order No 1353 of the Minister of Education and Science of the Republic of Lithuania of 1 October 2001 “On the Approval of the Provisional Procedure for the Assessment of Knowledge Acquired Independently or in the System of Non-formal Adult Education and for Obtaining State Recognised Graduation Documents of Post-secondary Education and Vocational Training or of a Particular Level or Module Thereof and the Acquisition of Qualification” (*Official Gazette*, 2001, No 88-3111).

***Other Subordinate Legislation:***

- Order No 127 of the Minister of Social Security and Labour of 16 October 2002 “On the Approval of Qualification Requirements and Procedure of the Attestation of Welfare Officers” (*Official Gazette*, 2002, No101-4521);
- Order No 64/955 of the Minister of Social Security and Labour and the Minister of Education and Science of the Republic of Lithuania of 16 August 1999 “On the Approval of the Procedure for Providing Free Meals in General Education Schools for Pupils from Low-Income Families” (*Official Gazette*, 1999, No 72-2245).

***ARTICLE 17 PARA. 1***

*With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:*

1. *a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;*

*b. to protect children and young persons against negligence, violence or exploitation;*

*c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support."*

#### **Question A**

*Please state whether your legislation makes provision for:*

- a. procedure for the establishment of the paternity or maternity of children born out of wedlock. If appropriate, state the reasons why some categories of children cannot benefit from these procedures and describe any special measures taken on behalf of these categories;*
- b. liability for the maintenance of children born out of wedlock, and whether the rules applicable differ from those for children born within marriage?*
- c. the legitimisation of children born out of wedlock;*
- d. special rules for the inheritance right of children born out of wedlock.*

Legitimate filiation of a child is confirmed in accordance with the procedure laid down in Articles 3.138 to 3.140, Book Three (Family Law) of the Civil Code of the Republic of Lithuania (hereinafter – the CC), which was enacted by Republic of Lithuania Law No VIII-1864 on the Enactment, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania (*Official Gazette*, 2000, No 74-2262; *Official Gazette*, 2000, No 77; *Official Gazette*, 2000, No 80; *Official Gazette*, 2000, No 82). Articles 3.141 to 3.145 of the CC lay down the procedure for the acknowledgement of paternity, while Articles 3.146 to 3.148 of the CC and Articles 387 to 393 of the Civil Procedure Code regulate paternity (maternity) affiliation. The grounds and procedure for contesting paternity (maternity) are provided in Articles 3.149 to 3.153 of the CC and Articles 394 to 399 of the Civil Procedure Code.

*Regarding the question presented by the Committee of the European Social Rights in its Conclusions (p. 366):*

The Committee notes that the deceased father's paternity can be challenged and that according to the report this can be unfavourable to the child. The Committee asks that the next report explain this in more detail.

### **1. Acknowledgement of Paternity**

Where the record of the baby's birth contains no data on the baby's father, and provided that paternity affiliation has not been contested, the man who considers himself the father of the child may file an application for the acknowledgement of paternity and be recorded in the birth record of the child as his/her father. The man who considers himself the father of a child must, in conjunction with the mother of the child, file a notarised application in the prescribed form for the acknowledgement of paternity to the Registry Office where the birth of the child has been registered.

To date, the form of the application has not been approved; however, the application must always contain all the data required to complete the form of the birth record of the child (full name, personal code, date of birth, nationality, place of residence, educational background, occupation or business and the requested personal identification document of the man considering himself the father of the child). The applicant must state in the application that he acknowledges himself to be the father of the child and requests to register the application with the Registry Office. Since the application is joint, the mother of the child shall indicate that the man acknowledging that he is the father of a child is the father of her child.

If the child has attained the age of ten, the Registry Office may accept an application for the recognition of paternity only with the written consent of the child. The written consent of the child may be given in a free format. If the child objects to the acknowledgement of paternity, the latter may be determined in court on the basis of a paternity suit. Where the man acknowledging his paternity of a child is a minor, the filing of an application for the recognition of paternity with the Registry Office shall be subject to the written consent of the minor's parents, guardians or curators. If the parents, guardians or curators refuse to give their consent, the court may grant leave at the request of the minor.

## **2. Paternity Affiliation**

Where a child is born out of wedlock (the mother whose marriage was registered prior to the birth of the child shall be considered to be unmarried only if three hundred days have passed from the date of dissolution of marriage (or the effective date of the separation order), i.e. if the birth record of the child contains no data of the father) and paternity has not been acknowledged, it may be determined by court. The court shall on a case-by-case basis ascertain, whether a person was entitled under the law to file a paternity suit, whether the birth record of the child contains any data of the father or not, also if there is a ground for paternity affiliation.

Depending on the circumstances, a paternity suit may be filed by the man who considers himself the father of the child, the mother of the child, the child after having attained full active capacity, the guardian or curator, the state institution for the protection of the rights of the child and the descendants of the deceased child (Art. 3.147 of the CC).

### **2.1. Paternity Suit**

A paternity suit shall be filed with the district court of the place of residence of either the claimant or the respondent. In the paternity proceedings the claimant may also file a claim for the maintenance of the child.

Should the court deny the suit, it shall enter a reasoned ruling with regard to the same. The court ruling ordering to accept the suit must be entered within ten days from the date of filing of the suit with the court. The transcript of the court ruling whereunder the suit has been denied, the suit and annexes thereto shall be handed in or dispatched to the claimant within three days from the effective date of the ruling ordering to deny the suit.

If the suit fails to meet the requirements for its substance (Art. 135 of the CPC), the court shall fix a reasonable term of at least seven days to eliminate the drawbacks. If the person fails to eliminate defects in accordance with the instructions and within the time limit defined by the court, the suit shall be considered not to have been filed and by the judge's ruling it shall be returned to the person having filed the suit.

Such cases where the court issues a ruling ordering to deny a paternity suit or to return the same shall fall under the category of exceptions set out in Article 4 Para. 3 and Article 6 Para. 3 of the Republic of Lithuania Law on Cash Social Assistance to Low-Income Families (Single Residents) to the effect that the identity of the father (mother) of the child cannot be determined.

### **2.2. Court Proceedings**

Article 4 Para. 3 and Article 6 Para. 3 of the Republic of Lithuania Law on Cash Social Assistance to Low-Income Families (Single Residents) make a provision that social assistance (social benefit and compensation of the cost of heating, cold and hot water) shall be granted to the family in the paternity affiliation proceedings.

The court shall decide the issue of accepting the claim by its resolution (Art. 137 Para. 1 of the CPC). This procedural step shall amount to the initiation of civil proceedings. It follows that the hearing of affiliation proceedings provided for in the aforementioned Articles of the Republic of Lithuania Law on Cash Social Assistance to Low-Income Families (Single Residents) shall commence as of the date of the court resolution. In this case a person applying for cash social assistance must submit a copy of the suit with the above resolution.

### **2.3. Litigation Costs**

Litigation costs consist of the stamp duty and the costs related to the hearing of the case. A paternity suit is chargeable with stamp duty of one hundred litas (Art. 80 of the CPC). Taking account of the property status of the persons in question, the court may suspend the payment of stamp duty until the date of judgement (ruling) or to release them in part from the payment of stamp duty. An application to suspend the payment of stamp duty must be reasoned. The application must be filed with evidence showing the necessity to suspend the stamp duty (Art. 83 Para. 3 and Art. 84 of the CPC). Where the suit is denied or returned without judgement, the stamp duty paid shall be returned.

Pursuant to Article 83 Para. 4 of the Civil Procedure Code of the RoL, natural persons who are recognized as socially disadvantaged in accordance with the governmental procedure (Government of the Republic of Lithuania Resolution of 23 February 1999 “On the Classification of Natural Persons as Socially Disadvantaged” (*Official Gazette*, 1999, No 20-560)) shall be exempted from litigation costs. They shall be exempted from the following costs: amounts disbursed to witnesses, experts, expert institutions and interpreters, as well as expenses related to the inspection of the scene, search for the respondent, submission of procedural documents, costs related to the execution of the court judgement, stamp duty and other necessary and reasonable costs (Art. 88 of the CPC).

In accordance with the Law of the Republic of Lithuania on State Guaranteed Legal Aid (*Official Gazette*, 2000, No 30-827), persons with low income are eligible for state guaranteed legal aid, provided that their property and income levels correspond to property and income levels eligible for legal aid under Government of the Republic of Lithuania Resolution No 71 (*Official Gazette*, 2001, 8-233). Under this law, the above persons are provided with legal information about the legislation and other regulatory acts, advice on legal issues, including the drafting of legal documents, defence and representation in legal proceedings. State guaranteed legal aid (i.e. state guaranteed defence or representation in legal proceedings) is provided by lawyers appointed by the judge or the court.

### **Confidentiality of Adoption**

Confidentiality of child adoption is not identical to protection of secrecy of adoption, which was provided for in Article 134 of the Code of Marriage and Family (with effect until 1 July 2001). In the Soviet years, secrecy of adoption denoted absolute secrecy of adoption, the revelation whereof used to carry criminal liability. The duty to protect the secret of adoption was binding not only on officials, also on other persons who by chance or due to certain reasons learned about the adoption. However, the above prohibition, primarily in respect of children themselves, to know their actual origin and any information related to them in fact contradicted the right to know their parents, which was embedded in Article 7 of the United Nations Convention on the Rights of the Child. Hence, in the updated version of the Civil Code the protection of secrecy of adoption was replaced with confidentiality of adoption and the scope of the same was defined in the law.

Confidentiality of adoption is governed by the provisions of Art. 3.221 of the CC. Para 1 of this Article provides that adoption cases shall be heard by the court in a closed hearing. This means that only the applicants, representatives of the Adoption Service or Child Rights Protection Service

and the adoptive child who is capable of forming and expressing his or her views, attend the court hearing.

Para 2 of the same Article prohibits revealing data on the child's adoption without the consent of the adoptive parents. This means that until the child attains majority, natural parents of the child, also other persons shall not, without the consent of the adoptive parents, be entitled to obtain the adoption data, nor any institution or its staff related to the storage of the adoption data may, without the consent of the adoptive parents, reveal the adoption data. The law grants the right to the adoptive parents to decide before the child attains majority, whether the disclosure of adoption data does not infringe the interests of the child. Thus, interested parties may obtain data on adoption only if consents are given by the adoptive parents. Adoptive parents may consent to the disclosure of adoption data to any interested person or specify particular persons to whom they consent to reveal the data. Institutions to whom the data on adoption is available may also reveal such data only given the consent of the adoptive parents. In considering, whether to grant their consent, the adoptive parents take account of the tradition of upbringing and education, maturity, age, peculiarities of the former relationship with their natural parents and act in the interests of the child. The possibilities of revealing data on adoption (consent or objection of the adoptive parents) must be identified by the institution, which keeps the data on adoption. The consent to disclose adoption data does not mean that any interested person may be allowed access to all the information related to the child and the adoptive parents. The confidentiality of both adoption proceedings in courts and documents in the Adoption Service, which ensures privacy is retained and documents pertaining to adoption remain confidential. Those requesting data on adoption generally receive information only about the adoptive parents and the adoptive child, as well as the natural parents of the adoptive child, or such information is limited to the data that the adoptive parents consented to reveal.

Para 3 of this Article specifies the persons, cases and the procedure for the provision of information on adoption where the adoptive parents have not consented to the disclosure of the data on adoption, or where the consent has been given; however, to other persons than those who request the information. Information on a child's adoption may be provided to: 1) the child from the age of 14, 2) the child's former close relatives (according to blood relationship), 3) to other persons. By operation of law, a child from the age of 14 has the right to independently protect his/her rights, obtain information on the adoption, unless this is contrary to the interests of the child. The former close relatives of the child are parents, grandparents, brothers and sisters. The law does not specify other persons; however, it is essential to ascertain the purpose of disclosure of the adoption data. Information to the persons referred to above may be provided only in case it is necessary for the considerations of the child's health or the health of the child's close relatives or of other persons, as well as for any other important reason. In each particular case the request to provide information on adoption must necessarily specify the reasons and contain evidence that the reasons are valid. The right to decide, whether information on adoption may be provided, also what specific information may be provided to a specific person rests with the court adjudicating in the adoption proceedings. The request to provide information shall be submitted to the court.

#### **Question B**

***Please describe the measures in force with regard to adoption. How close does the status of the adopted child come to that of the biological child?***

While the legal regulation in force under the Civil Code has not changed, no further information is available to us.

Please refer to Art. 17 Para. 1, Question B of the Second Report of the Republic of Lithuania.



Please find updated statistical data.

According to the data available to the Adoption Service under the Ministry of Social Security and Labour, compared to 2003, the number of adopted children increased by 76 in 2004. In 2004, 297 children were adopted, of whom 194 were adopted by the citizens of the Republic of Lithuania and 103 by foreign nationals. In 2003, the total number of children adopted by Lithuanian and foreign nationals was 221 children, of whom 117 were adopted by the citizens of the Republic of Lithuania and 104 by foreign nationals.

The majority of children are adopted in the largest cities of Lithuania, i.e. Vilnius, Kaunas and Klaipėda. This is accounted for not only by a larger population in these cities, but also the fact that the Child Rights Protection Services of the municipalities of the cities employ personnel in charge of adoption or these services have social partners (e.g. Kaunas). In addition to the assessment of the future adoptive parents, they also provide information about the mission of adoption and prepare families for this important move.

**Table 17.1.1. Number of Children and Adopters in Lithuania and the Age of Adopted Children**

Metai	Adopted children (in total for citizens of Lithuania)	Children Adopted by spouse	Adopted children deprived of parental care	Adopters			
				Family	Unmarried persons	Relatives	Guardians
2003	117	56	61	22	3	3	33
2004	194	101	93	41	3	0	49

*Data from the Adoption Service under the Social Security and Labour*

It is noted that there is a larger tendency to adopt girls in Lithuania. In 2004, the number of adopted girls exceeded the number of boys by 17. A tendency also remains to act as a guardian (curator) of the selected child. In 2004, prior to adoption of children deprived of parental care, 48 families acted as their guardians (curators). The main reasons leading families to their decision to act as temporary guardians (curators) of children is the uncertainty of the prospective adopters as to their ability to give the adopted child proper upbringing in the future, as well as psychological compatibility problems.

As of 31 December 2004, the registry of those wishing to adopt a child contained 43 Lithuanian families or persons and 299 families or persons of foreign nationals. Compared with 2003, in 2004 the number of Lithuanian families or persons wishing to adopt a child remained similar (in 2003, 43 families or persons of the Republic of Lithuania), while the number of foreign families or persons increased (in 2003, 245 foreign families or persons). The statistical data of 2004 reflects that the number of those willing to adopt children is growing. This is also conditioned by an increasing number of positive articles in the national press about families with adopted children who emphasize that the adoption process is not that complicated as it may seem at first sight.

All the children entered on the record of adoptable children are primarily offered for adoption or guardianship to Lithuanian families and only if there are no other persons who are capable of upbringing and providing maintenance to them, and six months after the date of entry of the children on the record, inter-country adoption is considered.

Regarding the question presented by the Committee of the European Social Rights in its Conclusions (p. 366):

*The Committee asks that the next report provide up-dated information on the procedures regulating adoption.*

Adoption procedures in the Republic of Lithuania are governed by the Constitution of the Republic of Lithuania, the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993), the 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 Civil Procedure Code of the Republic of Lithuania, Republic of Lithuania Government Resolution No 1422 of 10 September 2002 "On the Approval of the Procedure for Recording Adoptions in the Republic of Lithuania", Resolution No 1674 of 23 October 2002 "On the Approval of the Regulations of the Adoption Service under the Ministry of Social Security and Labour", Resolution No 1983 of 17 December 2002 "On the Approval of the General Regulations of Child Rights Protection Services" and other legal acts of the Republic of Lithuania.

The Civil Code of the Republic of Lithuania introduced new conditions that are requisite for adoption, of which the most important and affecting the adoption procedure are the following:

1. Adoption is subject to the written consent of the parents, guardians (curators) (except for a public guardianship institution) approved by the court, which explicates the consequences of adoption and the right to revoke the consent to adoption.
2. The age limit for adopters is under 50 years. The court may give leave for older persons to adopt a child in exceptional cases only.
3. Unmarried persons may adopt a child only in exceptional cases.
4. Prospective adoptive parents are required to undergo verification of their readiness for adoption, following which a conclusion is made as to the preparedness of adopters to become adoptive parents.
5. The protection of secrecy of adoption was replaced with confidentiality of adoption, with emphasis on its limits and the right of the child to know his/her origin.
6. The law provides for the possibility to transfer the child to the adoptive family prior to adoption.
7. Foreign nationals are allowed to adopt a child who is a citizen of the Republic of Lithuania only in the event that within 6 months from listing of the child in the registry of adoptable children no application has been received from citizens of the Republic of Lithuania to adopt the child or to place the child under guardianship. This requirement is in compliance with the provisions of the Preamble of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993) and Article 21 Paragraph b) of the United Nations Convention on the Rights of the Child to the effect that placement of the child under guardianship in the child's country of origin is in the interest of the child and is considered to be a more appropriate method of upbringing and education of the child than inter-country adoption.
8. In inter-country adoption, it is necessary to take all appropriate measures to ensure that the placement of the child in a foreign country does not result in improper financial gain for those involved in it. This requirement is in conformity with the provisions of Article 21 Para. d) of the United Nations Convention on the Rights of the Child (1993) and Article 8 of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.
9. The law has established the procedure for the recognition of adoption executed in another country.

The Civil Code of the Republic of Lithuania does not provide for the grounds of annulment of adoption with a view to ensuring reliable protection of the rights and legal interests of the child. Pursuant to Article 3.227 of the Civil Code of the Republic of Lithuania, the adoptive parents shall be treated as the child's parents under the law from the moment that the court judgement on the adoption became *res judicata* and they shall not have the right to seek annulment of adoption. It is

also established that adoption shall terminate mutual rights and duties between the child and his/her natural parents and relatives.

With a view to proper implementing the requirements of the Civil Code of the Republic of Lithuania, the Procedure for Recording Adoptions in the Republic of Lithuania was approved by Government of the Republic of Lithuania Resolution No 1422 of 10 September 2002, which established systematic and efficient organisation of pre-trial adoption procedures.

In pre-trial adoption procedures, the Adoption Service under the Ministry of Social Security and Labour closely co-operates with municipal child rights protection services. The latter inform the Adoption Service about adoptable children. Municipal child rights protection services also update the Adoption Service on the Lithuanian nationals interested in adoption, submit their documents and notify them about the proposals of the Adoption Service to adopt particular children.

As already mentioned, if within six months from inclusion of the child in the list of adoptable children there is no possibility to find an adoptive family of Lithuanian nationals seeking to adopt the child or to act as the child's guardians, subject to the consent of either the child (depending on the maturity of the child), the guardianship institution or municipal child rights protection service, the Adoption Service decides to offer the child for adoption to families of foreign nationals.

The Procedure for Recording Adoptions in the Republic of Lithuania establishes that foreign nationals habitually resident abroad and foreign nationals who wish to adopt the child in Lithuania must apply to the Adoption Service through the central authority in the state of their habitual residence or its accredited bodies. This is consistent with the requirements of Article 14 of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993).

Article 16 of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993) and Article 20 Para. 3 of the United Nations Convention on the Rights of the Child provide that when considering solutions with regard to adoption of a child by a citizen of another country, consideration must be given to the hereditary continuity of the child's education, the child's ethnic origin, religious and cultural adherence and mother tongue. Such a requirement is set forth in Article 3.224 Para. 5 of the Civil Code of the Republic of Lithuania and Clause 52 of the Procedure for Recording Adoptions in the Republic of Lithuania.

The Civil Procedure Code of the Republic of Lithuania prescribes that foreign nationals seeking to adopt a particular child must submit a document confirmed in the manner laid down by the law of their state that the foreign state will recognize the adoption of the particular child and the child will be authorized to enter and reside permanently in that state. This is consistent with the requirements of Article 5 and 17 of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993).

### **Question C**

*Please indicate how the legal representation of children is ensured, notably in case of conflict with or between the parents or the persons in charge of the child. Are children entitled to be heard and have their views taken into account during legal proceedings? If so, from what age and on which issues?*

Article 3.164 Para. 1 of the Civil Code prescribes that in considering any issue related to a child, the child, if capable of formulating his or her views, must be heard directly or, where impossible, through a representative. Any decision on such an issue must be taken with regard to the child's wishes, unless they are contrary to the interests of the child. A parallel provision is entrenched in Article 380 of the Civil Procedure Code (hereinafter – the CPC). A child may express his/her views orally, in writing or in any other way that the child may elect. The statement of approval or objection to the suit of the child who has attained the age of fourteen must be expressed

in writing or entered in the record of court proceedings and signed by the child. Article 3.164 Para. 2 of the CC prescribes that if a child considers that his or her parents abuse his or her rights, the child shall have the right to apply to a public institution for the protection of the child's rights or, on attaining the age of 14, to bring the matter before the court. When adjudicating on disputes over children, the court must hear the child capable of expressing his or her views and ascertain the wishes of the child (Art. 3.177 of the CC).

Article 3.174 of the CC provides that the court shall resolve the dispute regarding the place of residence of the child having regard to the interests of the child and the child's wishes. The child's wishes may be disregarded only if they are contrary to the best interests of the child. If the child is capable of expressing his/her views, the child shall be provided the opportunity to be heard and to influence decision making regarding the establishment or annulment of guardianship/curatorship or appointment of a guardian/curator (Article 3.249 Para. 2 of the CC, Article 503 Paras 1 and 5 of the CPC). Article 503 Para. 1 of the CPC provides that an expert psychologist may be invited to determine the capability of the child to express his/her opinion and to interpret the opinion of the child. A child may express his/her views orally, in writing or in any other way that the child may elect.

Article 3.125 of the Civil Code and Article 485 of the Civil Procedure Code provide that where the child has attained the age of 10, he/she must be heard in adoption proceedings before court. The court shall ascertain, whether the child consents to adoption or to his/her adoptive parents or the recognition of his/her adoptive parents as his/her legal parents, also to the change of his/her name and surname. Where the child who is being adopted has attained the age of ten, the written consent of the child is required. The child shall file his or her consent with the court; adoption without such consent shall not be permitted (Art. 215 Para. 1 of the CC, Art. 485 Para. 1 of the CPC). Where the child is under ten, the court must hear him if he or she is capable of expressing his or her views. In making solutions the court shall take account of the child's wishes, provided that the latter are not contrary to the interests of the child (Art. 215 Para. 2 of the CC, Art. 485 Para. 2 of the CPC). The child may express his/her opinion in oral, written form or in any other way that the child may elect.

#### **Question D**

*Please indicate if your legislation provides for special institutions or special courts (possibly child tribunals or special procedures) to deal with young offenders.*

*Please indicate what is the age of criminal responsibility, at which sanctions can be applied; the penalties available and the conditions under which they are carried out, notably for penalties involving restrictions on liberty. Please also indicate the measures of protection, education and treatment and the care provided as a means of prevention or as an alternative to detention, as well as the measures to minimise the risk for vulnerable young people.*

A lot of attention in the legislation of the Republic of Lithuania is given to juvenile justice. Worth mentioning is the ongoing Juvenile Justice Programme (2004–2008) and the preceding Juvenile Justice Programme (1999–2002) which are aimed at creating conditions for a targeted, permanent and integrated improvement of the juvenile justice, providing for the adoption of appropriate measures that will assist more efficient and professional functioning of the system, with greater focus on differentiated needs of juvenile offenders, institutions and their staff working with juvenile offenders, as well as the whole society.

The peculiarities related to the responsibility of juvenile offenders are provided in numerous legal acts: the Criminal Code of the Republic of Lithuania, the Criminal Procedure Code of the Republic of Lithuania and the Penal Code of the Republic of Lithuania came into operation as of 1 May 2003. Chapter XI of the Criminal Code deals exceptionally with the peculiarities of criminal liability of juvenile offenders. It provides for the types and scope of penalties and the rules for

imposition of the same, educational measures, the grounds for their imposition and other aspects. Although neither the Criminal Procedure Code, nor the Penal Code contain special chapters dedicated to juvenile offenders, they incorporate numerous provisions on enhanced protection and guarantees for minors. Certain provisions applicable to juvenile offenders are also comprised in the Code of Administrative Law Offences, while the new draft version of the Code of Administrative Law Offences, which currently is being deliberated by the Seimas, contains a separate chapter dealing with the peculiarities of administrative liability of minors.

Currently Lithuania has no special-purpose judicial authority in place to deal only with juvenile matters. This may be accounted for the fact that Lithuania is quite a small country and juvenile proceedings are not numerous to the extent that it would be expedient to establish separate institutions for juvenile justice only. On the other hand, this aim is pursued through the specialisation of officials. There are over 100 specialist judges and over 80 specialist prosecutors in Lithuania who examine and adjudicate in juvenile delinquency proceedings. The police also appoint specialist pre-trial officials who investigate juvenile cases. Although a lot has already been achieved in this field, the work is progressing, i.e. in accordance with the Juvenile Justice Programme (2004–2008) training is organised for officials and methodological material is being prepared.

*(Regarding the question of the European Committee of Social Rights on specialised courts or their sub-divisions hearing juvenile proceedings (pp. 370–371).*

Liabile under the Code of Administrative Law Offences is a person who attained the age of sixteen prior to the commission thereby of an administrative offence. Juvenile offenders may be subject to a warning, penalty, other administrative sanctions; however, administrative detention in respect thereof shall not apply.

A person who at the time of commission of a crime or offence had attained the age of 16 years, shall be held liable under the Criminal Code, except for the cases provided for in Article 13 Para. 2 of the Criminal Code, where such age is fourteen years. Article 13 Para. 2 of the Criminal Code stipulates that persons who at the time of commission of a crime or offence were fourteen years old shall also be held liable for murder, serious damage to health, rape, sexual violence, theft, robbery, extortion, destruction or damage to property and some other serious crimes (the Code gives an exhaustive list). A person who at the time of commission of a dangerous act was under the age of fourteen, may be subject in accordance with the laws of the Republic of Lithuania to reformatory or other measures.

Pursuant to the Criminal Code, only the following penalties may be imposed on a juvenile: 1) community service; 2) a fine; 3) restriction of liberty; 4) detention; 5) term of imprisonment. A juvenile may be liable to detention from five to forty-five days, while the term of imprisonment of the juvenile offender shall not exceed ten years. A juvenile offender may be sentenced to a term of imprisonment if the court has a reason to believe that other types of penalties will not be sufficient to change the criminal tendencies of the juvenile offender, or if the juvenile offender is responsible for a major or grave crime. Where a term of imprisonment is imposed on a juvenile offender, the minimum term shall be calculated from half of the minimum sentence provided for in the sanctions of the relevant Article of the Criminal Code, under which the juvenile offender is being tried. A juvenile offender may not be sentenced to life imprisonment. Juvenile convicts who are sentenced to imprisonment or detention serve their sentence in specialised juvenile corrective institutions (e.g. *Kaunas Interrogation Facility – Correctional Facility*) or separate divisions of corrective institutions (e.g. *Panevėžys Corrective Labour Colony* for convict women only has a separate division for juvenile female convicts). Juvenile convicts are held separately from adult convicts.

A juvenile offender having committed a misdemeanour is, while a juvenile offender who committed a crime but was exempted from criminal liability or punishment, may be liable to educational sanctions. The above peculiarities of juvenile criminal liability may also be invoked by

a motivated decision of the court in respect of persons who at the moment of commission of a criminal act were under 21 years of age.

Article 82 of the Criminal Code provides that in lieu of a criminal punishment, i.e. placement in a penal institution, the court may impose alternative penalties on a juvenile offender: warning, restitution for or elimination of material damage, unpaid corrective labour, placement into the custody and care of parents or other natural and legal persons which take care of children, restrictions on conduct and placement in a special educational institution. Thus, pursuant to the laws of the Republic of Lithuania, one of the basic alternatives for detention and imprisonment of juvenile offenders in a penalty institution is their placement at the discretion of the court in a special educational institution. Pursuant to Article 88 of the Criminal Code, the term for the placement of a juvenile in a special educational institution at the discretion of the court may be fixed for a period from six months to three years; however, no longer than by the time the juvenile reaches the age of 18 years. The specific term of placement in a special educational institution shall be set by the court taking into consideration the character traits of the juvenile, his/her previous criminal record, sanctions previously applied in respect of the juvenile, and other circumstances of the case.

The activities of special child education institutions are governed by the Regulations of Special Educational and Care Homes for Children approved by Government of the Republic of Lithuania Resolution No 643 (*Official Gazette*, 1995, No 39-971). The above Regulations make a provision that special educational and care homes for children form part of the educational system of the Republic of Lithuania as corrective and rehabilitational public, special treatment institutions of general education and training for juveniles with asocial behaviour. The principal aims of educational and care homes for children are as follows: to take care of children experiencing educational and social exclusion; to satisfy the fundamental psychological needs of children pertaining to safety, dignity, consideration and respect; to create conditions for revealing positive elements of their character; to promote public spirit and the understanding of rights, duties, and responsibilities before the public, the nation and the state. The specific character of disciplinary education necessitates restriction of certain rights of children in educational and child care homes. Children are prohibited from abandoning the territory of educational and care homes, except with the knowledge of the educators; from keeping and consuming alcohol, tobaccos, poisonous, narcotic and other psychotropic substances; possessing things and articles with which they can inflict physical harm on themselves or the surrounding people; and from gambling. Children in special educational institutions and care homes must until the age of 16 learn the subjects of general education; be respectful towards the educators and other staff of educational and care homes; take part in educational and labour productive activities; abide by the laws of the Republic of Lithuania, regulations of educational and care homes and their internal procedures.

Currently, there are four special child care and educational homes in Lithuania: in Veliučioniai, Čiobiškis, Gruzdžiai (for boys) and Vilnius (for girls). In Veliučioniai and Vilnius special educational and care homes for children the monthly maintenance per child is about LTL 4000. In the Čiobiškis special educational and care home for children the expenses in question amount to LTL 2800, while in Gruzdžiai – approx. LTL 1800. More than 70 children are yearly referred to special educational and care homes for children mentioned above.

It is noteworthy that in accordance with the Provisional Regulations of Special Educational and Care Homes for Children, in certain cases a juvenile may be referred to special children's education and care homes without a relevant court judgement: admitted to educational and care homes on requisition of parents or persons acting *in loco parentis* and with the consent of the child and with a reference from the Ministry of Education and Science may also be juveniles from 16 to 17 years of age responsible for regular offences of the administrative law (if at least three times a year they were subject to administrative sanctions); juveniles from 12 to 16 years of age who are responsible for regular violations of disciplinary rules of the school, runaway and street children (according to the documents submitted by the administration of the school they attend and

institutions for internal affairs (the police); juveniles from 12 to 14 years of age who are responsible for (grave) acts which are dangerous to the public (according to the documentation provided by the institutions for internal affairs (the police)).

In 2003, the Ministry of Education and Science prepared a conceptual framework of the Republic of Lithuania Law on the Minimum and Average Standards for Juvenile Care (*Official Gazette*, 2003, No 47-2080) and was working on the draft of Republic of Lithuania Law on the Minimum and Average Standards for Juvenile Care. In 2004, a draft of the Republic of Lithuania Law on the Minimum and Average Standards for Juvenile Care was prepared. The aim pursued by this Law is the creation of the system of measures for minimum and average standards for juvenile care consistent with the rights of the child, and directed at the education and social, educational and psychological assistance to children with behaviour disorders. The draft of the Law provides for the development of a network of institutions for minimum and average juvenile care on the principle of regionality, closer to the place of residence of children. The proposal is to develop a network of institutions for minimum care on the municipal level, and for the average care – on the county level. Hence, plans are to develop the network of special educational and home care institutions on the whole territory of Lithuania. Proposals are to establish one average care institution for boys and one for girls in every county. Smaller counties might establish the above institutions jointly. This is in the attempt to ensure that problematic children retain the family relationship and associate with parents.

A number of these provisions were put into practice in 2003–2004: for the purpose of reforming the existing network of special juvenile care institutions, in accordance with Government Resolution No 809 of 25 June 2003 “On the Transfer of the Functions of the Founder of the Gruzdžiai Special Child Care Home and the Čiobiškis Special Child Care Home” (*Official Gazette*, 2003, No 61-2789), the functions of the founder of the Gruzdžiai Special Child Care Home and the Čiobiškis Special Child Care Home were transferred from the Ministry of Education and Science to regional institutions, i.e. Vilnius and Šiauliai County Governor Administrations.

Furthermore, with a view to ensuring prevention of delinquency among pupils and reducing the risks of involvement of pupils in criminal acts or becoming victims of such acts, the Integrated Programme for Socialisation of Children and Young People was developed in 2003, which was approved by the Government of the Republic of Lithuania on 23 February 2004. The purpose of the Programme is to ensure welfare of children and young people under 18 years of by means of developing and implementing through social partnership targeted occupational, preventive and educational programmes (strategies) that condition successful socialisation of children and young people, develop their cultural maturity, public spirit, social skills, self-expression, abilities and aptitudes leading to the creation of better social and educational conditions for training. The Ministry of Education and Science will co-ordinate the implementation of the Programme and will implement it in conjunction with other ministries, county governors’ administrations, municipal administrations, educational institutions and non-governmental organisations. The beginning of the implementation of the Programme is scheduled for the start of 2004 until the end of 2014. The Programme will be implemented in three stages. The first stage that is scheduled for 2004–2006 is intended for the analysis and assessment of the implications of the present actions and adoption, added to the programmes that are underway, of other measures that are necessary in order to ensure socialisation of children and young people. For the purpose of implementing the Programme nearly LTL 200 million will be allocated from the state budget in 2004–2014. The drafting of legal acts to implement the Programme was launched in 2004. Among these were the following: the Criteria for Evaluation of Children and Youth Programmes, the Concept of Non-formal Education of Children, the Financing Model for Non-formal Education of Children, the Methodology for Audit of the Institutions of Non-formal Education of Children, etc. Socialisation measures for children and young people and delinquency prevention were also implemented in 2004 as part of the Programme of the Ministry of Education and Science for the Assurance of Education of Children and Young

People. It pursues the aim to promote self-expression, occupation and socialisation of children and to increase the efficiency of prevention in educational institutions. As part of this Programme such events as Lithuanian Pupils' Song Festival, song contest "Dainų dainelė", the EU national young scientists contest, the Lithuanian Pupils' Parliament, the Action Week initiated by the UNESCO and the EU Global Education Week and other events of non-formal education of children were organised.

Furthermore, the 2004 Procedure for the Organisation and Financing of the Programmes for the Prevention of Child and Juvenile Delinquency in Municipalities and the 2004 Procedure for the Organisation and Financing of Programmes for the Prevention of Child and Juvenile Delinquency in Public Child and Youth Organisations, National Institutions of Non-formal Education for Children and Juveniles and Other Institutions (Order No ISAK-94 of 22 January 2004 of the Minister of Education and Science of the Republic of Lithuania) were prepared. In 2004, 348 000 children took part in various programmes: over 86 000 children joined the children's recreational summer programme, over 112 000 children and juveniles took part in the programme for the prevention of child and juvenile delinquency, about 150 000 children took part in targeted employment programmes. Meanwhile, in 2003, 215 000 children participated in socialisation programmes (including 107 000 in the Programme for the Prevention of Child and Juvenile Delinquency, 73 000 in children's recreational summer programmes, 35 000 in extracurricular programmes).

In 2004, to implement the Juvenile Justice Programme (2004–2008) approved by Government of the Republic of Lithuania Resolution No 600 of 19 May 2004 (*Official Gazette*, No 83-3008) the monitoring of legal acts governing the operation of the juvenile justice system was undertaken.

With a view to precluding the proliferation of crimes related to trafficking in human beings and prostitution (often juveniles fall victim to or get involved in such crimes) and extending help to the victims of such crimes, the Minister of Education and Science of the Republic of Lithuania approved by Order No ISAK-1699 of 28 November 2003 (*Official Gazette*, 2003, No 13-389) the Educational Programme for the Prevention of Trafficking in Human Beings and Prostitution (2003–2004) designed to develop and implement in Lithuanian schools a programme for preventive education, to create conditions in schools for early prevention of trafficking in human beings and to strengthen interdepartmental co-operation. In collaboration with the Nordic Council of Ministers Information Office and the Nordic Baltic Information Campaign, the Ministry of Education and Science prepared and released two publications against trafficking in women: *Trafficking in Women and Children: Methodological Advice for Educators, Aspects of Preventive Practices* which is intended for social educators, social workers, form masters, teachers and others who are concerned with the issues of trafficking in women, as well as the publication *Your Positive Pathway: To Young People About the Risks of Trafficking in Human Beings*, as well as a publication for pupils and young girls, which seeks to introduce more thoroughly to the risks of trafficking in human beings. The publication for pupils is also intended for social educators, form masters and teachers to provide them the opportunity to introduce more thoroughly the increasingly perceptible social problem, i.e. trafficking in human beings, to young people in extracurricular activities. The above publications were presented to educators and the general public in 2003, and those having attended the seminars could obtain the publications. Other publications were distributed to the libraries of schools employing social educators.

The National Centre for Special Needs Education and Psychology under the Ministry of Education and Science and municipal pedagogical psychological services rendered consultations to groups of children and juveniles at risk having experienced sexual abuse. In 2003, a free, anonymous hotline "School Line" providing psychological assistance to children, parents and teachers on the telephone was launched. The National Centre for Special Needs Education and Psychology provided regular consultations and required information to psychologists and social



educators, staff and teachers on how to organise preventive work at school directed against trafficking in human beings and prostitution. The Ministry of Education and Science conducted preventive work against trafficking in human beings and prostitution in the institutions of education, and has been training specialists capable of providing assistance to affected children or their close relatives. In 2003, the Teacher Professional Development Centre organised seminars, courses, delivered lectures on an individual basis to teachers on the arrangement of preventive work at schools directed against trafficking in human beings and prostitution. A survey entitled *Mechanisms for Involvement of Girls in Prostitution* was conducted in 2004. 800 girls were interviewed and a quantitative and qualitative analysis was performed. The results of the survey were used as a basis for methodological guidance *Attitudes of Girls Towards Prostitution. Prevention of Involvement of Girls in Prostitution* intended for social educators, school psychologists and teachers. A round of seminars (7 seminars) *Risks of Involuntary Prostitution* was also organised to the specialists of educational institutions, which provided knowledge and skills to 75 specialists working with children at risk; a seminar for psychologists of pedagogical psychological services and school psychologists *Prevention and Intervention of Psychological Crisis of Children and Juveniles*, which improved hands-on experience of 42 psychologists in the field of crisis prevention and intervention. In 2004, a training cycle was organised for children and young people (seminars *Self-knowledge. Development of Protection Skills* in Vilnius Boarding School No 4 and the Paparčiai Child Care Home); 33 children and juveniles acquired knowledge and developed self-protection skills. In addition, seminars *Risks of Involuntary Prostitution* for children and young people were organised in boarding schools and child care homes; 136 children acquired knowledge about the ways of involvement in prostitution and developed self-protection skills.

*Regarding the questions presented by the Committee of the European Social Rights (p. 371 of the Conclusions):*

The Committee notes from another source that the execution of the punishment may be postponed for one to three years if a person is sentenced to corrective labour or imprisonment for the first time, or if no aggravating circumstances were found and the aims of the punishment could be achieved without its actual execution. Upon expiry of the term of postponement, the court either lifts the sanction or annuls the postponement and orders the execution of the imposed punishment.

The Committee asks that the next report provide more details on this procedure. In particular, it asks whether the full sentence is imposed after the postponement is annulled.

Suspension of execution of punishment is a humane sanction which provides the opportunity for a person having committed a criminal act of which he/she was convicted to avoid the actual execution of the sentence of imprisonment if the court rules that there are sufficient grounds to believe that the purpose of the penalty will be achieved without the penalty being actually served. Article 92 of the Criminal Code provides for suspension of sentence for a juvenile. Where a juvenile is sentenced to imprisonment for a term not exceeding four years for the commission of one or a few crimes through negligence, or one or a number of intentional crimes, the court may suspend the execution of the imposed sentence for a period ranging from one to three years. In suspending the execution of the sentence imposed on the juvenile, the court must impose on him one or several educational sanctions, except for placement in a special educational institution.

If, during the period of suspension of sentence, the sentenced juvenile:

1) complied with the educational measures imposed by court, committed no violations provided for in paragraph 3 below, and there are grounds to believe that in the future the person will abide by the laws and will not commit any further crimes, the court shall release him from punishment upon expiry of the term of suspension of sentence;

2) complies with the corrective sanctions imposed by the court; however, has committed other violations of law for which administrative penalties or disciplinary sanctions have already been imposed on him, the court may extend the term of suspension of sentence for one year;

3) if the sentenced person fails, without good reason, to comply with the educational measures imposed by the court or violates public order, or indulges in excessive drinking or commits other violations for which administrative penalties or disciplinary sanctions have been twice imposed on him, the court, on the recommendation of the institutions supervising the conduct of the sentenced person, shall warn the sentenced person that the suspension of sentence may be revoked. If after the warning the sentenced person fails to comply with the sanctions imposed by the court or commits violations of law, the court, on the recommendation of the institutions supervising the conduct of the sentenced person, shall rule to revoke the suspension of sentence and to execute the imposed sentence;

4) commits a new criminal act, the court shall impose a sentence on the juvenile in accordance with the rules for the imposition of penalties laid down in Articles 64, 90 and 91 of the Criminal Code.

It is noteworthy that until July 2004, the suspension of the execution of sentence could be administered in respect of a penalty and detention; however, subsequent to the amendment of the Criminal Code, the suspension of the execution of sentence can be administered only in respect of long-term punishment – a term of imprisonment. According to the statistical data, in 2004 the suspension of sentence was applied in respect of 61.8 per cent of all the sentenced juveniles, and 28.4 per cent in 2005. A decrease in this number is mostly related to the above amendments to the Criminal Code in 2004, which restricted the application of the suspension of execution of sentence.

The Committee notes that prison sentences can be served in general regime corrective prisons or strict regime prisons. The Committee requests that the next report provide up-dated figures on the number of young offenders in prison, it asks also whether minors are at all times separated from adults.

Pursuant to the Criminal Code, only the following penalties may be imposed on a juvenile: 1) community service; 2) a fine; 3) restriction of liberty; 4) detention; 5) term of imprisonment. A juvenile may be liable to detention from five to forty-five days, while the term of imprisonment of the juvenile shall not exceed ten years. A juvenile offender may be sentenced to a term of imprisonment if the court has reasons to believe that other types of penalties will not be sufficient to change criminal tendencies of the juvenile offender, or if the juvenile offender has committed a major or grave crime. When a term of imprisonment is imposed on a juvenile offender, the minimum term is calculated from half the minimum sentence provided for in the sanctions of the relevant Article of the Criminal Code, under which the juvenile offender is being tried. A juvenile offender may not be sentenced to life imprisonment. A juvenile shall be considered a person who at the time of commission of the criminal act was under 18 years of age. Furthermore, the above peculiarities of juvenile criminal liability may also be invoked by motivated decision of the court in respect of persons who at the moment of commission of a criminal act were under 21 years of age.

Under penal statutes, a person who has not attained the age of 18 during the service of sentence shall be deemed a juvenile. However, pursuant to Article 81 of the Penal Code, such convicts who at the time of service of their sentence attain the age of 18 and clearly begin to reform, may be left in the juvenile corrective institution until the expiration of the term of sentence; however, not longer than by the time they will attain the age of 21. Juvenile convicts who are sentenced to a term of imprisonment or detention serve their sentence in specialised juvenile corrective institutions (e.g. *Kaunas Interrogation Facility – Correctional Facility*) or separate divisions of corrective institutions (e.g. *Panevėžys Corrective Labour Colony* only for convict women has a separate division for juvenile convict girls). Juveniles who are taken into custody serve their sentence in detention centres under corrective institutions. Juvenile delinquents are held

separately from adults, save for the above exception applicable to persons having attained the age of majority.

According to the data from the Prisons Department under the Ministry of Justice, the average term of imprisonment imposed by court on juvenile delinquents in 2005 was 3 years and three months. The average term of sentence actually served was 1 year.

As of 1 January 2006, the aggregate of 102 juveniles were held in corrective institutions and detention centres.

97 juvenile delinquents (including one female juvenile delinquent) served their sentence of imprisonment in corrective institutions. It is noteworthy that the above number is also inclusive of persons who, pursuant to Article 81 of the Penal Code, continued to serve their sentence in juvenile corrective institutions after they attained the age of 18.

Five juveniles (including one female juvenile delinquent) served their sentence in detention centres.

A part of juvenile convicts were also kept in an interrogation facility for a number of reasons (i.e. whose sentence has become effective; however, they have not yet been transferred into a corrective institution, in respect whereof procedural steps have been undertaken in criminal proceedings, etc.). On 1 January 2006, 36 juvenile convicts were kept in an interrogation facility.

The Committee requests information as to how many minors are subject to pre-trial detention, where are they held, the duration thereof and for what types of offences. The Committee notes from another source that juvenile offenders are held for long periods in pre-trial detention because the justice system is overloaded, and the fact that there are no programmes for their rehabilitation and reintegration into society. From the report it notes that institutions of pre-trial investigation experience a lack of social workers. The existing network of reformatories for young offenders and services rendered by such institutions are underdeveloped and do not guarantee the resocialisation of young offenders. The Committee asks that the next report contain detailed information on any measures taken to address these issues and to reduce the period of pre-trial detention.

Under the general procedure, juvenile suspects may be subject to provisional arrest not exceeding 48 hours under Article 140 of the Criminal Procedure Code or a provisional measure – detention in custody under Article 122 of the Criminal Procedure Code. Initially, detention may be imposed for a term not exceeding three months; however, later its duration may be extended. The maximum term of detention ordered for a juvenile delinquent may not extend beyond 12 months.

Rather lengthy terms of detention are a general problem with all the detainees. The term of detention depends on the duration of the criminal proceedings and the behaviour of the suspect. By Resolution No 50 of 30 December 2004 the Senate of the Supreme Court of Lithuania approved a new version of its interpretation of the case law with regard to the application of provisional measures – detention and house arrest. The decision emphasizes the fact that judges ordering detention and house arrest must act in strict compliance with the provisions of Article 20 Para. 2 of the Constitution of the Republic of Lithuania and Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which prescribe that no one may be deprived of his freedom otherwise than on the grounds and according to the procedures which have been established by law, and take account of Article 122 Para. 7 of the Criminal Procedure Code to the effect that a person's arrest may be ordered where less severe provisional measures cannot achieve the purposes of the provisional measures provided for in Article 119 of the Criminal Procedure Code. The decision emphasizes that in accordance with Article 122 Para. 6 of the Criminal Procedure Code, court rulings ordering or extending the term of arrest must be fairly reasoned.

Juveniles placed under provisional arrest (not exceeding 48 hours) are usually kept under police custody in commissariats. They are kept separately from adults; however, by way of exception, with the assent of the prosecutor, adult detainees may be placed in juvenile cells. The conditions of placing them in police cells are provided for by the Regulations of Detention Centres

of Police Commissariats approved by Order No 88 of 17 February 2000 of the Minister of the Interior.

Arrested juveniles are usually placed in interrogation facilities subordinate to the Prisons Department under the Ministry of Justice. They are also kept separately from adults; however, by way of exception, with the assent of the prosecutor, adult detainees may be placed in juvenile cells. The Law on Pre-trial Detention provides for the conditions of their detention.

According to the data from the Prisons Department under the Ministry of Justice, the average term of detention of juveniles prior to their conviction was five months. On 1 January 2006, there were 92 juveniles in the interrogation facility, including in that number 56 arrested.

The majority of detained juveniles are placed in an *ad hoc* institution, i.e. *Kaunas Interrogation Facility – Correctional facility*. This institution consists of three separate sectors – the interrogation isolator where detained juveniles are kept, corrective facility where juvenile convicts are kept and production premises where convicts work and acquire a profession. The construction of the building of the juvenile interrogation facility was completed and put into operation in August 1998. This institution receives a lot of attention and participates in various international programmes. The interrogation facility contains a consultation unit of Kaunas District Secondary School No 1. The interrogation facility has a social rehabilitation department, a group of psychological specialists and a healthcare surgery. The institution hosts various events for detained and convicted juveniles. For more information visit the website at <http://www.nti-adk.lt>.

#### **Question E<sup>14</sup>**

- a. *Please indicate the preventive measures taken to protect the health of children and young persons;*
- b. *Please describe primary and specialised health services available to children and young persons, including psychiatric care.*

Pursuant to Article 23 of the Law on Education of the Republic of Lithuania (*Official Gazette*, 2003, No 63-2853, primary healthcare shall be provided at schools. Healthcare at schools shall be funded following the Procedure of Financing Healthcare at Schools approved by Resolution No 5 of the Government of the Republic of Lithuania of 6 January 2004 (*Official Gazette*, 2004, No 5-96).

Following the Description of the Formation of Preventive Work Groups at Schools and Preventive Work Coordination Groups in the Municipalities and the Fields of their Activities approved by Order No ISAK-1970 of the Minister of Education and Science of 9 December 2004 (*Official Gazette*, 2004, No 184-6824; 2005, No 41-1327), the preventive work coordination groups in the municipalities ensure organisation of the tenders of socialisation programmes and implementation of these programmes in the municipality, compliance with the provisions of the Law on Fundamentals of Protection of the Rights of the Child (*Official Gazette*, 1996, No 33-807; 2003, No 38-1685), Law on Tobacco Control (*Official Gazette*, 1996, No 11-281; 2003, No 117-5317), Law on Alcohol Control (*Official Gazette*, 1995, No 44-1073; 2004, No 47-1548), Law on the Control of Narcotic and Psychotropic Substances (*Official Gazette*, 1998, No 8-161) and other legal acts at school, in the municipality and their territories.

According to the Procedure of Financing Healthcare at Schools, if the school founder is the municipality, one-third of funds for healthcare at school shall be allocated by the school founder, and the rest two-thirds shall be allocated from the Compulsory Health Insurance Fund (CHIF) budget. In the case of other school founders, all necessary funds shall be allocated from the CHIF budget. These funds are used for financing the expenditure of wages for specialists providing healthcare at schools and of the activities. The procedure of allocating funds was approved by Order

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<sup>14</sup> It is not necessary to answer this question if the information has been provided under Article 11.

No V-28 of the Minister of Health of the Republic of Lithuania of 28 January 2004 “On the Procedure of Submitting Applications for Financing Healthcare at Schools” (*Official Gazette*, 2004, No 15-457). Pursuant to the Procedure of Submitting Applications for Financing Healthcare at Schools, the municipality shall, when submitting the estimates of CHIF budget costs for financing healthcare at schools for approval to the territorial patient fund, submit confirmations of municipality mayors that the municipality will allocate not less than one-third of all funds allocated for pupils’ healthcare at school in the budget year (not less than 50 per cent of the CHIF budget funds approved by the State Patient Fund).

According to the Procedure of Financing Healthcare at Schools, CHIF budget funds and the funds allocated by the municipality are used to finance the expenditure of wages for specialists providing healthcare at schools and of the activities for organising and implementing healthcare at schools. Since this procedure does not regulate what percentage of the whole sum should the funds allocated for other activities constitute, these amounts are very different in the municipalities and constitute 4–60 per cent of the whole sum allocated for healthcare at schools in that municipality.

In 2004, LTL 4.5 million was allocated for healthcare at schools from the CHIF budget. In 2004, averagely LTL 7.05 was allocated for one pupil at school, founder whereof is the municipality, while the amount falling on one pupil in other founders’ schools was LTL 10.58. The Rules of Submitting Information on Healthcare at Schools approved by Order No V-3 of the Director of the State Public Health Service under the Ministry of Health of 5 January 2005 (*Official Gazette*, 2005, No 4-95) obliges the municipalities submit reports to the State Public Health Service under the Ministry of Health on the provided healthcare at schools.

According to the reports presented by 52 municipalities, in 2004 healthcare at schools was provided by 711 healthcare specialists.

By Order No V-62 of the Minister of Health of the Republic of Lithuania of 11 February 2004, the Competence of the Public Healthcare Specialist Providing Healthcare for Schoolchildren (*Official Gazette*, 2004, No 26-829) was approved.

Public health security requirements at educational institutions are regulated by the following legislation adopted in 2003–2004:

1. HN 79:2004 “Children’s summer camps. General health security requirements” approved by Order No V-275 of the Minister of Health of the Republic of Lithuania of 26 April 2004 (*Official Gazette*, 2004, No 82-2956).

2. HN 124:2004 “Child care institutions. General health security requirements” approved by Order No V-17 of the Minister of Health of the Republic of Lithuania of 22 January 2004 (*Official Gazette*, 2004, No 45-1492).

3. HN 41:2003 “School items” approved by Order No V-556 of the Minister of Health of the Republic of Lithuania of 25 September 2003 (*Official Gazette*, 2003, No 94-4261);

4. HN 22:2003 “School textbooks” approved by Order No V-345 of the Minister of Health of the Republic of Lithuania of 11 June 2003 (*Official Gazette*, 2003, No 58-2621).

5. HN 123:2003 “Hygiene requirements for premises and equipment for physical training and sports” approved by Order No V-737 of the Minister of Health of the Republic of Lithuania of 12 December 2003 (*Official Gazette*, 2003, No 119-5456).

2004 was declared the year of children’s health. “Methodical recommendations for the diagnostics of abuse of children” complying with the provisions of Article 19 of the Convention on the Rights of the Child were drafted.

See also Questions A and B of Article 11 Para. 2 and Question A of Article 11 Para. 3.

**Question F**

- a. *Please describe the provision of child day-care services, especially in terms of capacity, staffing, funding and accessibility;*
- b. *Please indicate whether any socio-medical services are provided through schools and day-care services, and measures ensuring adequate nutrition of children and young persons.*

See Question C of Article 27 Para. 1 of the report.

*Regarding the question of the European Committee of Social Rights on the number of schools in Lithuania in 2003–2004, geographical distribution of schools, and the proportion of the number of pupils and teachers (p. 367):*

In the school year of 2003–2004, there were 144 kindergarten-schools in Lithuania, of them 96 urban and 48 rural. There were 6.4 per cent of the country's primary grades with 7.1 per cent of primary schoolchildren. There were 445 primary schools (82.2 per cent of them rural), they had 22.5 per cent of primary grades with 19.9 per cent of primary schoolchildren.

632 basic schools operated in the country (of them 84.8 per cent – rural). They instructed 23.8 per cent of the country's primary schoolchildren, 28.6 per cent of schoolchildren of the grades 5–8 and 22.7 per cent of schoolchildren of the grades 9–10. They had 27.8 per cent of primary grades and 34.3 per cent of grades 5–10. There were 24 youth schools with 0.4 per cent of schoolchildren of the grades 5–8 and 1.9 per cent of schoolchildren of the grades 9–10. All youth schools, with the exception of one, were urban.

There were 469 secondary schools with 56.6 per cent of all country's schoolchildren. 61.2 per cent of secondary schools were urban. There were 90 gymnasiums, three of them rural. 25.2 per cent of the country's schoolchildren of the grades 9–12 studied in gymnasium grades 1–4. If comparing the recent two years, there was a significant decrease in the number of secondary schools with more than 1200 pupils (out of 146 remained 49), however, the number of large gymnasiums did not change.

In the school year of 2003–2004, there were 18 non-state general education schools in the country with 0.4 per cent of all schoolchildren.

In the school year of 2003–2004, there were 83 vocational schools in the country (of them 2 – non-state, 2 – subordinate to the Ministry of the Interior). 4 colleges and 5 post-secondary schools had vocational training branches. The largest vocational school was Marijampolė Vocational Training Centre, which in 2003 trained 1958 pupils, and the smallest school was Vilnius Centre of Vocational Rehabilitation for the Deaf and Hearing Impaired (116 pupils). 58.6 per cent of all country's pupils of vocational schools studied in seven biggest cities: Kaunas, Vilnius, Klaipėda, Šiauliai, Marijampolė, Panevėžys and Alytus.

There were 15 post-secondary schools in the country (4 of them– non-state). 26 colleges and 8 vocational schools had post-secondary school branches. 9 post-secondary schools are located in the biggest Lithuanian cities: Kaunas (1), Klaipėda (2), Panevėžys (2), Šiauliai (1), Vilnius (3).

16 state-run colleges, their 5 branches (in Tauragė, Kėdainiai, Vilnius, Telšiai and Druskininkai) and 11 non-state colleges operated in the country. State-run colleges are located in Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Utena, Alytus, Marijampolė and Rietavas; non-state – in Kaunas, Klaipėda, Šiauliai and Vilnius.

There were 21 universities in the country: 15 state-run universities (with two branches in Kretinga and Marijampolė), 6 non-state universities (in Klaipėda, Telšiai, Kaunas and Vilnius). The biggest number of state-run universities was located in Vilnius (7) and Kaunas (6), and the rest two were in Klaipėda and Šiauliai.

In 2003, 9.6 pupils fell on one full-time teacher working in pre-school establishments. There were 9322 full-time teachers at pre-school establishments, and 2308 – part-time. If calculating of

the overall number of teachers, 7.7 pupils fall on one teacher of a pre-school establishment, and if calculating full-time teachers – 9.6 pupils for one teacher. The data will not be precise until the statistics on the number of teachers according to the position is started to be compiled.

Since 2000, the share of pupils falling on one teacher in a basic post of day general education schools has changed insignificantly (in 2003, there was an increase by one pupil – to 14 pupils for one teacher in urban areas and 10 pupils – in rural areas), although the country's average has not changed – this shows that increase in the number of pupils for one teacher occurred due to rounding of calculation results, because both in 2002 and in 2003 12 pupils on the average fell on one teacher in the country.

The proportion of pupils for one teacher in vocational schools was calculated separately for one teacher of general education subjects and one vocational teacher. The number of pupils for one vocational teacher has not changed substantially since 1995, and in 2003 one vocational teacher had 19 pupils of vocational school. Since 2000, the number of pupils of vocational schools for one teacher of general education subjects has changed insignificantly, and in 2003 it reached 25 pupils for one teacher of general education subjects working in a vocational school.

The number of students falling on one instructor of post-secondary schools (from 9 students for one instructor in 2001 to 7 students in 2002 and 2003) has decreased due to the fact that after part of post-secondary schools are reorganised into colleges, conservatories remain attributed to post-secondary schools. Due to the peculiarities of the teaching process, the number of students falling on one instructor is very small there. A reverse process occurred in colleges – the number of students (especially in 2002) for one instructor in the basic post went up due to increasing numbers of students admitted to colleges.

Since 2000, the number of students at all levels for one lecturer has been increasing at universities. In 2003, one university lecturer in the basic post had 22 students on the average in all levels of the university.

*Regarding the question of the European Committee of Social Rights on the problems of pre-primary education in rural areas (p. 367):*

The purpose of pre-primary education, as a separate form of child day-care services or other childcare arrangements, is to help a child prepare for successful learning according to the primary education curriculum. The provision of pre-primary education to a six-year old or younger child commences on the calendar year when a child turns 6 years of age. The one-year curriculum of pre-primary education is implemented by pre-school educational establishments and general education schools. According to the Lithuanian education classification, pre-primary education shall be attributed to level 0.

As compared to 2000, in 2003–2004 number of pre-primary groups increased from 1076 to 1991, and the number of children therein – from 16.2 thousand to 29.7 thousand. In 2003, 89 per cent of all six-year old children were participants in pre-primary education. In 2003–2004, in Lithuania there were 843 pre-primary education groups in urban area with 9511 children, of them girls – 4604, and 578 pre-primary education groups – in rural area with 5278 children, of them girls – 2525. There are 144 kindergarten-schools, of which 96 are in urban area, and 48 – in rural area. 11852 children are educated in kindergarten-schools, of them 9702 – in urban area, and 2150 – in rural area.

**Table 17.1.2. Pre-primary education groups and number of children therein at the beginning of the school year**

	2000–2001	2001–2002	2002–2003	2003–2004
<b>Number of pre-primary education groups at general education schools</b>	<b>632</b>	<b>732</b>	<b>839</b>	<b>843</b>
urban	212	245	267	265
rural	420	487	572	578
<b>Number of children therein</b>	<b>7692</b>	<b>8865</b>	<b>10199</b>	<b>9620</b>
urban	3371	3883	4429	4342
rural	4321	4982	5770	5278
<b>Number of pre-primary education groups at pre-school establishments</b>	<b>444</b>	<b>870</b>	<b>1142</b>	<b>1148</b>
urban	358	713	917	936
rural	86	157	225	212
<b>Number of children therein</b>	<b>8479</b>	<b>16505</b>	<b>22810</b>	<b>20104</b>
urban	7262	14038	19264	18200
rural	1217	2467	3546	1904
<b>Pre-primary education groups, total</b>	<b>1076</b>	<b>1602</b>	<b>1981</b>	<b>1991</b>
<b>Number of children therein</b>	<b>16171</b>	<b>25370</b>	<b>33009</b>	<b>29724</b>

The Law Amending the Law on Education adopted in 2003 (*Official Gazette*, 2003, No 63-2853) established pre-primary education as a separate part of children’s non-formal education. Particularly this law preconditioned organisation, funding of pre-primary education and passing to universality, i.e. universal pre-primary education both in urban and rural areas.

It is notable that in 2004, almost 64 per cent of children of the age group 5–6 attended pre-primary education groups. With education funding increasing and pre-primary education conditions improving, more and more children start attending pre-primary education groups. In 2004, pre-primary education groups were attended by almost 1200 more children than last year.

Additionally in 2003–2004, a purposive programme of upgrading qualification of pre-primary education pedagogues was implemented. 1885 pedagogues were participants of this programme until the end of 2004. LTL 150000 was allocated for this – LTL 90 for a pedagogue. In 2005, the programme was continued with the funds amounting to LTL 75000. Moreover, since 2004, in all pre-school education and general education schools implementing the programme of pre-primary education, both urban and rural, the funds of the pupil’s basket were used for partial financing of the position of pre-primary education pedagogue. LTL 25 million was allocated for this in 2004 (other funds were allocated by the founder).

With a view to effectively implementing the provisions of the Law Amending the Law on Education on organisation of pre-primary education, the Ministry of Education and Science initiated the project of assessing living and learning conditions of children from birth to school-age (approved by Order No ISAK-1480 of the Minister of Education and Science of the Republic of Lithuania of 29 October 2003). The aim of this project is to develop a model of storage of information on living and learning conditions of children from birth to school-age, who live under the conditions of social exclusion and in social risk families, and of efficient usage of that information, and draft the programme of its implementation in municipalities. By this programme the provisions of Article 8(2) of the Law on Education on establishment of compulsory pre-primary education for children, where such a decision is approved by institutions responsible for the protection of children’s rights, are to be implemented.

With the aim of ascertaining the current situation and storage of information on children of pre-primary age and its usage in municipal institutions, and upon the initiative of the Ministry of Education and Science in 2004, the analysis of legal acts that obligate to store data on children from



birth to school-age, who live under the conditions of social exclusion and in social risk families, was conducted and the conclusions on improvement of legal acts were submitted. During the seminars that were held in May–June 2004, this analysis was presented to the staff of municipal institutions and the ministries. While implementing the project of assessing living and learning conditions of children from birth to school-age, four municipalities participating in the project (Vilnius City Municipality, Klaipėda District Municipality, Varėna and Elektrėnai Municipalities) were assigned to realize the developed model of storage and usage of information on children of pre-primary age who were established compulsory pre-primary education, where such a decision was approved by institutions responsible for the protection of children’s rights, in practice.

Aiming at ensuring universality, effectiveness and quality of pre-primary education, the Ministry of Education and Science prepared and on 17.09.2004 presented a new methodical publication “Implementation of pre-primary education curriculum. Methodical recommendations”.

As an additional measure aimed at ensuring that children living in rural areas could use pre-primary education services, implementation of the Programme of the Supply of Rural Schools with Means of Transport “Yellow Bus” 2000–2002 of the Government of the Republic of Lithuania (*Official Gazette*, 2000, No 33 – 934) was continued in 2003–2004. According to this programme, pupils of pre-primary age living in rural and remoter suburban areas that are more than 3 kilometres away from school and pupils of grades 1–8 of general education schools were taken to the nearest relevant municipal school or a school of another founder and back home. Within four years from 2000 the number of pupils driven by yellow buses has increased from 5.4 thousand to 8 thousand, and more than 250 yellow buses were purchased for driving children (including children of pre-primary age) to educational institutions.

*Response to the question of the European Committee of Social Rights on statistical data on dropouts and preventive measures applied against dropping out (p. 367) is presented in response to the Questions B and D of Article 17 Para. 2.*

*Regarding the question of the European Committee of Social Rights on application of measures of upgrading pedagogues’ qualification (p. 367):*

In 2003, LTL 600000 was allocated for the competition of the programmes of upgrading pedagogues’ qualification (in 2002 – LTL 450000). Seminars of the programmes that won the competition were attended by 22304 participants, 54 per cent of them upgraded their qualification in seminars for teachers of general education schools, 14 per cent – in seminars for school teams or school communities, 9 per cent – in seminars of general nature, 7 per cent – in seminars for pedagogues of pre-school educational establishments and 7 per cent – in seminars for heads of schools.

In 2003, a Teachers’ Competence Centre was established for implementing surveillance of the quality of decentralised pedagogues’ qualification upgrading system and for issuing accreditations to the institutions and the programmes implementing the activities of pedagogues’ qualification upgrading.

In 2003, averagely 2.5 times less funds than planned were used for one teacher for upgrading qualification in general education schools in the country per year. Part of teachers could not use the opportunities of upgrading qualification granted by the state, because funds for upgrading teachers’ qualification at schools were sometimes re-distributed in the municipalities by allocating part of them for teachers’ training centres or other purposes, also sometimes the very schools used such funds for other purposes.

According to the country’s pedagogues, providing funds for upgrading qualification from the pupil’s basket improved the possibilities of qualification upgrading.

In 2003, 29 Lithuanian teachers took part in the events of the European Council programmes for upgrading qualification of education employees.

In 2003, the Ministry of Education and Science rendered financial support for re-qualification studies of 786 general education pedagogues. Allocations reached LTL 532.1 thousand, or LTL 677 averagely for one teacher.

In 2003, the “Project of the concept of training pedagogues” was drafted, the database of the programmes for upgrading pedagogues’ qualification and events was created and the teachers’ competence centre was established, a project of methodology of self-assessment/assessment of performance of qualification upgrading institutions was developed. While implementing the Programme of School Improvement approved by Resolution No 759 of the Government of the Republic of Lithuania of 28 May 2002 (*Official Gazette*, 2000, 54-2130), during 2003, the seminars were held for 980 days for the principals of basic schools, teachers, and education employees of municipalities.

While implementing the Programme of School Improvement, during 2003–2004 more than 1000 seminars were organised with the participation of almost 25000 employees of the education system: teachers, heads of schools, heads and staff of education divisions of municipalities, consultants of the Programme of School Improvement, employees of the Ministry of Education and Science and its subordinate institutions, representatives of universities and other state authorities. The participants upgraded their qualification in the fields of active learning methods, using virtual learning environment in the classroom and in cooperation, development of the system of teaching aids, informational system of education management, analysis of education policy, evaluation of pupils’ progress, internal and external auditing, public relations, the art of management, etc.

Furthermore, in 2004, the Ministry of Education and Science continued to finance pedagogues’ re-qualification studies at higher schools. This possibility was provided for 600 pedagogues in 2004. LTL 420000 was allocated for their studies, LTL 700 per person. According to the criteria approved by the Ministry of Education and Science, financial support is provided for teachers of respective specialities, who are already studying in the Centre of Pedagogues’ Re-qualification of Vilnius Pedagogical University, the Continuing Studies Institute of Klaipėda University, the Foreign Language Institute of Vilnius University, the Continuing Studies Institute of Šiauliai University, the Centre of Education Studies of Vytautas Magnus University, Educology Institute of Kaunas University of Technology.

*Response to the question of the European Committee of Social Rights on the problems of attendance of school by socially vulnerable children (p. 368) is presented in response to Question C of Article 17 Para. 2.*

*Regarding the question of the European Committee of Social Rights on learning conditions of Roma children and educational establishments where these children study (p. 367-368):*

At the beginning of the school year of 1997–1998, two grades in the Russian language of instruction were formed for Roma children at Vilnius general education secondary school No 58 (in Vilnius city, Naujininkai neighbourhood). In the school year of 1999–2000, school was attended by over 60 children living in Vilnius Kirtimai encampment. The projects submitted by the school for artistic education, country studies and purchase of teaching materials for Roma children are supported by the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania. For several years already New Year feasts are organised for the encampment children when the best pupils are given incentives. Roma children attend other general education schools as well, together with other pupils (in the school year of 2003–2004, various general education schools were attended by over 200 Roma children, most of them were taught at educational institutions with the Russian language as the instruction language). It should

be noted that there haven't been and aren't any special educational establishments in the Republic of Lithuania where Roma children would be taught separately from other children.

**Question G**

***Please indicate compensatory measures (educational, social assistance, leisure, etc.) taken to protect children and young persons with special needs, including those with disabilities. Please also indicate whether your country provides early intervention to facilitate these persons integration into society on reaching adulthood.***

The Ministry of Education and Science of the Republic of Lithuania is constantly improving the legal framework regulating various types of assistance for persons with special needs, including those with disabilities. The Law on Education of the Republic of Lithuania establishes that special education is provided according to all compulsory and universally available programmes of education. If necessary, such programmes are amended and adjusted, special education curricula are developed and additional assistance is provided. Pursuant to Article 15(5), individuals with special needs may acquire education and/or qualification. In accordance with Article 34(3), accessibility of education to persons with special needs is ensured by adapting the school's environment, by providing psychological, special-pedagogical and special assistance, by supplying such persons with assistive education technology and special teaching aids, also in other ways prescribed in law. The implementation programme of the state strategy of education 2003–2012 provides for developing the universally accessible system of education, ensuring the possibility for individuals with special needs to learn in all types of schools in a favourable environment according to formal and non-formal education programmes, gradually reducing the number of specialised (boarding) schools, encouraging the development of the most advanced schools into the centres of methodical assistance.

Integration of children with special needs into the society is regulated by the Law on Special Education (*Official Gazette*, 1998, No 115-3228). In accordance with its provisions, more and more individuals in Lithuania receive special-pedagogical and/or psychological assistance. Special needs learners constitute 10 per cent (according to the data of 2003 – 61412) of Lithuanian learners. Besides, there has been an increase in the number of special needs learners who choose studying together with their peers. According to the data of the Ministry of Education and Science, in the school year of 1999–2000, 82 per cent of such pupils were taught in general education schools together with their peers, in the school year of 2000–2001 – 85 per cent, in the school year of 2001–2002 – 86.5 per cent, in the school year of 2003–2004 – 89 per cent of pupils.

While implementing the Law on Special Education and integrating children with special needs into the general education school and the society, positive changes can be observed. There has been an intensive development of the activities of pedagogical-psychological services rendering assistance for the children with special needs (there are 50 of them; during 2004, 24 services were established) in Lithuania; children's evaluation model already functions in practice; the activities of these services is exhaustively governed by the documents adopted by the Ministry of Education and Science and other ministries in 2004 – Order No 152 of the Minister of Education and Science of the Republic of Lithuania of 4 February 2004 “On the Procedure for Providing Financial Assistance for the Establishment of Municipal Pedagogical-Psychological Services in 2004” (*Official Gazette*, 2004, No 23-728) and Order No 642 of 30 April 2004 “On the Programme for the Establishment of Municipal Pedagogical-Psychological Services in 2004” (*Official Gazette*, 2004, No 78-2753). With the view of facilitating the process of integration of individuals with special needs into the society on reaching adulthood and implementing the Law on Special Education, in 2003, the projects of the Procedure of Providing Assistance of the Teacher's Assistant, Reader, Attendant, Interpreter (Tactile, Sign Language) to the Persons with Special Needs at School and of the Procedure of Providing Persons with Special Needs with Compensatory Techniques for Education were drafted.

While improving legal acts establishing the application of the Law on Special Education, in 2004, Order No 838 of the Minister of Education and Science of the Republic of Lithuania of 3 June 2004 “On the Approval of the Description of the Procedure for the Provision of Special Pedagogical Assistance” (*Official Gazette*, 2004, No 92-3385) was drafted and adopted. Moreover, the procedure of providing psychological assistance to pupils was approved by respective order of the Minister of Education and Science (Order No 837 of 3 June 2004 “On the Approval of the Description of the Procedure for the Provision of Psychological Assistance to Pupils” (*Official Gazette*, 2004, No 92-3384).

Having regard to the abundance of adopted legal acts governing special education, necessity arose to develop and implement the programme of providing services of special education so that the schools are adapted for the persons with special needs (the disabled), to develop complex special-pedagogical, psychological, social, special assistance provided for them, to render financial support to municipalities that establish pedagogical-psychological services so that the services of special pedagogical and psychological assistance are made more accessible to children and families. Such measures are provided in the Programme for the Provision of Special Education Services approved by Resolution No 1475 of the Government of the Republic of Lithuania of 22 November 2004 (*Official Gazette*, 2004, No 170-6263). While implementing the Programme of Providing Services of Special Education each municipality will seek for establishing pedagogical-psychological services, modernisation of 10 schools will be suggested, psychologists of 45 pedagogical-psychological services, 820 teachers, 65 special educators, 50 social workers will be trained to work with pupils who tend to drop out. Transportation of special needs learners (the disabled) will improve in the counties – 30 buses have been purchased and distributed. With the view of reaching the aims of the programme, particular attention will be paid to teachers and their assistants: the plans are to establish 500 workplaces of teacher assistants in general education schools and 40 – in vocational schools, 240 workplaces of the specialists of assistance for pupils (special educators of various specialization, speech therapists, specialists of applied physical training and other specialists) at pre-school education, general education and vocational schools, 50 workplaces of sign language interpreters at general education and vocational schools. The approved measures of programme implementation will be financed from the state budget and municipal budget funds according to possibilities. Programme implementation is coordinated by the Ministry of Education and Science.

By Resolution No 759 of 28 May 2002, the Government of the Republic of Lithuania approved of the Programme of School Improvement that was implemented in 2003–2004 with the World Bank. One of its aims is to optimize the network of schools and its purpose is to increase material and intellectual capacity of the municipalities to develop and implement plans of optimization of the school network that guarantee accessible pre-school education and general education and reorganise transportation of special needs learners, especially in rural areas. In 2003–2004, while implementing the Programme of School Improvement 31 basic schools were renovated and adapted to children with special needs. Furthermore, the programme provides for supplying basic schools with modern teaching aids, including special aids for children with special needs. In 2003, 1 bus was given to drive the disabled children to educational establishments. One of the purposes of the fourth component of the Programme of School Improvement “Optimization of the school network” is to reorganise transportation of children living in rural areas or children with special needs. By 2005, over 100 “yellow buses” adapted for transportation of special pupils to educational establishments with two seats for the disabled children have to be bought. In 2004, the country’s schools participating in the Programme of School Improvement received various teaching aids for special needs. In the same year a project “Model of providing with special teaching aids” was drafted. Besides, a project of the strategy of provision of schools with teaching computer aids for the special needs learners was prepared.

In improving supply of schools with special teaching aids, in 2004 the Ministry of Education and Science adapted the computer teaching aid “National history” for the deaf and hearing impaired. In order to facilitate integration of children with hearing and speech disorders into the society, LTL 5000 was allocated for the implementation of the National Programme of the Sign Language in 2003 (sign language courses of 19 days were organised with the participation of 267 persons). It should be noted that sign language interpreters are trained at Vilnius College of Higher Education.

Also in 2003, the Ministry of Education and Science, in implementing the measures of integrating children with special needs into the society, prepared publications “Today we create a school for all”, “Inclusive education in the view of foreign scientists”, “Guidelines for training teachers to educate special needs learners in general education schools”. During 2004, specialists of the Ministry of Education and Science drafted and presented a manual “Implementation of pre-primary education curriculum. Methodical recommendations” wherein one of the investigated topics is “A child with special needs”. Among other measures of integrating such children into the society applied in practice, in 2003–2004 the project of Nordic and Baltic countries “A school for all” and the complementing project “Transition” (intended for improving vocational training of special needs learners) were implemented, 160 consultants on the issues of vocational training of special needs learners were trained. Besides, a Lithuanian–Swedish project “Development of the system of supply with special teaching aids” was implemented, during which 3 two-day seminars were organised on preparation of special teaching aids, development of the system of supply, usage of special teaching aids in educating children with special needs.

In 2003, the website of the Ministry of Education and Science was adapted for the disabled.

With a view to improving children’s occupation, training their self-realisation, consolidating the relation of educational institutions with the local community, increasing the possibilities of adaptation and rehabilitation of risk children in the society, the Ministry of Education and Science has been constantly increasing financing for non-formal education and training. LTL 95.7 million is allocated from the pupil’s basket each year for non-formal education – that is LTL 144 for one pupil per year.

During previous year, more than 385000 pupils took part in the afterschool activities of general education schools. This makes 68 per cent of all pupils. The most popular spheres of non-formal education were sports (28 per cent), music (17 per cent), choreography (13 per cent), fine arts (11 per cent). Each year the Ministry of Education and Science implements the programmes of organising children’s summer rest, child and teenage crime prevention, the national programme for control of drugs and prevention of drug addiction and purposeful occupation. LTL 6 million is allocated for this additionally each year. Strategic provisions of education stipulate for seeking that non-formal education becomes accessible for all children, the principle of a pupil’s basket is applied when financing non-formal education, and the supply of non-formal education programmes is expanded in general education schools (it is provided that non-formal education programmes involve 75 per cent of children).

In 2003–2004, statistical data on education of children with special needs in general, special and educatory classes of general education schools, specialised (boarding) schools, sanatorium schools, distribution by grades, disorders, etc. was constantly collected and analysed. With a view to analysing effectiveness of measures taken to protect children and teenagers with special needs, as well as the disabled, the Ministry of Education and Science ordered and conducted the following surveys in 2003:

- “Management of education quality: integrated education of children with special needs” (survey was conducted by Prof. J. Ambrukaitis, director of the Research Centre of Special Education of Šiauliai University). Topics investigated: “Revealing social-psychological characteristics of a child with special needs learning in a general education class”, “Development of cooperation between parents, specialists and children

- with special needs in educational institutions”, “Development of modern (metacognitive) special didactics (methodologies) in Lithuanian general education schools”;
- “Integration problems of children with special needs” (survey was conducted by a group of authors led by Dr. Albinas Bagdonas, Head of the Social Work Department of the Faculty of Philosophy of Vilnius University).

After analysing the findings of the complex survey ordered in 2004 by the Ministry of Education and Science and conducted by the researchers of Šiauliai University “Management of education quality: integrated education of children with special needs”, it turned out that the quality of assessing and satisfying the needs of children with special needs, teachers, parents is increasing; teachers, especially younger ones, do not have stereotypes about such children; pupils look towards their peers with special needs rather positively and usually identify with them.

### **Question H**

*Please indicate the age limit for individual entitlement of young persons to social security or social assistance benefits. Please state whether any exceptions are made, for example, in relation to children in institutions.*

With a view to materially supporting the families raising children, encouraging the families to raise and maintain their children, the system of the state benefits for families raising children has been reformed since 1 July 2004. After analysing advantages and disadvantages of the current system and the experience of other states and having regard to the possibilities of the state budget, the **Republic of Lithuania Law on State Benefits to Families Raising Children** was adopted on 18 May 2004 that governs payment of benefits to families raising children, as well as support of orphans and children unattended by parents.

The Law establishes types and amounts of benefits, beneficiaries, funding sources and responsibility for unlawful reception of benefits. Pursuant to the mentioned Law, **Regulations of Granting and Payment of Benefits to Children**<sup>15</sup> have been approved, whereby a detailed procedure of paying benefits was established.

After the **Republic of Lithuania Law on Cash Social Assistance for Low-Income Families (Single Residents)** entered into force on 1 April 2004 and after certain *amended articles* of this Law were adopted on 1 October the same year, a *common* system of cash social assistance provided by the principle of income and property assessment and guaranteeing for low-income residents **minimum funds for food and payment for the most necessary public utilities** was started to be implemented in the country.

Since 1 July 2004, following the example of most European countries, **support for each child raised in a family from birth to adulthood** was started to be implemented. The same amount of benefit was left for families raising one or two children under three years of age (0.75 of the minimum standard of living (MSL) – LTL 93.75), whereas it was increased for families raising three or more children (1.1 MSL – LTL 137.5). Children from three years of age until their adulthood and elder, provided they are studying, but not longer than until they reach 24 years of age, are granted “child’s money” – the benefit in the amount of 0.4 MSL (LTL 50) per month. Since granting such a benefit to every child (there are about 800000 children under 18 years of age in Lithuania) would require additional about LTL 300 million from the state budget per year, and the state budget is not financially capable for this, the decision was made to implement this provision gradually. Since 1 July 2004, the benefit of LTL 50 is paid monthly to families raising one or two children from 3 to 7 years of age, and to families raising three or more children from 3 to 18 years

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<sup>15</sup> Order No 801 of the Minister of Social Security and Labour of the Republic of Lithuania of 28 June 2004 “On Approval of Regulations of Granting and Payment of Benefits to Children” (*Official Gazette*, 2004, No 100-3724).

of age and during the studies but not longer than until they reach 24 years of age. The benefit of LTL 50 to families raising one or two children will be paid for each child until adulthood after taking into account financial capabilities of the state and at the procedure prescribed by the Government, but not later than after 1 January 2009.

Moreover, children from low-income families get free-of-charge meal at general education schools.

For more information on social assistance and social insurance and social benefits to children see Article 12 Para. 1 of the Third Report of the Republic of Lithuania on the Implementation of the European Social Charter (pp. 195–239).

### **Question 1<sup>16</sup>**

*Please indicate the measures taken in legislation and in practice to protect children and young persons against physical and moral dangers, ill-treatment, corporal punishment, negligence, exploitation, violence and sexual abuse. Please indicate whether psycho-social services or other services (shelters, telephone hotlines) exist for children victims of such treatment?*

According to the data of the Child's Rights Protection Services of the municipalities, in 2004, 2359 children suffered from violence. Number of cases of violence against children is increasing annually (in 2003, there were 1400 children who suffered from violence, thus during the previous year their number almost doubled). Boys suffer from violence twice more often than girls: 1562 cases were recorded, and 797 cases of violence against girls.

The number of children who suffer from violence is twice bigger in urban areas (1556 cases) than in rural areas (803 cases).

According to the 2004 statistical information on children who suffered from violence of the Child's Rights Protection Services of the municipalities, conclusions may be drawn that the biggest risk group suffering from violence is boys living in urban areas. Cases of physical violence are most common among peers. Most often children were subjected to sexual abuse from adults: almost equally from strangers and from close people. Emotional violence was mostly used by close people.

The increasing number of recorded acts of violence should be explained by higher qualification of responsible specialists who recognize and better evaluate the condition of the child. They operatively report to respective services that can provide qualified assistance to a child and make impact on the violator. This is proved by an increased number of cases when the child was immediately taken from the family and administrative or other disciplinary penalties were imposed on the violator.

This procedure is regulated by the Law Amending Article 56 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child adopted on 3 August 2001. Pursuant to it, in the cases where parents (the father or the mother) or another lawful representative of the child abuses the parental authority by violence or creating danger to a child in any other way and this creates real threat to the child's health or life, the state institution for the protection of the rights of the child (or the state institution for the protection of the rights of the child together with police) immediately takes the child from his/her parents or other lawful representatives of the child and transfers him/her for the guardianship (curatorship) at the procedure prescribed by the Civil Code of the Republic of Lithuania. After taking a child, the state institution for the protection of the rights of the child shall immediately notify the child's parents or other lawful representatives of the child. Article 3.180 of the Civil Code establishes restriction of parental authority. The court may make a judgment for a temporary or unlimited restriction of parental power, where the parents (the father or

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<sup>16</sup> If your country has accepted Article 7 Para. 10, it is not necessary to repeat the information given thereon here.

the mother) fail in their duties to bring up their children or abuse their parental authority or treat their children cruelly. Following Article 405 of the Civil Procedure Code, if the claim concerning restriction of parental authority cannot be awarded on the grounds indicated by the plaintiff, however, while hearing the case a court establishes other circumstances, on which the claim may be awarded, the court shall award the claim after having received the conclusion of the state institution for the protection of the rights of the child.

In analysing the decisions of the legislative and the executive power of recent years, as well as policies and main tendencies in legal regulation of the field of protection of the child's rights, it should be noted that during the mentioned period the following documents were approved: the State Policy Concept of Child Well-Being, the State Policy Strategy on Child Well-Being, the National Programme of Child Day-Care Centres of Non-Governmental Organisations, the National Programme for Control of Drugs and Prevention of Drug Addiction, the Programme of Suicide Prevention 2003–2005, the National Strategy of Prevention of Drug Addiction and Control of Drugs 2004–2008, the Programme of Improving the Activities of the Child's Rights Protection Services of Municipalities, Methodical Recommendations of Work with Social Risk Families, etc. The Immediate Action Plan of Fighting Violence against Children approved by the Minister of Social Security and Labour was implemented, and it paid a lot of attention to the society's education and information of the specialists of various fields about the duty to timely notice children suffering from violence and render them necessary aid.

Each year 300 specialists working with children who suffered from violence upgrade their qualification. Methodical recommendations are published for social workers, social educators, psychologists how to treat children who suffered from sexual abuse.

While implementing the Model for the Provision of Pedagogical and Psychological Assistance, new pedagogical-psychological services have been established in municipalities recently, thus increasing universality and accessibility of assistance to children from risk groups.

One of the most easily accessible ways to get psychological assistance and support in crisis situations, under suicidal intentions is telephone services. Demand for such assistance is proved by the increasing number of calls to the services. Since 2004, the possibility to call to such lines from mobile operators networks has been gradually created. This predetermined an increase of calls to the hotlines.

Residents' calls to psychological telephone services are paid by the Ministry of Social Security and Labour from the funds of the state budget. In 2004, LTL 190000 was allocated for payment of calls to psychological hotlines. With a view to strengthening the activities of the services providing qualitative services and establishing permanent source of the expenditure of their partial administration, the Ministry initiated amendment to the resolution of the Government of the Republic of Lithuania<sup>17</sup>, during the implementation of which since 2005 not only residents' calls to psychological telephone hotlines have been paid but also the funds have been allocated to cover partial expenditure of service administration (coordinators' and consultants' wages, dissemination of information, financing of volunteers expenses related to performance of volunteer work).

At the end of 2004, 8 lines were operated that connected 17 psychological telephone services providing for individuals psychological assistance by telephone: Children's line, Youth line, Schoolchildren's line, Russian speaking people's line, Hope line, 2 professional psychological telephone lines, Psychological line for women.

In order to more effectively reduce violence against children as an act and in improving children's abilities to protect themselves from violence, the National Programme of Prevention of Violence against Children and Aid to Children 2005–2007 was adopted on 4 May 2005 (Resolution No 491 of the Government of the Republic of Lithuania "On the Approval of the National Programme of Prevention of Violence against Children and Aid to Children 2005–2007" (*Official*

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<sup>17</sup> Resolution No 451 of the Government of the Republic of Lithuania of 10 April 2003 "On Approval of the Programme of Suicide Prevention 2003-2005" (*Official Gazette*, 2003, No 93-4203; 2004, No 134-4861).



*Gazette*, 2005, No 58-2021)). The purpose of the [National Programme of Prevention of Violence against Children and Aid to Children 2005–2007](#) is to provide for complex and coordinate actions as well as measures ([prevention](#), intervention, postvention) to eliminate violence with all its manifestations. The provisions also include organisation of education of children and parents on the issues of [prevention of violence against children](#); organisation of public education, organisation of campaigns against child violence, providing information on assistance to victims of [violence](#), the possibilities to use it, importance of human relationships, as well as on violators' punishments; upgrading of qualification of specialists working with children in the field of [violence prevention](#); improvement of the legal system in order to prevent violence against children; development, promotion and provision of efficient services acceptable to children who have suffered from [violence](#), and in this way ensure the conditions corresponding to their interests that would be close to home environment when a person's dignity is not humiliated and individuality of each person is respected, etc.

*Regarding the questions presented in the Conclusions of the European Committee of Social Rights on ill-treatment of children and violence against them (pp. 368–369):*

The existing legal acts condemn violence, regardless of whether it manifests in the family or any other social environment. The Law on Fundamentals of Protection of the Rights of the Child establishes a duty to all persons (both natural and legal, regardless of their legal form) to protect a child from negative social environment.

The Law on Fundamentals of Protection of the Rights of the Child provides that a child who avoids performing his/her duties may be disciplined for discipline violations by the parents, other lawful representatives of the child at their own discretion, except physical and psychological torture, other cruel treatment, defamation of the child. Although this provision does not directly prohibit application of corporal punishment, it clearly establishes the duty of the parents or other lawful representatives of the child to refrain from torture or other cruel treatment and defamation of the child. In the event of failing to fulfil this duty, the parents may incur criminal liability according to general norms providing for the liability for health impairment and other articles, e.g., abuse of the rights or duties of the parents, guardian or curator, or other lawful representative of the child. Restrictions may be imposed on parental authority in accordance with the court judgment pursuant to the Civil Code.

Meanwhile responsible employees at education (care) institutions may impose the following disciplinary educational measures for violations of the rules of procedure and the pupil's conduct norms: notice, reprimand, strict reprimand, relevant evaluation of conduct, and other measures of effect established by law. Using of measures of physical effect is completely prohibited.

Violence, as a negative social phenomenon, includes not only physical, but also psychological or sexual abuse, negligence of the child. Due to this reason the Criminal Code provides for the liability for a person's, including the child, restriction of freedom of actions, threatening to kill or perform serious health impairment, terrorisation of an individual, abuse of the rights or duties of the parents, guardian or curator, or other lawful representatives of the child, instigation to commit suicide or driving a person to suicide by cruel or insidious behaviour. The Criminal Code also provides for the criminal liability for molesting actions against the minor (a person under 14 years of age), involvement of a child in criminal act or alcohol abuse, exploiting a child for pornography, etc.

*Regarding the question presented in the Conclusions of the European Committee of Social Rights on the initiatives implemented in order to reduce violence against children (p. 369):*

Information on some measures is presented above, in response to Question I.

International conference “Aid to a Child Victim of Violence” was organised on 12–13 May 2005. Specialists from Latvia, Lithuania and Sweden exchanged experience and developed cooperation.

A prevention campaign was implemented in May–October 2005 in child care homes, specialised boarding schools and other care homes (Contract No 360 of 12 May 2005). By 9 June 2005, 11 child care homes were already visited.

197 children from 10 to 18 years of age and 52 care home employees (administration staff, mostly educators and social teachers) participated in the events.

The Baltic States are continuing their cooperation in implementation of the UN project “Children’s House” ([www.vaikunamas.lt](http://www.vaikunamas.lt)), the purpose whereof is to create a common informational database on risk group children in this region, and offer the possibility for the specialists of various fields to cooperate.

In May 2005, a preventive action against children’s violence “May – a Month without Violence against Children” was organised and encompassed a lot of Lithuanian cities and districts. The same action was organised in 2004, too.

In June–July 2005, a tender of the projects of providing short-term and long-term complex assistance to children and their families was held. 9 projects were supported with the funds amounting to LTL 250000. The projects are aimed at providing assistance related to the harm done to a child and his/her family, providing services acceptable for a child, reducing the risk of long-term negative consequences, preventing further violence acts.

Besides, a survey “Influence of internet and computer games on violence against children” is currently conducted.

The plans for 2005 also included the courses of training practical skills of specialists working with children victims.

The State Policy Strategy on Child Well-Being approved by the Government of the Republic of Lithuania (17.02.2005, No 184, *Official Gazette*, 2005, No 25-802) provided for preparation of the draft law on prohibition of violence against children.

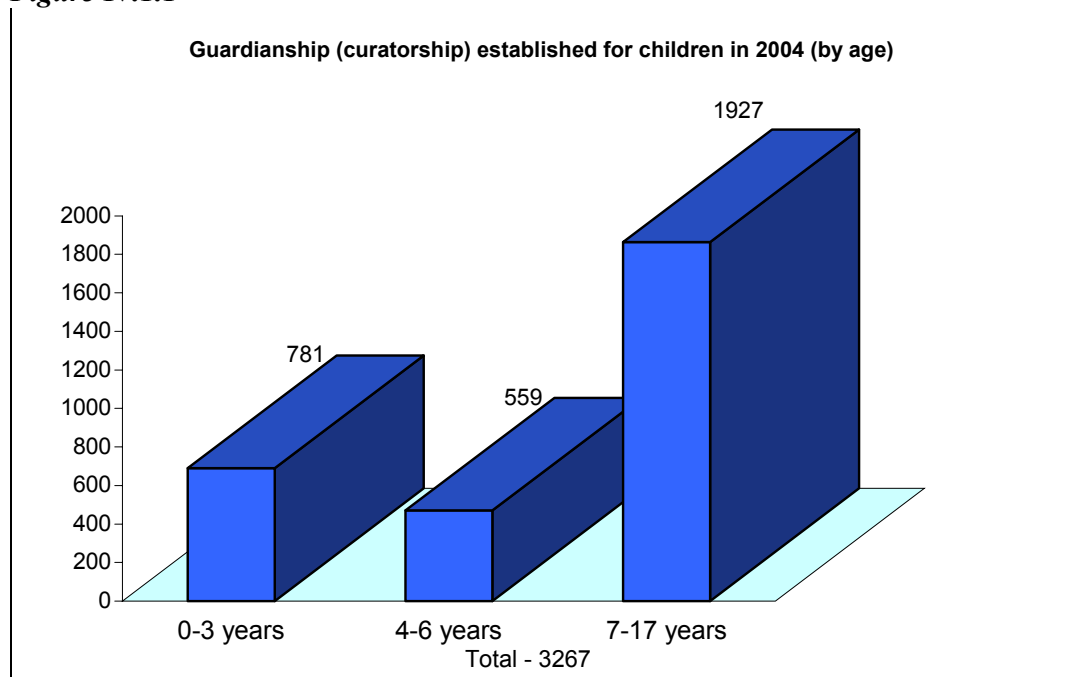
### Question J

- a. *Please indicate the support, including financial support, offered to foster families. Please state the number of children and young persons living in foster families in your country.*
- b. *Please indicate the number of places and children in residential care, as well as the living conditions in these establishments (nutrition, health services, recreational facilities, privacy and communication with family and friends).*
- c. *Please describe the arrangements made for inspection of standards in residential care.*
- d. *Please indicate the criteria according to which parental rights and duties may be abrogated, and to which children may be separated from their families and placed in the care of third parties. Please indicate how the right of both children and parents to express their opinions in such circumstances is secured.*

**1. Child guardianship (curatorship).** Each year, guardianship (curatorship) is established for about 3000 of children. In 2003, guardianship (curatorship) was established for 3023 children without parental care. In 2003, 48.4 per cent of these children were diverted to families and social families, 51.6 per cent – to various care institutions. 1160 of 3023 children without parental care, i.e. 38.4 per cent, were under 7 years of age.

During 2004, guardianship (curatorship) was established for 244 more children than in 2003, i.e. 3267 children without parental care. In 2004, guardianship (curatorship) was established for 781 children of 0–3 years of age, 559 children – of 4–6 years of age, 1927 children – of 7–17 years of age.

**Figure 17.1.1**

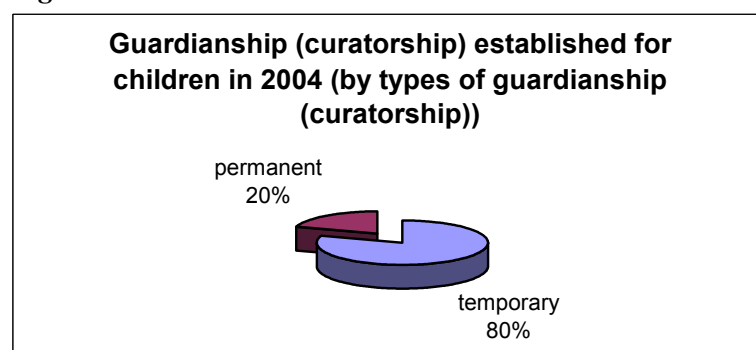


Data of the Child's Rights Protection Services of the municipalities

23.54 per cent of children without parental care were raised by both parents before establishment of guardianship (curatorship), most children both in 2003 (60.7 per cent) and in 2004 (62.78 per cent) were raised by one of the parents: single mother – 31.16 per cent, widow father/widower mother – 12.18 per cent; one of the cohabiting partners – 6.43 per cent; divorced person – 13.01 per cent calculating from the total number of children without parental care.

According to the type of established guardianship (curatorship), in 2004, like in previous years, temporary guardianship prevails. It constitutes 80 per cent of all cases.

**Figure 17.1.2**



Data of the Child's Rights Protection Services of the municipalities

Pursuant to Articles 3.254 and 3.257 of the Civil Code, a child shall be placed under temporary or permanent child guardianship if the child's parents or single parent are missing, they have been declared incapable, do not take care of the child, neglect him, do not look after him, do not bring him up properly, use physical or psychological violence. Referring to the collected data,

responsible institutions – Child’s Rights Protection Services of city (district) municipalities – appeal to the Board (the mayor) of the municipality on establishment of temporary child guardianship (curatorship) and to district courts on establishment of permanent child guardianship (curatorship) (this is governed by the Regulations of Organising Child Care approved by Resolution No 405 Government of the Republic of Lithuania of 27 March 2002 (*Official Gazette*, 2002, No 35-1275) and by the Regulations of Temporary Child Guardianship (Curatorship) approved by Order No 56 of the Minister of Social Security and Labour of the Republic of Lithuania of 18 April 2002 (*Official Gazette*, 2002, No 68-2798)).

In 2004, like in previous year, most children – 60.3 per cent – were left without parental care because parents or single parent did not take care of the child, did not look after him, or did not bring him up properly. Upon more difficult living conditions, parents are not tend to perform their duties and properly bring up, look after and maintain their children, they use corporal punishment and stop taking care of them in general.

15 per cent of cases where guardianship (curatorship) was established were related to separation of children from their parents in accordance with the procedure prescribed by laws. 11 per cent of cases were related to parents or single parent temporarily incapable of taking care of the child because of the parents’ illness, arrest, imposed sentence or other reasons.

In about 38.38 per cent of cases, temporary child guardianship (curatorship) ends when a child is returned to his/her biologic parents. In those municipalities, where more intensive work is performed with social risk families, more children under temporary guardianship returned to their families. In 2003, 810 children were returned to their families, i.e. 90 more children than in 2002. In 2004, 310 more children were returned to their families than in 2003. Often, if family problems could not be solved, temporary child guardianship (curatorship) was changed to permanent child guardianship (curatorship) through restriction of parental authority. This again shows that the municipality level lacks assistance and social services for families. In 2004, 1319 children under guardianship (curatorship) attained majority or emancipation. Upon attaining majority, municipalities pay to such children the orphan’s settlement benefit established by the state, which is in the amount of 50 MSL (LTL 6250) and used for acquiring or renting dwelling.

Pursuant to the provisions of the Civil Code and Resolution No 1422 of the Government of the Republic of Lithuania of 10 September 2002 “On the Approval of the Procedure of Accounting of Adoption in the Republic of Lithuania” (*Official Gazette*, 2002, No 90-3856), 6.9 per cent of children under guardianship (curatorship) were adopted. In 2003, 221 children were adopted. 117 of them were adopted by the citizens of the Republic of Lithuania and 104 – the citizens of foreign countries (in 2002, 159 children were adopted by the citizens of the Republic of Lithuania and 72 – by the citizens of foreign countries). Among foreigners who adopted most children were the citizens of France, USA, Italy. In Lithuania, biggest numbers of adoption cases are recorded in the largest Lithuanian cities – Vilnius and Kaunas. Of 117 children adopted in 2003, 54 were adopted by one of the spouses, 20 – by a family, 33 – by guardians.

**Table 17.1.3. End of guardianship (curatorship) in 2000–2004**

	2000	2001	2002	2003	2004
<b>Total</b>	1693	1874	1804	2129	2439
<b>Returned to his/her parents</b>	788	696	720	810	936
<b>Attained majority or emancipation</b>	636	773	967	1150	1319
<b>Adopted</b>	38	67	109	156	168
<b>Entered into a marriage</b>	12	4	8	9	9
<b>Child died</b>				4	7
<b>Temporary guardianship changed to permanent guardianship</b>	...	...	1192	1175	1770

Data of the Child’s Rights Protection Services of the municipalities

**2. Child's guardian (curator).** Pursuant to the Civil Code of the Republic of Lithuania, priority in becoming the child's guardians (curators) must be accorded to his/her close relatives, provided this is in the child's best interests. Like in 2003, in 2004 also about 42 per cent were placed under guardianship (curatorship) in the families. Most often their guardians (curators) are their closest relatives: grandparents – 49.4 per cent; elder brothers, sisters – 10.3 per cent; other relatives (uncles and aunts) – 17.7 per cent. In 2003, 22.6 per cent of children were placed under guardianship (curatorship) of other persons.

**Table 17.1.4. Guardianship (curatorship) in a family**

	2000	2001	2002	2003	2004
Number of children under guardianship in the family	1287	1292	1359	1436	1368
Number of children, whose guardians (curators) became relatives	920	898	965	1031	1059
Among them: - grandfather or grandmother	486	524	581	579	674
- child's brother or sister	138	141	113	148	142
- brother or sister of the child's parents (uncle or aunt)	296	233	271	304	243
Another person	367	376	394	405	309

*Data of the Child's Rights Protection Services of the municipalities*

There are common cases when guardians (curators) are not properly ready to take care of the child, because, as we can see in Table 17.1.4, most guardians (curators) are close relatives, for whom there is no requirement to attend courses on the issues of child care and possess additional professional knowledge necessary for bringing up a child. The lack of professional preparation of the guardians (curators) can be proved by the fact that in 2004, 83 guardians (curators) refused to take care of children themselves, 221 guardians (curators) were relieved from their duties at the procedure prescribed by laws, 27 – removed from their duties at the procedure prescribed by laws. Most problems arise when children under guardianship become adolescents, who constitute the main share in the age structure of children under guardianship. With a view to reducing the number of such cases, employees of the Child's Rights Protection Services of the municipalities systematically supervise guardians (curators), organise reviews of temporary child guardianship (curatorship) at the procedure prescribed by legal acts, seek to provide any other assistance to guardians relatives.

**3. Child care institutions.** In 2004, social services for children without parental care were provided in 190 child care institutions of various types and subordination: infants home, general education and specialised boarding schools, county, municipality child care home, social families, pre-school education care groups, etc. 6508 children were placed under guardianship (curatorship) there. Maintaining of one child in child care home costs LTL 1200 for the state, whereas maintaining a child raised by guardians costs LTL 500 for the state.

Basing on the reports submitted by the Child's Rights Protection Services of the municipalities in 2003, child care tendencies hardly changed in many cities and districts of the country in 2003. In 2000–2003, guardianship (curatorship) in families constituted about 45 per cent on the average of all guardianships (curatorships) established that year (in 2004 – 42.6 per cent). During this period, there has been a growing tendency that most senior school-age children are

placed under guardianship (curatorship) in child care institutions, but not in families. In 2004, there were 40 social families in Lithuania that took care of 312 children.

This tendency may be explained by a fear of possible guardians to assume responsibility for the adolescents because such children need more attention, and the guardians have to possess knowledge on how to treat adolescents. In order to solve this problem and increase the number of children under guardianship in families, social work with families is strengthened on the municipality level, social and psychological services are developed with the help of the non-governmental sector.

**Table 17.1.5. Placing of children without parental care in 2000–2004 (number)**

	2000	2001	2002	2003	2004
Total number of children without parental care	2826	2863	3003	3023	3267
Placed in: families	1287	1274	1359	1436	1368
social families	45	32	36	27	25
infants home	232	239	254	248	295
county child care home	348	410	483	459	599
care institutions for disabled children	11	4	10	30	19
general education boarding schools	80	76	45	36	40
specialised boarding schools	96	54	49	41	64
municipality child care home	170	249	444	348	397
municipality child care groups	232	252	200	280	301
non-governmental child care home	38	19	123	118	159
parish child care home	80	59	0	0	...
temporary child care home	131	170	0	0	...
special child education and care home	65	16	0	0	...
vocational, post-secondary, higher educational establishment where they are maintained by the state	11	2	0	0	...
other child care institutions	0	7	0	0	...

Sources: Data of the Child's Rights Protection Services of the municipalities, MoSSL.

Regarding the questions presented in the Conclusions of the European Committee of Social Rights on child's guardianship (curatorship) (pp. 369–370):

Legal acts regulating child's guardianship (curatorship):

- Law Ratifying the United Nations Convention on the Rights of the Child;
- The Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child;
- Civil Code of the Republic of Lithuania (*Official Gazette*, 2000, No 74-2262);
- Concept of Family Policy approved by Resolution No 362 of the Government of the Republic of Lithuania of 19 March 1996 (*Official Gazette*, 1996, No 28-684);
- State Policy Concept of Child Well-Being approved by Resolution No IX-1569 of the Seimas of the Republic of Lithuania on 20 May 2003;
- Action Plan of the State Policy Strategy on Child Well-Being and its Implementation Measures 2005–2012 approved by Resolution No 184 of the Government of the Republic of Lithuania of 17 February 2005;

- General Regulations of Child's Rights Protection Institutions approved by Resolution No 1983 of the Government of the Republic of Lithuania of 17 December 2002 (*Official Gazette*, 2002, No 120-5415; 2003, No 51-2274; No 80-3661);
- General Regulations of State and Municipality Child Care Home approved by Order No A1-68 of the Minister of Social Security and Labour of 3 March 2005 (*Official Gazette*, 2005, No 33-1079).

Improvement of legal acts relates to the current system of child guardianship (curatorship) and its peculiarities. Although legal framework of the state allows ensuring protection of child's rights and his/her legal interests in the family and creating proper external conditions for a family raising children, however, each year about 3000 children are placed under guardianship (curatorship), of which only one each tenth child without parental care is an orphan. According to the data of the Department of Statistics under the Government of the Republic of Lithuania (hereinafter – Department of Statistics), each year about 3000 children from social risk families are deprived of parental care because their parents neglect them, do not look after them, do not bring them up properly (over 1600 children), their parental authority is restricted (over 500 children), children become orphans (over 270 children), their parents are declared missing (over 90 children), parents use violence (about 80 children), parents are incapable (over 15 children), parents are ill (over 160 children), parents are arrested and imposed a sentence (about 100 children) and due to other reasons (over 150 children). Prevailing tendencies of an increase in the number of social risk families will affect and already affect the lifestyle and behaviour of this and future generations.

Upon Lithuania's integration into the European Union, the contents and the provisions of the child guardianship (curatorship) have been harmonized with the norms of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Constitution of the Republic of Lithuania that each individual, even the one who is not capable of properly exercising his freedoms and legal interests, must enjoy all human rights and freedoms. Guardianship is one of the measures to help a child as the subject of civil law ensure realization of his rights, bringing up and care in the environment where he could safely and properly grow and develop. Child guardianship in Lithuania is in the transition stage from child guardianship at public institutions and permanent guardianship in families, as an alternative parenthood, to child guardianship as an institution of assistance to the family with the aim of returning a child to the family. Temporary child guardianship (curatorship) is governed by the norms of the Civil Code and the Regulations of Temporary Child Guardianship (Curatorship) approved by Order No 58 of the Minister of Social Security and Labour of 18 April 2002 (*Official Gazette*, 2002, No 68-2798; 2003, No 77-3546) and Annexes to the Regulations of Organising Child Care approved by Order No 51 of the Minister of Social Security and Labour of 15 April 2002 (*Official Gazette*, 2002, No 41-1543; 2003, No 77-3545). The existing procedure of implementing temporary child guardianship (curatorship) does not guarantee a more dynamic returning of children to the families, thus more and more often temporary child guardianship (curatorship) is changed to permanent guardianship (curatorship). According to the information submitted by the Child's Rights Protection Services of the municipalities, in 2003, temporary child guardianship (curatorship) ended for 2129 children, of which 810 children were returned to their parents and 1175 children were placed under permanent child guardianship (curatorship); in 2004, temporary child guardianship (curatorship) ended for 2439 children, of which 936 children were returned to their parents and 1770 children were placed under permanent child guardianship (curatorship), or 595 children more than in 2003.

Child guardianship (curatorship) in a family is one of the forms of child guardianship (curatorship) and it is accorded priority if compared to other forms (social family and an institution), and is one of the principles of establishing child guardianship (curatorship). This form of guardianship (curatorship) aims at creating a closer environment to a child that would serve as a real family for him and that would have the most favourable conditions for his psychic, moral and

ethical development. Although child guardianship (curatorship) in a family should facilitate separation of the child from his parents, however in recent years, upon the number of waif children growing, the number of families who want to take care of children without parental care is decreasing. According to the data of the Child's Rights Protection Services of the municipalities, although in 2004, as compared to 2003, the number of waif children increased from 3023 to 3267, or by 244 children more than in 2003, and 143 children were placed in families in 2003.

The Civil Code establishes that the total number of children in the family including the parents' natural children shall not exceed five. Although the duties of the child's guardian (curator) coincide in essence with the parents' duties to their children and are restricted in terms of time until the end of guardianship (curatorship), the guardian (curator) must represent the child's interests *ex officio* – positively affect the environment and the child on his own initiative without a special order. However, the requirements provided in the law for the child's guardian (curator) to properly perform his duties as regards up to five children and fulfil the functions and goals of guardianship (curatorship) often becomes a heavy burden. As the information of the Child's Rights Protection Services of the municipalities shows, in the recent years the number of guardians (curators) refusing to take care of children is not falling, furthermore, the number of cases of relieving and removing guardians (curators) from their duties at the procedure prescribed by laws is increasing. In 2003, 391 guardians (curators) were changed: 83 refused themselves, 242 were relieved from their duties, 25 were removed from their duties, and in 2004, 370 guardians were changed: 83 refused themselves, 221 were relieved from their duties, 27 were removed from their duties. Thus it is purposeful to amend Article 3.259(1) of the Civil Code of the Republic of Lithuania as follows: *Child guardianship (curatorship) in a family shall involve no more than 3 children placed under guardianship.*

Most often, natural guardians (curators) of the child become his/her close relatives who provide guardianship (curatorship) for waif children in their families. According to the information of the Child's Rights Protection Services of the municipalities, in 2003, 694 of 1359 children placed under guardianship in a family were taken care of by close relatives; in 2004, the figures were 816 children of 1368. However, each year the number of cases, where close relatives fail to perform their duties mostly due to the problems related to adolescence and lack of their own qualification and thus refuse to further take care of the minors, is growing. Such adolescents feel betrayed by the adults for the second time, therefore, they find it very difficult to adapt in a new place. According to the information of the Child's Rights Protection Services of the municipalities, the number of cases of refusing guardianship has not been decreasing since 2002: in 2002 there were 84 such cases, in 2003 and in 2004 – 83 cases each year. Therefore, it is purposeful to amend the Regulations of Organising Child Care approved by Order No 405 of the Government of the Republic of Lithuania on 27 March 2002 by providing that preparation to take care of children should be organised not only for natural persons but also for the close relatives of the child.

In 2004, keeping to the methodology drawn up by the World Bank "Toolkit on Improving Standards of Child Protection Services" (2002), the project of the standards of social services for children was drafted, which in 2005 was implemented as a pilot project in Šiauliai County. These standards of social services for children will be mandatory as of 1 January 2007 while enforcing the Law on Social Services of the Republic of Lithuania.

Standards of social services shall include the following fields: assignment of social services and planning of demand, the child's living environment that has to correspond to the family environment, guaranteeing the needs of the child's development, requirements for the personnel and administration of the institution. The standards have been drafted referring to the principles of the United Nations Convention on the Rights of the Child and they will be applied in all stationary institutions that provide social services for children. According to the Law on Social Services, institutions of social services shall be licensed on a mandatory basis from 2010.



### **Question K**

*Please indicate the role of private organisations in providing care and assistance to children and young persons, and the legal framework governing their activities, in particular with respect to state inspection.*

Currently, there are 28 child care home founded by non-state organisations or private persons, where 794 children are placed under guardianship (curatorship). Organisation of child guardianship (curatorship) in these institutions is regulated by the provisions of the Civil Code of the Republic of Lithuania and other legal acts, establishing the organisation of child guardianship (curatorship) in child care institutions of various types. Pursuant to the provisions of the Republic of Lithuania Law on State Benefits to Families Raising Children, the state pays the monthly benefit in the amount of 4 MSL for the maintenance of every child in such care institutions.

With a view to ensuring a qualitative organisation of child care in non-state child care home, the Child's Rights Protection Services of the municipalities, in accordance with the provisions of the Civil Code of the Republic of Lithuania, coordinate the organisation of child care in these institutions.

In order to make the activities of child care institutions as close as possible to the family environment and guarantee qualitative social services that would meet the child's interests and his individual needs, social care norms have been drafted for child care institutions of various types. Social care norms define the minimum quality requirements of social services provided to children, and their implementation starts on 1 January 2007.

### **Question L**

*Please provide information on the level of public expenditure, as well as the number and qualifications of staff in this field.*

A new classification of the expenditure of the state budget and municipality budgets approved by Order No 1 K-184 of the Minister of Finance of the Republic of Lithuania of 3 July 2003 came into force on 1 January 2004. Therefore, we present only the available comparative data of 2003 and 2004.

**Table 17.1.6. Expenditure of the state and municipality budgets in the social sphere (LTL, thousand)**

No		2003	2004
<b>I.</b>	<b>Expenditure in the social sphere</b>	<b>5613582</b>	<b>6568186</b>
	<b>of which:</b>		
1.	Education	3266181	3642002
	<b>of which:</b>		
1.1.	pre-school education	411862	411359
1.2.	primary and general education	1831026	2007289
2.	Health protection	716771	819740
3.	Social security	1152594	1519148
	<b>of which:</b>		
3.1.	family and children <sup>1</sup>	...	387298
4.	Leisure, culture and religion	478037	587296

<sup>1</sup> this type of expenditure started to be distinguished from the expenditure of social security only from 1 January 2004

More detailed information on the expenditure for one or another type of services or assistance is presented above in responses to the questions of Article 17 Para.1.

## **ARTICLE 17 PARA. 2**

*“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:*

- 1. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.”*

### **Question A**

***Please indicate whether free primary and secondary education is universally available in your country. Please indicate the extent to which mainstream education is open to children and young persons with disabilities.***

Pursuant to the Law on Education (*Official Gazette*, 2003, No 63-2853) and the Constitution of the Republic of Lithuania (*Official Gazette*, 1992, No 33-1014), basic education shall be compulsory for persons under the age of 16 in Lithuania. Analogical provision is stipulated in Article 28 of the Convention on the Rights of the Child ratified by the Seimas of the Republic of Lithuania (*Official Gazette*, 1995, No 60-1501), according to which a state shall make primary education compulsory and available free to all. With a view to implementing this provision, a state shall oblige the parents to encourage their child to learn, as well as take care of the child’s attendance at school until a child is granted basic education guaranteed by the state (until grade 10).

Detailed information on how the child’s right to free of charge primary and secondary education is ensured in Lithuania is presented in the publication “Lietuvos švietimas 2004” (*Education in Lithuania 2004*) ([http://www.smm.lt/svietimo\\_bukle/apzvalga.htm](http://www.smm.lt/svietimo_bukle/apzvalga.htm)).

Furthermore, in accordance with the provisions of Article 72 of the Law on Education, instruction in state-run and municipal schools according to pre-school, pre-primary, primary, basic, secondary, vocational training and post-secondary studies curricula is free of charge. The fee payable for education, instruction or studies at a non-state school is determined by the founder of the school. The fee is paid on the basis of an agreement. It is also notable that learners studying according to primary and basic curricula use textbooks free of charge. Meanwhile learners studying according to secondary or basic vocational training curricula will be provided with textbooks from the school’s textbooks supplies (if available), taking into account the income status of the parents (guardians) and the student. Personal school supplies (exercise books, pens, calculators, etc.) are provided for learners by parents (foster parents, guardians). A person with special needs is provided, both at school and at home, with special teaching aids and with assistive education technology, as prescribed by the Government or its authorised institution.

Detailed information on how the child’s right to free of charge primary and secondary education is ensured in Lithuania is presented in the statistical data on enrolment rates by various levels of education. Enrolment rates reveal demand of studying in the society, indirectly show studying conditions and the level of culture of the society. Enrolment rates by levels of education are shown by *gross* and *net* indicators of enrolment (*gross* enrolment rates is the ratio of the overall, i.e. not taking account of the age, number of students at a certain education level and number of population of the age officially corresponding this education level, whereas *net* enrolment rates show which share of the population of the age officially corresponding a certain education level is

educated/studying on that level). The difference between *gross* and *net* enrolment rates shows the share of population of inadequate age at that education level.

These statistical data show that in 2003 95.3 per cent of children of corresponding age (*net* enrolment rate) studied at the primary education level in Lithuania, thus this share slightly fell since 2000. In 2003, 95.7 per cent of population of corresponding age studied at the level of basic education. *Net* enrolment rate at this education level has been increasing since 1998. Although *net* enrolment rates indicate that not all population of corresponding age study at primary and basic education levels, these levels educate learners of younger or older age than the age officially corresponding the level. This is evidenced by bigger *gross* enrolment rates. In 2003, *gross* rate at the primary education level was 103.6 per cent, and 104.4 per cent – at the basic education level. In 2003, 73.5 per cent of persons of corresponding age (*net* rate) studied at the secondary education level, while *gross* enrolment rate at this level was 101.5 per cent. Such a big share of learners of inadequate age at the secondary education level shows the grown demand for secondary education and that secondary education is sought by the adults who have earlier withdrawn from the educational system.

**Table 17.2.1. Gross and net enrolment rates by levels of education in 1998–2003 (%)**

Level of education		1998	1999	2000	2001	2002	2003
Pre-primary	<i>Gross</i>	52.3	56.6	56.3	58.5	61.5	62.0
	<i>Net</i>	50.1	54.0	54.2	56.3	59.5	60.3
Primary	<i>Gross</i>	102.8	103.1	103.6	103.2	103.0	103.6
	<i>Net</i>	95.8	96.4	96.8	96.1	95.4	95.3
Basic	<i>Gross</i>	97.4	96.7	100.3	102.0	103.0	104.4
	<i>Net</i>	90.2	90.7	93.4	94.4	94.9	95.7
Secondary	<i>Gross</i>	88.3	97.6	95.6	97.3	101.1	101.5
	<i>Net</i>	66.5	60.8	65.4	68.0	71.1	73.5

The Republic of Lithuania exerts lots of effort to ensure accessibility of general education to the disabled children and young people. The European Commission declared the year 2003 the European Year of Disabled People. The Seimas of the Republic of Lithuania also declared the year 2003 the Lithuanian Year of Disabled People (Resolution No IX-850 of the Seimas of the Republic of Lithuania of 18 April 2002 “On Declaring the Year 2003 the Lithuanian Year of Disabled People” (*Official Gazette*, 2002, No 42-1562). This act aimed at attracting society’s attention to the status of the disabled in the country. In 2002–2003, the Ministry of Education and Science of the Republic of Lithuania actively participated in the activities of the European Agency for Development in Special Needs Education, and in 2004 it became a member of this organisation the aim whereof is to improve accessibility and quality of education for learners with special educational needs.

Pursuant to Paragraph 3 of Article 34 of the Republic of Lithuania Law on Education, accessibility of education to persons with special needs is ensured by adapting the school’s environment, by providing psychological, special-pedagogical and special assistance, by supplying such persons with assistive education technology and special teaching aids, also in other ways prescribed in law. The programme of implementing the provisions of the National Education Strategy 2003–2012 provides for further development of universally accessible educational system, ensuring an opportunity to learn for persons with special needs in a friendly environment of all types of schools according to all formal and non-formal curricula, gradually reduce the number of special (boarding) schools, promote becoming of most advanced schools centres of methodical assistance. The Methodology of pupil’s basket financing, Methodical recommendations on applying

the methodology of pupil's basket financing for learners with special needs educated in general education forms have been drafted.

It should be noted that in recent years there has been an increase in the number of learners with special needs. At the beginning of the school year of 1999–2000 learners with special needs constituted 8.5 per cent of all students of Lithuanian general education schools, in 2000–2001 – 9 per cent, in 2001–2002 – 9.4 per cent, in 2002–2003 – 9.9 per cent, at the beginning of the school year of 2003, 61412 learners had special educational needs. They constituted 10.9 per cent of all (565615) students.

Number of learners with special needs who are educated in integrated manner at general forms of day general education schools is growing annually. In the school year of 2003–2004, 54323 such learners studied in general education forms. They constituted 9.6 per cent of all country's schoolchildren (in the school year of 2002–2003 – 8.8 per cent) and 88.5 per cent of all country's learners with special needs educated at day general education schools (in the school year of 2002–2003 – 87.4 per cent). Of them 83 students were educated in integrated manner at non-state general education schools. 826 learners (in the school year of 2002–2003 – 791) studied at specialised, compensatory and specialised educatory forms of general education schools. Pre-primary education groups educated 1802 children with special needs (in the school year of 2002–2003 – 1610 children).

As compared to the data of the school year of 2002–2003, distribution of learners with special needs studying at day general education schools (state-run and municipal) by type of disorders has slightly changed within the year: number of learners with specific cognitive disorders and mentally impaired has decreased, while number of learners with language and other communication, intellect, movement and position disorders has grown.

At the beginning of the school year of 2003–2004, 7089 learners with special needs studied at specialised schools and classes. Of them 5848 learners studied at specialised (boarding) schools and special education centres, 826 learners studied in compensatory, specialised and educatory classes of general education schools, 386 learners – at sanatorium schools, 29 learners – at a non-state specialised school. These 7089 learners constituted about 11.5 per cent of all learners with special needs and 1.3 per cent of all schoolchildren of Lithuanian day general education schools (in the school year of 2002–2003 – 10.4 per cent and 1.1 per cent respectively).

At the beginning of the school year of 2003–2004, the biggest share of students at specialised (boarding) schools and education centres attended schools for children with mental disorders (3488 students, or about 56 per cent). Since 1990, the number of learners at specialised (boarding) schools for children with mental disorders has been declining each year. According to the type of disorder most learners (40.6 per cent) had minor or medium mental disorder (19.2 per cent). In the school year of 2003–2004, 130 learners studied at rural specialised schools (for mentally impaired children), and 231 learners – at rural education centres.

Out of those studying at specialised schools and education centres, 3901 learners lived in boarding schools (386 of them – in sanatorium schools), 243 learners lived in rural boarding schools. 49 learners were taught at home. Specialised schools were attended by 806 orphans and homeless children. In the school year of 2003–2004, 4428 children were educated at schools for pre-school education of children with special needs. 893 children were treated and educated at sanatorium pre-school establishments.

**Table 17.2.2. Learners with special needs at different specialised schools in 2000–2003 (number)**

Type of school	2000– 2001	2001– 2002	2002– 2003	2003– 2004
Total number of learners	7678	7503	7154	7089

Specialised (for mentally impaired children)	4634	4375	4046	3488
Special education centres	167	207	416	892
Schools for visually impaired children (blind and visually impaired)	340	338	327	307
Schools for deaf and hearing impaired	508	527	544	549
Specialised (for children with movement and position disorders)	399	439	297	290
Schools for children with speech impairment and language disorders	282	290	335	322
Specialised and compensatory classes in general education schools	951	926	791	826
Sanatorium schools	397	401	398	386
Non-state specialised school	-	-	-	29

### **Question B**

*Please indicate as far as possible the extent of truancy in primary and secondary schools.*

*Please indicate what measures are taken to encourage regular attendance and what sanctions exist for truancy.*

According to the Resolution of the Government of the Republic of Lithuania of 4 August 1997 “On the Approval of the Procedure for Recording School-Age Children under 16 Years of Age” (*Official Gazette*, 1997, No 75-1946), a dropout is a child deleted from the lists of schoolchildren, as well as a child who, according to the data of the school, should attend classes but does not do so (children who irregularly attend educational establishments are not included in the lists of dropouts). While implementing this procedure, the Ministry of Education and Science (educational institutions), the Ministry of Health (primary care centres), Department of Statistics (Register of Population) and the Ministry of the Interior are cooperating in storing data on dropouts (regarding the question of the European Committee of Social Rights on the concept of dropping-out defined in legal acts of the Republic of Lithuania (p. 372)).

Basing on the official data collected on the grounds of this procedure, it can be stated that during the recent five years the number of dropouts has been declining: in 1999, 824 dropouts of general education schools have been recorded, in 2000 – 789 dropouts, in 2001 – 684 dropouts, in 2002 – 550 dropouts, in 2003 – 572 dropouts, in 2004 – 505 dropouts. It was also determined that 14.32 per cent of children discontinue consistent education at school. It is also notable that pupils of primary schools more rarely skip classes without a reasonable excuse than pupils of basic or secondary education schools. During the school year of 2002–2003, pupils of primary schools skipped averagely 49 lessons without a reasonable excuse, basic schools – 231 lessons, secondary schools – 331 lessons. Account should be taken of the fact that much more boys in the urban area are dropouts. On the other hand, it should be noted that data on dropouts are not very reliable because so far not all such pupils are successfully identified and reported to responsible institutions.

Thus, with the view of accumulating reliable information on dropouts measures to eliminate the reasons and conditions of dropping out were implemented. While implementing Resolution No 309 of the Government of the Republic of Lithuania of 28 February 2002 “On the Assignment of the Personal Identification Number to School-Age Children under 16 Years of Age” (*Official Gazette*, 2002, No 24-888), in 2003 all children were assigned personal identification numbers that already function in the Central Schoolchildren’s Database where data on pupils of all schools implementing formal education curricula, except higher schools, are automatically processed.

Software allowing comparing the databases of the register of population with the Central Schoolchildren's Database (in 2003 pilot test on the functioning of record of dropouts was organised) has been purchased.

As already mentioned, from 1 September 2003 until 31 October 2003 and from 1 September 2004 until 31 October 2004 the Ministry of Education and Science conducted an action "Mokyklon? Pakeliui!" (*To the school? On the way!*) the aim whereof was to return dropouts or those irregularly attending school to the school and to encourage the society to contribute to solving this problem. Each year the organisers of the action received more than 500 calls of Lithuanian people by a special free-of-charge number about dropouts, and operatively reacted to them. The calls were transmitted to education subdivisions and specialists of the municipalities, which took care of the fate of such children and problems related to school attendance.

*Regarding the question of the European Committee of Social Rights on measures applied to all children in order to encourage attendance of school (p. 372):*

With a view to ensuring safe and healthy environment for pupils at schools, creating favourable conditions for well-being of a child and eliminating causes of dropping out, the Ministry of Education and Science approved of the Recommendations to the Municipalities and Heads of Schools on the Prevention of Law Violations, School Non-attendance, Abuse of Psychotropic Substances and Drugs, HIV/AIDS, Violence and Crime (Order No 1462 of the Minister of Education and Science of 17 September 2004 (*Official Gazette*, 2004, No 145-5281)). However, all such measures should not be occasional but rather permanent and constant, therefore, the complex National Programme of Returning Children to School is planned to be drafted and approved by a certain legal document for their implementation in the future.

While encouraging attendance of schools, an important role is played by social teachers who organise preventive work at school with children, parents and institutions that ensure children's rights, security and social guarantees, especially in non-formal activities of a school and strengthen the link between the school and the families. Their status, rights and duties were defined by Order No 1667 of the Minister of Education and Science of the Republic of Lithuania of 14 December 2001 "On the Approval of Qualification Requirements and Job Descriptions for Social Teachers" (*Official Gazette*, 2002, No 24-896). Pursuant to this legal act, a social teacher may be a person who has acquired the professional qualification of a social teacher at higher schools or who has a qualification of a social worker or the qualification degree of social work and who has acquired the professional qualification of a teacher or the qualification degree in educology, as well as a person who has the qualification degree in educology and who has studied the programme where not less than 64 credits constituted the volume of the subjects of social pedagogy. In 2003–2004, over 800 workplaces of social teachers were established in Lithuanian general education schools (after the Ministry of Education and Science started to implement the Programme for the Introduction of Social Teachers' Full Time Equivalents in Educational Institutions (2001–2005) approved by Resolution No 471 of the Government of the Republic of Lithuania of 24 April 2001 (*Official Gazette*, 2001, No 36-1220) in 2001, social teachers started working at schools within several years and before 1 January 2005 there were over 800 of them, two or even more social teachers work at some schools). Professional activities of social teachers allows timely noticing, evaluating and solving children's and teenagers' problems relating to non-attendance of schools, not studying, improper behaviour, communication and other. Therefore, with social teachers working at schools educative and organisational work acquired systemic nature. When a social teacher, who is able to consistently and permanently see into the problems arising for the schoolchildren, appeared at school, school relations with parents and institutions taking care of children and teenagers strengthened, preventive work with children from risk groups improved, especially children's attendance. In 2004, a legal normative act to regulate the activities of social teachers was drafted

and adopted – Minister of Education and Science approved of the General Rules for the Provision of Special Social Pedagogical Assistance by Order No 941 of 15 June 2004 (*Official Gazette*, 2004, No 100-3729).

The Ministry of Education and Science, while implementing the Programme for the Introduction of Social Teachers' Full Time Equivalents in Educational Institutions (2001–2005) approved by Resolution No 471 of the Government of the Republic of Lithuania of 24 April 2001, in 2003 financed 480 workplaces of social teachers, and the administrations of municipalities, noting the significance of this occupation, financed over 200 workplaces of social teachers. By its Resolution No 1471 of 25 November 2003 (*Official Gazette*, 2003, No 112-5026), the Government of the Republic of Lithuania changed the Methodology of calculating pupil's basket and assumed pupils approved by Resolution No 785 of the Government of the Republic of Lithuania of 27 June 2001 "On Implementing Measures for the Reform of Financing Provided to General Education Schools" (*Official Gazette*, 2001, No 57-2040), therefore financing of workplaces of social teachers has been implemented from the funds of a pupil's basket since 1 January 2004. Correspondingly, since 2004, each school was created the conditions to have a workplace of a social teacher. In 2004, additional LTL 8.5 million was allocated for the workplaces of social teachers. Meanwhile, until 2004, workplaces of social teachers were financed by the Ministry of Education and Science and founders of the school.

*Regarding the question of the European Committee of Social Rights on the sanctions for non-attendance of school established in legal acts of the Republic of Lithuania (p. 372):*

It should be noted that laws and subordinate legislation of the Republic of Lithuania do not directly provide sanctions for the schoolchildren who do not attend school or skip classes. Such sanctions (notice, reprimand, expulsion from school for a certain number of skipped classes) are provided in internal rules of the schools, which the schoolchildren oblige to follow after they choose a respective educational establishment. On the other hand, the Republic of Lithuania Code of Administrative Law Violations provides administrative responsibility to parents of the schoolchildren or them representing persons, as well as to officers for impeding youth education. Article 125(1) of the Code of Administrative Law Violations stipulates that avoidance or impeding to let young persons under 16 without a basic education go to school, as well as impeding by officers or other persons go to school for such young persons shall be imposed a fine from one thousand litas to two thousand litas. Pursuant to Article 125(2) of the Code of Administrative Law Violations, the same act performed by a person who had been imposed administrative penalty for a violation provided in Paragraph 1 of this Article shall be imposed a fine from two thousand litas to four thousand litas.

*Regarding the question of the European Committee of Social Rights on additional support for children attending schools (p. 372):*

For the recent three years, before the school year funds have been allocated *from the state reserve fund* or *after reviewing the state budget* for the preparation of children from low-income families for school. In 2003, LTL 200000 was allocated for the preparation of school-age children from the neediest families for school, in 2004 – LTL 1 million, in 2005 – LTL 2 million. In 2005, more than 56000 pupils from low-income families were supplied with teaching aids, they were each allocated averagely LTL 40, in 2004 – averagely LTL 32.

This year the Ministry of Social Security and Labour drew up a draft law on social assistance to pupils from needy families, which was submitted to Seimas for deliberation. The law is planned to come into effect as of 1 April 2006.

The draft law lays down the provision of necessary social assistance for the children from needy families – before the new school year supply them with pupil’s kit, during the school year provide free-of-charge meal and ensure full and complete meal at school, comprising breakfast and lunch.

The draft law proposes for determining a new type of social assistance for pupils aimed at the preparation for school, i.e. provision of pupils with pupil’s kit through allocating up to LTL 150 for a pupil (120 per cent of the minimum standard of living). This assistance would be rendered annually for pupils from the families, where income for one family member per month is lower than 1 amount of the state supported income, or in other cases provided for by the founders, having regard to the living conditions of the families, if the income for one family member per month is lower than 1.5 amount of the state supported income. It is planned that before the new school year starts about 85000 pupils who need such assistance could be supported, i.e. 16 per cent of all pupils. For this LTL 8 million have been provided in the state budget in 2006.

### **Question C**

***Please indicate any measures or initiatives to encourage regular attendance in favour of children and young persons from minority groups (e.g. ethnic or linguistic minorities) and vulnerable groups (e.g. those with disabilities, those suffering from dyslexia, those in long-term care, those from disadvantaged backgrounds).***

Children in social exclusion (children and young persons belonging to ethnic or linguistic minorities, those with disabilities, suffering from dyslexia, those in long-term care or from disadvantaged backgrounds) are encouraged regular attendance in several ways.

First of all, with a view to improving occupation of children, strengthening the possibilities of adaptation and rehabilitation of children from risk groups in the society, the Ministry of Education and Science has been regularly increasing funding of non-formal education and training. In the school year of 2003–2004, LTL 95.7 million was allocated annually for non-formal education from the pupil’s basket in the country, i.e. LTL 144 for a pupil each year. By including children suffering from social exclusion into non-formal education programmes it is aimed at educating their self-realization, and strengthening a link with educational establishments. Since 1993, the country has youth schools for solving the problems of pupils with lost learning motivation and dropouts. For the last three years (2002–2004) more than 2000 pupils studied at youth schools each year.

Secondly, when implementing the Model for the Provision of Pedagogical and Psychological Assistance approved by Order No ISAK-897 of the Minister of Education and Science of the Republic of Lithuania of 25 June 2003 (*Official Gazette*, 2003, No 74-3451), 51 pedagogical-psychological services have been established in the country. This improves accessibility of pedagogical and psychological assistance for children suffering from social exclusion.

Thirdly, as an individual measure, whereby children suffering from social exclusion are encouraged regular attendance of schools, free-of-charge meal at school could be indicated – within the recent three years (2002–2004) over 27 per cent of all pupils of general education schools (about 160000) received free-of-charge meal, LTL 61 million was allocated for this measure. Free-of-charge meal at school is regulated by Order No 64/955 of the Ministers of Social Security and Labour and Education and Science of the Republic of Lithuania of 16 August 1999 “On the Approval of the Procedure for Providing Free Meals in General Education Schools for Pupils from Low-Income Families” (*Official Gazette*, 1999, No 72-2245). Following the provisions of this legal act, free-of-charge meal shall be provided for pupils having regard to family income: for pupils from families that receive social benefit; also where one family member receives less than 1.5 of the amount of the state supported income established by the Government per month and in other cases established by founders, taking into account material conditions of the families, from the funds



allocated for free-of-charge meal. Free-of-charge meal for pupils includes lunch, lunch and breakfast for pupils from needy low-income families, as well as free-of-charge meal at day summer camps of general education schools. The fixed day norm of free-of-charge meal for one pupil is: up to LTL 3 – for lunch, up to LTL 1.2 – for breakfast, up to LTL 7.5 – for meals in day summer camps at general education schools.

Furthermore, with a view to reaching analogical goals, in 2003–2004 the Ministry of Education and Science implemented the programmes of Organising Children’s Summer Rest (approved by Resolution No 560 of the Government of the Republic of Lithuania of 6 May 1996 (*Official Gazette*, 1996, No 560), Child and Teenage Crime Prevention (approved by Resolution No 197 of the Government of the Republic of Lithuania of 6 March 1997 (*Official Gazette*, 1997, No 21-510), the National Programme for Control of Drugs and Prevention of Drug Addiction (Resolution No IX-2110 of the Seimas of the Republic of Lithuania of 8 April 2004 “On the Approval of the National Programme for Control of Drugs and Prevention of Drug Addiction 2004–2008” (*Official Gazette*, 2004, No 58-2041) and Resolution No 970 of the Government of the Republic of Lithuania of 6 September 1999 “On the Approval of the National Programme for Control of Drugs and Prevention of Drug Addiction 1999–2003” (*Official Gazette*, 1999, No 76-2291; 2001, No 8-235). Over LTL 6 million was additionally allocated for the above each year.

It is notable that summer camps accept more and more socially supported children suffering from social exclusion. For example, during the summer of 2003, 50000 socially supported children rested in summer camps (10000 more than in 2002). Rest of socially supported children was financed by the Ministry of Education and Science, LTL 2.9 million was allocated in 2003. The funds were allocated by tender to municipalities, non-governmental organisations, public institutions. The tender received almost 2000 applications. In 2003, children could rest in 32 stationary, almost 1.5 thousand day, programme (tourism, sports, creative-artistic, etc.) camps. Besides, 81 work and rest camps were open. For the organisation of children’s summer rest the premises of schools, school hostels were used and gyms and computer classes were open. As compared with 2002, the number of stationary children’s summer camps increased: in 2002 there were 27 of them, while in 2003 – 32. Moreover, in 2003, municipalities allocated more funds for the children’s summer programmes – LTL 1.4 million (LTL 400000 more than in 2002). Children’s summer occupation was also taken care by the Police Department, Riflemen’s Union, the Ministry of National Defence and other ministries.

In 2004, while implementing the Children’s Socialisation Programme (Resolution No 209 of the Government of the Republic of Lithuania of 23 February 2004 “On the Approval of the Socialisation Programme for Children and Young People” (*Official Gazette*, 2004, No 30-995) children’s occupation possibilities were improved, cooperation between responsible departments and public organisations was developed. In 2004, LTL 3 million and 114000 was allocated from the state budget for organising children’s summer rest, which is approximately LTL 200000 more than in 2003. Total funding in 2004 was allocated for 147 children’s occupation programmes. Interdepartmental Commission for the coordination of the National Programme of Child and Teenage Crime Prevention and children’s summer rest allocated 10 per cent of the indicated funds for the national and international programmes, 30 per cent – for stationary camps, 60 per cent – for municipal programmes. In 2004, 28 public schoolchildren’s organisations (scouts, young falcon union, young Catholics, young farmers, etc.), 26 sports institutions and clubs, 15 additional education institutions, 7 confessional, 21 creative, 3 training-scientific and other children’s and teenagers’ camps operated in Lithuania and implemented pupils’ occupation programmes.

Since 1997, the National Programme on Child and Teenage Crime Prevention has been implemented coordinated by the Ministry of Education and Science. Its aims are to promote schools’ cooperation with police establishments in the fields of legal education of pupils and their parents, prevention of children’s violations of law and order, also involve local community in work with socially and pedagogically disadvantaged children and their families, realize the ideas of

education through sports, pupils' occupation possibilities in national non-formal education events. This aims at ensuring safe and healthy environment for children at schools and accordingly eliminate preconditions and conditions for dropping-out.

LTL 1 million was allocated for the programmes of child and teenage crime prevention from the state budget in 2003 and 2004. The bigger share – 70 per cent of these funds went to municipalities. When distributing funds for the municipalities, notice was taken of the number of children in the municipality, number of children aimed at being occupied and the funds allocated by the municipality itself. 10 per cent of the funds went to public children's and youth organisations operating in the entire Lithuania, 20 per cent – to the programmes of the country's non-formal children's education and other institutions. It should be noted that in 2004 the country's non-formal children's education and other institutions received funds according to this programme for the first time.

Projects of initial prevention of drug addiction and purposeful children's occupation are supported following the provisions of the State Education Strategy for 2003–2012, the National Programme for Control of Drugs and Prevention of Drug Addiction 2004–2008 (Resolution No IX-2110 of the Seimas of the Republic of Lithuania of 8 April 2004 “On the Approval of the National Programme for Control of Drugs and Prevention of Drug Addiction 2004–2008” (*Official Gazette*, 2004, No 58-2041)). The aim of the projects of initial prevention of drug addiction and purposeful children's occupation is to provide children, teachers and parents not only with knowledge but also form life skills, mature value attitude and prevent social risk factors. Projects of such nature create opportunities for children with various capabilities engage in purposeful and socially meaningful activities. In 2004, LTL 1 million and 341000 was allocated to finance the projects of initial prevention of drug addiction and purposeful children's occupation; over 200 projects were funded. The funded projects encompassed a range of activities: the initial prevention of consuming alcohol, tobacco, narcotic drugs and psychotropic substances was organised, conditions were created for children to play football, basketball, learn computer programming, swimming, participating in various events. Also teachers were trained and the schools and municipalities developed teaching aids.

With a view to ensuring regular attendance of schools by children from ethnic minorities and suffering from social exclusion, the Programme for Integration of the Roma into the Lithuanian Society 2000–2004 (Resolution No 759 of the Government of the Republic of Lithuania of 1 July 2000 “On the Approval of the Programme for Integration of the Roma into the Lithuanian Society (2000–2004)” (*Official Gazette*, 2000, No 759) was implemented: teaching of children and their free-of-charge meal were organised. In 2003, a textbook in Roma language “Romani bukvi” (authors Teofilė Bagdonavičienė and Henrika Prosnjakova, publishing house *Kronta*) was prepared and the edition of 500 copies was published, and officially presented in the Ministry of Education and Science on 14.09.2004. Textbooks were delivered to Roma children in various Lithuanian schools in autumn of 2004.

*Regarding the question of the European Committee of Social Rights on the number of dropouts in rural area and measures fighting non-attendance of schools among children from rural area (p. 373):*

Out of total number of dropouts (in 1999, 824 dropouts of general education schools, in 2000 – 789 dropouts, in 2001 – 684 dropouts, in 2002 – 550 dropouts, in 2003 – 572 dropouts, in 2004 – 505 dropouts) one-third of children lived in rural areas.

Preventive measures for non-attendance of schools that are currently applied are common in urban and rural schools. However, there is a specific preventive measure for non-attendance of school that is applied namely in rural areas – driving pupils living in rural and remoter suburban areas that are more than 3 kilometres away from school to the nearest relevant municipal school or a

school of another founder and back home (the Programme of the Supply of Rural Schools with Means of Transport “Yellow Bus” 2000–2002 of the Government of the Republic of Lithuania (*Official Gazette*, 2000, No 33 – 934). The measure was introduced to increase access of education for children in rural areas.

While implementing the Programme of the Supply of Rural Schools with Means of Transport “Yellow Bus” 2000–2002 of the Government of the Republic of Lithuania (*Official Gazette*, 2000, No 33 – 934), 162 school yellow buses were purchased, 13 of them – in 2003. In 2003 yellow buses drove 8.5 per cent of children of the total number of those transported. Within three years from 2000 the number of pupils driven by yellow buses has increased from 5.4 thousand to 7.8 thousand. Yellow buses were provided for taking to school pupils of grades eleven and twelve from rural secondary schools that were reorganised into basic schools, of grades nine and ten from rural incomplete basic schools, basic schools reorganised into primary schools, and pupils with special needs. In 2003, while implementing the Programme of School Improvement approved by Resolution No 759 of the Government of the Republic of Lithuania of 28 May 2002 (*Official Gazette*, 2000, No 54-2130) and in improving services of pupils’ transportation to educational establishments the following publications were prepared and published: “Methodical recommendations of organising pupils’ transportation” – for municipalities, “A guide for a driver of a school bus”, “My travel by a school bus” – for the pupils.

In further implementation of the Programme of the Supply of Rural Schools with Means of Transport “Yellow Bus” approved by the Government of the Republic of Lithuania, in 2004, 65 school yellow buses were purchased for almost LTL 6 million and delivered to municipalities. In 2005, 50 more buses were planned to be purchased. In 2004, the “Yellow Bus” programme was implemented together with reorganisation of the school network with a view to improving education efficiency and quality, and together with the Programme of School Improvement. In 2004, yellow buses drove to school pupils of reorganised rural schools, as well as children with special needs (yellow buses transported about 8000 pupils per day). In 2004, publications on going to school by this means of transport were published for the drivers of yellow buses and pupils using them: Methodical recommendations on organising transportation, and on safe driving.

*Regarding the question of the European Committee of Social Rights on the number of Roma children who do not attend school (p. 373):*

In 2003–2004 schools were attended by more than one-fourth of all Roma school-age children. Often they do not attend school regularly; therefore, they do not graduate. During 2003–2004 more than 100 school-age Roma children dropped out of school. Notice should be taken of the fact that orphans complete more grades (i.e. Roma children residing in care institutions).

*Regarding the question of the European Committee of Social Rights on measures applied to encourage Roma children to attend educational establishments and on the effectiveness of the Programme of integration of the Roma into the Lithuanian society for 2000–2004 implemented in 2003–2004 (p. 373):*

The mentioned measures could be classified:

- Vilnius City Municipality formed pre-primary education groups for Roma children, and LTL 70000 was allocated from the state budget in 2003–2004;
- Additional (non-formal) education groups for Roma children were organised, and LTL 36000 was allocated from the state budget in 2003–2004;

- Free-of-charge meal was provided to Roma children attending pre-primary education groups formed by Vilnius City Municipality, and LTL 62000 was allocated from the state budget in 2003–2004;
- The Ministry of Education and Science of the Republic of Lithuania organised qualification upgrading courses, seminars for teachers working with Roma children. LTL 28000 was allocated for upgrading teachers' qualification from the state budget in 2003–2004;
- In 2003, a textbook in Roma language "Romani bukvi" (authors Teofilė Bagdonavičienė and Henrika Prosnjakova, publishing house *Kronta*) was prepared and the edition of 500 copies was published, and officially presented in the Ministry of Education and Science on 14.09.2004. Textbooks were delivered to Roma children in various Lithuanian schools in autumn of 2004.

These measures secured more effective education of Roma children starting with the stage of pre-primary education, encouraged Roma children to integrate into the school life more actively, take interest in the subjects and teaching programmes (through non-formal education and training). Finally, notice should be taken of the fact that during the reporting period Roma children were provided with objective possibilities to learn their mother-tongue at the educational establishments from a special textbook, which in turn creates the conditions for children to more easily understand teaching programmes and adapt in various educational institutions. It should also be noted that analogical aims were reached by pre-primary education of Roma children introduced in Vilnius City Municipality, since this education before Roma children go to school allows them familiarizing themselves with the official Lithuanian language and its basics. It is also highlighted that most of the mentioned measures were first implemented in the territory of Vilnius City Municipality due to the reason that namely in this area (Kirtimai encampment) the biggest part of Roma community in Lithuania resides.

*Regarding the question of the European Committee of Social Rights on submitting of statistical data on the number of children who skip classes (p. 373):*

Beside the figures presented in the answer to Question B of Article 17 Para. 2, no more statistical data are available.

During the school year of 2002–2003, pupils of primary schools skipped 49 classes without a reasonable excuse, basic schools – 231 classes, secondary schools – 331 classes.

#### **Question D**

***Please indicate what proportion of children and young persons complete the secondary education cycle successfully and the existing possibilities for those for whom it is not the case.***

Pupils who acquire secondary education shall be those who complete the secondary education programme, pass their examinations and receive school-leaving certificates. Secondary education may be acquired in state-run and non-state general education schools (including specialised (boarding), sanatorium, adult schools) and vocational schools.

In the school year of 2002–2003, secondary education was acquired by 44022 pupils in Lithuania. 7828 pupils acquired secondary education in vocational schools, 4051 – in adult schools, 128 – in non-state general education schools, and 15 – in specialised (boarding) and sanatorium schools. Secondary education was acquired by 23398 girls (53.2 per cent). 759 completed the secondary education programme but did not receive school-leaving certificates.

**Table 17.2.3. Number of pupils who did not receive school-leaving certificates in all types of schools in the school year of 2002–2003**

Type of schools	Did not receive a certificate of basic education	Did not receive a school-leaving certificate
General education schools (state-run)	1571	558
Specialised (boarding) and sanatorium schools	348	0
Adult schools	260	201
<b>Total:</b>	<b>2179</b>	<b>759</b>

Persons who, due to certain reasons could not acquire secondary education, are provided with possibilities to use measures of adult formal and non-formal education laid down in the Law on Non-formal Adult Education (*Official Gazette*, 1998, No 66-1909). It obliges providers of non-formal adult education and their social partners “to help implementation of inborn human right for lifelong development of one’s personality”. The Law provides that the main goals of non-formal adult education shall be to help an individual to satisfy his (her) self-education needs, seek for new competences and qualifications through lifelong learning. While implementing this Law, in 2003 a project of the Strategy Ensuring Lifelong Learning and its Implementation Action Plan was drafted and in 2004 it was approved by Ministers of Education and Science and Social Security and Labour (Order No ĮSAK-433/A1-83 of the Minister of Education and Science and the Minister of Social Security and Labour of the Republic of Lithuania of 26 March 2004 (*Official Gazette*, 2004, No 56-1957). Pursuant to the provisions of the Strategy and the 2003 priorities approved by the Council of Non-formal Education, adult non-formal education programmes of various nature were financed. In 2003, a provisional procedure for the assessment of knowledge acquired independently or in the system of non-formal adult education and for obtaining state recognised graduation documents of post-secondary education and vocational training or of a particular level or module thereof and the acquisition of qualification approved by Order No 1353 of the Minister of Education and Science of 1 October 2001 (*Official Gazette*, 2001, No 88-3111) was started to be implemented. The system of recognising qualifications acquired in non-formal manner was improved by submitting the projects for the support of the European Union Structural Funds. In 2004, preliminary applications for financing lifelong learning projects of various institutions and organisations were accepted according to Measure 2.4 “Promotion of Conditions for Lifelong Learning” of Priority 2 “Human Resource Development” of the EU Single Programming Document. As the submitted preliminary applications for the EU support showed, various educational institutions are interested in adult education activities and want to develop it in their regions. On 7 June 2004, the Ministry of Education and Science and the Lithuanian Association of Adult Education renewed the cooperation agreement signed back in 1994. The agreement provides for cooperation while implementing the provisions of the State Education Strategy 2003–2012 related to adult education and the Strategy of Lifelong Learning.

**ARTICLE 18: RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORIES OF OTHER COUNTRIES**

**Legal acts of the Republic of Lithuania**

**1. Constitution of the Republic of Lithuania**

**2. Laws of the Republic of Lithuania**

- Law on the Legal Status of Aliens No.VIII-978 (Official Gazette, 1998, No.115-3236).  
**Effective since 30 April 2004:**
- Republic of Lithuania Law on the Legal Status of Aliens No.IX-2206 (Official Gazette, 2004, No.73-2540)

**3. Regulations**

- Order by the Minister of Social Security and Labour “Concerning Approval of the Procedure for the Employment of Aliens in the Republic of Lithuania under Employment Contracts No. 62 of 1 June 2000 (Official Gazette, 2000, No. 48-1399).
- Resolution of the Government of the Republic of Lithuania ”Concerning Approval of the Procedure for the Employment of Foreign Nationals Seconded to the Republic of Lithuania for a Limited Period of Time and Working Conditions for Such Persons“ No. 1045 of 19 August 2003 (Official Gazette, 2003, No.81-3692).

*The following regulations were adopted after coming into effect of the new Republic of Lithuania Law on the Legal Status of Aliens on 30 April 2004: :*

- Order by the Minister of Social Security and Labour “Concerning Approval of the Conditions and Procedure for the Issue of Work Permits to Aliens“ No.A1-179 of 16 July 2004 (Official Gazette, 2004, No.113-4256)
- Order by the Minister of Social Security and Labour “Concerning Amendments to Order by the Minister of Social Security and Labour “Concerning Approval of the Conditions and Procedure for the Issue of Work Permits to Aliens“ No.A1-179 of 16 July 2004 No.A1-192 of 15 July 2005 (Official Gazette, 2005, No.85-3176).
- Order by the Minister of Social Security and Labour and the Minister of Interior “Concerning Approval of the Conditions and Procedure for the Issue of Work Permits to Aliens During Their Stay in the Republic of Lithuania“ No.A1-223/1V-310 of 28 September 2004 (Official Gazette, 2004, No.81-3692).

**ARTICLE 18, PARA. 1**

*”With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:*

- 1 to apply existing regulations in a spirit of liberality;“*

**Question A**

***How is this paragraph observed in your country, both with regard to wage-earners and with regard to others?***

In Lithuania, provisions of this paragraph are applied in the area of issue of work permits. The National Labour Exchange issues work permits taking account of the labour market situation and the aliens' employment quota established by the Government (the latter has never been used as a basis). Furthermore, in examination of documents submitted by an alien, both educational attainment and professional qualifications acquired abroad are recognised without any further examination. Please note statistics provided in B, which also testifies to liberality of issue of work permits to aliens.

**Answer to the question by the European Committee of Social Rights (p. 374):**

*"The Committee notes that the actual number of applications for work permits during the corresponding year fell short of the established quota, i.e. that the quota was not exhausted. It wishes to be kept informed on the application of the quota system and the assessment of the needs of the domestic labour market in future reports"*

The aliens employment quota is no longer applied since 30 April 30 when the Republic of Lithuania Law on the Legal Status of Aliens No.IX-2206 came into effect. This law establishes that work permits shall be issued to aliens based only on the needs of the Lithuanian labour market. The law also states that an alien wishing to work in the Republic of Lithuania must obtain a permit to work in the Republic of Lithuania before entry into the country. A separate chapter of the law (Chapter V) regulates the legal status of citizens of the EU Member States in the Republic of Lithuania. Citizens of the EU Member States and their family members intending to work in the Republic of Lithuania do not need a work permit.

Vacant jobs are registered at local labour exchanges and, if requested by the employer, are published on EURES portal. A search for a worker of requested qualifications is conducted during one month in Lithuania and, if requested by the employer, in the EU Member States. If no requested worker is found in Lithuania, the National Labour Exchange adopts a decision on the issue of a work permit to an alien.

**Question B**

***Please indicate the number of permits granted compared with the number of applications made.***

By resolution of the Government of the Republic of Lithuania "Concerning Approval of the Aliens Employment Quota for the Republic of Lithuania for 2003", No. 117 of 28 January 2003 (Official Gazette, 2003, No.11-414), a quota for the employment of aliens in the Republic of Lithuania was established for 2003: 800 persons.

**Answer to the question by the European Committee of Social Rights (p. 375):**

*"However, it notes that the information provided refers to foreign workers in general and does not specify the number of applications for work permits filed by and the number of work permits granted to nationals of Parties to the Revised Charter or the Charter not being members of the European Union. The Committee requests that future reports provide this information"*

In 2003 the National Labour Exchange received 650 applications for the employment of foreigners.

**609 work permits were issued to foreign nationals in 2003:**

1. Ukraine 158	8. Latvia 19	15. Estonia 6	22. Yugoslavia 3	29. Croatia 1
2. Russia 120	9. Turkey 12	16. South Korea 5	23. Without citizenship 3	30. Georgia 1
3. China 103	10. Israel 11	17. Czech Republic 4	24. Vietnam 2	31. Australia 1
4. Belarus 35	11. Norway 10	18. Pakistan 4	25. Japan 2	32. Guinea 1
5. Poland 29	12. Armenia 9	19. Azerbaijan 3	26. Canada 2	33. Syria 1
6. Bulgaria 22	13. Kazakhstan 6	20. Switzerland 3	27. India 1	34. Nigeria 1
7. USA 2	14. Uzbekistan 6	21. Lebanon 3	28. Slovenia 1	35. Kirghizstan 1

**41 work permits were refused in 2003:**

1. Russia 6	9. Kazakstan 2
2. China 5	10. India 2
3. USA 5	11. Armenia 1
4. Ukraine 4	12. Uzbekistan 1
5. Poland 4	13. Philippines 1
6. Belarus 3	14. Estonia 1
7. Turkey 3	15. Azerbaijan 1
8. Norway 2	

In 2003, 41 applications by employers were not satisfied as, after a change in circumstances, employers refused to employ 23 aliens and 14 employers had been repeatedly invited to collect work permits for aliens at the National Labour Exchange, however, they failed to do so. The documents were returned to employers. Documents were returned to 4 foreigners upon entry into force of Resolution of the Government of the Republic of Lithuania „Concerning Approval of the Procedure for the Employment of Foreign Nationals Seconded to the Republic of Lithuania for a Limited Period of Time and Working Conditions for Such Persons“ No. 1045 of 19 August 2003. In accordance with Part I, paragraph 5 of the resolution, no work permit is required for citizens of the EU Member States and their family members as well as citizens of other states who legally work in the EU Member States and who have been seconded to the Republic of Lithuania by their employers.

In 2004 the National Labour Exchange received 1013 applications for the employment of aliens.

**877 work permits were issued in 2004 to foreign nationals:**

1. Ukraine 279	8. Armenia 11	15. Latvia 5	22. Canada 2	29. Cameroon 1
2. Belarus 189	9. Turkey 8	16. Uzbekistan 5	23. Azerbaijan 2	30. Romania 1
3. Russia 108	10. Pakistan 8	17. Egypt 4	24. Georgia 2	31. Japan 1
4. China 98	11. Korea 7	18. India 4	25. Lebanon 2	32. Norway 1
5. USA 52	12. Israel 7	19. Vietnam 3	26. Australia 2	33. Mexico 1
6. Bulgaria 38	13. Moldova 6	20. Estonia 3	27. Poland 1	34. SAR 1
7. Kazakstan 14	14. Without citizenship 6	21. Argentina 3	28. Iceland 1	35. Croatia 1

**136 work permits were refused to foreign nationals in 2004:**



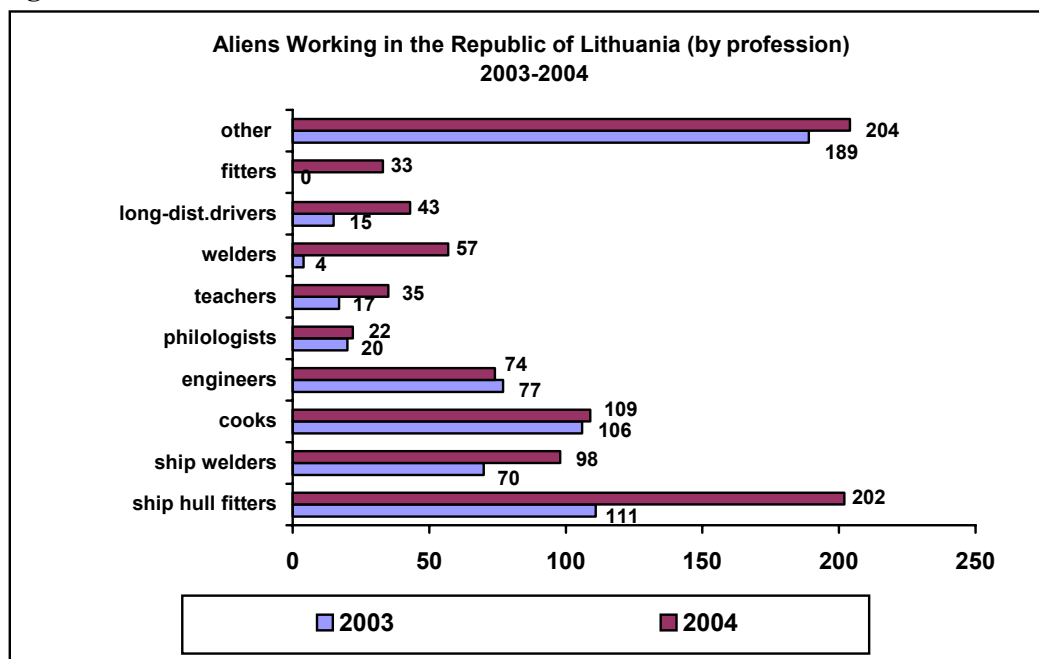
1. Bulgaria	43	8. Jordan	2	15. Lebanon	1
2. Ukraine	30	9. Russia	2	16. Korea	1
3. Belarus	20	10. India	2	17. Vietnam	1
4. China	9	11. Armenia	1	18. Uruguay	1
5. USA	7	12. Estonia	1	19. Canada	1
6. Turkey	7	13. Azerbaijan	1	20. Georgia	1
7. Latvia	3	14. Israel	1	21. Croatia	1

In 2004, 136 applications by employers were not satisfied as, after a change in circumstances, employers refused to employ 39 aliens and 5 employers had been repeatedly invited to collect work permits for aliens at the National Labour Exchange, however, they failed to do so. The documents were returned to employers.

Documents were returned to 62 foreigners upon entry into force of Resolution of the Government of the Republic of Lithuania „Concerning Approval of the Procedure for the Employment of Foreign Nationals Seconded to the Republic of Lithuania for a Limited Period of Time and Working Conditions for Such Persons“ No. 1045 of 19 August 2003. In accordance with Part I, paragraph 5 of the resolution, no work permit is required for citizens of the EU Member States and their family members as well as citizens of other states who legally work in the EU Member States and who have been seconded to the Republic of Lithuania by their employers. Since the date of Lithuania’s accession to the EU the National Labour Exchange returned documents to 3 Latvian citizens pursuant to Article 103 of the Republic of Lithuania Law on the Legal Status of Aliens of 29 April 2004. Upon coming into effect of order by the Minister of Social Security and Labour “Concerning Approval of the Conditions and Procedure for the Issue of Work Permits to Aliens“ of 16 July 2004, documents were returned to heads of 18 undertakings, 8 members of traditional religious communities and 1 professional athlete.

The number of aliens coming from the Ukraine, Belarus and the USA increased in 2004 compared with 2003, while the number of those coming from China and Russia decreased.

**Figure 18.1.1**



**Question C**

***Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.***

Aliens' work in the Republic of Lithuania is governed by Chapter III, Section 5 of the Law on the Legal Status of Aliens.

**Update of conclusions by the European Committee of Social Rights (p. 374):**

*"The employment of foreigners in Lithuania is regulated by the Act on the Legal Status of Aliens. Foreign workers have to obtain a work permit in order to engage in a gainful occupation in Lithuania. However, citizens of member states of the European Union are exempt from this requirement as well as foreign workers having a temporary or permanent residence permit and other special categories of workers under certain conditions such as, inter alia, managers of foreign enterprises, professional sportsmen and students"*

Republic of Lithuania Law on the Legal Status of Aliens No.IX-2206 establishes that an alien shall be exempted from the duty to obtain a work permit provided that he holds a temporary residence permit (has retained the right to Lithuanian citizenship; is a person of Lithuanian origin; the family is being reunited; guardianship has been assigned to him or he has been appointed guardian; additional protection or temporary protection in the Republic of Lithuania has been granted in accordance with the procedure established by this Law) or holds a permanent residence permit in the Republic of Lithuania. Furthermore, the Minister of Social Security and Labour may establish conditions under which an alien is not required to obtain a work permit.

The Conditions and Procedure for the Issue of Work Permits to Aliens establish the conditions of the issue of work permits to aliens, of the refusal to issue a work permit, of revocation of a work permit and the conditions under which no work permit is required for an alien. An alien wishing to work in the Republic of Lithuania under an employment contract or an alien who has been seconded to the Republic of Lithuania and who has a permanent job abroad must obtain a work permit.

No work permit is required from an alien if the alien:

- has registered an undertaking, institution or organisation in the Republic of Lithuania as an owner or co-owner, holding at least 10% of the company's authorized capital or voting rights, and his presence in the Republic of Lithuania is required in order to attain purposes of the undertaking, institution or organization and to advance its activities;
- is the head or authorized representative of an undertaking, institution or organization registered in the Republic of Lithuania, provided that working with the undertaking, institution or organization is the main purpose of his presence in the Republic of Lithuania;
- is a natural person entering the Republic of Lithuania for the purpose of arranging matters related to negotiations for and execution of a contract, personnel training, establishment of business, installation of equipment etc. for not longer than three months during any year;
- is a foreign national legally working in a EU Member State and has been seconded by his employer for temporary work in the Republic of Lithuania;
- is a natural person working with an undertaking established in a state that has concluded with the EU a bilateral agreement or a multilateral international agreement within the framework of the World Trade Organisation, which stipulates the conditions for the provision of services by natural persons and the provisions of which are binding upon Lithuania, who has entered into a contract for the provision of services in the Republic of Lithuania. Obtaining of a work permit is not required from such persons to the extent to which it has been stipulated in the

aforesaid bilateral/multilateral agreements binding upon Lithuania (according to service provision areas or quotas);

- is a natural person legally providing services in a state that has concluded with the EU a bilateral agreement or a multilateral international agreement within the framework of the World Trade Organisation, which stipulates the conditions for the provision of services by natural persons and the provisions of which are binding upon Lithuania, who has entered into a contract for the provision of services in the Republic of Lithuania. Obtaining of a work permit is not required from such persons to the extent to which it has been stipulated in the aforesaid bilateral/multilateral agreements binding upon Lithuania (according to service provision areas or quotas);

- wishes to be employed in order to participate in government programmes implemented jointly with foreign states;

- is a professional athlete that has concluded a sports contract;

- enters the Republic of Lithuania to conduct research or do pedagogical work at science and studies institutions;

- is a member of the crew of a ship sailing under the Lithuanian flag holding a long-term visa (Article 16 of the Republic of Lithuania Law on the Legal Status of Aliens);

- enters the Republic of Lithuania as a person undergoing advanced or practical training for a period not exceeding 3 months during any year;

- is a member of a traditional Lithuanian religious community or a religious community recognized by the state, holding a solicitation document issued by the relevant religious community, or clergyman of another religious community having the status of a legal person in the Republic of Lithuania, holding a solicitation document issued by the relevant religious community, who is financially supported by the religious community during the period of presence and religious activities in the Republic of Lithuania.

Work permits are issued to aliens by the National Labour Exchange under the Ministry of Social Security and Labour for a period of up to two years, specifying the job (position) and the undertaking/organization employing the alien. An employer wishing to employ an alien must file with a local labour exchange an application for the issue of a work permit to the alien, appending copies of the undertaking registration certificate, passport of a foreign citizen, document evidencing permanent place of residence, diploma or another document evidencing the person's qualifications and a certificate of recognition of professional qualifications issued by a competent authority (where the profession is regulated in the Republic of Lithuania).

Issue of a permit to an alien is refused if the employment does not meet the needs of the labour market, or the documents submitted are incomplete, or inaccurate or untrue information has been submitted.

The National Labour Exchange revokes a work permit issued to an alien in the following cases established in Article 63 of the Republic of Lithuania Law on the Legal Status of Aliens:

- the alien has obtained the permit through fraud;

- the employment contract was terminated;

- labour relations with the employer, which has seconded the alien for temporary work in the Republic of Lithuania, have been terminated;

- the temporary residence permit has been revoked for the alien.

Furthermore, in accordance with the Conditions and Procedure for the Issue of Work Permits to Aliens During Their Stay in the Republic of Lithuania, a work permit can be issued to an alien legally staying in the Republic of Lithuania, i. e.:

- to whom the visaless regime is applied for entry into the Republic of Lithuania;

- who cannot be deported from the Republic of Lithuania or returned in accordance with the procedure established by Article 130 of the Republic of Lithuania Law on the Legal Status of

Aliens No.IX-2206 (Official Gazette, 2004, No.73-2540) or whose deportation has been suspended under Article 132 of the Law;

- who has attained education under Article 46(1) of the Republic of Lithuania Law on the Legal Status of Aliens, holds a temporary residence permit for the Republic of Lithuania and has agreed with an employer on a job according to a profession acquired in the Republic of Lithuania.

#### **ARTICLE 18, PARA. 4**

*“With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties recognise:*

*4. The right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.”*

***Please indicate whether there are any restrictions or special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.***

See Republic of Lithuania Report 2 on the implementation of the European Social Charter (Revised), Article 18(4).

#### *Answer to the question by the European Committee of Social Rights (p. 375):*

*The Committee wishes to receive information on the applicable laws restricting the freedom of Lithuanian citizens to leave the country. It wishes the next report to specify whether and to what extent restrictions to leave the territory on the grounds that the person has to do military service are applied in practice. Furthermore, the Committee asks whether the person whose freedom of movement is subject to one of the applicable restrictions has legal remedies to challenge the decisions in question”*

Article 32 of the Constitution of the Republic of Lithuania guarantees that a citizen may move freely, choose a place of residence in Lithuania or leave Lithuania. Such rights may only be restricted by law, provided that this is necessary in the interests of state security or human health as well as for the administration of justice.

The laws of the Republic of Lithuania do not establish specific restrictions on the Lithuanian citizens’ freedom to leave the country. Some prohibitions on leaving are established in the Code of Civil Procedure (Official Gazette, 2002, No. 36-1340; Official Gazette 2002, No. 42) and the Code of Criminal Procedure, on the basis of which the court may impose a preventive measure such as prohibiting a person from leaving the country. One of the temporary protection measures specified in Article 145 of the Code of Civil Procedure is the **”prohibition on leaving** the permanent place of residence by the defendant in exceptional cases“, e. g. prohibiting any party’s leaving the country under the proceedings of marriage dissolution are finished. The same Article 145 states that „The prohibition on leaving the permanent place of residence by the defendant may be lifted if the specified amount is paid to the special account of the court or if a person stands surety for the defendant.“

A preventive measure – prohibition on leaving the country may be imposed, pursuant to the Code of Criminal Procedure, on instruction of a public prosecutor or a prejudicial investigation official or by decision of the court in the course of criminal proceedings.

Other restrictions on leaving the country provided for by the Lithuanian laws are related to the failure to comply with the general border-crossing requirements where a person intending to cross the border do not hold required documents or such documents do not comply with the set requirement, or the person is wanted by the police.

The Republic of Lithuania [Law on the Approval of the Procedure for Children's Temporary Leaving for Foreign States](#) (Official Gazette, 2002, No. 23- 858) provides for the cases where a child may not leave the country.

Other cases are provided for in the [Republic of Lithuania Law on the State Border Guard Service](#) No. VIII-1996 (Official Gazette, 2000, No. 92-2848) and the [Republic of Lithuania Law on the State Border and Its Protection](#) No. VIII-1666 (Official Gazette, 2000, No. 42- 1192) and related legal acts.

Restrictions on free movement do not apply to persons subject to the compulsory military service.

*Answer to the question by the European Committee of Social Rights (p. 376.):*

*"The Committee wishes to receive clarification whether Lithuanian citizens are free to seek employment in the territory of Parties to the Revised Charter or the Charter without intervention of the aforementioned organizations" :*

The Labour Code of the Republic of Lithuania establishes that persons exercise their right to work by concluding employment contracts with employers, either directly or through intermediaries, i.e. employment services (Article 86).

4 bilateral agreements are in effect in the employment area:

1. Agreement by and between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on employment of persons undergoing advanced training in order to deepen their professional and language knowledge; signed and came into effect on 20 August 1993.

2. Agreement by and between the Government of the Republic of Lithuania and the Government of the Ukraine on mutual employment of persons; signed on 28 March 1995, came into effect on 11 August 1995.

3. Agreement by and between the Government of the Republic of Lithuania and the Government of Sweden on the exchange of persons undergoing advanced training; signed on 5 May 1994, came into effect on 1 July 1994.

4. Agreement by and between the Government of the Republic of Lithuania and the Government of the Russian Federation on citizens' temporary work; signed on 29 June 1999, came into effect on 5 January 2000.

On 22 June 2004, by resolution of the Government of the Republic of Lithuania (No. 783), two agreements were renounced; the agreements had been valid until 1 May 2004 when they lost their meaning due to the introduction of free movement of workers among the new EU Member States:

1. Agreement by and between the Government of the Republic of Lithuania and the Government of Poland on mutual employment of persons; signed on 26 September 1994, came into effect on 21 September 1995.

2. Agreement by and between the Government of the Republic of Lithuania and the Government of the Czech Republic on the exchange of persons undergoing advanced training; signed on 31 March 2000, came into effect on 29 September 2000.

The Labour Code of the Republic of Lithuania and the Law on Support for the Unemployed establishes that the National Labour Exchange acts as an intermediary in the employment of Lithuanian citizens and permanent residents in foreign countries. Other undertakings, institutions and organisations may act as such intermediaries only upon obtaining a licence issued by the Ministry of Social Security and Labour. By order of the Minister of Social Security and Labour No.A1-127 (Official Gazette, 2003, No.82-3760), the Procedure for the Issue of Licences to Engage

in the Activities of Intermediation in Lithuanian Citizens Employment Abroad. The procedure governs the issue, refusal to issue, suspension and revocation of licences as well as conditions of licensed activities. The term of validity of such licence is unlimited. As of the end of 2003 there were 44 and as of the end of 2004 – 55 licensed entities.

Since 1 May 2004 Lithuanian citizens can enter freely and work in the United Kingdom, Ireland, Sweden and the new EU Member States. Other countries apply a transitional period for the free movement of labour.

On 1 May 2004 the Lithuanian National Labour Exchange joined the EURES network. In order to comprehensively and fully inform the public about the issues of free movement of labour, 8 EURES offices were established under the National Labour Exchange; on 1 May 2004, they started operating at Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Alytus, Utena and Tauragė local labour exchanges. EURES consultants provide advice on free labour movement issues at EURES offices, while all the 46 local labour exchanges have assistant EURES consultants.

## **ARTICLE 21: THE RIGHT TO INFORMATION AND CONSULTATION**

*„With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:*

*a to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and*

*b to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.“*

### **Question A**

*Please describe the rules and/or the mechanisms whereby the right of workers to information and consultation within the undertaking either directly or through their representatives is guaranteed, for example through legislation, collective agreements or other means.*

The workers right to information and consultation is established in the Labour Code of the Republic of Lithuania approved by the law No. IX-926 of 4 June 2002 that came into effect on 1 January 2003 (“the Labour Code”), the Republic of Lithuania Law on Trade Unions adopted on 21 November 1991 (“the Trade Unions Law”), the Republic of Lithuania Law on Work Councils adopted on 28 October 2004 (“the Work Councils Law”) as well as the Republic of Lithuania Law on Worker Participation in Decision Adoption at European Companies adopted on 12 May 2005 and the Republic of Lithuania Law on European Work Councils adopted on 19 February 2004.

Article 47 of the Labour Code states that workers have the right to information and consultation taking account of the level of social partnership. The Article also obligates the employer (or employer organisation) to provide written information to workers or their representatives in due time assuming responsibility for the truthfulness of such information.

Article 22(1) 7) of the Labour Code establishes that worker representatives are entitled to receive information from employers (orally and, if requested by the worker representative, in written form) about the workers’ socio-economic position and any planned changes that may affect such position.

Article 13 of the Trade Unions Law obligates the employer, in cases provided for in the laws, to resolve working, economic and social issues upon agreement with the trade union.

The Law on Work Councils establishes that a work council as a representative of workers has the right to:

- 1) take part in the information and consultation procedures;
- 2) give or not give agreement to employer’s decisions in cases established in the laws, collective agreements or agreements by and between the work council and the employer;
- 3) make proposals to the employer on economic, social and work issues relevant to workers, employer’s decisions, implementation of laws, regulations and collective agreements governing labour relations etc.

The Law on Work Councils also establishes that in cases provided for in the laws, collective agreements or agreements by and between the work council and the employer and in accordance with the procedure established by these acts the employer must furnish the work council, at no charge, with written information related to labour relations and operations of the undertaking information necessary for the performance of functions of the work council. Such information shall

be furnished within ten days at undertakings with up to one hundred workers and within twenty days at other undertakings.

*Please indicate by whom and on what basis the workers' representatives are designated.*

Article 19 of the Labour Code establishes that worker rights and interests may be represented and defended by **trade unions** or **work councils** (provided that there is no active trade union at an undertaking, institution or organisation and that the meeting of workers has not delegated the representation and defence function to a relevant branch trade union).

It should be noted that worker representatives are not appointed: members of **work councils** are elected, while **trade unions** are joined on a voluntary basis (management bodies of trade unions are formed on election basis).

Persons working legally under employment contracts or on other grounds established by the laws in the territory of the Republic of Lithuania may form and join **trade unions** to defend their interests. Trade unions represent and defend workers' professional, work, economic and social rights and interests (Preamble of the Trade Union Law). Trade Unions in the Republic of Lithuania are free and independent. All the trade unions have equal rights including the right to draw up their statutes and regulations, elect their representatives, organise their administrative machinery and activities, and formulate their action programmes. State authorities, employers and their authorised representatives, management bodies and administration of undertakings, institutions and organisations, officers, political parties and other public organisations are prohibited from interfering with internal affairs of trade unions. Persons hindering legal activities of trade unions are held responsible in accordance with the law (Article 3(1) and (2) of the Trade Union Law).

**Work council** is a body representing workers, elected by secret ballot at a general meeting of workers, defending professional, work, economic and social rights of workers and representing interests of workers. Work councils are formed at undertakings with at least 20 workers. At undertakings with less than 20 workers the functions of a work council are performed by a **workers' representative** elected at a general meeting of workers (Article 2 and 3 of the Work Council Law).

Article 3(3) of the Law on Worker Participation in Decision Adoption at **European Companies** states that **workers' representatives** include:

- 1) representatives of workers of a European company, company participating in the formation of a company or related company under control or related division;
- 2) representatives of workers of a company having an office in Lithuania or a division operating in the Republic of Lithuania – as established by Article 19 of the Labour Code of the Republic of Lithuania;
- 3) representatives of workers of a company having an office in another EU Member State or a division operating in another EU Member State – in accordance with the legal acts and/or established procedures of such EU Member States;
- 4) in certain cases, a work council of a European company, a European company work committee or special negotiating committee is considered as workers' representative.

Article 3(2) of the **Law on European Work Councils** establishes that workers' representatives include:

- 1) representatives of workers of an EC undertaking or divisions thereof or of an undertaking /division of a group of EC undertakings;
- 2) representatives of workers of an EC undertaking having an office in the Republic of Lithuania or its division operating in the Republic of Lithuania or an undertaking of an EC group of undertakings – as provided for in Article 19 of the Labour Code of the Republic of Lithuania;



3) representatives of workers of an EC undertaking or an undertaking of an EN group of undertaking having an office in another state as well as divisions of such undertaking operating in another state - in accordance with the legal acts and/or established procedures of such state;

4) where no European work council is formed but another system of worker information and consultation is in place, a European work council, a European work council committee, a special negotiating committee or other persons representing workers are considered as workers' representatives.

*Answer to the question by the European Committee of Social Rights as to the rules and procedures for the appointment of trade union representatives and the election of works council members (p. 378):*

The Committee requests detailed information on the rules and procedures governing the appointment of trade union representatives and the election of work councils' members.

The Trade Union Law does not establish detailed procedures for the election of trade union management bodies; Article 3 of the Law contains a statement to the effect that trade unions may freely elect their representatives.

The Work Councils Law establishes that work councils shall be formed at undertakings with at least 20 workers. A work council is to be composed by minimum 3 and maximum 15 members (depending on the total number of workers).

A work council is formed for the term of office of three years, which starts from the date of granting powers to the work council. Any worker not younger than 16 years of age, who has been working with the undertaking for at least six months may be elected member of a work council, except for workers working under temporary employment contracts. A worker who has been with the undertaking for less than 6 months may be elected member of a work council only if all the workers of the undertaking have been working with for less than 6 months.

Election of a work council is announced by the employer having received a written request to this effect signed by at least 1/5 of the workers of the undertaking. The employer must form a commission on the election of a work council within seven days from the date of receipt of the proposal. The procedure for the election is started not later than three months prior to the expiry of the term of office of the council; it may also be started on certain other grounds.

Work council elections are organised and implemented by a commission on the election of a work council ("the election commission") formed by the employer; the number of members of the election commission must be equal to the number of members of the council being elected. At its first meeting the election commission elects a chairman and a secretary out of its members. The election commission is responsible for the setting of the date of the election (which may not be later than after two months from the date of formation of the election commission), organising and implementing of the election, counting of election results and announcing them within 3 days after the election etc. Powers of the election committee expire upon the first meeting of the work council.

Any worker of an undertaking having the right to vote at the work council election may propose candidates to the members of a work council. Each worker may propose one candidate by submitting a written notice to the election committee. Formation of the list of candidates must be completed not later than 14 days prior to the date of the work council election. In case if by this date the number of the candidates proposed is equal to the number of members of the work council as required by the Law or smaller than this number, the election commission extends the period during which additional candidates can be proposed and announces the extension in accordance with the established procedure. Workers who have already proposed their candidates may propose additional candidates. The period for proposing additional candidates may not be longer than 7 days from the date of expiry of the original period. If the number of additional candidates proposed during the period extension is insufficient, the election commission shall execute and publish a statement that

the election to a work council has not taken place. In such a case new elections can be initiated, in accordance with the normal work council election procedure, not earlier than after expiry of three months from the election commission's decision about invalidity of elections.

Work councils are elected by secret ballot in direct election based on the universal and equal election right. Any worker working with the undertaking may take part in the work council elections except for workers on a maternity leave until the child becomes 3 years of age; persons seeing the active national defence service; persons working under temporary work contracts; employers and persons representing them. Work council elections take place at the undertaking during working hours. The employer must create conditions for the workers to take part in the election and to pay average pay for this time. A ballot is issued to a worker after he produces to a member of the election commission a work certificate or another personal identity documents and signs in the list of workers entitled to take part in the work council election. A worker taking part in the election has the number of votes equal to the number of the work council members being elected. Only one vote can be cast for each candidate specified in the ballot by making a corresponding note in the ballot. Upon counting of the votes the commission issues a record of the work council election. The record must be published within three days from the election date. A copy of the report is submitted to the employer within three days. A work council election is considered as having taken place if more than one half of workers having the voting right have taken part in it. In case if it has been announced that the election has not taken place due to insufficient worker participation, a new election must be held within seven days. The election is considered valid if at least one-fourth of the workers having the voting right take part in it. The candidates that receive the largest number of votes are considered as elected. In case if two candidates receive equal number of votes, the candidate with a longer service record with the undertaking is considered as elected. The employer is responsible for the technical servicing of the election.

### **Question B**

*Please indicate the nature of the information to be supplied on the economic and financial situation of the undertaking, and its frequency. Please indicate the nature and substance of the consultation on decisions which might affect workers' interests, as well the timing. If the rules are determined by collective agreement, please provide information concerning the main agreements.*

Article 47(2) of the Labour Code establishes that the **conditions and procedures** for information and consultation are established by the laws, collective agreements and agreements by and between the employer and the worker representatives.

The same article of the Labour Code states that **information** includes:

- 1) information about current and future operations and financial position of the company;
- 2) information about current situation of labour relations, structure and potential changes in employment;
- 3) information about anticipated measures in case of a redundancy situation;
- 4) other information related to labour relations and operations of the company.

Article 34 of the **Law on European Work Councils** requires that, after the end of a calendar year, central management must draw up and submit to the European work council, within three months, a report on the economic position and future prospects of a EC undertaking or a group of EC undertakings. The information contained in the annual report includes information on the economic and financial position of an EC undertaking or a group of EC undertaking. Article 36 of this law states that the European work council and the European work council committee must

report, on annual basis, on its activities and results of information and consultation to the representatives of workers of a division of a EC undertaking or an undertaking of an EC group of undertaking, and in the absence of such representatives – to the workers.

Analogous provisions have been included in Articles 29 and 32 of the Law on Worker Participation in Decision Adoption at European Companies.

**Consultation** means the exchange of opinions and the establishing and development of a dialogue between the worker representatives and the employer (employers' organisation) (Article 47(1) of the Labour Code).

Article 130 of the Labour Code provides for the procedure of consultation in case of a warning about termination of employment contract: where workers are to be dismissed for economic or technological reasons or as a result of restructuring, the employer must hold consultation with the worker representatives prior to giving warnings about the termination in order to avoid or mitigate negative consequences of the planned changes. The outcomes of the consultation are executed in the form of a statement to be signed by the employer and the representatives of the body representing the workers' collective.

The Law on Work Councils establishes a provision to the effect that in cases provided for in collective agreements or agreements by and between the work council and the employer, the employer must consult the work council prior to adopting a decision or agree on the future decision with the work council. For this purpose the employer must give a prior written notice to the work council stating the motives for the decisions and related information. The work council must express its opinion on the employer's decision within the time limit set by the employer. The time limit may not be shorter than 10 days at undertakings with up to 100 workers and not shorter than 20 days at other undertakings. If the parties reach an agreement, it may be executed in the form of a collective agreement or a written agreement by and between the work council and the employer. The laws, collective agreements or agreements by and between work council and employer may also provide for other procedures.

By its resolution of 26 March 2002 the **Trilateral Council of the Republic of Lithuania** approved the **Guidelines** for the Minimum Level of Worker Information on Social and Economic Issues at Industrial and Service Enterprises. The Guidelines establish the minimal information that ensures equality of negotiations for a collective agreement. Such information must be available to workers or their representatives to gain understanding about the undertaking's socio-economic position. The form and procedures of providing information may be provided for in collective agreements and other agreements except for trade secrets. The Guidelines contain a definition of economic and social information.

**1. Economic information:**

- a) commercial data: market, sales volumes by commodity groups, exports, share of new products in the total production volume, main competitors, the company's market position;
- b) financial data: sales, income, working capital, net profit, investments by the company, advertising costs, research costs, dividends paid, profit allocation.

**2. Social information:**

- a) employment rate: average annual number of workers (permanent and temporary) by work areas such as production, administration and management;
- b) wages and social insurance, wage costs by work areas such as production and administration;
- c) working time: agreed annual working time, number of hours actually worked, overtime, absence rate, number of part-time workers, exact numbers of workers by shifts etc.;
- d) safety at work: number of accidents at work, number of deaths as a result of accidents at work, costs of accident compensations, plan for improvement of working conditions;

e) new technologies: corporate development and reorganisation plans, employment programme;

f) vocational training: for permanent workers, for young workers, retraining, funding of vocational training by the company, educational programmes implemented.

Answer to the question by the European Committee of Social Rights as to collective agreements (p. 378):

Committee requests more detailed information on the number and nature of relevant collective agreements, including information on the parties to these agreements.

In accordance with Article 47(1) of the Labour Code, worker information and consultation depends on the social partnership level. This level also determines the types of collective agreements concluded.

Article 49 of the Labour Code provides for the following types of collective agreements:

- 1) collective agreement concluded on a national level (national agreement);
- 2) branch level (production, services, vocation) or territorial level (municipality, county) agreements;
- 3) collective agreement of an undertaking/institution/organisation or its structural division.

Article 50(1) of the Labour Code establishes that national, branch and territorial collective agreements are concluded between trade union organisations (association, federation, centre etc.) and worker organisations (association, federation, confederation etc.). Central (national) trade union organisations and employer organisations are parties to a national collective agreement, while trade unions of relevant industries (production, services, vocation level) and employer organisations are parties to branch collective agreements. Territorial collective agreements are concluded by trade unions active in a certain locality (municipality/county) and employer organisations (Article 51 of the Labour Code).

Article 54 of the Labour Code provides for the registration of national, branch and territorial collective agreements on application basis. Article 55 establishes that the agreements come into force on the registration date and remain in force until the date stipulated in the agreement or until a new national, branch or territorial collective agreement is concludes. The Ministry of Social Security and Labour has by now registered one branch collective agreement (agricultural sector).

According to Article 59(1) of the Labour Code, a collective agreement of an undertaking is a written agreement by and between the employer and the workers' collective concerning work, remuneration for work and other socio-economic conditions. Thus the workers' collective and the employer are the parties to an undertaking's collective agreement, represented by the trade union formed in the undertaking, on the one part, and the head of the undertaking or authorised administration officers, on the other part. Where more than one trade union is active at an undertaking, the collective agreement is concluded by a representative office uniting the trade unions and the employer. Where there is no active trade union at an undertaking the collective agreement may be concluded by the employer and the work council provided that the meeting of the workers' collective has not delegated the worker representation and defence function to a relevant branch trade union.

Article 63(1) of the Labour Code establishes that a collective agreement of an undertaking comes into force upon its signature unless the agreement stipulates otherwise, i. e. collective agreements of this type are not subject to registration. For this reason it is impossible to specify the exact number of undertakings' collective agreements currently in force (however, according to the State Labour Inspectorate's data as of March 2006, out of 730 undertakings with registered trade unions, collective agreements have been signed in 685).

### Question C

*Please indicate any exceptions applying to the obligation to supply information, whether to in Article 21 para. a.*

Article 47(3) of the Labour Code contains an exception to the effect that in cases where certain information is considered as **trade (production) or professional secret**, workers or their representatives for whom such information is indispensable for the performance of their duties are entitled to access to such information upon signing of a written undertaking of non-disclosure. Article 47(4) of the Labour Code establishes that an employer (employers' organisation) may refuse, by giving a written notice, to provide information considered as trade (production) or professional secret in cases where such information would harm or would be potentially very harmful to the undertaking or its operations due to its nature as determined according to objective criteria. If a worker or a worker representative does not agree with the employer's (employer organisation's) decisions he may appeal to court within one month.

Analogous provisions apply to members of European companies' work councils and members of special negotiating committees (Article 7 of the Law on Worker Participation in Decision Adoption at European Companies) and to members of European work councils, European work council committee and special negotiating committee (Article 11 of the Law on European work councils).

Furthermore, legal acts impose restrictions on the provision of information constituting **state or official secret**.

### Question D<sup>18</sup>

*If some workers are not covered by provisions of this type either by legislation, collective agreements or other measures, please indicate the percentage of workers not so covered.*

Legal acts do not provide for such exceptions.

### Question E<sup>19</sup>

*Please indicate whether certain undertakings are excluded from the obligation of information and consultation on the grounds that they employ less than a certain number of workers. If so, please state the specified number of workers below which undertakings are not required to comply with this provision.*

Legal acts do not provide for such exceptions.

### Question F

*Please indicate whether there are certain undertakings, such as religious undertakings or other undertakings within the meaning of paragraph 4 of the appendix to Article 21, excluded from the rights guaranteed in this provision. If so please provide details on this subject.*

Legal acts do not provide for such exceptions.

*Answer to the question by the European Committee of Social Rights as to the application of the aforesaid provisions to certain companies (p. 377):*

<sup>18</sup> See Article 1 and Annex thereto.

<sup>19</sup> See p. 6 of Annex to Article 21.

The Committee asks whether these provisions are also applicable in companies controlled by public authorities.

Article 16 of the Labour Code establishes that any undertaking, institution or organisation or another organisational structure (hereinafter collectively referred to as “undertakings”) may act as an employer irrespective of ownership, legal status, type and nature of operations. Therefore, trade unions are established (or, in the absence of trade unions, work councils are elected irrespective of the status of the undertaking, i. e. irrespective of whether an undertaking is public or private legal person (Article 2.34 of the Civil Code contains a definition stating that public legal persons are legal persons formed by the state, local authorities or institutions thereof, or other persons on not-for-profit basis, the purpose of such public legal persons being the serving public interests (including state or municipal companies, state or municipal institutions, public institutions, religious communities etc.); private legal persons are legal persons the purpose of which is to serve private interests.

The right of workers working for a public legal person to form trade unions is also established by Article 5-1 of the Republic of Lithuania Law on Public Service. The Article states that in the process of conclusion of collective agreements public servants are represented by a trade union of public servants active in the relevant state or municipal institution.

Article 1 of the Trade Union Law establishes that particular features of application of the Law may be provided for national defence, police, state security and other organisations (such features are provided for in the laws governing activities of these organisations). Article 8 of the Law on the Organisation of the National Defence System and Military Service states that the military of the professional military service may not be members of a trade union. Whereas the Law on Police Activities and the Law on the State Security Department does not contain any provisions establishing particular features of application of the Trade Union Law.

Article 47(2) of the Labour Code states that, apart from other acts, information and consultation procedures are established by collective agreements. In accordance with Article 59(2) of the Labour Code, a collective agreement of an undertaking applies to all workers of the undertaking. Whereas Article 47(3) states that particular features of concluding collective agreements at national defence, police and public administration services are established by the laws governing activities of such services.

### **Question G**

*Please describe the legal remedies available to workers or their representatives who consider that their rights under this provision have not been respected, and please indicate the applicable sanctions.*

Article 22 of the Labour Code establishes that worker representatives (i. e. trade unions and work councils) have the right to appeal to court against decisions and actions by the employer and persons authorised by it if they are in contravention of legal acts or agreements or infringe the rights of represented persons. Labour rights are defended by the court by (Article 36(2) of the Labour Code):

- 1) recognising such rights;
- 2) restoring the situation that existed prior to the violation and taking preventive measures toward acts infringing the rights;
- 3) obligating the relevant parties to perform the duty in kind;
- 4) terminating or modifying legal relations;
- 5) recovering property or non-property damages and, in cases established by the law, fines and penalties from the violator;
- 6) other methods established by the laws.

At present no information on judicial proceedings related to the violation of the rights under consideration is available to the authors of the report.

It should be noted that Article 32 of the Labour Code establishes that the State Labour Inspectorate is responsible for the control over compliance with the provisions of labour laws, regulations and collective agreements. In case if a violation of the rights under consideration is detected the State Labour Inspectorate may impose measures of administrative liability.

The **sanctions** have been provided for in the Code of Administrative Procedure of the Republic of Lithuania. Article 41 of this Code establishes that a violation of labour laws or regulations governing safety and sanitation at work inflicts a fine from LTL 500 to LTL 5,000 upon employers or their authorised representatives.

*Answer to the question by the European Committee of Social Rights as to sanctions and compensations to workers in case of violation of their rights (p. 378):*

The Committee asks whether there are other kinds of sanctions and whether workers or their representatives are entitled to some kind of compensation in case of a violation.

As it has already been mentioned Article 41 of the Code of Administrative Procedure provides for a fine from LTL 500 to LTL 5,000 for a violation of labour laws and regulations governing safety and sanitation at work, whereas Article 41-2 states that if legitimate instructions given by the State Labour Inspectorate's officials are not complied with, a fine of LTL 100 to 1300 is imposed on employers and a fine of LTL 30 to 900 upon officers.

## **ARTICLE 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT**

### **Legal Acts of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Labour Code (Official Gazette, 2002, No. 64-2569);
- Law on Safety and Health at Work (Official Gazette, 2003, No. 70-3170);
- Law on Trade Unions (Official Gazette, 1991, No., 34-933);
- Law on Work Councils (Official Gazette, 2004, No. 164-5972);
- Code of Administrative Procedure

#### **2. Regulations**

- Procedure for the Registration of National, Branch and Territorial Collective Agreements approved by resolution of the Government of the Republic of Lithuania No. 1815 of 19 November 2002 (Official Gazette, 2002, No.112- 5010).

*“With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:*

- a to the determination and the improvement of the working conditions, work organisation and working environment;*
- b to the protection of health and safety within the undertaking;*
- c to the organisation of social and socio-cultural services and facilities within the undertaking;*
- d to the supervision of the observance of regulations on these matters.”*

#### **Question A**

***Please describe the rules and/or the mechanisms whereby the right of workers to information and consultation within the undertaking either directly or through their representatives is guaranteed, for example through legislation, collective agreements or other means.***

***Please indicate by whom and on what basis the workers’ representatives are designated.***

#### **Appointment of representatives:**

The Republic of Lithuania Law on Trade Unions allows citizens of the Republic of Lithuania and other persons permanently residing in Lithuania, working under employment contracts or on other basis, to freely join trade unions and take part in their activities. Trade unions represent and defend profession, work, economic and social rights and interests of workers. Article 12 of the Law states that trade unions represent their members (and may also represent a workers’ collective) upon entering into a collective agreement or other type of agreement with the employer.

Pursuant to Article 19(1) of the Labour Code, worker rights and interests may be represented and defended in labour relations by trade unions formed in accordance with the Trade Union Law. Where there is no active trade union in an undertaking, institution or organisation the



workers are represented by a work council elected by secret ballot at a general meeting of the workers' collective, provided that such meeting has not delegated the representation and defence function to a relevant branch trade union. Work councils are formed pursuant to the Law on Work Councils. In accordance with Article 3 of the Law on Work Councils only one work council may be formed at an undertaking irrespective of whether it has branches, representative offices or other structural divisions. A work council may be formed provided an undertaking has at least 20 workers. At undertaking with less than 20 workers the functions of a work council are implemented by the worker representative elected at the meeting of the workers' collective. A meeting of workers' collective is valid if at least one half of the workers of the undertaking are present at it.

Article 13(1) of the Law on Health and Safety at Work provides for the formation of health and safety at work committees at undertakings and for the appointment of worker representatives for health and safety at work issues in order to inform and consult the workers on the matters related to the health and safety at work status at the undertaking as well as to the planning of improvements and organisation, implementation and control of measures.

In accordance with Article 13(2) of the Law on Health and Safety at Work, a health and safety at work committee is formed at an undertaking if the undertaking has more than 50 workers. If there are less than 50 workers the committee may be formed on the initiative of the employer or worker representatives or on proposal made by more than one half of the workers of the undertaking. In certain economic sectors characterised by higher professional risk such committees may be formed even if the undertaking has less than 50 workers. The General Regulations Governing Health and Safety at Work Committees Formed at Undertakings establish economic sectors in which formation of the committees is allowed if an undertaking has more than 50 workers and economic sectors in which the formation is recommended at undertakings with less than 50 workers. The regulations are approved by a commission on health and safety at work. Committees are formed based on a dual principle: the number of the employer's representatives (administration officers) appointed by the employer's representative and the number of the workers' representatives for health and safety at work issues must be equal.

In accordance with Article 13(4) of the Law on Health and Safety at Work, a trade union of an undertaking, and in its absence – other representatives of workers hold, at the meeting of the workers' collective, elections to the positions of worker representatives for health and safety at work issues and to the members of the workers' committee on health and safety at work matters. Where an undertaking has more than one workers' representative for health and safety at work matters, one of them is elected senior representative, responsible for the coordination of entire health and safety at work activities at the undertaking. There must be at least one workers' representative for health and safety at work matters in each shift.

#### Information and consultation:

In accordance with Article 22(1) 7) of the Labour Code, workers' representatives are entitled to receive information from employers on their own socio-economic position and any anticipated changes that may affect workers' position, while employers are obligated, by Article 23(1) 5) of the Labour Code, to provide indispensable information about the undertaking's operations free of charge.

Article 269(1) of the Labour Code requires that the employer informs workers and consults them on any issues related to the analysis and planning of health and safety at work activities and to the organisation and control of related measures. The employer must provide conditions for workers and their representatives to take part in discussions on health and safety at work issues. Pursuant to Article 275 of the Labour Code an employee has the right to receive, from the division head or the employer, information about any factors dangerous and/or detrimental to health; get conversant with the results of initial and period health checks; approach the workers' representative, division

head, employer, the undertaking's health and safety at work service or health and safety at work committee with any question related to health and safety at work.

Article 25 of the Law on Health and Safety at Work establishes that a person representing the employer must ensure that the workers are furnished, at the time of employment and in the course of their work with the undertaking, with comprehensive information about the organisation of health and safety at work at the undertaking, existing or potential professional risks, any risk elimination/avoidance measures in place, and results of inspections carried out by the State Labour Inspectorate.

Answer to the question by the European Committee of Social Rights (pp. 379 and 380 of the conclusions):

In accordance with Article 50(4) of the Labour Code, national, branch and territorial collective agreements usually establish conditions of remuneration for work, working and rest time, health and safety at work; the remuneration for work system under conditions of price/inflation increase; acquiring a profession, skills improvement and retraining; social partnership support measures to avoid collective disputes and strikes; procedures for establishing, changing and review of work norms, time worked, services and number of workers; other work, social and economic conditions important for the parties; agreement amendment and supplementing procedures, term of validity of agreement, supervision over implementation, responsibility for breach of agreement etc.

Pursuant to Article 61 of the Labour Code, the parties to the collective agreement agree on work, professional, social and economic conditions and guarantees which are not regulated by the laws, regulations or national, branch or territorial collective agreements or which are not in contravention of the latter and do not deteriorate the workers' position. A collective agreement of an undertaking may include provisions on:

- 1) conclusion, amending and termination of employment contracts;
- 2) organisation of remuneration for work (tariff rates, salaries, extra pay, allowances, other compensations and benefits, work remuneration and incentive systems and forms, establishing working norms, indexing of wages, payment and settlement procedures etc.);
- 3) working and rest times;
- 4) ensuring safe and healthy working conditions, provision of compensations and benefits;
- 5) acquiring a profession, skills improvement and retraining and related guarantees and benefits; guarantees applied during professional rehabilitation period;
- 6) procedure for the implementation of the undertaking's collective agreement;
- 7) mutual information and consultation between the parties;
- 8) other work, social and economic conditions and provisions important for the parties.

In accordance with Article 54(1) of the Labour Code, national branch and territorial collective agreements are registered on application basis. The procedure for the registration is established by the Government.

In accordance with the Procedure for the Registration of National, Branch and Territorial Collective Agreements approved by resolution of the Government of the Republic of Lithuania No. 1815 of 19 November 2002 (Official Gazette, 2002, No.112- 5010), the Ministry of Social Security and Labour is responsible for the registration of national, branch and territorial collective agreements. One agreement has been registered by the Ministry: collective agreement between the Lithuanian Association of Agricultural Companies and the Lithuanian Federation of Agricultural Workers' Trade Unions.

Answer to the question by the European Committee of Social Rights (p. 379):

Provisions of the Labour Law and the Law on Health and Safety at Work apply to undertakings, institution, organisations and other organisational structures irrespective of ownership, legal status, type and nature of operations (including companies controlled by public authorities).

**Question B**

*Please state whether workers' participation concerns all of the areas covered by Article 22:*

- the determination and improvement of the working conditions, work organisation and working environment;*
- the protection of health and safety within the undertaking;*
- the organisation of social and socio-cultural services within the undertaking;*
- the supervision of the observance of regulations on these matters.*

Workers' participation is related to all the areas referred to in Article 22.

**Question C<sup>20</sup>**

*If some workers are not covered by provisions of this type either by legislation, collective agreements or other measures, please indicate the proportion of workers not so covered.*

Data not available

**Question D<sup>21</sup>**

*Please indicate whether certain undertakings are excluded from the obligations contained in Article 22 on the grounds that they employ less than a certain number of workers. If so, please state the specified number of workers below which undertakings are not required to comply with these provisions.*

The number of workers at undertakings to which the obligations referred to in Article 22 apply is not regulated.

**Question E**

*Please indicate whether there are certain undertakings, such as religious undertakings or other undertakings within the meaning of para. 4 of the appendix to Article 22, excluded from the rights guaranteed in this provision. If so please provide details on this subject.*

Article 4 of the Law on Health and Safety at Work regulates the application of the Law and the particular features of the application, i. e., the Law applies to any undertaking within the territory of the Republic of Lithuania taking account of the particular features of the application of the Law as follows.

Provisions of the Law and of other health and safety at work regulations do not apply to officers and servicemen of the National Defence Service and officers of the internal affairs system, the Customs, state security and other institutions governed by relevant internal statutes to the extent to which such persons are engaged in the activities characterised by specific features. Regulations governing the service of such officers and servicemen must contain health and safety at work requirements applicable to specific activities carried out by them.

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<sup>20</sup> See Article 1 and annex thereto.

<sup>21</sup> See p. 6 of Annex to Article 22.

Where such officers and servicemen carry out activities not classified as the aforesaid activities, provisions of the Law on Health and Safety at Work and regulations governing health and safety at work shall apply. For persons working with radioactive substances and other sources of ionising radiation health and safety at work issues are governed by the Law on Radiation Safety, Law on Health and Safety at Work and regulations governing health and safety at work.

Pursuant to Article 5(1) of the Labour Code, labour laws and regulations apply to labour relations within the territory of the Republic of Lithuania irrespective of whether the person works in Lithuania or has been seconded to a foreign country by the employer.

**Question F**

*Please describe the legal remedies available to workers or their representatives who consider that their rights under this provision have not been respected. Please indicate the applicable sanctions.*

In accordance with Article 33 of the Labour Law, non-state supervision over compliance with labour laws, regulations and collective agreements is exercised by trade unions and inspectorates under trade unions as well as other institutions acting in accordance with the laws and regulations. Article 36(4) of the Labour Law establishes that workers' rights are defended by trade unions in accordance with the procedures established by the laws governing their activities. In accordance with Article 275 of the Labour Code a worker may refuse to work if health and safety at work is threatened; refuse to do work for which he has not received safety at work training, no collective protection measures are in place or the worker himself has not been provided with necessary personal protection measures; may demand, in accordance with the procedure established by the law, indemnification for the damage done to health as a result of unsafe working conditions; approach the workers' representative, division head, employer, the undertaking's health and safety at work service or health and safety at work committee with any question related to health and safety at work.

Article 47 of the Law on Health and Safety at Work establishes that the State Labour Inspectorate is responsible for exercising control over compliance with the health and safety at work at undertakings. Article 41 of the Code of Administrative Procedure states that a violation of labour laws or regulations governing safety and sanitation at work inflicts a fine from LTL 500 to LTL 5,000 upon employers or their authorised representatives. In case of a violation of health and safety at work regulations a fine of LTL 300 to 3,000 is imposed on officers and a fine of LTL 20 to 100 upon other employees.

Articles 17-20 and 22 of the Trade Union Law state that trade unions are entitled to exercise control over the employer's compliance with the provisions of labour and socio-economic laws, collective agreements and other agreements related to the rights and interests of the workers being represented. For this purpose inspectorates, legal aid services and other organisations may be established under trade unions. Persons authorised by a trade union may, in the course of performance of the established control functions, freely enter the undertaking, institution or organisation by which the represented workers are employed, and familiarise themselves with the documents related to work, economic and social conditions (Article 17 of the Law). A trade union may demand that the employer revokes any decision that infringes work, social or economic rights of trade unions members provided for in the Lithuanian law. The employer must examine the demand within 10 days with the participation of the trade union representatives. In case if the employer fails to examine the demand in due time or refuses to satisfy the demand the trade union is entitled to sue (Article 18 of the Law). Trade unions may propose that officials who violate labour laws, fail to ensure safety at work or to fulfil the provisions of a collective agreement or other agreements are brought to account (Article 19 of the Law). Rights and lawful interests of trade unions and their members are defended, in accordance with the established procedure, by state and

government authorities, courts and other law-enforcement bodies. A state authority, official or any natural or legal person who/which has inflicted damage upon a trade union by unlawful acts must indemnify for the damage in accordance with the procedure established by the law (Article 20 of the Law). Trade unions take part in the settlement of individual and collective labour disputes in accordance with the procedure established by the law. Any disputes arising between trade unions and employers over fulfilment of obligations and liabilities established by the laws/agreements are settled in court.

*Answer to the question by the European Committee of Social Rights (p. 380):*

No sanctions other than those specified above are provided for in the laws. The regulations do not provide for compensations to workers in case of violation of the right to participate in the establishing and improving of working conditions and environment.

## **ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT**

### **Legal Acts of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Labour Code of the Republic of Lithuania No. IX-926 (Official Gazette, 2002, No.64-2569);
- Republic of Lithuania Law on Trade Unions (Official Gazette, 1991, No., 34-933; 1994, No.44-758);
- Republic of Lithuania Law on Health and Safety at Work (No. IX-1672 adopted on 1 July 2003).
- Code of Administrative Procedure

*“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:*

*a the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;*

*b the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.*

*To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body. “*

#### **Question A**

*Please state the valid grounds for termination of employment provided by national legislation and whether national legislation prohibits certain cases of termination of employment.*

*Please specify whether these grounds appear in legislation or regulations or whether they are derived from court decisions or other sources and provide examples of case law on this point.*

*Please state whether termination of employment is notified in writing, and if so, whether the employer is required to state the reasons for dismissal in the notification.*

*Please state what are the workers' rights in cases of unilateral amendments by the employer to the substantive conditions of the employment contract.*

Pursuant to Article 129(1) of the Labour Code (Termination of Employment Contract on the Employer's Initiative Without Fault of the Employee), an employer may terminate an open-ended employment contract for valid reasons by giving the employee a notice in accordance with the procedure established by Article 130 of the Labour Code. An employee may be dismissed from work without his fault provided that transferring the employee to another job with his consent is impossible.

Article 129(2) of the Labour Code states that where the employer terminates an employment contract at its own initiative without the employee's fault, only those circumstances that are related to the employee's qualifications, professional abilities and behaviour at work may be considered as valid. An employment contract may also be terminated for economic or technological reasons or as a result of restructuring or similar important reasons.

The aforesaid important reasons ensue from the provisions of Article 129 of the Labour Code and judicial practice.

In accordance with paragraph 4 of the resolution of the Senate of the Lithuanian Supreme Court Concerning Application of the Labour Code's Provisions Governing Termination of an Employment Contract on the Employer's Initiative Without the Employee's Fault (Article 129 of LC) in Judicial Practice" (No. 44 of 29 December 2003), in case of a judicial dispute over the legality of dismissal of an employee, the employer must prove the existence of important reasons on the basis of which it has terminated the employment contract (Article 178 of the Code of Civil Procedure), while the court must determine, taking account of the factual circumstances, whether the reasons are sufficiently important to form a basis for the termination of the employment contract (Article 3(6) of the Code of Civil Procedure). Descriptions of the important reasons contained in the aforesaid resolution are provided below.

**Employee's qualifications** are understood as the degree of the employee's preparedness to do certain work. The qualifications are characterised by the employee's theoretical knowledge, practical skills and experience necessary for certain work. Insufficient qualifications, absence of required qualifications etc. maybe recognised as an important reason for termination of an open-ended employment contract due to circumstances related to the employee's qualifications. Such reasons may also include unsatisfactory results of a certification carried out in accordance with the procedure established by regulations. In other cases such unsatisfactory results do not, on their own accord, constitute an important reason for termination of an employment contract, however, they may serve as part of evidence that an important qualifications-related reason for the termination of the employment contract exists.

**Professional abilities** include any objective circumstances due to which an employee may be recognised as unfit for certain work (for example, health condition; cases where the employee permanently produces sub-standard articles, fails to fulfil work norms etc.). An employee may possess required qualifications and even perform his work functions properly, however, if performance of such function takes a period of time much longer than the period necessary for other workers (in particular, when a time-based system of remuneration for work is in place), such employee may be dismissed due to circumstances related to professional abilities.

Termination of an employment contract **for economic reasons** must be based on economic necessity. For example, constant decrease in turnover, constant losses resulting from objective circumstances (e.g. entry of a new competitor into the market etc.).

**Technological reasons** as grounds for terminating an employment contract on the employer's initiative should be normally understood as certain technological changes at an undertaking, as a result of which one or more employees are no longer able to perform work functions stipulated in the employment contract as such functions or a part thereof are no longer performed at the undertaking (e. g. replacement of manual work with an automated line etc.) or a smaller number of workers is sufficient for such functions (e.g. computerisation of an existing automated line).

The court may recognise **restructuring** of an undertaking as an important reason for termination of an employment contract in case if, upon restructuring, an employee or employees are no longer able to perform work functions stipulated in the employment contract as such functions or a part thereof are no longer performed at the undertaking or a smaller number of workers is sufficient for such functions. Restructuring of an undertaking must be realistic, i. e. a decision of a management body must have been adopted and being implemented.

Article 129(3) of the Labour Code sets out a list of reasons that may not be recognised as lawful reasons for the termination of an employment contract:

- 1) membership of a trade union or participation in trade union activities during off-work hours or (with the employer's consent) during working hours;
- 2) performance of functions of a workers' representative, at present or in the past;
- 3) participation in proceedings against the employer being accused of violations of the laws, regulations or collective agreements; approaching administrative bodies;

4) gender, sexual orientation, race, nationality, language, origin, citizenship and social status, religious convictions, marital and family status, beliefs or views, membership of political parties or public organisations;

5) age except for the cases where an employee is already entitled to the full old-age pension or receives such pension (this sub-paragraph has been amended by the Republic of Lithuania Law No. X-188 of 12 May 2005 (effective since 28 May 2005), setting it out as follows: “age;”

6) absence at work where the employee is seeing military service or performing other duties and obligations of a Lithuanian citizenship in the cases provided for in the laws.

In accordance with the above description of important reasons, the employee’s absence at work due to sickness may not, on its own accord, constitute an important reason for the termination of an employment contract. It should also be noted that Article 133 of the Labour Code (Guarantees to Sick Employees and Employees Injured at Work) establishes a guarantee that both job and position are retained for an employee, who has lost his ability for work as result of injury at work or occupational disease, for the period until he regains the ability for work or until disability is established. Job and position are retained for employees that have become incapable for work for reasons other than injury at work or occupational disease provided that the employee is absent from work, due to temporary incapacity for work, for not more than 120 days in succession or not more than 140 days during the past 12 months, unless the laws and regulations establish that both job and position are retained for a longer period in case of a specific disease.

The employer must give a two-month written notice of termination on the grounds provided for in Article 129 of the Labour Code (Termination of an Employment Contract on the Employer’s Initiative Without the Employee’s Fault) (or a four-month written notice in case of termination of an employment contract with an employee for whom not more than 5 years have remained until entitlement to full old-age pension; persons under 18; disabled persons; persons raising a child under 14). The notice of termination must state the reasons for the dismissal, the circumstances forming the grounds for the termination, the date of anticipated termination, and terms of settlement with the employee being dismissed (Article 130(1),(2) of the Labour Code).

Pursuant to Article 120 of the Labour Code the employer may amend the terms and conditions of the employment contract only in cases where changes to production and its scope, technologies or work organisation are made as well as in other cases of production-related necessity. The indispensable terms and conditions of an employment contract may only be amended subject to the employee’s prior written consent.

In case if the employee does not agree to working under changed working conditions he may be dismissed from work in accordance with the procedure established by the laws (upon warning and payment of service benefit and other benefits) (Article 120 of the Labour Code).

### **Question B**

***Please state whether workers who consider that they have been dismissed without valid reason have a right of appeal to a tribunal or an impartial authority.***

***Please indicate the time-limit which workers must observe to exercise this right of appeal.***

***Please state where the burden of proof lies.***

Article 297 of the Labour Code establishes that a worker who does not agree with a dismissal may appeal against the decision to court within one month from the date of receipt of relevant document.

Article 297 of the Labour Code states that in case of a judicial dispute over the legality of dismissal of an employee, the employer must prove the existence of important reasons on the basis of which it has terminated the employment contract (Article 178 of the Code of Civil Procedure). The employee may also present evidence. Furthermore, in accordance with Article 414(1) of the



Code of Civil Procedure, the court examining the case may collect, on its own initiative, evidence not relied upon by the parties, provided that the court considers such evidence necessary for a fair settlement of the dispute. During preparations for the proceedings the court, taking account of the circumstances of the case, demands that the defendant presents documents on employment and dismissal (transfer, removal from work) of the claimant, any disciplinary penalties imposed, average pay and other documents necessary for the examination of the case, provided that the claimant is not in position to present them (Article 415(1) of the Code of Civil Procedure).

**Question C**

*If the court or tribunal to which the appeal lies considers that the termination of employment is unjustified, please indicate whether the worker is entitled to adequate damages (and describe how the level of damages is determined) or to any other form of compensation (and indicate what such compensation consists of).*

*Inasmuch as the remedy for unfair or unlawful termination of employment is monetary, please indicate:*

- a. whether this applies to all enterprises, regardless of their size;*
- b. whether there is a minimum level of damages;*
- c. whether the choice of damages (instead of reinstatement) is left to the worker, the employer or the court.*

Article 297 of the Labour Code establishes that, in case if a worker has been dismissed from work without legal grounds or in violation of the procedure established by the law, the court restores the employee to his job and orders payment of the average pay for the entire period of forced absence from work from the date of dismissal until the date of execution of the court decision. Should the court establish that the worker cannot be reinstated to the job for economic, technological or organisation reasons or because he might be provided with unfavourable working conditions, the court rules that the termination of the employment contract is unlawful and the worker is to be paid a service benefit in the amount specified in Article 140(1) of the Labour Code and the average pay for the entire period of forced absence from work from the date of dismissal until the date coming into effect of the court decision. In this case it is deemed that the employment contract was terminated by the court decision on the date of coming into effect thereof.

Article 140(1) of the Labour Code states that upon termination of an employment contract under Article 129 thereof the dismissed worker receives a service benefit equal to his average monthly pay depending on the worker's uninterrupted service record with the undertaking:

- 1) average pay for 1 month – up to 12 months' record;
- 2) average pay for 2 months – from 12 to 36 months' record;
- 3) average pay for 3 months – from 36 to 60 months' record;
- 4) average pay for 4 months – from 60 to 120 months' record;
- 5) average pay for 5 months – from 120 to 240 months' record;
- 6) average pay for 6 months – over 240 months' record.

Furthermore, the parties may demand indemnification for non-property damage the size of which is always to be established by the court in accordance with the Civil Code (Article 250 of the Labour Code).

The Labour Code does not provide for any special rules for the calculation of damages in case on unlawful termination of an employment contract. It does not directly specify the minimum damages. Pursuant to Article 297 of the Labour Code, if a worker is reinstated to the job, the court adjudges payment of the average pay for the entire period of forced absence from the date of dismissal until the date of execution of the court decision; should the court establish that the worker cannot be reinstated to the job, it decides that the termination is to be recognised as unlawful and adjudges payment of the service benefit as established in Article 140(1) of the Labour Code and the amount of the average pay for the period of forced absence from the date of dismissal until the date of execution of the court decision.

**Question D**

*Please list the categories of workers excluded from this protection and indicate how they are in conformity with item 2 of the Appendix to Article 24.*

*If workers who are employed under a fixed-term contract are excluded (item 2 of the Appendix to Article 24) from this protection, please provide a definition of a fixed-term contract.*

*If there is a trial period of employment for this protection, please indicate its length.*

The Labour Code does not identify any worker categories that would be exempt from the procedures for the termination of an employment contract established by Article 129 of the Labour Code.

Furthermore, the Labour Code establishes special termination procedures for certain categories of workers:

1) Article 129(4) of the Labour Code states that employment contracts with workers for whom not more than 5 years have remained until entitlement to full old-age pension; persons under 18; disabled persons; persons raising a child under 14 may only be terminated in exceptional cases if the employer's interests would be materially infringed by retaining the worker. In such a case the employer must also observe the general procedures for the termination of employment contracts under Article 129 of the Code;

2) Article 129(5) of the Labour Code states that the employer is entitled to earlier termination of a fixed-term employment contract in accordance with the provisions of Articles 129(5) and 130 (Warning of Termination of Employment Contract), however, only in exceptional cases where transferring of the worker to another job at his own consent is impossible, and upon payment of the average pay for the remaining period of validity of the employment contract.

On the basis of the aforesaid, a fixed-term employment contract with a worker may be terminated on the employer's initiative without the worker's fault in accordance with Article 129(5) of the Labour Code.

In accordance with Article 105 of the Labour Code a probation period may be agreed upon at the time of conclusion of an employment contract. The probation period may not be longer than 3 months (Article 106(1) of the Code). In order to make sure that the worker is fit for the agreed work a longer probation period may be applied in the cases established by the law, however, not longer than six months. It should be noted that during the probation period the employment contract may be terminated under Article 107(1) of the Labour Code (if the employer recognises that the results of the probation are unsatisfactory the employer may dismiss the worker before the end of the probation period by giving the worker a three days' written notice without paying service benefit); upon expiry of the probation period, if the worker continues working, the employment contract may only be terminated on the general grounds established in the Code.

## **ARTICLE 25: THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER**

### **Legal Acts of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania**

#### **2. Laws of the Republic of Lithuania**

- Labour Code of the Republic of Lithuania No. IX-926
- Law on Bankruptcy of Enterprises No. IX-216
- Law on the Guarantee Fund No. VIII-1926

#### **3. Regulations**

- Resolution of the Government of the Republic of Lithuania “Concerning Payments out of the Guarantee Fund”, No. 2103 of December 2002

*“With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers’ claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.”*

#### **Question A**

*Please indicate whether workers’ claims in the event of the insolvency of their employer, are secured by means of a guarantee institution, a privilege, a combination thereof or by other means.*

In case of the employer’s bankruptcy, where the employer is not in a position to pay wages to the workers for the work performed, such payment is secured by a guarantor institution, i. e. the Guarantee Fund managed by the Guarantee Fund Administration under the Ministry of Social Security and Labour. The Fund is at the disposition of the Guarantee Fund Council formed of 12 members – 4 members from organisations defending workers’ interests, 4 from employers’ organisations and 4 from public authorities.

The Guarantee Fund was established by resolution of the Government of the Republic of Lithuania No. 685 of 7 June 2001 under the Law on the Guarantee Fund No. VIII-1926, adopted on 12 September 2000 and effective since 1 October 2000. The Guarantee Fund has been successfully operating since its establishment.

The Guarantee Fund is a monetary foundation that grants benefits of a set size to workers of undertakings that have gone or are going bankrupt, who have worked at the undertaking until the date of the court judgment on the institution of bankruptcy proceedings or the date of the resolution on out-of-court bankruptcy proceedings adopted by a meeting of creditors, irrespective of whether the labour relations are continued or have been terminated, as well as to ex-workers of undertakings that have been liquidated due to bankruptcy after the coming into effect of the Law, provided that the undertaking is indebted to such workers. Workers’ claims are satisfied, in full or in part, for the entire period until the start of the bankruptcy proceedings, but for not more than 2 months, from the date of agreement on commencing proceedings or from the date of the resolution on out-of-court bankruptcy proceedings.

During the accounting period, claims by 28,582 workers were satisfied out of the Guarantee Fund, with the benefits paid totalling LTL 39.6.

**Question B**

*Please state how the term “insolvency” has been defined and to which situations it has been applied.*

The term of bankruptcy of enterprises has been defined in the Enterprise Bankruptcy Law No. IX-216 that was adopted on 20 March 2001 and came into effect on 1 July 2001. Bankruptcy means the state of an insolvent enterprise where bankruptcy proceedings have been instituted in court or the creditors are performing extrajudicial bankruptcy procedures at the enterprise. Bankruptcy process means the sum total of judicial or extrajudicial enterprise bankruptcy procedures.

According to the Law an enterprise is insolvent if it fails to settle accounts with its creditors upon expiry of the settlement term established by the laws or resolution or after the creditor's demand to pay, where no time limit has been established, and the overdue liabilities/debts are larger than one half of the book value of the enterprise's assets.

Creditors, owners or the head of administration of an enterprise may file a claim to court for the institution of bankruptcy proceedings against the enterprise if the enterprise:

- fails to pay, in due time, remuneration for work and other benefits related to labour relations;
- fails to pay for the goods, services and works received, to repay loans and to fulfil other property obligations in due time;
- fails to pay taxes, other mandatory contributions or adjudged amounts;
- has publicly announced or informed its creditors that it is unable to discharge its liabilities;
- has no assets from which debts could be recovered.

As it has already been mentioned the bankruptcy proceedings may take place out of court provided that no proceedings are pending in court where property claims have been made against the enterprise (including claims related to labour relations) and provided that no debts are being recovered from the enterprise under writs issued by the courts or other institutions. If the enterprise is unable and will remain unable to settle accounts with its creditors, the head/owner of the enterprise intending to obtain the creditors' consent to out-of-court proceedings must notify each creditor in writing, such notice specifying the date and place of the meeting of creditors. A meeting of creditors may resolve to implement out-of-court bankruptcy proceedings provided that the resolution has been approved, by open ballot, by creditors the total value of whose claims accounts for at least 4/5 of total liabilities of the enterprise, including liabilities that are not yet due, as of the resolution date. If the meeting of creditors fails to adopt a resolution on out-of-court proceedings, the owner, head of administration or creditor of the enterprise may file an application for bankruptcy proceedings to court. Such applications must be filed to the court within 30 days after the date of the meeting of creditors.

Claims by workers of the bankrupt enterprise, pertaining to labour relations, are satisfied on priority basis out of the funds accumulated at the time of liquidation of the enterprise. The Enterprise Bankruptcy Law also establishes a provision that such workers' claims may be satisfied by the Guarantee Fund (Article 35(7)).

**Question C<sup>22</sup>**

*Please indicate which claims are protected in case of the insolvency of the employer.*

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<sup>22</sup> See p. 3 of Annex to Article 25

Any workers' claims may be satisfied during the enterprise bankruptcy proceedings and liquidation in accordance with the established procedure.

Article 5 of the Law on the Guarantee Fund and resolution of the Government of the Republic of Lithuania Concerning Payments from the Guarantee Fund (No. 2103 of 31 December 2002) provides for the following benefits in case of the enterprise's insolvency:

- remuneration for work at the worker's request up to the total amount of 3 x minimal monthly pay;
- cash compensation for unused annual leave for one working year up to the amount of 1 minimal monthly pay;
- service benefit up to the amount of 2 x minimal monthly pay;
- payment for idle time up to the amount of 1 minimal monthly pay;
- indemnification for the damage done as a result of accidents at work (occurring before 31 December 1999) and occupational diseases (recognised before 31 December 1999) to workers of enterprises going bankrupt, provided that the liability has not been transferred to the State.

The draft law submitted to the Seimas of the Republic of Lithuania (No. XP-952, submitted on 1 December 2005) in approximation of the Law on the Guarantee Fund with the EU acquis provides for a new ceiling for the amount paid to compensate for unpaid remuneration for work, i. e. the amount paid to the worker during the last three consecutive months and not the sum of three minimal monthly pay amounts. The maximum amount of benefits will be established by the Government.

#### **Question D**

*Please indicate whether there are any categories of workers not covered by the protection offered in this field by reason of the special nature of their employment relationship.*

The Law on the Guarantee Fund currently in force establishes that the area of its application covers all undertakings, public institutions and banks except for the Bank of Lithuania and credit unions. Thus benefits from the Guarantee Fund are paid to workers of all the aforesaid entities, to which bankruptcy proceedings may apply under the Enterprise Bankruptcy Law.

#### **Question E**

*Please indicate whether workers' claims are limited to a prescribed amount. If so, state what the amount is and how it is determined.*

Claims listed in "C" section of this report are satisfied in accordance with the Law on the Guarantee Fund by paying benefits the ceilings for which have been established by the Law or a government resolution.

Answer to the question by the European Committee of Social Rights (p. 388):

The Committee requests an estimate of the overall proportion of workers' claims which are satisfied by the guarantee system and of the usual or average duration of the period from a claim is lodged until the worker is paid.

According to the information available to the administration of the Guarantee Fund, 1614 applications for benefits from the Guarantee Fund were received during the period from 1 January 2003 till 1 January 2006. Only 21 applications were rejected. The reasons for rejection:

- 1) the applications were filed by entities the workers of which are not entitled to such benefits in accordance with the Law on the Guarantee Fund; or

2) benefits not provided for in the Law on the Guarantee Fund were applied for.

As meetings of the Guarantee Fund Council are held on a monthly basis the consideration of an application usually takes place at the nearest council meeting. Therefore, the period from the date of submission of an application to the Guarantee Fund until the payment of benefit is made usually lasts up to 2.5 months.

In accordance with Article 122 of the Labour Code, idle time without the worker's fault is a situation at work where the employer fails to provide the worker with work agreed in the employment contract, for certain objective reasons (production etc.). The worker may be transferred to another job at his written consent for the idle period taking account of the worker's profession, speciality, qualifications and health condition. With the worker's consent he may be transferred to another job without taking account of his profession, speciality or qualifications.

Idle time without the worker's fault is paid at an hourly rate, which may not be lower than the minimal hourly rate established by the Government.

Where remuneration for work paid to the worker transferred to another work due to idle time decreases for reasons beyond the worker's control, such worker is paid the average pay that was paid prior to the transfer. If, in case of idle time, the worker is not offered another job at the undertaking according to his profession, speciality and qualifications, which could be done by him without harming his health, as well as in case if the employer demands that the worker stays at his workplace, such worker is to be paid, for each hour of idle time, a pay amounting to  $\frac{2}{3}$  of the average hourly rate paid before the idle time, however, such rate may not be smaller than the minimal hourly rate approved by the Government. If the worker refuses in writing from the job offered to him, although the job corresponds to his profession, speciality and qualifications and is not detrimental to the worker's health, the worker is to be paid at the hourly rate accounting for at least 30% of the minimal hourly rate approved by the Government.

Collective agreements or employment contracts may stipulate cases where workers' absence from work is allowed. The idle time may only be unpaid if the idle time occurs through the worker's fault.

## **ARTICLE 26: THE RIGHT TO DIGNITY AT WORK**

Please indicate how organisations of employers and workers are consulted by the authorities on the measures required to implement each of the paragraphs of Article 26 (procedure and level of consultation, content, and frequency of consultation).

### ***ARTICLE 26 PARA. 1***

*“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations:  
1 to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;“*

*Answers to the questions by the European Committee of Social Rights (pp. 390-393) by accounting periods.*

#### **Question A**

***Please indicate which forms of behaviour are considered as sexual harassment.***

Article 2(5) of the Law on Equal Opportunities for Women and Men (came into effect on 1 March 1999) defines sexual harassment as “offensive conduct of sexual nature, expressed verbally or in physical act, towards a person with whom the offender is related by labour, official or other dependency relations”.

In the new version of the Law that came into effect in July 2005, sexual harassment is defined as “unwanted offensive conduct of sexual nature, verbal, written or physical, towards a person, where such conduct is aimed at violating the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment”.

As previous dependence between the victim and the offender has been eliminated in the new definition, the prohibition on sexual harassment covers not only direct relations between an employer and an employee but also persons working under authorship agreements, self-employed persons, customers, visitor and guests. However, the provisions of the Law do not apply to family and private life.

The prohibition on harassment provided for in the Labour Code is based on the definition of sexual harassment established in the Law on Equal Opportunities for Women and Men.

In accordance with Article 152 of the Criminal Code of the Republic of Lithuania, a person who has harassed another person depending upon him/her, by office or otherwise, by vulgar or similar acts, proposals or hints seeking sexual relations or satisfaction, is considered to have committed an act of sexual harassment. In this definition the dependence between the victim and the offender is established as a condition. Actions are treated as sexual harassment both in case where sexual relations or satisfaction is sought in any form and where the very fact of harassment gives pleasure to the offender.

#### **Question B**

***Please indicate what awareness-raising, information and preventive activities to counter sexual harassment at work or in relation to work are carried out (eg. description, target groups, expenditure, etc.).***

Article 3 of the Law on Equal Opportunities for Women and Men obligates state and government authorities to support, within the scope of their competence, programmes implemented by public organisations, public institutions, associations and charity funds that facilitate implementation of equal opportunities for women and men. This also includes preventive activities aimed at stopping sexual harassment from happening.

Non-governmental organisations have implemented projects aimed at increasing public awareness of sexual harassment, educate citizens and inform them on various equal opportunities issues. Employees of the Equal Opportunities Ombudsman Service were invited to speak at seminars and deliver reports at conferences in Vilnius city and in the regions.

Specific measures to prevent sexual harassment have been provided for in the State Equal Opportunities Programme for 2005-2009:

- psychological and victimological study of psychological violence and sexual harassment within the national defence system (responsible institution: Ministry of National Defence) and formulation of recommendations for fighting such practices;
- sexual harassment aspects should be included in trainings and workshops.

*Please indicate the role of the employer in preventing and combating sexual harassment. Please provide details with regard to training schemes, publications and infrastructures that exist and that employers put into place in order to effectively combat sexually harassing behaviour.*

Article 5(5) of the Law on Equal Opportunities for Women and Men obligates employers to “take measures so that workers are protected against hostile behaviour, negative consequences and other kinds of persecution when his/her complaint over discrimination is being responded to”. If the employer fails to take measures or persecutes the person that has lodged a complaint over sexual harassment (violation of Article 4 of the Law on Equal Opportunities for Women and Men), the victim of persecution may approach the Equal Opportunities Ombudsman concerning the violation of the Law on Equal Opportunities for Women and Men. The employer that has violated the law may be warned or an administrative penalty may be imposed.

Article 5(4) of the Law on Equal Opportunities for Women and Men obligates employers to take measures so that workers would not experience sexual harassment or persecution. However, no reliable information on preventive measures taken by employers is available.

*Please indicate any specialised infrastructures to receive and deal with complaints against such behaviour (eg. ombudsman, counselling, etc.).*

Prohibition on sexual harassment is regulated by the Law on Equal Opportunities for Women and Men, which is being enforced by the Equal Opportunities Ombudsman Service. Any person who is of the opinion that he/she has become an object of sexual harassment may approach the Ombudsman.

Complaints are to be lodged to the Ombudsman in writing (upon filling a form at the Service, by mail, by fax or via electronic mail). If a verbal complaint has been received, including by phone, or if the Ombudsman has established indications of sexual harassment from the press, other mass media or other sources, the Ombudsman may start an investigation on his own initiative.

Based on the complaint received the Ombudsman, in order to verify and clarify the circumstances described in the complaint, questions the person against whom the complaint is directed, the employer of such person, and witnesses of sexual harassment (if any) and investigates other circumstances. At the Ombudsman’s request state and government authorities, institutions and undertakings must immediately furnish him with any information, documents and materials necessary for the performance of the related Ombudsman’s functions (Article 26(1) of the Law on



Equal Opportunities for Women and Men). Furthermore, under Article 26(2) of the Law, the person whose actions are being investigated must furnish the Ombudsman with an explanation within 10 working days at the Ombudsman's request. Persons preventing the Ombudsman from performing his duties are held responsible in accordance with Article 1875 of the Code of Administrative Procedure.

On completion of the investigation the Ombudsman may adopt a decision:

- 1) to refer the investigation material to a prejudicial investigation institution or a prosecutor if indications of a criminal act have been established;
- 2) to approach a relevant person or institution proposing that actions violating equal opportunities are discontinued or a relevant legal act is repealed;
- 3) to handle an administrative case and impose administrative sanctions;
- 4) to dismiss the complaint if the violations mentioned in it have not been corroborated;
- 5) to discontinue the investigation if the complainant withdraws the complaint or where objective data on the violation are lacking, or the complainant and the violator have become reconciled, or where actions violating equal rights have been discontinued, or the legal act violating equal rights has been repealed;
- 6) give a warning about the violation;
- 7) to suspend the investigation if the applicant or the person whose actions are being complained about is ill or is away.

The Equal Opportunities Ombudsman has the discretionary right to choose a sanction and to adopt a relevant decision in each specific case of sexual harassment. When deciding on sanctions the Ombudsman takes account of specific circumstances, scope, graveness, impact upon the suffered person etc.

Decisions by the Ombudsman are of recommendation nature (except for the decision to impose an administrative penalty), however, the Service's practice shows that all the recommendations were implemented during the accounting period.

Complaints concerning sexual harassment provided for in the Criminal Code may be lodged directly to court.

### **Question C**

***Please describe any protective measures undertaken to prevent sexual harassment in the workplace and indicate whether any sanctions are provided by law against such behaviour (in particular financial and other compensation).***

*Civil liability.* Amendments to the Law on Equal Opportunities for Women and Men adopted on 9 November 2004 established the right of a person who has experienced discrimination on grounds of sex, sexual harassment or harassment to demand that the guilty persons would indemnify him/her for property and non-property damage in accordance with the procedure established by the Civil Code (Article 24(1) of the Law on Equal Opportunities for Women and Men).

The right to lodge a civil claim for indemnification for property/non-property damage has been granted only to the victim. In case of sexual harassment or harassment one should rely upon the general provision concerning indemnification for property and non-property damage included in the Civil Code. Civil liability (indemnification) is regulated by Chapter XXII of Volume 6 of the Civil Code. Articles 6.249 and 6.250 of the Civil Code contain definitions of damage, losses and non-property damage. It should be noted that application of civil liability is possible along with other legal sanctions imposed by the State (measures of administrative impact and criminal responsibility).

When suing a victim of (sexual) harassment should specify the value of the non-property damage inflicted; the size of compensation is not limited by the laws.

*Administrative responsibility.* The Equal Opportunities Ombudsman has the discretionary right to examine administrative cases and impose administrative penalties. In accordance with Article 416 of the Code of Civil Procedure, a violation of equal rights of women and men established in the Law on Equal Opportunities for Women and Men include the prohibition on sexual harassment and harassment, inflicts a fine from LTL 100 to LTL 2,000 upon officers, employers or persons authorised by them. In case of a repeated violation an administrative penalty from LTL 2,000 to LTL 4,000 may be imposed. The fines are paid to the state budget.

The Equal Opportunities Ombudsman has the discretionary right to choose a sanction and to adopt a relevant decision in each specific case of sexual harassment. When deciding on sanctions the Ombudsman takes account of specific circumstances, scope, graveness, impact upon the suffered person, social importance etc. After the fact of sexual harassment is proved the Ombudsman may (but is not obligated to) impose an administrative penalty.

During the accounting period the Equal Opportunities Ombudsman Service examined 8 cases on sexual harassment, however, no administrative sanctions were imposed. Usually publication of information has the greatest impact upon the person who has committed an act of harassment. The Ombudsman may only disclose information to the mass media at the victim's request or with his/her consent (Article 28 of the Law on Equal Opportunities for Women and Men).

*Criminal responsibility.* The Criminal Code establishes criminal responsibility for sexual harassment. Article 152(1) of the Criminal Code states that a person who has harassed another person depending upon him/her, by office or otherwise, by vulgar or similar acts, proposals or hints seeking sexual relations or satisfaction, is considered to have committed a criminal act punishable by fine, restriction of freedom or detention. Acts prohibited by this legal provision are classified as criminal offences.

The person is held responsible for his/her acts provided that the suffered person has lodged a complaint or a legal representative of the suffered person has made a statement, or a public prosecutor has issued a demand.

The aforesaid provisions of the Criminal Code came into effect on 1 May 2003.

According to the information available to the Information and Communications Department under the Ministry of Interior, in 2003 it has recorded 3 criminal offences according to the definition provided in Article 152 of the Criminal Code. Results of investigation of cases in 2003 are as follows:

- 1 sexual harassment case was discontinued based on Article 3 of the Code of Criminal Procedure, i. e. criminal proceedings could not be initiated for reasons set out in that Article (e. g. 1) if no act containing indications of a crime or criminal offence has been committed; 2) in case of the completion of prescription; etc.);

- In 1 sexual harassment case pre-judicial investigation was discontinued based on Article 212 of the Code of Criminal Procedure. Possible reasons for discontinuation of a prejudicial investigation have been set out in Article 212 (e. g. 1) it becomes clear during the prejudicial investigation that circumstances provided for in Article 3 of the Code of Criminal Procedure exist; 2) sufficient evidence proving the suspected person's guilt for committing criminal acts has not been collected during prejudicial investigation; etc.).

In 2004, 3 criminal offences according to the definition provided in Article 152 of the Criminal Code were recorded. Results of investigation of cases in 2004 are as follows:

- in 1 case the bill of indictment was transferred by the prosecutor to the court;

- in 2 cases the prosecutor adopted a decision to complete the proceedings by a criminal order. Such decision is adopted in a situation where the guilty person indemnifies for or eliminates the damage (if any) or undertakes to indemnify for or eliminate the damage;
- 1 investigation was discontinued on the basis of Article 3 of the Code of Criminal Procedure.

In accordance with Article 24 of the Law on Equal Opportunities for Women and Men the Ombudsman, on completion of investigation into a sexual harassment case, may hand the investigation materials over to a prejudicial investigation institution or prosecutor, provided that indications of criminal acts have been established.

In 2002 a student of Vilnius University lodged with the Equal Opportunities Ombudsman a claim concerning sexual harassment by a university teacher. The Ombudsman established that acts by the teacher contained indications of a criminal offence and handed the investigation materials over to the Public Prosecutor's Office. Despite repeated requests by the Equal Opportunities Ombudsman Service, the Public Prosecutor's Office decided that no prejudicial investigation could be started without a statement by the victim of sexual harassment. The Criminal Code establishes that, if detection of a criminal act is of considerable social significance, criminal proceedings may be initiated by a prosecutor in a sexual harassment case irrespective of whether the suffered party lodges a complaint. In this case the Public Prosecutor's Office did not consider the case to be of considerable social significance, although it had great resonance for the public and the mass media. No prejudicial investigation was started in this case. However, the university teacher was dismissed from work on the employer's initiative for sexual harassment acts and unethical behaviour towards a female student.

In the Labour Code of the Republic of Lithuania sexual harassment of colleagues, subordinates or visitors is identified as a gross violation of work duties. The following disciplinary penalties may be imposed for such violation: rebuke, reprimand and dismissal from work without prior warning based on Article 136(3) of the Labour Code. The imposition of a disciplinary penalty must take account of the consequences of sexual harassment, the worker's guilt, the circumstances of committing the violation, and of past performance of work duties by the worker.

Article 2(1) of the Law on Equal Opportunities for Women and Men states that "where complaints and applications filed by natural persons or disputes over discrimination based on sex are examined in courts or by other competent authorities, it shall be presumed that the fact of direct or indirect discrimination has occurred. The person or the institution appealed against must prove that the principle of equal rights has not been violated." An amendment to the Law concerning the burden of proof was adopted on 13 July 2004.

*Please give details on the relevant court procedures, indicating where the burden of proof lies.*

During the accounting period the Equal Opportunities Ombudsman Service has examined 8 cases on sexual harassment, however, no administrative sanctions were undertaken due to lack of evidence in all the cases.

In almost all the cases investigations of complaints were discontinued due to the lack of objective evidence on the violation committed. Although sanctions were not imposed, the conduct of the investigation, provision of explanations by the person appealed against, and other procedural measures have a disciplinary effect upon the person that has committed acts of sexual harassment and make him/her reflect upon his/her behaviour, while his/her colleagues have an opportunity to assess similar acts from the aspects of official ethics and respect for human rights.

In all cases the complaints for sexual harassment at work were lodged by women.

At the end of 2004, the Equal Opportunities Ombudsman Service was approached by a woman complaining that she had experienced sexual harassment by her superior – head of a private

company. The harassment had taken the form of SMS sent to her mobile phone and email messages, calls in the evenings and weekends, visiting the applicant at home without notice, leaving texts and photographs with ambiguous comments on her desk. The woman also informed the mass media, therefore, the investigation gained greater publicity. The case was discontinued in 2005 after the applicant left for living and working abroad. The person that had allegedly committed acts of harassment was not punished, however, his reputation was tarnished considerably by attention on the part of the mass media.

*Please indicate the employers' liabilities in case of recorded sexual harassment at the workplace.*

Article 5(5) of the Law on Equal Opportunities for Women and Men obligates employers "to take appropriate measures to protect the employee who has lodged a complaint about discrimination against hostile behaviour, negative consequences and persecution". If the employer fails to take measures or persecutes the person that has lodged a complaint about sexual harassment (violation of Article 6(4) of the Law on Equal Opportunities for Women and Men), the victim of persecution may approach the Equal Opportunities Ombudsman on the basis of violation of the Law on Equal Opportunities for Women and Men. A warning or administrative penalty may be imposed upon the employer that has violated the law. Responsibility for sexual harassment lies with the person that has committed sexual harassment acts and not his/her employer.

Article 5(4) of the Law on Equal Opportunities for Women and Men obligates employers to take appropriate measures to prevent sexual harassment or harassment of the employees. However, often employers are not informed about such legal provisions and the duty to take preventive measures. Therefore, undertakings rarely include the prohibition on sexual harassment in their internal working rules. No reliable information on preventive measures implemented by employers is available.

Disputes over the legality and reasonableness of a disciplinary penalty for sexual harassment (upon completion of investigation and establishment of the sexual harassment fact by a competent authority and sending of a relevant decision to the employer) may be examined at a labour disputes commission formed at an undertaking out of the equal number of workers' representatives and the employer's representatives. If no such commission has been formed, the employer must, upon receipt of a worker's request addressed to a dispute commission, initiate the formation of such commission immediately. Decisions by the commission are binding and must be fulfilled within 10 days. In case of non-fulfilment of the decision the worker may lodge a claim to court for the coercive fulfilment of the decision.

#### **Question D**

*Please indicate if reinstatement is provided in cases of dismissal or voluntary resignation as a result of sexual harassment at work or in relation to work and in cases where reinstatement is not possible, please indicate the amount of the damages awarded. Please specify the measures provided to combat any form of retaliation following a sexual harassment claim.*

If a person disagrees with the grounds for dismissal from work such person may lodge a claim, within one month, to court for the reinstatement to his job. Should the court rule that the employer has violated the worker's rights by dismissing him, the employer must reinstate worker to the job and pay compensation for the lost pay during the forced idle time. The court decision is binding upon the employer and constitutes an unconditional requirement, which must be fulfilled by the employer by reinstating the worker to the job. If the claimant does not wish to return to his job after the court has established that the dismissal was unlawful, the claimant may request that the court obligates the employer to pay cash compensation.

The Law on Equal Opportunities for Women and Men does not entitle the Equal Opportunities Ombudsman to demand that the victim of the recognised sexual harassment would be reinstated to the job, if the victim had been dismissed or quit the job on his/her own initiative, however, the Ombudsman may propose, in his/her conclusions, that the employer takes specific actions to discontinue sexual harassment acts.

An employer that persecutes a worker that has lodged a complaint with the Equal Opportunities Ombudsman violates Article 6(4) of the Law on Equal Opportunities for Women and Men, which prohibits employers from persecuting workers who have made complaints about discrimination. In such a case the employer may be brought to administrative responsibility and obligated to pay a fine of the set size to the state budget.

Over the accounting period there were no cases in the practice of the Equal Opportunities Ombudsman Service whereby a worker was be dismissed from work after lodging a complaint about sexual harassment with the Ombudsman.

## **ARTICLE 26 PARA. 2**

*“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations: ....*

*2 to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.”*

Answer the questions by the European Committee of Social Rights (pp. 394-395) by accounting periods

### **Question A**

***Please indicate which forms of behaviour are considered as reprehensible or distinctly negative and offensive actions directed against individual workers.***

By amendment adopted on 5 July 2005, the Law on Equal Opportunities for Women and Men was supplemented by a notion of “harassment”, which means unwanted conduct that is aimed at violating the dignity of a person or violates the person’s dignity based on sex by creating an intimidating, hostile, degrading, humiliating or offensive environment (Article 2(7) of the Law on Equal Opportunities for Women and Men).

In the Law on Equal Opportunities for Women and Men that was adopted on 18 November 2003 and came into effect on 1 January 2005, harassment is defined as unwanted behaviour (discrimination) aimed at violating the dignity of a person or violates the person’s dignity based on age, sexual orientation, disability, race or ethnic origin, religion or convictions and at creating an intimidating, hostile, degrading, humiliating or offensive environment.

Furthermore, objectionable or clearly negative and offensive acts could be understood as a violation of dignity of a person as well as a violation of other human rights established in the Constitution (right to private life, immunity of personal correspondence and telephone conversations, freedom of convictions etc.). A more detailed definition of a violation of dignity and honour is presented in the General Judicial Practices issued by the Senate of the Lithuanian Supreme Court: “Dignity is the person’s self-assessment of how he is seen by the public. Honour is positive social evaluation and good public opinion about the person.” Therefore, each person may have a subjective opinion about his dignity and honour and about actions violating them.

Furthermore, actions by an employer are considered as actions violating workers' rights if they are in contravention to the provisions of internal work rules, collective agreements, job descriptions or other local legal acts.

**Question B**

*Please indicate any prejudicial actions against workers' dignity other than sexual harassment, which are recognised and combated through different measures such as legislation, regulations, collective agreements, etc.*

The Constitution of the Republic of Lithuania establishes that dignity of a person is defended by the law and the courts. Cases of workers' harassment of property, ethical, psychological and physical nature are regulated, according to the degree of graveness, by the Code of Administrative Procedure, the Criminal Code, the Civil Code and the laws governing labour relations (for example, the Labour Code). Prohibited actions include unjustified actions by employer/colleagues whereby unfavourable working conditions are created for a worker, worker's initiative is ignored, his/her work, clothing and behaviour are criticised, his/her dignity and honour are degraded, lower pay is established, working overtime or night shifts is ordered etc. Discriminating against persons, creating worse working conditions and unfavourable working environment on the grounds of nationality, race, language, gender, sexual orientation and convictions is also prohibited.

A worker may lodge a civil claim for violation of dignity and honour to court in cases where information degrading his dignity and honour have been disseminated through the mass media, and demand indemnification for property and non-property damage. The proceedings are conducted in accordance with the procedure established by the Code of Civil Procedure according to the principle of contest.

**Question C**

*Please answer the questions B to D of paragraph 1 with respect to reprehensible or distinctly negative and offensive actions directed against workers other than sexual harassment.*

*Please indicate what awareness-raising, information and preventive activities to counter sexual harassment at work or in relation to work are carried out (eg. description, target groups, expenditure, etc.).*

Prohibition on harassment on different grounds is a new phenomenon in Lithuania. Upon adoption of relevant amendments to the laws, their content was widely publicised in the mass media (the press, radio, television). At workshops organised by the Equal Opportunities Ombudsman Service and other institutions, the reasons for and methods of prevention of harassment and the relevant sanctions have been discussed.

During the accounting period no special information campaigns were organised to increase public awareness on harassment issues, however, considerable attention is devoted to such issues in several projects launched in 2005 under the EU EQUAL programme. For example, one of the objectives of the project entitled "Open and Safe at Work" is to create tolerant working environment for persons of non-traditional sexual orientation, with a publicity campaign being one of the components of the project.

*Please indicate the role of the employer in preventing and combating sexual harassment. Please provide details with regard to training schemes, publications and infrastructures that exist and that employers put into place in order to effectively combat sexually harassing behaviour.*

Article 5(5) of the Law on Equal Opportunities for Women and Men obligates employers to “take measures so that workers are protected against hostile behaviour, negative consequences and other kinds of persecution when his/her complaint over discrimination is being responded to (including harassment)”. If the employer fails to take measures or persecutes the person that has lodged a complaint over sexual harassment (violation of Article 6(4) of the Law on Equal Opportunities for Women and Men and of Article 7(5) of the Law on Equal Opportunities), the victim of persecution may approach the Equal Opportunities Ombudsman concerning the violation of the Law on Equal Opportunities for Women and Men. The employer that has violated the law may be warned or an administrative penalty may be imposed.

Article 5(4) of the Law on Equal Opportunities for Women and Men obligates employers to take measures so that workers would not experience sexual harassment or persecution. Employers are often not informed about such provisions and the duty to take preventive measures. Therefore, undertakings rarely include the prohibition on sexual harassment in their internal working rules. No reliable information on preventive measures implemented by employers is available.

Training of employers on the implementation of equal opportunities for women and men including sexual harassment issues is funded by the Programme for Equal Opportunities for Women and Men approved by the Government as well as by projects implemented by non-governmental women’s organisations and the Equal Opportunities Ombudsman Service.

***Please indicate any specialised infrastructures to receive and deal with complaints against such behaviour (eg. ombudsman, counselling, etc.).***

Complaints about harassment on grounds of sex, age, sexual orientation, disability, race or ethnic origin, religion or convictions are examined by the Equal Opportunities Ombudsman in accordance with the procedure established by the Law on Equal Opportunities for Women and Men.

Complaints are to be lodged to the Ombudsman in writing (upon filling a form at the Service, by mail, by fax or via electronic mail). If a verbal complaint has been received, including by phone, or if the Ombudsman has established indications of sexual harassment from the press, other mass media or other sources, the Ombudsman may start an investigation on his own initiative.

Based on the complaint received the Ombudsman, in order to verify and clarify the circumstances described in the complaint, questions the person against whom the complaint is directed, the employer of such person, and witnesses of sexual harassment (if any) and investigates other circumstances. At the Ombudsman’s request state and government authorities, institutions and undertakings must immediately furnish him with any information, documents and materials necessary for the performance of the related Ombudsman’s functions (Article 26(1) of the Law on Equal Opportunities for Women and Men). Furthermore, under Article 26(2) of the Law, the person whose actions are being investigated must furnish the Ombudsman with an explanation within 10 working days at the Ombudsman’s request. Persons preventing the Ombudsman from performing his duties are held responsible in accordance with Article 1875 of the Code of Administrative Procedure.

***Please describe any protective measures undertaken to prevent sexual harassment in the workplace and indicate whether any sanctions are provided by law against such behaviour (in particular financial and other compensation).***

Amendments to the Law on Equal Opportunities for Women and Men adopted on 9 November 2004 provide for the right of a person that has experienced harassment on grounds of sex to demand from guilty persons indemnification for property and non-property damage in accordance with the procedure established by the Civil Code (Article 24(1) of the Law on Equal Opportunities for Women and Men).

The Law on Equal Opportunities for Women and Men does not provide for the right to sue for property or non-property damage in case of harassment on other grounds set out in the Law on Equal Opportunities for Women and Men.

***Please give details on the relevant court procedures***

No harassment cases were examined by the Equal Opportunities Ombudsman Service during the accounting period. No data is available on examination of harassment at work cases in the Lithuanian courts.

***Please indicate the employers' liabilities in case of recorded sexual harassment at the workplace.***

Article 5(4) of the Law on Equal Opportunities for Women and Men obligates employers to take measures so that workers would not experience sexual harassment or persecution

Article 5(5) of the Law on Equal Opportunities for Women and Men obligates employers to “take measures so that workers are protected against hostile behaviour, negative consequences and other kinds of persecution when his/her complaint over discrimination is being responded to (including harassment)”. If the employer fails to take measures or persecutes the person that has lodged a complaint over sexual harassment (violation of Article 6(4) of the Law on Equal Opportunities for Women and Men and of Article 7(5) of the Law on Equal Opportunities), the victim of persecution may approach the Equal Opportunities Ombudsman concerning the violation of the Law on Equal Opportunities for Women and Men. The employer that has violated the law may be warned or an administrative penalty may be imposed.

***Please indicate if reinstatement is provided in cases of dismissal or voluntary resignation as a result of sexual harassment at work or in relation to work and in cases where reinstatement is not possible, please indicate the amount of the damages awarded. Please specify the measures provided to combat any form of retaliation following a sexual harassment claim.***

If a person disagrees with the grounds for dismissal from work such person may lodge a claim, within one month, to court for the reinstatement to the job. Should the court rule that the employer has violated the worker's rights by dismissing him, the employer must reinstate the worker to the job and pay compensation for the lost pay during the forced idle time.

The court decision is binding upon the employer and constitutes an unconditional requirement, which must be fulfilled by the employer by reinstating the worker to the job. If the claimant does not wish to return to his job after the court has established that the dismissal was unlawful, the claimant may request that the court obligates the employer to pay cash compensation.

Neither the Law on Equal Opportunities for Women and Men, nor the Law on Equal Opportunities entitle the Equal Opportunities Ombudsman to demand that the victim of the recognised sexual harassment would be reinstated to the job, if the victim had been dismissed or quit the job on his/her own initiative, however, the Ombudsman may propose, in his/her conclusions, that the employer takes specific actions to discontinue sexual harassment acts.

An employer that persecutes a worker that has lodged a complaint with the Equal Opportunities Ombudsman violates Article 6(4) of the Law on Equal Opportunities for Women and Men and Article 7(5) of the Law on Equal Opportunities, which prohibit employers from persecuting workers who have made complaints about discrimination. In such a case the employer may be brought to administrative responsibility and obligated to pay a fine as established by the Code of Administrative Procedure.



## **ARTICLE 27: THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT**

### **Legislation of the Republic of Lithuania**

#### **1. Laws of the Republic of Lithuania**

- Constitution of the Republic of Lithuania (*Official Gazette*, 1992, No 31-953; No 33-1014);
- Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569);
- Republic of Lithuania Law on Support of the Unemployed (*Official Gazette*, 1991, No 2-25; 2003, No 32-1313);
- Republic of Lithuania Law on Equal Opportunities (*Official Gazette*, 1998, No 112-3100);
- Republic of Lithuania Law on Local Self-Government (*Official Gazette*, 2002, No 68-2765);
- Republic of Lithuania Law on Education (*Official Gazette*, 2003, No 63-2853).

#### **2. Subordinate legislation**

- Resolution No 21 of the Government of the Republic of Lithuania of 9 January 1995 [On the Approval of the Order on Determining the Daily or Weekly Part-Time](#) (*Official Gazette*, 1995, No 5-92; *Official Gazette*, 2002, No 6-228);
- “The Procedure of Working Conditions, upon Existence of Which a Summed up Labour Time Accounting is Introduced, of Introducing a Summed up Labour Time Accounting in Companies, Institutions and Organisations” approved by Resolution No 587 of the Government of the Republic of Lithuania of 14 May 2003 (*Official Gazette*, 2003, No 48-2120);
- “Model of the System of Pedagogical-Psychological Services” approved by Resolution No 42 of the Board of the Ministry of Education and Science of 2 October 1995;
- Resolution No 1170 of the Government of the Republic of Lithuania of 31 August 1995 [On Payment for Child Maintenance at Pre-School Educational Establishments](#) (*Official Gazette*, 1995, No 73-1715);
- Resolution No 834 of the Government of the Republic of Lithuania of 1 July 2004 “On the Approval of the Regulations of the State Education Supervision” (*Official Gazette*, 2004, No 105-3888);
- The National Programme of Child Daycare Centres of Non-governmental Organisations 2002-2004 approved by Resolution No 731 of the Government of the Republic of Lithuania of 24 May 2002 (*Official Gazette*, 2002, No 53-2076);
- Order No 1080 of the Minister of Education and Science of the Republic of Lithuania of 10 July 1998 “On the Regulations of Pre-School Educational Establishment” (*Official Gazette*, 1998, No 110-3043);
- Order of the Supreme Court of Lithuania of 9 June 2004 in the civil case No 3K-3-356/2004 “On Interpretation of Article 129 Para. 2 and Para. 4 of the Labour Code” (published in “Teismų praktika” (*Case-law*), 21.02.2005, No 22)

**ARTICLE 27 PARA. 1<sup>23</sup>**

*“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:*

*to take appropriate measures:*

- a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;*
- b. to take account of their needs in terms of conditions of employment and social security;*
- c. to develop or promote services, public or private in particular child daycare services and other childcare arrangements.”*

**Question A**

***Please describe the measures taken to implement this provision, in particular the measures taken in the field of vocational guidance and training, including retraining.***

Attitude of the Lithuanian State on support for families and equal family responsibilities of parents is established in the Constitution of the Republic of Lithuania. Article 39 stipulates that the State shall take care of families that raise and bring up children at home and shall render them support according to the procedure established by law. The law shall provide to working mothers a paid leave before and after childbirth as well as favourable working conditions and other concessions.

Subparagraph 4 of Paragraph 1 of Article 2 “Principles of Legal Regulation of Labour Relations” of the Labour Code provides that the following principles shall apply to the regulation of labour relations connected with the exercise and protection of labour rights and performance of obligations: equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and **family status**, age, opinions or views, political party or public organisation membership, factors unrelated to the employee’s professional qualities;

Subparagraph 1 of Paragraph 1 of Article 96 “Guarantees upon Admitting to Work” of the Labour Code provides that it shall be prohibited to refuse to employ on the grounds specified in Article 2 (1) (4) “Principles of Legal Regulation of Labour Relations” of this Code, i.e. due to gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and **family status**, age, opinions or views, political party or public organisation membership, factors unrelated to the employee’s professional qualities;

Paragraph 2 of the same Article stipulates that refusal to employ in the cases specified in Paragraph 1 of this Article may be contested in court not later than within one month, and Paragraph 3 lays down that in the event that the refusal to employ is established by the court to be unlawful, the employer shall be obligated by the court order to employ this person and to pay him compensation in the amount of the minimum wage for the period from the day of refusal to employ him to the day of the execution of the court order.

Since the beginning of 2004, Lithuania has been taking part in the European Community initiative EQUAL. This is one of the European Community initiatives, which tests and develops new practices to combat all forms of discrimination and inequality experienced both by workers and job-seekers in relation to the labour market. EQUAL is a part of the European Employment Strategy and European Strategy of Struggle against Discrimination and Exclusion. The aim of EQUAL is to

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<sup>23</sup> See appendix to Article 27.

complement the activities supported by the ESF through promoting the development, testing and application of new approaches in the labour market. EQUAL seeks for a more effective innovative employment policy and practice both on the national and European Union levels. Implementation of EQUAL is based on the principles of thematic priorities, innovation, partnership, provision of opportunities, transnational cooperation, equal gender opportunities and impact on policy and practice. The base for the implementation of the European Community initiative EQUAL in Lithuania is the 2004-2006 Single Programming Document of the European Community initiative EQUAL, which lays down the objectives, priorities and implementation mechanism of the initiative EQUAL, and the European Community initiative EQUAL Programme Complement, which describes the implementation of the programme in detail. Promotion of reconciling family and professional life and support for the re-integration of men and women who have left the labour market by developing more flexible and effective forms of work organisation and support services are provided in 7 projects. The aim of one of these projects, the partners whereof are Šiauliai Trade Union Association, Šiauliai University Students' Representative office, Šiauliai Chamber of Commerce, Industry and Craft, is to develop and test innovative methodology and measures for educational and training institutions and organisations, helping to reconcile family and professional life and seeking to change stereotypical gender roles in the family and at work through the formation of family-friendly studying and working environment at Šiauliai University. The main objectives of the partners are to establish the situation and obstacles of reconciling family and professional life in educational and training institutions of various types in Lithuania, as well as investigate stereotypical attitudes of the students, staff and management, administration personnel of educational and training institutions towards gender roles in the family and professional life and establish the needs of reconciling family and professional life at the educational and training establishment, and the criteria of family-friendly studies and workplaces. It is also provided to develop and test the measures of studies and flexible work organisation in Šiauliai University allowing to reconcile family and professional obligations of students and staff, and enhancing the competitiveness of the studying youth in the labour market, as well as to develop and test childcare arrangements of students and staff of Šiauliai University allowing to successfully reconcile study, family and work obligations, new methods and educational measures of reconciling family and professional life integrated in the curriculum of Šiauliai University, which would form non-stereotypical attitudes of students and staff of educational and training institutions towards gender roles, enable more active participation of women at educational and training institutions in professional life and men assuming caring functions and bigger responsibility in the family.

#### **Question B**

*Please describe the measures taken to implement this provision, especially measures concerning the length and organisation of working time.*

*Please indicate the measures taken to allow workers with family responsibilities who so wish to work part-time and to allow them to return to full-time employment. Where appropriate, please describe the rules applying to these different forms of work, their supervision and the applicable social protection (please specify in particular qualifying conditions for social security, the benefits which these workers may claim, etc.).*

Article 146 of the Labour Code regulates part-time work. Part daily working time or part weekly working time shall be set: 1) by agreement between the employee and the employer; 2) by request of the worker due to his/her health status in accordance with conclusions of medical institution; 3) on request of a pregnant woman, a woman who has recently given birth (mother who submits to the employer a certificate of a health care institution confirming that she has given birth, and who raises a child under one year of age, hereinafter referred to in the Code as a woman who has recently given birth), a woman who breast-feeds (mother who submits to the employer a

certificate of a health care institution confirming that she raises and breast-feeds her child until he reaches one year of age, hereinafter referred to as a woman who breast-feeds), an employee raising a child under fourteen years of age or a disabled child under sixteen years of age; 4) on request of an employee under eighteen years of age; 5) on request of a disabled person according to the conclusions of a health care institution; 6) on request of an employee nursing a sick member of his family, according to the conclusions of a health care institution.

Unless otherwise provided for in the conclusions of a health care institution, part-time work may be by agreement established by decreasing the number of working days per week or shortening a working day (shift), or doing both. Part-time work during a working day may be divided into parts. Other conditions related to the procedure of establishing part-time work and duration thereof shall be set by the Government. Part-time work shall not result in limitation when setting the duration of annual leave, calculating the length of service, promoting an employee, improving qualification, as well as shall not limit other labour rights of the employee. Employees shall receive payment in proportion to the time of work or by result.

The pay for part-time work (part daily working time or part weekly working time) shall be proportionate to the time spent at work or to the work carried out (Article 196 of the Labour Code).

The Labour Code provides for various guarantees for workers with families.

Paragraph 5 of Article 147 of the Labour Code stipulates that wherever possible, employees raising children under fourteen years of age shall have the prior right to choose a shift.

Pregnant women, women who have recently given birth, women who breast-feed, employees who are taking care of children under three years of age, are raising a child under fourteen years of age or a disabled child under sixteen years of age as single parents, as well as disabled persons may be assigned to do overtime work only with their consent (Paragraph 4 of Article 150 of the Labour Code).

Pregnant women, women who have recently given birth, women who breast-feed, employees who are raising a child under three years of age as single parents, employees who are raising a child under fourteen years of age or a disabled child under sixteen years of age as single parents, may be assigned to night work only with consent of such persons (Paragraph 4 of Article 154 of the Labour Code).

Pregnant women, women who have recently given birth and breast-feeding women, employees raising a child under three years of age, employees raising a child under fourteen years of age or a disabled child under sixteen years of age as single parents, may be appointed to be on duty at the enterprise or at home only upon their consent (Paragraph 4 of Article 155 of the Labour Code).

Pregnant women, women who have recently given birth to a child, breast-feeding women, the employees raising, as single parents, a child under three years of age, and employees raising a child under fourteen years of age or a disabled child under sixteen years of age, and persons under eighteen may be assigned work on rest days only subject to their consent (Paragraph 6 of Article 161 of the Labour Code).

Pregnant women, women who have recently given birth to a child, breast-feeding women, the employees raising, as single parents, a child under three years of age and employees raising a child under fourteen years of age or a disabled child under sixteen years of age, and persons under eighteen may be assigned work during holidays only subject to their consent (Paragraph 2 of Article 162 of the Labour Code).

Where there are less than six months of uninterrupted work, annual leave shall be granted at the request of an employee to women before a maternity leave or after it. Pregnant women and employees raising, as single parents, a child under fourteen years of age or a disabled child under sixteen years of age shall be entitled to choose the time of annual leave after six months of uninterrupted work at an enterprise. Men shall be granted their annual leave at request during the maternity leave of their wives. Persons who are taking care of sick or disabled persons at home, as

well as persons who are suffering from chronic diseases which become more acute depending on the atmospheric conditions shall be granted their annual leave at the time of their choice subject to recommendation of a health institution (Paragraphs 3, 4, 5, 8 of Article 169 of the Labour Code).

Annual leave may, at the request of the employee, be taken in parts. One part of annual leave may not be shorter than 14 calendar days (Article 172 of the Labour Code).

The average wage shall be paid during the annual minimum, extended and additional leave (Article 165 of the Labour Code). Pursuant to Paragraph 6 of the Procedure of Calculating the Average Wage of the Employee and the Public Servant approved by Resolution No 650 of the Government of the Republic of Lithuania of 27 May 2003, while calculating the average wage of the employee, the following main provisions are observed: 1. The calculated period is last 3 calendar months before that month, for which (or part thereof) the average wage shall be paid. The average wage of the employee shall be paid from the wage of the calculated period, which is calculated for the performed work or worked time (unless legal acts provide otherwise), including all types of payment for work and monthly premiums; 2. The average daily wage shall be calculated as follows: wage of the calculated period shall be divided by the number of days actually worked during that period (including worked rest and holiday days); 3. The average hourly wage shall be calculated as follows: wage of the calculated period shall be divided by the number of hours actually worked during that period (including overtime).

Women shall be entitled to maternity leave: 70 calendar days before the child birth and 56 calendar days after the child birth (in the event of complicated confinement or birth of two or more children – 70 calendar days). An allowance provided for in the Law on Social Insurance of Sickness and Maternity shall be paid for the period of maternity leave, i.e. 100 per cent of the amount of compensated pay (Paragraphs 1, 3 of Article 179 of the Labour Code).

Parental leave before the child has reached the age of three shall be granted, at the choice of the family, to the mother/adoptive mother, the father/adoptive father, the grandmother, the grandfather or any other relatives, who are actually raising the child, also to the employee who has been recognised the guardian of the child. The leave may be taken as a single period or be in parts. The employees entitled to this leave may take it in turn (Paragraph 1 of Article 180 of the Labour Code). Before the child reaches one year of age, an allowance in the amount of 70 per cent of the compensated wage shall be paid.

Article 184 of the Labour Code regulates the unpaid leave. Unpaid leave shall be provided at the employer's request: 1) to the employees raising a child under fourteen years of age – for up to 14 calendar days; 2) to employees raising a disabled child under sixteen years of age – for up to 30 calendar days; 3) during a maternity leave and parental leave before the child has reached the age of three years to the father at his request (to the mother – during parental leave before the child has reached the age of three years); the aggregate duration of the above leaves may not be longer than three months; 4) to a person with disabilities – for up to 30 calendar days per year; 5) to an employee who, on his own, takes care of a disabled person where the necessity of continuous care has been prescribed by the disability commission – for up to 30 calendar days per year at the time agreed between the parties; 6) to an employee taking care of a sick family member – for a period recommended by the health institution; 7) for a wedding – at least three calendar days; 8) for a funeral of a family member – at least three calendar days. Unpaid leave for other reasons shall be provided following the procedure laid down in the collective agreement (Article 184 of the Labour Code).

Collective agreements and contracts of employment may provide for a longer leave and leaves of other categories, additional privileges for choosing the time of annual leave, higher pay for annual leave and special-purpose leave than those guaranteed by this Code. These privileges, with the exception of the additional privilege to choose the time of one's annual leave, may not be laid down in collective agreements and contracts of employment concluded at agencies and organisations financed from the state, municipal and state social insurance fund budgets and the

resources of other funds established by the state, nor in the agreements and contracts concluded at the Bank of Lithuania (Article 185 of the Labour Code).

The employees raising a disabled child under sixteen years of age or two children under twelve years of age shall be granted an additional day of rest per month (or their weekly working time shall be shortened by two hours); the employees who are raising three or more children under twelve years of age shall be entitled to two additional days of rest per month (or their weekly working time shall be shortened by four hours) and shall be paid the average wage (Article 214 of the Labour Code).

The Labour Code provides for possibilities to conclude various types of employment contracts (e.g. fixed-term, temporary, with homeworkers, etc.). Other guarantees may be laid down in collective agreements.

*Regarding the questions presented in the Conclusions of the European Committee of Social Rights (pp. 397, 398):*

The Committee notes that there is no obligation to agree to part-time work for a father who is not single. The Committee considers this to constitute discrimination and can therefore, not be considered to be in conformity with Article 27, 1 of the Revised Charter combined with Article E.

Pursuant to Subparagraph 3 of Paragraph 1 of Article 146 of the Labour Code, part daily working time or part weekly working time shall be set on request of an employee raising a child under three years of age, as well as an employee who raises a child under fourteen years of age or a disabled child under sixteen years of age as a single parent.

The provision on the child less than three years of age shall apply to all employees (both men and women, both who raise children together and as single parents) who raise a child under three years of age. The provision on the child less than fourteen years of age shall apply to the employees (both men and women) who, as single parents, raise a child under fourteen years of age. Having regard to the above mentioned, we are of the opinion that these provisions are in conformity with the requirements of the Charter.

Earlier mentioned provisions of the Law on Safety and Health at Work concerning part-time work became null and void as from 1 January 2003, after the Labour Code came into effect.

The Committee asks details on the calculation of the amounts of salary and benefits received, if any, payable during the various types of leave taken.

See Question B of Article 27 Para. 1 on calculation of the average wage. Social Insurance Division should explain on the amounts of benefits.

The Committee asks that the next report provide more details on this and in particular it asks information on the implementation of the recommendations.

The recommendations are not mandatory; however, they have been prepared referring to effective legal acts regulating labour relations, which are compulsory. Most recommendations are provided for in the above mentioned provisions of the Labour Code.

The aim of the [recommendations](#) is to present to employees and employers, as well as to the organisations representing their interests, the concept of [flexible](#) forms of work organisation, their application possibilities in the companies, institutions and organisations when executing individual or collective labour relations.

The Labour Code provides possibilities to develop [flexible](#) employment forms through allowing consolidating agreements on the nature of work and mode of its performance through

employment contracts of various types. [Flexible](#) forms of work organisation shall be implemented by individual or collective negotiations or agreements between employees and employers.

The Committee wishes to know whether Lithuanian legislation provides for arrangements enabling parents to reduce or cease their professional activity because of serious illness of a child.

See Question B of Article 27 Para. 1 on establishing part-time work.

**Question C**

*Please indicate the services (public or private, in particular child daycare services and other childcare arrangements) available to workers with family responsibilities, stating their nature and capacity.*

*Please indicate how the quality of these services is assured (approval procedure, supervisory system, staff training, etc.) as well as access (cost and geographical location across the national territory).*

*Please indicate the measures taken to promote access to these services for low-income families.*

*This also includes the answer to the question of the European Committee of Social Rights (p. 398 of the Conclusions) on social services for families, what methods are used with a view to evaluate the demand for various services and whether it is met, especially low-income families and territorial distribution of service providers:*

Employees with family responsibilities in Lithuania may use the following child daycare services or other childcare arrangements: 1) services of pre-school (pre-primary) education establishments; 2) services provided by child daycare centres (for school-age children).

Pre-school education, being a certain form of child daycare services or other childcare arrangements, is part of the educational system the purpose whereof is to help a child satisfy inherent cultural, social and cognitive needs. Article 3 of the Law on Education of the Republic of Lithuania stipulates that children of pre-school age, upon the request of the parents (foster parents) may be educated in nursery-kindergartens or kindergarten-schools (from the age of 1 to 3 years – at nursery-kindergartens, from 3 to 6/7 years – at nursery-kindergartens or kindergarten-schools). Where children of this age are orphans or homeless they may be educated at child care institutions. Children under three years of age are fostered in pre-school establishments and children from three to six years of age are educated there in accordance with educational programmes. According to the Lithuanian education classification, pre-school education shall be attributed to level 0.

Founder of the pre-school establishment may be a municipality, a company, joint venture with foreign enterprise, community or a private person. Pursuant to Article 6 of the Republic of Lithuania Law on Local Self-Government (7 July 1994, No I-533), pre-school education shall be the independent function of municipalities, therefore founders of most kindergartens are municipalities. Private kindergartens are also being founded, although sparingly.

**Table 27.1.1. Founders of pre-school educational establishments at the end of 2003**

	Number of establishments		Number of children		Number of places	
	2002	2003	2002	2003	2002	2003
<b>Total</b>	<b>686</b>	<b>672</b>	<b>90850</b>	<b>89469</b>	<b>85114</b>	<b>84544</b>
Municipalities	682	668	90577	89182	84848	84263
Community	1	2	20	68	20	71

Private persons	2	1	110	117	106	106
Joint venture with foreign enterprise	1	1	143	102	140	104

At the end of 2003, there were 672 pre-school educational institutions in the country, or 42 institutions less than in 2000 (see Table 1). More pre-school education groups are being formed in general education schools. In 2000 such groups were in 259 schools, and in 2003 – in 296 schools. These institutions are attended by an increasing number of the country's pre-school age children: in 2000 – 41 per cent, in 2003 – 48 per cent, of them 66 per cent in urban areas, and 14 per cent – in rural areas.

Subject to the needs of parents and children, educational institutions fix their working time individually. A child may stay in the kindergarten for only several hours per day (2-4 hours), half a day or all day (8-10 hours or weekly kindergartens) (Order No 1080 of the Minister of Education and Science of the Republic of Lithuania of 10 July 1998 “On the Regulations of Pre-School Educational Establishment”).

**Table 27.1.2. Work time regime and duration of a working day of pre-school educational establishments at the end of 2003**

	Establishments <sup>1</sup>			Children		
	total	urban	rural	total	urban	rural
<b>Total</b>	<b>672</b>	<b>489</b>	<b>183</b>	<b>89469</b>	<b>80066</b>	<b>9403</b>
<b>Work time regime of the establishments</b>						
5 days per week	648	467	181	85127	75904	9223
All week	24	22	2	4342	4162	180
<b>Duration of a working day of the establishments</b>						
3-4 hours	3	2	1	1224	475	749
5-6 hours	17	8	9	1655	1170	485
9-10 hours	385	227	158	45454	38727	6727
9-10 and 24 hours <sup>2</sup>	39	34	5	5780	5600	180
12 hours	181	172	9	28583	27381	1202
9-12 and 24 hours <sup>2</sup>	47	46	1	6773	6713	60

<sup>1</sup> Schools-kindergartens and general education schools with pre-school education groups are not included in the number of pre-school educational establishments.

<sup>2</sup> Pre-school educational establishments with groups for 24 hours a day.

The purpose of pre-primary education, as a separate form of child daycare services or other childcare arrangements, is to help a child prepare for successful learning according to the primary education curriculum. The provision of pre-primary education to a six-year old or younger child commences on the calendar year when a child turns 6 years of age. The one-year curriculum of pre-primary education is implemented by pre-school educational establishments and general education schools. According to the Lithuanian education classification, pre-primary education shall be attributed to level 0.

As compared to 2000, number of pre-primary groups has increased from 1076 to 1991, and the number of children therein – from 16.2 thousand to 29.7 thousand. In 2003, 89 per cent of all six-year old children were participants in pre-primary education.



In 2003-2004, in Lithuania there were 843 pre-primary education groups in urban area with 9511 children, of them girls – 4604, and 578 pre-primary education groups – in rural area with 5278 children, of them girls – 2525. There are 144 kindergarten-schools, of which 96 are in urban area, and 48 – in rural area. 11852 children are educated in kindergarten-schools, of them 9702 – in urban area, and 2150 – in rural area.

**Table 27.1.3. Pre-primary education groups and number of children therein at the beginning of the school year**

	2000–2001	2001–2002	2002–2003	2003–2004
<b>Number of pre-primary education groups at general education schools</b>	<b>632</b>	<b>732</b>	<b>839</b>	<b>843</b>
urban	212	245	267	265
rural	420	487	572	578
<b>Number of children therein</b>	<b>7692</b>	<b>8865</b>	<b>10199</b>	<b>9620</b>
urban	3371	3883	4429	4342
rural	4321	4982	5770	5278
<b>Number of pre-primary education groups at pre-school establishments</b>	<b>444</b>	<b>870</b>	<b>1142</b>	<b>1148</b>
urban	358	713	917	936
rural	86	157	225	212
<b>Number of children therein</b>	<b>8479</b>	<b>16505</b>	<b>22810</b>	<b>20104</b>
urban	7262	14038	19264	18200
rural	1217	2467	3546	1904
<b>Pre-primary education groups, total</b>	<b>1076</b>	<b>1602</b>	<b>1981</b>	<b>1991</b>
<b>Number of children therein</b>	<b>16171</b>	<b>25370</b>	<b>33009</b>	<b>29724</b>

Fee for a nursery-kindergarten shall be calculated following Resolution No 1170 of the Government of the Republic of Lithuania of 31 August 1995 On Payment for Child Maintenance at Pre-School Educational Establishments (*Official Gazette*, 1995, No 73-1715), which stipulates that, from 1 September 1995, the fee for child maintenance in pre-school educational establishments (with the exception of private ones), regardless of their subordination, shall include 60 per cent of the fixed children’s daily meal norm for each attended day. Fee for child maintenance in pre-school educational establishments (with the exception of non-state ones) shall be reduced by 50 per cent, in the event that: a child (children) have only one parent; a family raises three or more children; the father does a compulsory military service; a child is raised in a family of pupils or students, one of the parents whereof studies full-time at the educational establishment. Specific amount of the fee for child maintenance in pre-school educational establishments shall be established by the founder of such institutions (Pursuant to Article 72 of the Law on Education, pre-primary education and care services shall be free of charge).

Pursuant to Article 53 of the Law on Education, the supervision of the quality of services provided by pre-school and pre-primary educational establishments and monitoring of education shall be implemented in accordance with the indicators of education monitoring and with the procedure set forth by the Minister of Education and Science. The principal of the school initiates the implementation of the school’s internal audit, and the founder carries out supervision of the school’s activity in accordance with the By-laws of Supervision of School’s Activity confirmed by the Minister of Education and Science, and with the prescribed Methodology of External Audit of School Management and Pedagogical Activity. State supervision of the institution’s activity is performed by the state education supervision divisions (services) of the Ministry of Education and Science and the County Governor’s Administration according to the Regulations of the State

Education Supervision approved by Resolution No 834 of the Government of the Republic of Lithuania of 1 July 2004 (*Official Gazette*, 2004, No 105-3888).

School-age children, whose parents cannot take care of their children after classes due to reasons related to their work, may use services of child daycare centres at the prescribed procedure. It is notable that school-age children from problem families do not go to school or rarely attend classes, and doing homework is not ensured at home. Due to insufficient income of the parents and nonchalant attitude towards children not every child may attend studies or other additional education institutions. Such children often spend their time in the street, because they have nothing to do, thus child and teenage crime is increasing. Therefore, with a view to solving social problems of school-age children from problem families, organising their education and afterschool activities child daycare centres are founded. Their founding and activity in 2003-2004 was regulated by the National Programme of Child Daycare Centres of Non-governmental Organisations 2002-2004 approved by Resolution No 731 of the Government of the Republic of Lithuania of 24 May 2002. Whereas since 2005 – the National Programme of Child Daycare Centres 2005-2007 (No 1525, 1 December 2004). While implementing this Programme, daycare centres create appropriate conditions for child socialization and early prevention of child and teenage crime through provision of social services for problem families.

In accordance with this Programme (Clause 4), a daycare centre is an institution providing social as well as pre-primary and additional education services for children from problem families and for the families themselves. Children are sent to daycare centres by child rights protection services of local municipalities. Activities of child daycare centres are oriented to 3 main target groups:

1. *Children* – through creating the conditions of occupying them with meaningful activities, helping them integrate at school by improving the child's self-assessment and realisation, teaching them skills of socially accepted communication, showing them alternatives of positive behaviour, attempting at neutralising the unacceptable influence of families on children, providing social aid and reducing the risk of psychological crises.

2. *Family* – through evaluating its functioning, consulting it on the issues of social problems: social assistance, services, paternity skills, constructive solution of conflicts, child upbringing, etc; supporting responsibility relations, assisting it in integration to the society; helping the family to reinstate its caring functions in respect of children.

3. *Community* – through promoting inter-institutional cooperation, involving the community into problem solving, attempting at developing voluntary activities, attempting at developing educational initiatives and methods of non-formal youth.

In daycare centres, children are fed, educated, they do homework, play, organise celebrations, exhibitions, take part in various cultural, ecological and other events, and do other work. The centres organise social work with the family of the child attending the daycentre; parents are prompted to take better care of their children, their education; if there is a possibility, parents are provided with psychological and pedagogical assistance. Currently daycare centres are located at the premises of schools or other premises (most often rented or owned by municipalities), they help to solve the problems of child feeding, afterschool activities, homework, organisation of pastime activities. It could be stated that services provided by daycare centres to children and their families correspond to alternative care. It has been estimated that children spend averagely 5 hours per day at daycare centres, i.e. 25 hours per week.

Child daycare centres of non-governmental organisations provide a possibility to involve social risk children in useful and meaningful activities, help them to change their value orientations, widen their horizon, adapt in the society, withdraw them from the harmful impact of the street. Systemic and all-round social work with families of children attending daycare centres improves the relationships between children and their parents, helps the family solve arising problems.

Non-governmental organisations, which have won the tenders organised by the Ministry of Social Security and Labour, receive funds for maintaining child daycare centres from the state budget. For example, in 2003, 40 child daycare centres founded by non-governmental organisations received such funding. Moreover, separate municipalities (e.g. Vilnius City Municipality), on their own initiative seeking to ensure continuing and consistent work with children from problem families, conclude contracts for supply of social services with non-governmental organisations that found daycare centres and organise their activities.

LTL 5 million and 100 thousand was allocated from the state budget for the implementation of the National Programme of Child Daycare Centres of Non-governmental Organisations 2002-2004. These funds were allocated for solving problems of socially vulnerable, problematic families and their children.

In 2002, 1217 children and 932 families received various social services provided in the Programme; in 2003 – 2100 children and 2070 families.

**Table 27.1.4. Number of children who have received social services in daycare centres and funds allocated for the activities of daycare centres**

	2003	2004	2005
Number of children	2100	3052	3500
Funds (LTL thousand)	1700	2800	3500

The services of child daycare centres could be used free of charge only by children from problematic (socially adverse) families, who were diverted to these centres by responsible municipal institutions – child rights protection services of municipalities. Following Clause 2 of the National Programme of Child Daycare Centres of Non-governmental Organisations 2002-2004, problematic (socially adverse) families shall be socially affected (needy) families that cannot appropriately take care of their children due to material deprivation (low income, unemployment, other reasons); families that do not ensure necessary care and education conditions for their children (due to sickness of parents or the only parent); asocial (disharmonious) families with continuous alcohol and other intoxicants abuse, too little attention for the childcare, education and meeting their main physiological needs; families where children are raised by a single mother or a single father and that need psychological, social or other assistance in solving various problems. Services of child daycare centres for others and their parents were fee-paying and reached LTL 150 on the average per month.

Quality of services provided by child daycare centres is ensured by various measures. Legal guarantees of the quality of these services are provided in Clauses 19-25 of the National Programme of Child Daycare Centres of Non-governmental Organisations 2002-2004. Following these provisions, when selecting daycare centres for the state funding evaluation was carried out according to the programme application of the established form. Clauses 20 and 21 of the Programme stipulate that daycare centres that have submitted and implemented programmes shall have concluded cooperation agreements with the municipal institution; furthermore, they must coordinate the plans of work with a problem family with local municipal services semi-annually. In accordance with Clause 22 of the Programme, daycare centres should employ not less than 50 per cent of employees with the qualification of a social worker, social teacher, teacher or psychologist. Daycare centres that have won the tender and received funds from the state budget of the Republic of Lithuania for the implementation of this programme must account for their use to the Ministry of Social Security and Labour at the procedure prescribed by laws.

The network of child daycare centres is developing, new centres are being founded and demand for their services is growing. In 2002, this programme started with 40 projects, in 2003 – 68, in 2004 – 107. This evidences even more than triple increase of daycare centres. Earlier they were concentrated mostly in bigger cities, whereas now their network is developing in the regions as well.

When continuing the National Programme of Child Daycare Centres, attention will be mostly paid to the development of the network of services rendered by daycare centres to families and children, and to improvement of the quality of services. “One more new aspect of the programme is big concern for upgrading the qualification of employees of daycare centres, drafting and publishing methodical material for the staff of daycare centres and families in crises”.

Territorial distribution of child care institutions and daycare centres in the country (maps) is presented in **annexes 27.1-1; 27.1-2; 27.1-3**.

*Regarding the question of the European Committee of Social Rights (p. 398 of the Conclusions):*

The Committee asks that the next report provide information on the available family services and arrangements for other members of the immediate family who clearly need care and support.

### **Social services for the elderly**

In 2004, stationary care services for the elderly were provided in 95 old people’s homes of various type (state, municipal, parish), and at the end of the year they housed 4.8 thousand people. Almost the same number of the elderly (4.3 thousand) receive aid services at home. Annually, old people’s homes house about 1.1 thousand people. About half of the residents of the care homes are lonely persons without children and relatives.

Number of old people’s homes in the counties has not changed over the recent years; however, number of municipal old people’s homes is increasing. In 1991, 3 municipal care institutions were operating, in 2004 – 55 municipal old people’s homes. Currently stationary care services for the elderly are provided in 56 municipalities, 14 stationary care places fall on 10 thousand Lithuanian inhabitants (in 1990 – 6 places).

**Table 27.1.5. Care institutions for the elderly (at the end of the year)**

	2003	2004
<b>Care institutions for the elderly, total</b>	<b>94</b>	<b>95</b>
<b>Residents therein</b>	<b>4761</b>	<b>4780</b>
County care institutions	7	7
Residents therein	1636	1627
Municipal care institutions	54	55
Residents therein	2069	2089
Other care institutions <sup>1</sup>	3	3
Residents therein	333	326
Non-governmental care institutions	30	30
Residents therein	723	738

<sup>1</sup>Veisiejai boarding-house, care home “Exiles’ home”, Gerontology and rehabilitation centre

Data of the Department of Statistics to the Government of the Republic of Lithuania

Social services are especially necessary in rural areas because approximately one-fourth (24 per cent) of the population in the rural area are 60-year old or older people. We must admit that social services are more easily accessible for urban population: approximately one-third of the

recipients of general social services are rural population, and less than half of recipients of aid at home are rural population.

There is quite a big number of municipalities where care problems of the elderly are solved through creation of social services institutions – alternatives for stationary care – day centres, community centres, or social services centres are established in the base of stationary care institutions and they provide non-stationary services. In 2004, there were 36 community centres and day centres for the elderly in Lithuania. Day centres create a possibility to improve the quality of such people's lives, because there old people have a chance to communicate, solve the arising problems together, thus helping themselves and others.

### **Social services for the disabled**

Number of people with mental and psychical disability has been increasing in recent years, thus the demand of social services for this group has also been growing. According to the data of the Department of Statistics, in 2004, disablement due to psychical and behaviour disorders was identified for almost 3 thousand people, i.e. 15 per cent more than in 2002, and the number of children with psychical and behaviour disorders has nearly doubled during that period. Each year disablement due to diseases of the nervous system is identified for more and more people.

In 2004, the counties' jurisdiction included 22 stationary social care institutions for the adults with mental disability, and they housed 5.3 thousand people, of them about 30 per cent – on intensive care. 5 municipalities founded independent life homes with about 100 residents. 4.4 thousand of the disabled and their families received aid services at home. Daycare services for the disabled children and adults were provided by 59 day centres (occupation, education).

At the end of 2004, three care institutions for disabled children and young people under the counties' jurisdiction housed 675 residents, one institution under municipality jurisdiction (Vilnius City children's boarding-house) – 57 children.

### **Social services for the persons belonging to risk groups**

Services for persons without a place of residence or who cannot provisionally use it are rendered in temporary accommodation institutions: lodging-houses, crisis centres, etc. At the end of 2004, 22 lodging houses and 15 crisis centres housed about 1200 persons. During 2004, temporary accommodation institutions provided lodging for 3.5 thousand people. Moreover, lodging-houses offered about 300 temporary asylum places where each day another 100 people would receive asylum for one night.

Persons belonging to risk groups and their families received aid services at home. In 2004, such services were provided for about 730 persons or families.

### **Social services for children**

In 2004, social services for orphans and children who have lost parental guardianship were provided in 230 child care institutions of various types and under various jurisdictions: infants' homes, general education boarding schools and special education centres, county, municipal child care homes, families, pre-school education care groups, etc. They took care of 7.6 thousand children.

## ***ARTICLE 27 PARA. 2***

*“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:*

*to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.”*

***Please provide information on the extent to which men and women take parental leave. Please indicate if the two parents may take parental leave at the same time.***

The right to maternity (paternity) allowance shall be granted to one of the parents (adoptive parents) or a foster parent who:

- is on a parental leave until the child reaches one year of age at the procedure prescribed by laws;
- has not shorter than 7 months period of sickness and maternity social insurance within the last 24 months before the first day of the parental leave.

Maternity (paternity) allowance shall be paid during the period of parental leave after the end of maternity leave until the child reaches one year of age.

There is no statistical data on the number of men and women on parental leave, with the exception of data of the State Social Insurance Fund on maternity (paternity) allowances paid to those who have taken parental leave and raised a child under one year of age.

Maternity (paternity) allowances were received:

- in 2001 – by about 17 thousand of the insured (women, men), of them men constitute about 1 per cent;
- in 2002 – by about 16 thousand of the insured (women, men), of them men constitute about 1 per cent;
- in 2003 – by about 15 thousand of the insured (women, men), of them men constitute about 1.1 per cent;
- in 2004 – by about 15.5 thousand of the insured (women, men), of them men constitute about 1 per cent.

*Regarding the questions presented in the Conclusions of the European Committee of Social Rights (pp. 397, 399):*

Whether periods of absence from work due to family responsibilities are taken into account by calculation of pension scheme.

In accordance with the Republic of Lithuania Law on State Social Insurance Pensions, the period of state [social](#) pension [insurance](#) of the insured person shall comprise the period during which these persons receive sickness (including those paid by the employer during sickness), maternity, maternity (paternity) allowances paid under the [Law on Sickness and Maternity Social Insurance](#), allowances for illness resulting from an occupational accident or occupational disease paid under the [Law on Social Insurance of Occupational Accidents and Occupational Diseases](#) and unemployment [social insurance](#) benefits paid under the [Law on Unemployment Social Insurance](#). When calculating the state social insurance pension, the received state social insurance sickness, maternity, maternity (paternity) allowances and unemployment social insurance benefits shall be included in a person's insured income.

The Committee requests information on qualifying conditions and amounts of benefits for workers with family responsibilities in relation to members of the immediate family, other than the sick ones, who need care and support.

The Republic of Lithuania Law on Sickness and Maternity Social Insurance stipulates that the insured person is entitled to a sickness benefit for taking care of the sick family members. This benefit is granted if, under the doctor's instruction, there is a necessity to take care of the sick member of the insured person's family, as well as to take care of children if the regime of restraining infection spread has been established in children's institutions, if a person meets the requirements laid down in the Law to be granted the sickness benefit, i.e. temporary incapacity for work starts during the period of work and the person has the required period of sickness and maternity social insurance (3 months during the last 12 months or 6 months during the last 24 months). The above Law defines family members as spouses, children (adoptive children), mother (father), adoptive mother (adoptive father) and foster parent.

When the insured person takes care of the sick family member, benefit from the State Social Insurance Fund shall be paid starting with the first caring day and not longer than 7 calendar days.

Benefit to a family member or a foster parent who is entitled to receive [sickness](#) benefit and who takes care of a child under fourteen years of age shall be paid from the funds of the State Social Insurance Fund starting with the first caring day and not longer than 14 calendar days. Benefit to a family member or a foster parent who is entitled to receive [sickness](#) benefit and who takes care of a sick child under seven years of age at hospital, or who takes care of a child under sixteen years of age at hospital or children's rehabilitation institution, who is ill with serious diseases, the list whereof is approved by the Ministries of Health and Social Security and Labour, shall be paid from the funds of the State Social Insurance Fund starting with the first caring day for the entire necessary caring period but not exceeding 120 days per calendar year.

Where the regime of restraining infection spread has been established in children's institutions at the procedure prescribed by legal acts, and this preconditions the necessity to take care of a child, the insured shall be paid sickness benefit from the funds of the State Social Insurance Fund for not longer than 14 calendar days.

[Sickness](#) benefit, paid from the funds of the State Social Insurance Fund, is equal to 85 per cent of the compensated wage of the benefit recipient. This benefit per month cannot be less than one-fourth of the insured income of the current year valid in the month of temporary incapacity for work occurrence.

Compensated wage for calculating the sickness benefit shall be calculated from the insured person's insured income of the calendar quarter before the previous before establishing temporary incapacity for work.

If the average monthly compensated wage of the recipient of sickness benefit is less than one-fourth of the insured income of the current year approved by the Government and valid in the month of temporary incapacity for work occurrence, sickness benefits shall be calculated applying the latter value.

The average monthly compensated wage of the recipient of sickness benefit for calculating benefits cannot exceed the amount of 3.5 value of the last insured income of the current year approved by the Government.

*The Committee asks clarification as to how in practice an unpaid leave can be taken during childbirth leave.*

In accordance with the provisions of the Labour Code of the Republic of Lithuania, women shall be entitled to maternity leave: 70 calendar days before the child birth and 56 calendar days after the child birth (in the event of complicated confinement or birth of two or more children – 76 calendar days).

Where a woman meets the requirements set in the Law on Sickness and Maternity Social Insurance (she is insured and has the necessary period of sickness and maternity social insurance), she shall be paid maternity allowance during this leave.

Where a woman does not meet the above indicated requirements, allowance shall be paid in accordance with the Republic of Lithuania Law on Child Benefits.

**ARTICLE 27 PARA. 3**

*“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:*

*to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.”*

*Please indicate the statutory provisions that ensure the application of this provision and provide any relevant decisions delivered by the competent national courts.*

*Please specify the guarantees provided for a person dismissed because of their family responsibilities.*

Pursuant to the Law on Employment Contract, family responsibilities could not be a legitimate reason per se to terminate employment relations. The Labour Code that came into effect on 1 January 2003 expanded regulation of protection of persons with family responsibilities in labour relations. Subparagraph 4 of Paragraph 3 of Article 129 directly indicates that family responsibilities (family status) shall not be a legitimate reason to terminate the employment contract. In accordance with Paragraph 4 of the same Article, an employment contract with employees raising children under fourteen years of age may be terminated only in extraordinary cases where the retention of an employee would substantially violate the interests of the employer.

If an employee is dismissed without a valid reason or in violation of the procedure established by laws, the court shall reinstate him in his previous job and award him the average work pay for the entire period of involuntary idle time from the day of dismissal from work until the day of execution of the court decision. If the court establishes that the employee may not be reinstated in his previous job due to economic, technological, organisational or similar reasons, or because he may be provided with conditions not favourable for work, it will pass a decision to recognise the termination of the employment contract as unlawful and award him severance pay in the amount specified in the Labour Code as well as the average wage for the period of involuntary idle time from the day of dismissal from work until the effective date of the court decision. In this case the employment contract shall be considered terminated from the effective date of the court decision (Paragraphs 3 and 4 of Article 297 of the Labour Code).

*Regarding the questions presented in the Conclusions of the European Committee of Social Rights (pp. 399, 400):*

Case-law according to additional questions of the Committee concerning the definition of “extraordinary cases where the retention of an employee would substantially violate the interests of the employer”.

In an appeal in cassation to the Supreme Court of Lithuania a plaintiff asked to review the case in a cassation procedure to reverse the decision of first instance court (Panevėžys District Court, 13 November 2003) and the order of the appeal court (Judicial Panel of the Civil Case Department of Panevėžys County Court, 29 January 2004) and, after recognising the dismissal of



the plaintiff as unlawful, reinstate her to the position of a person on duty in the workplace of a defendant. The appeal in cassation indicates that upon terminating the employment contract with the plaintiff the defendant violated Article 129 of the Labour Code because he unlawfully annulled the position of a person on duty. The plaintiff based her appeal on the fact that lower instance courts have not taken into consideration Paragraph 4 of Article 129, which stipulates that an employment contract with employees raising children under 14 years of age may be terminated only in extraordinary cases where the retention of an employee would substantially violate the interests of the employer. However, the defendant did not submit such evidence to the court. The defendant indicated that dismissal of the plaintiff from work was predetermined by economic conditions in order to ensure a more effective work of the staff, security of the property of the school and members of its community.

The judicial panel stated that when deciding the issue of lawfulness of the dismissal of the plaintiff from work in accordance with Paragraphs 2 and 4 of Article 129 of the Labour Code the decision should be made whether the specific case should be recognised as an extraordinary case where important preconditions really exist for the dismissal of the employee, which, if the employee is not dismissed, would substantially violate the interests of the employer. In Clause 6 of Order No 44 “On application of the norms of the Labour Code regulating the termination of the employment contract on the initiative of the employer where there is no fault of the employee (Article 129) in case-law” as of 29 December 2003, the Senate of the Supreme Court of Lithuania explained that extraordinary cases under Paragraph 4 of Article 129 of the Labour Code are usually treated as cases where the retention of an employee would substantially violate the interests of the employer and they are established taking into consideration the specificity and circumstances of the activities of a concrete employer, concrete circumstances of the individual case on the termination of the employment contract and the grounding reasons. For instance, where the employee does not need the functions of a certain employee due to relevant changes, such an employee is in a long-term idle time and there is no possibility to transfer him/her to another work (Article 122 of the Labour Code). According to the data of the investigated case, the defendant performed restructuring of the workplace of a person on duty and annulled this position occupied by the plaintiff; these changes of work organisation were actually implemented and new timetables of watchmen’s duty were drawn up. After the employee was dismissed from work, no permanent employees were admitted to her position that was annulled by the employer. Thus the workplace of the plaintiff has not been restored. Restructuring of work organisation resulted in transferring the functions of the person on duty to the school’s watchmen thus increasing the workload of the watchmen. Such structural changes of work organisation performed by the employer are justified, because they were predetermined by the objective to improve the efficiency of the watchmen’s work, and better protection of the property of the school, its staff and pupils. Reorganisation of the watchmen’s work is evaluated positively also because it allows the school using budget assignments for its needs more rationally. Thus due to changes of work organisation and annulment of the position of a person on duty, work functions of the plaintiff became unnecessary. Therefore, further retention of an employee at work after transferring his/her functions to other employees would constitute actual idle time of such an employee. This would precondition permanent losses in the amount of the employee’s wage incurred by the employer.

The court established that notice to the plaintiff on her dismissal from work was handed keeping to the four-month period provided in Paragraph 1 of Article 130 of the Labour Code. The plaintiff got acquainted with the notice on the termination of the employment contract by signing it, thus the notice was handed to the plaintiff in an appropriate manner and the employer followed the procedure prescribed by laws. The case also established that the defendant offered other jobs to the plaintiff, however the plaintiff refused them, thus the employer could not transfer the employee, without her consent, to another work (Paragraph 1 of Article 129 of the Labour Code). The plaintiff

admitted that the defendant offered her the work of a cook and a cleaner, however the plaintiff refused to be transferred to another work by giving a motive that she was raising underage children. The judicial panel indicates that, having regard to the plaintiff's abilities, qualification and the experience of a cook as well as the existing workplaces of the employer's employees, the employer offered to the plaintiff proper work, where the plaintiff did not want to be transferred, whereas the plaintiff could not claim to pedagogical and other workplaces according to the list of workplaces because her professional competence was insufficient for the positions of higher qualification.

The judicial panel of the court of cassation stated that in this case the defendant grounded the requisite legal facts for the dismissal of the plaintiff from work under the Labour Code, which makes the dismissal of the plaintiff from work lawful basing on Paragraphs 2 and 4 of Article 129 of the Labour Code. First instance and appellate courts that investigated the case properly interpreted and applied the norms of substantive law regulating the termination of labour relations, properly evaluated the entirety of evidence collected in the case, followed the practice of interpretation and application of the law of the Supreme Court of Lithuania, therefore the procedural decision of the courts, which have been appealed against in the cassation procedure, were left in effect, because the conclusions made were lawful and grounded.

Having regard to all this, the Judicial Panel of the Civil Case Department of the Supreme Court of Lithuania decided to leave the decision of Panevėžys District Court as of 13 November 2003 and the order of the Judicial Panel of the Civil Case Department of Panevėžys County Court as of 29 January 2004 unchanged.

In generalising this order of the Judicial Panel of the Civil Case Department of the Supreme Court of Lithuania as of 9 June 2004, it should be noted that "substantial violation of the interests of the employer due to retention of an employee in a workplace shall be those cases where further retention of an employee at work after transferring the functions to other employees would constitute actual idle time of such an employee, this would precondition permanent losses in the amount of the employee's wage incurred by the employer; these circumstances are recognised as able to substantially violate property interests of the employer, thus with the view of avoiding losses the employer may offer commencing the dismissal procedure of such an employee on the grounds provided in Paragraphs 2 and 4 of Article 129 of the Labour Code". The Court also indicates that "the economic necessity of the employer and his immediate interest is the objective to avoid unreasonable wage expenses for those employees whose work and results after change of the circumstances become unnecessary and do not justify the employee's being at work. Such a case, when work performed by the employee does not contribute to the results of the employer's (company's) activities, but, on the contrary, worsens the financial situation of the employer, is an extraordinary case, where the employer is entitled to dismiss the employee under the mentioned provisions of the Labour Code following the procedure prescribed by laws".

Subparagraph 2 of Paragraph 1 of Article 135 of this Code provides that in the event of reduction in the number of employees on economic or technological grounds or due to the restructuring of the workplace, the right of priority to retain the job shall be enjoyed by those employees who are raising children (adopted children) under sixteen years of age as single parents or caring for other family members recognised as the disabled of group I or II or whose level of capacity to work is less than 55 per cent, or for family members of the old-age pension age, for whom the level of major or medium special needs (related to the concepts used in the Republic of Lithuania Law on Social Integration of the Disabled (new version of the Law No IX-2228 since 11 May 2004) was established at the procedure prescribed by legal acts. However, in such cases qualification of the mentioned employees is also taken into consideration.

Furthermore, following Paragraph 1 of Article 132 of the Labour Code, an employment contract may not be terminated with a pregnant woman from the day on which her employer

receives a medical certificate confirming pregnancy, and for another month after maternity leave, except where:

- 1) upon an effective court decision, or when a court judgement, whereby an employee is imposed a sentence which prevents her from continuing her work, becomes effective;
- 2) when an employee is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws;
- 3) upon expiry of a temporary employment contract (up to 2 months), if such a contract has been concluded with the employee.

Meanwhile, concerning the employees who raise a child or children under three years of age as single parents, the employment contract cannot be terminated if their fault cannot be proved.

Pursuant to Article 180 of the Labour Code, parental leave before the child reaches the age of three shall be granted, at the choice of the family, to the mother/adoptive mother, the father/adoptive father, the grandmother, the grandfather or any other relatives who are actually raising the child, also to the employee who has been recognized the guardian of the child. The leave may be taken as a single period or be distributed in parts. The employees entitled to this leave may take it in turn. Following Paragraph 3 of Article 180 of the Labour Code, during the period of this leave the employee shall retain his job (position). However, the latter guarantee does not apply in the event of full liquidation of the company. By Law No IX-2293 as of 22 June 2004, which came into effect on 1 July (*Official Gazette*, 2004, No 103-3756), Article 180 of the Labour Code was supplemented by the provisions that an employee who intends to use the right to the leave established in this Article or return to work before the end of the leave shall notify the employer on this in writing not later than before fourteen days. Longer period of notice may be determined in a collective agreement.

Concerning unlawful actions of the employer when an employee is dismissed on the grounds other than provided in laws, an employee is entitled to turn to court at the procedure prescribed by laws and receive compensation for involuntary idle time.

**ARTICLE 28: THE RIGHTS OF WORKERS' REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE ACCORDED TO THEM**

**1. Constitution of the Republic of Lithuania**

**2. International Labour Organisation Convention No 135 Concerning Protection of Facilities to be Afforded to Workers' Representatives in the Undertaking** ratified by the Republic of Lithuania (Resolution of the *Seimas* No I-507, 1994)

**3. Laws of the Republic of Lithuania**

- Republic of Lithuania Law on Trade Unions No I-2018 of 21 November 1991 (*Official Gazette*, 1991, No 34-933);
- Labour Code of the Republic of Lithuania (approved by Law No IX-926);
- Republic of Lithuania Law on Labour Councils No IX-2500 of 26 October 2004 (*Official Gazette*, 2004, No 164-5972).

*“With a view to ensuring the effective exercise of the right of worker’s representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:*

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers’ representatives within the undertaking;*
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.*

**Question A**

***Please indicate all forms of worker representation in the undertaking provided in law with details of variations which may apply by economic sector or undertaking and indicate how workers’ representatives are designated.***

At this date, the legal forms and activities of workers’ representatives are set out in the Labour Code, the Law on Trade Unions and the Law on Labour Councils of the Republic of Lithuania.

Lithuanian labour law system prescribes a dual system of workers’ representation. Pursuant to the Labour Code enacted in June 2002, workers may be represented not only by trade unions but also by labour councils, where the undertaking does not have a trade union and subject to other requisite conditions. In other words, pursuant to Article 19 Para. 1 of the Labour Code, labour councils may be formed in an undertaking, institution or organisation only provided that the staff meeting has not transferred the function of employee representation to the trade union of the appropriate sector of economic activity.

Unlike trade unions, labour councils operate only in particular undertakings, institutions or organizations (hereinafter – undertaking) and represent and protect the rights and interests of the employees of that particular undertaking only, while trade unions represent not only the interests of

the employees of that particular undertaking and not only of their members. Thus, trade unions are vested with the right to represent the interests of any worker.

The activities of trade unions are governed in more detail by the Law on Trade Unions of the Republic of Lithuania enacted in 1991; the status and procedure for the constitution of labour councils is governed by the Law on Labour Councils of 2004.

The legal acts of the Republic of Lithuania do not provide for any variations in representation depending on the economic sector or the size of an undertaking. Pursuant to the Law on Labour Councils, the number of labour council members depends on the number of employees of the particular undertaking. According to the law governing the procedure for constituting and activities of such councils, a labour council, depending on the number of employees in the undertaking, shall have at least three and not more than 15 members (Article 4). However, the scope of competence of labour councils does not depend on the number of its members.

In an undertaking with less than 20 employees the functions of the labour council are implemented by the workers' representative elected in the meeting of the staff. Meetings of the staff are considered lawfully held if attended by at least half of the employees of the undertaking. The workers' representative is subject to any provision of the law in question and other laws, regulatory acts and collective agreements defining the rights, duties and guarantees of the labour council and its members.

The Law on Trade Unions does not regulate the procedure for election of their members to internal bodies representing workers. The above procedure is described in the Statute of the trade union. However, for the purposes of this report, trade unions did not furnish a more detailed description of the practices pertinent to this procedure.

The procedure for election to labour councils is regulated in more detail by Article 9 and other articles of the Law on Labour Councils. In accordance with this law, the labour council is elected by the staff of the undertaking by secret ballot. Entitled to vote are all the staff members of the undertaking, except for those on parental leave until the child will reach three years, called up to active national defence service, working on the basis of temporary employment contracts (up to two months), also employees implementing the functions of or representing the employer. Elections to the labour council are conducted during business hours of the undertaking and the employees are paid the average wage.

### **Question B**

*Please indicate how effective protection is ensured to workers' representatives in the undertaking against any act prejudicial to them on the grounds of their status or activities as workers' representatives in the undertaking (general or specific legal provisions, etc.).*

With a view to ensuring that in collective labour relations the rights and interests of employees are effectively represented and protected, workers' representatives, i.e. trade unions and labour councils are vested with certain rights and powers, and respective duties are imposed on the employer. Respective provisions are set forth in the Labour Code, the Law on Trade Unions and the Law on Labour Councils.

Article 21 of the Labour Code provides for a number of rights of the entities of collective representation that apply to trade unions and labour councils in representing the employees, also on the level of the undertaking.

Consequently, some of the rights of collective representation provided for in Article 22 Para. 1 of the Labour Code were supplemented or revised by the Law No X-188 of 2005 Amending the Labour Code (*Official Gazette*, 2005, No 67-2400). Para 6 was supplemented with the provision that the right of workers' representatives to take certain actions in order to protect workers' interests

when concluding and implementing contracts for the purchase-sale of the undertaking and in the cases of assignment of the business or part thereof, concentration of market structures or reorganisation of undertakings, also extends to the cases of transformation of the undertaking.

Pursuant to the Law on Labour Councils, the labour council performs its functions independently of the employer. The employer is prohibited from exerting any influence or otherwise interfering with the activities of the labour council. However, if the council acts in violation of laws, collective agreements or arrangements between the labour council and the employer, the employee has the right to bring legal proceedings against the employer and to request that such practices be terminated. The employer must provide the premises for the labour council to implement its functions and access to available work equipment (Article 24 of the Law on Labour Councils). Members of the council must be granted a leave of absence for the performance of their functions as workers' representatives, at least 60 working hours per year. The parties to the collective agreement may agree on a longer period. In respect of this time they receive the average salary. The employer must ensure at least three days per year for professional development of the members of the labour council at the expense of the employer, unless a longer period is agreed upon in the collective agreement (Article 18 of the Law).

### **Question C**

*Please describe legal remedies available to workers' representatives who consider they have suffered acts prejudicial to them on their status or activities as workers' representatives. In these cases please indicate where the burden of proof lies.*

The legal provisions in question were described in the previous report.

Pursuant to Article 12 of the Civil Procedure Code currently in effect, civil proceedings are heard in courts according to the adversarial principle. Each party must prove the circumstances on which it relies in support of their claims or statements of objection, except where it relies on the circumstances that do not need to be proved. It is also noteworthy that in adjudicating labour proceedings the court has the right to use its own initiative to collect proof on which neither party relies, if it is necessary for rendering an equitable decision in the case (Article 414 Para. 1 of the Civil Procedure Code). Furthermore, if the employee has entered any of the alternative claims provided for by law, the court of first instance, having established that there is no ground for granting the claim, may use its own initiative to resort to an alternative remedy provided for by law in order to protect the rights or equitable interests of the employee (Article 418 of the Civil Procedure Code). Article 417 of the Civil Procedure Code provides for the right of the court to exceed the scope of the claim, i.e. to grant claims to a larger extent than they were entered, also to make a judgement in respect of the claims that were not entered; however, are directly related to the substance and the cause of the action.

### **Question D**

*Please indicate the facilities provided for in law, in collective agreements or in practice for worker's representatives to carry out their functions promptly and efficiently. Please describe any additional provision made in collective agreements, and provide representative examples. Please indicate also any restrictions or exemptions permitted in law or commonly accepted in collective agreements.*

Please refer to Question B above.

## **ARTICLE 29: THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES**

### **1. Laws of the Republic of Lithuania**

- Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569).

### **2. Subordinate Legislation**

- “The Procedure for Collective Dismissal and Prevention Thereof” approved by Order No 61 of 30 May 2000 of the Minister of Social Security and Labour (*Official Gazette*, 2000, No 48-1398).

*“With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers’ representatives in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating the consequences, for example by recourse to accompanying social measures aimed, in particular at aid for redeployment or training of the workers concerned”.*

*Answers to the questions posed by the European Committee of Social Rights in its conclusions on the provision of information and consultation in collective redundancy procedures (p. 405) are given in the answers to Question A, B and C.*

#### **Question A**

*Please state whether, and if so, how collective redundancy is defined in national law.*

The definition of collective redundancy is provided in the law of the Republic of Lithuania. Article 130 Para. 5 of the Labour Code of the RoL (*Official Gazette*, 2002, No 64-2569) provides that in the event of reduction in the number of employees or cessation of the operations of an enterprise in accordance with the procedure prescribed by laws, an employer must, within two months, notify in writing the territorial labour exchange, the municipal institution and employees’ representatives of the enterprise within 30 calendar days, where the employer intends to make redundant:

- 1) ten and more employees where an enterprise employs up to 99 employees;
- 2) over ten percent of employees where an enterprise employs 100 to 299 employees;
- 3) ten and more employees where an enterprise employs 300 and more employees.

Collective redundancy procedures and peculiarities are set out in “The Procedure for Collective Dismissal and Prevention Thereof” approved by Order No 61 of 30 May 2000 of the Minister of Social Security and Labour (*Official Gazette*, 2000, No 48-1398).

### **Question B**

*Please describe the procedures pertaining to information and consultation of workers' representatives and indicate in particular:*

- a. whether information and consultation should take place prior to collective redundancies and, if so, whether this requirement is respected in practice;*

In the event of the intended dismissal of employees on economic or technological grounds, as well as due to the restructuring of the workplace, the employer must, irrespective of the scope of redundancy, prior to giving notice of the termination of an employment contract, hold consultations with employees' representatives (Article 130 Para. 4 of the Labour Code). The rights and interests of employees may be represented and protected by trade unions. Where an enterprise, agency or organisation has no functioning trade union and if the staff meeting has not transferred the function of employee representation and protection to the trade union of the appropriate sector of economic activity, the employees shall be represented by the labour council elected by secret ballot at the general meeting of the staff (Article 19 of the Labour Code). These consultations are designed to deliberate on how to avoid possible adverse effects of the intended restructuring and to consider the measures that need to be put in place in order to employ or train the redundant employees. The findings of consultations are documented in minutes to be signed by the employer and members of the representative body of employees.

Paragraph 6.2 of the Procedure for Collective Dismissal and Prevention Thereof provides that in the event of redundancy the employer shall provide consultation to the trade unions regarding the planned dismissals, assess their proposals and inform them in writing about its decisions. If the undertaking maintains collective agreements with its employees, in the event of dismissal, the implementation of arrangements laid down in such agreements shall be discussed in conjunction with the trade unions.

We are unable to provide information, whether employers comply with the above provisions, inasmuch as the statistical information collected by the State Labour Inspectorate who is in charge of control over implementation of the labour legislation, does not contain any data about violations of the legal acts considered.

- b. the types of workers' representative (elected representatives and/or union representatives) informed and consulted, specifying what is the situation in enterprises where the number of employees does not attain the minimum requiring the establishment of a representative body of workers;*

The Labour Code of the RoL provides that in labour relations the rights and interests of employees may be represented and protected by trade unions. Where an enterprise, agency or organisation has no functioning trade union and if the staff meeting has not transferred the function of employee representation and protection to the trade union of the appropriate sector of economic activity, the employees shall be represented by the labour council elected by secret ballot at the general meeting of the staff.

In accordance with Article 3 Para. 4 of the Law on Labour Councils of the Republic of Lithuania, in an undertaking with less than 20 employees the functions of the labour council are implemented by the workers' representative elected in the meeting of the staff. The workers' representative is subject to any provision of the law in question and other laws, regulatory acts and collective agreements defining the rights, duties and guarantees of the labour council and its member.

Paragraph 6.3 of the Procedure for Collective Dismissal and Prevention Thereof also provides that in the event that the employer makes redundancies and there are no trade unions in the



undertaking, the employer must inform employees about the intended collective redundancy personally or in a meeting.

*c. the various stages of the information and consultation procedures;*

Article 47 of the Labour Code governs information and consultation procedures of employees.

Depending on the level of social partnership, employees have the right to information and consultation. Information procedures cover information relating to current and future activities of the undertaking and its economic and financial condition, information on the current status and structure of labour relations, as well as potential changes in employment, information about the intended measures to be resorted to in case of potential redundancy, other information connected with labour relations and activities of the undertaking. Consultation means exchanging opinions and entering into and developing a dialogue between the workers' representatives and the employer (employer organisation).

The conditions and procedure for providing information and consultation is established by laws, collective bargaining agreements and mutual arrangements between the employer and workers' representatives.

With a view to implementing legal provisions and mitigating the consequences of dismissals, the employer may use its own initiative:

- to support activities initiated by the labour exchange and the municipality, for instance, by allowing the employees to engage in the same during working hours;
- to inform the territorial labour exchange, the municipality and trade unions as early as possible;
- to take account of the wishes of the employees being dismissed and evaluate their qualification so as to ensure that appropriate actions are taken;
- to address similar undertakings and counterparts (in the region) and to inform them about the number and qualification of the redundant employees;
- publish an announcement in a local newspaper about the number and qualification of the redundant employees.

Upon receipt of a notice, the territorial labour exchange evaluates the impact of the intended dismissals on the local labour market and the possibilities to mitigate any adverse consequences. When necessary, it gives a proposal to form a working group in charge of preparation of preventive measures to mitigate the consequences of the intended dismissals. The working group is constituted on the basis of parity from the representatives of the territorial labour exchange, municipality, the employer and trade unions. The composition of the working group is approved by the Tripartite Commission under the territorial labour exchange.

To mitigate the consequences of the dismissal, the following measures and their implementers may be approved:

- the territorial labour exchange may arrange meetings with employees to inform them about the situation on the labour market and the employees' rights and obligations; organise a mini labour market in the enterprise; implement labour market policy measures (vocational training, public works, labour clubs, temporary employment, etc.);
- the municipality may create additional conditions for the promotion of business and self-employment of the redundant employees; expand public works programmes;
- the employer may create conditions in the enterprise for the implementation of measures taken in the enterprise;
- trade unions may participate in organising the implementation of the above measures.

The above measures are approved by the Tripartite Commission.

The Lithuanian Labour Exchange may assist with procedures or inform about the best practices in collective redundancies. The territorial labour exchange provides information about labour market measures, i.e. public works, support to the unemployed, CV bank, vacancies, etc. In the two-month notice period the territorial labour exchange may carry out most of its activities through the so-called mini labour exchange, i.e. a temporary labour exchange operating in the enterprise. The services provided by mini labour exchange may include the following:

- provision of the list of vacancies;
- individual and collective consultations;
- information about active measures of the labour market;
- responses to questions.

A (mini) labour exchange may organise employee visits to other (local) enterprises and/or visits from other enterprises to facilitate new contacts and provide more opportunities to learn about required qualifications and to enhance the chances to find new employment.

In 2003, territorial labour exchanges received 87 notices from employers concerning collective dismissal. Within one year, the number of the unemployed on the labour market increased by 4600 as a result of redundancies for the reason stated above. This made up nearly 2 per cent of the labour market supply.

Compared to 2002, the number of collective redundancies increased by 2 per cent and the number of employees who received notices of redundancy dropped by nearly 10 per cent to 4.6 thousand individuals. The primary reason for redundancies was rearrangements in the structure and organisation of work (59 per cent).

The largest number of notices was given in the labour exchanges of Kaunas (15), Vilnius (14) and Klaipėda (11).

The most numerous collective dismissals that had the most significant impact on the local labour market were in the following enterprises: *Trinyčiai AB* (234 individuals), *Klaipėdos Mediena AB* (144 individuals) in Klaipėda; *Brelytus Textil UAB* (275 individuals) and *Alytaus tekstilė AB* (146 individuals) in Alytus; *Vievio Paukštynas AB* (102 individuals) in Vievis.

To mitigate the consequences of collective dismissals, territorial labour exchanges have developed 81 preventive action programmes whereunder approx. 3400 employees who were given redundancy notices were involved in active labour market policy programmes, up to 1700 persons were employed on a temporary or permanent basis.

To assist redundant employees in finding alternative employment, the staff of labour exchanges organised information meetings and temporary mini labour exchanges in the undertaking. Mini labour exchanges were organised in 18 undertakings of the country. This way the specialists of labour exchanges provided individual consultations to 2500 individuals who received redundancy notices.

In 2004, 93 notices regarding collective redundancies were recorded and redundancy notices were given to approx. 4300 employees. Compared with 2003, the number of employees who received redundancy notices declined by 7 per cent. In 2004, the major part of collective redundancies resulted from bankruptcy proceedings against undertakings (52 per cent) and structural rearrangement and changes to organisation of work.

During 2004, territorial labour exchanges developed 47 preventive action programmes whereunder 1400 employees who were given redundancy notices were involved in active labour market policy measures. All the undertakings that served collective redundancy notices organised information meetings. They provided information about job opportunities, professional training and vocational retraining, the existing situation on the labour market and identified the motivation of the

employees made redundant. Two hundred eighty such meetings were organised. Individual consultations were provided to over 700 persons in temporary mini labour exchanges that operated in 16 undertakings.

Preventive professional training was organised to 2.800 employees to whom redundancy notices were given for lack of qualification, while they retain their current jobs. Almost 500 redundant employees were provided with guidance to undertake the jobs that are in demand on the labour market, 400 took part in the public works programme, 1400 attended work clubs.

***d. how consultation contributes to avoiding or reducing collective redundancies or to mitigating their consequences specifying in particular whether it must result in an agreement and what are the obligations of the employers with a view to enabling workers' representatives to put forward proposals.***

Article 130 Para. 4 of the Labour Code of the Republic of Lithuania provides that in the event of the intended dismissal of employees on economic or technological grounds, as well as due to the restructuring of the workplace, the employer must, prior to giving notice of termination of the employment contract, hold consultations with employees' representatives in order to avoid or mitigate negative consequences of the intended restructuring. The conclusions of consultations shall be recorded in minutes. It shall be signed by the employer and representatives of representative body of the staff.

Having regard to the level of social partnership, employees have the right to consultation and information the terms and conditions whereof may be defined in the collective agreement and mutual understandings (Art. 47 Para. 2 of the Labour Code).

Paragraph 6.2 of the Procedure for Collective Dismissal and Prevention Thereof provides that in the event of making redundancies the employer shall provide consultation to trade unions on the intended redundancies, evaluate their proposals and inform them in writing about its decisions. If the undertaking maintains collective agreements with its employees, in the event of dismissal, the implementation of arrangements laid down in such agreements shall be discussed in conjunction with the trade unions.

### **Question C**

***Please indicate what are the sanctions provided for in cases where information and consultation procedures are not complied with. Please also indicate the means of appeal available to workers' representatives in case of default of the employer as well as the possibilities of intervention by public authorities.***

If the employer made redundant a group of employees in derogation of the requirement to inform the employees concerned about the intended dismissal 60 calendar days theretofore, the actual date of dismissal must be postponed until the date on which the deadline specified in the notice should have expired.

Workers' representatives may also apply to the State Labour Inspectorate if they consider that the provisions of the labour legislation, other regulatory acts and collective agreements have been violated. The officials of the State Labour Inspectorate check within the scope of their competence compliance of employers with the provisions of the laws, other regulatory acts and collective agreements governing health and safety at work and labour relations (Article 6 Para. 1 of the Law on the State Labour Inspectorate). Article 41 of the Code of Administrative Law Offences of the Republic of Lithuania sets forth that the infringement of the labour legislation and regulatory enactments on safety at work and occupational hygiene incurs to employers or their authorised representatives a penalty from five hundred to five thousand litas.

*Please indicate the courses of action open to workers on an individual basis in cases of breach of the rules relating to collective dismissals, as well as the consequences of such breach in their regard.*

If the requirements of the legal acts are not complied with, employees may apply to the State Tax Inspectorate which conducts an investigation and, in the event that a violation is identified, draws up a set of documents in a prescribed form (a request to eliminate the breach, a protocol of administrative offences, a deed and a resolution to impose an administrative sanction, etc.). They are delivered to the employers' representative or a person authorised thereby against acknowledgement of receipt or by mail.

This can also result in the consequences indicated in Paragraph 12 of the Procedure for Collective Dismissal and Prevention Thereof: if the employer dismissed a group of employees in derogation of the requirement to notify employees about the intended dismissals 60 calendar days theretofore, the date of dismissal is carried forward to the point in time that the deadline specified in the notice should have expired.

An employee is formally involved in the collective redundancy situation upon receipt thereby or his representative of an official notice.

Employers' representatives, particularly if the enterprise does not have a trade union, must:

- verify compliance of redundancy notices issued by the enterprise with the requirements of the law of the Republic of Lithuania and, in case of incompliance, inform the enterprise to that effect and demand that the dismissal dates be postponed;
- verify, whether the obligations of trade unions are carried out.

Although employees facing dismissal will enjoy much assistance from other interested parties, they can take the following actions themselves in order to increase their employment opportunities:

- to assess whether their skills and education are sufficient for another job, i.e. whether they need training;
- to search for vacancies through territorial labour exchanges, newspapers or through visit to other enterprises and seek information from their family members and friends;
- to place information about their qualifications in the CV database;
- to receive consultations at the labour market training service;
- to consider and consult on self-employment opportunities.

## **ARTICLE 31: THE RIGHT TO HOUSING**

### **Legal acts of the Republic of Lithuania**

#### **1. Constitution of the Republic of Lithuania: Articles 32 and 39**

#### **2. Laws of the Republic of Lithuania**

- Law of the Republic of Lithuania on State Aid for the Acquisition or Rent of Housing (*Official Gazette*, 1992, No 14-378, 2002, No 116-5188);
- Law of the Republic of Lithuania on Income Tax of Individuals (*Official Gazette*, 2002, No 73-3085), Article 21;
- Law of the Republic of Lithuania on the Social Integration of the Disabled (*Official Gazette*, 1998, No 98-2706), Articles 12 and 23;
- Law of the Republic of Lithuania on Construction (*Official Gazette*, 1996, No 32-788, No 101-3597), Articles 3, 4 and 6;
- Law of the Republic of Lithuania on Cash Social Assistance for Low-Income Families (Single Residents) (*Official Gazette*, 2003, No 13-3352).

#### **2. Subordinate Legislation**

- Government of the Republic of Lithuania Resolution No 670 of 28 May 2003 “On the Procedure for State Aid for the Acquisition or Rent of Housing” (*Official Gazette*, 2003, No 52-2345).

### **ARTICLE 31 PARA. 1**

*“With a view to ensuring effective exercise of the right to housing, the Parties undertake to take measures designed:*

- 1. to promote access to housing of an adequate standard”.*

#### **Question A**

***Please indicate whether there is a right to adequate housing. If so, please indicate the legal basis supply the relevant texts and describe any significant case law.***

The right to housing of an adequate standard is provided for in the Law of the Republic of Lithuania on State Aid for the Acquisition and Rent of Housing. Pursuant to the said law, state aid resources are provided for the first acquisition of housing (purchase or construction). The amount of aid is conditional on the household income and property, the maximum amount whereof is established by the Government. This aid is provided in the form of compensation from the state budget of a share of interest paid by the loan recipient on the insurance of the housing loan, if it wishes to obtain a housing loan with the down payment reduced to five per cent and insures the loan with the *Housing Loans Insurance Company* set up by the Government. Furthermore, specific social groups, such as persons with Group I and II disability, orphans, large families and young families with children are eligible for a compensation of up to 20 per cent of the housing loan (non-repayable grant).

The Law of the Republic of Lithuania on the Income Tax of Individuals (*Official Gazette*, 2002, No 73-3085) provides for tax relief to the recipients of housing loans. The amount of expenses incurred by the individual in connection with interest paid on the loan taken out for the construction or acquisition (purchase) of housing may be deducted from the taxable income of the individual. This amount must not be in excess of 25 percent of taxable income.

Households with low income and low property value, the rates whereof are also established by the Government, are entitled to rent subsidised housing. The development of subsidised housing is financed from the state and municipal budget. Applicants for subsidised housing are recorded by municipalities who are in charge of the management and use of the stock of subsidised housing (for more information on subsidised housing please refer to Article 11 Para. 3, Question B).

By Resolution No 60 of 21 January 2004 (On the Approval of the Lithuanian Housing Strategy (*Official Gazette*, 2004, No 13-387) the Government approved the Lithuanian Housing Strategy until 2020. One of its principal aims is to expand the opportunities for the members of every social group in selecting a dwelling. The tasks in implementing this aim are as follows: to speed up the expansion of the housing sector and construction of residential dwellings and to enhance the efficiency of the housing loans market.

It is anticipated that by 2020 the comparative share of the sector of housing for rent will increase from 10 per cent to 18 percent, included in that number 2.4 to 4-5 per cent with respect to subsidised housing. Annual volumes of residential housing construction will increase 2 to 3 times and will amount to 12-15 thousand flats per year.

The Programme on the Development of the Stock of Subsidised Housing for 2004-2006 was prepared and approved by Government Resolution No 708 of 9 June 2004 to give effect to the Housing Strategy.

In 2004, 15 million litas were earmarked from the state budget for the purpose of implementing the Programme. Twenty million litas were earmarked in 2005 and thirty million litas will be earmarked in 2006.

According to updated information, in implementing the above housing strategy measures, 26230 households in 2003 and 35570 households in 2004 enjoyed indirect subsidies in the form of compensation of a share of interest paid on the housing loan, provided for by the Law of the Republic of Lithuania on Income Tax of Individuals.

In 2004, 6800 new housing units were provided for use, which is by 32 per cent more than in 2003.

*Answers to the questions posed by the European Committee of Social Rights in its conclusions on adequate housing standards (pp 406-407 of the conclusions)*

In charge of urban infrastructure and, respectively, water, electricity and heat supply to housing units, waste water disposal and garbage collection are municipalities. Their functions and responsibilities are defined in the Law on Self-Government of the Republic of Lithuania (Law of the Republic of Lithuania on Self-Government (*Official Gazette*, 1994, No 55-1049; *Official Gazette*, 2000, No 91-2832)).

The provision of different utility services is governed by special laws, such as:

- Law No IX-433 of the Republic of Lithuania on Drinking Water (*Official Gazette*, 2001, No 64-2327) which was enacted in 2001;
- Law No IX-1565 of the Republic of Lithuania on Heat Economy (*Official Gazette*, 2003, No 51-2254) which was enacted in 2003;
- Law No IX-1881 of the Republic of Lithuania on Electricity (*Official Gazette*, 2000, No 66-1984; *Official Gazette*, 2004, No 107-3964) which was enacted in 2000;

- Law No IX-517 of the Republic of Lithuania on the Management of Packaging and Packaging Waste (*Official Gazette*, 2001, No 85-2968) which was enacted in 2001;
- Natural Gas Law of the Republic of Lithuania No VIII-1973 (*Official Gazette*, 2000, No 89-2743).

Drinking Water Supply Rules, Heat Supply and Consumption Rules, Electricity Supply Rules, Waste Management Rules, etc. were prepared on the basis of the above laws, *which are approved by the Ministry of Environment or the Ministry of Economy.*

The provision of the above services is ensured through supply and consumer contracts or standard conditions of supply provided for by law.

Contracts for the purchase of energy and water are governed by the Civil Code of the Republic of Lithuania. The Civil Code prohibits to terminate, suspend or limit the supply of energy or water, unless otherwise agreed by the parties.

The level of housing density is monitored only in respect of state-owned and municipal housing. This indicator is not monitored with respect to privately owned housing.

The standard of adequate housing applies to buildings under construction and reconstruction. The obligation to implement the adequate housing standard does not apply with regard to existing buildings.

Control over the asbestos and lead content in construction materials is implemented through the issuance of conformity assessment certificates. They are issued by the *State Enterprise Certification Centre of Building Products.*

Maximum permissible levels of lead and other harmful substances, as well as the level of noise in residential premises is defined in the hygiene standards approved by the Ministry of Health and Labour of the Republic of Lithuania. However, their content is measured only on the basis of requests from individuals and in the form of special sample surveys. Control over implementation of hygiene standards is carried out by territorial *Public Health Centres.*

Pursuant to the Code of Administrative Law Offences of the Republic of Lithuania, derogation from the requirements of the Law on Construction, other legal acts or normative construction technical documents with regard to design, construction, reconstruction, repair or demolition of structures, as well as derogation from the approved design documentation resulting in the risk of accident, change of the location of the structure on the land plot, dimensions or purpose of the structure, incompliance of the quality of structures with the applicable requirements, exceeding of the permissible level of noise and vibration, a significant increase in the level of energy consumption against the level provided for in the normative construction technical documents, change in the appearance of facades, unsafe use of the building or infringement of third party interests incurs a penalty from 500 to 5 000 litas.

The state promotes the renovation and modernisation of blocks of flats, with particular focus on the improved condition of thermal insulation of residential dwellings and the efficiency of their heating systems.

### **Question B**

*Please indicate the measures taken to promote access to adequate housing especially for:*

- a. *families, particularly single-parent families and large families;*
- b. *vulnerable groups such as: persons with disabilities and elderly persons;*

c. *homeless persons;*

d. *migrants.*

Pursuant to the Law of the Republic of Lithuania on State Support for the Acquisition and Rent of Housing, state subsidy for the compensation of a share (up to 20%) of a housing loan (for the purpose of construction or purchase of housing) may be granted to:

- families with three or more children (foster children), as well as young families with one or more children (foster children). They are entitled to a compensation of 10% of the loan (or the outstanding balance of the loan);
- adult orphans until 35 years of age, or the disabled of Group I and Group II, or families with a disabled member of Group I or Group II or with a disabled child. They are entitled to a compensation of 20% of the loan (or the outstanding balance of the loan).

Eligible for the subsidy are also the disabled (of Group I and Group II) with impaired mobility who want to reconstruct their housing in such a way as to adapt it to their needs. (The Ministry of Social Security and Labour could probably supplement the answer to this question with information on care and welfare homes for the disabled and elderly people and on lodging houses).

The standards for the institutions of social services are provided in the following documents approved by the Ministry of Social Security and Labour:

- Requirements for in-house social care institutions (old people's home, residential homes for mentally impaired adults, residential homes for mentally impaired children and young people) (*Official Gazette*, 2002, No 76-3274);
- Requirements for non-residential social services institutions (day care centres, temporary residence institutions: lodging houses and crisis centres) (*Official Gazette*, 2003, No 43-1990);
- Requirements for psychological and social rehabilitation institutions providing services to persons addicted to psychotropic substances (*Official Gazette*, 2003, No 19-759).

The above requirements lay down such housing criteria as the minimum area per customer (m<sup>2</sup>), the necessary furniture that must be available in the premises, requirements for bedrooms, sanitary premises, customer catering facilities, office buildings and the environment. Moreover, these requirements govern the structure of the staff and services of the institutions and define who is eligible for accommodation in these institutions, etc.

### **Question C**

*Please indicate whether there is a nationality condition, or a length of residence requirement, imposed on beneficiaries of state schemes in this field. Please indicate whether nationals from other Parties are subject to any additional conditions of eligibility?*

Any person with a permanent place of residence in the Republic of Lithuania is eligible for state aid. No additional requirements apply.

### **Question D**

*Please indicate the level of state funding in this area, the various forms of housing aid, the number of applicant and the number of beneficiaries.*



A number of state aid indicators for 2004 have been provided in the answer to Question A and in the answer regarding the conclusions on the First Report of the Republic of Lithuania (see Third Report of the Republic of Lithuania on the Implementation of the Revised European Social Charter).

In 2003, 8818 households applied for the rent of subsidised housing; in 2004 that number increased to 11130 households. This increase in the number of applicants is related to the distribution of information about state aid and increased opportunities to take out a lease on subsidised housing by virtue of the Subsidised Housing Development Programme approved by the Government.

In 2003, subsidised housing was provided for rent to 562 households; in 2004 – to 775 households.

In 2003, subsidies for housing loans were granted to 1284 households (cf. 1047 households in 2004), of which about 50 per cent were young families with children.

In 2003, subsidies for housing loans amounted to LTL 5.2 million and LTL 6.3 million litas in 2004. Appropriations from the state budget for subsidies for housing loans are sufficient and do not impede to enjoy this form of state aid.

In accordance with the Law of the Republic of Lithuania on Income Tax of Individuals, 26230 households in 2003 and 35570 households in 2004 enjoyed indirect subsidies in the form of compensation of a share of interest paid on the housing loan. Eighteen million litas in 2003 and twenty million litas in 2004 was expended on the above compensations.

#### **Question E**

*Please describe the obligatory standards that apply in relation to housing quality.*

*Please provide information on the extent to which sub-standard dwellings exist. Please indicate what measures are taken to improve housing standards, especially in public-owned housing stock.*

*Please describe the means by which compliance with housing standards is ensured in practice.*

General requirements for buildings, including residential buildings, are laid down in the Law of the Republic of Lithuania on Construction, giving effect to Council Directive 89/106/EEC of 21 December 1989 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (89/106/EEC).

In accordance with this Law, the following essential requirements apply for a construction works: mechanical resistance and stability, safety in case of fire, hygiene, health and the environment, safety in use, protection against noise, energy economy and heat retention.

Specific mandatory requirements for housing are laid down in:

- technical construction regulations;
- Lithuanian standards prepared and adopted by the recognised national standardisation institution, which apply in the field of construction, as well as European and international standards adopted as Lithuanian standards;
- technical approvals - documents of assessment of fitness for use of construction products for their intended use (they are prepared in the absence of appropriate Lithuanian or European standards).

Certificates of conformity in respect of construction products are issued by the State Enterprise *Certification Centre of Building Products*.

The majority of residential buildings constructed during the period from 1960 to 1993 do not satisfy current requirements for energy economy and heat retention or protection against noise. These buildings make up approx. 49 per cent of the national housing stock with approx. 60 per cent occupants.

About 27 per cent of residential buildings were constructed before 1945 and for the most part they are obsolete. Most of them are wooden and located in rural areas. They have no water supply system, sewerage, bath or shower facilities.

With a view to ensuring an improved supply of high quality drinking water to dwellings, the Strategy for the Development of Water Resources Management (Water Supply and Waste Disposal) was approved by Order No D1-23 of the Minister of Environment of the Republic of Lithuania dated 12 January 2005.

It aims to ensure better access to centralised supply of drinking water and sewerage management services and to achieve that by 2015 centralised supply of high-quality drinking water is provided to 90 per cent of the population.

To give effect to this Strategy, a draft Law of the Republic of Lithuania on the Supply of Drinking Water and Sewage Management was prepared.

It intends to consolidate water supply companies to ensure their capacity to provide high quality drinking water for a reasonable price.

In order to improve the standard for housing, the priority task is to increase the energy efficiency of multi-dwelling buildings constructed from 1960 to 1993: to modernise their heating systems and to improve their thermal insulation characteristics.

In addressing this task, the government provides support to the communities of the owners of multi-dwelling buildings in the form of credit resources and guarantees for the repayment of credits extended for renovation projects, as well as subsidies for low-income households implementing such projects.

To renew and reconstruct the obsolete housing stock, the state supports housing loans by covering up to 20% of the amount of the housing loan. Eligible to receive this support are large families, young families with children, and the disabled.

As of 2004, the Programme for Modernisation of Blocks of Flats, which was approved by the Government, is being implemented. It provides for modernisation of about 70 per cent of blocks of flats until 2020.

It aims to enlarge and improve the quality of the municipal subsidised housing stock. It is anticipated that by 2010 this stock will be supplemented with 8 to 10 thousand dwellings that comply with minimum adequate standards. As a result of improving the quality of subsidised housing, about 700 new subsidised housing units were provided for use.

To ensure practical compliance with the set standards for housing, builders, designers and contractors are legally liable for non-compliance with the defined set of standards, also construction is subject to state supervision. This control is the responsibility of the Territorial Planning and Construction Inspectorate under the Ministry of the Environment and of country governor administrations.

## **ARTICLE 31 PARA. 2**

*“With a view to ensuring effective exercise of the right to housing, the Parties undertake to take measures designed:*

- 1. to prevent and reduce homelessness with a view to its gradual elimination”.*

**Question A**

*Please provide where possible information on the number of homeless persons, indicated where possible the number of children and young persons, elderly persons, persons with disabilities, and nationals of the other Parties.*

Update on the number of homeless persons is not available.

To prevent homelessness, the state provides assistance to low-income families to help them maintain their housing, by compensating expenses on heating and hot and cold water. The conditions and procedure for compensation of these expenses are laid down in the Law of the Republic of Lithuania on Cash Social Assistance to Low-Income Families.

The Law of the Republic of Lithuania on Fundamentals of Protection of the Rights of the Child prohibits eviction of families with children without providing an alternative housing and restricts the right to pledge the available housing.

The Lithuanian Housing Strategy provides for the extension of the system of state assistance to low-income individuals in maintaining their housing in the form of compensation of other indispensable expenses related to the use and maintenance of housing.

**Question B**

*Please indicate what measures are taken to prevent homelessness. Please indicate the total expenditure reserved for this purpose.*

*Please describe existing legal protection in cases of eviction for non-payment of rent and repossession.*

The main responsibility in dealing with the problem of homelessness rests with municipalities. Municipalities set up and maintain lodging-houses where homeless persons receive short-term accommodation services. Municipalities also address the problems of persons who do not have their own dwelling, by providing accommodation to them in hostels, temporary flats, and care homes. Subject to the availability of resources, municipalities may allocate a one-off amount for the acquisition of an inexpensive flat or house.

Municipalities provide social services to homeless persons, such as free-of-charge meals, hygiene-related (bathing, laundry) services, information and consulting services. Homeless persons are also given one-off benefits and charity (clothing, footwear, bed linen) and they are involved in public works programmes. Social workers act as intermediaries in finding a dwelling for the homeless and helping them to obtain disability and pension documents. Municipalities also provide assistance to homeless persons with addictions and other diseases, by offering them accommodation in care homes or care hospitals. Municipalities carry out preventive work with persons at risk of losing their homes.

In providing services to homeless persons, municipalities closely cooperate with non-governmental organisations. Municipalities co-finance the activities of non-governmental organisations that address the problem of homelessness.

Municipalities provided to the destitute and homeless persons assistance with personal hygiene (bathing) services. In 2004, 31800 bath tickets were distributed.

In 2004, 1800 people lived in lodging houses, 81 per cent of which were men. Furthermore, another hundred of people were daily provided with a temporary night shelter.

In 2004, temporary residence was provided to 1700 people in crisis centres and 400 people in psychological and social rehabilitation centres. Besides, another 800 persons received social services without accommodation in the above centres (consultations, psychological assistance, etc.). Nearly two thirds of those who enjoyed the services of crisis centres and social rehabilitation centres were women.

In 2004, 6 day centres (night shelters) functioned for persons at risk, offering 77 beds.

**Table 31.2. Lodging houses**

As of year-end

	2000	2001	2002	2003	2004
Lodging houses	19	19	21	22	22
Number of beds	656	667	744	763	995
Total per year	1389	1359	1572	1589	1762
men	1207	1093	1313	1278	1421
women	182	266	259	311	341
Places of short-term accommodation	115	102	115	197	280
Staff	189	189	233	233	295
out of which: social workers	55	60	74	85	134

*Answers to the questions posed by the Committee of the European Social Rights (pp 408-410 of the conclusions):*

The Committee notes that the government plans to give municipalities financial support to encourage NGOs to develop a network of services to establish different types of temporary accommodation. Reducing homelessness requires the introduction of measures such as provision of immediate shelter and care for the homeless and measures to help such people overcome their difficulties and prevent a return to homelessness. The Committee asks for information on what steps have been taken to achieve this.

Measures to avoid homelessness are laid down in the Republic of Lithuania Law on State Aid for the Acquisition or Rent of Housing and Modernisation of Blocks of Flats and the Republic of Lithuania Law on Cash Social Assistance for Low-Income Families (Single Residents).

Due to an increasing number of beds available in lodging-houses and the provision of social services in day centres or night shelters and crisis centres the need for staying in lodging houses is almost fully met. 85 per cent of requests to stay in lodging houses were satisfied in 2003 and 92 per cent in 2004.

The Programme for Social Adaptation of Convicts and Persons Released from Imprisonment (2004-2007) which was approved by Resolution No 143 of the Government of the Republic of Lithuania on 9 February 2004 is aimed at a consistent and integrated implementation of re-socialisation policies with respect to convicts and persons released from imprisonment and to decrease the possibility of repetition of offences.

To give effect to this Programme, a measure entitled “Support in the Projects of Organisations on Social Rehabilitation and Integration of Convicts and Persons Released from the Imprisonment” is being implemented.

The Committee asks for information on the conditions governing eligibility for social housing, the waiting times for its allocation and the remedies available in the event of excessive waiting times.

To date, the waiting time for those wishing to take out a lease on subsidised housing is from 10 to 12 years; however, considering the implementation of the Subsidised Housing Programme and the increase of appropriations from the state budget for that purpose suggests that the above period will decrease to 5 or 6 years.

The Lithuanian Housing Strategy approved by the Government in 2004 provides for the increase of appropriations from the state budget for the development of subsidised housing on a yearly basis and encourages the development of housing rented for other than commercial purposes, also to supplement the list of housing expenses for heating, cold and hot water eligible for compensation with other expenses necessary for the maintenance of housing.

The Committee asks whether non-nationals lawfully residing or working regularly in Lithuania are eligible for social housing without discrimination.

In accordance with the Republic of Lithuania Law on State Aid for the Acquisition or Rent of Housing and Modernisation of Blocks of Flats, eligible to use subsidised housing offered by municipalities for rent for other than commercial purposes are individuals and families **having a permanent place of residence in the Republic of Lithuania**, provided that they do not own a dwelling in the territory of the Republic of Lithuania or the useful area of the dwelling per family member is less than 10 square meters and the level of income and the value of property of the individual/family is below the rates established by the Government. Thus, eligible for subsidised housing are also foreign nationals who have a permanent place of residence in Lithuania. Government of the Republic of Lithuania Resolution No 670 of 28 May 2003 “On the Procedure for State Aid for the Acquisition or Rent of Housing” provides that annual gross income and property of a person/family to whom subsidised housing is rented shall not exceed the following rates:

- with respect to a single resident of the city, annual income shall not exceed 12 000 litas and the value of property shall not exceed 20 000 litas; with respect to individuals residing elsewhere, respectively 9000 litas and 15 000 litas;
- with respect to families (irrespective of the number of family members) residing in the cities, annual income shall not exceed 24 000 litas and the value of property shall not exceed 40 000 litas; with respect to individuals residing elsewhere, respectively 20 000 litas and 30 000 litas.

The Committee notes that one of the objectives of housing policy is to increase housing assistance for persons on low incomes. It asks for information in the next report on measures introduced.

Pursuant to the Republic of Lithuania Law on Cash Social Assistance for Low-Income Families (Single Residents), they are entitled to compensation of expenses for heating, cold water, sewage and hot water.

Household heating costs, not exceeding the established ratio, are eligible for compensation provided they do not exceed 25% of the difference between the household income and 90% of the state supported income per household.

The cost of actual quantities of cold water consumed and sewage; however, not exceeding the established ratio, is eligible for compensation if it exceeds 2% of the household income. The cost of actual quantities of hot water consumed; however, not exceeding the established ratio, is eligible for compensation if they exceed 5% of the household income.

Eligibility for compensation is determined on the basis of the value of real property and movable property. The value of property is evaluated according to a special-purpose methodology set out in the Law.

According to the data from the Department of Statistics of the Republic of Lithuania, in 2004 municipalities recorded 11 130 households that applied for the rent of subsidised housing. In 2004, 775 subsidised housing was provided for rent to 775 households.

The Committee asks for information on the nature and scope of judicial supervision before evictions can be ordered the number of appeals against eviction orders and the cases in which legal aid may be granted and who is eligible for it.

Eviction from the dwelling premises is governed by the Civil Code of the Republic of Lithuania.

Pursuant to the Civil Code, a contract of lease of dwelling may be dissolved, likewise the eviction of natural persons from the dwelling premises may be executed exclusively upon judicial

proceedings, except in the cases of eviction executed with the sanction of the public prosecutor provided for in the Code.

In the instances where the lessee regularly (at least for three months unless a more extended period is provided for in the contract) fails to pay the lease payment or the payment for public utility services, or there is proof that that the lessee, his family members use the dwelling for other than its designation or create by their improper behaviour such conditions which render it impossible for other persons who reside together or in the neighbourhood to lead normal life, the contract of lease may be dissolved and the persons concerned evicted from the dwelling without other dwelling being provided.

The same applies in the cases of adverse occupation of residential premises.

A contract of lease of a dwelling of indeterminate term in respect of premises leased by legal and natural persons may be dissolved on demand of the lessor, upon a written notice to the lessee six months in advance. Upon expiration of the above period of time, the lessee, his family members or former family members must vacate the dwelling, while those who fail to comply shall be evicted without another dwelling being provided.

In the event that dwelling premises of the state, municipalities or legal persons are brought into a condition of dilapidation or rendered unfit for habitation due to natural disasters, fire or technical wear and tear, natural persons shall be evicted with the sanction of the public prosecutor with another adequately equipped dwelling fit for habitation being provided.

Natural persons may be evicted from dwelling premises of the state, municipalities and legal persons leased to their employees with another fit for habitation dwelling being provided in the following cases: the apartment house where the dwelling is located is subject to demolition; the dwelling was not retained after capital repairs, reconstruction or change of planning of the premises; the dwelling premises are transformed for other designation.

Individuals residing in their own dwelling may be evicted therefrom upon demand of the creditors and the dwelling owned thereby may be sold exclusively upon civil proceedings.

Where evection is necessary for public needs, the authorities must ensure equitable compensation (provide an equivalent dwelling or cover the loss in cash). This right is protected by the Constitution of the Republic of Lithuania (Article 23).

Legal assistance to natural persons to enable them to protect their rights is provided pursuant to the Republic of Lithuania Law No VIII-1591 on State-Guaranteed Legal Aid of 28 March 2000. This Law establishes the provision of State-guaranteed legal aid to natural persons to enable them to adequately assert their violated or disputed rights and the interests protected under law.

In 2005, about 5000 legal proceedings were initiated with regard to eviction of individuals from the housing that they rent or own. However, no data is available on how many decisions on eviction were passed and implemented.

#### **Question C<sup>24</sup>**

*Please indicate what measures are taken to reduce homelessness, with particular emphasis on long-term solutions to this problem.*

*Please indicate whether there is a right to adequate housing. If so, please indicate the legal basis supply the relevant texts and describe any significant case law.*

*Please indicate the role of voluntary organisations in this field.*

Please refer to Article 31 Para. 1.

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<sup>24</sup> Reference may be given to information provided in Article 31 Para. 1.

Volunteers who give support to homeless persons as a rule belong to non-governmental organisations.

Non-governmental organisations that deal with the problem of homelessness operate in 26 municipalities. Non-governmental organisations provide to homeless persons accommodation, free-of-charge meals, personal hygiene services (bath, laundry), other necessities (charity in clothing, footwear, bed linen) and offer psychological aid.

The majority of volunteers rendering direct assistance to homeless persons are members of religious organisations (e.g. *CARITAS*, monastic brotherhood, etc.). One of the programmes of *CARITAS* is a social service founded in 1990, employing volunteers. The aim of the social service is to provide articles of clothing and food to persons released from imprisonment, homeless persons, disadvantaged groups or distressed people. Vilnius *CARITAS* archbishopric operates a lodging-house designed to offer lodging for the most distressed and homeless people of Vilnius. Currently, the lodging house can accept 50 persons. The lodging house provides its residents with a separate bed and clean bed linen. They can also use shower and laundry facilities. Every evening the residents of the lodging house get free meals.