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EUROPEAN SOCIAL CHARTER

16th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF LITHUANIA

Article 7, 8, 16, 17, 19, 27 and 31

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

SISXTEENTH REPORT OF THE REPUBLIC OF LITHUANIA

FOR THE ACCEPTED PROVISIONS CONCERNING

THE EUROPEAN SOCIAL CHARTER
THEMATIC GROUP "CHILDREN, FAMILIES, MIGRANTS"
ARTICLES 7, 8, 16, 17, 19, 27 and 31

Reference period: 1 January 2014 – 31 December 2017

Vilnius

ACRONYMS USED IN THE REPORT:

AMW – Average Monthly Wage
BSB – basic social benefit
CC − Civil Code of the Republic of Lithuania
CPC − Civil Procedure Code of the Republic of Lithuania
LC − Labour Code of the Republic of Lithuania
LLE – Lithuanian Labour Exchange under the Ministry of Social Security and Labour
LPS – the Law on Public Service of the Republic of Lithuania
LSGLA − the Law on State-Guaranteed Legal Aid
MMW − Minimum Monthly Wage
NHIF − the National Health Insurance Fund under the Ministry of Health
SAC – specialised assistance centres
SLI – State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania
SSI – state supported income

Article 7 – The right of children and young persons to protection

Article 7§1 - Prohibition of employment under the age of 15

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. *to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§1 of the Charter.

The report provides statistics on the findings of the Labour Inspectorate regarding the illegal work of minors during the reference period. The Committee notes that the main economic sectors of illegal employment of minors were agriculture, manufacturing, construction, wholesale and retail trade and repair of motor vehicles and motorcycles. The report indicates that the amount of fines imposed by the Labour Inspectorate in cases involving illegal employment of young persons under 18 was of 72,225 Lithuanian litas (LTL, € 20,917).

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to illegal employment of children under the age of 15.

With regard to light work during school holidays, the Committee notes from the Governmental Committee's Report concerning Conclusions 2011 that, according to Section 36 of the Law on Occupational Safety and Health, during holidays, young persons under 15 years of age may work up to 7 hours per day and 35 hours per week and young persons who have reached the age of 15 may work up to 8 hours per day and 40 hours per week.

The Committee refers to its Statement of interpretation on the permitted duration of light work and recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only "light" work. Work considered to be "light" in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of "light work" and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education (General Introduction, Conclusions 2015).

The Committee considers that the situation is not in conformity with Article 7§3 on the ground that during school holidays the daily and weekly working time for children subject to compulsory education is excessive and therefore cannot be qualified as light work.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 7§1 of the Charter on the ground that during school holidays the daily and weekly working time for children under 15 years of age is excessive and therefore cannot be qualified as light work.

Answers from the Government

In Lithuania the minimum age of admission to work is 16 years with the exceptions for children from 14 years to 16 years who are allowed to perform light work.
The Law on Safety and Health at Work was amended on Sep 14, 2016 (the amendments came into forse on Jul 1, 2017). According to Article 36(1) of the Law, work by children (persons under 16 years) is prohibited, except light work, which suits the child's physical capabilities and does not harm their safety, health, physical, mental, moral or social development, and is in compliance with the conditions of employment laid down by the Government. The Description of the Procedure for Organizing the Recruitment, Work and Professional Training of Persons under 18 Years of Age and the Conditions for Child Employment approved by the Resolution No 518 of the Government of the Republic of Lithuania of 28 June 2017 allows performing light work to children from 14 to 16 years old.
According to Article 36(3) of the Law, working time for children performing light work during time of the school year - up to 12 hours per week: up to 2 hours per day on days of school attendance and up to 6 hours per day outside school attendance if working during the term or semester, but not when there are lessons at school; not during the school year – when working at least one week, up to 6 hours per day and 30 hours per week. Child work is prohibited from the 8 p.m. to 6 a.m. (Article 36(9.1)), and in the morning from 6 a.m. to 7 a.m. before the lessons (Article 36(8)).

SLI, upon carrying-out the control of labor laws and the prevention of infringements, during the reporting period has determined only 2 cases when the employers committed administrative offences regarding benefits and guarantees for young people.

Upon carrying-out the control of illegal labor and the prevention of it, during the reporting period 77 persons up to 18 years of age were determined to have worked illegally.

In 2014, 14 persons up to 18 years of age were determined to have worked illegally. The majority of adolescents, who have worked illegally during 2014 were determined in these areas: retail trade – 3 minors (21.4% out of all determined minors to have worked illegally), constructions, agriculture, accommodation, art, entertainment and leisure organizing activities – up to 2 minors to have worked illegally (up to 14.3%).

In 2015, 7 persons up to 18 years of age were determined to have worked illegally. The majority of adolescents, who have worked illegally during 2015 were determined in these areas: retail trade – 3 minors (42.8% out of all determined minors to have worked illegally), 2 minors in constructions (28.5%) and up to 1 minor in forestry and processing industry's activities to have worked illegally (up to 14.3%).

In 2016, 28 persons up to 18 years of age were determined to have worked illegally. The majority of adolescents, who have worked illegally during 2016 were determined in these areas: retail and wholesale trade – 11 minors (39.3% out of all determined minors to have worked illegally), 6 in construction (21.4%), 5 minors in board services (17.9%), 3 minors in agriculture (10.7%) and up to 1 in manufacture, administration and servicing activities (up to 3.5%).

In 2017, 21 persons up to 18 years of age were determined to have worked illegally. he majority of adolescents, who have worked illegally during 2017 were determined in these areas: 6 in construction (28.6%), 5 in agriculture (23.8%), up to 3 in wholesale, retail trade, vehicle trade and repairs, administrational and servicing activities (up to 14.3%) and up to 1 in board activity (4.8%).

Article 7§2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

2. *to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§2 of the Charter. It asks the next report to provide a full and up-to-date description of the situation in law and in practice.

The Committee recalls that the situation in practice should be regularly monitored. It therefore asks the next report to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment under the age of 18 for dangerous or unhealthy activities.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 7§2 of the Charter.

Answers from the Government

There were no significant changes in legislative provisions during the period.
The Law on Safety and Health at Work was amended on Sep 14, 2016. The amendments came into forse on Jul 1, 2017. According to the amended Law on Safety and Health at Work, the Description of the Procedure for Organizing the Recruitment, Work and Professional Training of Persons under 18 Years of Age and the Conditions for Child Employment was approved by the Resolution No 518 of the Government of the Republic of Lithuania of 28 June 2017 which substituted the Resolution of the Government of the Republic of Lithuania No 138 of 29 January 2003 'Concerning Approval of the Procedures for the Employment and Health Checks of Persons under 18 Years of Age as well as Establishing the Capacity for Work of and Setting Working Time for Such Persons and Approval of the List of Works Prohibited for Such Persons and the List of Hazardous Factors Detrimental to Health'. The new provisions of the Law and the Description ensure the continuation of earlier foreseen assurance of safety and health at work of persons under 18 years of age.

Article 7§3 - Prohibition of employment of children subject to compulsory education

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

3. *to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;*

The Committee takes note of the information contained in the report submitted by Lithuania.
In its previous conclusion, the Committee found the situation to be in breach of Article 7§3 of the Charter on the ground that the legal framework did not limit the period of work during summer holidays for children subject to compulsory education (Conclusions 2011). The report indicates that the Government Resolution No. 138 of 29 January 2003 has been

amended in the sense that from 1 May 2014 children under the age of 16 shall be guaranteed 14 consecutive calendar days of rest during summer school holidays. The Committee asks that the next report provide information on how this new rule is implemented into practice and the supervision exercised by the Labour Inspectorate in this sense. Pending receipt of the information requested, the Committee reserves its position on this point.
The report indicates that children of the age of 14 are allowed to perform light work in the sphere of culture, arts, sports, advertising, trade, accommodation and food services, information and communication, financial and insurance, administration and service, household, agricultural fields, if one of the parents or another child's legal representative has given the written consent and his/her physician has issued certificate that the child is suitable to perform such work.
With regard to working time during school holidays, the Committee notes from the Governmental Committee's Report Concerning Conclusions 2011 that, according to Section 36 of the Law on Occupational Safety and Health, during holidays, young persons under 15 years of age may work up to 7 hours per day and 35 hours per week during holidays and young persons who have reached the age of 15 may work up to 8 hours per day and 40 hours per week.
The Committee refers to its Statement of interpretation on the permitted duration of light work and recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only "light" work. Work considered to be "light" in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of "light work" and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education (General Introduction, Conclusions 2015).
The Committee considers that the situation is not in conformity with Article 7§3 on the ground that during school holidays the daily and weekly working time for children subject to compulsory education is excessive and therefore cannot be qualified as light work.
The Committee recalls that the situation in practice should be regularly monitored. It therefore asks the next report to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment of children subject to compulsory education.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 7§3 of the Charter on the ground that during school holidays the daily and weekly working time for children subject to compulsory education is excessive and therefore cannot be qualified as light work.

Answers from the Government

The Law on Safety and Health at Work was amended on Sep 14, 2016. The provisions on daily and weekly working time for children were amended.
According to Article 36(3) of the Law, working time for children performing light work not during the school year – when working at least one week, up to 6 hours per day and 30 hours per week; during time of the school year - up to 12 hours per week: up to 2 hours per day on days of school attendance and up to 6 hours per day outside school attendance if working

during the term or semester, but not when there are lessons at school. Child work is prohibited from the 8 p.m. to 6 a.m. (Article 36(9.1)), and in the morning from 6 a.m. to 7 a.m. before the lessons (Article 36(8)).

Article 7§4 - Working time

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

4. *to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§4 of the Charter.

The Committee asked for updated information on the situation in practice in relation to working time for young workers (Conclusions 2011). The report indicates that the State Labour Inspectorate identified 4 violations of the regulations regarding the working and rest time in 2010, 2 violations in 2011, 1 violation in 2012 and 2 violations in 2013.

The Committee recalls that the situation in practice should be regularly monitored and therefore asks that the next report provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to working time for young persons under 18.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 7§4 of the Charter.

Answers from the Government

According to the Law on Safety and Health at Work, as amended on September 14, 2016, working time for children performing light work not during the school year – when working at least one week, up to 6 hours per day and 30 hours per week; during time of the school year - up to 12 hours per week: up to 2 hours per day on days of school attendance and up to 6 hours per day outside school attendance if working during the term or semester, but not when there are lessons at school (Article 36(3)). Child work is prohibited from the 8 p.m. to 6 a.m. (Article 36(9.1)), and in the morning from 6 a.m. to 7 a.m. before the lessons (Article 36(8)).

Working time for adolescents - up to 8 hours per day (counting the daily duration of lessons as working time) and 40 hours per week (counting the weekly duration of lessons as working time) (Article 36(5)). Working time for adolescents working under an apprenticeship contract can not be more than 8 hours a day (counting the duration of daily lessons and of obtaining of theoretical knowledge at enterprise, and of training at the working place as working time) and not more than 40 hours a week (counting the duration of weekly lessons and of obtaining of theoretical knowledge at enterprise, and of training at the working place as working time) (Article 36(5)).

During the period 2014–2017 Sate Labour Inspectorate identified 18 violations concerning work and rest time of minors. In all cases breaches of work and rest time regime were determined for minors of 16-17 years old.

Article 7§5 - Fair pay

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

5. *to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Young workers

The Committee noted previously that young employees are entitled to the same wages as adults (Conclusions 2004). In its previous conclusion, the Committee found that the situation is not in conformity with Article 7§5 of the Charter on the ground that the minimum wage for young workers is not fair since the minimum net wage amounted up to only 40.2% of the net average wage (Conclusions 2011).

The Committe previously asked information on the net minimum wage and the net average wage (Conclusions 2011). The report indicates that during the reference period, the Government, based on a recommendation of the Tripartite Council approved /set the minimum monthly wage at 850 Lithuanian litas (LTL, €246) on 1 August 2012. The report provides the values of the net minimum monthly wage and net average monthly wage for each year of the reference period. The Committee notes that for example in 2012 the net monthly minimum wage amounted to 43% of the net average monthly wage and in 2013 the net monthly minimum wage amounted to 47.7% of the net average monthly wage.

Under Article 7§5 of the Charter, wages paid to young workers between 16 and 18 years of age can be reduced by as much as 20% compared to a fair adults' starting or minimum wage. Therefore, if young workers were paid 80% of a minimum wage in line with the Article 4§1 fairness threshold (60% of the net average wage), the situation would be in conformity with Article 7§5 (Conclusions XVII-2 (2005), Spain). In the present case, as the young workers' wage is at the same level as the adult workers' wage, the Committee examines whether the net minimum wage of young workers represents 80% of the minimum threshold required for adult workers (60% of the net average wage). Noting that according to the data provided in the report, in 2013 the net monthly minimum wage comes close to the threshold required under Article 7§5, the Committee considers that the situation is in conformity with the Charter as regards the wages paid to young workers.

The report indicates that during the reference period, the State Labour Inspectorate did not identify any violations concerning the payment of minimum wages to minors. The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to wages paid to young workers. It also asks that the next report provide the net minimum wage and the net average wage for the reference period.

Apprentices

Concerning the apprentices, the Committee noted previously that the Vocational Education and Training Act of 1997 stipulates that students on practical placements with employers must be paid in accordance with the conditions in their contracts, but not less than the minimum monthly wage set by the Government (Conclusions 2006).

The Committee asks whether all apprentices receive an allowance which cannot be less than the minimum monthly wage indicated in the report. It also asks to be provided with examples of allowances paid to apprentices at the beginning and at the end of the apprenticeship.

The Committee recalls that the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of interpretation on Article 7§5), starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal).

Pending receipt of the information requested, the Committee reserves its position on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Answers from the Government

New types of labour contract are provided in the new Labour Code of the Republic of Lithuania (hereinafter refered to as the LC), such as an apprenticeship employment contract.

Article 81 of the LC defines the concept of the apprenticeship employment contract:
1. An apprenticeship employment contract is concluded by hiring an individual seeking to obtain competences or a qualification necessary for a profession at a workplace in the form of apprenticeship training (hereinafter 'the apprentice').
2. An apprenticeship employment contract may be:
1) an apprenticeship employment contract without concluding a training contract;
2) an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training.

According to the Article 82 of the LC,an apprenticeship employment contract is fixed-term and its maximum duration shall be six months, except for an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training in which a longer duration of training is defined. Where training is being carried out in accordance with an apprenticeship employment contract concluded with a lawfully regulated training contract on formal or non-formal training, the employer must ensure achievement of the outcome provided for in the formal or non-formal training programme or create all conditions to achieve it. Upon completion of the formal or non-formal training programme, the apprentice shall be issued a certificate confirming this.

As it is indicated in the Article 83 of the LC, upon concluding an apprenticeship employment contract, the employer must prepare a non-formal training programme for the entire period of validity of the apprenticeship employment contract. In participating in this training programme, the competences acquired by the apprentice and the methods of acquiring them, the training subjects, the period of training, the outcome and other essential provisions shall be included in the apprenticeship employment contract. During the period of validity of the apprenticeship employment contract, the training programme may only be changed by mutual agreement. An employer has the right to conclude this type of employment contract with the same person no sooner than three years after the termination of the previous apprenticeship employment contract. Upon violating these requirements, it shall be considered that an open-ended employment contract has been concluded. The number of apprenticeship employment contracts valid at the same time for one employer may not exceed one-tenth of the total number of the employer's current employment contracts. When concluding an apprenticeship employment contract, the parties to the employment contract may agree on reimbursement of the training expenses incurred by the employer. Such an agreement must specify what the employer's training expenses are and what their value (services, materials, etc.) is. No more than 20 per cent of the apprentice's monthly remuneration can be allocated to reimburse said expenses. The reimbursement of training expenses shall be distributed evenly over the entire period of validity of the apprenticeship employment contract. If the employment relationship

ends before the term of the apprenticeship employment contract expires, the employer shall not be entitled to require reimbursement of training expenses after the termination of the employment relationship.
In addition to the grounds for the termination of an employment contract provided for in the LC, an apprenticeship employment contract may also be terminated prematurely by written resignation of the apprentice upon giving the employer notice thereof five working days in advance, or on the initiative of the employer upon giving the apprentice notice thereof 10 working days in advance.
The employer must appoint a competent employee as the training programme supervisor, who shall be in charge of the training process, shall supervise the performance of the job function, and shall advise and consult the apprentice.

Article 84 of the LC indicates that an apprenticeship employment contract may be concluded in order to implement a lawfully regulated:
1) training contract on formal (initial or continuing) training between an apprentice and a training service provider or employer who has a formal vocational training licence;
2) training contract on non-formal training between an apprentice and an employer entitled to carry out non-formal training or a training service provider who has concluded an agreement with the employer.
The training contract shall be attached to the apprenticeship employment contract and shall be an integral part thereof. Implementation of an apprenticeship employment contract must be organised by the employer in such a way as to achieve the objectives of the training programme specified in the training contract as well as other conditions of the training contract.
An apprenticeship employment contract must establish the duration of working time and other training time. The apprentice's total working time for the employer and other training time may not exceed 48 hours per week, except for an apprentice under the age of 18, for whom the duration of working time is established by the Republic of Lithuania Law on Safety and Health at Work. Training may take place at both the workplace and the training establishment.
For time that was actually worked, an apprentice shall be paid the remuneration provided for in the apprenticeship employment contract, which may not be lower than the minimum monthly wage or minimum hourly rate approved by the Government of the Republic of Lithuania. The time spent at the workplace to acquire theoretical knowledge and the time allocated for workplace training shall be included as time that was actually worked if it exceeds 20 per cent of the time that was actually worked.
Time spent at the training institution shall not be included in working time and the employer shall not be required to pay remuneration for that time. Said time should not account for more than 30 per cent of the duration of the apprenticeship employment contract.
The apprenticeship employment contract shall be terminated upon expiry of the training contract on formal or non-formal training. It may also be terminated prematurely by written resignation of the apprentice upon giving the employer notice thereof five working days in advance, or on the initiative of the employer upon giving the apprentice notice thereof five working days in advance.
The employer shall appoint an employee(s) responsible for organisation of the apprentice's work activities and practical training and an employee responsible for the coordination of work activities and practical training (a vocational expert). The head of the vocational training establishment shall appoint a vocational teacher to be in charge of the apprenticeship's practical training carried out at the workplace.

Gross minimum and average monthly wage

Year	*MMW minimum monthly wage*	*AMW average monthly wage*	*%*
2013-01-01	*289,76*	*646,87*	*44,8*
2014-10-01 *Average 2014*	*299,76* *Average 294,8*	*676,4* *Average 676,4*	*44,3* *Average 43,6*
2015-01-01 *2015-07-01* *Average 2015*	*300* *325* *Average 312,5*	*712,1* *712,1* *Average 712,1*	*42,1* *45,6* *Average 43,9*
2016-01-01 *2016-07-01* *Average 2016*	*350* *380* *Average 365*	*770,8* *770,8* *Average 770,8*	*45,4* *49,3* *Average 47,4*
2017-01-01	*380*	*840,1*	*45,2*

NET

Year	*MMW minimum monthly wage*	*AMW average monthly wage*	*%*
2013-01-01	*220,22*	*491,62*	*44,8*
2014-10-01 *Average 2014*	*227,82* *Average 224,0*	*514,06* *Average 514,06*	*44,3* *Average 43,6*
2015-01-01 *2015-07-01* *Average 2015*	*228* *247* *Average 237,5*	*541,2* *541,2* *Average 541,2*	*42,1* *45,6* *Average 43,9*
2016-01-01 *2016-07-01* *Average 2016*	*266* *288,8* *Average 277,4*	*585,8* *585,8* *Average 585,8*	*45,4* *49,3* *Average 47,4*
2017-01-01	*288,8*	*638,5*	*45,2*

The young workers' minimum monthly wage is at the same level as the adult workers' minimum monthly wage.

During the reference period State Labour Inspectorate did not identify any violations of not paying remuneration or paying less than minimum wage for minors.

Article 7§6 - Inclusion of time spent on vocational training in the normal working time
With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

6. *to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§6 of the Charter. It asks the next report to provide a full and up-to-date description of the situation in law and in practice.
The Committee recalls that the situation in practice should be regularly monitored. It asks the next report to provide information on the monitoring activities and findings of the State

Labour Inspectorate in relation to inclusion of time spent on vocational training in the normal working time.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 7§6 of the Charter.

Answers from the Government

There were no significant changes in legislative provisions on inclusion of time spent on vocational training in the normal working time during the period.
As it is indicated in the Law on Safety and Health at Work, working time for children performing light work not during the school year – when working at least one week, up to 6 hours per day and 30 hours per week; during time of the school year - up to 12 hours per week: up to 2 hours per day on days of school attendance and up to 6 hours per day outside school attendance if working during the term or semester, but not when there are lessons at school (Article 36(3)).
Working time for adolescents - up to 8 hours per day (counting the daily duration of lessons as working time) and 40 hours per week (counting the weekly duration of lessons as working time) (Article 36(5)). Working time for adolescents working under an apprenticeship contract can not be more than 8 hours a day (counting the duration of daily lessons and of obtaining of theoretical knowledge at enterprise, and of training at the working place as working time) and not more than 40 hours a week (counting the duration of weekly lessons and of obtaining of theoretical knowledge at enterprise, and of training at the working place as working time) (Article 36(5)).
For persons under the age of eighteen who work at more than one workplace or study at a vocational training establishment and work, the daily and weekly working time at each workplace and the duration of practical training shall be cumulative (Article 36(6)).

Article 7§7 - Paid annual holidays
With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

7. *to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§7 of the Charter.
The report indicates that during the reference period the State Labour Inspectorate did not identify any violations of the regulations related to paid annual holiday for employees under 18. The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to paid annual holiday for young persons under 18.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 7§7 of the Charter.

Answers from the Government

According to the Article 138 of the LC, employees under the age of 18, employees who are single-handedly raising a child under the age of 14 or a disabled child under the age of 18, and disabled employees are entitled to 25 working days (for those who work five days per week) or 30 working days (for those who work six days per week) of annual leave. If the number of working days per week is less or different, the employee must be granted five weeks of leave. This regulation guarantees five weeks of leave for employees under age of 18.

During the reference period State Labour Inspectorate did not identify any infringements regarding paid annual holiday for minors.

Article 7§8 - Prohibition of night work

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

8. *to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§8 of the Charter.

The report indicates that in 2010 the State Labour Inspectorate identified 2 violations of the regulations prohibiting night work for persons under 18. The report adds that during 2011-2013, no violations related to night work were detected.

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to prohibition of night work for young persons under 18.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 7§8 of the Charter.

Answers from the Government

There were no significant legislative changes regarding the implementation of this provision during the reference period.

Article 36 (9) of the Law on Safety and Health at Work sets that for children performing light work, work is prohibited from the 8 p.m. to 6 a.m.; for adolescents work is prohibited from the 10 p.m. to 6 a.m.; night time for adolescents working on board of a ship is a period of 9 hours which begins not later than 10 p.m. and finishes not earlier than 6 a.m.

During the reference period State Labour Inspectorate imposed administrative fines for 18 employers for administrative violations of work and rest time applied for minors. Labour inspectors detected that 25 employees of 16-17 years old were working at the workplace at night time (after 10 pm) and one employee of 15 years old was working after 8 pm. During reference period a total amount of 1812 Eur was imposed for such administrative violations.

Article 7§9 - Regular medical examination

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

9. *to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;*

The Committee notes from the information provided in the report submitted by Lithuania that there have been no changes to the situation which it has previously found to be in conformity with Article 7§9 of the Charter.

The report indicates that in 2010 the State Labour Inspectorate identified 7 violations concerning absence of health checks; 11 violations in 2011 and 2 violations in 2012. The report adds that there were no violations regarding medical examination of young workers in 2013.

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities and findings of the State Labour Inspectorate in relation to regular medical examination of young workers.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 7§9 of the Charter.

Answers from the Government

There were no significant changes in legislative provisions during the period.
According to Article 21 (1) of the Law on Safety and Health at Work the employer shall approve the list of staff obliged to undergo a health check and the schedule for the medical examination of the employees, inform employees by signing, and supervise compliance with this timetable. In the event that the health of the employee is not checked at the scheduled time due to reasons beyond the control of the employee, he / she has the right to refuse to work due to a possible danger to his or her health. Compulsory medical examinations are carried out during working hours. For working hours during which an employee undergoes health check, the employer pays the employee his average wage. Compulsory health checks of workers under eighteen years of age - when they are engaged and periodically each year until they reach eighteen years of age.

Article 7§10 - Special protection against physical and moral dangers

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

10. *to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.*

The Committee takes note of the information contained in the report submitted by Lithuania.

Protection against sexual exploitation

The Committee notes that the legislative framework which it has previously (Conclusions 2006, Conclusions 2011) found to be in conformity with the Charter has not changed.
The Committee asks the next report to provide statistical information on the extent of sexual exploitation of children, including through trafficking.

Protection against the misuse of information technologies
The Committee notes that the situation which it has previously found to be in conformity with the Charter has not changed. The Committee wishes to receive updated information as regards measures taken to strengthen protection of children against sexual exploitation by means of information technologies.

Protection from other forms of exploitation
The Committee notes from the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania (Group of Experts on Action against Trafficking in Human Beings (GRETA, 2015) that as regards child victims of trafficking, three were identified in 2011, eight in 2012, and 10 in 2013. Guidelines on risk assessment and indicators for identifying victims of trafficking among children were distributed to municipal child protection services by the State Child Rights Protection and Adoption Service at the beginning of 2014. They were drafted in co-operation with Lithuanian Caritas, the IOM Office in Vilnius and the Office of the Ombudsman for Children, on the basis of recommendations of the Ministry of the Interior. The guidelines include information about the national and international legal framework and measures aimed at protecting and promoting the rights of victims of trafficking.
The Committee notes that GRETA has urged the Lithuanian authorities to strengthen their efforts to provide assistance to victims of trafficking, and in particular to ensure that all child victims of trafficking benefit from the assistance measures, including appropriate accommodation, specialised support services and access to education.
The Committee wishes to be informed of measures taken to assist child victims of trafficking.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 7§10 of the Charter.

Answers from the Government

The Description of the Procedure for Organizing the Recruitment, Work and Professional Training of Persons under 18 Years of Age and the Conditions for Child Employment was approved by the Resolution No 518 of the Government of the Republic of Lithuania of 28 June 2017 which substituted the Resolution of the Government of the Republic of Lithuania No 138 of 29 January 2003 'Concerning Approval of the Procedures for the Employment and Health Checks of Persons under 18 Years of Age as well as Establishing the Capacity for Work of and Setting Working Time for Such Persons and Approval of the List of Works Prohibited for Such Persons and the List of Hazardous Factors Detrimental to Health'. The new provisions of the Description ensure the continuation of earlier foreseen assurance of safety and health at work of persons under 18 years of age. Item 7 of the Description lays down that the employer must guarantee that persons under the age of 18 have working or unpaid activity (hereinafter together referred as work) conditions which suit their age. Work provided to persons under the age of 18 should not harm their safety, health or physical, mental, moral or social development or jeopardize their education.

Regarding the Protection of Children against Sexual Abuse

The freedom of sexual self-determination and the protection of immunity of children in the Republic of Lithuania is ensured by the effective means of criminal law. The Criminal Code of the Republic of Lithuania (hereinafter called – the CC) distinguishes itself with exceptionally strict provisions, which by using extremities of the criminal law ensure effective protection of children against any form of sexual abuse or sexual exploitation. In this aspect, these norms of the CC are distinguished: Article 149 of the CC (Rape – it is to note, that, if this crime has been committed against an adolescent (a person up to 18 years of age) or a minor (a person up to 14 years of age), such criminal activity is qualified (and respectively punished more severe) as a feature qualifying the rape); Article 150 (Sexual assault - it is to note, that, if this crime has been committed against an adolescent (a person up to 18 years of age) or a minor (a person up to 14 years of age), such criminal activity is qualified (and respectively punished more severe) as a feature qualifying the sexual assault); Article 151 (Sexual abuse - it is to note, that, if this crime has been committed against an adolescent (a person up to 18 years of age) or a minor (a person up to 14 years of age), such criminal activity is qualified (and respectively punished more severe) as a feature qualifying the sexual abuse); Article 151[1] (Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability), which encompasses all other cases of breaching the sexual self-determination and inviolability of minor cases, if the features of rape, sexual assault or sexual abuse were not determined; Article 152[1] (grooming of a person under the age of sixteen years for the purpose of having a sexual intercourse or otherwise satisfying his sexual desires or exploiting him for the production of pornographic material); Article 153 (Sexual Abuse of a Person under the Age of Sixteen Years); Article 157 (purchase or sale of a child in order for a child to be exploited for any purposes, including for prostitution, pornography or other forms of sexual exploitation, forced or fictitious marriage etc. If this criminal activity is committed against a minor (a person up to 14 years of age), such activity is qualified (and respectively punished more severe) as a feature qualifying this criminal activity); Article 162 (Exploitation of a Child for Pornography); Article 307 (Gaining Profit from Another Person's Prostitution - it is to note, that, if this crime has been committed against an adolescent (a person up to 18 years of age), such criminal activity is qualified (and respectively punished more severe) as a feature qualifying the gaining profit from another person's prostitution); Article 308 (Involvement in Prostitution - it is to note, that, if this crime has been committed against an adolescent (a person up to 18 years of age), such criminal activity is qualified (and respectively punished more severe) as a feature qualifying the involvement in prostitution); Article 309 (Possession of Pornographic Material – it is to note that the possession of pornographic material displaying an adolescent (a person up to 18 years of age) or a minor (a person up to 14 years of age), or a person is depicted as a child is determined and qualified as a feature of the criminal activity of possession of pornographic material).

Statistics on child trafficking

The level of children victims of THB for sexual exploitation has been decreasing in recent years from 10 child victims in 2015 to 1 child victim in 2016 and 2 such victims in 2017.

Children recognized as victims according to article of the Criminal Code by year	***2014***	***2015***	***2016***	***2017***

Article 147 *Article 149* *Article 150* *Article 151* *Article 153*	*37* *37* *2* *5* *31*	*45* *34* *0* *3* *38*	*1* *48* *56* *2* *44*	*2* *61* *64* *2* *96*
Altogether	***112***	***120***	***151***	***225***
Recorded criminal offences according to article of the Criminal Code by year:	***2014***	***2015***	***2016***	***2017***
Rape of the minor Article 149(3)	*46*	*27*	*25*	*30*
Rape of a young person Article 149(4)	*29*	*28*	*21*	*28*
Sexual abuse of a minor Article 150(3)	*23*	*13*	*23*	*23*
Sexual abuse of a young person Article 150(4)	*72*	*50*	*40*	*40*
Making the minor sexually addicted Article 151(2)	*3*	*0*	*3*	*2*
Compliance with sexual passion in violation of the freedom and integrity of the decision of a minor Article 151(1)	*29*	*40*	*35*	*47*
Attraction a person less than sixteen years old Article 152(1)	*1*	*3*	*1*	*1*
Juvenile's deprevation Article 153	*54*	*67*	*60*	*79*
Altogether	***257***	***228***	***208***	***250***

Article 8 - Right of employed women to protection of maternity

Article 8§1 - Maternity leave

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;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Right to maternity leave

Article 179 of the Labour Code, which applies both to the private and the public sector, provides for 126 days maternity leave, namely 70 days leave before the birth and 56 days following the birth.

However, the Committee previously noted that there is no compulsory postnatal maternity leave and asked what legal safeguards exist to avoid any undue pressure on employees to shorten their maternity leave; whether there is an agreement with social partners on the question of postnatal leave that protects the free choice of women, and whether collective agreements offer additional protection. In addition, it asked for information on the general legal framework surrounding maternity (for instance, whether there is a parental leave system whereby either parents can take paid leave at the end of the maternity leave).

In response to these questions, the report refers to Article 180 of the Labour Code, which provides for parental leave, to be taken by either parent as a single period or distributed in portions until the child is three years old. The Committee notes from the information provided in the report under Article 27§2 that parental leave is paid up to a period of two years. As from July 2011, the beneficiary of parental leave can either choose to receive benefits corresponding to 100% of the compensated wage, but only during the first year, or to receive lower amounts of benefits for a longer period, namely 70% of the wage for the first year and 40% of the wage during the second year. These benefits are subject to a ceiling, up to 3.2 times the national average insured income set by the Government for the year during which the leave began. In 2010 and 2011 such insured income was LTL 1,170 (€339), in 2012 and 2013 it was LTL 1,488 (€430).

The Committee furthermore notes from other sources (MISSOC and ILO databases) that, in addition to maternity and parental leave, fathers are entitled to 28 days of paid leave after childbirth. It asks the next report to provide further information in this respect, for example as regards the eligibility and other requirements, the rate of payment etc.

According to the report, additional protection can also be granted by collective agreements (Article 61 of the Labour Code); the Committee asks the next report to provide relevant examples of such clauses.

The Committee notes from another source (European Network of Legal Experts in the field of Gender Equality, Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood – The application of EU and national law in practice in 33 European countries, 2012, p.169) that if the employee is not entitled to maternity allowance or the allowance is not high enough, the maternity leave is usually left unused. It asks the next report to provide further information on the legislative framework protecting employees from discriminatory treatment related to maternity or parental leave as well as statistical data concerning the average length of maternity leave and the number and percentage of employed women, in the private as in the public sector, who take less than six weeks leave after birth.

Right to maternity benefits

The report confirms that are entitled to a maternity allowance all employed women, in the private as in the public sector, who are insured, are granted pregnancy and child-birth leave and have paid at least 12 months of social insurance contributions in the last 24 months. The Committee recalls that, under Article 8§1 of the Charter, the right to benefit may be subject to conditions such as a minimum period of contribution and/or employment. However, these conditions must be reasonable; in particular, if qualifying periods are required, they should allow for some interruptions in the employment record (Statement of interpretation, Conclusions 2015). The Committee accordingly asks the next report to clarify how the qualifying period is calculated and whether it includes interruptions in the employment record. It furthermore asks whether employed women who do not fulfil the qualifying conditions for maternity benefit are entitled to other benefits.

The amount of maternity allowance paid during maternity leave equals 100% of the beneficiary's compensatory wage, subject to a ceiling corresponding, since 2011, to 3.2 times the national average insured income set by the Government for the year during which the leave began. In 2010 and 2011 such insured income was LTL 1170 (€339), in 2012 and 2013 it was LTL 1488 (€430). Since 1 July 2011, no additional benefits apply in case of multiple births. The Committee recalls that for high salaries, a significant reduction in pay during maternity leave is not, in itself, contrary to Article 8§1. Various elements are taken into account in order to assess the reasonable character of the reduction, such as the upper limit for calculating benefit, how this compares to overall wage patterns and the number of women in receipt of a salary above this limit. In the light of these elements, it asks the next report to provide further information on the proportion of women concerned by a maternity allowance lower than their wage. With reference to its abovementioned Statement of Interpretation, the Committee furthermore asks whether the minimum rate of the maternity allowance corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Lithuania is in conformity with Article 8§1 of the Charter.

Aswers from the Government

Regarding the maternity benefits

The beneficiary of parental leave can either choose to receive benefits corresponding to 100% of the compensated wage, but only during the first year, or to receive lower amounts of benefits for a longer period, namely 70% of the wage for the first year and 40% of the wage during the second year. These benefits are subject to a ceiling, up to 2 times the national average wage set by the Statistic Department valid for the quarter preceding the month which the leave began.

The amount of maternity allowance paid during maternity leave equals 100% of the beneficiary's compensatory wage, not subject to a ceiling corresponding, since March of 2016. The average amount of maternity benefit paid for 1 working day equalled to EUR 78,80 in 2017 year.

All employed women, in the private as in the public sector, who are insured, are granted pregnancy and child-birth leave and maternity benefit if they have paid at least 12 months of social insurance contributions in the last 24 months. This means that qualifying period may

allow having interruptions in the employment record, because it is necessary to have only 12 months of social insurance contributions paying record during the last 24 months. What is more, employed women who do not fulfil the qualifying conditions for maternity benefit from Social Insurance system, are entitled to other benefits from the State social protection system.

Regarding the maternity leave
Article 131 of the LC envisages types of the special leave: pregnancy and childbirth leave; paternity leave, child care leave, educational leave, sabbatical leave and unpaid leave. The employer shall ensure the employee's right to return, after special leave, to the same or equivalent workplace/position under terms of employment no less favourable than those previously, including remuneration, and to make use of all improved conditions, including the right to increased remuneration which the employee would have been entitled to had he or she been working.

According to the Article 132 of the LC, eligible employees are entitled to pregnancy and childbirth leave – 70 calendar days before childbirth and 56 calendar days after childbirth (or 70 calendar days in cases of complicated childbirth or when more than one child is born). This leave shall be calculated together and shall be granted to the employee as a whole, regardless of the number of days actually used before childbirth. If an eligible employee does not take pregnancy and childbirth leave, the employer ***must provide 14 days of this leave immediately after childbirth, regardless of the employee's request.*** *Employees who have been appointed as newborn guardians are entitled to leave from the day that guardianship is established until the baby reaches 70 days. The benefit established by the Republic of Lithuania Law on Sickness and Maternity Social Insurance shall be paid for the time of leave referred above.*

As regards the paternity leave, Article 133 of the LC indicates that after the birth of a child, eligible employees are entitled to 30 consecutive calendar days of paternity leave. This leave can be granted at any time from the day the child is born until the child reaches three months of age (or from birth until the child reaches six months of age in cases of complicated childbirth or when two or more children are born).
The benefit established by the Republic of Lithuania Law on Sickness and Maternity Social Insurance shall be paid for the time of leave referred above.

Article 8§2 - Illegality of dismissal during maternity leave

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

2. *to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her 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;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Prohibition of dismissal
Pursuant to Article 132 of the Labour Code, which applies both to the private and public sector, a pregnant woman may not be dismissed from the day she notified her employer of her pregnancy and until a month after the expiry of her maternity leave, except in the following cases (Articles 136(1) and (2) of the Labour Code):

- following a court sentence on the employee which prevents him or her from continuing work;
- when an employee is deprived of special rights to perform certain work in accordance with a procedure prescribed by law;
- upon request of bodies or officials authorised by law;
- when an employee is unable to perform his or her work further to a medical conclusion or conclusion of the Disability and Capacity for Work Establishment Office of the Ministry of Social Security and Labour;
- when an employee 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's activities.

Furthermore, an employment contract will expire upon the employer's death, if the contract was concluded for the purpose of providing services specifically to this person.
The Committee recalls that Article 8§2 of the Charter permits, as an exception, the dismissal of an employee during pregnancy and maternity leave in certain cases such as misconduct which justifies breaking off the employment relationship, if the undertaking ceases to operate of if the period prescribed in the employment contract expires. Exceptions are however strictly interpreted by the Committee. According to the report, the situations referred to under (i), (ii) and (iii) are mostly related to faults by the employee. However, the report does not explain how these provisions are interpreted and applied and the Committee is therefore not in a position to assess whether the situations referred to fall under the scope of the exceptions for misconduct allowed under the Charter. In particular, the Committee notes that the dismissal of an employee upon request of bodies or officials authorised by law raises problems of compatibility with Article 8§2 of the Charter. Similarly, the employee's inability to perform her work for reasons related to her health is not a circumstance which authorises dismissal under Article 8§2 of the Charter. Accordingly, the Committee reiterates its request for explanation, in the light of any relevant case law, on how these exceptions are interpreted and applied. In the meantime, it finds that the grounds for dismissal without notice of an employee during pregnancy or maternity leave go beyond the admissible exceptions and the situation is therefore not in conformity with Article 8§2 of the Charter.
The Committee takes note of the authorities' engagement to submit the Committee's conclusions to a working group dealing, inter alia, with the improvement of regulation of labour relations, with a view to bringing the situation in conformity with the Charter and asks the next report to provide updated information on any relevant amendments introduced.

Redress in case of unlawful dismissal
The Committee previously noted that, under Article 297 of the Labour Code, employees can contest their dismissal before a court; if the court finds that they have been dismissed without a valid reason or in violation of the procedure established by law, they can be reinstated in their post and awarded a sum corresponding to their average wage for the entire period during which they were off work. The report confirms, in the light of the relevant legislation (in particular, Article 44 of the Law on Public Service and Articles 38 of the Constitution) and decisions of the Constitutional Court (in particular, Resolution of 27 February 2012), that this also applies to women employed in the public sector.
When the competent court establishes that an employee may not be reinstated in her previous post due to economic, technological, organisational or similar reasons, or because she may be put in unfavourable work conditions, it will recognise the termination of the employment contract as unlawful and award the employee a severance pay in the amount specified in

Article 140§1 of the Labour Code as well as the average wage for the period during which the employee was off work from the day of dismissal until the date at which the court decision became effective. According to Article 140§1, the severance pay depends on the length of service: (i) under 12 months – one monthly average wage; (ii) 12 to 36 months – two monthly average wages; (iii) 36 to 60 months – three monthly average wages; (iv) 60 to 120 months – four monthly average wages; (v) 120 to 240 months – five monthly average wages; (vi) over 240 months – six monthly average monthly wages.
In response to the Committee's request for clarification about the compensation, the report clarifies that the abovementioned provisions – and the ceiling to compensation – only concern material damage and do not preclude an employee from claiming non-pecuniary damage under the relevant provisions of the Civil Code. Article 6.250(2) of the Civil Code states that the court in assessing the amount of non-pecuniary damage shall take into consideration the consequences of the damage sustained, the gravity of the fault committed by the perpetrator, his/her financial status, the amount of pecuniary damage suffered by the victim and any other circumstances which are relevant to the case, in the light of the criteria of good faith, justice and reasonableness. Accordingly, the report states that there are no upper limits to compensations and both types of compensation can be awarded by the same court if the employee includes in her request a claim for non-pecuniary damage. The report points out that the court has the discretion to select the most appropriate remedy in each specific case (judgment by the Kaunas Regional Court in civil case No. 2A-1775-259/2014, proceedings No. 2-69-3-20210-2013-1). The Committee asks the next report to provide examples of case law relating to compensation claims in case of unlawful dismissal of employees during pregnancy or maternity leave.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 8§2 of the Charter on the ground that exceptions to the prohibition of dismissal of employees during pregnancy or maternity leave are excessively broad.

Answers from the Government

According to the Article 61 of the LC, an employment contract with a pregnant employee during her pregnancy and until the baby reaches four months of age may be terminated by mutual agreement, at her initiative, at her initiative during the trial period, in the absence of the will of the parties to the contract, or when a fixed-term employment contract expires. The fact of an employee's pregnancy is confirmed by presenting a doctor's maternity certificate to the employer.
From the day the employer finds out about an employee's pregnancy until the day her baby turns four months old, the employer may not give notice to the pregnant employee about impending termination of the employment contract or take a decision to terminate the employment contract on grounds other than those specified above. If grounds for terminating the employment contract emerge during this period, the pregnant employee may be given notice about termination of the employment contract or a decision to terminate the employment contract may be taken only after this period is over. If an employee is granted pregnancy and childbirth leave or child care leave during the period when her baby is under the age of four months, the employment contract may only be terminated once this leave is over.
An employment contract with an employee raising a child/adopted child under the age of three cannot be terminated on the initiative of the employer without any fault on the part of

the employee (Article 57 of the LC). An employment contract with an employee on pregnancy and childbirth leave, paternity leave or child care leave cannot be terminated at the will of the employer (Article 59 of the LC).

According to the LC Article 218 if an employee is suspended from work, when there is no legal basis, the labor dispute resolution body (or the court) decides to return the worker to work and orders him to pay the average wage for this period and the material and non-material (non-pecuniary) damage.

Article 6.250(2) of the Civil Code states that the court in assessing the amount of non-pecuniary damage shall take into consideration the consequences of the damage sustained, the gravity of the fault committed by the perpetrator, his/her financial status, the amount of pecuniary damage suffered by the victim and any other circumstances which are relevant to the case, in the light of the criteria of good faith, justice and reasonableness.
For example, by the 17th of March 2016 judgment of Alytus City District Court in civil case No. 2-247-292/2016 non-pecuniary damage of 300 Eur was ordered in favor of an employee who was suspended from work during or after maternity leave. By the 26th of May 2015 judgment of Vilnius District Court judgment in civil case No. 2A-2363-302/2015 non-pecuniary damage of 1 448 Eur (5 000 Lt) was ordered. By the 30th of June 2014 judgement of Alytus District Court in civil case No. 2-1678-652/2014 non-pecuniary damage of 289,62 Eur was ordered. By the 4th September 2014 judgement of Lithuanian Court of Appeal in civil case No. 2A-1219/2014 non-pecuniary damage of 2 896,20 Eur (10 000 Lt) was ordered.

Article 8§3 - Time off for nursing mothers
With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

The Committee takes note of the information contained in the report submitted by Lithuania.
According to the report, there have been no substantial changes to the situation which the Committee previously found to be in conformity with Article 8§3 of the Charter (Conclusions 2005 and Conclusions 2011): pursuant to Article 278(8) of the Labour Code, employees in the private as in the public sector are entitled, in addition to their regular breaks, to additional nursing breaks of at least 30 minutes every three hours. At the employee's request, such additional breaks may be added to the regular breaks or used to shorten the working day. These breaks are considered as working time and remunerated as such. The Committee previously noted that there was no time-limit on the entitlement to nursing breaks.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 8§3 of the Charter.

Aswers from the Government

Article 37 (9) of the Law on Safety and Health at Work stipulates that in addition to the general break to rest and to eat, a breast-feeding woman shall be entitled to at least 30-minute breaks every three hours to breast-feeding. 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. These breaks to breast-feeding shall be paid according to the average daily pay of the employer.

Article 8§4 - Regulation of night work

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

4. *to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;*

The Committee takes note of the information contained in the report submitted by Lithuania.
It notes that there have been no changes to the situation which it has previously found to be in conformity with Article 8§4 of the Charter: pursuant to Articles 154(4) and 278(10) of the Labour Code, pregnant women, women who have recently given birth and nursing women may only be assigned to night work with their consent. If they do not consent to it, and upon presentation of a medical certificate that such work would affect their safety and health, they are entitled to be transferred to day-time work. Where, for objective reasons, such transferral is not possible, they shall be granted a paid leave on the basis of their average salary until they go on maternity leave, or a child-care leave until the child is one year old. As regards the rules applicable to night-work, the Committee refers to its finding of conformity under Article 2§7 (Conclusions 2014, Lithuania). It notes from the report that this legal framework also covers women employed in the public sector.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 8§4 of the Charter.

Aswers from the Government

Article 37 (8) of the Law on Safety and Health at Work of the Republic of Lithuania stipulates that pregnant women, women who have recently given birth, women who breastfeed, may be assigned to night work 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 there is no possibility 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.

Article 8§5 - Prohibition of dangerous, unhealthy or arduous work

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

5. *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.*

The Committee takes note of the information contained in the report submitted by Lithuania.

The report confirms, in response to the Committee's question, that the relevant rules applying to women employed in the private sector, also apply to women employed in the public sector.
In particular, Article 278(1) of the Labour Code prohibits the employment of pregnant women, women who have recently given birth and women who are nursing in conditions which may be dangerous for the health of the mother or the child. The Committee previously noted that the list of hazardous conditions and dangerous factors prohibited for these women was drawn up by the Government and included a prohibition, for pregnant and nursing women, as well as women having recently given birth, to perform underground mining work (Conclusions 2005, Conclusions 2011). The Committee also noted that this list also explicitly prohibits the employment of the women concerned in occupations involving exposure to certain substances or materials, such as benzene or lead, as well as exposure to certain work processes. According to the report, there have been no substantial changes in this respect. The Committee asks nevertheless the next report to provide updated information on the list detailing the hazardous conditions of work and dangerous factors for which specific protection rules exist in favour of women who are pregnant, have recently given birth or are nursing. It asks in particular to specify what restrictions apply in respect of the employment of these categories of women in occupations involving exposure to lead, benzene, ionizing radiation, high temperatures, vibration or viral agents.
The employer must assess the nature and duration of the occupational risks which might affect the safety and health of employees who have recently given birth or are nursing (Article 278(2) of the Labour Code) and must eliminate such risks. If this is not possible, the employer must ensure that employees who have recently given birth or are nursing are not exposed to risks, either by adapting their working conditions or transferring them to another post (Article 278(3) of the Labour Code), without loss of pay (Article 278(4) of the Labour Code).
When no transfer is technically possible, pregnant employees must be granted a leave, paid at the level of their average salary, until the beginning of their maternity leave (Article 278(5) of the Labour Code). In the case of employees who have recently given birth or are nursing, Article 278(6) of the Labour Code provides for up to one year leave, paid as prescribed by the law. In response to the Committee's request for clarifications on this point, the report explains that the women concerned are entitled to take a child care leave until their child is one year old. The benefit paid in such case corresponds to 100% of the compensated wage during the first year of life of the child (or, upon the concerned parent's choice, 70% of the wage for the first year and 40% of the wage during the second year) and is subject to a ceiling, up to 3.2 times the national average insured income set by the Government for the year during which the leave began. In 2010 and 2011 such insured income was LTL 1,170 (€339), in 2012 and 2013 it was LTL 1,488 (€430).

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 8§5 of the Charter.

Aswers from the Government

Article 37 of the Law on Safety and Health at Work of the Republic of Lithuania stipulates that pregnant or breast-feeding worker or a worker who has recently given birth must be provided with safe and healthy conditions of work. Where the elimination of dangerous factors is impossible, the employer shall implement measures to adjust the working conditions so that exposure of a worker 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 worker (upon her consent) to another job (working place) in the enterprise, establishment or organisation. Having been transferred to another job (working place) in the enterprise, establishment or organisation, the pregnant worker, the worker who has recently given birth or the breast-feeding worker shall be paid not less than her average pay she received before being transferred to another job (working place). If transferring a pregnant worker to another job (working place) where her and her expected child's exposure to risks could be avoided is not technically feasible, the pregnant worker 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 worker who has recently given birth or a breast-feeding worker after her maternity leave to another job (working place), where her or her child's exposure to risks could be avoided, the worker shall, upon her consent, be granted leave until her child is 1 year of age and shall be paid for the period maternity insurance contributions prescribed by law.

The Government of the Republic of Lithuania on 21 June 2017 adopted Resolution No 469 On the Approval of the Description of work conditions of pregnant or breast-feeding workers or a worker who has recently given birth, with determines the provisions for assessment of harmful working conditions and risk factors for pregnant workers and who have recently given birth, occupational risk assessment and information on working conditions, sates the list of forbidden works for pregnant or breast-feeding workers, the list of hazardous working conditions and dangerous factors for pregnant workers, workers who have recently given birth or breast-feeding.

Article 11 - Right to protection of health

Article 11§2 - Advisory and educational facilities

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia:

2. *to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;*

In application of the reporting system adopted by the Committee of Ministers at the 1996th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information provided by Lithuania in response to the conclusion that it had not been established that prevention through screening was used as a contribution to the health of the population (Conclusions 2013, Lithuania).

The Committee recalls that there should be screening, preferably systematic, for all the diseases that constitute the principal causes of death (Conclusions 2005, Republic of Moldova). The Committee has ruled that "where it has proved to be an effective means of prevention, screening must be used to the full" (Conclusions XV-2 (2001), Belgium).

The report indicates that there are currently five national screening programmes in Lithuania: four cancer screening programmes (for cervical cancer, breast cancer, prostate cancer and colorectal cancer) and one programme for cardiovascular screening. The screening programmes are financed by the National Health Insurance Fund (NHIF).

The cervical cancer screening programme started as a nationwide programme in 2004. The target group of this programme is women between 25 and 60 years of age. There are about 887,447 women in the target population. The screening interval is 3 years.
Screening for breast cancer (mammography) was introduced at national level in 2005 and aims at women between 50-69 years. The programme includes information about the value of mammography and an invitation for screening, then examination. There are about 432,957 women in the target population. Each woman is offered screening once every two years.
The colorectal cancer screening programme was initiated in the two largest regions of Lithuania – Vilnius and Kaunas districts – in 2009 as a pilot project and in 2012 implementation of the programme was extended to another two regions – Klaipeda and Siauliai. It targets individuals 50–75 years of age for biannual checks.
The prostate cancer screening programme was begun in 2006. Aimed at men between 50-75 years, the programme includes information about the early diagnosis of prostate cancer and PSA detection service, specialist-urologist consultation and prostate biopsy service. There are about 395,265 men in the target population.
Finally, the cardiovascular screening programme began in 2006 and is aimed at men between 40-55 years and women between 50-65 years belonging to a high risk group in respect of cardiovascular diseases. Screening is performed once a year.
The Committee notes that in 2011, the Ministry of Health and the NHIF organised research in order to evaluate the effectiveness of the screening programmes. The programmes were evaluated according to how they met WHO parallel programming principles, pre-established performance evaluation criteria, targets and the cost-effectiveness criteria and taking into account experiences of other countries. According to the report, the evaluation confirmed the positive effect of these programmes. It also notes that the screening programmes are supervised on a continuous basis by national-level coordinating committees, consisting of pathologists, specialised doctors, GPs, epidemiologists and representatives from NHIF and the Ministry of Health, for example with a view to making any necessary changes to the guidelines for the screening programmes.
The Committee asks that the next report contain up-dated information on coverage rates (number of persons screened from the target population and on the impact of the screening programmes (impact on early diagnosis rates, survival rates, etc.).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 11§2 of the Charter as regards prevention through screening.

Aswers from the Government

There are currently five national screening programs in Lithuania: four cancer screening programs (for cervical cancer, breast cancer, prostate cancer and colorectal cancer) and one program for cardiovascular screening. The screening programs are financed by the National Health Insurance Fund (NHIF).
The cervical cancer screening program started as a nationwide program in 2004. The target group of this program is women between 25 and 60 years of age. There were about 702 654 women in the target population in 2017. The screening interval is 3 years. The coverage rate (number of persons screened from the target population) was 40,4% in 2017. Since the beginning of the program, more cases of cancer are detected at an early stage every year.

Screening for breast cancer (mammography) was introduced at national level in 2005 and aims at women between 50-69 years. The program includes information about the value of mammography and an invitation for screening, then examination. There were about 424 616 women in the target population in 2017. Every two years all women aged. 50–69 years are offered screening for breast cancer. The coverage rate (number of persons screened from the target population) was 40,4% in 2017. Since the beginning of the program, more cases of cancer are detected at an early stage every year.
The colorectal cancer screening program was initiated in the two largest regions of Lithuania – Vilnius and Kaunas districts – in 2009 as a pilot project and in 2012 implementation of the program was extended to another two regions – Klaipeda and Siauliai, and from 2013-2014 – Panevezys, Taurage, Alytus, Telsiai, Marijampole, Utena regions. Since 2014, this program has been implemented at a national level. It targets individuals 50–74 years of age for biannual checks. There was about 884 299 individuals in the target population in 2017. According to the data of 2016 coverage rate of the colorectal cancer screening program was 48,7%.
The prostate cancer screening program was begun in 2006. Aimed at men between 50-69 years, and men over 45 years of age if their parents or brothers suffered from prostate cancer. The programme includes information about the early diagnosis of prostate cancer and PAS detection service, specialist-urologist consultation and prostate biopsy service. The screening interval was every 2 years, and since 1 of July, 2017 – every 2 or every 5 years (depends on the results of PAS). There were about 335 523 men in the target population in 2017. The coverage rate (number of persons screened from the target population) was 29% in 2017.
Finally, the cardiovascular screening program began in 2006 and is aimed at men between 40-54 years and women between 50-64 years belonging to a high risk group in respect of cardiovascular diseases. Screening performed once a year. There were about 621 016 individuals in the target population in 2017. The coverage rate (number of persons screened from the target population) was 42,7% in 2017.

Article 16 - Right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

The Committee takes note of the information contained in the report submitted by Lithuania.

Social protection of families
Housing for families
Lithuania has accepted Article 31 of the Charter on the right to housing. As all aspects of housing of families covered by Article 16 are also covered by Article 31, for states that have accepted both articles, the Committee refers to Article 31 on matters relating to the housing of families.

Childcare facilities
The Committee notes that as Lithuania has accepted Article 27 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

Family counselling services

The report indicates that non-governmental organisations provide complex services to families, including individual psychological, social and legal consultations, psychological education group sessions for spouses, formation on parental skills, etc. In this regard, in 2012, the Ministry of Social Security and Labour implemented the measure "Financing of the Projects of Non-Governmental Organisations Working in the Area of Family Welfare", which aimed at promoting the establishment of an independent and viable family based on mutual assistance and responsibility of family members and providing assistance in overcoming divorce crises. In 2013, 21 project implementers organised 5,603 different events for families, engaged couples and individual persons.

Participation of associations representing families

The Committee refers to its previous conclusion (Conclusions 2011) for an overall description of the situation, which it found to be in conformity with the Charter.

It notes that for the period 2010-2013, the Communities Affairs Division of the Family and Communities Department of the Ministry of Social Security and Labour organised annual open grant competitions for NGOs mostly working in the area of local communities.

Legal protection of families

Rights and obligations of spouses

The Committee notes that the report provides no information on this issue. The latest information at its disposal dates back to 2006. It therefore asks the next report to provide a full and up-to-date description of the rights and obligations of spouses.

The Committee recalls that spouses must be equal, particularly in respect of rights and duties within the couple (reciprocal responsibility, ownership, administration and use of property, etc.) (Conclusions XVI-1 (2002), United Kingdom) and children (parental authority, management of children's property). It also states that in cases of family breakdown, Article 16 requires the provision of legal arrangements to settle marital conflicts and, in particular, conflicts relating to children: care and maintenance, custody and access to children.

Mediation services

In its previous conclusion (Conclusions 2011) the Committee asked for information on access to mediation services, whether they are free of charge, how they are distributed across the country and how effective they are. The Committee considers that under Article 16 of the Charter, the legal protection of the family includes the availability of mediation services whose object should be to avoid the deterioration of family conflicts. To be in conformity with Article 16, these services must be easily accessible to all families. In particular families must not be dissuaded from availing of such services for financial reasons. If these services are free of charge, this constitutes an adequate measure to this end. Otherwise a possibility of access for families when needed should be provided.

The report provides no reply. The Committee therefore reiterates its request. Should the next report fail to provide the requested information there will be nothing to show that the situation is in conformity with the Charter in this respect.

Domestic violence against women

On the legislative framework, the Committee notes the adoption on 26 May 2011 of the Law on Protection against Domestic Violence, which defines the concept of domestic violence, establishes the rights and liabilities of subjects of domestic violence, implements preventive and protective measures and provides for assistance in the event of domestic violence. The

Law lays out that violence shall incur criminal liability. It also provides that a police officer, who records a case of domestic violence, is obliged to take immediate measures to protect the abused person and to initiate an investigation without submission of an official complaint. Thus, perpetrators can be subject by court decision to immediate measures, such as removal from home as well as prohibition to approach the victim.
In practice, the Committee notes the operation since 2012 of the network of specialised assistance centres "SAC", which are administered by NGOs. Such centres operate in all municipalities and provide complex assistance to victims of violence. The centres receive a report from police officers then contact the victim. The report indicates that in 2013 SACs provided assistance to more than 5,000 victims of domestic violence. The Committee takes also note of the drafting of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims 2014-2020. It asks the next report to indicate the outcomes of this Programme. Finally, it takes note of public awareness raising activities.

Economic protection of families
Family benefits
According to Eurostat data, the monthly median equivalised income in 2013 was €391. According to MISSOC, in 2013, the monthly amounts of child benefit were:

- €28 for each child raised in a family and who is between 0 and 2 years old, if the monthly income per family member is less than 1.5 times the amount of the State Supported Income ("SSI"), i.e. €152;
- €15 for each child raised in a family and who is between 2 and 7 years old (or between 2 and 18 years old in families raising three or more children), if the monthly income per family member is less than 1.5 times the amount of the SSI, i.e. €152.

Child benefit represented a percentage of the monthly median equivalised income as follows: 7.15% for a child between 0 and 2 years old; 3.8% for each child raised in a family and who is between 2 and 7 years old (or between 2 and 18 years old in families raising three or more children).
The Committee considers that, in order to comply with Article 16, child benefit must constitute an adequate income supplement, which is the case when it represents an adequate percentage of the monthly median equivalised income. On the basis of the figures indicated, the Committee considers that the situation is not in conformity on the ground that family benefits are not of an adequate level for a significant number of families.

Vulnerable families
The Committee asked in its previous conclusion (Conclusions 2011) what measures are taken to ensure the economic protection of Roma families. The report provides no information in this respect. The Committee reiterates its request. Should the next report fail to provide the requested information there will be nothing to show that the situation is in conformity with the Charter.

Equal treatment of foreign nationals and stateless persons with regard to family benefits
The Committee found in its previous conclusion (Conclusions 2011) that the situation was not in conformity with the Charter on the ground that, with regard to the payment of family benefits, equal treatment of nationals of other States Parties to the 1961 Charter or the Charter was not ensured due to an excessive length of residence requirement.
The report indicates that the personal scope of the Law on Child Benefit was amended in 2013. It now applies as follows:

- persons who reside permanently in Lithuania;

- aliens who reside in Lithuania and who, have been appointed guardians of a child who is a citizen of Lithuania, and alien children who reside in Lithuania and who, have been placed under guardianship in Lithuania;
- aliens who have been issued a temporary residence permit for the purpose of highly qualified employment;
- persons to whom the Law on Child Benefit must apply under the EU regulations on the coordination of social security systems.

The Committee notes that outside the reference period, the personal scope of the Law on Child Benefit was enlarged to include third-country nationals with temporary permit to reside and who have been authorised to work, who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed, except for third-country nationals who have been admitted for study purposes.
The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 16 of the Charter on the grounds that:

- family benefits are not of an adequate level for a significant number of families;
- equal treatment of nationals of other States Parties with regard to the payment of family benefits is not ensured due to an excessive length of residence requirement.

Answers from the Government

Mediation services
A new mode of social pedagogical help – mediation was defined in the national legislation.
Programme for qualification improvement of social pedagogues "Mediation in educational institutions: concept and practical application of mediation" was accredited in 2017. In the 4th quarter of 2017, National Centre for Special Needs Education and Psychology (NCSNEP) trained 20 lecturers for programme implementation at the national level.

In order to support families raising children and reduce child poverty on 5 December 2017 the main amendments to the Law on Benefits to Children were adopted (the amendments came into force on 1 January 2018):
Child benefit amounting to 0.79 Basic social benefit (EUR 30.02) should be paid for every child from birth to the age of 18 years and over, if he / she is studying under the general education curriculum, but not longer, until he reaches the age of 21, without regard to a family income.
For low income families raising one or two children and families raising three or more children child benefit should be paid additionally:
Child benefit amounting to 0.75 Basic social benefit (EUR 28.5) should be paid:
- to children from birth to the age of two years, if the family is raising one or two children and the average family's income per person per month of the previous calendar year does not exceed 1.5 amounts of State supported income (EUR 183);
- to children from birth to the age of two years, if the family is raising three and more children (without regard to family income).

Child benefit amounting to 0.4 Basic social benefit (EUR 15.2) should be paid:

- to children from two to 18 years of age (to 21 years if person studies according to the general education curriculum), if the family is raising one or two children and the average family's income per person per month does not exceed 1.5 amounts of State supported income (EUR 183);
- to children from two to 18 years of age (to 21 years if person studies according to the general education curriculum), if the family is raising three and more children (without regard to family income).
Universal child benefit is paid for all children without regard to family income. For low income families raising one or two children and families raising three or more children child benefit should be paid additionally.
It should be noted, that in order to support families raising children and reduce child poverty, it is planned that since 1 January 2019 to raise child benefit amount from 0.79 Basic social benefit (EUR 30.02) to 1.32 Basic social benefit (EUR 50.16).

State guaranteed cash social assistance, including family benefits, is consistently provided with regard to the national social and economic development and financial capacity of the state.
It should be noted, that persons are entitled to social assistance, including family benefits, are not necessarily that they have to be permanent residents in the Republic of Lithuania.
Law on Benefits to Children (2017, No. XIII-822) is applied to persons who live in the Republic of Lithuania:
1) citizens of the Republic of Lithuania;
2) aliens holding a permit of a long-term resident of the Republic of Lithuania to reside in the European Community;
3) aliens who are appointed as guardians (foster carers) of a child, being a citizen of the Republic of Lithuania, and to children being aliens who are placed under guardianship (foster care) in the Republic of Lithuania or the execution of whose guardianship (foster care) is taken over by a competent authority of the Republic of Lithuania;
4) aliens with temporary permit to reside in the Republic of Lithuania for the purposes of highly qualified employment;
5) aliens with temporary permit to reside and work in the Republic of Lithuania and who are in employment or who have been employed for a minimum period of six months and who are registered as unemployed except nationals who have been admitted for the purpose of study;
6) person subject to this Law in accordance with the European Union social security coordination regulations;
7) citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members who has been issued the documents granting or confirming the right of residence in the Republic of Lithuania and who live in the Republic of Lithuania not less than three months. Requirement to live not less three months in the Republic of Lithuania is not applied for citizens of a member state of the European Union or a member state of the European Free Trade Association in the European Economic Area or their family members (since 1 October 2016);
8) aliens with temporary permit to reside in the Republic of Lithuania in the framework of an intra-corporate transfer (since 1 June 2017);
9) aliens who are granted asylum in the Republic of Lithuania (since 1 October 2017).
Nationals of other States Parties are treated equally as citizens of the Republic of Lithuania because all of them must comply with the same requirements stated by the Law on Benefits to Children. The Law does not contain provisions stipulating that family benefits may be reduced due to the reason that a recipient is an alien or a stateless person.

Seeking to transpose the provisions of directives of the European Parliament and of the Council, a list of beneficiaries has been expanded:
1. In order to transfer the provisions of Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (OL 2014 L 128, p. 8) in to the national statute of law, the Law Amending the Articles 1, 2, 5, 6, 8, 12, 20 of the Law on Benefits for Children of the Republic of Lithuania No.: I-621 and its Annex came into force on 1 October 2016. A new family benefits group was incorporated – the employee-citizens of the member state of the European Union or the member state of European Free Trade Association belonging to the European Economic Area, as well as self-employed persons and their family members, to whom a child's benefit, lump-sum benefit for a child, lump-sum benefit for a pregnant woman, benefit, if more than one child is born in one time and benefit for the maintenance of learning or studying child is allocated and paid. This way, the aforementioned groups have the same conditions as the citizens of the Republic of Lithuania to receive the mentioned benefits and the compatibility of the statutes of law of the European Union with national law is ensured.
2. In order to transfer the provisions of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OL 2014 L 157, p. 1), the Law Amending the Articles 1 and 2 of the Law on Benefits for Children of the Republic of Lithuania No.: I-621 and its Annex came into force on 1 June 2017. A new family benefits group was also incorporated in it – third countries citizens, for whom temporary residence permit was issued as for the employees transferred within the company for a no shorter period than 9 months, to whom a child's benefit, lump-sum benefit for a child and benefit for the maintenance of learning or studying child is allocated and paid. This way, the aforementioned group have the same conditions as the citizens of the Republic of Lithuania to receive the mentioned benefits and the compatibility of the statutes of law of the European Union with national law is ensured.
3. In order to strengthen social integration and unify the conditions for aliens having refugee status or additional protection to receive state granted aid, the Law Amending the Articles 1 and 4 of the Law on Benefits for Children of the Republic of Lithuania No.: I-621 came into force on 1 October 2017. A new group of persons was incorporated in it – aliens, for whom the refugee status was granted in the Republic of Lithuania, to whom a child's benefit, lump-sum benefit for a child, lump-sum benefit for a pregnant woman, benefit, if more than one child is born in one time and benefit for the maintenance of learning or studying child is allocated and paid. This way, the aforementioned groups have the same conditions as the citizens of the Republic of Lithuania to receive the mentioned benefits and the compatibility of the statutes of law of the European Union with national law is ensured.

Vulnerable families
Under the measure "Integrated Services for Families" the following services were organised, coordinated and provided to families and individuals: positive parenting training, psychosocial assistance, development of family skills and sociocultural services, mediation services, childcare, transportation services according to individual family (person's) needs and contributing to family (person's) empowerment and enhancement, crisis resolution, family and life reconciliation, reduction of social exclusion; information, consulting of target group (families and individuals) about services for families available, inclusion into activities, measures, information of target groups about other relevant services available in the municipality. The measure received funding of EUR 21,16 million from ESF and the state budget for its implementation. Integrated services targeted about 15 000 persons.

The Project "Let's work together the Roma – new employment opportunities and challenges" *is implemented in accordance with the Measure No. 08.3.1-ESFA-V-412 "Social Integration of Roma" of the Priority 8 "Increasing Social Inclusion and Combating Poverty" within the framework of the Operational Programme for European Union Funds Investments for 2014-2020.*

The goal of the project is to provide Roma with labour market integration services in order to avoid their social exclusion.

The project is implemented by the Public Institution Roma Community Centre together with five other NGOs. The project commenced on 21 July 2016 and is scheduled to be completed by 20 July 2020.

Applicants (operators) and partners of draft measures implemented through state project planning are specified in national strategic documents. In the present case, this refers to the Action Plan for the Integration of Roma into Lithuanian Society for 2015-2020, approved by the Order No. ĮV-48 "On the Approval of the Action Plan for the Integration of Roma into Lithuanian Society for 2015-2020" (hereinafter referred to as the Plan) of 29 January 2015. The Plan determines the measure "Providing labour market integration services for Roma people in order to avoid their social exclusion", which states that it must be implemented by the Public Institution Roma Community Centre, in collaboration with the Lithuanian Gypsy Association "Gypsy Fire", the Lithuanian Roma Community, the Association "Roma Integration House", the Roma Integration Centre, and the Šalčininkai District Unit of the Lithuanian Gypsy Association "Gypsy Fire". Institutions responsible for the implementation of the Measure are organisations working in the area of the social integration of Roma and the representation of their interests.

The Project is implemented within the territory of operation of the project operator and partners (Jonava District, Panevėžys City, Šalčininkai District, Šiauliai City, Varėna District, and Vilnius District), which is also the territory inhabited by the greatest number of socially excluded Roma. The project was allocated with 868,860 Eur from EU structural funds.

Monitoring indicators achieved from the commencement of the project until the middle of the 1st quarter of 2018 are as follows:

- *237 Roma individuals took part in the project activities (as compared to 300 specified in the plan);*
- *After taking part in the project activities, 17.3 percent of Roma individuals started to search for a job, to study, or to work (as compared to 40 percent specified in the plan).*

The following activities are implemented as part of the project:

1. The development of social and job skills

1.1. Individual or group motivation, assessment of individual needs, development of social and job skills, and support and restoration: Group formation and presentation of project benefits; Consultations with a social worker; Consultations with a lawyer.

1.2. Sociocultural services: Sports activities in Eišiškės; Sports activities in Vilnius; Traditional Roma music festival for young people; Public event in Vilnius; Exhibition of embroidery done by Roma women; Gender equality training; Assurance of activities for the empowerment of Roma women; Women's club.

2. Development of job skills and assistance with gaining employment

2.1. Development of general skills (e.g., digital literacy, language proficiency, entrepreneurship): Lithuanian language courses; English language courses; Digital literacy courses; B-category driving courses; C–CE category driving courses; Communication and public speaking courses.

2.2. Professional orientation, information, and consultation: Professional orientation sessions in groups; Individual career consultations.
2.3. Professional training and development of practical job skills on site: Professional training; Courses of traditional rug making and embroidery of traditional Roma clothing; Mentoring services; Training for Roma musicians to increase their qualifications; Employment of vocational teachers.
2.4. Mediation and other types of assistance with gaining employment and afterwards

The Project "Integration of national minorities' representatives into the labour market" *is implemented in accordance with the Measure No. 07.3.4-ESFA-V-426 "Combating Discrimination" of the Priority 7 "Promotion of Quality Employment and Participation in the Labour Market" " within the framework of the Operational Programme for European Union Funds Investments for 2014-2020. The goal of the project is to promote the integration of national minorities' representatives into the labour market. The project is implemented by the Department of National Minorities under the Government of the Republic of Lithuania two partners: Public Institution "The House of National Communities" and Public Institution "The National Institute for Social Integration". The project commenced on 22 January 2018 and is scheduled to be completed by 22 January 2021. The project was allocated with 312,211.14 Eur from EU structural funds.*
The following activities were scheduled as part of the project:
1. Establishment of a methodology for the monitoring of the national minorities' integration into the labour market.
2. Organisation of courses on national minorities and their cultural characteristics in accordance with examples of best practices in the labour market: media monitoring, media barometer.
3. Activities designed to strenghten intercultural dialogue and tolerance: citizenship and ethnic communities in Lithuania: factors of coordination; promotion of entrepreneurship and pro-active behaviours in young people living in intercultural environments, and the development of tolerance through volunteering.
4. Dissemination of good practices of non-discrimination in the labour market among national minorities by invoking ambassadors of integration.
5. Dissemination of information on labour market opportunities.
Targeted monitoring indicators for the project: the participation of 895 individuals in the events designed to promote gender equality and the reduction of discrimination in the labour market.

Regarding the Rights and Obligations of Spouses
In Article 3.3 Part 1 of the Civil Code of the Republic of Lithuania (hereinafter called – the CC) it is determined, that in the Republic of Lithuania the legal regulation of family relationships shall be based on the principles of monogamy, voluntary marriage, equality of spouses, priority of protecting and safeguarding the rights and interests of children, up-bringing of children in the family, comprehensive protection of motherhood and other principles of the legal regulation of civil relationships. By following Article 3.26 Part 2 of the CC, spouses shall have equal rights and equal civil liability in respect of each other and their children in matters related to the formation, duration and termination of their marriage. Article 3.27 determines that the spouses must be loyal to and respect each other; they must support each other morally and financially and contribute toward the common needs of the family or the needs of the other spouse in proportion to their respective capabilities. Where

due to objective reasons one of the spouses is unable to make a sufficient contribution toward the common needs of the family, the other spouse must do that in accordance with his or her abilities. In accordance to Article 3.30 of the CC, spouses must maintain and bring up their children of minor age, care for their education and health, ensure the child's right to personal life, inviolability of his or her personality and freedom, the child's property, social and other rights laid down in the domestic and international law. Article 3.33 of the CC envisages that where the spouses are unable to agree as to the performance of their duties or the exercise of their rights, either of them shall have a right to apply to the court for the resolution of their dispute. In its efforts to resolve the dispute the court shall take measures for the reconciliation of the spouses. The court must decide on the dispute of the spouses by taking account of the interests of their children of minor age and the interests of the family as a whole.

By following Articles 3.81 and 3.82 of the CC, statutory and contractual legal regime of the property of spouses is distinguished. Where the spouses have not made a marriage contract, their property shall be subject to the statutory regime. When making a marriage contract, the spouses shall have a right to determine their matrimonial regime as they think fit, however, provisions of a marriage contract inconsistent with good morality or public order shall be null and void (Article 3.83 of the CC).

By following Articles 3.87 and 3.88 of the CC, under the legal regime the property acquired by the spouses after the commencement of their marriage shall be their joint community property. The property of spouses constitute their joint community property until their separation as to property or until the extinguishment of the joint community property rights in some other way. In accordance to Article 3.88 of the CC, joint community property shall be: 1) property acquired after the formation of marriage in the name of one or both of the spouses; 2) the income and fruits collected from the individual property of a spouse; 3) income derived from the joint activities of the spouses, and income derived from the activities of one of the spouses except for the funds required for that spouse's occupation; 4) an enterprise and the income derived from the operations of the enterprise or any other business provided that the spouses took up such business activities after the commencement of the marriage. Where the enterprise was owned by one of the spouses before the marriage, the joint community property shall include the income derived from the operations of the enterprise or any other business and the increase of the enterprise (business) after the formation of the marriage; 5) income from the work or intellectual activities, dividends, pensions, benefits or other payments collected by both spouses or one of them after the commencement of the marriage except for payments received for specific purposes (such as damages for moral or corporal injury, support, allowance or other benefits paid specifically to only one of the spouses, etc.). All property shall be presumed to be joint community property unless it is established that it is the individual property of one of them. Both spouses must be registered as the owners of the joint community property in the public register. Where the property is registered in the name of one of the spouses, it shall be considered to be joint community property provided it is registered as joint community property. On divorce, a spouse shall have the right to claim one half of the funds accumulated in a private pension fund from the joint financial sources of the spouses.

In accordance to Article 3.92 of the CC, joint community property shall be used, managed and disposed of by the mutual agreement of the spouses. The consent of the other spouse shall not be required for: 1) the acceptance or rejection of succession to estate; 2) the refusal to enter a contract; 3) urgent measures to protect the community property; 4) bringing an action

to protect the joint community property; 5) bringing an action to protect one's rights related to community property or one's personal rights unrelated to the interests of the family. When making transactions a spouse shall be presumed to have the consent of the other spouse except in cases where entering into a transaction requires the written consent of the other spouse. In exceptional cases where delay would cause serious damage to the interests of the family while the other spouse is unable to express his or her will because of illness or some other objective reasons, a spouse may enter into a transaction without the consent of the other spouse in accordance with the procedure laid down in Paragraph 2 Article 3.32 hereof. Transactions related to the disposal or encumbrance of a jointly co-owned immovable or the rights to it, also transactions on the alienation of a jointly co-owned enterprise or securities or the encumbrance of the rights to them may be made only by both spouses except where one of the spouses has been given the power of attorney by the other spouse to enter into such a transaction.

In accordance to Article 3.109 of the CC, The following obligations shall be discharged from the community property of spouses: 1) obligations related to the encumbrances of property acquired in co-ownership that existed at the time of acquisition or were created later; 2) obligations related to the costs of managing community property; 3) obligations related to the maintenance of the household; 4) obligations related to legal expenses where the action is related to community property or the interests of the family; 5) obligations arising from transactions made by one of the spouses with the consent of the other spouse or ratified by the latter subsequently as well as obligations arising from transactions for which no consent of the other spouse was required provided that the transactions were made in the interests of the family; 6) joint and several obligations of the spouses. Either spouse shall have a right to enter into transactions necessary to maintain the family and to secure the upbringing and education of the children. Both spouses shall be jointly and severally liable for the obligations arising from such transactions whatever their matrimonial regime may be except in cases where the price of the transactions is clearly too high and unreasonable. Joint and several liability of the spouses shall not be created where one of the spouses takes a loan or acquires goods under credit purchase, which is not necessary for the needs of the family, without the consent of the other spouse. In creating and discharging obligations related to the needs of the family, the spouses shall be as prudent and careful as in creating and discharging their own personal obligations.

Regarding the Duties of Parents to their Children

In accordance to Article 3.155 of the CC, the parents shall have a right and a duty to properly educate and bring up their children, care for their health and, having regard to their physical and mental state, to create favorable conditions for their full and harmonious development so that the child should be ready for an independent life in society. By following Article 3.156 of the CC, the father and the mother shall have equal rights and duties in respect of their children. Parents shall have equal rights and duties by their children irrespective of whether the child was born to a married or unmarried couple, after divorce or judicial nullity of the marriage or separation. In accordance to Article 3.165 of the CC, Parents shall have a right and duty to bring up their children; they shall be responsible for their children's education and development, their health and spiritual and moral guidance. All questions related to the education of their children parents shall decide by mutual agreement. In the event of the lack of agreement, the disputed matter shall be resolved by the court.

In accordance to Article 3.169 of the CC, where the parents are separated, the child's residence shall be decided by the mutual agreement of the parents. In the event of a dispute over the child's residence, the child's residence shall be determined by a residence order awarded by the court in favor of one of the parents. In accordance to Article 3.170 of the CC, the father or the mother who lives separately from the child shall have a right to have contact with the child and be involved in the child's education. A child whose parents are separated shall have a right to have constant and direct contact with both the parents irrespective of their residence. Where the parents cannot agree as to the involvement of the separated father or mother in the education of and association with the child, the procedure of the separated parent's association with the child and involvement in the child's education shall be determined by the court. The father or the mother with whom the child resides may not interfere with the other parent's contacts with the child or involvement in the child's education. The non-performance of this obligation is deemed abuse of parental power, for which the father (the mother) is held accountable in accordance to the procedure established in the laws. Article 3.185 Part 2 of the CC establishes that the parents shall manage the property that belongs to their underage child by mutual agreement. In the event of a dispute over the management of the child's property, either parent may petition for a judicial order establishing the procedure for the management of the property. Article 3.192 of the CC enshrines the duty of the parents to provide maintenance for their underage children. The procedure and form of maintenance shall be determined by the mutual agreement of the parents. The amount for maintenance must be commensurate with the needs of the children and the financial situation of their parents; it must ensure the existence of conditions necessary for the child's development. Both parents must provide maintenance to their underage children in accordance with their financial situation.

Regarding the Rights and Obligations of the Persons after the Dissolution of Marriage

By following Article 3.53 of the CC, when the marriage is dissolved by mutual consent of the spouses, while granting a divorce decree, the court shall approve the contract of the spouses as to the consequences of divorce providing for the maintenance payments for the children of minor age and each other, the residence of their minor children, their participation in the education of their children and their other property rights and duties. The content of the contract shall be incorporated in the judgement of divorce. In case there is an essential change in the circumstances (illness of one of the former spouses, incapacity for work, etc.), the former spouses or one of them may petition the court to reconsider the terms and conditions of their contract as to the consequences of divorce. When the marriage is dissolved on an application of one of the spouses, in granting a divorce the court must resolve matters relating to the residence and maintenance of the minor children, the maintenance of one of the spouses, adjustment of the community property of the spouses, except in cases where the property has been adjusted by the mutual agreement of the spouses certified in the notarial procedure (Article 3.59 of the CC). By following Article 3.62 Part 3 of the CC, the court must settle the same issues when the marriage is dissolved on the basis of the fault of one of the spouses.

Regarding mediation services

The Law on Conciliatory Mediation in Civil Disputes, which was adopted on 15 July 2008, in Lithuania regulates mediation (conciliatory mediation of civil disputes). The Law determined the main conditions for mediation of civil disputes and the legal consequences of its

application. This Law is implementing the provisions of Directive 2008/52 /EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters implemented in the Republic of Lithuania. Other legal acts may provide for peculiarities of conciliatory mediation in civil disputes of specific categories (Article 1 Part 6 of the Law on Conciliatory Mediation in Civil Disputes). There are certain procedural means envisaged in the Law on Conciliatory Mediation in Civil Disputes by which conciliatory mediation (mediation) in the civil process is incited. For example, Article 8 Part 1 of the aforementioned Law establishes that upon commencement of conciliatory mediation, reduced periods of limitation shall be suspended; Article 3 Part 3 envisages that a court hearing a civil case may suggest to parties to a dispute that they attempt resolving the dispute by way of conciliatory mediation. If the parties to the dispute accept the court's suggestion, the court shall adjourn the case.

By following Article 10 Part 2 of the Law on Conciliatory Mediation in Civil Disputes, extrajudicial conciliatory mediation services ensured by the State may be provided in the cases and in the accordance with the procedure laid down by the law. In 2013, a new wording of the Law on State-Guaranteed Legal Aid (hereinafter called – the LSGLA), which came into force on 1 January 2014. This wording created conditions to apply conciliatory mediation (mediation) in the area of state-guaranteed legal aid. The provisions of the LSGLA regarding the application of mediation in the area of state-guaranteed legal aid came into force on 1 July 2014. The state ensured extrajudicial conciliatory mediation is a constituent part of the state-guaranteed legal aid. In accordance to Article 11 Part 3 of the LSGLA, the conciliatory mediation may be commenced when at least one party of the dispute in accordance to this law has the right to receive secondary legal aid and a decision is adopted to provide secondary legal aid to it. In these cases, conciliatory mediation for the parties is free-of-charge. In accordance to Article 26 Part 1 of the LSGLA, the lawyer providing secondary legal aid, after evaluating the specific circumstances of the dispute, in the course of which the lawyer provides secondary legal aid, may initiate the solving of the dispute by conciliatory mediation and propose to the State-Guaranteed Legal Aid Office to adopt a decision regarding the commencement of conciliatory mediation.

Article 231 Part 1 of the Code on Civil Procedure of the Republic of Lithuania (hereinafter called – the CPC) provides a reference to the conciliatory mediation (judicial mediation). It is indicated in this part, after the essence of the dispute is identified in a preliminary session, the court shall offer both parties to come to a mutually acceptable compromise agreement and to close the case in a peaceful settlement. The court shall take-up means to reconcile the parties. On the request or agreement of the parties and in accordance to the procedure established by the Council of Judges, a judicial conciliatory mediation (judicial mediation) may be commenced.

In order to incite judicial mediation, the Council of Judges on 26 September 2014 affirmed the Rules of Judicial Mediation (26 September 2014 Resolution No.: 13P-122-(7.1.2) of the Council of Judges "Regarding the Affirmation of the Rules of Judicial Mediation"), the Schedule Procedure of Granting and Repealing of the Status of the Judicial Mediator (26 September 2014 Resolution No.: 13P-124-(7.1.2) of the Council of Judges "Regarding the Affirmation of the Schedule Procedure of Granting and Repealing of the Status of the Judicial Mediator") and the Regulations of Judicial Mediation Commission (26 September 2014 Resolution No.: 13P-123-(7.1.2) "Regarding the Affirmation of the Regulations of Judicial Mediation Commission"), which came into force on 1 January 2015. Furthermore, the Judicial Mediation Commission, which replaced the pilot judicial mediation project

implementation coordination and evaluation of its results work group, began its activity on 31 October 2014 by the Resolution No.: 13P-133-(7.1.2) "Regarding the Formation of Judicial Mediation Commission" of the Council of Judges. Currently, judicial mediation is present in each general competence courts in civil cases (thus, family cases as well). Judicial mediation is free-of-charge for the parties.

The Parliament of the Republic of Lithuania on 29 June 2017 adopted the Amendment Law No.: XIII-534, which amends Law on Conciliatory Mediation in Civil Disputes of the Republic of Lithuania No.: X-1702 (hereinafter called the Law on Mediation) and the Law No.: XIII-535, which amends Articles 65, 80, 93, 135, 142, 147, 177, 189, 225, 231 of the Civil Procedure Code of the Republic of Lithuania and supplements the Code with Articles 231^1, 231^2. These Laws shall come into force on 1 January 2019 (provisions of the Laws regarding compulsory mediation – 1 January 2020).

The purposes of the Laws is to incite the development of mediation in civil disputes, ensure the quality of mediation services, motivate peaceful settlement of disputes, lessen the burden of the courts, save the funds of private persons and state budget, which are allocated to the resolution of disputes in the court.

The new wording of the Law on Mediation envisages:

1. The requirements for providing mediation services. Only the persons listed in the List of Mediators of the Republic of Lithuania will be able to provide mediation services; the mediators will have to abide the European Code of Conduct for Mediators; the mediators will have to continuously increase their qualification and submit the documents proving this; the requirement of impartiality and the duty, on the request of the parties to the dispute, to provide information about his/hers education are applied to the mediators.

2. The List of Mediators of the Republic of Lithuania. The purposes of concluding the List of Mediators – to ensure that all of the persons included in to the List would have the required qualification to provide mediation services; to inform the persons about mediation services providers; that the State-Guaranteed Legal Aid Office (hereinafter called – the Office) would conclude and manage of the List of Mediators; the National Courts Administration would manage the List of Judges, which are granted the status of the mediator, and transfer the appropriate data to the Office; that the List of Mediators would be announced on the website of the Office.

3. The securing of compulsory mediation and its peculiarities. There are proposals to establish compulsory mediation, which the parties should use prior to applying to the court, in family disputes; in any other civil case, the judge could direct the parties towards compulsory judicial mediation when there is a big possibility of amicable dispute resolution. Nevertheless, the Law on Mediation envisages that any party of the dispute may withdraw from mediation without stating the reasons. Furthermore, the mediator must inform the parties of the dispute and cancel the mediation, if a peaceful settlement, which could be reached by the parties of the dispute, in the opinion of the mediator and having regard to the circumstances of the dispute and the competence of the mediator will not be fulfilled or will be illegal, or, if the mediator acknowledges that there is little possibility that the dispute shall be solved amicably, if the mediation is continued.

4. The peculiarities of judicial mediation. On the statutory level, the procedure of transferring the cases for judicial mediation and the procedure of applying judicial mediation will be regulated (currently, this is regulated by the Rules of Judicial Mediation); the judges, who are mediators, would commence judicial mediation and, upon necessity, other mediators from the List of Mediators.

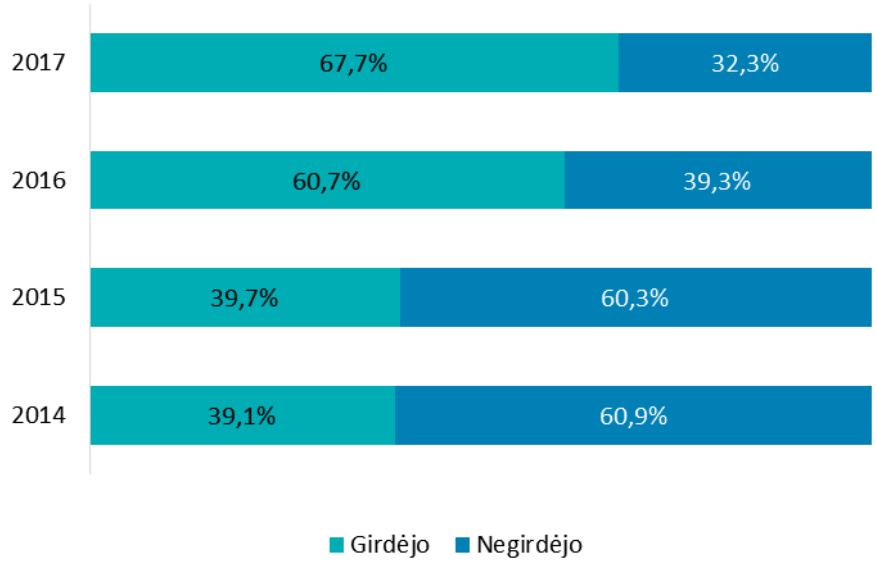
5. The payment for compulsory and judicial mediation services. The services of compulsory and judicial mediation will be paid for from the funds of the state budget (up to four hours) when the Office will choose a mediator from the List of Mediators; furthermore one hour for preparation for mediation and one hour for recording the results of mediation (concluding a peaceful settlement agreement) will be paid for from the funds of the state budget.
6. Disciplinary actions of the mediators. If the mediator infringes the requirements of the Law on Mediation, European Code of Conduct for Mediators or other statutes of law, which regulate the provision of mediation services, persons would be able to submit complaints (reports) to the Mediators Activity Evaluation Commission; this Commission will have the right to submit a warning, public warning to the Mediator and adopt a decision to strike the mediator out from the List of Mediators.
7. Stamp duty exemptions. By applying to the court after extrajudicial mediation, 75 percent of the stamp duty, but no less than 5 euros should be paid; the exemption would not be applied, if the court determines that the party used mediation unfairly.
It is expected that the application of mediation in civil disputes will lessen the workload of the courts and other civil cases will be heard more quickly.
In order to implement practical means of mediation development, the Ministry of Justice together with its partners (the State-Guaranteed Legal Aid Office, National Courts Administration, State Enterprise Center of Registers) participates in the project, which is financed from the structural funds of the European Union, for the development of mediation system. The main activities of the project: 1) to prepare the qualification exam program of the mediators; 2) to organize training for mediators; 3) to organize training for judges, cognitive visits and conference in the area of civil dispute mediation; 4) to organize the qualification exam of the mediators; 5) to create the List of Mediators; 6) to outfit proper premises in which mediation would be carried-out; 7) implement the complete set of means of informing about the mediation.

Regarding domestic violence against women

According to the data provided by the Market and public opinion research "Domestic violence", population rate that was affected by domestic violence reduced from 29 percent in 2016 to 12,3 percent in 2017.

There is a growing number of people who believe that violence is unjustifiable - 92% of people participated in the research believe that domestic violence is unwarranted. It should be said that implementation of the Law on Protection against Domestic Violence and the various preventive actions that are carried out are changing the public opinion and people attitude.

Persentage of people that were aware of institutions that provides specialised assistance for victims of domestic violence

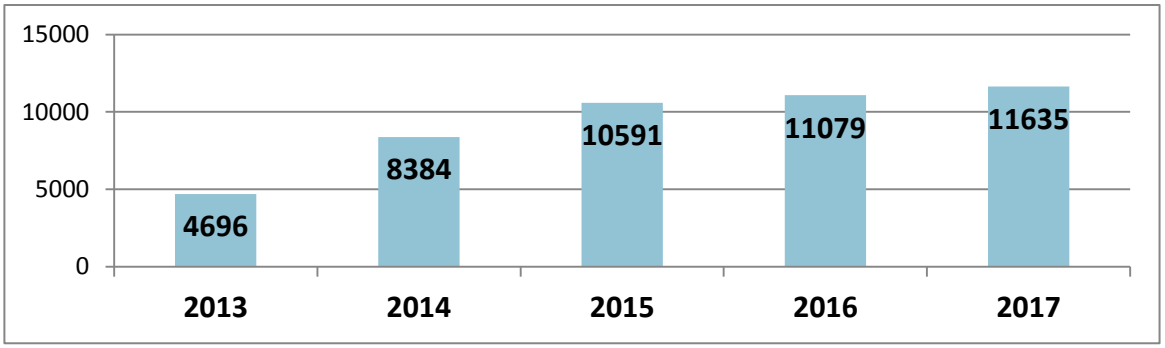


By implementing awareness raising measures and funding of NGOs activities it is aimed to inform society about about manifestations of domestic violence, prevention measures and assistance to victims of violence. These measuers help to increase public awareness regarding domestic violence and more and more people are aware of the possibilities of assistance in the case of domestic violence.

Ensuring the effective functioning of the Specialised Assistance Centers (hereinafter refered to as SACs) provides an opportunity to receive specialised integrated assistance for more people affected by domestic violence. In 2017 specialised integrated assistance was provided for 11 635 victims of domestic violence (of which 9,3 t. women, 1,6 t. men, over 600 children, 507 persons with disabilities). Specialised assistance is provided by the NGOs. In 2017 740 thousand euros have been allocated from the State's budget for the funging of the NGOs activities in this regard.

The total amount of victims received assistance by SACs is increasing each year. Victims ask for help more courageously, because they expect a better understanding, therefore domestic violece is less likely to be hided from acquaintances and society (is less latent), resulting in greater assistance opportunities.

Victims of domestic violence that have received specialised integrated asisstance in 2013-2016



Seeking to improve the quality of provided assistance the competence of specialists who porvide integrated specialised assistance and carry out prevention have been further increased. Trainings were provided for over 100 of various specialists (procecutors, investigators, specialists of the rights of the child in the municipalities, specialists of SACs, social workers, police officers).
Activities targeted for persons that seeks to refuse violent behaviour were carried out. 8 NGOs that provide assistance to perpetrators were funded from the State's budget and assistance was provided for 389 persons. An international campaign "16 Days Against Violence" was held, various other events, in which more than 28 thousand participants attended were organised.

Article 17 - Right of children and young persons to social, legal and economic protection

Article 17§1 - Assistance, education and training
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;

The Committee takes note of the information contained in the report submitted by Lithuania.

The legal status of the child
The Committee notes that there have been no changes to the situation which it has previously found not to be in conformity with the Charter.

Protection from ill-treatment and abuse
In its previous conclusion (Conclusions 2011) the Committee found that the situation was not in conformity with the Charter as corporal punishment was not explicitly prohibited in the home, in schools and in institutions.

According to the report, corporal punishment was set to be explicitly prohibited by a new law on Child Protection, to amend the Act on the Fundamentals of Protection of the Rights of the Child. The draft Law was under preparation and available online since summer 2012 for consultation of civil society. Section 45 of the draft Law provided an extensive definition of child protection from violence, stating that the child shall be educated, trained and disciplined without violence and with respect for dignity.
However, according to the report, it was decided not to adopt a new law, but to amend the current Act.
The amendment of the current Act on the Fundamentals of Protection of the Rights of the Child has been prepared, according to which Section 43 (2) will establish administrative or criminal liability for the demonstration of physical or mental violence against children. The amendment is approved by all relevant national institutions and, according to the report, will be presented to the Government and the Parliament for the adoption. The Committee wishes to be kept informed of these developments.
In the meantime, the Committee notes from the Global Initiative to End Corporal Punishment of Children that prohibition is still to be achieved in the home, alternative care settings, day care, schools and penal institutions.
The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Prohibition of corporal punishment in the home, in schools and in institutions does not have a precise legal basis.

Rights of children in public care
According to the report, 2% of children are deprived of parental care. Despite the intensive work carried out with families at risk and providing assitance to children in such families, according to the report, many children are still separated from their parents.
The Committee notes that at the end of 2013 10,146 children were placed under guardianship. There are three forms of guardianship: a family (5,906 children placed), a social family (419 children) and institutions (3,821 children). The Committee notes that children under 10 years of age are mostly placed in families and social families while the majority of children placed under guardianship in an institution are 10-14 years and 15-17 years old.
The Committee notes from the report that the number of children placed in an institution has been consistently falling every year. In 2013 there were as few as 14 cases only.
In its previous conclusion the Committee asked about the criteria for restriction of custody or parental rights and about the procedural safeguards that existed to ensure that children were removed from their families only in exceptional circumstances. The Committee notes that the report does not provide this information. It holds that if this information is not provided in the next report, there will be nothing to establish that the situation is in conformity.

The Committee also asks whether poor financial situation of a family may become a sole ground for restriction of parental rights.

Right to education
As regards the right to accessible and effective education, the Committee refers to its conclusion under Article 17§2.

Young offenders
The Committee notes from the Concluding observations of the Committee on the Rights of the Child (UN-CRC) on the combined third and fourth periodic reports of Lithuania (2013) that under the ongoing process of court reform, a number of judges will be specialised in

juvenile justice. The Committee also notes that some prosecutors are already specialised in juvenile justice and attend training and seminars on this issue.
The Committee asks for up-to-date figures on the number of young offenders in prison and in pre-trial detention facilities.
It also asks whether young offenders serving a prison sentence have a statutory right to education.

Right to assistance
The Committee recalls that Article 17 guarantees the right of children, including unaccompanied minors to care and assistance, including medical assistance (International Federation of Human Rights Leagues (FIDH) v. France, Complaint No. 14/2003, decision on the merits of September 2004, § 36). In fact, Article 17 concerns the assistance to be provided by the State where the minor is unaccompanied or if the parents are unable to provide such assistance.
States must take the necessary and appropriate measures to guarantee for the minors in question the care and assistance they need and to protect them from negligence, violence or exploitation, thereby posing a serious threat to the enjoyment of their most basic rights, such as the rights to life, to psychological and physical integrity and to respect for human dignity (Defence for Children International (DCI) v. Belgium, Complaint No. 69/2011, decision on the merits of 23 October 2012, §82).
The Committee asks what assistance is given to foreign children present in the territory in an irregular manner to protect them against negligence, violence or exploitation.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the ground that corporal punishment is not prohibited in the home, in schools and in institutions.

Answers from the Government

The Seimas of the Republic of Lithuania on 14 February 2017 adopted the amendment to the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child (hereinafter referred to as the Law) which defines violence against children as a direct or indirect intentional physical, psychological, sexual influence exerted on a child by an act or omission, disregard for the child's honour and dignity, or neglect resulting in the damage or danger to the child's life, health and development. The forms of violence against children are also defined. The Law defines child's neglect as one of the types of violence, i.e. constant deficit in meeting the child's basic physical, emotional and social needs or meeting them with negligence, thus causing damage or danger to the child's life, health and development. The Law also provides for the definition of physical punishment, i.e. any punishment when physical force is used to cause physical pain, even slight one, or to physically torture a child.
The Law provides for stricter liability of parents with respect to children: civil, administrative or criminal liability, established by laws, and prohibition of all forms of violence against children, including physical punishment, shall be applied to parents and other legal representatives of the child, who violate the child's rights, abuse their own rights (obligations), avoid or fail to fulfil their obligation to educate, teach, supervise, support the child, discipline the child by physical punishment or otherwise exert violence against the child.

The Support Centre for Child Victims of Sexual Abuse (hereinafter referred to as the Centre) was opened in Vilnius on 3 June 2016. Lithuania currently guarantees the possibility for every child that was determined as a victim of sexual abuse to receive necessary integrated assistance in a child-conducive (friendly) environment. The Centre concentrates all services necessary for the child victim of sexual abuse and his/her family members in one place. The Centre provides integrated assistance to the child and his/her family members: psychological, social, legal, medical, also conducts the child's psychological evaluation, carries out the questioning, and medical examination.

In 2016, seeking smooth interinstitutional cooperation, the Guidelines on Provision of Integrated Assistance to Child Victims of Sexual Exploitation (hereinafter referred to as the "Guidelines") were drafted. The Guidelines aim at helping Lithuanian institutions responsible for the child's wellbeing, health, law enforcement and protection of rights, to more efficiently implement functions related to the protection of the rights of the child and the child's representation in criminal proceedings in order to protect the child's rights and legitimate interests. Pursuant to the Guidelines, a child-conducive (friendly) environment is defined as a safe environment corresponding to the child's rights and interests, having evaluated the child's individual needs, age and having ensured communication corresponding to the child's maturity.

Seeking to reduce the spread of violence against children, the Ministry of Social Security and Labour implemented measures of the Action Plan on Child Welfare 2016–2018. In 2017, a tender for the selection of projects targeted at organisation of the provision of integrated services to child victims of violence and victims (witnesses) of indirect domestic violence and their family members was organised for the purpose of supporting the activities of non-governmental organisations. 12 NGOs received co-funding for carrying out their activities. In 2017, qualified specialists working in these organisations provided integrated assistance to 711 children and 844 their family members while implementing the projects (844 children and 683 family members in 2016). According to the data provided by the Social support information system, 5254 children potentially suffered from violence in 2017 (2 559 children in 2016, 1 999 children in 2015).

Number of foster children (0-17 years old), 2014-2017

Data provided by the Ministry of Social Security and Labour and Statistics Lithuania

	2014	*2015*	*2016*	*2017*
In foster families	*5681*	*5493*	*5477*	*5602*
In families (family care homes)	*441*	*447*	*449*	*427*
In child care institutions	*3467*	*3258*	*3138*	*2797*

Juveniles (aged 14–17 years old) incarcerated in imprisonment institutions at the end of the year

Data provided by the Prison Department under the Ministry of Justice of the Republic of Lithuania

	2014	*2015*	*2016*	*2017*
Total	*84*	*85*	*58*	*51*
Pre-trial detainees	*34*	*27*	*17*	*16*
Convicts	*50*	*58*	*41*	*35*

Currently, 49 male juveniles and 3 female juveniles are serving time in custodial institutions. The general education of the arrested and sentenced persons is being organized in

accordance to the provisions of Article 41 of the Law on Enforcement of Arrest of the Republic of Lithuania, Article 147 of the Code of Enforcement of Punishments of the Republic of Lithuania and 14 January Government of the Republic of Lithuania Decree No.: 30 "Regarding the Organizing of General Education and Vocational Training of Arrested and Sentenced Persons".

The Seimas of the Republic of Lithuania adopted amendments to the Law on Education (No. XII-2685) on 18 October 2016, in which:
bullying and cyber-bullying, terms of preventive programme are defined, i.e. these terms are defined as follows in the law:
Violence – as defined in the Law on Protection against Violence in a Close (Family) Environment of the Republic of Lithuania. Two forms of violence are distinguished in the afore-mentioned law:
1) bullying – repeated intentional acts of a person or a group of persons with psychological or physical dominance to the other person, in order to impair the victim's reputation or dignity, insult, hurt or otherwise cause psychological or physical damage to him/her;
2) bullying in online environment – bullying coming from the other person by using information technology and/or media of information society in order to intimidate the target, to impair his/her reputation or otherwise to humiliate him/her, irrespective whether the bullying information is sent personally or spread to indefinite number of recipients;

Prohibition of any form of violence is established: pupils against pupils, workers of educational institutions against pupils, pupils against workers of educational institutions, workers of educational institutions against workers of the same institution, parents (guardians, carers) pupils against pupils, teachers;
Provision of psychological help to pupils, teachers who were exposed to or exerted violence is stipulated;
Responsibility and actions of school head in case of violence (report, assurance of psychological help);
Qualification improvement for pedagogical staff is stipulated at least every four years in the field of development social emotional competences of pupils;
Duty to ensure participation of every pupil in the preventive programme is established;
Duty of schools to carry out prevention of violence and bullying following the recommendations approved by the Minister of Education and Science is stipulated.

Introduction and financing of violence and bullying preventive programmes in general education schools.
Over 20 preventive programmes in various fields are offered for schools.
Preventive programmes in the fields of violence, bullying, psychoactive substance consumption, sexual assault, conflicts are financed from the EU funds.
During the project implementation period (until 2020), over 1000 schools (approx. 650 schools in which not a single violence and bullying preventive programme was implemented, and another 400 schools with the preventive programmes already implemented) are planned to be included into the project activities. The programme received funding of EUR 4.02 million EU funds until 2020.

Schools already trained to implement violence and bullying preventive programmes account for 56.3 per cent, while 730 schools (62.8 per cent) already implemented at least one preventive programme (data of 2016).

The Poll of schools regarding implementation of preventive programmes was conducted in the end of 2017. 53 municipalities indicated that all educational institutions are implementing preventive programmes. Following assessment of the poll results, schools which are not implementing a preventive programme will be included into the EU project and their chosen programmes will be granted financing. The need of all respondent schools to implement chosen preventive programmes will be satisfied and financed from the EU funds.

Financial possibilities for schools and municipalities themselves to buy services of preventive programme implementation were developed.
The Methodology of calculation and distribution of pupil's basket amended in 2017 stipulates the possibility for municipalities to assign 6–7 per cent of the pupil's basket funds allocated to them for payment for preventive programme implementation services following the procedure established by them, for schools accordingly, pupil's basket funds assigned to them, schools can use to pay for services related with preventive programme implementation.

General educational plans establish the right for school to use lessons intended for satisfaction of pupil's educational needs, provision of learning assistance for implementation of preventive programme. School can also use hours intended for non-formal children education for preventive programme implementation. Upon making a decision, a school can use time intended for prolongation of educational period duration for implementation of preventive programmes.

Schools are given specific recommendations regarding creation of safe teaching/learning environment (Recommendations on violence prevention implementation in schools: Order No. V–190 of the Minister of Education and Science of 22 March 2017). Specific steps in creating safe environment at school are described. Specific algorithm of response to violence and bullying is given, necessary agreements on pupils' conduct norms, responsibilities of school workers for response to bullying and violence are specified, specific steps in creating positive microclimate at school, actively including parents are defined. School head is responsible for implementation of the recommendations.

Availability of psychological help services at schools is being increased. The Ministry of Education and Science allocated EUR 139 900 for increasing availability of psychologist's services in 18 municipalities (i.e. for municipalities with the worst situation – psychologist's services were not provided at all or were inadequate at schools).
Municipalities can decide on the mode of psychological help provision according to the need: by establishing posts at schools, in psychological pedagogical services (PPS) or by buying psychological help services.
Training for members of the child's welfare commissions (CWC) at schools in the field of identification of violence in a close family environment and help provision (in 2017, 446 CWC members attended training, 15 seminars were organised in different regions of Lithuania.
Recommendations on criteria of identification of violence in a close family environment and actions to be taken if potential violence in close environment is suspected were developed for schools. Practical application of the criteria will be included into the training content of CWC members from schools.
Recommendations on crisis management at schools have been developed and approved (08–03–2018).

Education of young offenders is organised according to the procedures for the organization of general education and vocational education and training of the persons arrested and convicted.

Article17§2 - Free primary and secondary education - regular attendance at school

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:

2. *to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.*

The Committee takes note of the information contained in the report submitted by Lithuania.
In its previous conclusion (Conclusions 2011) the Committee wished to be provided with statistics regarding enrolment, attendance and drop-out rates in compulsory education as well as measures taken with regard to the prevention of drop-outs and absenteeism.
The Committee notes from the UNESCO Institute of Statistics that in 2012 there were 3,095 children out of school in secondary and 2,465 in primary schools. The net enrolment rate in the primary schools stood at 95,8% in 2011 and 98% in the secondary school.
The Committee requests that each national report provide undated statistics regarding the enrolment as well as drop-out rates.
Under Article 17§2 all hidden costs such as books or uniforms must be reasonable, and assistance must be available to limit their impact on the most vulnerable population groups so as not to undermine the goal being pursued (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 82/2012, decision on the merits of 19 March 2013, §31).
The Committee asks whether such assistance is provided to vulnerable groups.
The Committee further recalls that access to education is crucial for every child's life and development. The denial of access to education will exacerbate the vulnerability of an unlawfully present child. Therefore, children, whatever their residence status, come within the personal scope of Article 17§2. Furthermore, the Committee considers that a child, from whom access to education has been denied, sustains consequences thereof in his or her life. The Committee, therefore, holds that states parties are required, under Article 17§2 of the Charter, to ensure that children unlawfully present in their territory have effective access to education in keeping with any other child (Statement of interpretation on Article 17§2, Conclusions 2011).
The Committee asks whether unlawfully present children have a right to education.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 17§2 of the Charter.

Answers from the Government

Article 19 of the Law on Education establishes provision of psychological assistance aimed at strengthening children's psychological resistance and mental health, through preventive measures to promote creation of safe and education-friendly environment at school, to help

schoolchildren to restore their mental harmony, ability to live and study, through active cooperation with their parents (guardians, carers).
Article 20 of the Law on Education establishes provision of social pedagogical assistance aimed at helping parents (guardians, carers) to ensure that child's right to education is exercised to ensure their safety at school.
According to the Law on Education (article 24) the State take measures that in Lithuania each child studies according to pre-primary, primary, basic, secondary education curricula.
Education at general education schools is provided for children of foreigners who have come to live or work in the Republic, foreign minors who received temporary protection in the Republic of Lithuania, unaccompanied foreign minors, regardless of their legal status in the territory of the Republic of Lithuania.

Article 19 - Right of migrant workers and their families to protection and assistance

Article 19§1 - Assistance and information on migration

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. *to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Migration trends

Lithuania is primarily a country of origin for migration. According to official figures provided in the report the population of Lithuania decreased from 3,483,972 in 2001 to 3,043,429 in 2011. The greatest proportional decrease was of Latvian nationals (31.5%), however the most significant outflows were of Lithuanians (345,979, 11.9% decrease), Poles (34,672, 14.8% decrease) and Russians (42,876, 19.5% decrease).
Immigration to the country suffered a reduction during the economic crisis period, but has since returned to previous levels. The total number of permits issued for third country nationals to work in the Republic of Lithuania between 2010 and 2013 was 14,798. There was a steady increase in the number each year, rising from 1,808 in 2010 to 5,036 in 2013.

Change in policy and the legal framework

The Constitution and many laws of the Republic of Lithuania governing various social relations stipulate the constitutional principle of equality of all individuals before the law.
In 2012, after adoption of the Law on Amending Articles and Annex of the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette *Valstybės žinios*, 2012, No. 85-4450), Council Directive 2009/50/EC of 25 May 2009 on the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment was transposed into the Lithuanian Law.

Free services and information for migrant workers

Updated information on employment regulatory issues and labour mobility (legislation, applicable rules, formalities and procedures for EU nationals and non-EU nationals, living and working conditions, etc.) is available on the Lithuanian Labour Exchange website: (http://www.ldb.lt/en)

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres. The Committee asks that the next report provide details of any other services providing information for migrant workers.
There is no information contained within the report on measures taken to provide information to emigrants. The Committee asks what services and assistance are available to workers wishing to leave Lithuania.

Measures against misleading propaganda relating to emigration and immigration
The Committee asked in its previous conclusion (Conclusions 2011) to be informed of the implementation of the National Anti-Discrimination Programme 2009-2011.
The report states that the Ministry of Social Security and Labour coordinated the implementation of the National Anti-discrimination Programme for 2009–2011. The purpose of this Programme was to increase mutual understanding and tolerance, to raise public awareness of manifestations of discrimination in Lithuania and its negative impact on opportunities for certain groups of society.
The Ministry of Social Security and Labour, the Ministry of Education and Science, the Ministry of Justice, the Ministry of Culture, the Ministry of the Interior, the Office of Equal Opportunities Ombudsperson and the Prosecutor General's Office contributed to the implementation of the Programme. When implementing the measures of the Programme, training in equal opportunities and non-discrimination was organised for employees of different institutions, civil servants, police officers and judges; discussions were held with non-governmental organisations concerned with the protection of human rights; an advertising campaign against multiple discrimination was conducted; a programme of non-formal education for target groups on tolerance and respect for a human being was drawn up; and statistics on criminal acts committed in hatred on the grounds of race, nationality, religion, language or sexual orientation were regularly released. Events promoting tolerance and knowledge of other cultures were also organised; methodical recommendations on conducting the pre-trial investigation of criminal acts committed on racial, nationalist, xenophobic, homophobic or other discriminatory grounds were produced; and research with regard to tolerance of different social groups by children aged 3 to 12 and possible manifestations of discrimination in comprehensive schools was carried out.
The report states that the Government approved the Inter-institutional Action Plan to Promote Non-discrimination for 2012–2014. The purpose is to continue the progress of the previous action plan in implementing the policy of equal opportunities. The Ministry of Social Security and Labour is the coordinator of the implementation of the Plan. The Committee notes from the Conclusions of the European Commission against Racism and Intolerance (ECRI) (adopted 2014) that 9 training seminars were completed in 2012. The Ministry has also formed a working group for drafting the Inter-institutional Action Plan for Promotion of Non-discrimination 2015–2017. The Committee asks that the next report provide complete and up to date information on the implementation of these action plans, including examples of the initiatives carried out.
At the end of 2014, the survey of the change of public attitudes and discrimination causes and the analysis of results was performed. The Committee asks for the next report to provide its results and any other relevant data and information concerning the success of these action plans.
The Committee notes from the fourth report of ECRI (adopted 2011) that the Equal Opportunities Ombudsman exists to raise awareness and investigate incidents of discrimination. Since 2008 its mandate has included grounds such as race, ethnic origin and

religion, national origin, language, convictions and social status. The Committee asks that the next report provide information on the activities of the Ombudsman.
The Committee recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information. It considers that in order to combat misleading propaganda, there must be effective organs to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere.
The Committee notes from the abovementioned report of ECRI that the Parliament has a code of ethics and has set-up a Permanent Commission of Ethics (the Commission) which can review MP's allegedly unethical behaviour, including racist speech. Violations of the code are made public and the Commission may sanction the MP involved.
Furthermore, the Committee also notes the existence of the Inspector of Journalists' Ethics, who can react to racist and misleading comments in the media, and has the power to issue warnings to editors of offending content, and to impose fines. The Committee asks that the next report provide further information concerning the Inspector of Journalists' Ethics.
The Committee recalls that States have an obligation to take measures or undertake programmes to prevent the dissemination of false information to departing nationals, as well as to prevent the misinformation of foreigners wishing to enter the country. Authorities should take action in this area as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia). The Committee asks for complete and up-to-date information on any measures taken to target illegal immigration and in particular, trafficking in human beings.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 19§1 of the Charter.

Answers from the Government

Although the Law on Amending Articles and the Law of the Republic of Lithuania on the Legal Status of Aliens is in force, the Law on Equal Treatment of the Republic of Lithuania also applies which prohibits direct and indirect discrimination, harassment, and instruction to discriminate against the sex, race, nationality, citizenship, language, origin, social status, religion, convictions or beliefs, age, sexual orientation, disability, ethnicity, religion.

In accordance with the Law on Equal Treatment of the Republic of Lithuania the non-discrimination action plans are implemented.
In 2011–2016, the Ministry of Social Security and Labour coordinated the Interinstitutional Action Plan for Promotion of Non-discrimination (hereinafter referred to as the "Plan"). The purpose of this Plan was to ensure the implementation of educational measures of non-discrimination promotion and equal opportunities, raise legal consciousness, increase mutual understanding and tolerance on the grounds of gender, race, nationality, language, origin, social status, faith, convictions or views, age, sexual orientation, disability, ethnicity and religion, raise public awareness of manifestations of discrimination in Lithuania and its negative impact on opportunities for certain groups of society to actively participate in social

activities under equal conditions. While implementing the Plan in 2016, trainings and educational events on the issues of integration in society and ensuring equal opportunities were organised, activities promoting the establishment of representatives of national minorities in the labour market and cross-cultural knowledge as well as giving meaning to the cultural heritage of national minorities and immigrants were implemented, social advertising on non-discrimination was created and displayed on public transport, and other activities were carried out. Besides the Ministry of Social Security and Labour, other public institutions (the Ministry of Education and Science, the Ministry of Justice, the Department of National Minorities under the Government of the Republic of Lithuania, the Office of the Equal Opportunities Ombudsperson, etc.) also participated in the implementation of measures. After the Government of the Republic of Lithuania decided that the Plan and its measures should be approved by the order of the Minister of Social Security and Labour, the Action Plan for Promotion of Non-discrimination 2017–2019 was drafted and in 2017 it came into force. It consists of 21 educational measures. The measures envisaged in the Plan will be implemented by the Ministry of Social Security and Labour and several subordinate bodies, the Ministry of Education and Science, the Office of the Equal Opportunities Ombudsperson, the Department of National Minorities under the Government of the Republic of Lithuania, the Ministry of Foreign Affairs, the Ministry of Justice, and the Police Department under the Ministry of the Interior.

The Action Plan for Promotion of Non-discrimination 2017–2019 provides for 1.3. measure "raising public awareness on equal opportunities and non-discrimination issues", which is a general instrument that helps to inform the public about the importance of equal opportunities, non-discrimination and respect for human beings in all areas of life, promoting tolerance in general and in other people, regardless of their race, social gender, nationality, citizenship, language, origin, religion, convictions or beliefs, age, sexual orientation, disability, ethnicity, religion. By implementing this measure in 2017-2018 a social advertisement was shown in public transport which promotes tolerance and fights with stereotypes in society, highlights the constitutional provision that states that the human rights can not be restricted and granted to a person on the basis of person's gender, race, nationality, language, origin, social status, religion, beliefs or views. Social advertisement was shown in 3 the most major Lithuanian cities including the capital for 8 days. During this time the social advertisement was shown more than 320 000 times.

The measure 1.5. of the Action Plan for Promotion of Non-discrimination 2017–2019 is set up to carry out activities promoting intercultural knowledge and awareness of the cultural heritage of national minorities and immigrants. 2 video films were organized about the creation of services for the Lithuanian emigrants of ethnic minorities of the twentieth century. Also an exhibition "Lithuania Created Together" (in lithuanian „Lietuvą kūrėme kartu“) was prepared. That was a traveling exhibition presented in Lithuanian schools, libraries, multicultural centers. The main objective is to mark the 100th anniversary of the restoration of Lithuania to the public with the national and ethnic communities of Lithuania and their role in creating the state of Lithuania in defense of Lithuania's freedom and independence.

Measure 1.6. of the Action Plan for Promotion of Non-discrimination 2017–2019 provides for information campaigns on initiatives for the integration of foreigners, the promotion of diversity and the promotion of intercultural dialogue. Implementation of this measure is intended to carry out activities aimed at tolerance, activities aimed at promoting intercultural dialogue, involving foreigners and Lithuanian society, organizing campaigns for the promotion of tolerance to foreigners, as well as for those receiving asylum. One of these

publicity campaigns - the project "Lithuanian Identity - Peoples Mosaic" (in lithuanian „Lietuvos identitetas – tautų mozaika“).

Measure 1.10. of the Action Plan for Promotion of Non-discrimination 2017–2019 is designed to organize public events to promote tolerance, awareness and interest in the culture, history and heritage of people of African descent. On 22-28 May 2017 The Africa Day Festival was held in Vilnius and Kaunas. The festival was organized annually by the Ministry of Foreign Affairs with the partners on the occasion of the International Africa Day, which is celebrated on 25 May all over the world. The Africa Day festival program consisted of the following events:

• an international conference "ICT4D in Africa" on the possibilities of Lithuanian business in the field of financial technology in Africa took place at the Ministry of Foreign Affairs;

• the opening of the Africa Days was held at the National Martynas Mažvydas Library, during which two exhibitions were presented - the works by the winners of the photo competition organized by the Ministry of Foreign Affairs "I am photographing Africa" and the books of African authors that were available to the library in the Lithuanian language;

• lectures were held: a lecture on South Sudan by a development co-operation journalist from Mexico Elva Narcia took place at the Vilnius University Journalism Institute; At the Open House of Lithuania there was a lecture and a discussion of (non) moral economic events not only in Africa but also in the world with the expert on global development dr. Jorge Wiegratz of the University of Leeds;

• Cultural events organized: watching movies about Africa, the photo exhibition "Window to Africa", the poetry in Africa theme; the Nigerian forum; the Africa Night 2017 concert; African tales to children were told.

The order of the Minister of Social Security and Labour of 31 December 2014 approved the Action Plan for the Implementation of Foreigners' Integration Policy 2015–2017. The measures of the plan are co-financed from the Asylum, Migration and Integration Fund (EUR 200 000 allocated in 2015; EUR 558 000 in 2016; EUR 542 000 in 2017) and the state budget of the Republic of Lithuania (EUR 5 000 in 2016 and 2017 each year). While implementing the Action Plan for the Implementation of Foreigners' Integration Policy 2015–2017, the following actions have been envisaged:

- provision of support to Migrant Counselling and Integration Centres (in Vilnius, Kaunas and Klaipėda), in which migrants may attend the courses of the Lithuanian language and the basics of the Constitution of the Republic of Lithuania, receive psychological, legal, representation, etc. services, as well as participate in training that facilitates their opportunities to find employment;

- preparation and dissemination of information on accessibility of integration services to foreigners in various institutions;

- improvement of foreigners' education measures, as well as legislation governing recognition of professional qualifications of foreigners;

- carrying out of information campaigns about foreigners' integration and organisation of various trainings and educational events;

- organisation of specialist training and promotion of interinstitutional cooperation;

- establishment of a consultative integration forum aimed at inviting representatives of foreigners' organisations, migration experts, representatives of non-governmental organisations and public bodies working in the field of migration to discuss foreigners' integration issues;

- monitoring of the implementation of foreigners' integration processes and policy.

Each year, seminars are organised for employees of state, municipal and non-governmental organisations, other institutions and agencies working in the field of social integration of foreigners granted asylum; various cultural events to encourage the knowledge of other cultures are also held.

It is also worth mentioning that the Action plan for the integration of foreigners into the society for the period of 2018-2020 (hereinafter referred to as the Action Plan) is under preparation. The goal of the Action Plan is to improve the functioning of the foreigners' integration system and ensure their successful integration into society. One of the goals of the Action Plan is to reduce discrimination against foreigners. 5 measures are foreseen to implement this goal: 1. to analyze the legal and practical problems related to family reunification and to prepare proposals for solving these problems; 2. carry out information campaigns to promote tolerance towards foreigners and initiatives to promote diversity and intercultural dialogue (such as articles, publications, television and radio broadcasts and / or other); 3. organizing training for staff providing education and health services aimed at improving intercultural competences and reducing stereotypes and developing respect for diversity and equality values; 4. create an information platform (website) which will provide and regularly update information on the issues of integration of foreigners in Lithuania and foreign countries relevant to specialists, society and foreigners; 5. educate society about the integration of foreigners in the economic and socio-cultural benefits to the state.

The Government of Lithuania has made a lot of efforts in simplifying employment procedures for migrant workers. After encountering the shortage of qualified labour by employers in recent years, the migration policy was evaluated as underemployed for business development in Lithuania. Therefore, the new legislation established more favourable immigration rules for foreigners, who create jobs in Lithuania or are specialists of the professions short in supply on the Lithuanian labour market. The adopted amendments simplified foreigners' employment procedures, facilitated conditions for employers to attract workers of the professions of short supply to the labour market.
The amendments allow employers to attract occupations in short supply to the labour market. Since 2017, Lithuania has two lists of occupations in short supply: List of Occupations Requiring High Professional Qualification as approved by the Government of the Republic of Lithuania (27 professions) and the list of occupations in short supply semi-annually approved by the director of the Lithuanian Labour Exchange that concerns working-class occupations (2017 second half year - 5 professions).
Since 2017, easier travel and employment conditions are provided to highly qualified professionals and their family members:
- a greater number of aliens qualifies for a temporary residence permit (Blue Card). Changes were made to the salary amount that an employer must undertake to pay to a highly qualified professional alien: the amount of salary payable by employers to highly qualified foreigner was changed, i.e. it was reduced from 2 down to 1.5 of the last average monthly gross salary in the national economy as published by the Statistics Lithuania.
- the period of issue of a temporary residence permit (Blue Card) is reduced for highly qualified professional aliens whose occupation is put on the List of High-Skilled Occupations in Short Supply without making a labour market test. The examination period of the application for a temporary residence permit also applies with regard to family members of highly qualified professional aliens;
The Government of the Republic of Lithuania approved the Procedure for Treating Professional Experience as Higher Education Qualification and Issuing of a Certifying Document. It allows for treating the occupation of an alien seeking job that requires high

professional qualification, which is not regulated in the Republic of Lithuania, and his 5 years professional experience as equivalent to higher education qualification and issuing a certifying document.
Easier access to the labour market is given to students – a work permit is neither required: - who have completed studies or training under vocational training programmes in Lithuania and intend to work according to the qualification acquired; - who studying at research and higher education institutions or registered with educational establishments and seek employment during their studies.
In 2017, the law amending the Law on Legal Status of Aliens of the Republic of Lithuania was adopted, which transposed the Directive 2014/36/EU on seasonal works into the national law. The purpose of this law is to ensure consistency of the provisions with the requirements of the European Union legislation.

In Lithuania EURES services are provided for migrant workers. EURES advisers are trained specialists who provide the three basic EURES services of information, guidance and placement, to both immigrants and emigrants interested in the lithuanian or european job market. EURES advisers in Lithuania provide information for migrant workers about living and working conditions, labour market situation, employment opportunities, social legislation, taxation, housing, living expenses, education, training opportunities, recognition of qualifications in Lithuania as well in other EU/EEE countries. Currently EURES advisers work in Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Alytus, Utena, Marijampolė, Telšiai and Tauragė Labour Exchange. More information can be found www.ldb.lt/eures.
Moreover, migration Information Centre "I Choose Lithuania" is a one-stop-shop for those who live abroad and are considering or have already begun the process of coming to live in Lithuania.
"I Choose Lithuania" employees, using the method of single point of contact, provide consultations to those Lithuanian migrants who are returning, those who are contemplating a return or anyone wishing to come to Lithuania. Migration information Centre provides information about education, the labor market, healthcare, foreign family member integration and other questions related to returning and living in Lithuania. More information can be found here: www.renkuosilietuva.lt/eng/

In 2014-2016, the number of aliens, who come here for work, further increased.
Based on the data of LLE (with work permits) and MD (with temporary residence permits), within a year approximately 10 thousand aliens came (in 2014, LLE issued 5.4 thousand of work permits, MD issued 4.1 thousand of temporary residence permits; in 2015, respectively – 6.9 and 5.0 thousand), then in 2016, this number was 19.2 thousand (12.6 thousand of work permits and 6.6 thousand of temporary residence permits).
However, a robust growth of incoming aliens was in 2017 when more liberal aliens' employment procedure came into force. It is to be highlighted, that after the change in legal regulation, in 2017, 40.4 thousand of aliens came to work.
On 11 July 2017, the Parliament of the Republic of Lithuania, in order to implement the Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (hereinafter called the Directive), adopted the Law (No.: XIII-618), which amends the Articles 2, 3, 4, 5, 6, 7, 8, 9, 11 and 13 of the Law on Equal Opportunities for Men and Women of the Republic of Lithuania No.: IX-1826 and its Annexes. In this amendment, the citizenship was included into the list of basis, according to which discrimination is prohibited. The supervision on how the Directive is being implemented was vested on the Equal Opportunities Ombudsperson. In accordance to the provisions of the

Directive, the citizenship is defined as the citizenship of the citizens and their family members of the member states of the European Union and of the European Economic Area. It is to note, that in accordance to the Law on Equal Opportunities for Men and Women, only the spouses and direct descendants are considered to be family members, however, partners are not included in to this definition (as they are included in the Directive). It is to note that the provisions of the Directive were transferred more broadly in to the national statutes of law than it is indicated in the Directive itself, and the protection against discrimination based on citizenship is applied in all areas, which are regulated by the Law on Equal Opportunities for Men and Women.

Until the coming into force of the indicated Law on Equal Opportunities for Men and Women on 25 July 2017, the complaints submitted by the citizens and their family members of the member states of the European Union and of the European Economic Area were reviewed as complaints regarding discrimination based on nationality or on origins. The amended legal regulation allowed to more precisely define the basis of discrimination and expanded the competence of the Ombudsperson to review the complaints regarding possible discrimination based on citizenship in those cases when there are no features of a possible discrimination based on nationality or origins.

In 2017, the Office received 2 complaints regarding possible discrimination based on citizenship. One complaint was found valid. This complaint was submitted regarding discrimination in the area of services. It corresponded to the nature of complaints, which during the period of 2014-2017 were submitted by the citizens of the European Union and determined as valid, regarding discrimination based on nationality. In the area of services, part of service providers refuse to acknowledge the permits to temporary reside in the Republic of Lithuania, which are issued to the citizens of the European Union, as sufficient documents proving the identity of the person and do not provide services in those cases when the identification is necessary to receive them. This issue is named in the 2015 report of the Equal Opportunities Ombudsperson.

The Law (No.: XII-2768) amending the Law on Equal Opportunities for Men and Women of the Republic of Lithuania No.: IX-1826 came into force from 1 January 2017. By this amendment, to the competence of the Equal Opportunities ombudsmen was allocated to conduct independent researches, which are associated with the cases of discrimination, and independent review of the status of discrimination, publish independent reports, submit conclusions and recommendations on any questions associated with discrimination regarding the implementation of this Law, as well as proposals to the state and municipal institutions and companies regarding the enhancement of the statutes of law and the priorities of implementing equal opportunities policy, carry-out preventive and educative activity and the spread of ensuring equal opportunities.

The Office receives the funds to carryout preventive and educative activities irregularly, which is why preventive and educative activities are often carried-out by implementing the projects given to the institutions and funds of the European Union.

The Office of the Inspector of Journalist Ethics informs the society in the area of the protection of human rights. The Inspector of Journalist Ethics reviews the complaints of interested persons regarding the infringement of their honor and dignity, the right to the protection of private life, data processing in the mass media, as well as carries-out other functions enshrined in the Law on the Provision of Information to the Public. In the context of the Report, it is to note, that the Inspector of Journalist Ethics has the authority to determine whether the public information published in mass media influences discord regarding age, sex, sexual orientation, ethnic dependency, race, nationality, citizenship, language, origins, social status, disability, belief, conviction, viewpoint or religion. When carrying-out this

function, the Inspector of Journalist Ethics submits conclusions in pre-trial investigations regarding the violations of Article 170 of the Criminal Code of the Republic of Lithuania (Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons).
Upon carrying-out the monitoring of public information in mass media, the Inspector of Journalist Ethics notices the trend of hate speech and hate inciting content migration from traditional media to social networks. By reacting to this very relevant issue of public space and the European Commission having coordinated the action plan regarding hate speech with a couple of largest IT companies (Facebook, Microsoft, Twitter and YouTube), the representative of the Office of the Inspector of Journalist Ethics in 2016 was appointed as national contact person of the Republic of Lithuania for cooperation with the mentioned IT companies. This is considered an essential change in the activity of the office of the Inspector of Journalist Ethics when fighting against internet content, which incites hate. In accordance to the code of conduct, which was signed by the European Commission and the largest IT companies, the IT companies after receiving a notice from the national contact person regarding the deletion of the content must within 24 hours evaluate it, delete it or eliminate the access to it.
It is to note that Lithuanian national contact person distinguishes himself/herself with pro-active actions, which is why by carrying-out the function of contact person with the largest IT companies, the Inspector of Journalist Ethics during the second half of 2017 663 times informed these companies about hate speech. It is to note that 98 percent of the indicate comments were removed. The access to 95 percent of comments having illegal content was disabled within no more than 24 hours, i.e., by following the provisions of the code of conduct signed by the European Commission and the largest IT companies.

Article 19§3 - Co-operation between social services of emigration and immigration states
With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

2. *to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;*

The Committee takes note of the information contained in the report submitted by Lithuania.
The Committee previously asked for information on the existence of public and private social services and their form of co-operation (Conclusions 2011).
The report states that the National Health Insurance Fund under the Ministry of Health (NHIF) is also involved into implementation of EU Regulations (EC) No. 883/2004 and 987/2009. The NHIF acts as liaison body and competent institution for benefits in kind in the field of sickness, accidents at work, occupational diseases and long term treatment.
Furthermore, it is stated that notwithstanding the fact that Lithuania has not concluded special agreements with foreign countries on cooperation in the field of compulsory health insurance, the NHIF actively exchanges information and shares its experience with foreign competent institutions.
The NHIF specialists also participated in development of the Lithuanian National Contact Point website and prepared information on migrant's right to get necessary and planned healthcare under conditions established by EU Regulations (EC) No. 883/2004 and 987/2009, as well as the right to get reimbursement of cross-border healthcare costs.
The Committee recalls that several bodies, the Overseas Benefits Service, the Lithuanian Labour Exchange Office and the State Patient Fund, co-operate with counterpart institutions in other countries in the areas of social insurance benefits, unemployment benefits and sickness benefits, respectively (Conclusions 2006).

The Committee previously noted that as far as state social security agencies are concerned, most of the co-operation activities developed by Lithuanian authorities are being implemented in compliance with EU Regulations No. 883/2004 and No. 987/2009 on the co-ordination of the EU Member States' social security systems. In this framework, during the period 2005 – 2009 a number of electronic forms were issued by the competent territorial labour exchange offices. The Foreign Benefit Office – operating within the State Social Insurance Fund Board under the Ministry of Social Security and Labour – implements the above-mentioned regulations as well as intergovernmental agreements in relation to migrant workers. In particular, it receives information about social security of migrants, provides it to the competent authorities of other countries and co-operates with similar institutions of foreign States as well as international organisations. As far as unemployment and sickness benefits are concerned the liaison bodies are, respectively, the Lithuanian Labour Exchange and the authorities dealing with the State patients' Fund (Conclusions 2011).
The Committee recalls that the co-operation required entails a wider range of social and human problems facing migrants and their families than social security (Conclusions VII, (1981), Ireland).
The Committee recalls that a number of agreements were concluded by the State Labour Inspectorate with similar offices in Poland (2005), Norway, Estonia and Latvia (2007). These agreements allowed exchange of information, experts/staff, expertise about the implementation of EU legislation and the organisation of a number of events concerning labour issues (Conclusions 2011). The Committee requests complete and up-to-date information on any such agreements in the field of social service provision for the purpose of assisting migrants.
The Committee stresses that the next report must provide information on international agreements or networks, and specific examples of cooperation (whether formal or informal) between the social services of Lithuania and other origin and destination countries.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 19§3 of the Charter.

Answers from the Government

According to the Law on Social Services the right for social services have Lithuanian citizens, foreigners, including persons who don't have citizenships, who have temporary or permanent permission to live in the Republic of Lithuania and other persons in the cases provided in the international agreements of the Republic of Lithuania.
According to the Law on Social Services, municipalities are in charge of the ensuring of provision of social services to residents of its territory by planning and organizing social services (by assessing and analyzing residents' needs, forecasting and determining the scope of the provision and types of social services, assessing and establishing the need for financing of social services).
Municipality evaluates need of social services of person (family) and provides social services for persons (family) according to needs.

In order to improve accessibility to the information of Labour legislation for employees from the Ukraine as well as developing exchange of information between Lithuanian and Ukrainian authorities Protocol on cooperation between the State Labour Service of Ukraine

and the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour was signed on 12/12/2016.

Article 19§5 - Equality regarding taxes and contributions

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

The Committee takes note of the information contained in the report submitted by Lithuania.
The report states that there have been no substantial changes to the situation which the Committee previously considered to be in conformity with the Charter (Conclusions 2011).
The Committee asks that the next report provide a full and up-to-date description of the applicable legal framework concerning employment taxes and contributions and any actions taken to ensure its implementation.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 19§5 of the Charter.

Answers from the Government

Answers from the Government

In the Republic of Lithuanian, migrant workers who are legally residing in Lithuania enjoy the same status as Lithuanian nationals with respect to the payment of taxes, fees and insurance contributions which should be paid by working persons. Persons employed under employment contracts within the territory of the Republic of Lithuania (including persons posted to the Republic of Lithuania for a period of more than one year) or outside of the territory of the Republic of Lithuania but under employment contracts concluded with insurers registered in the Republic of Lithuania, unless otherwise provided for in international treaties of the Republic of Lithuania or European Union legislation, are covered by social insurance of pensions, sickness, maternity, unemployment, accidents at work and occupational diseases.

For instance, Law on Sickness and Maternity Social Insurance Article 3(1) stipulates that the insured person means a natural person paying the state social insurance contributions for himself and for whom the state social insurance contributions are paid or had to be paid under law in compliance with the procedure established by the State Social Insurance Law. In other words, the recipient of the benefit does not have to meet the nationality requirement. What is important is that the person seeking to obtain a maternity, paternity or maternity (paternity) benefit should satisfy the overall requirements set for a recipient of a specific benefit, i.e. he or she should have sickness and maternity social insurance, should have the required social insurance period of sickness and maternity social insurance and should have

been granted a pregnancy and child-birth leave and, respectively, paternity and child-care leave by his or her workplace.

*Social security issues of persons moving within EU are regulated by regulations on the coordination of EU social security schemes. From 1 May 2010, new regulations on the coordination of social security schemes were introduced to the European Union Member States, including: R*egulation *(EC)* No 883/2004 of *the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (hereinafter referred to as the new regulations).*

Application of the new regulations was extended to all EU nationals, i.e. new regulations on the coordination apply not only to employed persons, to self-employed or to members of their families but also to inactive nationals of the EU. The application of the aforementioned regulations was expanded to include third-country nationals if they are legally residing in the territory of the member state and their status with respect to many aspects which are not limited to one member state.

One of the key principles laid down in the mentioned EU coordination regulations is prohibition of discrimination. Regulation (EC) No. 883/2004 Article 4 stipulates that persons to whom this Regulation applies shall enjoy the same benefits and be subject to the same obligations under the legislation of any Member State as the nationals thereof.

The regulations cover all key areas of social security, including the following: sickness and maternity benefits; disability (lost capacity for work) pensions; old-age pensions; survivors' benefits; benefits for accidents at work and occupational diseases; death grants; unemployment benefits; family benefits.

All the aforementioned social security areas should ensure the application of equal treatment for all principle.

EU regulations on social security co-ordination are applied directly and therefore there is no need to transpose them into the national legislation: they have supremacy with respect to the national legislation.

Besides it should be mentioned that recently new EU directives regulating the conditions of entry and residence of third-country nationals to the EU Member States were adopted, e.g.:

- *Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State*

- *Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment*
- *Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers*
- *Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.*
- *Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra- corporate transfer*

All these directives include provisions regarding equal treatment with nationals of the host Member State regarding branches of social security as defined in Regulation (EC) No 883/2004 with some possible derogations mentioned in the directives.

Provisions of these directives were transported to Lithuanian national legislation.

7. Social security and mandatory health insurance contributions are payable in respect of gross employment income by the employer and employee. Till 1st January of 2019 there is no income cap for social security contributions on employment income. Specific rules are established for persons performing individual activities with a cap for contributions applied.
8. (2017-01-01-2017-06-30) The standard rate of social security contributions was 39.98%, from which 30.98% was employer's part and 9% wasemployee part. Additionally 2% was withheld from the gross employment income of an employee participating in certain pension accumulation plans.
(2017-07-01-2017-12-31) The standard rate of social security contributions was 39.48%, from which 30.48% was employer's part and 9% was employee part. Additionally 2% was withheld from the gross employment income of an employee participating in certain pension accumulation plans.

(2017-01-01-2017-06-30)

Type of insurance	***Paid by employer***	***Paid by employee***	***Total***
Social security and mandatory health insurance contributions	*30.98%*	*9%*	*39.98%*
Optional additional contributions for pension accumulation plan	*0%*	*2%*	*2%*
Total	*30.98%*	*11%*	*41.98%*

(2017-07-01-2017-12-31)

Type of insurance	***Paid by employer***	***Paid by employee***	***Total***

Social security and mandatory health insurance contributions	*30.48%*	*9%*	*39.48%*
Optional additional contributions for pension accumulation plan	*0%*	*2%*	*2%*
Total	*30.48%*	*11%*	*41.48%*

State social insurance contributions rates for the year 2018

The overall rates of the state social insurance contributions payable by insurers for pension, sickness, maternity, unemployment social insurance and health insurance – 30.3 percent. Rates amounts for separate types of social insurance:

- *for pension social insurance – 22.3 percent;*
- *for sickness social insurance – 1.4 percent;*
- *for maternity social insurance – 2.2 percent;*
- *for unemployment social insurance – 1.4 percent (the rate of unemployment insurance contributions under fixed-term employment contracts shall be doubled);*
- *for health insurance – 3 percent.*

The overall rate of the state social insurance contributions for accidents at work and occupational diseases – 0.2 percent.

Rate of the state social insurance contributions of the insured – 9 percent. Rate amounts for separate types of social insurance:

- *for pension social insurance – 3 percent;*
- *for health insurance – 6 percent.*

Article 19§7 - Equality regarding legal proceedings

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

7. *to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;*

The Committee takes note of the information contained in the report submitted by Lithuania.

The report states that legal aid is granted to all persons lawfully residing in Lithuania regardless of their nationality by virtue of Section 11 of the State Guaranteed Legal Aid Act 2005.

The report specifies that migrant workers are entitled to both primary and secondary legal aid under the same conditions as Lithuanian nationals. Under Section 11(1), nationals of any state lawfully residing in Lithuania, along with EU nationals residing in any EU state and other persons covered by international treaties, are eligible for primary legal aid. Under Section 11(2), natural persons lawfully residing in Lithuania whose property and income to do not exceed the levels established for the provision of legal aid, or who are eligible regardless of their income, are eligible for secondary legal aid. The report states that 'expenses covered by the state include counsel expenses providing secondary legal aid'. The Committee asks for clarification of the meaning of primary and secondary legal aid, and for further details of the levels set for eligibility for secondary legal aid, along with any exemptions provided for.

The report also states that those who do not know the official language shall be provided with an interpreter in any court hearing, and such interpretation shall be free pursuant to Article 11(2) and (3) of the Civil Procedure Code.

The Committee recalls from its Statement of interpretation (Conclusions 2011) that States are required to provide legal counsel to migrant workers when the interests of justice so require, and they do not have sufficient means to pay for assistance themselves. Furthermore, migrant workers must have the free assistance of an interpreter if they cannot properly understand or speak the language used in the proceedings. The Committee considers that these requirements are satisfied in Lithuania.

The Committee refers to the Statement of Interpretation on the rights of refugees under the Charter, and asks under what conditions refugees and asylum seekers may receive legal aid.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 19§7 of the Charter.

Answers from the Government

Regarding Legal Aid

First, we would like to specify the definitions of primary and secondary state-guaranteed legal aid. By the Article 2 Point 6 of the LSGLA, primary state guaranteed legal aid (hereinafter – Primary Legal Aid) – is legal information, legal consultations and the preparation of documents meant for state and municipal institutions, except for procedural documents. It also encompasses advices regarding the extrajudicial dispute solution, actions regarding peaceful settlement of the dispute and the preparation of peaceful settlement agreement, but does not encompass the filling-out of declarations, which are submitted to the

tax administrator. Primary legal aid shall be provided by civil servants of the municipality administration, where the job descriptions of their positions establish the functions of a legal nature, the employees working under the employment contracts which provide for the official functions of the legal nature and receiving remuneration for work from the municipal budget (hereinafter referred to as "municipal servants") or lawyers (professional partnerships of lawyers) or the public establishments with which municipalities have concluded an agreement regarding the provision of primary legal aid (Article 15 Part 3 of the LSGLA).
In accordance to Article 2 Part 1 of the LSGLA, the secondary state-guaranteed legal aid (hereinafter – Secondary Legal Aid) shall mean drafting of documents, defense and representation in court, including the process of enforcement, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision. This legal aid shall also cover the litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings and the costs related to the hearing of a civil action brought in a criminal case. Regarding the appointment of the lawyer financed by the state, the person must apply to the territorial division of the State-Guaranteed Legal Aid Office (The Legal Department of the State-Guaranteed Legal Aid Office in the territorial divisions of Vilnius, Kaunas, Klaipėda, Panevėžys or Šiauliai) with a request to provide secondary legal aid, which primary legal aid specialist can help to fill out. Along with the request, the documents attesting the demand and attesting the right to receive secondary legal aid must be submitted.

Regarding the Levels of Assets and Income in order to Receive Secondary Legal Aid
By following the request of the Committee to specify the information regarding the levels of assets and income, which were determined by the Government of the Republic of Lithuania, in order to receive Secondary Legal Aid, we further provide the requested information (all of the below provided information in Lithuanian and English languages you can find on the website of State-Guaranteed Legal Aid office http://vgtpt.lrv.lt/).
Secondary legal aid is available to citizens whose assets and annual income do not exceed the asset and income levels set by the Government of the Republic of Lithuania. There are two assets and income levels: the first and second level of assets and income.

The first income level
*The standard for the first income level is identified based on the person's income and on the number of dependents. The person's annual income should not exceed 10 MMWs (MMW means a minimum monthly wage, which is EUR 380 at present), i.e. EUR 3 800 of annual income. 3.75 MMWs per year (EUR 1 425) are added for each dependent. For example, you have one dependent person: 10*380+3.75*1*380 = EUR 5 225. The first income level of the person who has two dependents would be 10*380+3.75*2*380 = EUR 6 650, etc. If your income did not exceed indicated levels, you would be appointed a State-financed lawyer.*

Thus, the first income level is assessed according to the following formula:
*10*380 Euro +3,75*x (x – number of your dependents) *380 Eur.*

Secondary legal aid	***Level I (100 % financing)***	
	Annual (EUR)	***Monthly (EUR)***
1 person's income	*3 800*	*326,67*
+1 dependent	*5 225*	*435,42*

+2 dependents	*6 650*	*554,17*
+3 dependents	*8 075*	*672,92*
+4 dependents	*9 500*	*791,67*

Note: Dependents mean:
1) the children (adopted children) under 18 years of age living together with and dependent on the applicant;
2) children (adopted children) between 18 and 24 years of age who are not married or cohabiting with another person: not in employment, who study at full-time general education schools and full-time divisions of other formal education establishments, as well as persons during the period between the day of finishing of full-time general education schools until 1 September of the same year;
3) other persons living together with and dependent on the applicant.

First asset level
First asset level is identified on the basis of the person's assets (housing, land and movable assets (monetary funds, etc.) and on the number of dependents.
1. The Norms of Housing and Land Area
The person's housing may not exceed 60 sq. meters. 15 sq. meters are added for each dependent. The standard for land plots is chosen according to the type of the owned land:

- *the size of a household land plot – 6 ares (in cities), 25 ares (in towns and villages);*
- *the size an agricultural land plot up to 1 hectare (including its household land) – 6 ares (in cities), 25 ares (in towns and villages);*
- *the size of an agricultural land plot exceeding 1 hectare, a land plot consisting of a water body only and a forestry land plot – 3.5 hectares.*

The real estate value standards for housing and land plots per family or one single person are identified multiplying the standard of the real estate of the relevant type by the average market value of that real estate type in the location of residence declared by the applicant (when the person has no residence – of the location where he/she resides). Value maps of the Lithuanian territory are available on the website of the State Enterprise Centre of Registers: http://www.registrucentras.lt/masvert/paieska_apsk_new.jsp.
2. The Norms of Movable Assets, Securities and Unit Values
The standard for movable assets, monetary funds, securities and unit values is calculated adding together 20 amounts of state-supported income for one member of the family over 18 years of age (a single person), 15 amounts of state-supported income for every other member of the family over 18 years of age and 10 amounts of state-supported income for each child under 18 years of age.
Currently, the value of state-supported income is EUR 102 per month for one citizen of the Republic of Lithuania.
3. Monetary Fund's Normative
The standard for monetary funds is calculated adding together 15 amounts of state-supported income for one member of the family over 18 years of age (a single person), 10 amounts of state-supported income for every other member of the family over 18 years of age and 5 amounts of state-supported income for each child under 18 years of age.
If person's assets and income do not exceed the first level, he or she will receive 100 per cent financing for the state-guaranteed secondary legal aid.

Second Income Level

*The standard for the second income level is identified based on the person's income and on the number of dependents. The person's annual income should not exceed 15 MMWs, i.e. EUR 5 700 of annual income. 5.5 MMWs per year (EUR 2 090) are added for each dependent. For example, you have one dependent person, in such a case the second income level would be 15*380+5.5*1*380 = EUR 7 790. The second income level of the person who has two dependents would be 15*380+5.5*2*380 = EUR 9 880, etc. A lawyer state funded by 50 percent would be appointed, if annual income of the person who has 1 dependent exceeds EUR 5 225 but does not exceed EUR 7 790, while in a case of 2 dependents annual income exceeds EUR 6 650 etc.*

Thus, the second income level is assessed according to the following formula:

*15 * 380 + 5,5 * x (x - number of your dependents) * 380*

Secondary legal aid	***Level II (50 % financing)***	
	Annual (EUR)	***Monthly (EUR)***
1 person's income	*5 700*	*475,00*
+1 dependent	*7 790*	*649,17*
+2 dependents	*9 880*	*823,33*
+3 dependents	*11 970*	*997,50*
+4 dependents	*14 060*	*1 171,67*

Second Asset Level

The standard for the second asset level is derived multiplying the standard applicable to the first asset level by 1.5.

Notice:

- *A person may receive secondary legal aid only if the value of both his/her assets and income are within the scope of the first or the second level. Based on the asset and income standards calculated it is checked whether the value of the assets and income declared by the person does not exceed the relevant asset and income level;*
- *When the asset level and the income level of the person differ (first asset level and second income level or vice versa), the second asset and income level is applicable to the applicant and secondary legal aid is provided with 50 per cent financing of the state-guaranteed secondary legal aid costs;*
- *If at least one standard (of either assets or income) exceeds the second level standard, state-guaranteed secondary legal aid is refused;*
- *If the assets and income of the applicant corresponds to the first level of assets and income for the receipt of legal aid (or if the person has the right to receive Secondary Legal Aid irrespective of his/hers assets and income) and for whom in accordance to the decisions of the Office the Secondary Legal Aid is already granted in two cases, the state guarantees and finances 50 percent of Secondary Legal Aid expenses in the provision of Secondary Legal Aid in other cases. If the assets and income of the applicant corresponds to the second level of assets and income for the receipt of legal aid and for whom in accordance to the decisions of the Office the Secondary Legal Aid is already granted in two cases, the state guarantees and finances 25 percent of Secondary Legal Aid expenses in the provision of Secondary Legal Aid in other cases.*

The State-Guaranteed Legal Aid Office determines the level of person's assets and income after evaluating the data submitted in the annual wealth and income report for the receipt of Secondary Legal Aid and in the request to grand Secondary Legal Aid.
Irrespective of personal assets and income, secondary legal aid is available to citizens of the Republic of Lithuania, citizens of the Member States of the European Union, other natural persons who reside lawfully in Lithuania or another Member State of the European Union:
1) upon hearing the criminal procedure cases, when the participation of the defender is mandatory;
2) victims in proceedings for compensation of damage incurred through criminal offences, including the cases when the issue of compensation for damage is heard as part of a criminal case;
3) persons receiving a social allowance under the Republic of Lithuania Law on Cash Social Assistance for Poor Families and Single Residents;
4) persons maintained in stationary care institutions;
5) persons recognized as incapable for work or severely disabled or of pensionable age with the established level of high special needs, also guardians/caretakers of these persons when state-guaranteed legal aid is required to represent and defend the rights and interests of the person under guardianship/caretaking;
6) persons who have presented proof that they may dispose freely only of part of their assets and income due to objective reasons and this part does not exceed the asset and income levels set by the Government of the Republic of Lithuania entitling to legal aid;
7) persons suffering from severe mental diseases, when issues of their forced hospitalization and treatment are being considered according to the Republic of Lithuania Law on Mental Health Care, as well as their guardians/caretakers when state-guaranteed legal aid is required to represent and defend the rights and interests of the person under guardianship/caretaking;
8) debtors in enforcement proceedings, when a recovery is levied against the last housing where they reside;
9) minor children, when the issue of their eviction is being considered, parents or other legal representatives;
10) minor children, when they independently apply to a court for the defense of their rights or interests protected under law in the cases specified by laws, with the exception of those minors who are married or declared by the court as fully capable (emancipated);
11) minor children, who were the victims of criminal acts against human health, human liberty, freedom of a person's sexual self-determination and inviolability, child and a family, morality and in other criminal cases, when based on a motivated decision of the pre-trial investigation officer or prosecutor, or judicial ruling it is acknowledged that the participation of the authorized representative is mandatory;
12) who are being asked to declare as legally incapable in cases regarding the declaring of a natural person to be legally incapable in a specific area, as well as persons acknowledged to be incapable in cases regarding guardianship, regarding the review of court decisions when the person is acknowledged to be legally incapable in a specific area and the acknowledgement that the person, who was acknowledged to be legally incapable in a specific area, now is capable or partially capable;
13) persons in the matters concerning registration of birth;

14) to persons in cases on the return of a child who has been illegally removed or retained in accordance with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction;
15) parents of a child, when the court decides on the limitation or abolishment of the parents' authority;
16) adoptive parent (adoptive parents) or guardian (caretaker) of the child, who submitted a request to the competent state institution regarding adoption or permanent guardianship (caretaking) and having the confirmation of this institution regarding the suitability to become adoptive parent (adoptive parents) or guardian (caretaker) of the child, whose request regarding the adoption or permanent guardianship (caretaking) the court reviews;
17) other persons in the cases established in the international treaties of the Republic of Lithuania.
The Migration Department under the Ministry of Interior of the Republic of Lithuania in accordance to the 24 February 2016 Prescript No.: 1V-131 of the Minister of the Interior, by which the Procedure Schedule of Granting and Repealing of Asylum in the Republic of Lithuania was affirmed, is responsible for the provision, organizing and coordination of state-guaranteed legal aid to the asylum seekers and aliens, for whom the asylum is repealed.

Article 19§9 - Transfer of earnings and savings
With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

9. *to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;*

The Committee takes note of the information contained in the report submitted by Lithuania.
The report states that there have been no substantial changes to the situation which the Committee previously considered to be in conformity with the Article 19§9 (Conclusions 2011).
With reference to its Statement of Interpretation on Article 19§9 (Conclusions 2011), the Committee asks whether there are any restrictions on the transfer of the movable property of migrant workers.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 19§9 of the Charter.

Answers from the Government

General provisions of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty, Article 40 of the Law on Value Added Tax of the Republic of Lithuania implementing Council Directive 2009/132/EC of 19 October 2009 determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods and other legal acts providing for tax exemptions are applied to personal property of all incoming workers. Based on provisions of these legal acts exemption from VAT on importation shall be granted on personal property imported by natural persons transferring their normal place of residence and moving to the Republic of Lithuania provided personal property was used by the person

concerned at his former place of residence for a minimum of six months before moving to the Republic of Lithuania and the person concerned resided in the third country for a continuous period of at least 12 months.

Article 19§10 - Equal treatment for the self-employed

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;

The Committee takes note of the information contained in the report submitted by Lithuania.
The Committee notes from the report that no essential changes were made to the situation regarding social insurance of self-employed persons.
On the basis of the information provided in the report the Committee considers that there continues to be no discrimination in law between migrant employees and self-employed migrants.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 19§10 of the Charter.

Answers from the Government

No essential changes were made regarding the implementation of this Article.

Article 19§11 - Teaching language of host state

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

The Committee takes note of the information contained in the report submitted by Lithuania.
The Committee recalls that the number of migrants in Lithuania is not particularly significant. However, it notes from the report that a number of national minority schools exist, which teach primarily in the minority languages and partially in Lithuanian. The Committee asks whether the curriculum at such schools includes teaching of Lithuanian specifically to assist children for whom it is not their first language and who therefore need extra assistance in order to integrate effectively. It asks for further details concerning the number of such schools, the minorities represented, and the number of children enrolled in these establishments.
Furthermore, the Committee requests that the next report provide complete and up-to-date information concerning additional assistance in Lithuanian language schools for children of immigrants who have not attended primary school right from the beginning and who therefore lag behind their fellow students who are nationals of the country.

The Committee recalls from its previous conclusion (Conclusions 2011) that in 2005 a "Procedure for the Education of Children of Foreign nationals" was adopted by the Ministry of Education and Science. This provided for assistance through extra classes, language instruction and specific teaching materials. The Committee asks whether this programme continues to apply, and what the results have been.

The report states that adult migrants and persons belonging to national minorities, who are in receipt of social assistance, are able to attend a free course in the Lithuanian language at the House of National Minorities (Vilnius). Since 2005, over 600 people have completed this course. The Committee notes that this programme applies only to those who receive social assistance, and asks whether similar courses are available to workers of minority background to assist their integration.

It recalls that the teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age (Conclusions 2002, France).

The Committee considers that under Article 19§11, States shall encourage the teaching of the national language in the workplace, in the voluntary sector or in public establishments such as universities (Conclusions 2002, France). A requirement to pay substantial fees is not in conformity with the Charter. States are required to provide national language classes free of charge, otherwise for many migrants such classes would not be accessible (Conclusions 2011, Norway).

The Committee asks that the next report provide a full and up-to-date description of the situation, in relation to both migrant workers and their families, including adults. Should the next report fail to furnish the requested information, the Committee considers that there will be nothing to show that the situation is in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 19§11 of the Charter.

Answers by the Government

Teaching language of host state

Individuals who completed any part or the whole of the primary, basic, secondary education curricula in a foreign country, international organisation has the right to choose from the state, municipal or private school and will be admitted to them according to the general procedure applied to all residents.

A school when admitting a student, who completed international general education programme or a party thereof, will recognise study results of the student and will record them (on the basis of provided documents). If a person completed international general education programme (of primary or basic education) but may not produce a document certifying the academic results, the school will determine compliance of his/her academic achievements with the academic standards established in the primary, basic or secondary education curricula.

For a student, who completed any part or the whole of the international general education programme, the school will develop a plan for his/her integration into school's community life, and if needed – individual education plan for such student, with adaptation period established.

The school will establish the requirement for an arriving student to learn the Lithuanian language and will organise learning for such student in bridge class or bridge group if such student has no command of the Lithuanian language or has very basic knowledge of it or knows Lithuanian but during the adaptation period fails to achieve the satisfactory standard of knowledge and skills according to the individual programme drawn.
Every general education school that has pupils who do not speak Lithuanian organises an intensive additional Lithuanian language teaching course for them (in bridge classes, groups or by integrating pupils in classes, providing individual assistance). Children attend this extra course for a year or less and study other subjects together with their peers.
Lithuanian language courses for adult migrants are available. The courses are offered by different education providers such as universities, language schools and centers, NGOs and freelance teachers.
In most cases cultural orientation is an integral part of the language courses, but in some cases socio-cultural orientation is provided as a separate course.

Education of National Minorities
Legal regulation
According to the Law on Education (Article 28) it is envisaged that the Municipality ensures teaching in the language of a national minority and learning the language of a national minority in areas that are richly populated by a national minority provided the community asks for this.
The language of a national minority is confirmed to be the language of instruction / examinations in a general education school and in a non-formal education school (when the educational process is carried out in the language of a national minority or some subjects are taught in the language of a national minority), the fostering of the culture of a national minority is also validated (Law on education Article 30).
Parents have a right to participate in the process of choosing a study programme, mode, school or other education supplier for their child (Law on Education Article 47).

Schools with the language of a national minority are schools where the greatest part of the educational process is carried out in the language of a national minority (Belarusian, Polish, Russian) or the language (German, Hebrew) and ethnoculture of the national minority are taught as subjects.
In Lithuania, 1151 schools were registered at the School Register of the 2016–2017 academic year: 1023 schools with Lithuanian as a language of instruction, 53 schools with Polish as a language of instruction, 30 schools with Russian as a language of instruction, 1 school with Belarusian as a language of instruction, 35 schools with different languages of instruction (Lithuanian-Polish, Lithuanian-Russian, Russian-Polish, Lithuanian-Russian-Polish). There are several schools that are not grouped as schools with the language of a national minority: these are schools where the languages of instruction are Lithuanian and English (5 schools), the language of instruction is English (2 schools), the language of instruction is French (1 school). Two schools (languages (German, Hebrew) are to be assigned to the group of schools with the language of a national minority according to their educational philosophy, but in the statistical data they are assigned to the group of 1023 schools where the educational process is carried out in Lithuanian.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Article 27§1 - Participation in working life

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. *to take appropriate measures:*

a) *to enable workers with family responsibilities to enter and remain in employment, as well as to reenter 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;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Employment, vocational guidance and training

According to the report, the Law on Support of Employment provides that employment support measures are implemented in line with the principles of equal opportunities for men and women and non-discrimination. According to this law, pregnant women, a mother (adoptive mother) or a father (adoptive father), a guardian or a custodian who actually raises a child under 8 years of age or a disabled child under 18 years of age, as well as persons who are taking care of ill or disabled family members (those whose need is confirmed officially) are considered to be additionally supported in the labour market and in that capacity they can participate in employment support measures (notably in the subsidised employment).

The Committee also refers to its conclusion under Article 10§3 (Conclusions 2012) and considers that the situation is in conformity on this point.

Conditions of employment, social security

In its previous conclusion the Committee asked the next report to describe other working conditions, besides part-time work, that may facilitate a reconciliation of working and private life, such as working from home, flexible working hours or working for a limited period of time.

According to the report, several provisions of the Labour Code concern reconciliation of working and private life, such as the possibility for teleworking (Article 115), flexibility with annual holidays, special-purpose leave and unpaid leave (Article 185).

The Committee previously asked whether the periods of childcare leave that are unpaid were also counted for the purposes of pension schemes. In notes from the report in this respect that according to the Law on State Social Insurance those raising a child under 3 years of age are covered by state social pension insurance and unemployment social insurance, which means that those periods in which a parent does not receive the maternity benefit is still included in state social pension insurance. The Committee observes that the Law on Reform of the Pension System of 2012 introduced amendments, according to which the State pays contributions to the pension fund for a parent who is raising a child under 3 years.

In reply to the Committee's question in the previous conclusion (Conclusions 2011), the report states that according to Article 6 of the Law on Health Insurance, pregnant women on maternity leave or parents of a child under 8 years of age are insured by the State, who pays contributions on their behalf.

Child day care services and other childcare arrangements

The Committee wishes to receive updated information on the provision of childcare places, and whether services are affordable and of high standard (quality being assessed on the basis of the number of children under the age of six covered, staff to child ratios, staff qualifications, suitability of the premises and the amount of the financial contribution parents are asked to make).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Lithuania is in conformity with Article 27§1 of the Charter.

Answers from the Government

In order to continue to solve gender equality issues in a complex and systematic manner, the National Programme for Equal Opportunities of Men and Women 2015–2021 has been implemented in the Republic of Lithuania. The goals of the programme includes the following: promoting equal opportunities of men and women in the field of employment and labour, pursuing a balanced participation of men and women in decision-making and holding top posts, increasing efficiency of institutional mechanisms of equality of women and men, promoting integration of the gender aspect in many areas: education and science, culture, health, environment, national defence, access to justice, and implementing EU and international commitments in the field of equality of women and men. The Action Plan for 2018–2021 was adopted for implementing programme goals and tasks.

Article 26 of the LC introduces the principle of employee gender equality and non-discrimination on other grounds. Accordinf to this Article, the employer must implement the principles of gender equality and non-discrimination on other grounds. This means that in an employer's relations with employees, any direct or indirect discrimination, harassment, sexual harassment or instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views, except for cases concerning a person's professed religion, faith or convictions for those working in religious communities, societies or centres, provided that the requirement for the employee regarding his or her professed religion, faith or convictions, in view of the ethos of the religious community, society or centre, is normal, lawful and justifiable, or intention to have a child/children, or due to circumstances unrelated to the employees' professional qualities or on other grounds established by laws, shall be prohibited.
In implementing the principles of gender equality and non-discrimination on other grounds, the employer, irrespective of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic affiliation, political affiliation, religion, faith, convictions or views, except for cases concerning a person's professed religion, faith or convictions for those working in religious communities, societies or centres, provided that the requirement for the employee regarding his or her professed religion, faith or convictions, in view of the ethos of the religious community, society or centre, is normal, lawful and justifiable, or intention to have a child/children, or due to circumstances unrelated to the employees' professional qualities or on other grounds established by laws, must:
1) apply equal selection criteria and conditions when hiring employees;
2) create equal working conditions and opportunities to improve qualification, pursue professional development, retrain and acquire practical work experience, and also provide equal benefits;
3) use equal work evaluation criteria and equal criteria for dismissal from work;

4) pay the same remuneration for the same work or work of the same value;
5) take measures to ensure that at the workplace, the employee does not experience harassment or sexual harassment and no instructions are given to discriminate, and also that the employee is not subject to persecution and is protected from hostile treatment or adverse consequences if he or she files a complaint concerning discrimination or is involved in a case concerning discrimination;
6) take appropriate measures for conditions to be created for people with disabilities to get a job, work, pursue a career or learn, including the adequate adaptation of premises, provided that the duties of the employer are not disproportionately burdened by said measures.
The specifics of the implementation of the principles of gender equality and non-discrimination on other grounds may be established by other laws and other labour law provisions.
In settling cases on pay discrimination, compensation for work shall be deemed as remuneration or any other pay, including pay in cash or in kind, which the employee receives for his or her work from the employer, either directly or indirectly. In settling cases on gender equality and non-discrimination on other grounds related to labour relations, it shall be the duty of the employer to prove that there was no discrimination if the employee specifies circumstances from which it may be presumed that the employee experienced discrimination.
An employer who has an average number of employees of more than 50 must adopt and publish, in the ways that are accustomed at the workplace, the measures for implementation of the principles for the supervision of the implementation and enforcement of the equal opportunities policies.

Respect for the employee's family obligations principle in established in the Article 28 of the LC. The employer must take measures to help the employee to fulfil his or her family obligations. In the cases established in the LC, employee requests related to the fulfilment of family obligations must be considered and given a motivated written response to by the employer. An employee's behaviour and actions at work should be evaluated by the employer in an effort to practically and comprehensively implement the principle of work–family harmony.

Working-time arrangements are the distribution of standard working hours over the workday/shift, week, month or other reference period that may not exceed three consecutive months, as it is stated in the Article 113 of the LC. If labour law provisions or the employment contract do not establish otherwise, the working-time arrangements for one or several employees (group of employees), or for all of the employees at the workplace shall be established by the employer, by selecting one of the following types of working-time arrangements:
1) fixed duration of workdays/shifts and number of working days per week;
2) annualised hours, when the standard working hours for the entire reference period are fulfilled during the reference period;
3) a flexible work schedule where an employee is required to be present at the workplace for certain hours of the workday/shift, but can work the other hours of the workday/shift before or after the required hours;
4) split shift working-time arrangements, when work is done on the same day/shift with a break to rest and eat that is longer than the established maximum length of breaks to rest and eat;
5) individualised working-time arrangements.

3. Unless established otherwise, it shall be considered that the standard working hours are fulfilled within a one-week reference period, working five days per week with an equal number of hours per workday each week.

Where a flexible work schedule is in place (for all or just a few days of the working week), the beginning and/or end of the workday/shift shall be set by the employee according to the following rules. The employer shall establish the fixed hours of the workday/shift during which the employee must work at the workplace. This working time may only be changed upon notifying the employee at least two of the employee's working days in advance. The unfixed hours of the workday/shift are worked at the discretion of the employee, before and/or after the fixed hours of the workday/shift. With the employer's consent, any unfixed hours of the workday/shift that were not worked may be transferred to another working day, as long as the maximum working time and minimum rest period requirements are not infringed upon.

Article 40 of the LC envisages the agreement on part-time work. Accordinf to the provisions of this Article, during fulfilment of an employment contract, an employee who has been in an employment relationship with the employer for at least three years shall have the right to submit a written request to temporarily work part-time. An employee's request to change the working time by shortening the working day to four hours per day, or to reduce the number of working days to three working days per working week, shall be satisfied if it is submitted at least 30 days before its entry into force, and if the employee will work part-time for no more than one year. An employee shall have the right to repeatedly request that part-time work be established only after having worked full-time for the same period that he or she worked part-time. The employer may only refuse to satisfy an employee's request to temporarily work part-time for valid reasons.
These restrictions concerning the establishment and duration of part-time work shall not be valid when the employer agrees to different part-time employment conditions proposed by the employee or when the employee's request, according to the conclusions of a healthcare institution, is based on the employee's medical condition, disability or need to care for a family member, as well as on the request of an employee who is pregnant, who recently gave birth, or who is breast feeding, an employee who is raising a child under the age of three, or an employee who is a single parent raising a child under the age of 14 or a disabled child under the age of 18. These individuals can return to full-time work by giving written notice to the employer two weeks in advance, except in cases where the employer agrees to waive this term.
For employees working part-time, these work conditions shall not lead to restrictions in determining annual leave entitlement, calculating the length of employment, promoting to a higher position, or improving qualification, and shall not limit the employee's other labour rights compared to employees who perform the same or equal work under full-time employment conditions, taking the length of employment, qualification and other circumstances into account. Remuneration for part-time work shall be paid in proportion to the time worked or the work performed, as compared to work performed under full-time employment conditions.
An employer's refusal to allow working part-time as well as a violation in the establishment of equal working conditions may be contested in the procedure established to settle labour disputes on rights. Employers must regularly, at least once per calendar year, upon the request of the work council or in the absence thereof – the employer-level trade union, provide information about the employees working part-time at the enterprise, institution or organisation, indicating the number of part-time employees and the positions held thereby, as

well as the average remuneration by occupational group and gender where there are more than two employees in the occupational group.

Another flexible working arrangement - remote work was also established under the Article 52 of the LC. It is stipulated that the remote work is a form of work organisation or a method of job performance when an employee regularly performs, during all or part of the working time, the assigned job functions or part thereof remotely, i.e. in an agreed place other than where the workplace is that is acceptable to the parties to the employment contract, while also using information technology (teleworking).
Remote work shall be assigned at the request of the employee or by agreement of the parties. An employee's refusal to work remotely may not serve as a legitimate reason to terminate an employment contract or change the terms of employment. If the employer cannot prove that it would cause excessive costs due to production necessity or the specifics of work organisation, the employer must satisfy an employee's request to work at least one-fifth of standard working hours remotely when said is requested by an employee who is pregnant, who recently gave birth, or who is breast feeding, an employee who is raising a child under the age of three, or an employee who is a single parent raising a child under the age of 14 or a disabled child under the age of 18.
In assigning remote work, the requirements for the workplace (if such exist), the work equipment provided to use for the job, the procedure for its provision, and the rules for using work equipment shall be established in writing; the workplace division, department or responsible person whom the employee has to report to regarding the work performed in the procedure established by the employer shall also be established. If, while working remotely, the employee incurs additional expenses related to the job or the purchase, installation or use of work equipment, said must be reimbursed. The amount of compensation and the conditions for its payment shall be established by agreement of the parties to the employment contract. In the case of remote work, the hours worked by the employee shall be calculated in accordance with the procedure established by the employer. The employee shall allocate working time at his or her own discretion, without violating the maximum working time and minimum rest period requirements. Remote work shall not lead to restrictions in calculating the length of employment, promoting to a higher position, or improving qualification, and shall not limit or encumber the employee's other labour rights. The procedure established by the employer for the implementation of remote work cannot infringe upon protection of the employee's personal data or right to private life.
The employer must create conditions for employees working remotely to receive information from the employer and to communicate and cooperate with employee representatives and other employees working at the employer's workplace.
The employer must regularly, at least once per calendar year, upon the request of the work council, inform the work council, or in the absence thereof – the employer-level trade union, about the remote work situation at the enterprise, institution or organisation, indicating the number of employees working in this manner and the positions held thereby, as well as the average remuneration by occupational group and gender where there are more than two employees in the occupational group.

Article 93 of the LC defines the concept of the job share employment contract. Two employees may agree with an employer on sharing a single job, without exceeding the maximum standard working hours established for one employee. The employment contracts of both employees must specify the type of such an employment contract, the identity and contact details of the other employee, and the employee's standard working hours (number of working hours per week). It shall be considered that the standard working hours are the same

for both employees if the contracts do not establish otherwise. A job share employment contract may be agreed upon either by concluding a new employment contract or by temporarily replacing a valid employment contract of a different type. The employer must consider and, if possible in terms of organisation and production, satisfy the request of an employee who is raising a child/adopted child under the age of seven to temporarily, until the child/adopted child reaches the age of seven, replace a valid employment contract of a different type with a job share employment contract. Such an employee has the right to return to work under the employment contract of a different type that was valid before the job share employment contract by giving the employer written notice thereof two weeks in advance, except in cases where the employer agrees to waive this term.

According to the Article 137 of the LC, the employer must satisfy an employee's request to grant unpaid leave of a duration no less than requested by the employee if it is submitted by:
1) an employee raising a child under the age of 14 – up to 14 calendar days;
2) a disabled employee or an employee raising a disabled child under the age of 18 or caring for a disabled person for whom the need for permanent nursing has been established – up to 30 calendar days;
3) a father, at his request, during the pregnancy and childbirth leave and child care leave taken by the mother of his child (or a mother – during child care leave taken by the father) – the total length of this leave may not exceed three months;
4) an employee caring for a sick family member – for the period recommended by the healthcare institution;
5) an employee getting married – up to three calendar days;
6) an employee participating in the funeral of a family member – up to five calendar days;
7) an employee in the cases and procedure established in the collective agreement – for the duration established therein.
Unpaid leave of more than one workday/shift may be granted at the employee's request and with the employer's consent.
During the workday/shift, unpaid time off may be granted at the employee's request and with the employer's consent for the employee to take care of personal matters. The parties to an employment contract may agree to move working time to another workday/shift, as long as the maximum working time and minimum rest period requirements are not infringed upon.

According to the Article 138 of the LC, employees under the age of 18, employees who are single-handedly raising a child under the age of 14 or a disabled child under the age of 18, and disabled employees are entitled to 25 working days (for those who work five days per week) or 30 working days (for those who work six days per week) of annual leave. If the number of working days per week is less or different, the employee must be granted five weeks of leave. Employees whose work involves greater nervous, emotional or mental strain and occupational risk, as well those who have specific working conditions, are granted up to 41 working days (for those who work five days per week), or up to 50 working days (for those who work six days per week), or up to eight weeks (if the number of working days per week is less or different) of extended leave. The Government of the Republic of Lithuania shall approve the list of categories of employees entitled to this leave and shall establish the specific duration of extended leave for each category of employees.
Employees raising a disabled child under the age of 18 or two children under the age of 12 shall be entitled to one extra day off per month (or two less working hours per week), and those raising three or more children under the age of 12 shall be entitled to two extra days off per month (or four less working hours per week), paying them their average remuneration. At

the request of an employee who works shifts of more than eight working hours, this additional rest period may be aggregated every three months.
Employees who are not entitled to the additional days off stated above and who are raising a child under the age of 14 who is enrolled in a pre-primary, primary or basic education programme shall be granted at least half a working day off per year on the first day of school, paying them their average remuneration.

The Law on Employment of the Republic of Lithuania (which was adopted in 2016 and entered into force from 1 July 2017) broadens the fields of application of the Law on Employment Support of the Republic of Lithuania: all forms of employment are classified in one law, responsibility for illegal, undeclared work and undeclared self-employment, breaches of the procedure of foreigners' employment is determined. Employment support measures are improved.

The system of employment forms is divided into paid employment when a person works under an employment agreement or on the basis of other legal relations treated as equivalent to employment relations (starting from civil service relations, and ending with coach's activities or convicts' work in accordance with the Code of Enforcement of Criminal Sanctions of the Republic of Lithuania), or is self-employed (individual activities, activities with a legal entity or other organisational structure established, or activities otherwise related with activities in a legal entity, activities in agriculture), and unpaid employment. Unpaid employment is divided into traineeship, public benefit activities, and work as a work therapy measure, volunteering, work placement under voluntary work placement agreement or professional work placement agreement and vocational adaptation period. Consistent and transparent regulation of various forms of employment in a single legal document enables systematic taxation with personal income tax.

Complex application of active labour market policy measures is also suggested when vocational training is combined with supported employment measures. New active labour market policy measures are stipulated, including: employment under apprenticeship agreement, when person's practical training is organised at the workplace, while vocational training in vocational training establishment and internship for improvement or restoration of person's working skills or professional qualification. Municipalities developed the programmes on increasing employment helps resolve the employment problems of socially vulnerable groups at the local level.

Provisions on illegal work previously contained in the LC and the Law on State Labour Inspection of the Republic of Lithuania were transposed into the Law on Employment, additionally stipulating responsible for undeclared work, undeclared self-employment and breaches in the procedure of foreigners' employment. It is stipulated that illegal work is considered to be working functions performed for consideration by a natural person (employee) to the other person (employer) and his/her benefits, when: 1) an employer fails to conclude a written employment agreement or to inform a territorial office of the State Social Insurance Fund Board about signing the employment agreement and employment before the commencement of employment, or 2) a non-EU national is employed.

The unemployment rate in the country in 2017 reached 7.1 % and during the year decreased by 0.8 percentage point. The unemployment rate keeps rapidly declining during the last 7 years, however lately the rate of decline is not so high. It is slow downed by the remaining high both long-term and short-term unemployment rate in rural areas, especially, in the areas

more remote from economic centres of Vilnius, Kaunas and Klaipėda, a long distance to which limits labour mobility. Extremely high rates of unemployment in 2017 remained in Utena County (14.9 %), a high male unemployment rate in Panevėžys and Marijampolė Counties (12.3 % and 11.2 %, accordingly), female unemployment rate in Telšiai and Šiauliai Counties (10.4 % and 9.6 %, accordingly).

Article 27§2 - Parental leave

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

2. *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;*

The Committee takes note of the information contained in the report submitted by Lithuania.
The Committee notes that the situation which it has previously (Conclusions 2011) found to be in conformity with the Charter has not changed.
In its previous conclusion the Committee asked whether the third year of parental leave was completely unpaid or if some income was made available via social security schemes.
In notes from the report in this regard that the third year of parental leave is unpaid. Nevertheless, depending on family income, child benefit and cash social assistance benefits can be applicable.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 27§2 of the Charter.

Answers from the Government

There were no significant changes in the legislation regarding the implementation of this Article.

Article 27§3 - Illegality of dismissal on the ground of family responsibilities

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

3. *to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.*

The Committee takes note of the information contained in the report submitted by Lithuania.

Protection against dismissal

In its previous conclusion (Conclusions 2011) the Committee found that the dismissal protection provided for employees with family responsibilities was adequate. It asked however whether this protection covered the parents who had applied for or had taken childcare leave and if so, when the protection started and until when it applied.
In reply the report states that according to Article 180 of the Labour Code parental leave lasts until the child reaches three years of age. Moreover, if the employee decides to take shorter

parental leave (e.g. two years), the provision concerning the termination of the employment contract without any fault is still in force until the child reaches three years of age.

Effective remedies

The Committee refers to its conclusion under Article 8§2 of the Charter and considers that the situation is in conformity on this point.

Conclusion

The Committee concludes that the situation in Lithuania is in conformity with Article 27§3 of the Charter.

Answers from the Government

Article 61 of the LC indicates that an employment contract with a pregnant employee during her pregnancy and until the baby reaches four months of age may be terminated by mutual agreement, at her initiative, at her initiative during the trial period, in the absence of the will of the parties to the contract, or when a fixed-term employment contract expires. The fact of an employee's pregnancy is confirmed by presenting a doctor's maternity certificate to the employer.

From the day the employer finds out about an employee's pregnancy until the day her baby turns four months old, the employer may not give notice to the pregnant employee about impending termination of the employment contract or take a decision to terminate the employment contract on grounds other than those specified above. If grounds for terminating the employment contract emerge during this period, the pregnant employee may be given notice about termination of the employment contract or a decision to terminate the employment contract may be taken only after this period is over. If an employee is granted pregnancy and childbirth leave or child care leave during the period when her baby is under the age of four months, the employment contract may only be terminated once this leave is over.

An employment contract with an employee raising a child/adopted child under the age of three cannot be terminated on the initiative of the employer without any fault on the part of the employee (Article 57 of the LC). An employment contract with an employee on pregnancy and childbirth leave, paternity leave or child care leave cannot be terminated at the will of the employer (Article 59 of the LC).

An employee who has been enlisted for compulsory military service or an alternative national defence service may not be dismissed from work at the will of the employer or on the initiative of the employer without any fault on the part of the employee.

Article 134 of the LC establishes the provisions regarding child care leave. By choice of the family, the mother/adoptive mother, father/adoptive father, grandmother, grandfather or other relative actually raising the child, as well as an employee appointed as the child's guardian, may be granted child care leave until the child reaches three years of age. This leave may be taken all at once or in parts. Employees entitled to this leave may take it in turns.

Within one month of the day of the court judgement on adoption taking effect (or in the case of urgent enforcement – within one month of enforcement of the judgement), the adoptive mother or adoptive father, by choice of the family, but with the exception of cases when the child of a spouse is adopted or when the adoptive mother/adoptive father was already granted leave to care for the same child in accordance with paragraph 1 of this Article, shall be

granted three months of child care leave. If an employee is simultaneously entitled to leave to care for the same child in accordance with these conditions, the employee shall be granted the leave of his or her choice. Employees entitled to this leave may take it in turns.
An employee who intends to take leave or to return to work before the leave is over must give the employer written notice thereof at least 14 calendar days in advance. An employee who intends to take leave in accordance with paragraph 2 of this Article or to return to work before the leave is over must give the employer written notice thereof at least three working days in advance. A longer notice period may be established in the collective agreement.

Article 131 of the LC sets the types of special leave:
1) pregnancy and childbirth leave;
2) paternity leave;
3) child care leave;
4) educational leave;
5) sabbatical leave;
6) unpaid leave.
The employer shall ensure the employee's right to return, after special leave, to the same or equivalent workplace/position under terms of employment no less favourable than those previously, including remuneration, and to make use of all improved conditions, including the right to increased remuneration which the employee would have been entitled to had he or she been working.

According to the Article 57 of the LC, the employment contract shall be terminated by giving the employee notice one month in advance, or, for employment relationships of less than one year – two weeks in advance. These notice periods shall be doubled for employees who have less than five years left until the statutory age of old-age pension, ***and tripled*** *for employees who are raising a child/adopted child under the age of 14 and employees who are raising a disabled child under the age of 18, as well as for disabled employees and employees who have less than two years left until the statutory age of old-age pension.*

Article 31 - Right to housing

Article 31§1 - Adequate housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. *to promote access to housing of an adequate standard;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Criteria for adequate housing

The Committee notes from its previous conclusion (Conclusions 2011) that "adequate housing" in Lithuania means a dwelling that is suitable for living for a person or a family, complies with the requirements of construction and special norms (sanitary, fire protection, etc.) and useful floor space per family member (i.e. more than 14 m2, with the exception of subsidised housing where the useful floor space is set at 10 m2). In this regard, the Committee asked in which legislative act this definition was laid down. It notes from information provided to the Governmental Committee (Report concerning Conclusions 2011) that housing

related requirements and standards are set forth in the Act on Construction (No. I-1240, 19 March 1996) as well as operational technical construction regulations.
As regards health and safety, the Committee notes from the Governmental Committee's report that the rules concerning the control of exposure to lead and asbestos are regulated by orders of the Minister of Health in the form of hygiene standards, which include requirements in relation to allowed minimum concentration of hazardous substances.
On statistics with respect to adequacy of dwellings, the report indicates that, in 2011, 70.8% of all conventional dwellings had all conveniencies (hot water, bath or shower, flush toilet, piped water, sewerage) and they were inhabited by 74.3% of all persons living in conventional dwellings. The Committee asks the next report to continue to provide statistics with respect to adequacy of dwellings and also indicate what measures have been taken and are planned to improve the situation of inadequately housed persons. Meanwhile, it reserves its position on this issue.

Responsibility for adequate housing
The Committee refers to its previous conclusion for a description of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment in charge of enforcing housing standards.
In its previous conclusion, the Committee asked for the number of structures restored to comply with the necessary adequacy of housing requirements following inspections finding shortcomings. The report provides no information. The Committee therefore reiterates its question. Should the next report fail to provide the requested information, there will be nothing to show that the situation is in conformity with the Charter in this respect.
The Committee recalls that it is incumbent on the public authorities to ensure that housing is adequate through different measures such as, in particular, an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords. Public authorities must also limit against the interruption of essential services such as water, electricity and telephone (Conclusions 2003, France).

Legal protection
The Committee recalls that the effectiveness of the right to adequate housing requires its legal protection through adequate procedural safeguards. Occupiers must have access to affordable and impartial judicial or other remedies (administrative review, etc.) (Conclusions 2003, France). Any appeal procedure must be effective (European Federation of National Organisations Working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, §§ 80-81). The report stresses that any individual considering that his/her rights have been infringed may defend these rights before courts. The Committee asks in which legislative act this right is laid down. The Committee also asks whether such judicial remedies are affordable. It further wishes to know whether there are other remedies, such as administrative review. Finally, it requests information on appeal procedures.

Measures in favour of vulnerable groups
The report stresses that Roma people are treated equally to nationals when it comes to accessing social housing. It also indicates that the Subsidised Housing Division of the Department of Social Affairs and Health of the Municipal Government Administration of Vilnius City notified that 85 families living in Roma encampments in Kirtimai were included in the list for subsidised housing rent. Moreover, it states that between 2005-2012 Vilnius

City Municipality rented 33 apartments to Roma families. The Committee asks the next report to indicate the number of Roma families living in Lithuania.
While taking note of these measures, the Committee notes from the fourth Report of the European Commission against Racism and Intolerance (ECRI), adopted in 2011, that the problem of housing of Roma families is a matter of priority. ECRI recommends that a number of viable housing options, including social housing and subsidies for the rental of dwellings should be laid out and discussed with the Roma community.
In view of the low figures provided by the report and ECRI's recommendation the Committee considers that the situation remains in breach of the Charter on the ground that measures taken by public authorities to improve the substandard housing conditions of most Roma are insufficient.
Concerning refugees, the Committee notes from UNHCR Report on integration of refugees in Lithuania of 2013 that refugees encounter difficulties in accessing suitable and affordable housing preventing them from becoming homeless. As a remedy to this situation, UNHCR, for example, suggests the introduction of a system whereby a state agency or an NGO is assigned the responsibility for assisting refugees to find affordable housing and for facilitating the signing of the contract. In view of this, the Committee asks the next report to provide information on the steps taken to improve the housing situation of refugees.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 31§1 of the Charter on the ground that measures taken by public authorities to improve the substandard housing conditions of most Roma are insufficient.

Answers from the Government

Having analysed the functioning of the system of support for the acquisition or rental of housing and having evaluated obligations, established for the parties in the European Social Charter, to promote access to housing of an adequate standard, prevent and reduce homelessness, make the price of housing accessible to those without adequate resources, as well as obligations, established in the Programme of the Sixteenth Government 2012–2016, to create more favourable conditions for families to acquire or rent housing by providing state supported housing loans and supporting the development of municipal social housing stock, it was ascertained that the effective legal regulation concerning support for the acquisition or rental of housing does not ensure adequately efficient exercise of a person's right to housing.

In the Law On State Support to Acquire or Rent Housing of the Republic of Lithuania it is determined, that the support to acquire housing is given by following the principles of equality, which means that the support to acquire or rent housing is given by ensuring the equality of persons and family, and social justice, which means that the support to acquire or rent housing is given to persons and families after evaluating their assets, income received and other factors associated with the social status of a person or family, while the main criterion, according to which it is determined whether a person or family has the right to support for housing, is the income received and the assets owned.

It is to mention that in accordance to the Law on Local Self-Government of the Republic of Lithuania the possession, use and disposal of land and other property, including municipal housing fund (which the municipality could use to house the Roma), belonging on the right of ownership to the municipality is an independent function of municipalities.

Furthermore, when the new Law on Support to Acquire or Rent Housing of the Republic of Lithuania came into force on 1 January 2015, in order to provide persons and families with housing, a new form of support for housing has been envisaged – the compensation of a part of housing tax, which the Roma can use, if they correspond to the income and asset level criterions envisaged in the Law on Support to Acquire or Rent Housing.

The Law establishes new provisions related to support for the acquisition of housing (individuals and families may use a subsidy for paying part of the housing loan partially compensated by the state for the down-payment of the housing loan partially compensated by the state (or part thereof); the amounts of evaluated individual's and family's income and property have been increased by 11.9 per cent). These measures resulted in the increase of the number of individuals and families who have used support for the acquisition of housing. Regular submission of declarations of individuals' and families' property and income for every year and annual revision of the right to support for the rental of housing created the conditions to more accurately identify beneficiaries and draw up the lists of individuals and families entitled to this type of support and waiting for it. Having evaluated limited financial resources to carry out the development of subsidised housing stock in municipalities, a new form of provision of support for the rental of housing – a compensation for part of rental or lease payment – has been established.

A very small number of individuals and families used support for the acquisition of housing (through partially compensated housing loans) in the period of 2013–2014; therefore, in order to create more favourable conditions for individuals and families entitled to support for the acquisition of housing to exercise this right, the following new provisions established in the Law and secondary legislation have highly increased opportunities for individuals and families to use support for the acquisition of housing:

• individuals and families may choose the bank or a credit institution selected to grant housing loans partially compensated by the state, because a bigger number of banks or credit institutions, selected for the period of three years, will be able to grant housing loans partially compensated by the state;

• banks or other credit institutions that grant housing loans partially compensated by the state is paid an administration fee, which cannot exceed EUR 30 per year for one granted housing loan partially compensated by the state, for the performance of obligations set out in the agreements regarding the granting of compensated housing loans (subsidy financing) concluded with the Ministry of Social Security and Labour. The aim is to encourage more banks or other credit institutions to participate in the selection procedure regarding the granting of these loans;

• individuals and families may use a subsidy for paying part of the housing loan partially compensated by the state for the down-payment of the housing loan partially compensated by the state (or part thereof).

Seeking to ensure that support for the rental of housing is used only by those individuals and families whose income and property is insufficient to be able to provide themselves with housing, the Law stipulates that in order to receive support for the rental of housing, individuals and families must declare their property and income each year in accordance with the procedure prescribed by the Republic of Lithuania Law on Declaration of Residents' Property. Regular submission of declarations of individuals' and families' property and income for every year and annual revision of the right to support for the rental of housing created the conditions to more accurately identify beneficiaries and draw up the lists of

individuals and families entitled to this type of support and waiting for it. In accordance with the provisions of the Law, after the declarations of property and income of persons queued up for the rental of social housing were checked, the number of those entitled to support for the rental of housing and queued up for this support decreased from 32 815 individuals and families (70 518 family members) in late 2014 to 12 546 individuals and families (26 443 family members) by 31 March 2017, or 2.6 times.

In 2017, the highest number of individuals and families willing to rent municipal social housing has been recorded in Vilnius (15.2 per cent), Kaunas (10.5 per cent) and Klaipėda (5.2 per cent) municipalities.

. In 2015, the Action Plan for the Development of Municipal Social Housing Stock 2015–202096 was approved. EUR 49.9 million have been envisaged for the implementation of the Action Plan from the European Regional Development Fund. These funds are planned to be used to acquire or equip 1 150 units of social housing in 2017–2019. The implementation of Measure No. 08.1.2-CPVA-R-408 "Development of Social Housing Stock" of Priority 8 "Increasing Social Inclusion and Combatting Poverty" of the Operational Programme for European Union Structural Funds Investments 2014–2020 commenced in 2016 and decisions were passed in relation to financing of 57 projects selected by municipalities, which resulted in the signature of project financing agreements.

Having evaluated insufficient financial resources to develop social housing stock in municipalities, the Law lays down the new form of provision of support for the rental of housing, i.e. compensation for part of housing rental or lease payment, establishing that families and individuals entitled to social housing and renting housing from natural or legal persons under market conditions shall become entitled to a compensation for part of housing rental or lease payments. Compensation for part of housing rental payment increases the possibilities for providing families and individuals with housing, as well as create a possibility to rent a dwelling meeting their needs.

In 2016, 510 persons in 24 municipalities used this type of support (90 persons in 16 municipalities in 2015); in the first quarter of 2017, 557 persons in 25 municipalities were granted compensations for part of housing rental payment. The main reasons why individuals and families entitled to support for the rental of housing did not use compensations for part of housing rental or lease payment were the following: they did not have agreements of housing rental registered in the State Enterprise Centre of Registers; the period when individuals and families used compensations for part of housing rental or lease payment was not included in the period of being categorised as individuals and families entitled to renting social housing.

In 2016, seeking to improve legal regulation of support for the acquisition or rental of housing and create the conditions for a bigger number of individuals and families to use the abovementioned forms of support, the Seimas of the Republic of Lithuania adopted the following amendments to the Law, which have entered into force as of 1 January 2017:
• the Law establishes the types of income (in accordance with the Law on Cash Social Assistance for Poor Residents) which is not included in the income evaluated when determining the right of individuals and families to support for the acquisition or rental of housing. This creates a possibility for individuals and families who receive targeted support yet cannot afford housing to apply for support for the acquisition or rental of housing and use it, and to retain this right for individuals who have been currently exercising their right to

support for the rental of housing and have been renting social housing or receiving a compensation for part of housing rental payment; • the Law establishes that individuals and families are removed from the list of those queued up for support and the agreement of renting social housing or payment of a compensation for part of housing rental payment is terminated when their income or property exceed the amounts established in the Law by more than 25 per cent;

• with regard to the fact that the purpose of compensations for part of housing rental or lease payment is to cover the expenses of housing in full or in part, having evaluated owned property, received income and other factors related to a person's social status, the Law establishes that the amount of compensation for part of housing rental or lease payment cannot exceed the rental or lease payment;

• the Law establishes that individuals or families who have moved to reside in the territory of another municipality, shall, upon submitting an application to the executive authority, be included in the list of individuals and families entitled to support for the rental of housing in this municipality, adding the period of being on the respective list in the previous municipality;

• the Law establishes that the period during which individ uals and families use a compensation for part of housing rental or lease payment shall be included in the period of being on the list of individuals and families entitled to support for the rental of housing, i.e. from now on the abovementioned individuals and families will still "move upwards in the list", regardless of the compensation they receive;

• the Law extends the term of payment for the sold municipal housing and auxiliary buildings as well as parts thereof from 10 calendar days to 3 months. This provides individuals with more favourable conditions to exercise their right to buy the abovementioned premises.

Measures in favour of vulnerable groups

The Action Plan for Roma Integration into the Lithuanian Society for 2015–2020 was adopted in 2015. It is aimed at reducing social exclusion of Roma, promoting the participation of Roma in public life and increasing public tolerance.

It was drawn up with a view to implementing the European Commission's Communication of 5 April 2011 on an EU Framework for National Roma Integration Strategies up to 2020 and having regard to Lithuania's international commitments under the Council of Europe Framework Convention for the Protection of National Minorities, the United Nations Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, and other international treaties.

One of the goals of the Action Plan is to improve housing conditions of Roma people and the objective - to strengthen the implementation of the right of Roma people to housing.

The Municipalities are responsible for two measures of the Action Plan:

– to increase access to housing for vulnerable population groups, including Roma;

– to organise meetings of municipalities and the Roma communities regarding the new forms of social housing provision.

Roma Community Centre is responsible for the third measure: to organise the provision of legal consultations on housing issues. 15 thousand EUR will be allocated each year in the period of 2016-2020 for the Centre.

The measures of the Action Plan are financed from the state and municipality budgets as well as from the EU financial support and other receipts of international financial support funds.
Based on the 2011 Population and Housing Census, there were 2,115 Roma living in the country. 49% of all Roma are children and young people under 20 years of age.
81% of Roma resided in urban areas, whereas 19% of Roma lived in rural areas. The majority of Roma lived in the counties of Vilnius (38% / 814 persons), Kaunas (23% / 482 persons), Šiauliai (11% / 224 persons), Marijampolė (10% / 214 persons) and Panevėžys (7% / 145 persons).
There is around one third of Lithuania's Roma (29% / 619 persons) residing in the city of Vilnius, the majority of them (approx. 400) live in Kirtimai neighbourhood.

The data of the 2011 Population and Housing Census revealed that the dwelling of Roma is of a worse quality than that of the majority of Lithuania's population. Roma more often tend to live in dwellings which are not provided with hot water (49%, the national average is 25%), lavatories (45%, the national average is 24%), bathrooms or showers (49%, the national average is 24%). Seventeen per cent of Roma have no access to water supply. Roma tend to live in small dwellings. For comparison, there was, on average, 26.2 sq.m. of floor space per capita in Lithuania, while 52% of Roma lived in dwellings where the living space was 1–19 sq.m. per person.

Roma more often live in state or municipally owned dwellings (14%, the national average is 1.4%). Such situation may be determined by the fact that a smaller percentage of Roma own their dwelling by the right of private ownership but also because it is hard for Roma to rent a dwelling from private persons as a result of discrimination and negative public attitudes towards them. The results of the public attitude surveys conducted in 2009–2013 show that around two thirds of Lithuania's population (65–71%) are not willing to rent a dwelling to Roma.

A larger part of Roma rent their dwelling: 38 percent live in social dwelling (state indicator – 1 percent), 9 percent of Roma economies rent the dwelling on a market price (state indicator – 0.7 percent). One fifth of Roma families live in dwelling without paying rent – these are illegal dwellings (e.g., on a state land), dwellings belonging to family members etc.

When analyzing the diversity of Roma dwellings in different municipalities, one can observe that the types of dwellings and ownership forms differ in municipalities. For example, in Marijampolė and Šiauliai the majority of Roma dwellings belong to citizens based on the right of private ownership, a lesser degree of dwellings are being rented based on market conditions or a loan, which was taken in order to acquire a dwelling, is paid for them. In these cities, the Roma dwellings distinguish themselves with relatively good quality of the living environment – these dwellings are spacious, light and are in neighborhoods, which distinguish themselves with safe and clean environment. In the region of Šalčininkai and Vilnius, a larger part of Roma live in dwellings, which they rent on a lower price than the market price or do not pay rent at al – usually, these are the dwellings, which have not been properly registered (emergency condition, unauthorized, unfit for living) or premises belonging to family members. Usually, these dwellings distinguish themselves with poorer

living conditions – they are dark (not enough light of day), are in neighborhoods, which are famous for air, environment pollution and crimes, and are described as having various dwelling repair issues (leaky roof, moist walls and/or floors, rotten windows etc.). In the city of Panevėžys, these different dwellings (in the point of view of ownership and quality of the dwelling) are distributed in half – half of Roma live in relatively good quality dwellings, which belong to them based on the right of private ownership, and another half shelters in poorer dwellings, which are rented on a lower price than the market price.

In 2016, the municipality of Vilnius city approved the Integration of the Society of Vilnius (Kirtimai) Roma in to the Society 2016-2019 Program. One of its objectives is to better the living conditions of Roma. When the means of the aforementioned Program started to be implemented, the number of Roma living in the Kirtimai settlement started to dwindle.In total, within eleven years (2007-2018), the number of Roma living in this settlement decreased by 41 percent.

The Change in the Number of Roma Living in Kirtimai Settlement in 2007-2018		
2007	*2017*	*June 2018*
496 persons	*246 persons*	*~ 200 persons*

It is to note that the issue of Kirtimai settlement is being solved in two ways: (1) by giving a social dwelling to Roma families or (2) by compensating the rent of the dwelling when renting it from private persons.
In 2016-2017, social dwelling was given to all families that have five or more kids. In 2017, 7 Roma families received social dwelling and 14 families took advantage of the compensation of the dwelling rent.
In order to hasten the process of evicting the Roma from the Kirtimai settlement, on February 2018, it was consented to establish a position in municipal company "Vilniaus būstas", which would help to rent a dwelling for families living in Kirtimai. Currently, a civil servant is working with those Roma families, who received instructions from the bailiffs to demolish illegal structures in order to ensure dwelling premises for them.
Social workers, who provide social skills nurturing and maintenance services for Roma families, are working with them, e.g., communicate with neighbors in order to avoid negative attitudes and discrimination.

<u>Regarding the Right to Judicial Protection</u>
The principle of universal accessibility to judicial protection is enshrined in Article 5 of the CPC: each and every person concerned shall have the right to appeal to court following the laws to defend their violated or contested right or interest protected by laws (Article 5 Part 1 of the CPC). Thus, if certain actions of certain people infringe the rights of other subjects or damage is done to them, the interested subjects have the right to apply to the court on the

procedure established in the laws. In accordance to Article 6.249 Part 1 of the CC, damage shall include the amount of the loss or damage of property sustained by a person and the expenses incurred (direct damages) as well as the incomes of which he has been deprived, i.e. the incomes he would have received if unlawful actions had not been committed. Damage expressed in monetary terms shall constitute damages. In accordance to Part 2 of the same Article, if the person who is liable towards another has derived profit from his unlawful actions, upon the demand of the creditor the profit received may be attributed to damages. Article 6.251 Part 1 of the CC establishes that the damages incurred must be compensated in full, except in cases when limited liability is established by laws or a contract. By following Article 6.252 of the CC, an agreement of the parties upon exclusion of civil liability for damages (damage) sustained by the reason of the debtor's intentional fault or gross negligence, as well as any agreement concerning the limitation of the amount of civil liability for damages sustained by the reasons indicated above shall be null and void. It shall be prohibited to exclude or limit civil liability for impairment of health, deprivation of life or non-pecuniary damage caused to another. The mandatory legal norms establishing civil liability, as well as the form or amount thereof, cannot be modified by an agreement of the parties. In Article 6.250 of the CC it is regulated, that non-pecuniary damage shall be deemed to be a person's suffering, emotional experiences, inconveniences, mental shock, emotional depression, humiliation, deterioration of reputation, diminution of possibilities to associate with others, etc., evaluated by a court in terms of money. Non-pecuniary damage shall be compensated only in cases provided for by laws. Non-pecuniary damage shall be compensated in all cases where it is incurred due to crime, health impairment or deprivation of life, as well as in other cases provided for by laws. The court in assessing the amount of non-pecuniary damage shall take into consideration the consequences of such damage sustained, the gravity of the fault of the person by whom the damage is caused, his financial status, the amount of pecuniary damage sustained by the aggrieved person, also any other circumstances of importance for the case, likewise to the criteria of good faith, justice and reasonableness.

<u>Regarding the Process of Appeal</u>

The process of appeal in civil cases is regulated in Chapter XVI of the CPC. In accordance to Article 301, judgments (orders, rulings) of a court of first instance that are not res judicata, except the cases provided in this Code, shall be appealed by the appeal procedure. County courts shall hear cases according to appeals (separate appeals) concerning a district court judgment, ruling, order or decision that is not res judicata. The Appeal Court of Lithuania shall hear cases according to appeals (separate appeals) concerning a county court judgment, ruling, order or decision that is not res judicata. The parties to the proceeding shall be entitled to lodge an appeal. An appeal shall be lodged through the court, the judgment of which is being appealed (Articles 305, 310 of the CPC). By following Article 307 of the CPC, an appeal can be lodged within thirty days of the day the judgment of the court of first instance was passed. The term for lodging an appeal can be extended if the court acknowledges that the term was missed due to valid reasons. In accordance to Article 320 of the CPC, the limits of appeal procedure in hearing a case shall consist of the factual and legal grounds of the appeal and the verification of the absolute grounds for the invalidity of the judgment. The court of appeal instance shall hear the case without exceeding the limits established in the appeal except when public interest requires this and if the limits of the appeal would not be exceeded, the rights and lawful interests of a person, society and the

state would be infringed. The court shall inform the persons participating in the case about the intention to exceed the limits of the appeal. The court of appeal instance ex officio shall check whether there aren't any grounds for nullity of the decision established in Article 329 of the CPC.

Article 31§2 - Reduction of homelessness

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

2. *to prevent and reduce homelessness with a view to its gradual elimination;*

The Committee takes note of the information contained in the report submitted by Lithuania.

Preventing homelessness

The Committee notes from the information provided to the Governmental Committee (Report concerning Conclusions 2011) that in order to prevent homelessness, municipal authorities have established social housing rental terms and conditions and registered people in need of accommodation. In this regard, it notes that, for the period 2005-2011, the Municipal Social Housing Fund increased by 3,000 dwellings and 6,800 families had access to social housing. However, the said report underlined that due to the financial crisis public investment in the development of social housing fell sharply from 2008 onwards and that, correlatively, the demand for social housing increased. In view of this situation, it indicates that a draft law, under preparation, provides for the reimbursement of the rent to persons entitled to social housing. The Committee asks the next report to provide information on this law.

The Committee further notes from the report that municipal social housing were rented as follows: in 2011 to 949 families, in 2012 to 1,086 families and in 2013 to 1,053 families. The report further specifies that these families consist of: young families, families raising 3 or more children, orphans and children without parental custody, disabled persons, common list (i.e. individuals outside the above list) and social housing renters entitled to improve their housing environment. It also notes that in 2011 there were 650 homeless people living rough, representing 0.03% of the population.

While taking note of the measures taken to prevent homelessness, the Committee asks that the next report continue to provide relevant statistics and information on measures taken to remedy the situation of homelessness.

The Committee noted in its previous conclusion (Conclusions 2011) that families and persons who are granted a state supported housing loan but subsequently lose their housing for specific reasons due to their faulty behaviour, are no longer entitled (during 5 years) to municipal subsidised housing. It consequently asked what structures are in place to avoid that during these 5 years [and after] these persons become homeless. The report provides no information in this respect. The Committee therefore considers that the situation is not in conformity with the Charter on the ground that it has not been established that there are measures in place to prevent persons having lost their right to municipal subsidised housing to become homeless.

Forced eviction

In its previous conclusion (Conclusions 2011) the Committee asked several questions regarding eviction:

- whether in case of eviction justified by the public interest there is an obligation to adopt measures to re-house or financially assist the persons concerned;

- whether there is an obligation to consult the parties affected in order to find alternative solutions to eviction;
- whether there is a prohibition to carry out evictions at night or during winter or any other specific rule protective of the human dignity of the persons concerned;
- whether there is accessibility to legal aid;
- whether there is compensation in case of illegal eviction.

The report provides no information on these issues. The Committee therefore considers that the situation is not in conformity with the Charter on the ground that it has not been established that there exists legal protection for persons threatened by eviction.

Right to shelter

The report indicates that the number of people staying in shelters increased. In 2011, 1,891 homeless persons applied for shelter compare to 1,584 in 2009. According to the data provided in the report, in 2012 there were 23 shelters with a capacity of 1,598 places, which welcomed 2,281 persons.

In its previous conclusion (Conclusions 2011) the Committee asked clarifications on whether:

- shelters/emergency accommodation satisfy security requirements (including in the immediate surroundings) and health and hygiene standards (in particular whether they are equipped with basic amenities such as access to water and heating and sufficient lighting);
- shelter/emergency accommodation is provided regardless of residence status;
- the law prohibits eviction from shelters or emergency accommodation.

Furthermore, the Committee refers to its Statement of interpretation on Article 31§2 (Conclusions 2015) and recalls that eviction from shelters without the provision of alternative accommodation is prohibited.

The report provides no information on these issues. The Committee therefore considers that the situation is not in conformity with the Charter on the ground that it has not been established that the right to shelter is adequately guaranteed.

Conclusion

The Committee concludes that the situation in Lithuania is not in conformity with Article 31§2 of the Charter on the grounds that it has not been established that:

- there are measures in place to prevent persons having lost their right to municipal subsidised housing to become homeless;
- there exists legal protection for persons threatened by eviction;
- the right to shelter is adequately guaranteed.

Answers from the Government

Measures taken to prevent the situation of homelessness

- the new form of provision of support for the rental of housing – compensation for part of housing rental or lease payment;

- the analysis of housing rental market data showed that the amount of a compensation for part of rental or lease payment per person is insufficient; therefore, the conversion coefficient of the basic amount of compensation for part of rental or lease payment has been increased from 1 to 1.6 as of 1 November 2015;

- individuals and families are deprived of the right to support for the rental of social housing only in those cases when their declared property or income exceeds the income or property

amounts more than 20 per cent. This improvement is reducing the number of families and individuals who are evicted from the social housing by force;
- a possibility for individuals and families who rent social housing to continue renting the same housing for market prices after they are deprived of the right to social housing due to higher income.

The right to shelter
According to the Law on Social Services, municipalities are in charge of the ensuring of provision of social services to residents of its territory by planning and organizing social services (by assessing and analyzing residents' needs, forecasting and determining the scope of the provision and types of social services, assessing and establishing the need for financing of social services). The provision of social services also includes and homeless people.

Regarding the eviction
Eviction in the cases of rented dwelling is regulated in the CC. Article 6.597 Part 1 of the CC establishes that upon termination of a contract of lease of a dwelling, a contract of sublease shall also terminate at the same time. The sublessee, as well as the temporary dwellers who refuse to vacate the dwelling shall be evicted under judicial proceedings without another dwelling being provided. In Articles 6.610-6.612 of the CC it is established that a contract of lease of dwelling may be acknowledged null and void, it may be dissolved, likewise the eviction of natural persons from the dwelling premises may be enforced exclusively upon judicial proceedings, except in the cases of eviction enforced with the sanction of the public prosecutor provided for in the CC. 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, if the lessee, his family members or other persons residing together with him destroy or damage the dwelling or use it for other than its designation, the contract of lease may be dissolved and the persons concerned evicted from the dwelling without other dwelling being provided. In the event where the lessee, his family members or other persons residing together with him 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, they may be evicted upon the request of the lessor or the latter persons without other dwelling being provided. In the instances where persons wilfully occupy a dwelling, i.e. move in without concluding a contract of lease, they shall be evicted within judicial proceedings without another dwelling being provided. By following Article 6.613 of the CC, upon the expiration of the time-limit of a contract of lease of a dwelling, the lessee, his family members or former family members must vacate the dwelling upon the demand of the lessor, while those who fail to comply shall be evicted without another dwelling being provided.

Eviction from dilapidated apartment houses or flats is regulated in Article 6.615 of the CC. It is envisaged that in the instances of dwelling premises of the state, municipalities or legal persons being 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. This dwelling shall be provided by the owner of the building where the dilapidated or unfit for habitation dwelling is located. In such instances, the former contract of lease shall be deemed to have terminated. By following Article 6.616 of the CC, 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 instances: 1) the apartment house where the dwelling is located is subject to demolition; 2) the dwelling was not retained after capital repair, reconstruction or change of planning of the premises; 3) the dwelling premises are transformed for other designation. Another dwelling fit for habitation shall be granted by the lessor or other legal person in whose interests the apartment house is being demolished or reconstructed and the dwelling premises are modified for another designation.

Provision of another dwelling fit for habitation to evicted persons is regulated in Article 6.617 of the CC. In the mentioned article it is indicated that the other granted fit for habitation dwelling must be located in the same residential district and be properly equipped in accordance with the conditions of that district, it must also conform to the sanitary and technical requirements. The other granted fit for habitation dwelling may not be of smaller area or have fewer rooms than the previously occupied dwelling. Where in the previously occupied dwelling the useful living space per one member of the family was smaller than established by laws, upon eviction the useful living space provided may not be smaller than established. The granted dwelling must be of such size as to avoid the necessity of sharing a room by two persons over nine years of age of different gender, except spouses, and must conform to the condition of health of those to be evicted as well as to other circumstances. Upon the request of the lessee, he may be also provided with a smaller dwelling. The court judgement upon the dissolution of the contract of lease of dwelling and eviction of the lessee must indicate the total space and the number of rooms in the dwelling to be granted to the evicted person.

Eviction from office dwelling premises is regulated in Articles 6.620-6.622. In the mentioned articles it is indicated that upon the termination of labor (public service) agreement, the employee who was maintaining occupancy of an office dwelling premise granted under established procedure shall be obliged together with the family members residing with him to vacate the office dwelling premise. Failing that, natural persons shall be evicted without other dwelling premises being granted to them, except in cases stipulated in Article 6.616 of this Code. In the cases stipulated in Article 6.616 of this Code, natural persons evicted from office dwelling premise shall be granted another dwelling premise, likewise in the events when the evicted persons are: 1) employees (public servants) discharged from work (service) in the event of having determined 0-40 percent of incapacity for work or a level of high and medium special needs related with their work (public service); 2) members of the family of an employee (public servant) who was a lessee of an office dwelling and is dead or missing due to the reasons related with the work (public service). Another dwelling granted to evicted natural persons must be in the same residential district and conform to the sanitary and technical requirements.

<u>Regarding Enforcement of Decisions on Eviction</u>
Court orders, prosecutor's sanctions regarding eviction from dwellings are enforced in accordance to the procedure indicated in the CPC. The bailiff carries-out the enforcement; the document of enforcement is submitted to him/her as per indicated procedure.
In the cases indicated in the CPC, the bailiff has the right on his own initiative or at the request of the participatants of the enforcement process to defer enforcement actions or stop the case of enforcement. For example, the bailiff may effect a full or partial stay of the enforcement proceedings or defer the enforcement actions in case of eviction proceedings,

disease of the debtor or his family member – upon receipt of the document from the treatment institution, unless the disease is chronic (Article 627 Point 5 of the CPC). By following Article 659 Part 2, when evicting someone from their dwelling, a term for satisfying the judgment of no shorter than thirty days and no longer than forty five days shall be set.

The protection of the assets of the evicted person is regulated in Article 766, according to it, the evicted person must take with him/her the assets belonging to him/her. If during the eviction, the evicted person is not present or refuses to take the assets with him/her, the bailiff must ensure the protection of the assets. In the cases indicated in Part 2 of this Article, the bailiff shall describe and value the assets located in the premises of the evicted person by following the provisions of Articles 677 and 681 of the CPC. The described assets together with the copy of the asset schedule is given for safekeeping to a person, who is designated as the safe keeper of the assets. The copy of the asset schedule shall be forwarded or in any other way handed over to the debtor. The bailiff may protect the assets as well. The safe keeper of the assets shall transfer the assets to the debtor as per the bailiff's instructions. The debtor shall reimburse all costs associated with the safekeeping of the assets. If the debtor within three months from the day of transferring the assets to the safe keeper of the assets does not take his/hers assets with him/her, the assets are realized in accordance to the procedure indicated in Part VI Chapter XLIX of the CPC, and the income received, minus the enforcement expenses, are transferred to the debtor.

In accordance to the provisions of Article 769, in accordance to the decision of the court only the persons along with the assets indicated in the enforcement letter must be evicted. The debtor shall be informed in writing about the time of eviction no later than within 5 workdays. If the minor children are evicted without giving other dwelling, the bailiff shall inform in writing the child rights protection service about the time and place of eviction no later than within 30 days until eviction. Eviction is usually carried-out in the presence of the evicted person. In those cases when the evicted person is hiding or does not carryout the prod of the bailiff to move out from the dwelling, the bailiff shall evict him/her forcefully in the presence of the representative of the police and safe keeper of the assets.

Eviction from the dwelling according to the prosecutor's sanction is regulated in Article 768 of the CPC. In accordance to it, the sanction regarding eviction shall be carried-out within 7 days from the day of submitting it to the persons being evicted from the dwelling. The evicted persons shall be proted, if there is such possibility, to move out immediately. In urgent cases, the eviction is immediate. The bailiff of a place of a building, from which the eviction is taking place, shall carryout the sanction in accordance to the provisions of the CPC. If the evicted persons refuse to allow the bailiff in to the dwelling, which they occupy or by other actions hinder the eviction process, the police helps to evict them. If there are justifiable reasons, the court, prosecutor, who gave the sanction, as well as the higher prosecutor in accordance to the statement of interested persons or bailiff has the right to postpone the eviction.

It is envisaged in Article 592 of the CPC, that a bailiff shall perform enforcement actions on business days not earlier than from 6 a.m. and not later than until 10 p. m. It shall be allowed to enforce judgments during night time or on days off only in urgent cases when the failure to enforce the judgment immediately may make the enforcement thereof more difficult or completely impossible.

By following Article 594 Part 1 of the CPC, control over the procedural activities of a bailiff shall be carried out by a judge of the district court within the area whereof the bailiff operates. Documents of the enforcement procedure indicated in Part VI of this Code, which were drawn up by the bailiff, shall be inspected and approved during such control. An appeal

concerning the actions of a bailiff can be lodged no later than within twenty days of the day, on which the person lodging the appeal learned or had to have learned about the performance of the action being appealed or the refusal to perform it but no later than within thirty days of the performance of the action being appealed (Article 512 of the CPC). It is indicated in Article 510 of the CPC, that an appeal concerning the procedural actions of the bailiff or refusal to carry-out procedural actions shall be submitted to the bailiff. If the person submitting the complaint wishes that temporary protective measures would be applied, then the person must submit one copy of the complaint to the district court, in which territory of activity the registered office of the bailiff is. The court shall settle the issue of temporary protective measures in accordance to the procedure indicated in the CPC. The bailiff shall review the complaint within five workdays from the day of its receipt and adopts a resolution. If the bailiff refuses to grant the complaint in whole or in part, the complaint, save for the case indicated in Article 510 Part 5 of the CPC, together with the bailiff's resolution and enforcement case no later than the next workday from the day of adopting the resolution is sent to the district court, in which territory of activity the registered office of the bailiff is. If the bailiff did not review the complaint within the period indicated in Article 510 Part 3 of the CPC (within five workdays) or did not transfer the resolution, by which the bailiff in full or in part refused to grant the complaint, to the court, the person has the right to submit a complaitn regarding the actions or inactions of the bailiff to the district court, in which territory of activity the registered office of the bailiff is. Together with the complaint regarding the inactions of the bailiff, the person must submit to the court a complaint regarding the procedural actions of the bailiff or refusal to carryout procedural actions, which the bailiff did not review or did not transfer to the court after full or partial dismissal of demands. The court, while reviewing the complaint regarding the inactions of the bailiff, reviews the complaint regarding the procedural actions of the bailiff or the refusal to carryout them. The lodging of an appeal shall not suspend the performance of the actions but the court, if it acknowledges that it is necessary, shall be entitled to suspend the performance of the actions by means of written proceedings. A failure to lodge the appeal provided in this Chapter shall not take away the right to petition a court concerning the compensation of any harm caused by the illegal actions of a bailiff.

<u>Regarding legal aid in the case of eviction</u>

In Article 12 Points 9 and 10 of the Law on the State-Guaranteed Legal Aid it is envisaged, that parents or other legal representatives of minor children, when the issue of their eviction is being considered, as well as minor children, when they independently apply to a court for the defense of their rights or interests protected under law in the cases specified by laws hall be eligible for secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under this Law.