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REVISED EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF LITHUANIA

(Articles 8, 17, 27 and 31
for the period 01/01/2003 – 31/12/2009;
Articles 7, 16 and 19
for the period 01/01/2005 – 31/12/2009)

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CYCLE 2011



EIGHTH REPORT OF THE REPUBLIC OF LITHUANIA

ON THE IMPLEMENTATION OF

THE EUROPEAN SOCIAL CHARTER (REVISED)

GROUP 4 "CHILDREN, FAMILIES, MIGRANTS"

ARTICLES:

7, 8, 16, 17, 19 (Paragraphs 1, 3, 5, 7, 9-11), 27, 31 (Paragraphs 1 and 2)

Reference periods:

with respect to Articles 8, 17, 27 and 31 - from 1 January 2003 to 31 December 2009

with respect to Articles 7, 16 and 19 - from 1 January 2005 to 31 December 2009

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ACRONYMS USED IN THE REPORT:

AATEI – additional amount of tax-exempt income
ATEI – amount of tax-exempt income
BSB – basic social benefit
CALV - Code of Administrative Violations of Law of the Republic of Lithuania
CC – Criminal Code of the Republic of Lithuania
CiC – Civil Code of the Republic of Lithuania
CiPC – Civil Procedure Code of the Republic of Lithuania
Foreign Benefits Office – Foreign Benefits Office of the State Social Insurance Fund Board under the Ministry of Social Security and Labour of the Republic of Lithuania
EU – European Union
EURES – European network of employment services
LC – Labour Code of the Republic of Lithuania
LPIT – Law on Personal Income Tax of the Republic of Lithuania
MMW – Minimum Monthly Wage
MSL – minimum standard of living, replaced by BSB as of 1 August 2008
PC – Penal Code of the Republic of Lithuania
Service – State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania
State Labour Inspectorate – State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania
Statistics Department – Statistics Department under the Government of the Republic of Lithuania
SSI – state supported income
STPCI – State Territorial Planning and Construction Inspectorate under the Ministry of Environment of the Republic of Lithuania

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

Article 7&1

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

1. During the reference period, the following key amendments to the legislation were made: Law Amending Article 104 and 136 of the Labour Code of the Republic of Lithuania (Law No. X-1610 of 17 June 2008) and Resolution No. 844 of the Government of the Republic of Lithuania of 3 September 2008, *On Amending Resolution No. 138 of the Government of the Republic of Lithuania of 29 January 2009 “On Persons’ under the Age of Eighteen Employment, Health Examination and Procedure for the Assessment of Their Capacities to Perform Particular Work, Work Time and Approval of the List of Prohibited Works and Health Hazards for Them”*.

2. The aforementioned amendments to the legislation were prompted by the insufficient occupation of children which could become one of the preconditions of the increase of juvenile delinquency, abuse of alcohol and psychotropic substances; willingness of children from poor families to earn a living and help their families; ungrounded employment requirements for children during their holidays. As a result, the Labour Code (hereinafter referred to as LC) (Articles 104 and 136) and Resolution No. 138 of the Government of the Republic of Lithuania of 29 January 2003 contained a provision that minors aged from fourteen to sixteen who get employed during their vacation should not obtain a consent of a school representative. A written consent of a school representative is required only when minors get employed at the time of school year. Moreover, a labour contract without any prior warning should be terminated 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 demands to terminated the employment contract.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3. Like it was mentioned in the 3rd Report, the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter referred to as the State Labour Inspectorate), within its line of competence, carries out prevention of violations in line with the legislation regulating safety and health at work and labour relations and oversees the compliance with such legislation and other regulations, including those which provide for the application of safety and health guarantees to persons under 18. If during its inspections the State Labour Inspectorate detects the fact of illegal work, it draws up an official report of an administrative violation of the law in compliance with the procedure established by the Code of Administrative Law Violations of the Republic of Lithuania (hereinafter referred to as CALV) (Law No. X-4449 of 13 December 1984) and refers the matter to a court.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Table 7.1.1. Data about working persons aged 15-17

Persons aged 15-17 by age	2005	2006	2007	2008	2009
Boys	699	676	1242	562	128
Girls	216	349	143	831	126
Total	915	1025	1385	1393	254

(Data of the Statistics Department under the Government of the Republic of Lithuania (hereinafter referred to as the Statistics Department))

4. From 1 January 2005 to 31 December 2009, the number of persons under the age of eighteen detected as working illegally totalled 306 people.

Table 7.1.2. Persons who have worked illegally

Year	Number of persons under18 detected as working illegally	Number of persons under18 detected as working illegally:		
		in enterprises	in farmers' farms	for natural persons
2005	169	-	-	-
2006	23	11	0	12
2007	79	73	2	4
2008	25	6	0	19
2009	13	9	0	4

Table 7.1.3. Persons under the age of eighteen who have worked illegally by sectors of activity:

Activity sector	2005	2006	2007	2008	2009
Agriculture	-	7	-	-	-
Manufacturing	-	5	57	1	-
Construction	-	10	14	17	4
Car repair (sale, maintenance, repair and petrol stations)	-	-	2	-	-
Wholesale and retail trade	-	1	-	1	5
Accommodation and food services activities	-	-	4	4	1
Transport, warehousing and communication	-	-	-	-	-
Real estate, renting and other business activities	-	-	1	-	-
Professional, scientific and technical activities	-	-	-	1	-
Other community, social and personal service activities	-	-	1	-	-
Other activity sectors	-	-	-	1	3

Table 7.1.4. Distribution of persons under the age of eighteen who have worked illegally by gender, place of illegal work and age

Violations with respect to the illegal work of minors				
	2006	2007	2008	2009
Total	23	79	17	13
Boys	17	56	11	6
Girls	6	23	6	7
Town	10	3	11	9
Village	13	76	6	4
Age groups, years				
14-15	4	56	4	4
16-17	19	23	13	9

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asked to be informed of the activities of the labour inspectorate, including the number of inspections made, the number of cases of child labour detected and so on. According to the report, in 2003 the labour inspectorate inspected 101 companies employing 359 young persons and in 2004 122 companies employing 408 young persons. Under Article 41 of the Code of Administrative Offences, employers who breach the labour legislation are liable to fines of between LTL 500 and 5000 (EUR 450 to 4500). **The Committee asks what follow-up is given to controls by the labour inspectorate, and if sanctions have been imposed. It also asks the next report to contain information on the labour inspectorate's practice in respect of each paragraph of Article 7 of the Revised Charter.**

5. Each year, in addition to response inspections the Labour Inspectorate conducts planned inspections with respect to the employment of persons under the age of eighteen. The purpose of

such inspections is to check if employers comply with the labour law provisions regulating the procedure for employment of such persons.

6. In 2005, 122 employers who employed persons under the age of eighteen were inspected and in 2006 - 121 employers were inspected.

Table 7.1.5.

Indicator	2005	2006
The number of objects employing young persons inspected	122	121
The number of young persons (aged 14-18) working in inspected objects, in total	416	1367
including children (aged 14-16)	No information	29
Number of cases of detected violations of employment of young persons and/or violations of safety and health guarantees	10	15
The number of violations detected, total	13	24
The number of employees working without a labour contract detected (cases/persons)	No information	13 / 23.
01 – Agriculture (total)	No information	2 / 7.
15 – Food and beverage production	No information	1 / 1.
20 – Production of timber and wood-based products (total)	No information	2 / 2.
22 – Publishing, printing and related services (total)	No information	0
26 - Manufacture of other non-metallic mineral products	No information	1 / 2.
45 – Construction (total)	No information	6 / 10.
50 – Car repair	No information	0
52 - Trade	No information	1 / 1.

7. In June-July 2007, the State Labour Inspectorate carried out targeted inspections in all counties with respect to employment of minors. On 2-5 July, it carried out intensive inspections in Klaipėda county (10 inspectors from other territorial units were posted to the Klaipėda territorial unit) with respect to the employment of young persons seeking to detect potential violations of safety at work and work guarantees, scrutinising trading enterprises, restaurants and other catering enterprises.

8. During the first half of the year, territorial units of the State Labour Inspectorate received 459 notifications of employers about the employment of young persons. During summer time, the majority of young persons were employed in construction, trading enterprises, hotels and restaurants.

9. On the basis of the information available, inspections were carried out in 70% of enterprises, institutions or organizations which employed young persons that year. Out of 326 inspections, checks carried out in hotels and restaurants totalled 158 inspections (48% of the total number of checks), 21% of inspections were performed in trading enterprises, 17% of checks were carried out in construction enterprises, whereas the other enterprises were subject to random checks. Inspected enterprises employed 693 young persons, including 592 persons (85.4%) aged from 16 to 18 and 101 persons (14.6%) aged from 14 to 16.

10. The number of violations detected totalled 232, including: 46% of work and rest time violations, about 20% of labour contract conclusion, 1% of wageviolations. Apart from the aforementioned violations of LC and the Law on Safety and health at work, a number of violations were detected with respect to the Procedure of Employment of Persons Under the Age of Eighteen: for including persons younger than eighteen years of age in the list of employees in an enterprise (8%), with respect to the works which are allowed to be performed by young persons (1.3%), health checks (1.3%). Five cases of illegal work were detected. Twenty employers were detected as failing to notify a territorial unit of the State Labour Inspectorate about the employment of young persons.

11. Seeking to ensure elimination of detected violations, requirements were put forward for the employers and their compliance with such requirements were subject to oversight. Official report of administrative law violations were drawn up for 23 managers, including 18 decisions were taken to issue a fine (in 5 cases, upon the detection of illegal work, official reports of administrative law violations were submitted to court). The amount of fines imposed by the State Labour Inspectorate totalled LTL 17,000. (Additional information about sanctions is provided in a response to the second question of Article 7(2)).

Table 7.1.6. Information about Control of Work Performed by Minors from 18 June to 11 July 2007

No.	Data	Minors		Total
		Aged from 14 to up 16	Aged from 16 to up 18	
1	The number of notifications received about employment of minors	196	263 (57 %)	459 (100 %)
	Including in enterprises by types of economic activity			
1.1	45 – construction	30	50	80 (17%)
1.2	52 - trade	32	35	67 (14.6%)
1.3	55 – hotels, restaurants	16	24	40 (8.7%)
	other			272
			
2	The number of inspections carried out with respect to employment of minors	75 (23 %)	251	326 (100 %)
	Including in enterprises by types of economic activity			
2.1	45 – construction	12	25	37
2.2	52 - trade	16	55	71 (21.7%)
2.3	55 – hotels, restaurants	16	142	158 (48 %)
			
			
3	The number of employed minors detected during inspections	134	512	646 (100 %)
	Including in enterprises by types of economic activity			
3.1	45 – construction	5	45	50
3.2	52 - trade	20	189	209 (32.3%)
3.3	55 – hotels, restaurants	6	150	156 (24.1%)
	.....		In others	415
			
4	The number of complaints received and examined with respect to the employment of minors	2	3	5
4.1	Including the number of genuine complaints		1	1
	Including in enterprises by types of economic activity			
4.1.1	45 – construction			
4.1.2	52 - trade			
4.1.3	55 – hotels, restaurants			
			
			
5	Measures applied (with respect to the detected violations of minors' work)	XXX	XXX	XXX
5.1	Number of requirements put forward	26	96	122 (37 % of the number of inspections)
5.2	The number of violations detected, total:	142	217	359 (2.9 violation per inspection)
	Including:			

No.	Data	Minors		Total
		Aged from 14 to up 16	Aged from 16 to up 18	
5.2.1*	Lack of notifications about employment	4	16	20
5.2.2*	work and rest time violations	17	83	100 (27.8 %)
5.2.3*	violations of labour contract conclusion	5	32	37 (10.3 %)
5.2.4*	work payment violations	1	5	6
5.2.5*	other (* specifying concrete violations with reference to a specific article of the legislation)		other	195
5.2.7*	.....		
			
5.3	Cases of illegal work	1	4	5
5.4	Number of drawn up official reports of administrative law violations	2	21	23
5.5	Number of fines imposed with respect to administrative law violations	1	17	18
6	The amount of fines imposed, LTL		16800	16800

12. **In May 2008** a press release was developed about disseminated (placed on the website of the business weekly "Verslo žinios", the online system "BNS Kurjerio sistema" and on the website of the State Labour Inspectorate) about the work of children and young persons; an article "About Persons Entering the Labour World. For Parents, For Children. For Employers" dealing with the rights and obligations of employers and young persons was printed in 16 publications. The Lithuanian National Radio broadcasted an audio clip inviting parents whose children, including adolescents, are willing to get employed consult the State Labour Inspectorate. The State Labour Inspectorate was invited to a special radio broadcast and answered the questions asked by the radio listeners.

13. During the first ten days of August 2008, targeted inspections were carried out in all counties, seeking to detect potential violations of safety at work and other work guarantees. On the basis of the findings of these inspections, a press release was developed for the media and an article "Work of Children and Young Persons is Subject to Constant Scrutiny of Inspectors" was placed in the national and regional press.

14. In 2008, territorial offices of the State Labour Inspectorate received, in compliance with the procedure established by law, 312 notifications of employers about the employment of young persons. On the basis of the information available, inspections were carried out in almost 60% of enterprises, institutions or organizations which employed young persons in 2008. Out of all inspections performed, checks in processing industry and trade enterprises totalled 17%, inspections in agricultural and forestry enterprises made up 14%, hotels and restaurants made up 9%, construction companies totalled 6% and the remaining enterprises were subject to random checks.

15. The inspections found violations in 13% of enterprises. Detected violations included the following: work and rest period violations (36%), conclusion of labour contracts (18%), and other types of violations (1.5 – 2%). Seeking to ensure elimination of detected violations, requirements were put forward for the employers and their compliance with such requirements are subject to oversight. With respect to violations of requirements laid down in the legislation on safety and health at work as well as labour relations, official reports of administrative law violations were drawn up with respect to 3 company managers and decisions were taken to impose a fine of LTL 4,500 in total.

16. As of the beginning of the year, the State Labour Inspectorate received five complaints which relate to the work of young persons, including 1 genuine complaint.

17. During 2008, 6 cases of illegal work were detected disclosing 14 young persons who had worked illegally. In relation to them, official reports of administrative law violations were drawn

up and submitted to court.

Table 7.1.7. Information about the Control of Minors' Work in 2008

No.	Data	Minors Aged from 14 to up 16	Minors Aged from 16 to up 18	Total
1.	The number of notifications received about employment of minors in 2008, total	292	227	519
	<i>Including in enterprises by types of economic activity</i>			
1.1	Agriculture, forestry and fishing	40	39	79
1.2	Manufacturing	49	72	121
1.3	Water supply, sewage, waste management and remediation activities	17	0	17
1.4	Construction	18	25	43
1.5.	Wholesale and retail trade; repair of motor vehicles and motorcycles	49	36	85
1.6	Accommodation and food services activities	25	16	41
1.7	Administration and support service activities	15	9	24
1.8	Public administration and defence; compulsory social security	21	8	29
1.9	Education	36	9	45
1.10	Other	22	13	35
2.	Measures applied (with respect to the detected violations of minors' work for 32 weeks)	0	1	1
2.1	The number of drawn up official reports of administrative law violations	4	2	6
2.1.1	including with respect to CALV Article 41(3)	0	1	1
2.2	Number of fines imposed with respect to administrative law violations	3	1	4
2.3	The amount of fines imposed, LTL	4500	1500	6000
3.	Cases of illegal work (minors)	0	1	1
4.	The number of detected illegally working minors	0	1	1

18. The enterprises inspected in 2009 employed 82 young persons under18. Young persons (under18) were employed in 22 enterprises (the total number of inspected enterprises totalled 9,075). Inspections detected 23 violations in failing to ensure allowances and guarantees to young persons under the age of eighteen (these violations made up 0.16% of all detected violations). The total number of violations of safety and work and health legislation as well as the regulations of labour relations amounted to 14,335 infringements. The complaints and requests obtained raised 47 questions about the employment of young persons (under18). The examination of complaints showed that only every second of them was genuine. The questions which were raised in most cases were work and rest time, conclusion of labour contracts and their performance.

19. In pursuing prevention and control of illegal work, 730 illegal workers were detected in 2009. Out of that number, 13 persons (or almost 2%) were under18 (9 of them worked in enterprises and another 4 persons were employed by natural persons). Four persons worked in the construction sector and 5 persons were employed by trading enterprises.

Table 7.1.8. Violations by Sub-Groups of Violations in 2008-2009

Violation group (subgroup) code	Name of violation group (subgroup)	1 January 2008 – 31 December 2008	1 January 2009 – 31 December 2009
104	ALLOWANCES AND GUARANTEES TO YOUNG PERSONS	41	15
1041	Labour contract	10	3
1042	Work time	13	3
1043	Rest time	10	2
1044	Study visits		
1045	Contract of full material liability	1	
1046	Another type from this group, not mentioned before	7	7
215	YOUNG PERSONS' WORK	38	7
2151	Child labour	17	3
2152	Work conditions of young persons, works prohibited to be performed by them	5	2
2153	Provision of information to young persons about possible hazards and means to avoid them	4	
2154	Another type from this group, not mentioned before	12	2

The Committee asks how the conditions under which home work is performed are supervised in practice. In particular, it asks whether the Labour Inspectorate can enter homes, under what conditions and on what legal basis.

20. Labour legislation provides for an opportunity for employees to perform the work agreed in the labour contract at their home (place of residence) or at the home (place of residence) of a natural person (employer) owned by him or her by right of ownership or on the grounds of other material rights. The legislator seeking to regulate the aforementioned legal relations delegated the Government of the Republic of Lithuania to establish the relevant procedure. On 19 August 2003, the Government passed Resolution No. 1043 of 19 August 2003 approving the specific provisions of concluding a labour contract with outworkers as well as specific features of a service contract.

21. National legislation does not prohibit employment of persons under the age of eighteen for outwork or provision of services; the employer concluding a labour contract with such persons should comply with the Procedure for Employment of Persons under Eighteen, specific provisions of concluding a labour contract with outworkers as well as the provisions of the service agreement.

22. The Constitution of the Republic of Lithuania, Article 24, states that the home of a human being shall be inviolable. Without the consent of the resident, entrance into his home shall not be permitted otherwise than by a court decision or the procedure established by law when this is necessary to guarantee public order, apprehend a criminal, save the life, health, or property of a human being.

23. Bearing in mind that the State Labour Inspectorate carries out control of employers who have employed persons under the age of eighteen and checks if they comply with the requirements laid down in the labour legislation related to the employment of said persons, inspectors of the State Labour Inspectorate have been granted the right by Article 9(1)(1) of the Law on State Labour Inspectorate to enter freely and without a prior warning, during day or night, any working place upon showing an official insignia or an authorisation and inspect if there is compliance with labour legislation, safety and health at work legislation as well as other regulations.

24. If the employers show no good will to comply with the requirements of inspectors of the State Labour Inspectorate to allow them enter the premises of a natural person in which the

workplace of a person under the age of eighteen is set up, said inspectors shall have the right to submit a notification to the employer inviting him or her to visit the State Labour Inspector and demand a written explanation from an employer with respect to the aforementioned matter and ask him or her to submit other written documents related to the working conditions of a person under the age of eighteen.

25. If information is received that criminal activities are committed at the working place of a person under the age of eighteen, inspectors co-operate with the police and the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour (hereinafter referred to as the Service).

Article 7§2

Reference period: 01.01.2005 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

26. During the reference period the legislation regulating prohibition to persons under the age of eighteen to perform prohibited works as well as the works which may constitute health hazards was not subject to any changes.

27. Please note that the Law on Safety and Health at Work, Article 36, stipulates that work by children shall be 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 in compliance with the conditions of employment laid down by the Government. Every employer should guarantee young people working conditions appropriate to their age. They shall ensure that young people are protected against any work likely to harm their safety, health, physical or mental development or to jeopardise their education.

28. The procedure for employment of persons under the age of eighteen provides for prohibited works and health hazards to young persons. Paragraph 15 of the procedure provides for the obligation of the employer to ensure that young persons are not tasked to perform prohibited works (Paragraph 33); they are not tasked to perform the works which may constitute health hazards (Paragraph 34). Employers are obliged to ensure that a child should not be tasked to perform work which is not included in the list of light works allowed to be performed by children aged over fourteen (Paragraph 35) and that young persons should be prohibited to work at night or work overtime. Children cannot be tasked to work from 8 p.m. to 6 a.m. Adolescents cannot be tasked to work from 22 p.m. to 6 a.m. On public holidays and rest days persons under the age of eighteen may be tasked to work only upon their consent. Young persons cannot be tasked to be on duty in an enterprise or at home.

2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

29. LC, Law on Safety and health at work as well as other legislation ask employers to provide for all the measures protecting young persons under the age of eighteen from any danger arising to them. Additional measures may be laid down in collective agreements of enterprises, institutions and organisations.

30. The employer's duty is to ensure safety and health at work in respect of all aspects related to work. In performing this duty, the employer must take all preventive and other measures to protect employees' employment capacity, health and life at work which are used or planned to be used in all stages of operation of the enterprise to protect employees from occupational risks or to have it reduced to the minimum and organise the internal control of safety at work and help individually.

31. For failure to comply with the aforementioned provisions, the State Labour Inspectorate **punishes employers in compliance with the procedure established by CALV Article 41.**

32. Pursuant to LC Article 266(1), Law on State Labour Inspectorate, Article 9(1)(9), Law on Safety and Work and Health, Article 22(9, 10, 11), state labour inspectors **have the right to terminate work** in compliance with the procedure established by regulations:

- if an employee (employees) has not been trained in safe work;
- in the event of a breakdown of work equipment or an accident, a hazard;
- if work is performed in violation of the established technical regulations;

- if work is performed without the necessary collective protective equipment or if employees are not provided with the necessary collective and/or personal protective equipment;
- in other cases when the working environment is harmful and/or dangerous to health or life.

33. In cases where an employer or a person authorised thereby refuses to obey the demand of the labour inspector to terminate works, the **labour inspector shall apply to the police officers of the municipality** and ask them to take employees out of hazardous work places or a hazardous zone (Law on State Labour Inspectorate Article 9(2)(6)).

34. Additional information about sanctions has been presented in responses to Article 7(1) above.

3) ***Please provide pertinent figures, statistics or any other relevant information, if appropriate.***

35. The State Labour Inspectorate detected cases when persons under the age of eighteen performed dangerous or hazardous work: in 2007, out of 232 violations said infringements constituted 1.3% and in 2009, they accounted for 2%.

36. Additional information about sanctions has been presented in responses to Article 7(1) above.

Article 7§3

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

37. During the reference period a few legislative amendments were adopted which are described under Article 7(1) (1) above. Please note that a written consent of a school representative is required only when the minor gets employed at the time of school year. However, the labour contract without any warning should be terminated 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 demands that the employment contract be terminated.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

38. Upon conclusion of a labour contract, the employer must, within three working days, notify the territorial inspection office of the State Labour Inspectorate, specifying the persons, from which the documents necessary for employment were obtained, and provide information about the conditions of the employment contract: workplace (enterprise, institution or organisation), division, other terms and conditions of the labour contract (type of permissible light work, safe and healthy labour conditions, labour functions, work duration in hours, duration of rest breaks and their number, wage, the part of the day and the week during which work would be performed). In ensuring implementation of laws and regulations providing for safety and health at work as well as labour relations, the State Labour Inspectorate supervises compliance with legislation regulating working time of young persons.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

The report states that young persons may work before school begins, so long as the maximum hours of work and the minimum periods of rest correspond to the conditions in Article 160 of the Labour Code, which requires at least 14 consecutive hours of rest in each 24 hour period for persons under 15 and 12 consecutive hours of rest in each 24 hour period for persons over 15. The Committee recalls that the purpose of Article 7§3 is to protect the right of every child to education by safeguarding its capacity to learn, therefore **national law must provide strict limits to working time during school term, in particular work before school**. It also notes that as a matter of principle it is incompatible with Article 7§3 to authorise children to work in the mornings before school (Conclusions XVII-2, Netherlands, article 7§3, pp. 581-583). The Committee notes that Article 160 of the Labour Code concerns periods of rest and not the length of maximum authorised hours of work for children subject to compulsory education. **It therefore asks how Article 160 is compatible with Article 7§3, which aims above all at ensuring that children are able to follow their classes and how many hours young persons may work before classes.**

39. LC Article 160 regulates the time of the day both for adults and young persons. Article 160(2) stipulates that the duration of daily uninterrupted rest to employees under sixteen years of age must be at least 14 hours, and to persons from sixteen to eighteen years of age - at least 12 hours and must fall in the time from 10 p.m. to 6 a.m. The third report stated that pursuant to Resolution No. 138 of the Government of the Republic of Lithuania of 29 January 2003, children cannot be tasked to work from 8 p.m. to 6 a.m. and that adolescents cannot be tasked to work from 10 p.m. to 6 a.m. Since morning lessons usually start at 8 a.m., possibilities to work prior to that time are extremely limited.

40. Shorter working time is regulated by LC Article 145. Its Paragraph 1 Part 1 prescribes that shorter working time shall be set for persons under the age of eighteen – in accordance with the provisions of the Law on Safety and Health at Work. The third report said that pursuant to the Law

on Safety and Health at Work young persons shall have the following shorter working time established:

- for adolescents – not more than 8 hours a day counting the daily duration of lessons as working time and not more than 40 hours a week counting the weekly duration of lessons as working time;
- for children performing light work – two hours on a school day and 12 hours a week for work performed in term-time outside the hours fixed for school attendance, or seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating (these limits may be raised to eight hours a day and 40 hours a week in the case of children who have reached the age of 15).

41. Young persons cannot work in more than one enterprise (work place) at the same time if the overall work duration exceeds the aforementioned work duration.

The Committee asks how long school holidays last and whether young persons can work throughout the holiday period or must take a minimum number of days of rest during that period.

42. School summer holidays last approximately 3 month. General rules providing limited working time and rest for children are applicable in case of summer holidays, they are prescribed above.

Article 7§4

Reference period: 01.01.2005 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

43. During the reference period the legislation regulating the working time of persons under the age of eighteen was not subject to any changes.

2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

3) **Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered, and state whether any particular measures have been taken to assist young persons under 18 who do not benefit from any restrictions on their working hours.**

44. Provisions of the LC Article 145(1)(1), Law on Safety and Health At Work, Article 36(7) and the Procedure of Employment of Persons under the Age of Eighteen, Chapter IV "Work and Rest Time" apply to all persons under the age of eighteen without any exception.

Responses to the questions and conclusions of the European Committee of Social Rights:

In 2003 the Labour Inspectorate identified one breach of Article 159 of the Labour Code, which prescribes a minimum rest period for persons under 18 during the working day. Three breaches of this provision were identified in 2004. **As regards controls carried out by the labour inspectorate, the Committee refers to its observations and questions under Article 7§1.**

45. In 2007, the State Labour Inspectorate detected 100 violations of work and rest time, including 17 violations with respect to persons aged from 14 to 16 and the remaining 83 violations with respect to persons aged from sixteen to eighteen. In 2008, 23 violations of accounting of work and rest time were detected, including 13 work time violations and 10 rest time violations. In 2009, 5 violations of accounting of work and rest time were detected, including 3 work time violations and 2 rest time violations.

46. Additional information about sanctions has been presented in responses to Article 7(1) and Article 7(2).

Article 7§5

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

47. During the reference period, the legislation regulating the right of young employees and students to a fair wage and other appropriate allowances were not subject to any changes.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

48. If the employer violates the wageconditions for persons under the age of eighteen he or she shall be punished in compliance with the procedure established by CALV Article 41(5).

3) Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.

Responses to the questions and conclusions of the European Committee of Social Rights:

As regards controls carried out by the labour inspectorate, **the Committee refers to its observations and questions under Article 7§1.**

49. In 2007, the State Labour Inspectorate detected 6 violations of wage, including 1 violation with respect to persons aged from 14 to 16 and the remaining 5 violations with respect to persons aged from sixteen to eighteen. In 2008, 23 wageviolations were detected.

50. Additional information about sanctions has been presented in responses to Article 7(1) and Article 7(2).

Article 7§6

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

51. LC Article 143 stipulates that in-house training or rising of qualifications in a training centre shall be included into working time. Law on Safety and Health At Work, Article 36(7) and Resolution No. 138 of the Government of the Republic of Lithuania of 29 January 2003 stipulate that young persons can work up to eight hours per day and up to 40 hours per week if they work according to the consolidated work and training programme by performing practical training in an enterprise. The work time of young persons working under the joint work and training programme includes work time in the enterprise and training time at school. For young persons whose workday duration is longer than four hours must be provided with at least 30 minutes of additional break to rest during working time. It is included in the working time.

52. The previous report stated that Law on Vocational Training (Law No. VIII-450 of 14 October 1997) laid down that the enterprise conducting practical training must pay for the student's work under the conditions provided for in the contract (Article 18(2)) and that this wage should not be smaller than the minimum monthly wage (MMW) established by the Government of the minimum hourly pay.

53. However, in 2007, the Law on Vocational Training was amended and the aforementioned provision was abandoned. Article 32 of the present law lies down that students who study according to vocational training programmes seeking to acquire primary qualification, as well as students of vocational training establishments of the interior, may be paid a grant and receive any other material support as prescribed by the Government. Students with special needs seeking to acquire primary qualification and those who do not receive a grant may be provided meals and any other material support in accordance with the procedure laid down by legal acts. Students whose education is carried out under the Law on Support for Unemployment or the Law on Social Integration of the Disabled shall be provided material support in accordance with the procedure laid down by these Laws and the legal acts implementing them.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

54. No fundamental changes were made during the reference period.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asked whether time spent on vocational training during normal working hours with the consent of the employer, but not financed by the employer, was also considered as working time and remunerated as such. The report does not supply the required information. The Committee therefore repeats the question. It wishes to emphasise that if the information requested is not included in the next report there will be nothing to show that the situation is compatible with the Charter.

55. LC Article 143(1) (6) stipulates that working time includes the employees' study programmes, in-house training or raising of qualifications in training centres, i.e. when an employee, who is a person under the age of eighteen, follows the employers instruction and receives in-house training or otherwise raises his or her qualification in a training centre during the working time agreed in the labour contract, such **time is included in the working time** for which such an employee receives wage. Admittedly, the aforementioned provision has been valid as of the date when the LC came into effect, i.e. since 1 January 2003.

56. However, if students are not employed and if they only study, no wage is paid for such practical training in compliance with the current amendment of the Law on Vocational Training. They are only provided material support because such practical training is not considered as working hours.

As regards controls carried out by the labour inspectorate, **the Committee refers to its observations and questions under Article 7§1.**

57. Additional information has been presented in responses to Article 7(1) and Article 7(2).

Article 7§7

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

58. LC 166(2) stipulates that employees under eighteen are granted a longer period of the paid minimum annual leave, i.e. thirty-five calendar days. Moreover, LC Article 146(1) (4) specifies that part daily working time or part weekly working time shall be set upon the request of an employee under eighteen. Paragraph 3 of the same Article lays down that part-time work does not limit the duration of paid annual leave. The provision of the LC is mandatory, i.e. no agreement is possible to the detriment of the employee's situation as compared to the provision laid down by the LC (i.e. an agreement on a shorter period of leave). The compliance of these provisions is supervised by the State Labour Inspectorate.

59. Noteworthy, Article 26 of Republic of Lithuania Law on Vocational Training (prior to coming into effect of the mentioned amendment of the law on 1 January 2008) laid down that a student of vocational education (not an employee) shall be entitled to at least 8 weeks of holidays per year. The amendment of the law has not retained this provision, but it makes a reference to the legislation regulating the aforementioned legal relations, i.e. Republic of Lithuania Law on Education and other legislation.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

As regards controls carried out by the labour inspectorate, the Committee refers to its observations and questions under Article 7§1.

60. In 2007, the State Labour Inspectorate detected 100 violations of work and rest time, including 17 violations with respect to persons aged from 14 to 16 and the remaining 83 violations with respect to persons aged from sixteen to eighteen. In 2008, 10 rest time violations were detected. In 2009, 2 rest time violations were identified.

61. Additional information has been presented in responses to Article 7(1) and Article 7(2).

Article 7§8

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

62. The legislation prohibiting night work of young persons under age of 18 was not subject to any changes.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

63. If the employer violates the working time and wage payment conditions of persons under the age of eighteen he or she shall be punished in compliance with the procedure established by CALV Article 41 and 41(5).

64. In carrying out prevention of violations of the laws and regulations providing for safety at work and health as well as labour relations, the State Labour Inspectorate supervises compliance with legislation regulating safety and health guarantees for young persons.

65. CALV Article 41-5 provides for sanctions for violations of registration of working time. Failure to register working time of employees in the timesheet approved by Resolution No. 78 of the Government of the Republic of Lithuania of 27 January 2007 or intentional provision of false data about working time (including overtime work, night work, work during rest days and holidays when there is deviation from regular working conditions) of persons working in enterprises, bodies and organisations in the worksheet shall be punishable by a bribe from five hundred to three thousand Litas imposed on employees or persons authorised thereby.

66. The same actions committed by a person who had been punished by an administrative find for violation of paragraph one of the present article shall be subject to a fine from five thousand to ten thousand Litas imposed on employers or persons authorised thereby. The body (official) imposing an administrative fine for the violations provided for in this Article shall publish information about the imposition of the fine through the media without prejudice to the requirements of the legal protection of personal data, the requirements of legislative protection of state, official, commercial, professional and other secrets and in compliance with other restrictions and prohibitions prescribed by law.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

67. In 2007, the State Labour Inspectorate detected 100 violations of work and rest time, including 17 violations with respect to persons aged from 14 to 16 and the remaining 83 violations with respect to persons aged from sixteen to eighteen. In 2008, 23 violations of accounting of working and rest time were detected, including 13 working time violations and 10 rest time violations. In 2009, 5 violations of accounting of working and rest time were detected, including 3 working time violations and 2 rest time violations.

Responses to the questions and conclusions of the European Committee of Social Rights:

Article 154 of the Labour Code prohibits night work between 10 pm and 6 am for young persons below the age of 18. The Committee asked whether internal law allowed young persons employed in particular fields like culture, sports and advertising to perform night work, whether or not subject to a special authorisation from the labour inspectorate or other authorities. According to the report, legislation makes no provision for special authorisation for young persons to perform night work. **The Committee understands that this prohibition is a total and absolute prohibition and cannot be made subject to any exception. The Committee asks if this interpretation is correct.**

68. Yes, this prohibition is absolute and cannot be made subject to any exception.

Article 7§9

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

69. The legislation regulating prophylactic health examinations of persons under the age of eighteen was not subject to any changes during the reference period.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

70. The procedure for employment of persons under the age of eighteen stipulates that an enterprise should make a list of employed persons under the age of eighteen.

71. The State Labour Inspectorate checks if enterprises have made proper lists of persons who should be subject to medical examination and controls the organisation of mandatory health examinations of employees by employers. For violations of the LC, Law on Safety and health at work, Procedure for Employment of Persons under the Age of Eighteen regulating preventive medical examinations of persons under the age of eighteen are held administratively liable under CALV.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

72. In 2007, 232 violations were detected, including 1.3% of violations with respect to health checks.

Article 7§10

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

73. The legislation regulating labour relations were not amended during the reference period. In addition we note that pursuant to the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child, Article 42(1), a child may not be entrusted with a job or occupation, harmful to health or education or one that would interfere with his physical, intellectual or moral maturity.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

74. In supervising and monitoring implementation of the provisions of the directive transposed into Resolution No. 138 of the Government of the Republic of Lithuania of 29 January 2003 “*On Persons’ under the Age of Eighteen Employment, Health Examination and Procedure for the Assessment of Their Capacities to Perform Particular Work, Work Time and Approval of the List of Prohibited Works and Health Hazards for Them*” the Ombudsman on the Protection of the Rights of the Child received two complaints by 2007. Violations of the rights and lawful interests of the child specified in one complaint did not prove to be genuine. The other complaint provided information about young persons selling newspapers on crossroads. The Ombudsman on the Protection of the Rights of the Child acknowledged that despite the nature of legal relations (arising out of a labour contract or other civil rights) the child’s rights and lawful interests to having safe and healthy working conditions are violated when the child sells newspapers on the crossroad because young persons cannot perform work with a higher probability of accidents and occupation diseases; furthermore, the work which, due to insufficient level of caution and experience a young person may not be able to perform.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

Protection from sexual exploitation

It is not clear whether the simple possession of child pornography amounts to a criminal offence. The Committee asks whether this is the case.

75. The possession of material containing child pornography is a crime and is subject to stricter liability than the possession of other type of pornography. Pursuant to the Criminal Code of the Republic of Lithuania (hereinafter referred to as CC) (Law No. VIII-1968 of 26 September 2000) Article 309:

„2. A person who produces, acquires, stores, demonstrates, advertises or distributes pornographic material displaying a child or presenting a person as a child shall be punished by a fine or by imprisonment for a term of up to two years.

3. Any person who, for the purpose of distribution, produces or acquires or distributes a large quantity of pornographic material displaying a young child shall be punished by imprisonment for a term of up to five years.”

The Committee recalls that under Article 7§10, **child victims of sexual exploitation should not be prosecuted for any act connected with this exploitation, similarly administrative sanction should not be imposed on such children. Therefore the Committee wishes to receive further information on the situation –what does administrative liability entail precisely, for what acts/omissions in this context is it imposed etc.**

76. CALV Article 182(1) stipulates that persons who engaged in prostitution, were involved in prostitution by another person on which they are materially or otherwise dependent or who were

coerced into prostitution by the use of other unlawful means (deceit, physical violence, etc.) and also if such persons were minors or have become victims of trafficking in humans and acknowledged as victims in criminal procedure shall not be held administratively liable.

The Committee has previously taken note of the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children 2000-2004 and some of the measures implemented under the programme, as well as the National Programme for the Prevention and Control of Trafficking in Human Beings and Sex Work 2002-2004....**The Committee wishes to receive information on the results of these programmes, and information as to whether on their expiry they were extended or replaced by other programmes.**

77. On 4 May 2005, the Government of the Republic of Lithuania adopted the National Programme for Prevention of Violence against Children and For Helping Children of 2005-2007. Pursuant to the programme, education of children, parents and the public was organised on issues relating to the prevention of violence against children, campaigns were conducted (May has been announced as the month without violence) against children abuse, information was provided to victims of violence about the possibility to obtain assistance and the means of using it; qualifications of experts working with children were raised in the area of violence prevention; legislative system was improved in order to forestall violence against corruption. As a result of implementation of the National Programme for Prevention of Violence against Children and For Helping Children of 2005-2007, short-term and long-term comprehensive assistance was provided.

78. Resolution No. 392 of the Government of the Republic of Lithuania of 24 April 2008 approved the National Programme for Prevention of Violence against Children and Assistance to Children in 2008-2010, the purpose of which is to provide for a holistic approach in eliminating all forms of violence against children.

The Committee asks whether in practice there are no children living or working on the streets in Lithuania.

79. Generally there are no children living or working on the streets. There could be some rare cases when children ask for pittance in big cities, but usually they do it with the notice of their parents and social workers observe such families.

Protection against the misuse of information technologies

The Committee previously asked what measures had been taken to reduce the spread of sexual exploitation of children through new information technologies. The report provides no information on this subject. Therefore the Committee asks whether:

80. In 2005, Lithuania started to implement a European Commission programme *Safer Internet* in the EU Member States. A hotline was most popular as enabled the Internet users to report crimes to the bodies fighting against them.

81. The Republic of Lithuania seeks to protect children from various types of violence, reduce the spread of violence and create the culture of violence-free society. Every year, Lithuania conducts campaigns "NO to Violence against Children". During such campaigns, qualified experts train employees of the services protecting of the rights of the child to address dangers and problems arising to children using mobile telephones, computers and the Internet and explain to them the main preventive actions to be taken to solve problems.

82. On 4 May 2005, the Government of the Republic of Lithuania passed Resolution No. 491 thereby approved the National Programme for Prevention of Violence against Children and For Helping Children of 2005-2007. In May 2007, the Ministry of Social Security and Labour launched a campaign "May as A Month Without Violence Against Children". The purpose of it is

to inform children, their parents and society about threats arising out of the use of information technologies: mobile telephone, the Internet and computer games.

Article 8 – The right of employed women to protection

Article 8§1

Reference period: 01.01.2003 – 31.12.2009

1) ***Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.***

83. The LC stipulates that women shall be entitled to a maternity leave (pregnancy and child birth leave): 70 calendar days before the child birth and 56 calendar days after the child birth (in the event of complicated confinement or birth of two or more children – 70 calendar days). An employer shall ensure the right of employees to return to the same or an equivalent job (position) after this leave on conditions which are no less favourable to them, including the wage, as well as to benefit from any improvement in conditions, including the wage, to which they would have been entitled during their absence (LC Article 179(4)). An allowance provided for in the Law on Sickness and Maternity Social Insurance shall be paid for the period of said leave.

84. The entitlement to a maternity allowance shall be granted to persons who comply with the following requirements: 1) they are ensured by this type of social insurance; 2) they are granted pregnancy and child-birth leave; 3) their sickness and maternity social insurance record is not less than 12 months during the last 24 months.

85. The Law on Sickness and Maternity Social Insurance prescribes that a maternity allowance shall be payable 126 calendar days; a maternity allowance of extra 14 days shall be paid if the childbirth was complicated and if more than one child was born. Women who have not used the right to a pregnancy and childbirth leave before the date of childbirth shall be paid a maternity allowance for 56 calendar days after the childbirth. In case of complicated childbirth and if more than one child was born the maternity allowance shall be paid for 70 calendar days after the childbirth.

86. Admittedly, during the reference period no key amendments were introduced with respect to granting of a maternity allowance. However, the amendments listed below are noteworthy:

87. **Since 2003**, a maternity allowance has been also paid to women dismissed from work during their pregnancy and childbirth leave due to the liquidation or bankruptcy of an employer. Said list was also amended in 2004 with a provision concerning women dismissed from work upon the expiry of the fixed-term contract.

88. **Since 2008**, the amount of a maternity social benefit was increased with respect to the number of children born, i.e. if twins were born, the allowance was doubled, if triplets – tripled, etc. Furthermore, the entitlement was also provided to persons under age of 26 who were full time students of higher educational establishments, vocational schools and schools of general education (when the break after finished studies is up to three months) and therefore they were not able to obtain the necessary record of sickness and maternity social insurance to be entitled to a maternity allowance.

89. Before 2008, the amounts of maternity, paternity and maternity (paternity) social insurance allowances were calculated in accordance with the insured income of the insured obtained during the last calendar quarter (three months) which preceded the month of pregnancy, child-birth, paternity or child care leave. In **2008** the analysis of the data taken from the register of the insured with the state social insurance and beneficiaries of state social insurance payments revealed a significant increase in the number of alleged abuse of maternity, paternity and maternity (paternity) allowances in particular, when during the period which was used as a reference for calculating the

compensatory wage to pay the aforementioned types of allowances, such wage would be augmented disproportionately. As a result, in late 2008, a much longer period was used to calculate the compensatory wage to set the amount of maternity, paternity and maternity (paternity) allowances: from 1 July 2009, the reference period would be 9 calendar months and from 1 October 2009 such period would be 12 calendar months preceding the insurance event.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information in order to demonstrate that the level of maternity benefit is adequate.

90. The amount of a maternity allowance during a maternity leave period equals 100 per cent of the beneficiary's compensatory wage. The amount of the allowance per month may not be lower than one-third of the current year's insured income valid in the month of the beginning of the maternity leave and may not exceed the sum of the fivefold amount of the insured income for the current year, which was valid during the month of the beginning of the pregnancy and child-birth period. Admittedly, the insured income of the current year is approved at least once per year by the Government, taking into account the income and expenditure of the budget of the State Social Insurance Fund Board during the respective year or a period of the respective year. For instance, in 2009 such insured income was LTL 1,488.

91. Compensatory wage which is used as reference for determining the amount of a maternity allowance is calculated according to the insured income of the insured obtained during nine calendar months and from 1 July 2009, during twelve calendar months which preceded the beginning of the month of pregnancy, child-birth, paternity or childcare leave.

Responses to the questions and conclusions of the European Committee of Social Rights:

Right to maternity leave

Article 18 of Act on Holidays (in force prior to January 2003¹) provides that women are entitled to 70 days leave before the birth and 56 days following the birth. According to the report a woman may relinquish all or part of her maternity leave. **The Committee recalls that the Revised Charter requires that national law prohibit any return to work for at least six weeks following childbirth. Therefore it finds that the situation is not in conformity with the Revised Charter on this point.**

92. Said maternity allowance is paid at once and total (lump sum) for the entire period of pregnancy and childbirth leave (70 days before and 56 days after the childbirth) upon presentation of the doctor's certificate. In very rare single cases women come back to work prior to the end of their leave, but then they are obliged to return the paid allowance for the unused period. As mentioned, such cases are very rare and the State Social Insurance Fund Board under the Ministry of Social Security does not have such statistics, for instance the representative of the State Social Insurance Fund Board knew only two cases during the reference period. Moreover, there are no legal means which the employer could use to force the woman to come back to work earlier and there no such common practice to do so in Lithuanian society.

93. Please note that after the pregnancy and child-birth leave, the family may choose and the state guarantees a maternity/paternity leave to raise the child at home until the child becomes two years of age. During that period, the amount of paid maternity/paternity depends on the wage previously received. There is also an opportunity to raise the child until he or she becomes three years of age, during the period of the remaining one year, parents are not paid any maternity/paternity allowances but they are insured by the state.

¹ As of January 2003, these provisions were incorporated into the Labour Code.

Article 8§2

Reference period: 01.01.2003 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

94. During the reference period, Law Amending LC Article 179 (No. XI-335 of 14 July 2009) stipulates that an employer shall ensure the right of employees to return to the same or an equivalent job (position) after the maternity leave under the conditions which are no less favourable to them, including the wage, as well as to benefit from any improvement in conditions, including the wage, to which they would have been entitled during their absence.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

Prohibition of dismissal

The Committee asks for information on the exceptions provided for by law to the general prohibition.

95. LC Article 132 stipulates that an employment contract cannot be terminated with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, except for the cases specified in Article 136 (1) and (2) ("Termination of an Employment Contract without a Notice"):

“1. An employment contract must be terminated without notice in the following cases:

1) upon an effective court decision, or when a court judgement whereby an employee is imposed a sentence, which prevents him from continuing his work, becomes effective;

2) when an employee is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws;

3) upon the demand of bodies or officials authorised by laws;

4) when an employee is unable to perform these duties or work in accordance with the medical conclusion or conclusion of the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour;

5) when an employee is 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 demands that the employment contract be terminated;

6) upon the liquidation of an employer, if under laws his labour obligations were not placed on another person.

2. An employment contract shall expiry upon the death of an employer if the contract was concluded for the supply of services to him personally, as well as when the employer has no legal successor.”

Consequences of unlawful dismissal

It further requests information on the amount of severance pay payable where a woman has been unlawfully dismissed.

96. The LC no longer includes a provision that an employee may receive a compensation of 12 monthly salaries if he or she was unlawfully dismissed. LC Article 297(1) (Amending Law No.X-188 of 12 May 2005) prescribes that if it is established that the principal conditions of the employment contract were changed, the employee was suspended from work without a valid reason or in breach of laws, the violated rights of the employee must be restored and he must recover the average wage for the entire period of involuntary idle time or the difference in the wage for the time period the employee was employed in a lower paid job.

Article 8§3

Reference period: 01.01.2003 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

97. No fundamental changes were made to the legislation during the reference period. LC Article 278(8) 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.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks for how long a woman is entitled to feeding breaks or whether such breaks are granted until a woman has ceased breastfeeding.

98. Under the Law there is no time limit for the duration of the entitlement to breast-feeding breaks, therefore women can use them until they ceased breastfeeding just according to their wish.

Article 8§4

Reference period: 01.01.2003 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

99. LC Article 154(4) stipulates that pregnant women, women who have recently given birth, women who breastfeed, employees who are raising a child under three years of age, employees who are alone raising a child under fourteen years of age or a disabled child under eighteen years of age may be assigned to night work only with their consent.

2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks whether employees who have recently given birth or are breastfeeding, who do not wish to return to night work may be transferred to daytime work and seeks information on the situation where this is not possible.

100. 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 (LC Article 278).

An employee must undergo a medical examination prior to commencing night work and then at regular intervals. If, in the opinion of the medical authorities, night work is adversely affecting the employee's health the employer must transfer the employee to daytime work. **The Committee asks for information on the situation where transfer to daytime work is not possible.**

The information has been provided in response to an earlier question of the committee (see above).

Article 8§5

Reference period: 01.01.2003 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

101. The legal information provided in the Second Report of the Republic of Lithuania remains the same.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Responses to the questions and conclusions of the European Committee of Social Rights:

A list of hazardous working conditions and dangerous factors

prohibited for pregnant women, women who have recently given birth or are breastfeeding drawn up by the Ministries of Health, Social Security and Labour prohibits underground mining work for pregnant or breastfeeding women. **The Committee asks whether such work is also prohibited for women who have recently given birth.**

102. Yes, it is prohibited, because the aforementioned work is also acknowledged as hazardous (and hence dangerous) also to the women who have recently given birth.

Where this is not possible the worker may take unpaid leave. **...any leave due to the impossibility to find an alternative post should be remunerated or should be compensated by an allowance.**

103. Where it is not possible to transfer a pregnant woman to another job (workplace) which would not have any negative impact on her health or the health of her future child, such a woman, upon her consent, shall be granted a leave prior to her maternity leave and during this period she shall be paid her average monthly salary.

104. Where it is not possible to transfer a pregnant woman or a breast-feeding woman after her maternity leave to another job which has no negative impact on her health or the health of her child health such a woman, upon her consent, shall be granted a child-care leave until the child is 1 year of age. During the period of such leave she shall be paid the maternity social insurance allowances established by law.

Article 16 – The right of the family to social, legal and economic protection

Reference period: 01.01.2005 – 31.12.2009

1) ***Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.***

The following fundamental legal acts of the Republic of Lithuania were passed or amended during the reference period:

105. Laws:

Republic of Lithuania Law on Cash Social Assistance for Poor Families and Single Residents (Law No. IX-1675 of 1 July 2003; amendment of the Law No. X-1572 of 5 June 2008....)

Republic of Lithuania Law on Child Benefits (amendment of the Law No. IX-2470 of 29 September 2004)

Republic of Lithuania Temporary Law on Recalculation and Payment of Benefits (Law No. XI-537 of 9 December 2009)

Republic of Lithuania Law on Social Assistance for Pupils (Law No. X-686 of 13 June 2006)

Republic of Lithuania Law on Assistance in Case of Death (Law No. I-348 of 23 December 1993)

106. Secondary legislation:

Resolution No. 1770 of the Government of the Republic of Lithuania of 23 December 2009 “On the Approval of the Description of the Procedure for the Provision of Free Meals to Pupils at School”

Resolution No. 801 of the Government of the Republic of Lithuania of 28 June 2004 “On the Approval of the Regulations for Granting and Payment of Child Benefits”

107. Information about the system of social assistance for families raising children and poor residents in Lithuania was presented in the Sixth Report of the Republic of Lithuania on Implementation of the European Social Charter (Revised): Articles 12 and 13 (Reference period: 01.01.2005–31.12.2007).

108. Additional information about the system of social assistance for families raising children and poor residents for the remaining reference period from 01.01.2008 until 31.12.2009 is provided below.

109. On 5 June 2007, the Seimas of the Republic of Lithuania adopted the Amendment of Article 22 of the Law on Child Benefits (Law No. X-1158), which provides a speedier introduction of the payment of child benefits and thereby establishes that as of 1 January 2008 child benefits shall be paid to all families raising one or two children. Hence, as of 1 January 2008, child benefits have been paid for children between 12 and 18 years of age or older, if they are studying in general education schools. In 2008, LTL 154.3 million were additionally allocated from the state budget for the extension of payment of this type of benefit.

110. The Law Amending Articles 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 18, 20, 22 and the titles of the second and third sections of the Republic of Lithuania Law on Child Benefits (amendment of the Law No. X-1664 of 1 July 2008) came into effect on 1 July 2008. It seeks to improve the system of benefits to families and foster children: to reduce social exclusion of families raising three or more children; to ensure that the child benefit (“child’s money”) is paid to foster children; to improve the conditions of granting child benefits and social integration of foster children. Therefore, these amendments to the Law:

111. increased the child benefit (“child’s money”) paid to children from families raising three and more children, aged between 3 and 18 years and older, if they are studying at general education

schools or vocational schools according to the formal vocational training programme or they are full-time consecutive students at higher schools, but no longer than until they reach the age of 24, from 0.4 to 0.75 amounts of the basic social benefit (hereinafter referred to as BSB) (previously the minimum standard of living, hereinafter referred to as MSL), i.e. from LTL 52 to LTL 97.5;

112. established that a family raising one or two children shall be paid for children until 18 years of age or older who study according to the general curriculum or a vocational training programme for the acquisition of the first qualification, but no longer than until they reach the age of 21;

113. established an opportunity to pay the child benefit at the applicant's request: to one of the parents or a guardian (foster parent) to the bank account opened on their behalf or on behalf of the child, or to the child, after he/she reaches the age of 18, at his/her, as a person of the majority age, request to grant and pay the benefit to him/her personally;

114. with regard to the purpose of the grant for acquiring housing or accommodating, its name was specified as "a lump-sum settlement grant" by putting an emphasis on the objective of the state to help persons deprived of parental care at the outset of their independent life acquire necessary articles, pay for studies, without limiting the opportunity to solve the issue of lease or purchase of housing, which is related to the state support for the acquisition of housing, governed by other legal acts, and the implementation of subsidised housing or its lease policy. The amendments to the Law also specified a term of 24 months for using this grant, expanded the list of purposes for using this grant, including audio and video equipment and house wares, as well as paying the tuition fee for non-formal education.

115. Other amendments came into force on 1 January 2009: every child under guardianship (foster care) has been paid a child benefit in the same amount as the benefit paid to families raising one or two children, regardless of the fact that the child is provided with other types of assistance (a guardianship (foster care) benefit, night stay, meals, etc.); seeking positive demographic changes, a lump-sum benefit paid at birth or having adopted a child has been increased from 8 to 11 BSB, i.e. from LTL 1,040 to LTL 1,430; a settlement grant paid to former foster children has been increased from 50 to 75 BSB, i.e. from LTL 6,500 to 9,750; a guardianship (foster care) benefit has been paid to foreign children placed under guardianship (foster care) in Lithuania.

116. Having regard to the provisions of the Government of the Republic of Lithuania Programme, approved by Resolution No. XI-52 "On the Programme of the Government of the Republic of Lithuania" of the Seimas of the Republic of Lithuania as of 9 December 2008, concerning saving and efficient use of taxpayers' funds, the amendments to the Law on Child Benefits, adopted on 19 December 2008 and effective as of 1 March 2009 (amendment of the Law No. XI-90), established the payment of child benefit older than 3 years of age, where the family raises one or two children, after having evaluated family income. Where the family raises one or two children, elder children are paid the benefit if family income does not exceed 3 amounts of the state supported income (hereinafter referred to as SSI) per family member per month (given that SSI equals LTL 350, the amount is LTL 1,050). The average monthly family income is calculated taking account of the income established in the Republic of Lithuania Law on Cash Social Assistance for Poor Families and Single Residents, i.e. including employment-related income, pensions, income derived from individual or agricultural activities, income from the sale of property, income from property lease and other benefits, as specified in Article 15 of the said Law. A child benefit in relation to family income is granted for a period of 12 months.

117. In 2008, with a view to making cash social assistance more targeted so that this state support could be accessible to all poor persons, thus reducing social exclusion, the provisions of the Law on Cash Social Assistance for Poor Families and Single Residents concerning the calculation of family income were specified, by creating more favourable conditions to families and socially

vulnerable groups for receiving social benefits, compensations for heating, cold and hot water. The principle of granting cash social assistance is based on property and income testing. Granting cash social assistance work-related income of pupils have not been included into family income since 1th July 2008 and since 1th October 2008 target bonuses for nursing or attendance (assistance) expenses, child benefits, social grants as well as assistance money paid according to the Law on Social Services have also not been included.

118. Furthermore, seeking to promote the processes of renovation (modernisation) of multi-dwelling buildings and ensuring the participation of poor residents as well as their concern with the problems of thermal insulation of houses, the amendments to the Law on Cash Social Assistance for Poor Families and Single Residents were adopted on 17 July 2009. These provisions established the legal grounds of state support with regard to the reimbursement for a credit, taken out for the renovation (modernisation) of a multi-dwelling building, and interest for poor residents. The amendments establish that a family or a single resident has the right to the reimbursement for a credit and interest, provided that the owners of a multi-dwelling building participate in the project of the renovation (modernisation) of a multi-dwelling building in accordance with the Programme on the Renovation (Modernisation) of Multi-Dwelling Buildings approved by the Government of the Republic of Lithuania or respective programmes approved by municipalities, and the family of the owner of a multi-dwelling building or the owner of a multi-dwelling building (a single resident) are entitled to the compensation for heating expenses according to the energy or fuel consumption norms.

119. The amendments to the Law on Social Assistance for Pupils, which took effect on 1 July 2008 (amendment of the Law No. X-1544 of 15 May 2008), establish that all pupils studying according to pre-school or primary education curricula are entitled to a free lunch.

120. The eligibility of other pupils for free meals is determined at the currently effective procedure – taking into consideration income received by a family:

- Pupils studying according to basic, secondary or special education curricula are entitled to a free lunch provided the average monthly income per family member is lower than the amount of 1.5 SSI.

- Pupils studying according to pre-school or general education (primary, basic, secondary or special education) curricula are entitled to a free breakfast, provided the average monthly income per family member is lower than the amount of 1 SSI.

- Pupils studying according to pre-school or general education (primary, basic, secondary or special education) curricula are entitled to assistance for the acquisition of school supplies, provided the average monthly income per family member is lower than the amount of 1.5 SSI.

121. The said procedure was effective until 31 December 2008.

122. As of 1 January 2009, having assessed the financial resources of the state and the difficult economic situation in the country, only pupils from poor families have been entitled to social assistance for pupils (free meals and assistance in the preparation for school):

- The right to a free lunch and assistance in the preparation for school provided the average monthly income per family member is lower than the amount of 1.5 SSI.

- The right to a free breakfast provided the average monthly income per family member is lower than the amount of 1 SSI.

- Municipalities have the right to grant free meals to pupils in other cases specified by municipalities, having evaluated the living conditions of families.

- With a view to improving the provisions concerning the funeral grant and providing people with the opportunity to receive real assistance in case of the loss of a close person, the amendments to the Law on Assistance in Case of Death took effect on 1 January 2008 and

established an increase in the funeral grant from 6 to 8 amounts of MSL (amendment of the Law No. X-1294 of 11 October 2007).

123. Benefits are granted to families in accordance with the Republic of Lithuania Law on Child Benefits if the whole family lives in Lithuania and neither of the parents works in another European Union (EU) Member State. If the child's parents work or live in different EU Member States, the right of the family to benefits is established pursuant to the EU regulations on social security scheme coordination (i.e. Regulation (EEC) No. 1408/71 of the Council on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Regulation (EEC) No. 574/72 of the Council laying down the procedure for implementing the said regulation).

Concerning tax reduction

124. On 23 December 2008, the Seimas of the Republic of Lithuania adopted the Law Amending and Supplementing Articles 2, 3, 5, 6, 7, 8, 9, 10, 12, 13(1), 16, 17, 18, 19, 20, 21, 23, 27, 29, 30 of Law on Personal Income Tax of the Republic of Lithuania (hereinafter referred to as LPIT) and Amending the Law with Article 18(1) (amendment of the Law No. XI-111). The new Law reduces the personal income tax, introduces a regressive amount of tax-exempt income (hereinafter referred to as ATEI) and revises the application of the additional amount of tax-exempt income (hereinafter referred to as AATEI) for persons raising children.

125. On 7 December 2006, Law No. X-962 Amending Article 20 of the LPIT was passed, whereby persons raising three or more children (adopted children) below the age of 18 and older, if they are full-time students at general education schools, are applied the ATEI of LTL 475 per month, and the ATEI is increased by 50 Litas for the fourth and each subsequent child (adopted child).

126. Mother (adoptive mother) or father (adoptive father) who alone raises children (adopted children) below the age of 18 and older, if they are full-time students at general education schools, is paid LTL 370 per month, and the ATEI is increased by 60 Litas for the second and each subsequent child (adopted child).

127. Application of the basic ATEI has been changed as of 1 January 2009. Before 31 December 2008, the ATEI was LTL 320, regardless of the income earned; as of 1 January 2009, the regressive ATEI has been introduced and increased to LTL 470 for persons earning a minimum monthly wage. If the income earned increases, the ATEI is decreased according to the formula: $ATEI = 470 - 0.2 * (\text{monthly wage} - 800)$, and it is zero, if the monthly income is LTL 3,150 or more. The purpose of this amendment to the LPIT is to provide more progressiveness to the taxation system.

128. As of 1 January 2009, large families have been applied the AATEI, instead of increasing ATEI: LTL 100 for the first child, LTL 200 for the second and each subsequent child. Thus, persons raising three or more children (adopted children) below the age of 18 and older, provided they are full-time students at general education schools, have been applied the AATEI amounting to LTL 500 per month, and LTL 200 for the fourth and each subsequent child. The AATEI is divided in two for both spouses.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

National Family Policy Concept

129. The National Family Policy Concept was adopted seeking to highlight the major problems encountered by families in Lithuania and envisage possible solutions (Resolution No. X-1569 of

the Seimas of the Republic of Lithuania of 3 June 2008). The Concept formulates the priority of the national family policy, i.e. to create a family-friendly environment.

130. The Concept also establishes the principles of implementing the national family policy: a priority to family, advocacy for a culture of life, complexity, differently, subsidiary and gender equality. The Concept stipulates that the Seimas and the Government, when drafting legal acts in the field of family policy, have regard to and coordinate them with the provisions of the National Family Policy Concept.

National Strategy on the Demographic (Population) Policy

131. The National Strategy on the Demographic (Population) Policy, approved by Resolution No. 1350 of the Government of the Republic of Lithuania on 28 October 2004, sets forth long-term goals and objectives of demographic (population) policy by 2015, which provide for the improvement of legal acts, drafting and implementation of programmes and measures. The Strategy focuses on family welfare, public health and migration. The principal strategic goal concerning family welfare, set forth in this document, is to promote the establishment of an independent and vital family, based on mutual care and responsibility between its members and ensuring the alternation of generations, and to create legal, social and economic conditions which consolidate families and ensure their full functioning. The demographic situation and changes are described, a SWOT analysis is presented, a vision and the state's mission are formulated and the goals and objectives are defined.

132. Pursuant to this Strategy, the Government approved the respective plans of measures for 2005–2007 (Resolution No. 572 of the Government of the Republic of Lithuania of 23 May 2005) and 2008–2010 (Resolution No. 948 of the Government of the Republic of Lithuania of 5 September 2007), covering the areas of family welfare, public health and migration (the measures include drafting of different legal acts, surveys, awareness raising campaigns, etc.).

3) Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

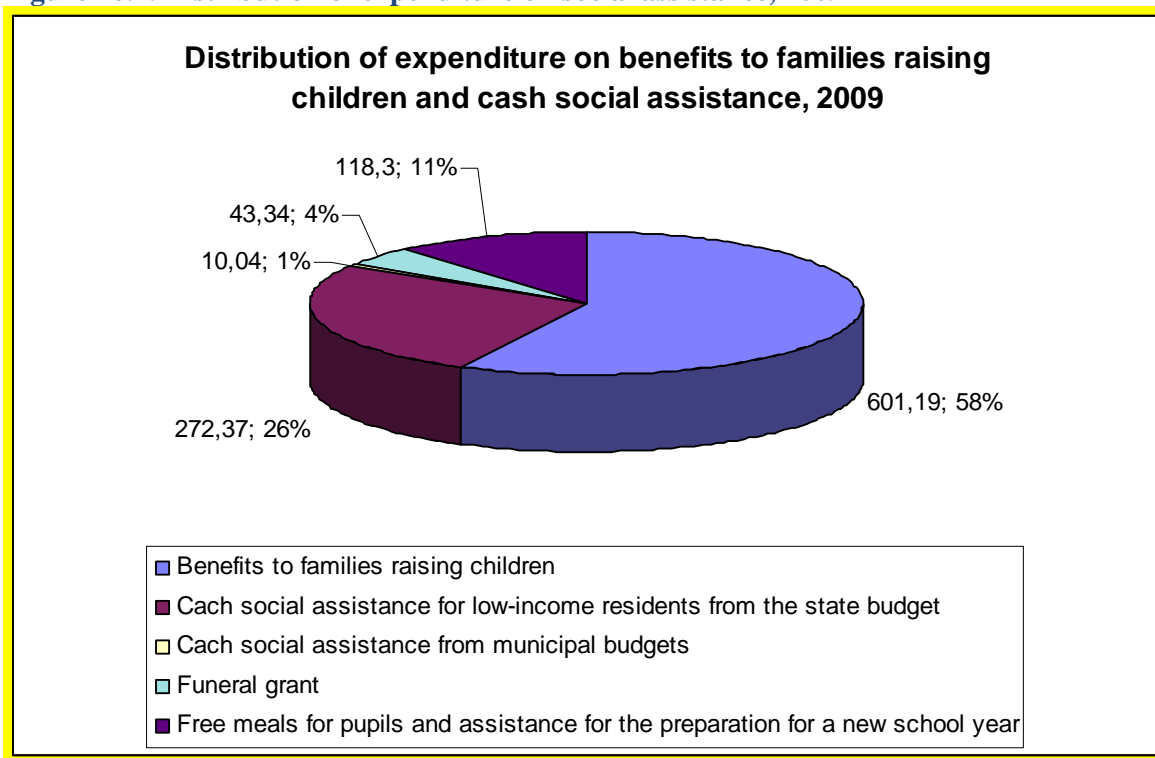
Table 16.1. Part of social benefits to families and children in the gross cash income, percentage

	2005*		2006*		2007*		2008*	
	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children
All households	19.6	1.6	18.9	1.8	17.8	1.8	18.6	2.0
Household types								
Childless households	30.7	0.0	29.8	0.0	26.0	0.0	28.3	0.1
Single person	39.3	0.0	39.9	-	40.1	0.0	42.6	0.2
Two adults below the age of 65 without children	12.9	0.0	11.7	0.2	10.0	0.0	9.5	0.1
Two adults, at least one of them is 65 years of age or older, without children	72.0	-	69.0	-	64.8	-	65.9	0.1
Three or more adults without	18.4	-	17.7	0.0	14.5	0.0	14.5	0.0

	2005*		2006*		2007*		2008*	
	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children	All social benefits	Of which benefits to families and children
children								
Households with children	10.2	3.0	10.1	3.3	10.6	3.4	10.6	3.6
Single adult with one or more children	16.2	3.9	14.7	4.3	16.3	3.8	16.6	7.4
Two adults with one child	6.6	1.8	6.7	1.7	8.3	3.6	7.2	2.2
Two adults with two children	6.4	2.8	6.5	3.3	6.4	2.9	6.8	4.2
Two adults with three and more children	18.2	12.2	14.4	11.3	16.5	11.1	17.6	10.4
Three or more adults with children	16,3	2.1	16.2	2.6	15.5	2.0	16.1	2.6

*The income structure has been calculated with reference to income of the previous year; however, the composition of the household refers to the surveyed period (data from the Department of Statistics).

Figure 16.2. Distribution of expenditure on social assistance, 2009



133. In 2009, the major share of the expenditure on social assistance (58 per cent) comprised the expenses associated with the benefits paid to families raising children, i.e. these expenses amounted to LTL 601.19 million. The expenditure on cash social assistance (social benefits and compensations for heating, hot and cold water) granted after having evaluated the income and property of families or single residents accounted for 26 per cent of all the expenditure allocated for social assistance.

134. In 2009, the overall amount of assistance granted to families raising children and poor persons pursuant to the legislation amounted to LTL 1.045.24 million. This type of assistance increased by almost LTL 150 million, as compared to 2008.

135. Table 16.3 shows the number of the recipients of social assistance and expenditure in 2005–2009.

Table 16.3. Number of recipients and expenditure, 2005–2009

Benefits	Number of recipients (thousand)					Expenditure (LTL million)				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
1. Benefits to families raising children	...	...	...	...	...	361.04	358.22	398.75	596.53	601.19
1.1. A lump-sum child benefit	29.50	29.80	30.13	34.70	34.20	28.50	29.80	31.11	36.08	47.09
1.2. A child benefit	323.3	320.6	350.6 6	624.2	495.3	260.80	254.50	286.08	481.93	469.23
1.3. A benefit to a conscript's child	0.02	0.007	0.01			0.04	0.02	0.02		
1.4. A guardianship (foster care) benefit	11.30	11.70	12.47	12.40	12.40	62.20	63.10	70.00	68.03	68.20
1.5. A settlement grant	2.20	2.00	3.06	2.00	2.80	7.50	8.90	9.82	9.00	14.95
1.6. A lump-sum pregnancy grant	8.10	7.50	6.67	5.70	6.60	2.00	1.90	1.72	1.47	1.72
2. Cash social assistance for poor residents	...	...	...	...	...	94.0	88.9	100.36	142.56	282.41
2.1. A social benefit	54.1	37.8	36.6	37.3	73.5	52.8	43.8	52.41	78.93	190.66
2.2. A compensation for heating expenses	131.9 6	96.1	97.01	102.8	130.3 2	22.99	23.92	27.88	38.13	65.77
2.3. A compensation for cold water expenses	51.57	35.83	25.84	22.17	28.91	1.42	1.02	0.73	0.87	1.24
2.4. A compensation for hot water expenses	90.8	60.32	58.86	20.01	59.91	6.53	5.31	5.05	6.77	12.05
2.5. Cash social assistance upon the decision of municipalities	...	...	...	...	...	...	...	0.53	1.98	2.62
2.6. Cash social assistance from municipal budgets	...	...	...	...	...	10.24	14.87	13.72	15.89	10.04
2.7. Reimbursement for a credit, taken out for the renovation (modernisation) of a multi-dwelling building, and interest	...	...	...	...	0.31	...	...	...	...	0.04
3. Social assistance for pupils	...	...	...	...	...	62.7	69.1	63.6	108.3	118.3

Benefits	Number of recipients (thousand)					Expenditure (LTL million)				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
3.1. Free meals to pupils	115	99	83	210	136	60.68	61.06	54.7	93.8	97.4
3.2. Assistance in the acquisition of school supplies	56	79	57	93	134	2.0	8.0	8.9	14.5	20.9
4. A funeral grant	43	44	44.8	43.6	41.7	32.3	33.1	34.93	45.17	43.34

136. Benefits and their amounts to families with children and to foster children in 2005–2009 are listed in Table 16.4.

Table 16.4. Benefits to families raising children and to children deprived of guardianship (foster care)

No.	Types of benefits	Benefit amount
1.	A lump-sum child benefit	8 MSL (LTL 1,040) (as of 1 January 2009 – 11 BSB (LTL 1,430))
2.	A child benefit	
2.1.	Before 1 March 2009 <i>Families raising one or two children:</i> - every child below 3 years of age - every child aged between 3 and 18 or older, who study in general education schools <i>Families raising three and more children:</i> - every child below 3 years of age - every child aged between 3 and 18 and older, provided they are full-time students at a general education, vocational, post-secondary or higher school, but no longer than until they reach the age of 24	0.75 MSL (LTL 97.5) per month 0.4 MSL (LTL 52) per month 1.1 MSL (LTL 143) per month 0.4 MSL (LTL 52) per month (as of 1 August 2008 – 0.75 MSL (LTL 97.5 Lt) per month)
2.2.	As of 1 March 2009 <i>Families raising one or two children:</i> - below the age of 3 - between the ages of 3 and 18 (if they are students until 21 years of age), <i>provided the family income does not exceed LTL 1,050 per family member per month</i> <i>Families raising three and more children:</i> - below the age of 3 - between the ages of 3 and 18 (if they are students until 24 years of age)	0.75 BSB – LTL 97.5 0.4 BSB – LTL 52 1.1 BSB – LTL 143 0.75 BSB – LTL 97.5
3.	A benefit to a conscript's child	1.5 MSL (LTL 195) per month
4.	A lump-sum pregnancy grant	2 MSL (LTL 260)
5.	A guardianship (foster care) benefit	
	<i>in a family and an institution</i>	4 MSL (LTL 520) per month
	<i>in a social family</i> (as of 1 January 2009)	8 BSB (LTL 1,040) per month
6.	A lump-sum grant for acquiring housing or accommodating (a lump-sum settlement grant as of 1 August 2008)	50 MSL (LTL 6,500) (as of 1 January 2009 – 75 BSB (LTL 9,750))

• After the Seimas of the Republic of Lithuania adopted the Law on Indexing of Wages and Social Benefits, benefit amounts have been related to the new indicator, BSB, instead of MSL, since 1 August 2008.

137. In the context of increasing unemployment rates and decreasing personal income, the number of recipients of social benefits and compensations for heating and water expenses as well as expenditure on financing of these types of assistance has been increasing.

138. In 2009, on average 73,500 persons (2.2 per cent of permanent residents of Lithuania) per month received social benefits. As compared to 2008, the number of persons increased by 97.1 per cent. In 2006, on average 37,900 persons (1.1 per cent of permanent residents of Lithuania) per month received social benefits, as compared to 36,600 persons in 2007 (1.1 per cent of permanent residents of Lithuania).

139. In 2009, the average amount of a monthly social benefit per capita increased by 22.5 per cent, as compared to 2008, i.e. from LTL 176.4 in 2008 to LTL 216.1 in 2009. In 2006, on average one family member per month was paid a social benefit amounting to LTL 96, as compared to LTL 119.3 in 2007.

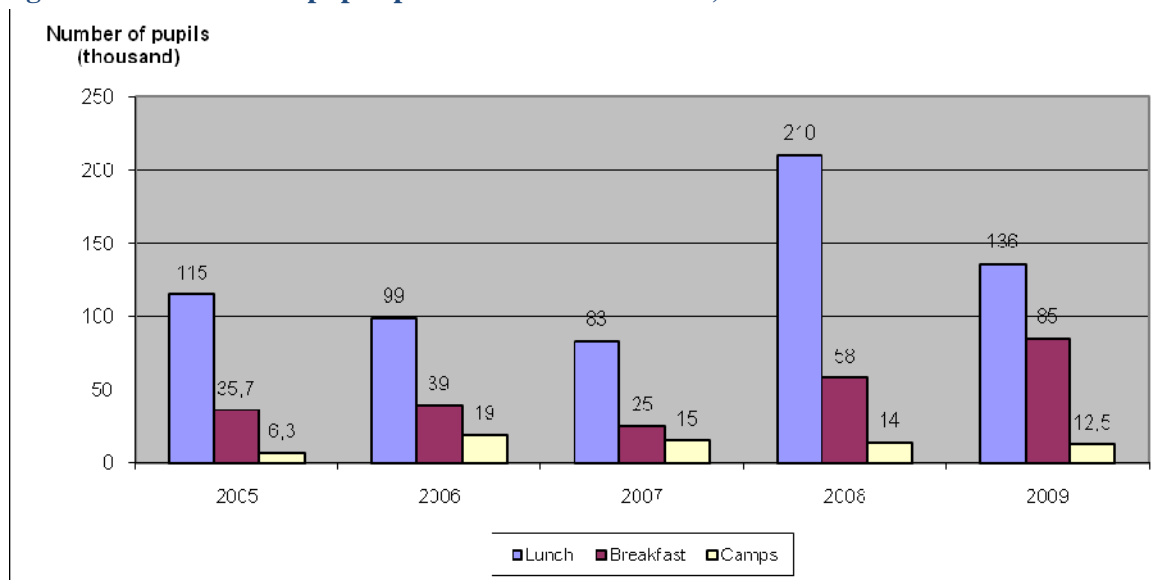
140. During the heating season, within one month of 2009, on average 130,300 (4 per cent of the Lithuanian population) received compensations for heating expenses. In 2009, as compared to 2008, the number of persons who received compensations for heating expenses per month increased by 26.8 per cent. The average amount of compensation for heating expenses per capita per month in 2009 was approximately LTL 89 with the centralised heating system, and LTL 108.1 when heating with other types of energy and fuel.

141. In 2009, as compared to 2008, the average number of persons who received compensations for cold water expenses per month increased by 30 per cent to 28,900. The average amount of the compensation for cold water expenses per capita per month was LTL 5.3 in 2009.

142. In 2009, as compared to 2008, the average number of persons who received compensations for hot water expenses per month increased by 39.8 per cent to 69,900. The average amount of the compensation for hot water expenses per capita per month was LTL 16.7 in 2009.

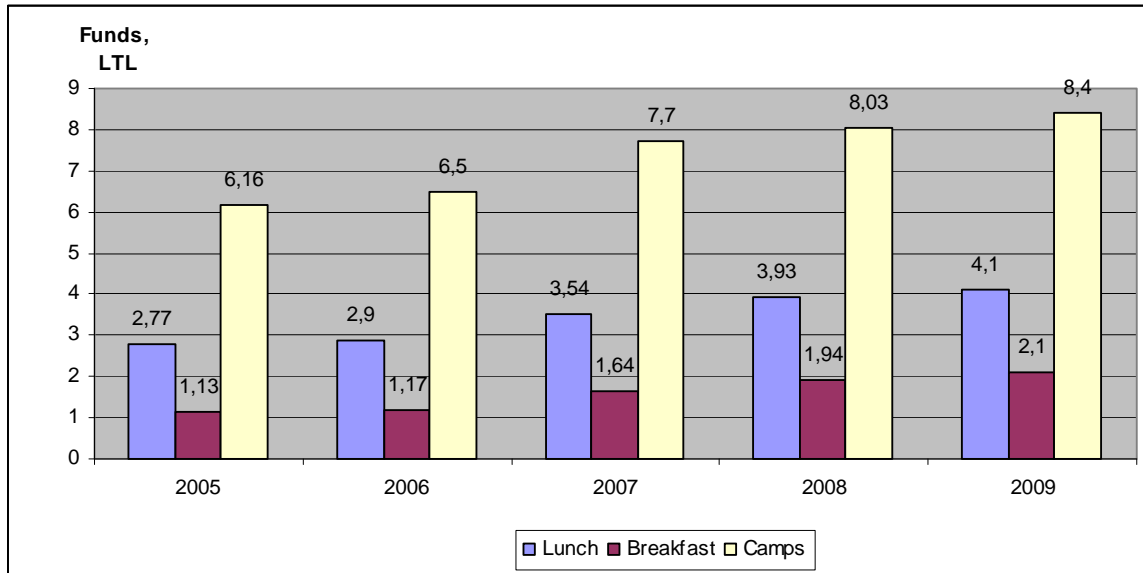
143. In 2005 and 2006, the expenditure on free meals to pupils at school amounted to approximately LTL 61 million each year, whereas in 2007, after the Law on Social Assistance for Pupils came into effect and established the right for municipal administrations to grant social assistance for pupils, the expenditure accounted for LTL 54.7 million. In 2007, due to an increase in the income of residents, the number of pupils entitled to free meals at school decreased by 27.8 per cent, as compared to 2005. After the provision to grant free meals to all pupils, regardless of family income, provided they study according to pre-school or primary education curricula, became effective in 2008, the expenditure on free meals to pupils increased by 71 per cent (up to LTL 93.8 million), as compared to 2007. In 2008, free meals were provided to 210,000 pupils, of which 90,000 pupils were from poor families. However, despite the fact that as of 1 January 2009 free meals have been granted only to pupils from poor families, the expenditure on free meals to pupils increased by 4 per cent in 2009, as compared to 2008. Due to the difficult economic situation in the country, increasing unemployment rates and decreasing personal income, the number of recipients of assistance has increased. In 2009, as compared to 2008, the number of pupils from poor families, provided with free meals, increased by 51 per cent, i.e. from 90,000 pupils to 136,000 pupils.

Figure 16.5. Number of pupils provided with free meals, 2005–2009



144. Seeking to ensure that child nutrition complies with physiological standards and to improve people's health and quality of life, larger amounts of social assistance for pupils were allocated than before 2009. In 2009, as compared to 2007, while establishing the amount of funds allocated for free meals per pupil per day, the amount allocated for the acquisition of food products for lunch was increased by 16 per cent (LTL 4.1), the amount for breakfast by 28 per cent (LTL 2.1), the amount for meals in summer day camps of recreation organised in schools by 9 per cent (LTL 8.4).

Figure 16.6. Funds from the state budget allocated for free meals per pupil per day, 2005–2009



145. In the period from 2005 until 2009, state support for the preparation for school per pupil from a poor family increased by almost four times: from LTL 40 in 2005 to LTL 156 in 2007–2009. Seeking efficient use of support, pupils from families at social risk were provided with school supplies individually, with regard to the number of pupils in the family and the school supplies they already have.

Labour income taxation

146. The burden of labour income taxation and its change in 2008 and 2009 is given below. Due to the decreased personal income tax, overall burden of labour income taxation was reduced to all groups.

Figure 16.7. (data from the Ministry of Finance)

Burden of labour income taxation	2008				2009			
	33 per cent of the average wage	67 per cent of the average wage	100 per cent of the average wage	133 per cent of the average wage	33 per cent of the average wage	67 per cent of the average wage	100 per cent of the average wage	133 per cent of the average wage
<i>Person without children</i>	36.0	40.2	41.6	42.2	34.0	39.0	40.8	41.6
<i>Families with three children</i>	32.0	38.2	40.2	41.2	29.8	36.9	39.4	40.6
<i>Single mother (adoptive mother) or single father (adoptive father) with three children</i>	34.7	39.6	41.1	41.9	25.6	34.9	38.0	39.5

Subsidised housing

147. At the end of 2008, the list of people waiting for subsidised housing contained 23,761 persons (families), of whom: 8,001 (34 per cent) persons (families) were put on the general list, 7,433 (31 per cent) were young families, 4,148 (17 per cent) were disabled persons (families).

148. In 2008, residential premises were rented by 821 persons (families). In most municipalities, residential premises were rented by young families (26 per cent), families from the general list (24 per cent) and the disabled persons' list (21 per cent). On average one person (family) rented approximately 44 square metres of useful floor space.

149. In 2008, 429 persons (families) were provided with credits amounting to LTL 60.3 million according to the Republic of Lithuania Law on State Support for the Acquisition and Lease of Housing. Most persons (families), who used state-supported housing credits, were from municipalities of large cities.

150. In 2008, persons (families), who were provided with state-supported housing credits, were paid subsidies amounting to LTL 5.9 million and covered insurance contributions amounting to LTL 317,900.

151. The data shows that the number of flats of the total housing stock in Lithuania has been increasing: 1,299,100 in 2006; 1,305,100 in 2007; 1,307,500 in 2008.

Responses to the questions and conclusions of the European Committee of Social Rights:

Childcare facilities

In its previous conclusion (Conclusions 2004, p. 380), the Committee asked for information on the ratio of staff to children and the training required by staff. Regarding training, the 1995 Education Act (Law No. 57-1419) stipulates no specific teaching qualification. Secondary education training is deemed sufficient. The Committee stresses that, for the situation to be in conformity with Article 16 of the Charter, the staff working in nurseries should be suitably qualified. **The Committee therefore wishes to be informed what measures are planned to monitor the quality of such services.**

Figure 16.8. Pupil-teacher ratio in primary, lower and upper secondary education (1), 2002-2007 (average number of pupils per teacher)

Year	Primary education (ISCED 1)		Lower secondary/second stage of basic education (ISCED 2)		Upper secondary education (ISCED 3)	
	2002	2007	2002	2007	2002	2007
Lithuania	12,4	10,0	8,5	7,9	8,3	9,4

(data from EUROSTAT)

Figure 16.9. Number and proportion of pedagogues granted qualification categories (compared to the total number of teachers) in 2004-2005

Qualification categories	Certified	%
Teacher	3151	7.5
Senior teacher	24282	57.8
Methodologist	8703	20.7
Expert	578	1.4
In total	36714	87.4

(data from the Ministry of Education and Science)

152. The qualification of teachers is assessed according to the procedure approved by Order No 3216 of the Minister of Education and Science on 24th November 2008 by the assessment commissions. During the assessment it is possible to raise or to lose the qualification, there are the following qualification categories: teacher, senior teacher, teacher methodologist and teacher-expert. Teachers' qualification centre organises trainings for teacher.

Participation of associations representing families

..the Committee points out that in order to ensure that the views of families are taken into account in the formulation of family policy, civil organisations representing families should be consulted by the relevant authorities. It would like to know whether any measures are planned to rectify this shortcoming.

153. When drafting legal acts relevant to families, representatives of families and community organisations are invited to participate in respective working groups or express their opinion during public consultations.

154. Paragraph 34 of the Government's legislative rules, approved by Resolution No. 1244 On the Approval of the Legislative Rules of the Government of the Republic of Lithuania of 30 September 2009, establishes that seeking to find out the public opinion about a specific problem and possible solutions, to better evaluate positive and negative consequences of envisaged legal regulation, costs of its implementation, and to ensure transparency of regulation as well as to provide society with the opportunity to influence the content of a specific decision, the general public shall be consulted.

155. Paragraph 35 of the Rules for Publishing Draft Legal Acts in the Draft Registration Subsystem of the Seimas Legislation Information System, approved by Order No. 1R-315 of the Minister of Justice of the Republic of Lithuania of 9 October 2009, lays down that interested institutions and society may submit their observations and proposals concerning draft legal acts on the website, where the respective draft legal act is available, by clicking on the link "Submit observations and proposals regarding this draft legal act". Paragraph 36 of the Rules stipulates that the observations and proposals submitted by interested institutions and society regarding a respective draft legal act shall be automatically emailed to the indicated drafters of legal acts once in 24 hours. Received observations and proposals must be evaluated.

156. It should be noted that the Social Affairs Council, formed by the order of the Minister of Social Security and Labour as of 20 May 2009, is composed of the representatives from different ministries, non-governmental organisations and the Association of Local Authorities in Lithuania. The aim of the activities of the Council is to examine and submit to the Ministry of Social Security and Labour proposals regarding the issues of social integration, reduction of social exclusion and provision of social assistance. The Council submits proposals regarding the drafting and improvement of legal acts on the provision of social assistance (cash social assistance or social services), which will help strengthen community competences in solving the issues of the reduction of social exclusion and social integration of families and different social groups.

157. Public and civil organisations, commonly referred to as non-governmental organisations, operate in Lithuania; however, seeking better involvement of society in these organisations and more efficient operation, Resolution No. 85 On the Approval of the Concept of the Development of Non-Governmental Organisations of the Government of 20 January 2010 approved the Concept of the Development of Non-Governmental Organisations. Paragraph 25 of the Concept indicates the drawback of establishment of non-governmental organisations and regulation of their activities, i.e. non-governmental organisations do not have a representative body which could participate in the discussion of society-relevant initiatives and influence the decision-making process.

158. The Resolution also approves the implementing measures of the Concept and the time-frame. For instance, it envisages drafting of a law governing the allocation of funds from the state budget and municipal budgets to non-governmental organisations, as well as other measures to facilitate the activities of NGOs.

Rights and responsibilities of spouses

The Committee wishes to know whether measures governing mediation are envisaged in practice.

159. Mediation in family cases is not regulated by the special law; however, mediation services can be provided at the general procedure. The basic conditions of conciliatory mediation in civil disputes and the legal consequences of its application are regulated by the Law on Conciliatory Mediation in Civil Disputes (Law No. X-1702 of 15 July 2008).

In the absence of any clarification on the legal protection of single-parent families, the Committee reiterates its question.

160. The fact whether the child was born in or out of wedlock does not affect the child's legal status. Children born in or out of wedlock shall have equal rights (Article 3.161(5) of the Civil Code of the Republic of Lithuania (hereinafter referred to as CiC)) (Law No. VIII-1864 of 18 July 2000).

161. State support and social guarantees for single parents raising children are greater than for full families, as they are more vulnerable socially (e.g. a bigger ATEI, longer annual leave, etc.).

Domestic violence against women

With regard to protection under the law, the Criminal Code contains no specific provision regarding criminal liability in order to combat violence against women. It contains only general provisions relating to violation of the right to life, freedom, health, choice of sexual orientation, immunity, honour or human dignity. **The Committee wishes to know whether there are any plans to develop the legal situation any further. It also requests information on the situation in practice.**

Protection from domestic violence

162. Implementing the Programme of the Fifteenth Government of the Republic of Lithuania, approved by Resolution No. XI-52 of the Seimas of the Republic of Lithuania of 9 December 2008, a draft Law on the Protection from Domestic Violence was drawn up and submitted to the Government on 12 May 2010.

163. The purpose of the draft is to respond quickly to violations, impose sanctions, provide adequate aid and undertake preventive measures protecting natural persons from domestic violence which is attributed to public acts due to the harm done to society.

164. The draft proposes to define domestic violence as violence used against a natural person in any place by a close relative, spouse, guardian (foster parent), ex-spouse, a person related by marriage and living together or a person living together and managing a common household. The draft proposes the definitions of physical, psychological and sexual abuse.

165. The draft law has been drawn up following the 3P principle: prevention, prosecution, and protection.

166. The prevention part of the draft covers the measures aimed at preventing domestic violence: public education and awareness raising, which promotes living in consonance, intolerance to violence and solving of disputes in a conflict-free manner; training and professional development courses to specialists and other persons working with subjects of domestic violence in the area of the prevention of, prosecution of and protection from domestic violence; legal education of society about the acts treated as domestic violence, the legal consequences of these acts and their inevitability; surveys, collection of statistical data and analysis of domestic violence. Specific preventive measures shall be implemented in cooperation with non-governmental organisations.

167. The draft law proposes establishment of sanctions and their implementation procedure. Proposed sanctions are the following: an official warning; an obligation for an abuser to move out temporary, not to approach and communicate with a victim, and the respective procedures of

application. The draft also lays down the rights, duties and responsibility for non-fulfilment of duties by abusers and victims.

168. The protection part of the draft stipulates the form of assistance to be provided and the provision mechanism. This part covers the types of assistance (social, legal, psychological, health care, education, etc.), as well as management, granting and provision of assistance.

Violence against women

169. Resolution No. 853 of the Government of 19 August 2009 approved the Plan of Measures Implementing the National Strategy on Combating Violence against Women 2010–2012. With a view to improving the legal framework in the area of combating violence against women, the provisions envisage expanding the opportunities of access to timely provision of legal assistance for victims of domestic violence by integrating the subject of violence against women in the training of entities, which provide primary assistance, to provide legal assistance to victims of violence. The Resolution also approves complex measures of the provision of assistance to victims of domestic violence, i.e. promotion of establishing and financing at the tender procedure of institutions or organisations in the territories of municipalities, which provide social services to women victims of violence and ensure inter-institutional cooperation. Sanctions for abusers, which promote establishing and financing at the tender procedure of men crisis centres in the territories of municipalities, have been envisaged. The Resolution also provides for courses of professional development of judges concerning violence against women.

170. However, criminal legislation does not specify the individual category of women victims of violence; therefore, general norms related to different forms of violence are used for qualifying violent dangerous acts committed against women. The provisions of the special part of CC envisage the circumstances qualifying a criminal act such as violence against a close relative or a family member. Furthermore, pursuant to the provisions of Article 60(1) of CC, if the criminal act specified in the CC has been committed against a woman known to be pregnant, it shall be considered the aggravating circumstance.

171. The following forms of violence have been criminalised in the CC:

CC Article 100. Treatment of persons prohibited under international law.

CC Article 129. Murder. Attention should be drawn to the qualifying elements of murder established in Article 129(2) of the CC such as the murder of a close relative or a family member or a pregnant woman, which shall be punished by imprisonment for a period of eight up to twenty years or by life imprisonment. Articles 130 (Murder in a state of passion) and 132 (Negligent homicide) should also be noted.

CC Article 135. Severe health impairment. Attention should be drawn to the qualifying elements of severe health impairment established in Article 135(2) of the CC such as a serious bodily injury or illness caused to a close relative or a family member or a pregnant woman, which shall be punished by imprisonment for a period of two up to twelve years. Articles 136 (Severe health impairment caused in a state of passion) and 137 (Severe health impairment caused through negligence) should also be noted.

CC Article 138. Non-severe health impairment. Attention should be drawn to the qualifying elements of non-severe health impairment established in Article 138(2) of the CC such as bodily harm or illness which is not serious caused to a close relative or a family member or a pregnant woman, which shall be punished by imprisonment for a period of two up to twelve years. Article 139 (Non-severe health impairment through negligence) should also be noted.

CC Article 143. Compelling a woman to have an illegal abortion.

CC Article 145. Threatening to murder or cause severe health impairment to a person or terrorisation of a person.

CC Article 146. Unlawful deprivation of liberty.

- CC Article 147. Trafficking in human beings.
- CC Article 147.1. Use for forced labour.
- CC Article 148. Restriction of freedom of a person's actions.
- CC Article 149. Rape.
- CC Article 150. Sexual assault.
- CC Article 151. Sexual abuse.
- CC Article 151.1. Satisfaction of sexual desires by violating a minor's freedom of sexual self-determination and/or inviolability.
- CC Article 152. Sexual harassment.
- CC Article 163. Abuse of the rights or duties of parents, a guardian or custodian or other lawful representatives of a child.
- CC Article 164. Evasion of a child's maintenance.
- CC Article 308. Involvement in prostitution.

172. In the event that the sanction envisaged in an article from the special part of the CC provides for a punishment of imprisonment, the court may prohibit the sentenced person to visit certain places (point 1 of Article 48(5) of the CC) or to communicate with certain individuals or groups of individuals (point 2 of Article 48(5) of the CC). The number of prohibitive and mandatory sanctions imposed by a court in respect of a convict shall not be specified; however, they must be coordinated (Article 48(8) of the CC).

173. Pursuant to the provisions of Article 67 of the CC, a person released from criminal liability or released from a penalty may be subject to penal sanctions, including: a prohibition to approach the victim (point 6 of Article 67(2)), participation in the programmes addressing violent behaviour (point 7 of Article 67(2)). The abovementioned penal sanctions may be imposed together with a penalty.

174. The Code of Criminal Procedure of the Republic of Lithuania (amendment of the Law No. IX-2553 of 9 November 2004) was amended by a new article, Article 132¹ (Obligation to live separately from the victim). Pursuant to this article, the suspect may be obliged to live separately from the victim or there are reasonable grounds for considering that if the suspect lives together with the victim, he/she will attempt at unlawfully influencing the victim or commit new criminal acts against the victim or persons living together. When imposing an obligation to live separately from the victim, the suspect may also be obliged not to communicate or seek contact with the victim and persons living together and not to visit specified places visited by the victim or persons living together.

Vulnerable families

The Committee recalls that a five-year length of residence requirement is excessive. It therefore considers that the situation is not in conformity with Article 16 of the Revised Charter.

175. The requirement stipulated in the Law on Child Benefits and in the Law on Cash Social Assistance for Poor Families and Single Residents concerning the payment of child benefit and cash social assistance only to permanent residents of Lithuania is related to the periods of residence in the country established in the Republic of Lithuania Law on the Legal Status of Aliens.

176. However residents who reside in Lithuania temporary are not left without any support under the current legal regulation, i.e. municipalities may allocate cash social assistance from the municipal budgetary resources to persons who do not hold any document certifying the right to permanently reside in the Republic of Lithuania, but who legally live in the territory of the Republic of Lithuania.

177. Benefits are granted to families in accordance with the Republic of Lithuania Law on Child Benefits, provided the whole family live in Lithuania and neither of the parents works in another

European Union Member State. If the child's parents work or live in different EU Member States, the right of the family to benefits is established pursuant to the EU regulations on social security scheme coordination.

178. Systematic amendments to laws governing social assistance have been currently drafted. Having evaluated international legislation pertaining to the movement of persons, drafters will also consider the opportunity to provide assistance to persons who do not hold any document certifying the right to permanently reside in the Republic of Lithuania, but who legally live in the territory of the Republic of Lithuania.

179. It should be noted that the conditions of payment of benefits and assistance as well as the respective amounts shall be established with regard to the changing situation and the financial resources of the state. The implementation of this provision during the economic crisis requires more generous funds from the state budget.

Article 17 – The right of children and young persons to social, legal and economic protection

Article 17§1

Reference period 01.01.2003 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

The following fundamental legal acts of the Republic of Lithuania were adopted or amended within the reference period.

180. Laws of the Republic of Lithuania

Republic of Lithuania *Law on State Benefits to Families* (Amendment No. IX-1750 of 7 October 2003, ect.)

Republic of Lithuania Law on Child benefits (Amendment No. IX-2470 of 29 September 2004)

181. Subordinate Legislation

Resolution No. 801 of 28 June 2004 of the Government of the Republic of Lithuania “On the Approval of the Regulations of the Award and Payment of Child benefits”;

Order No. A-238 of 21 October 2004 of the Minister of Social Security and Labour “On the Approval of the Description of the Procedure of Provision of the Lithuanian State Support for the Integration of Aliens Who have Been Granted Asylum in the Republic of Lithuania”

The Right of the Child to Know His or Her Origin

182. Paragraph 3 of Article 3.161 of CiC directly establishes the provision of the right to know his or her parents unless that prejudices his or her interests and the laws provide otherwise. This right is also established in Paragraph 1 of Article 9 of the Law on Fundamentals of Protection of the Rights of the Child: from birth the child shall have the right to a name, surname, nationality and citizenship, a right to family and other ties linked to his or her individual identity and their preservation. Chapter X of Part IV of Book Three of the CiC regulates the general basis for filiation of a child. The mutual rights and duties of the child and his or her parents are based in the legitimate filiation of the child.

183. On 15 July 2008, the amendment of Republic of Lithuanian Law on Citizenship No. X-1709 was adopted. One of the aims of this amendment was to re-define the conditions of the acquisition of the citizenship of the Republic of Lithuania by birth and, pursuant to the principle of the acquisition of the citizenship by birth stipulated in Paragraph 1 of the Article 12 of the Constitution of the Republic of Lithuania, to establish that a child who have acquired the citizenship of the Republic of Lithuania as well as the citizenship of any other state by birth shall be the citizen of the Republic of Lithuania as well as of another state, i.e. he or she shall have more than one citizenship. It should be noted that provisions regarding children born in the Republic of Lithuania of stateless parents permanently residing in Lithuania as well as regarding children whose parents are unknown remained unchanged. This law establishes a provision stipulating that a child, both of whose parents are citizens of the Republic of Lithuania as well as a child, whose parents hold citizenship of different states and one of them is a citizen of the Republic of Lithuania, shall be a citizen of the Republic of Lithuania regardless of whether he or she was born in the territory of the Republic of Lithuania or beyond its borders (Paragraph 1 of Article 9).

Non-discrimination principle

184. The principle of non-discrimination is established in Paragraph 3 of Article 4 of Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania No. I-1234. It

stipulates that every child shall enjoy equal rights with other children and cannot be discriminated against for reasons of his or her parents or other legal child representatives' gender, age, nationality, race, language, religion, convictions, social, monetary and family position, state of health or any other circumstances.

185. On 17 June 2008, the amendment of Republic of Lithuanian Law on Equal Opportunities No. 1602 was adopted. The law prohibits any form of direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnic group, religion or beliefs, and provides for the ways to fulfil gender opportunities.

Reduction of Violence

186. Improvement of the legislation and enhancement of social work with families influenced the decrease in cases of violence against children. In 2005-2006, the legal system of the protection of child rights was enhanced and a great deal of attention was paid to social work with children and their families, where children usually face violence and abuse. In order to enhance social support to children from poor families, on 13 June 2006, the Seimas of the Republic of Lithuania adopted the Law on Social Assistance for Pupils of the Republic of Lithuania (Law No. X-6860), which came into effect on 1 January 2007.

187. Resolution No. 491 of 4 May 2005 of the Government of the Republic of Lithuania approved the National Programme for the Prevention of Violence against Children and Assistance to Children 2005-2007. Public education of children and parents on issues related to the prevention of violence against children, campaigns against violence against children were organised under the Programme (May is announced as the Month without Violence). Victims of violence were informed about the assistance and the possibilities of using it, and the legislation was improved in order to prevent violence against children. The National Programme for the Prevention of Violence against Children and Assistance to Children 2005-2007 provided abused children with short-term and long-term complex assistance.

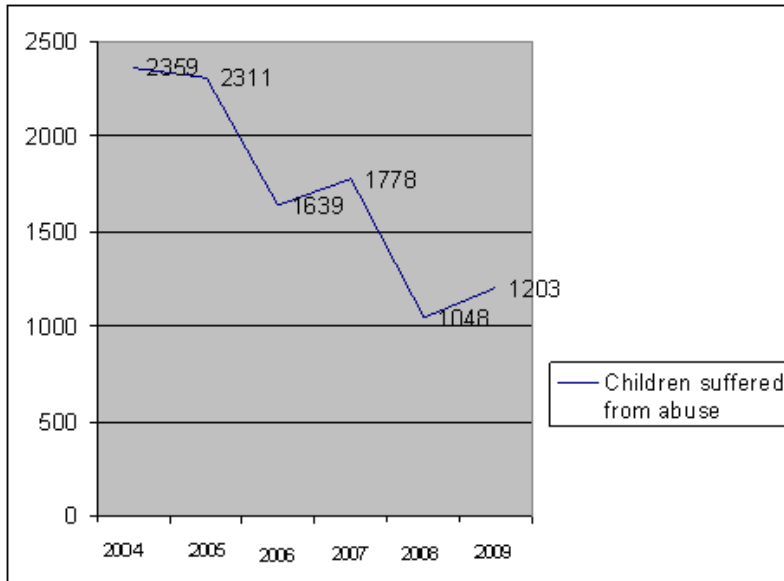
188. The National Programme for the Prevention of Violence against Children and Assistance to Children 2008-2010 approved by Resolution No. 392 of 24 April 2008 of the Government of the Republic of Lithuania is aimed at providing for complex measures to cope with violence against children and all its manifestations.

189. The measures of the programme for the prevention of abuse and bullying are designed for children who are likely to suffer or who have suffered from mental, physical and sexual abuse and neglect at schools, as well as for their families (Paragraph 1 of the Programme).

190. The Plan of Implementation Measures of the Strategy of the State Policy on Child Well-being 2005-2012 approved by Resolution No. 184 of 17 February 2005 of the Government of the Republic of Lithuania provides for measures aimed at providing support to families, encouraging support of education of children and developing conditions necessary for positive education of children as well as at increasing parents' personal responsibility for children by focusing on positive parental education, i.e. by educating parents on non-violence culture of education of children. Since 1 January 2007, municipal institutions of social services have been employing social workers, who work with families at social risk where children face the major risk of being corporally punished, mentally abused or left without care. These workers also contribute to the prevention of violence at home as well as the development of positive parenthood. Although the above mentioned measures are aimed at prevention of violence against children, they do not clearly specify the prohibition of corporal punishment established in the law.

191. As the data of the service shows, a total of 1,203 children were abused in 2009. If compared to 2008, the number of abused children increased by almost 15 percent (Figure 17.1.1)

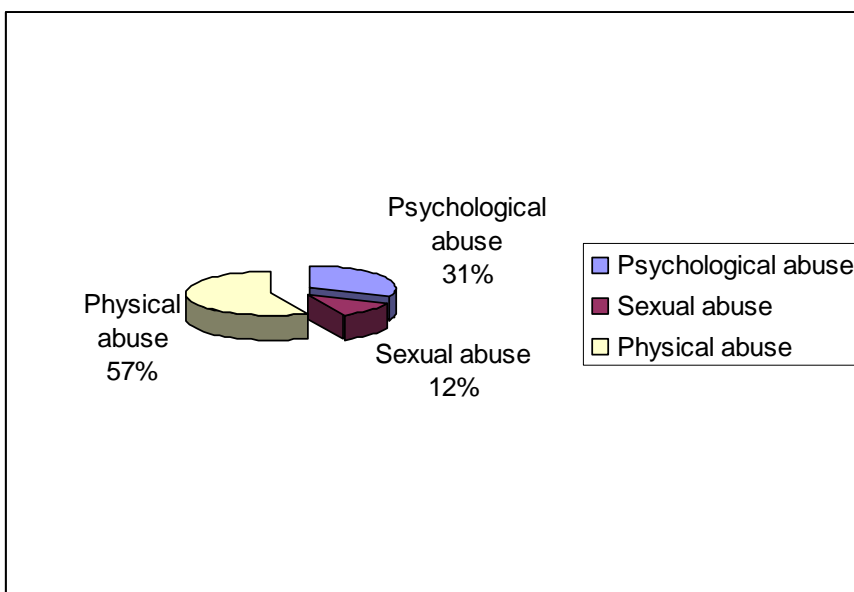
Figure 17.1.1. Change in the number of abused children in 2004-2009



192. According to the data of the service, a total of 2,359 children suffered from abuse in 2004. In 2005, this indicator reached 2,311 children; in 2006 – 1,639; in 2007 – 1,778; in 2008 – 1,048; – 1048, in 2009 – 1,203 children.

193. The largest incidence of child abuse was established in Šiauliai, Kaunas, Vilnius and Utena counties, whereas the smallest incidence was observed in Panevėžys, Marijampolė and Alytus counties. The majority (57 percent) of cases of violence are related to physical abuse (Figure 17.1.2)

Figure 17.1.2. Breakdown of cases of violence against children according to the nature of violence



194. In 2007-2008, assistance to children suffering from abuse was provided by municipalities and non-governmental organisations through social work with families, i.e. by providing children with consultations of a psychologist and social worker at school. Psychological consultations were usually provided to children residing in urban areas; however, it was difficult to organise this kind of assistance to children and their families in rural areas, since these areas experience a shortage of child day centres, non-governmental organisations and other institutions, which would provide assistance to minors suffering from abuse and their family members.

195. With a view to preventing abuse and bullying at schools and modifying as well as introducing new world acknowledged violence prevention programmes in education institutions, a Description of Crises Management at Schools was approved by Order No. ISAK-1374 of 12 July 2007 of the Minister of Education and Science of the Republic of Lithuania.

196. Greater focus has been later shifted on the preventive work with families at risk. On 1 January 2007, a total of 556 new social workers were employed for work with families at social risk. These jobs are financed from special target grants to municipal budgets from the state budget. In 2008, a total of 56.5 additional jobs were created in the country (612.5 jobs in total). These workers help a child, who has become a victim of any form of neglect, exploitation, abuse, inhuman or degrading behaviour. Children's special position makes them an exceptional group of persons; therefore, not only family is responsible for children well-being – this task is also delegated to the state in cases when family is not able to perform it due to objective reasons.

197. When providing legal assistance to children who suffered from abuse in 2005, a total of 233 children were taken out of families or from other legal representatives. In 243 cases, reports on administrative violations were issued to abusers; 1,458 criminal cases were initiated in respect of abusers, out of which 252 cases were initiated by divisions of the child rights protection of municipalities. According to the data of 2005, nearly a half of children, who became victims of crimes against their health as well as victims of crimes against freedom of a person's sexual self-determination and inviolability, suffered from actions of their parents, foster parents, guardians (curators), relatives or other unfamiliar persons.

Monetary support for children under guardianship

198. Pursuant to the Law on State Benefits to Families, a child under guardianship is awarded with 1.5 MSL (LTL 187.5) of guardianship (curatorship) benefits. With a view to encouraging families to bring up and maintain their children, reorganising the system of support to children deprived of parental care and ensuring the use of the funds for the needs of children by developing social services to families, the Law on Child benefits came into effect on 1 July 2004. The law specifies a monthly guardianship (curatorship) benefit of 4 MSL (LTL 500, and LTL 520 since 2007) for a child under guardianship in families, social families and non-governmental child care organisations throughout the guardianship period. Upon the expiration of the child's guardianship (curatorship) due to the age of majority, emancipation (recognition of legal capacity by the court) or contracting a marriage, the child shall continue receiving the above benefit if he or she is studying in a full-time secondary, vocational, post-secondary or higher education establishment for the duration of the studies but no longer than until he or she reaches the age of 24. This benefit shall not be paid to persons who enrol in a school of the same or lower level more than twice.

199. Where the recipient of the guardianship (curatorship) benefit receives an orphan's pension and/or maintenance, the amount of the guardianship (curatorship) benefit shall be equal to the difference between the benefit amounting to 4 MSL and the amount of the said orphan's pensions and/or maintenance.

200. Moreover, a person whose both parents (single parent) pass away while he or she is studying in a full-time general education school or in a vocational, post-secondary or higher education

establishment, shall have the right to receive the guardianship (curatorship) benefit while he or she studies, but no longer than until he or she reaches the age of 24.

201. As of 1 July 2006, the guardian (curator) of the child shall receive the monthly guardianship (curatorship) benefit of 2 MSL (in 2006 – LTL 250, and as from 2007 – LTL 260) for the child who receives maintenance (free accommodation and food) in a dormitory of a general education school or a vocational school on a full-time basis or during working days.

202. Upon the expiry of the child guardianship (curatorship) due to the age of majority, emancipation or contracting a marriage, persons in respect of whom guardianship or curatorship was established, shall receive a lump-sum benefit of 50 MSL (in 2006 – LTL 6,250, and as from 2007 – LTL 6,500), which may be used for the following purposes: to purchase a dwelling; to pay a part of a loan taken for construction or purchase of a dwelling (dwelling-house, apartment); to pay utility charges for a rented dwelling; to repair or renovate a dwelling; to purchase furniture and domestic appliances. With effect from 1 July 2006, the benefit beneficiary is entitled to use the housing benefit to pay utility charges for a rented dwelling or a dwelling owned by the right of ownership; to pay tuition charges; to purchase a plot of land; to purchase a PC.

203. With effect from 1 July 2006, aliens residing in the Republic of Lithuania who in compliance with the procedure established by the legislation are appointed as guardians (curators) of a child are entitled to the guardianship (curatorship) benefit.

204. With effect from 1 January 2007, the guardianship (curatorship) benefit is paid to natural persons, social families and non-governmental child care institutions appointed as guardians as well as to children maintained in state and municipal child care institutions.

205. On 1 July 2008, the Law Amending and Supplementing the Law on Child Benefits, which is aimed at improving the system of benefits to families and children under guardianship, came into effect. The law is aimed at the following: decreasing the social exclusion of families bringing up three or more children; assuring that child benefits “child money” go directly to children under guardianship; improving the conditions of the payment of child benefits and social integration of children under guardianship. In view of the purpose of the benefit for acquisition of dwelling or settlement, the name of the benefit was changed into “the lump-sum settlement grant” thus underlining the state’s objective to help persons deprived of parental care at the outset of their self-independent life acquire necessary articles and pay tuition fees without decreasing his or her possibilities of solving the issues of the rent or acquisition of a dwelling, which are related to the state support for the acquisition of accommodation as well as the implementation of social housing acquisition or rent policy governed by other legal acts. The law provides for a 24 month period to use the benefit as well as expands the list of the benefit use possibilities by enabling persons formerly placed under guardianship to purchase video and audio appliances, household articles as well as to cover the price of studies and non-formal education.

206. The amendments the effective date and the launch of the implementation of which are scheduled for 1 January 2009 are the following: every child under guardianship (curatorship) shall receive the benefit of the same amount as families bringing up one or two children regardless of whether the child is entitled to another state support benefits (guardianship (curator) benefit, accommodation, catering, etc). With a view to achieving positive demographic changes, the lump-sum benefit at birth or having adopted a child has been increased from 8 to 11 BSB, i.e. from LTL 1,040 to LTL 1,430: the settlement grant paid to children formerly placed under guardianship from 50 to 75 BSB, i.e. from LTL 6,500 to 9,750; guardianship (curatorship) benefits are paid to foreign children who are placed under guardianship (curatorship) in Lithuania.

207. Considering that there has been a decline recently in the number of persons wishing to foster in their families children left without parental care and that the process of finding a guardian/curator, being a natural person, is becoming more difficult, and with a view to reducing the number of cases where a child is placed under guardianship/curatorship in child care homes,

which involves substantially high costs of child care, the necessity to establish social families and promote guardianship/curatorship with social families has been highlighted. Therefore, the amendment to the Law on Child benefits establishes a provision, which, as of 1 January 2008, increases the guardianship (curatorship) benefit from 4 to 8 BSB (up to LTL 1,040) for children placed under guardianship (curatorship) in social families and ensures support for social families being a more favourable form of guardianship (curatorship), thus decreasing the number of families (natural persons) wishing to foster in their families children.

Adoption procedures

208. Conditions and procedures of adoption are governed by Chapter XIII of Book Three of the CiC, whereas Chapter XIV of Book Three of the CiC regulates legal consequences of adoption. Registration of adoptions is specified in Chapter XXIII of Part VIII of Book Three of the CiC.

209. Paragraph 2 of Article 3.209 of the CiC stipulates that only children who have been included on the list of children offered for adoption may be adopted except in cases where a spouse adopts the other spouse's child or the child lives in the family of the adopter. Paragraph 3 of the same article stipulates that only children over the age of three months may be adopted. Article 3.210 of the CiC specifies persons entitled to adopt a child. The adopter must be an adult woman or man under the age of 50 duly prepared for adopting a child. In exceptional cases the court may give leave for older persons to adopt a child (for example, if a person wishes to adopt a child older than six year, or in cases when the child for adoption has been fostered in a family wishing to adopt him or her for a long period of time). The right to adopt a child may be exercised by married couples. In exceptional cases, an unmarried person or one of the spouses may be allowed to adopt a child (for example, if the social worker has a positive opinion about this person's preparedness to bring up a child as well as when the child for adoption has been fostered by the person wishing to adopt him or her for a long period). Persons declared legally incapable or of limited active capacity by the court, persons whose parental authority has been restricted, former guardians (curators) whose guardianship/curatorship has been cancelled through their fault shall not be allowed to adopt a child. Persons who wish to adopt a child (except a parent's spouse or the relatives) must be listed in the list of prospective adopters managed by the State institution for adoption. Persons with diseases included into the list of diseases approved by Order No. 404/96 of 24 July 2001 of the Minister of Health of the Republic of Lithuania and Minister of Social Security and Labour of the Republic of Lithuania "On the Approval of the List of Medical Contraindications to Adoption" shall not be allowed to adopt a child. Adoption of one's own children, sisters or brothers as well as adoption of the same child by unmarried persons shall be prohibited.

210. State institutions for child right protection familiarise persons wishing to adopt a child with requirements for adoption. The very same institutions commence the adoption procedure. Pursuant to Paragraph 1 of the General Regulations of Child Rights Protection Services approved by Resolution No. 1983 of 17 December 2002 of the Government of the Republic of Lithuania, child rights protection divisions, offices and services of administrations of municipalities shall perform the functions of child right protection institutions. Persons wishing to adopt a child must submit to child right protection institutions documents necessary for adoption (an application including their motives for adoption, copies of passport or personal identity document, copy of marriage certificate, health certificate in an established form and other documents).

211. Verification of the readiness for adoption is governed by Article 3.217 of the CiC, Paragraph 1 of which stipulates that certified social workers of the State institution for adoption shall ascertain if there are any bars referred to in Book Three of the CiC for the prospective adoptive parents to adopt the child, investigate their living conditions, collect information on the status of their health and submit a conclusion on the preparedness of the prospective adopters to adopt the child. Paragraph 2 of the mentioned above article stipulates that if the prospective adoptive parents do not agree with the conclusion of the social worker on their preparedness to adoption, they may

appeal against it in court. If the social worker submits a positive conclusion of the preparedness of the prospective adopters to adopt a child, the State institution for adoption includes the persons willing to adopt a child into the register of the prospective adoptive parents and children subject to adoption (Paragraph 1 of Article 3.219 of the CiC)

212. The State institution for adoption submits data on the origin, development, state of health of the child to be adopted (Paragraph 1 of Article 3.218 of the CiC). It should be noted that the final decision on the suitability of conditions and preparedness for adoption shall be taken by the court examining the application for adoption (Paragraph 3 of Article 3.217 of the CiC). Paragraph 1 of Article 3.220 of the CiC stipulates that applications for adoption submitted by citizens of the Republic of Lithuania shall be examined by the district courts of the applicant's or the child's domicile in the presence of the applicants and a representative of the public institution for adoption. Paragraph 2 of the mentioned above article also stipulates that applications for the adoption of a citizen of the Republic of Lithuania residing in the Republic of Lithuania or in another country shall be examined by the Regional Court of Vilnius.

213. Pursuant to Paragraph 6.6 of the Regulations of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour approved by Resolution No. 1114 of 20 October 2005 of the Government of the Republic of Lithuania, the Service shall gather, analyse and keep information about adoption. According to the data of the Service, the number of children adopted in 2005 reached 144 children (out of which 88 children deprived of parental care and 56 children of spouses); in 2006, this number reached 175 children (out of which 106 children deprived of parental care and 69 children of spouses); in 2007, 137 children were adopted (out of which 81 children deprived of parental care and 56 children of spouses); in 2008, 153 children were adopted (out of which 101 children deprived of parental care and 52 children of spouses); in 2009, this number reached 164 children (out of which 110 children deprived of parental care and 54 children of spouses).

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban areas and rural areas, average class sizes and the ration teacher per pupil; figures on primary and secondary school enrolment, on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

214. Information about the average monthly number of persons who have received guardianship (curator) benefit and expenditure on guardianship (curator) benefits is presented under Article 16.

Responses to the questions and conclusions of the European Committee of Social Rights:

Status of the Child

The Committee takes note of the information on adoption and asks that the next report provide up-dated information on the procedures regulating adoption.

215. The Description of the Procedure of Granting Authorisations to Foreign State Institutions to Act in Inter country Adoption in the Republic of Lithuania amended by Order No. A1-195 of 17 July 2006 of the Minister of Social Security and Labour of the Republic of Lithuania establishes that as from 1 August 2006, applications for authorisations to act in inter country adoption in the Republic of Lithuania submitted by foreign institutions are no longer accepted. It also establishes that a foreign institution or a central adoption institution of the receiving state having been granted authorisation to act in the field of inter country adoption shall have the right to submit applications to adopt a child (children) under six years of age of up to two families (persons), except for the cases when a family is willing to adopt a child (children) with special needs.

216. Considering the aforesaid and seeking to exercise the rights of children with special needs in a proper manner, the Minister of Social Security and Labour of the Republic of Lithuania approved by Order No. A1-32 of 1 February 2007 the Procedure for Preliminary Proceedings Concerning the Adoption of Children with Special Needs Subject to Adoption. The provisions of the Procedure Description comply with international and national legal acts governing adoption procedures and provide such children with more possibilities of finding families which best fulfil their needs. Authorised foreign institutions are particularly encouraged to implement the programme of adoption of children with special needs. It is one of the key criterions of the efficiency assessment of authorised foreign institution acting in Lithuania.

Education

The Committee wishes to receive updated statistics in the next report on the number of public and private schools, the geographical distribution of schools, and the teacher pupil ratio in schools.

217. The state has been and continues to be the main education supplier. In academic year 2003/2004 Lithuania had only about 18 private general education institutions which enrolled 0.4 percent of all pupils of the country. In academic year 2009/2010, the number of private schools reached 28 percent and the number of pupils studying in these schools increased from 0.4 percent to 1.1 percent; however, public schools still prevail in Lithuania. In academic year 2009/2010, Lithuania had a total of 1,336 public education schools. A total of 444,901 or 98.9 percent of pupils studied in public schools, whereas private schools had 4,878 or 1.1 percent of pupils.

218. In academic year 2009/2010, a total of 449,779 pupils studied in Lithuania, out of which 148,839 studied in schools for adults.

219. Rural schools, the total number of which in academic year 2009/2010 reached 620, enrolled a total of 98,290 pupils, which made 22 percent of all pupils of the country.

220. In academic year 2003/2004, Lithuania had a total of 144 kindergarten-schools, out of which 96 were located in urban areas and 48 – in rural areas. These schools enrolled a total of 7.1 percent of all primary school pupils of the country. The number of primary schools reached 445 (out of which 82.2 percent in rural areas).

221. In academic year 2009/2010, the country had 106 kindergarten-schools with a total of 8,630 pupils and 1,486 teachers. The above number of kindergarten-schools includes 38 kindergarten-schools in rural areas with 2,280 pupils, which makes 35.8 percent and 26.4 percent respectively.

222. A considerable decrease could be observed in the number of primary schools. In academic year 2009/2010, the number of such schools reached 92, out of which 16 or 17.3 percent were situated in rural areas. A total of 20,376 pupils (out of which 648 or 3.1 percent in rural areas) studied in these schools and 1,486 teachers worked there.

223. In academic year 2003/2001, a total of 632 basic schools operated in Lithuania, out of which 84.8 percent were located in rural areas.

224. In academic year 2009/2010, the number of basic schools reached 515 schools, out of which 374 or 72.6 percent were situated in rural areas. These schools had 112,357 pupils (out of which 40,124 or 35.7 percent studied in rural areas) and employed 115,513 teachers of basic education.

225. In academic year 2003/2004, a total of 24 youth schools operated in the country. All except one youth schools were situated in urban areas.

226. In academic year 2009/2010, the number of youth schools decreased and reached 19 schools. A total of 1,557 pupils studied and 255 teachers worked in these schools. Similarly to previous

years, all the youth schools were situated in urban areas. The only rural youth school had 64 or 4.1 percent of all pupils studying in youth schools.

227. In academic year 2003/2004, the country had 469 secondary schools with a total of 56.6 percent of all pupils of the country. 61.2 percent of secondary schools were situated in urban areas. The country had 90 high schools, three of which were situated in rural areas.

228. In academic year 2009/2010, the number of secondary schools decreased to 325, because a considerable share of secondary schools changed their status to high schools or basic schools. At present, a total of 162,684 pupils study and 13,961 teachers work in secondary schools. Rural areas have 139 secondary schools with 36,391 pupils or 22 percent of all pupils of secondary schools. There was a rapid increase in the number of high schools starting from 90 in 2003 to 185 in 2009. Current high schools have a total of 115,193 pupils. A total of 18,170 pupils or 15.7 percent of all high schools pupils study in rural high schools.

Table 17.1.3.

Number of schools and pupils in academic year 2009-2010			
School type	Number of schools	Number of teachers	Number of pupils
Secondary schools	325	13,961	162,684
Primary schools	92	14,86	203,76
Kindergarten-schools	106	887	8,630
Youth schools	19	255	1,557
Schools for adults	33	554	11,894
Music schools	4	212	722
Children socialisation schools	8	96	247
Basic schools	515	11,513	112,357
High schools	185	9,395	115,193
Art high schools	4	309	2,101
Special schools	64	1,039	4,253
Sanatoria	9	121	364
Total:	1,364	39,828	440,378
Vocational schools	78	3,882	47,886

229. The total number of classes in Lithuanian schools reaches 24,578 classes, out of which 876 are primary classes with the average number of pupils reaching 18,3.

230. Lithuanian schools employ a total of 35,831 teachers or 39,328 staff members including school masters and their deputies. A total of 3,173 education assistance specialists (social workers, psychologists, speech specialists, sign language specialists and other specialists). The total number of school staff members including teachers, education assistance specialists and school masters amounts to 42,501 persons. Therefore, the ration of pupils per one teacher, one representative of the school management and education assistance specialist makes 10.58 pupils. Whereas the ration of pupils per one teacher without school masters and education assistance specialists reaches 12.5 pupils. If compared to 2003, this number practically did not change, because in 2003 one teacher had to work with 12 pupils on average (14 pupils in urban areas and 10 pupils in rural areas).

The Committee notes that the possibility to attend a pre-school education institution is enjoyed by every child of pre-school age, however the report states that problems are found in the rural areas with regard to

pre-school education. **The Committee asks that the next report provide more details on the extent of the problems.**

231. Slightly more than half (50.3%) of children aged 1-6 attended pre-school education establishments in 2004. The share of the corresponding age children in pre-school education establishments in urban areas was noticeably higher than that in rural areas (in 2004, pre-school education establishments were attended by 68.2% of the children in urban areas and 19.9% in rural areas). The number of children attending pre-school education establishments is increasing in urban as well as rural areas.

It asks that the next report clarify how the Government defines the concept of 'drop-out' and 'nonattendance' in schools.

232. Drop-out means that pupil was eliminated from school. Nonattendance means that pupil does not attend school.

The Committee asks that the next report provide updated statistics on the enrolment, attendance and drop-out rates at schools and up-dated information on any measures and their effectiveness with regard to the prevention of drop-outs and non-attendance. It wishes to receive information on measures taken to strengthen teacher-training so as to increase the number and standards of teachers and to improve the conditions of service of teachers.

Table 17.1.4. Number of pupils and students having discontinued their education in educational establishments*

Academic year	Number of pupils and students having discontinued their education in educational establishments	Dropout percentage
Vocational schools		
2003–2004	5726	12.8
2004–2005	6750	14.6
2005–2006	7293	15.6
2006–2007	6950	15.5
Colleges		
2003–2004	5189	11.6
2004–2005	6332	12.1
2005–2006	8134	14.0
2006–2007	8261	14.2
Universities		
2003–2004	13435	10.3
2004–2005	14088	10.2
2005–2006	17253	11.3
2006–2007	17373	11.6

*Excluding those having proceeded to other schools of the same type.

Table 17.1.5. Number of pupils dismissed from general education schools*

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
Dismissed from schools	607	601	637	1279	1373

*Except for special and adult schools.

Table 17.1.6. Number of individuals having attained education in 2003-2007

	2003	2004	2005	2006	2007
General education	50,035	51,693	46,076	48,254	49,461
Secondary education	44,007	44,817	42,817	44,172	44,502
advanced vocational education *	6,893	5,337	2,178	693	7
Higher university education (undergraduate studies)	14,654	15,758	18,312	20,609	21,402

Higher non-university education	4,602	8,750	11,173	12,475	11,940
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*Education of this type is no longer provided following reorganization of advanced vocational schools into colleges

Table 17.1.7. Number of individuals having attained education per 10,000 inhabitants

	2003	2004	2005	2006	2007
Higher university education (undergraduate studies)	43	46	54	61	63
Higher non-university education	13	26	33	37	35
Advanced vocational education *	20	15	6	2	0,0
Secondary education	128	131	126	131	131
Basic education	145	151	135	143	146

*Education of this type is no longer provided following reorganization of advanced vocational schools into colleges

233. Over the discussed period, two areas received greatest attention: enhancing access to and promoting motivation for learning.

234. Access to learning has been enhanced through application of the following measures:

1. Introduction of the universal one-year pre-primary preparatory education for children aged 5-6, with a view to harmonization of children's preparation for school (pre-primary preparatory education is regulated by the General Programme for Pre-Primary Preparatory Education No 1147, 24 June 2002);

2. School network optimisation with a view to offering sufficient supply of general education programmes of all levels in each municipality (Article 28 of the Law on Education of the Republic of Lithuania: "The municipality must have a sufficient network of providers of primary, basic, secondary, and non-formal education programs, thus ensuring individuals' learning and securing their right to learn in the State language, as well as a network of institutions that provide assistance to learners, teachers, and schools. The municipality initiates the formation of a network of vocational training and adult education providers to meet local needs");

3. Provision of free transportation services to/from school for pupils from rural areas who live more than 3 kilometres away from school (Article 36 of the Law on Education of the Republic of Lithuania: "Public transport is used to bring learners to schools that implement the needed curriculum, by way of the route specified in the learner's (identification) certificate, as established in the Law on Transportation Privileges. Learners of pre-primary curriculum groups and general education grades 1-8 in rural areas who live more than 3 kilometres away from school must be transported to the nearest appropriate municipal school or that of another founder by way of school buses or other transport. The procedure of granting transport privileges to learners at day general education, vocational and children's non-formal education, schools as well as full-time students of post-secondary schools and schools of higher education travelling to/from school and the procedure of compensation of their travel costs is set forth in the Law on Transportation Privileges");

4. Provision of free meals for children from poor families;

5. Provision of free dormitory accommodation for children of general education schools (Article 36 of the Law on Education of the Republic of Lithuania: "A learner who is admitted to a general education school and lives in a territory other than the service territory assigned by the founder to that school, upon the request of his/her parents (adoptive parents, guardians) is provided with dormitory accommodation. The founder of the school covers the costs of learners' accommodation at a general education school dormitory");

6. Development of register of children not attending schools and imposing greater adult responsibility for children in their care with regard to school attendance (Article 33 of the Law on Education of the Republic of Lithuania: "The Government and municipalities utilise the database of the Register of Residents and that of learners, to determine the number of children not attending school and their education needs and, together with schools, implement targeted programs for their inclusion in education activity");

7. Introduction of a pupil's basket, with its indirect effects of schools being interested in finding and retaining at school all children residing in the territory assigned thereto;

8. Provision of accessibility of education to all people with special needs (Article 34 of the Law on Education of the Republic of Lithuania: "Upon the request of the parents (adoptive parents, guardians) of a child with special needs, conditions are ensured for the child to study in a fully or partially integrated form at a preschool and general education school located as close as possible to his/her home or at a school implementing a special education program. The school's special education commission or the Pedagogical-psychological Service assess special education needs and recommend a form of education. The Pedagogical-psychological Service recommends a school for the child. Vocational, post-secondary schools and schools of higher education establish a supplementary preferential enrolment procedure for persons with special needs. Accessibility of education to persons with special needs is ensured by adapting the school's environment, by providing psychological, special-pedagogical and special assistance, by supplying such persons with assistive education technology and special teaching aids, also in other ways prescribed in law");

9. Provision of accessibility of education to prisoners and soldiers (Article 35 of the Law on Education of the Republic of Lithuania: "Persons who have been temporarily deprived of freedom or whose freedom has been temporarily restricted are provided the opportunity to study at their corrective or penal institution, so that they may attain a primary, basic and secondary education level, a qualification and to study independently; such conditions are provided as prescribed by the Government or its authorised institution. Servicepersons engaged in compulsory military service are provided with opportunities to study according to modules of general education programs, and to participate in non-formal education programs as prescribed by the Minister of Education and Science and the Minister of National Defence, also to engage in self-education");

10. Removal of learning streams in the education system: harmonisation of programmes, introduction of a one-channel system for the graduation examinations, and creation of opportunities to freely chose among the schools providing programmes of the same level and types as well as to advance to programmes of higher level;

11. Introduction of national surveys on pupils' attainment, which, although not universal, help establish teaching and learning problems upon completion of grades 4, 6, 8, and 10, assess differences in quality between urban and rural areas as well as among different types of schools, and relate attainment data to pupil social characteristics.

235. Focus on learning attractiveness has enhanced learning motivation. Primary and general education programmes have been updated, by strengthening cultivation of skills and general competences. Practice of repetition of an academic year has almost been phased out (see a table below). Following examination of causes of excessive learning load in general education schools, recommendations for learning load reduction were developed and monitoring has been exercised.

Table 17.1.8. Number of pupils attending the same class for the second year*

Pupils attending the same class for the second year, thousand.	Share of total number of pupils, per cent					
	2005–2006	2006–2007	2007–2008	2005–2006	2006–2007	2007–2008
In total	3.9	4.3	4.2	0.8	0.9	0.9
Grades 1–4	0.9	0.9	0.9	0.6	0.6	0.7
Grades 5–10 and gymnasium grades 1–2	2.7	3.1	3.0	0.9	1.1	1.1
Grades 11–12 and gymnasium grades 3–4	0.3	0.3	0.3	0.4	0.4	0.4

* Excluding adult, special, and sanatorium schools.

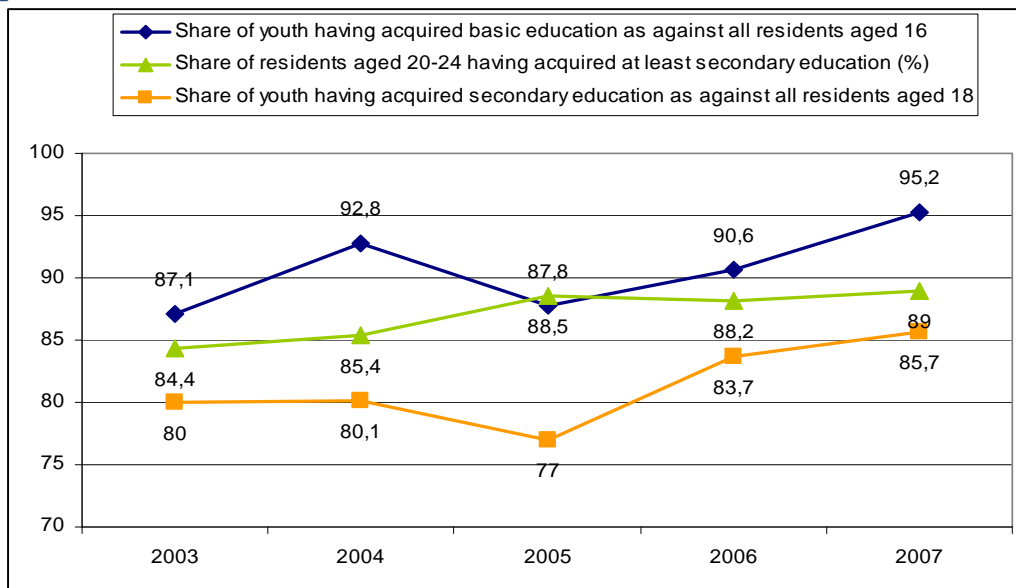
236. Profile education has been introduced in final grades of general education schools to satisfy pupil predispositions; and as of 2007, the method of pupil's individual choice started to be applied, by taking account of a pupil's interests and plans for future studies.

237. More attention has been given to the development of practical rather than academic skills, such as teaching technologies in general education schools and more rapid updating of course programmes in vocational schools by adapting them to market demands. All vocational schools have been obliged to provide conditions for their students to attain general education.

Positive results

238. The share of youth having acquired basic and secondary education has been growing over the recent years (see a graph below). The share of children and youth having acquired secondary education rose from 87.1 per cent to 95.2 per cent as against the total number of the Lithuanian population aged 16 during the period from 2003 to 2007. The share of population having acquired secondary education rose from 80 per cent to 85.7 per cent as against the total number of the Lithuanian population aged 18 during the period from 2003 to 2007. The share of population aged 20–24 having acquired at least secondary education rose from 84.4 per cent to 89 per cent.

Chart 17.1.9. Share of youth having acquired basic and secondary education in 2003-2007, per cent



The Committee takes note of the Government Programme for Integration of the Roma into the Lithuanian Society 2000-2004 which provides for measures enabling organisation of training for the Roma children and young persons. **The Committee asks that the next report provide more information on the implementation of this programme.** It recalls that under Article 17§1 of the Revised Charter no separate schooling facilities should exist for Roma children and that these children should be integrated in normal schools. **The Committee asks whether this is the case in Lithuania.**

239. Yes, they attend normal schools. Resolution No 309 of the Government of the Republic of Lithuania of 26 March 2008 approved the Programme for the Integration of Roma into the Lithuanian Society for 2008-2010. The programme sets out three objectives: 1. To ensure full integration of Roma into the Lithuanian society and to reduce their social exclusion. 2. To preserve the national identity of Roma. 3. To promote public tolerance and trust in Roma.

240. The measures of this programme are oriented towards education of Roma children and youth, inclusion of Roma into the labour market, and prevention of drug abuse and violations of the law; the programme also envisages accumulation of information on the living environment of Roma, provision of healthy life-style information to Roma, strengthening the capacities of Roma in dealing with the problems of their community, creation of opportunities for Roma to preserve their language, customs, traditions and material cultural heritage, as well as informing the public about the situation of the Roma minority.

241. Education of Roma is a priority task of the programme. The Programme for the Integration of Roma into the Lithuanian Society for 2008-2010 sets out measures aimed at encouraging the involvement of Roma into the state education system. Ministry of Education and Science of the Republic of Lithuania and Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania are charged with the implementation of these measures. Local authorities of the Republic of Lithuania where Roma reside are invited to contribute to additional pre-school, pre-primary and other informal education for Roma children.

242. Every year Department of National Minorities and Lithuanians Living Abroad provides financial assistance to Roma NGO projects as well as projects intended for Roma. LTL 365 000 have been allocated for integration of Roma. With regard to the funding provided, Department of National Minorities and Lithuanians Living Abroad organizes additional pre-school, pre-primary and other informal education of Roma children; training for the leaders of Roma NGOs and NGOs working with Roma; training for police officers on the issues of ensuring human rights protection and the principle of non-discrimination as well as on the issues of prevention of criminal acts related to equal rights of persons.

The Committee wishes to receive information on schooling for other vulnerable groups such as children in care, pregnant teenagers, teenage mothers, refugee children and children seeking asylum.

243. Children in care, pregnant teenagers, teenage mothers are integrated into general education schools.

244. The Republic of Lithuania provides foreigners permitted to reside in Lithuania with possibilities of integration into political, social, economic and cultural life in line with the procedure prescribed in legal acts. The Republic of Lithuania allocates state funds for the implementation of provisions in the field of foreigners' integration policy. The funds of international organisations, EU structural funds, humanitarian support funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations.

245. The state of Lithuania provides foreigners granted asylum in the Republic of Lithuania with support for social integration in compliance with the procedure established by the Minister of Social Security and Labour and pursuant to Order No. A1-238 of 21 October 2004 of the Minister of Social Security and Labour.

246. Support for foreigners who have been given the status of a refugee and foreigners who have been provided with additional protection is provided at the Refugees Reception Centre, and later is further provided in territories of municipalities. The Refugee Reception Centre also provides support for unaccompanied juvenile asylum seekers and foreigners granted asylum.

247. The Refugee Reception Centre provides foreigners with the essential social, healthcare and legal services, organises intensive Lithuanian language courses, and Lithuanian society familiarising courses, organises assessment of suitable occupation and personal qualities, as well as vocational, retraining, and job search courses. It also provides children with possibilities of attending pre-school and general education institutions. State language courses can be organised

for unaccompanied juvenile foreigners and asylum seekers in pre-school education groups as well as in form of additional lessons of the Lithuanian language in general education schools.

248. During the integration in the territory of municipality, foreigners are provided with state support enabling them to study the Lithuanian language and receive education. The institution implementing the integration organises state language courses for foreigners granted asylum. Foreigners granted asylum and pre-school children are provided with possibilities of attending pre-school education institutions; the education of pre-school children is financed from the funds allocated for integration. School-age children are provided with possibilities of attending schools of general education. Foreigners granted asylum and school-age children are provided with an amount of 1 BSB for the acquisition of study supplies.

In its previous conclusion the Committee noted that a majority of students with disabilities, including intellectual disabilities, were increasingly mainstreamed. As mentioned above, the Committee requests the next report to provide up-to-date information on developments in respect of mainstreaming.

249. Pupils with special needs constitute quite a large share of all pupils: in 2007-2008 there were 51,955 pupils with special needs, or 10.6 per cent of all pupils, in general education schools. During the recent 3 years, the share of pupils with special needs rose by 1 percentage point. Article 15 of the Law on Education of the Republic of Lithuania provides the following regulation for special education: “the purpose of special education is to assist an individual with special needs in his development, to help him learn according to his abilities, attain an education level and acquire a qualification; and to overcome social exclusion”. Special education is provided in compliance with all the compulsory and universally available programs of education. If necessary, such programs are amended and adjusted, special education curricula are developed and additional assistance is provided. Special education is implemented by all schools that provide compulsory and universally available education, other education providers and, in certain cases, special education schools. Completion of formal education programs may, for the purposes of special education, take longer than the established period. A learner who studies at intervals may complete the programs by way of discrete modules. Individuals with special needs who study according to programs that meet national standards for attainment of an education level may attain such a level and/or a qualification. In certain cases a qualification is acquired without having attained an education level. Special education is regulated in greater detail by the Law on Special Education of the Republic of Lithuania (Law no VIII-969, adopted on 15 December 1998).

250. Pupils with special needs may study in two ways: at general education schools or special schools. The major share (98.5 per cent) of pupils with special needs study at general education schools, and the minority (1.5 per cent), at special or remedial classes. Slightly more than a half (52.2 per cent) of pupils with special needs who had been integrated into general education schools, had language and communication disorders. 12.8 per cent of pupils had specific cognitive disorders, and 11.3 per cent complex disorders. The smallest share of pupils had hearing and visual disorders.

251. The major share (70.2 per cent) of pupils with special needs studying at special schools or special education centres had intellectual disorders. Among other disorders, hearing, movement and motor function, language and communication, and visual disorders could also be mentioned.

Table 17.1.10. Distribution of pupils with special needs, who are integrated into general education schools, according to groups of disorders, per cent (2007-2008)

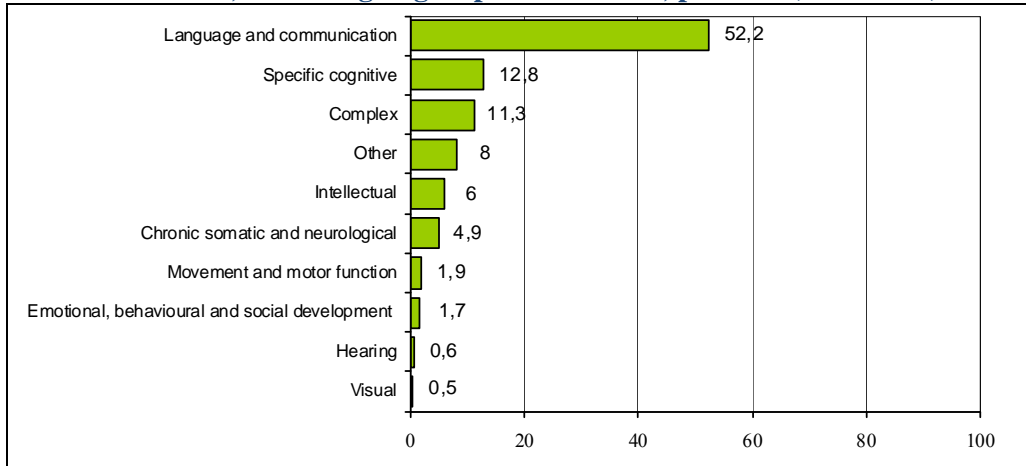
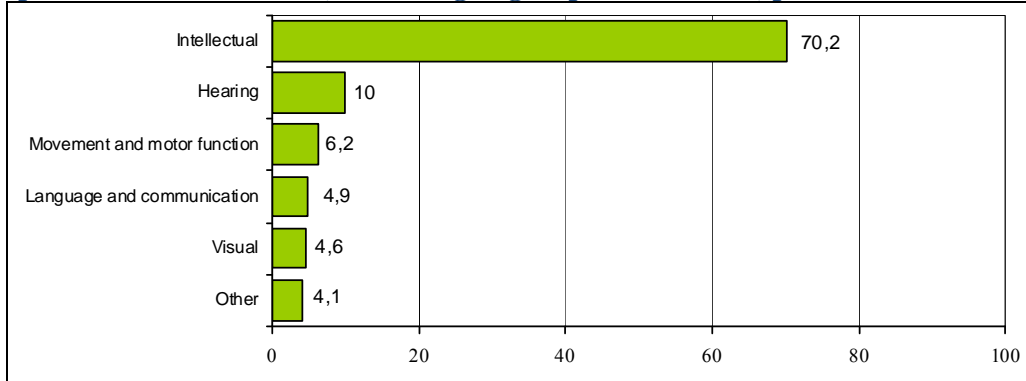


Table 17.1.11. Distribution of pupils with special needs, studying at special schools and special education centres, according to groups of disorders, per cent (2007-2008)



Source: Statistics Lithuania

252. Over the recent years, integrated education of pupils with special needs was supported; however general education schools are not yet fully ready to educate pupils with all types of disorders, therefore education results might be better in certain subjects when teaching these pupils separately.

Protection of children from ill treatment and abuse

The Committee asks that the next report clarify whether corporal punishment is prohibited in schools and institutions. It considers that since there is no prohibition in legislation of corporal punishment within the family, the situation in Lithuania is not in conformity with Article 17 of the Revised Charter.

253. Paragraph 2 of Article 10 of the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania stipulates the prohibition to torture and injure a child, degrade his or her honour and dignity and subject him or her to cruel treatment.

254. Pursuant to Article 3.30 of the CiC, 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, and perform other obligations. Until they attain majority or emancipation, children shall be cared for by their parents (Article 3.155 of the CiC). However, if

the parents or guardians/curators abuse their children's rights, measures to defend the children's rights may be taken by the state institution for the protection of the child's rights or a prosecutor (Article 3.163 of the CiC).

255. Legal acts of the Republic of Lithuania do not have an explicit provision prohibiting corporal punishment at schools; however, Paragraph 1 of Article 49 of the Law on Fundamentals of Protection of the Rights of the Child stipulates that parents or other legal representatives of the child may appropriately, according to their judgment, discipline the child for avoiding to carry out his duties and for disciplinary infractions, with the exception of physical and mental torture, other cruel behaviour and the humiliation of the child's honour and dignity. Paragraph 2 of the above mentioned article provides an open list of possible disciplinary and educative enforcement measures to be applied to a child for violations of internal order regulations of teaching and educative (care) institutions. The following educative and disciplinary measures can be applied to such a child: criticism, reprimand, severe reprimand, appropriate evaluation of behaviour and other enforcement means established by laws.

256. Article 1813 of CALV provides for liability for heads, education teachers and other relevant persons of an institution of education, pre-school education, health care and other institutions where the child is under their supervision for failure to perform or improper performance of their duties, physical or mental torture of a child and other violations of children's rights. Pursuant to this article, all persons who have illegally prevented a child from executing his or her rights and freedoms or violated his or her rights in any other manner shall be punished.

The Committee notes that by Order No. 125 of 16 October 2002 a plan of action to combat violence against children was approved and that efforts are made inter alia to provide aid to children who have suffered from violence and organising education on the proper tutoring of children. Furthermore, on 3 October 2002, the Commissioner General of Police signed an instruction aimed at improving cooperation between the police and other institutions so as to ensure a more efficient prevention of violence against children. **The Committee asks that the next report provide information on how these initiatives have led to combating violence against children.**

257. Government of the Republic of Lithuania Resolution No. 491 of 4 May 2005 approved the National Programme for the Prevention of Violence against Children and Assistance to Children 2005-2007. Public education of children and parents on issues related to the prevention of violence against children, campaigns (May—the Month without Violence) against violence against children were organised under the Programme. Victims of violence were informed about the assistance and the possibilities of using it and the legislation was improved in order to prevent violence against children. The National Programme for the Prevention of Violence against Children and Assistance to Children 2005-2007 provided abused children with short-term and long-term complex assistance.

258. Government of the Republic of Lithuania Resolution No. 392 of 24 April 2008 approved the National Programme for the Prevention of Violence against Children and Assistance to Children 2008-2010, which is aimed at providing complex measures to cope with violence against children and all its manifestations. The Programme aims at forming public intolerance to abuse of children, providing for complex instruments to eliminate causes of abuse, developing a system of assistance and preventive measures for children who have suffered from abuse and their family members, as well as reducing the spread of abuse of children.

259. In the course of the implementation of the above mentioned programme, a tender for the provision of complex services to children who have suffered from abuse, victims (witnesses) of indirect family abuse, and their family members was organised in 2008. 14 projects participated in the tender. In 2008, the organisations which received funds for the implementation of projects provided complex services to 582 children who have suffered from abuse. Services to minors were provided in compliance with the principle of regional evenness and accessibility of complex

services. In 2009, assistance was provided to children who have suffered from violence and their family members in 1,986 cases throughout the reference period, i.e. 78 cases more than in 2008; however, attention should be paid to the fact that in 2009, the number of cases of violence against children increased by 15 percent. Where violence against children occurred, in a total of 737 cases assistance of social workers was provided, whereas complex assistance was provided in 378 cases. A total of 322 requests for psychological assistance to children and their family members were recorded, whereas school social pedagogues provided their assistance to 333 children.

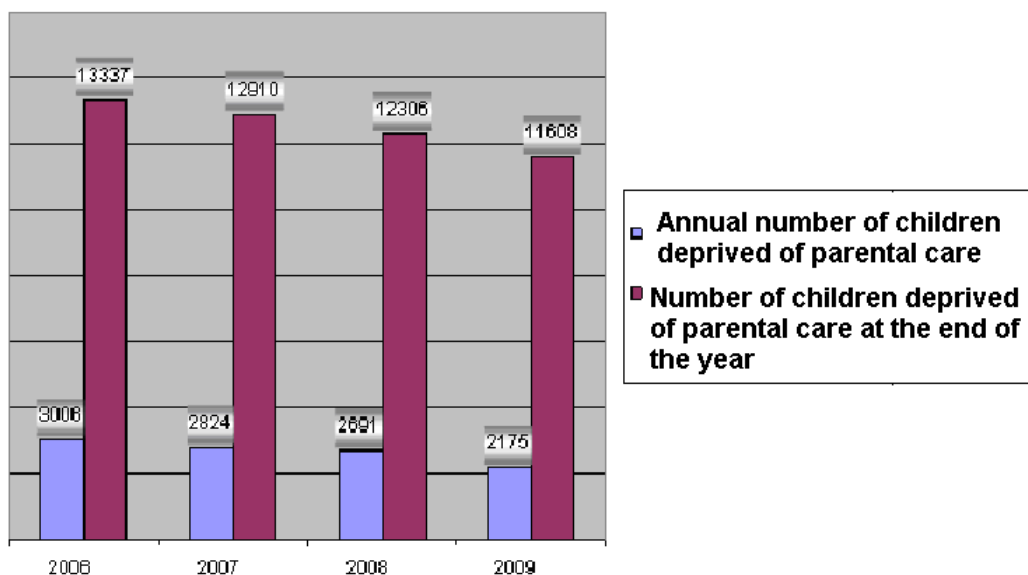
Children in public care

The Committee notes that the Government aims to reform the custody system by giving priority to a child's custody in a family. It asks that the next report contain details on the achievements of these aims... and asks that the next report provide information on the size of units in child welfare institutions.

260. Government of the Republic of Lithuania Resolution No. 1193 of 31 October 2007 approved the Strategy of Reorganisation of the System of Guardianship (Curatorship) and the Plan of Its Implementation Measures 2007-2012. The aim of the Strategy for Reorganisation of the System of Child Guardianship (Curatorship) is to pay primarily attention to the child's interests and demands, provide him or her with a possibility to live in his or her biological family as well as provide children deprived of parental care with proper guardianship (curatorship) or adoption conditions, which should best comply with the child's interests and demands to live in a family environment or a family-like environment as well as properly prepare for independent life in a family and future social life.

261. It should be noted that the analysis of tendencies in number of children deprived of parental care shows that this number has been decreasing since 2006. Since 2006, the number of children deprived of parental care has been decreasing by about 150 children, whereas in 2009, a considerable decrease in this number was observed (more than 150 children). Over 2006, a total of 3,006 children were deprived of parental care; 2,824 children – in 2007; and 2,691– in 2008. In 2009, this number reached a total of 2,175 children. In 2008, the total number of children deprived of parental care decreased by more than 600. Figure 17.1.4 shows the decrease in the number of children deprived of parental care.

Figure 17.1.12. Children deprived of parental care (2006–2008)



262. At the end of 2009, a total of 11,608 children deprived of parental care were recorded in the country. This number, if compared to 2008, decreased by 5.7 percent, i.e. by 698 children. A total

of 6,931 (59.7 percent of all children under guardianship) were placed under guardianship (curatorship) in families (309 children less than in 2008), 286 (2.5 percent of all children under guardianship) were placed in social families (22 children more than in 2008) and 4,391 (37.8 percent of all children under guardianship) were placed in institutions (444 children less than in 2008). At the end of the reference period, a total of 7,217 children (62.2 percent of all children placed under guardianship) were placed under guardianship in families and social families. Therefore, at the end of 2009, the number of children placed under guardianship (curatorship) in families and social families was higher than the number of children placed under guardianship (curatorship) in institutions by 24.4 percent. It should be noted that a decrease, albeit slight, could be observed in the number of children placed under guardianship (curatorship) in social families. By the end of 2008, 264 children deprived of parental care were guarded in social families. In 2009, this number totalled 286.

263. In the course of the implementation of the concept of the decentralisation and deconcentration of functions of some institutions of central management approved by Order No. 814 of 25 August 2006 of the Government of the Republic of Lithuania, the Plan of Delegating Functions of the Establisher of State Child Care Institutions to Municipalities and the List of State Child Care Institutions to be Delegated to Municipalities were approved by Order No. A1-283 of 11 October 2007 of the Minister of Social Security and Labour and the Plan of the Optimisation of the Network of Child Care Institutions was approved by Order No. A1-282 of 11 October 2007 of the Minister of Social Security and Labour of the Republic of Lithuania. The Plan of Optimisation of the Network of Child Care Institutions provides two stages of the optimisation of the network of child care institutions: Stage I (2008-2010) includes the delegation of functions of establishers of state child care institutions to municipalities and Stage II (2011-2015) includes the decrease of places in child care institutions and the optimisation of activity organisation in child care institutions. As from 2010, the number of places in child care institutions should not exceed 60 places, child care institutions should be established by municipal and non-governmental organisations and work with children of the child care institutions should be organised in a family-like manner. As from 2015, the number of children in child care institutions social families should not exceed 8 children, thus seeking to ensure a long-term social integration of a child under guardianship (curatorship) or a child at social risk. Long-term social care can be organised with child care social family living in different premises. This new model of activities of child care homes also establishes that one social pedagogue or social worker of a child care institution or social family (or a tutor before 2010) shall take care of 3-4 children living in social families or performs social work with their families. The working time of social pedagogues or social workers (tutors before 2010) of a child care institution social family is distributed as follows: 70 percent of the working time is devoted to direct work with children in social families (including at night) and 30 percent of this time is spent for individual work with children and their families falling under the competence of the social pedagogue or the social worker.

264. In order to improve the social integration of children deprived of parental care in 2007-2008, the measures under the Programme for Support and Social Integration of Orphans and Children Deprived of Parental Care 2005-2008 approved by Resolution No. 1279 of 13 October 2004 of the Government of the Republic of Lithuania were implemented.

265. In order to improve the administration of property which belongs to a child placed under guardianship (curatorship) the Recommendations for Guardianship (Curatorship) and Administration of Property and Acceptance of Inheritance of the Child under Guardianship and Curatorship were approved by Order No. A1-121 of 22 April 2008 of the Minister of Social Security and Labour of the Republic of Lithuania.

266. In 2007 and 2008, implementing the Strategy for Reorganisation of the System of Child Guardianship (Curatorship), the following preventive measures, aimed at helping families to solve

problems and creating the conditions for children to grow in their families, were implemented: development of non-institutional day social care services in day care centres; organisation of the provision of complex services for a child and mother (father) in a critical situation; improvement of legal regulation of the system for the organisation of child guardianship (curatorship); training and assessment of future guardians according to the PRIDE programme; optimisation of the network of child care institutions; improvement of the conditions of social integration of children deprived of parental care; upgrading qualifications of specialists; organisation of monitoring of application of social care norms concerning children under guardianship (curatorship); dissemination of information concerning the organisation of child guardianship (curatorship).

267. The Plan of Implementation Measures of the Strategy for Reorganisation of the System of Child Guardianship (Curatorship) 2007–2012 determined a 4.7 percent decrease in the overall number of children under guardianship (curatorship) and an increase in the number of children under guardianship (curatorship) in families (currently, 58.8 percent of the overall number of children under guardianship (curatorship) in 2007 and 2008. These common trends in guardianship (fosterage) support the assumption that the implementation of the Strategy for Reorganisation of the System of Child Guardianship (Fosterage) is effective.

268. It should also be noted that the implementation of these measures is directly related to constructive cooperation between the government and municipalities and non-governmental organisations seeking to help children and their families to reduce social exclusion and ensure well-being.

The Committee takes notes of the 2002-2004 National Programme of Children Day Care Centres of Non-Governmental Organisations designed to inter alia ensure social work with parents in order to provide the conditions for a child to remain in his/her family. The Committee asks more details on whether the Programme does indeed prevent the separation of children from their parents. It also asks for information on any other measures to encourage alternative forms of support for the family.

Day Care Centres

269. Child care centres of non-governmental organisations were selected during tenders and have been receiving financing from the state budget since 2002 under the National Programme of Child Day Care Centres 2002-2004. With a view to encouraging and enhancing the range of suppliers of social services to families and children, the National programme of Child Day Care Centres 2005-2007 was approved by the Government Resolution in 2005 and provided non-governmental organisations and municipal budget institutions with possibilities of participating in project selection tenders and receiving co-financing. Since 2008, child day care centres have been financed under the Strategy for Reorganisation of the System of Child Guardianship (Curatorship) 2007 – 2012 and Its Implementation Measures Plan for 2007-2012.

270. Beneficiaries of child day care centres are children living in families at social risk, socially supported families as well as families with social, psychological and other problems and their family members.

271. The main aim of all the programmes has been and continues to be the development of non-institutional social day care services for families and children, including: organisation of children's catering, leisure time, development of social skills, information and consultation as well as intermediation, psychological assistance to the child and the family in a critical situation, etc.

272. Bearing in mind the significance of activities performed by child day care centres, the state financing of these activities is increased on a constant basis. In 2002, the state budget allocated LTL 600,000 to children day centres, whereas in 2009, this amount reached a total of LTL 7.9 million. The number of beneficiaries has been increasing respectively. If compared to 2002, when a

total of 1,200 children received services provided by child day care centres, the year 2009 saw an increase in this number reaching about 5,500 children and 2,900 their family members.

273. The annual analysis of child guardianship (curatorship) performed by the Ministry of Social Security and Labour shows that before 2002 the number of families at social risk was increasing. Only after 2003 were positive changes observed and the number of families at social risk started decreasing. This decrease was influenced by the intensive work with families at social risk and the implementation of the above mentioned programmes were commenced by social workers of municipalities and neighbourhoods as well as workers of non-governmental social day care centres.

274. Each year, the organisation of activities of child day care centres is primarily aimed at achieving positive results of work with children as well as their family members. The annual report for 2008 submitted by the Department of Supervision of Social Services under the Ministry of Social Security and Labour indicates that day centres provided children with catering services, created a cosy and safe environment for abandoned children. Children attending these centres started to attend school, improved their academic results, sense of responsibility, obedience. These children learned how to control their emotions, to positively communicate. They understood that they have the same opportunities as all other children have for self-expression. The psychological climate in many families improved; parents started showing more interest in their children and their achievements, mutual relations between children and their families as well as mutual trust strengthened. Parents began showing a more responsible attitude towards their duties. A link between visitors and workers as well as community members emerged thus encouraging more people to support activities implemented by child day care centres.

Other measures

275. In 2008, the provision of complex services to the child and his or her mother (father) in a critical situation was organised. In 2008, in the course of the project implementation, the complex aid was provided to 571 persons in a critical situation (i.e. 225 families), out of which 266 mothers and 47 fathers. Families, which have received complex social support, became more independent and their motivation and self-confidence when solving their problems increased. Some women participating in the project, who had suffered from men's violence for many years, decided to accept legal support and divorce the violator. Children in families in a critical situation showed more trust in their families, understood the importance of rules in a family and the public and learned how to express their feelings to parents without offending them. Secondly, the implemented projects encouraged schools to invite project managers to deliver lectures on positive parenthood. The inter-institutional communication became more effective. The results of the accomplished projects meet all expectations, because, after parents had solved their problems, i.e. after having found a job or starting to look for one, children were not separated from their families. Moreover, they were provided with the possibility of attending educational institutions. To summarise the projects of 2008, it could be stated that organisations provided complex social services, i.e. safe temporary accommodation, social, medical, psychological, legal support, provision of information, mediation, counselling, representation, preparation of personal documents, organisation of catering, provision with all necessary items, and the provision of the aforesaid services had a positive impact on the child and his or her mother (father) when solving problems in a critical situation. Further implementation of these projects includes preventive measures aimed at decreasing the placement of children under three years of age in child care institutions.

The Committee asks the conditions under which an institution may interfere with a child's property, mail, personal integrity and right to meet with persons close to the child. It asks whether there are specific procedures for children to complain about the care and treatment in institutions.

276. The Description of Social Care Norms, approved by Order No. A1-46 of 20 February 2007 of the Minister of Social Security and Labour, regulates the principles of social care provision and characteristics for various social groups of people, including children deprived of parental care and establishes compulsory quality requirements for long-term, short-term and day social care provided by social care institutions and families fostering children.

277. The field of social care norms regulates the award of services, planning and accommodation, creation of a family-like environment, assurance of the child's development demands, environment and accommodation, personnel, management and administration in child social care institutions. Pursuant to this legal act, lawful interests of the child who has been placed under temporary guardianship in compliance with the procedure established in legal acts, are ensured according to possibilities by concluding a cooperation contract between the child's parents (guardian, curator) and the social care home, representatives of the Child rights protection services and social workers of municipalities, the child's positive relations with other children, employees of social care home (guardian, curator) are encouraged by creating a cosy, pleasant and stress-free environment. The child and his or her parents (guardians, curators), close relatives can expect a prompt and benevolent response of employees of social care centres to their claims and assistance while solving the issues listed in their claim.

278. The Law on Social Services (Law No. X-493 of 19 February 2006) specifies that social services shall be provided by institutions, the activity field of which is concerned with provision of social services, and the social care they provide corresponds to the social care norms. These institutions must have a licence for the provision of social care. The effective date of the provisions of the Law on Social Services, related to the licensing of social care institutions was scheduled on 1 January 2010; however, at the end of 2009, the Draft Law amending the Law on Social Services postponing the licensing of social care institutions was produced. This will provide institutions with additional time to prepare for the licensing of social services and improve the quality of the services they provide.

Lastly, it takes note of the education levels of persons working with socially disadvantaged families, but also requests information on regulations concerning staff qualifications and training and wage levels of staff in institutions.

279. Qualification requirements for social workers and assistants to social workers as well as procedures of qualification upgrading and certification are regulated by the Requirements for Social Workers and Assistants to Social Workers, Procedure of Qualification Upgrading of Social Workers and Assistants to Social Workers and Descriptions of Certification Procedure of Social Workers approved by Order No. A1-92 of 5 April 2006 of the Minister of Social Security and Labour.

280. As from 1 July 2010, pursuant to the Law on Social Services (effective as of 1 July 2006), persons with higher education in the field social work or equivalent education shall be entitled to work as social workers. This requirement shall not apply to assistant to social workers.

281. While enhancing the work with social families at risk, which has been implemented since 2007, municipalities commenced to establish state financed vacancies for social workers to work with these families. In 2007, the number of these jobs totalled 556 jobs, and later it increased further. In 2009, over 670 social workers (629.5 jobs) provided social and psychological support to nearly 11,000 families at social risk, and about 7,000 children from these families were provided with social services at day centres.

282. Social workers were employed in municipal social services centres, family assistance services, neighbourhoods and institutions subordinate to municipalities, etc.

283. Social workers inform and consult families at social risk on the issues of social assistance, assess the need of the family at social risk to receive social services, draw up individual plans of assistance, and evaluate the process and effectiveness of provided social care. While working with families at social risk, both social and psychological assistance is provided aimed at helping families to function adequately, constructively solve problems and improve parental competencies.

284. Trainings of work with families at social risk are organised for social workers at the national level. In 2007, a total of 554 persons participated in these trainings, and in 2008, this number reached a total of 69 persons.

285. At the outset of 2010, the data collected by the Ministry of Social Security and Labour showed that almost a half (~48 percent) of social workers working with families at social risk were with higher education in the field social work or equivalent education, and 19.6 percent are seeking to acquire higher education in the field of social work. The major part of social workers work in rural areas (about 63 percent). The average number of families at social risk per one social worker reaches 17.5.

286. Pursuant to Paragraph 23 of Order No. A1-22 of 20 February 2009 of the Minister of Social Security and Labour of the Republic of Lithuania “On the Description of the Remuneration Procedure of Employees Who Work Social Work” (Official Gazette, 2009, Nr. 9-333; 2010, No.22-1032), the basic salary coefficients of a state financed social worker providing services to families at social risk shall be 10-13 (of the minimum monthly salary), i.e. LTL 1,220-1,580 per month. Specific coefficients are established with regard to the worker’s education, length of services, the qualification category obtained during certification and work load. The average salary coefficient of such a worker is 11.5 (of the basic monthly salary), i.e. LTL 1,403 per month.

Young Offenders

The Committee asks whether there are any plans in this area and also whether there is a system to upgrade skills of employees engaged in juvenile justice.

287. Courts of the Republic of Lithuania have about 20 judges specialising in family cases and cases of juveniles. In court, cases are allocated pursuant to The Rules of the Allocation of Cases to Judges in the Lithuanian Court of Appeal, Regional Courts, Regional Administrative Courts and District Courts, approved by Order No. 13P-506 of 19 August 2006 of the Judicial Council, Paragraph 2 of which establishes that cases in courts are allocated to judges and judges-rapporteurs, if cases are investigated in a collegial manner, in rotation by allocation cases to judges as per their approved indices in rotation according to the registration of cases (claims, requests and complaints) in court. The president of the court may draw an execution order specifying separate rotations for case allocation with regard to judges’ specialisation and case categories. Paragraph 3 of the temporary Rules of the Allocation of Cases by Applying Information Technologies approved by Order No. 13P-178-(7.1.2) of 10 October 2008 of the Judicial Council specifies that the person allocating cases to judges shall allocate cases and form panels with regard to: the evenness of work load and judge’s specialisation, if any.

288. The measure Implementation Plan of the Juvenile Justice Programme (2009-2013) approved by Resolution No. 1070 of 2 September 2009 the Government of the Republic of Lithuania, which is aimed at ensuring the qualification upgrading and permanent training of juvenile justice officers and other specialists, specifies the following training and qualification upgrading measures:

„1.1. Measure (“Organisation of Training of Police Officers working with Juveniles, Training of Police Officers to Work with Juveniles with Special Needs”);

1.2. Measure (“Organisation of Training of Corrective Inspectorates Working With Juvenile Violators”);

1.3. Measure (“Organisation of Training of Imprisonment Officers Working with Juveniles Sentenced for Imprisonment”);

1.4. Measure (Training of Prevention Coordination Groups of Administrations of Municipalities and Prevention Groups of Schools while Implementing Provisions of the Law on the Minimum and Average Standards for Juvenile Care);

1.5. Measure (Upgrading the Qualifications of Pre-Trial Investigation Judges and Judges Investigating Juvenile and Family Cases);

1.6. Measure (Evaluation of the Efficiency Training Programmes of Employees Working in the Field of Juvenile Justice);

1.7. Measure (“Organisation of the Joint Training of Police Officers, Officers of Corrective and Imprisonment Institutions, Prosecutors and Judges Working with Juveniles”).

289. It should be noted that the qualification of law enforcement specialists working with juveniles is also upgraded in compliance with the National Programme for the Prevention of Violence against Children and Assistance to Children 2008-2010, approved by Resolution No. 392 of 24 April 2008 of the Government of the Republic of Lithuania and Measure 2.4. and Measure 2.5. as well as in compliance with general training programmes of institutions.

The Committee notes from another source² that the execution of the punishment may be postponed for one to three years if a person is sentenced to corrective labour or imprisonment for the first time, or if no aggravating circumstances were found and the aims of the punishment could be achieved without its actual execution. Upon expiry of the term of postponement, the court, either lifts the sanction or annuls the postponement and orders the execution of the imposed punishment. **The Committee asks that the next report provide more details on this procedure. In particular, it asks whether the full sentence is imposed after the postponement is annulled.**

290. Pursuant to the provisions of Paragraph 92 of CC, where a juvenile (a person under 18 years of age) is sentenced to imprisonment for a term not exceeding four years for the commission of one or a few crimes through negligence, or one or a number of intentional crimes, the court may suspend the execution of the imposed sentence for a period ranging from one to three years. The sentence may be suspended where the court rules that there is a sufficient basis for believing that the purpose of the penalty will be achieved without the sentence actually being served. Similarly, Article 75 of CC governs the conditions and grounds for the postponement of punishment of an adult person, which are more severe than those applied to juveniles.

291. Where the punishment is postponed, the court imposes one or several, but not more than three corrective sanctions specified in Article 82 of CC (a warning, restitution for damage done or elimination of damage, unpaid labour, placement into the custody and care of parents or other legal or natural persons, who take care of children, restrictions on conduct, placement in a special reformatory and disciplinary institution, except for the placement into a special educational institution).

292. It should be noted that if, during the period of suspension of sentence, i.e. from one to three years, the convicted juvenile:

293. complied with the sanctions imposed by court, committed no new violations and there are grounds to believe that in the future the person will abide by the laws and will not commit any further crimes, the court shall release him from punishment upon expiry of the term of suspension of sentence;

² Report of Lithuania submitted under the UN Convention on the Rights of the Child, CRC/C/11/Add.21, 24 November 1998, in www.unhcr.org.

294. complied with the corrective sanctions imposed by the court; however, has committed other law violations for which administrative penalties or disciplinary sanctions have already been imposed on him, the court may extend the extend the term of suspension of sentence for one year;

295. if the sentenced person fails, without good reason, to comply with the sanctions imposed by the court or violates public order, or unrestrictedly consumes alcoholic beverages or commits other violations for which administrative penalties or disciplinary sanctions have twice been imposed on him, the court, on the recommendation of the institutions supervising the conduct of the sentenced person, shall rule to revoke the suspension of sentence and to execute the imposed sentence. If the sentenced person fails to comply with the sanctions imposed by the court or commits violations of law, the court, on the recommendation of the institutions supervising the conduct of the sentenced person, shall rule to revoke the suspension of sentence and to execute the imposed sentence;

296. commits a new criminal act, the court imposes fully or partially cumulative sentence (imposes a sentence for the new criminal acts and the suspended imprisonment).

297. With respect to the aforesaid, Article 93 of the CC additionally specifying the grounds for release from criminal liability applied only to juveniles. Pursuant to the above mentioned article of CC, a juvenile who commits a criminal misdemeanour or a minor or less serious premeditated crime for the first time for the first time is released by the court from criminal liability if he or she has apologised the victim and by his work or with funds which are at his disposal makes restitution for the damage caused, at least in part, or he or she has pleaded guilty and demonstrated remorse and there is reason to believe that in the future he or she will respect the law and will not commit another crime. In this case the court, having released the juvenile from criminal liability, will impose on the juvenile offender reformatory sanctions provided for in Article 82 of CC.

The Committee notes that prison sentences can be served in general regime corrective prisons or strict regime prisons. The Committee requests that the next report provide up-dated figures on the number of young offenders in prison, it asks also whether minors are at all times separated from adults.

298. Pursuant to Paragraph 3 of Article 50 of CC, convicted persons shall serve a custodial sentence in open colonies, houses of correction and prisons. The place where the penalty is to be served shall be selected by a court taking into consideration the personality of the offender, the nature and dangerousness of the committed crime. The procedure for and conditions of serving the imprisonment sentence shall be laid down by the Penal Code of the Republic of Lithuania (hereinafter referred to as the PC) (Law No. IX-994 of 27 June 2002).

299. Pursuant to Article 62 of the PC, the following institutions perform imprisonment in corrective institutions: penitentiaries, corrective institutions for juveniles, prisons and open colonies. Medical institutions of imprisonment institutions are also considered to be imprisonment institutions: health and corrective institutions and imprisonment places in hospitals.

300. Pursuant to Articles 77 and 81 of the PC, juvenile corrective institutions are intended for convicted juveniles, who are kept there separated from adults, as well as for convicted above 18, i.e. convicted adults, whose behaviour, while serving imprisonment sentence in juvenile correction institutions, proved that they are correcting, and, seeking to fix these correction results (by a motivated decision of the director of the juvenile correction institution), may be left in the juvenile correction institution until the expiration of the term of service; however, until they attain the age of 21. It also should be noted that, pursuant to Article 10 of the Law on the Implementation of Detention of the Republic of Lithuania, juveniles are kept separately from adults thought the period of detention.

301. According to the data of the Prisons Department of the Ministry of Justice of the Republic of Lithuania, in January 2010, a total of 131 juveniles were convicted and 57 juveniles were arrested; in 2009 – 148 juveniles convicted and 39 arrested, in 2008 – 140 convicted and 52 arrested respectively; in 2007 – 131 convicted and 44 arrested, in 2006 – 132 convicted and 40 arrested.

Implementation of juvenile occupation programmes

302. The Juvenile Interrogation Facility has been implementing seven programmes of group occupation: positive occupation programme; film review and discussion programme; self-education programme; physical activity programme; social skills and values development programme; art therapy programme; computer literacy skills development programme. The Department of Integration in Society has been conducting the following programmes: programme of correcting asocial reasoning schemes of juvenile convicts; basics of the labour law; administrative liability, rights and duties of juveniles; employment opportunities in Lithuania and the European Union; programme “Finding Employment. How to Introduce Yourself to the Employer”; job search on the Internet. The programmes implemented in corrective institutions are as follows: programme of social integration in society; social skills and values development programme; healthy lifestyle skills development programme; physical activity promotion programme; programme “Think Independently”; self-education programme; computer literacy skills development programme; legal skills development programme; public spirit development programme; self-harm and suicide prevention programme; programme of strengthening values and social relations of convicted persons; negative leadership programme. Individual programmes have also been conducted, such as: adaptation programme; programme of preparation for release; complex programme of changing behaviour, in cooperation with the parents of convicted persons; social support programme.

Article 17§2

Reference period: 01.01.2003 – 31.12.2009

- 1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**
- 2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) **Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.**

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks that the next report clarify how the Government defines the concept of 'non-attendance' in schools. It asks also whether any initiative of the government has led to a decrease in non-attendance and asks details as to any sanctions applicable in case of non-attendance and information on measures taken for all other children to encourage attendance.

303. The Lithuanian education policy does not only take the consistent approach implementing the provision that all children are entitled to free secondary education but also seeks to apply the most favourable conditions for putting this right into effect. That is confirmed by statistical data: in 2009-2010, 98% of all pupils attended public schools. With a view to ensuring social equality of all underage citizens, the state also finances the education of pupils attending private schools by allocating the same financial support to each pupil as in public schools.

304. With a view to ensuring the most favourable conditions for all pupils to attend school, pupils living in more distant locations are driven to school free of charge.

305. The majority of young persons can acquire vocational education free of charge.

Article 19 – The right of migrant workers and their families to protection and assistance

Article 19§1

Reference period: 01.01.2005 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

During the reference period, the following main legislation of the Republic of Lithuania was adopted or amended:

306. Legislation of the Republic of Lithuania:

Republic of Lithuania Law on Equal Opportunities (No. IX-1826 of 18 November 2003, amendment No. X-1602 of 17 June 2008);

Republic of Lithuania Law on Health Insurance (Law No. I-1343 of 21 May 1996, amendment No. X-178 of 28 April 2005).

307. Secondary legislation:

Order No. A1-238 of the Minister of Social Security and Labour of 21 October 2004, *Concerning Approval of the Description of the Procedure for Providing State Support for the Integration Foreigners Granted Asylum in the Republic of Lithuania;*

Resolution No. 175 of the Government of the Republic of Lithuania of 19 September 2006, *Concerning Approval of the National Anti-Discrimination Programme for 2006-2008;*

Resolution No. 317 of the Government of the Republic of Lithuania of 15 April 2009, *Concerning Approval of the National Anti-Discrimination Programme for 2009-2011.*

308. Since 1 May 2004, the Lithuanian Labour Exchange joined the EU network of employment services (hereinafter referred to as the EURES). When implementing the programme of joining the EURES network, the Lithuanian Labour Exchange established the EURES Co-ordination Agency which includes a EURES manager and a EURES coordinator. Furthermore, 8 EURES offices were set up in Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Alytus, Utena and Tauragė which have EURES advisors; every territorial labour exchange office has one EURES assistant advisor. From 2006 the offices were also set up in Lazdijai and in Pasvalys in order to improve cross border relations. EURES advisors and their assistants provide advice to job-seekers on the issues relating to free movement of workers, they also provide information about the possibility of getting employed abroad, about available vacancies and they give advice to employers about the opportunities of employing EU nationals in Lithuania.

309. Pursuant to Republic of Lithuania Law, *On Legal Status of Aliens* (Law No. IX-2206 of 29 April 2004), the Lithuanian Labour Exchange issues work permits to third country nationals. With that in mind, the Lithuanian Labour Exchange provides information about the conditions and procedure for the employment of foreigners from third countries (www.ldb.lt /Advice to Employers/ How to Employ Foreigners in an Enterprise; www.ldb.lt /Services to Employers /Employment of Foreigners). The foreigners' wage cannot be smaller than the wage of the residents of the Republic of Lithuania performing the same work. Foreigners' labour relations are regulated by LC, the Republic of Lithuania Law on Legal Status of Aliens, and the EU legislation.

310. Implementing Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, (OJ 2006 L 376, p. 36), Law on Amending Articles 87, 88 and Repealing Article 90 of LC was adopted on 21 December 2009. The said law abandoned the licensing of intermediation services for employment abroad and laid down that intermediation services for employing job-seekers abroad should be provided free of charge. Natural persons and legal entities providing intermediation employment services should provide

information to the Lithuanian Labour Exchange about their status and services provided to persons in line with the Description of the Procedure of Providing Information on Employment Intermediation Services approved by Order No. V-1 of the Director of the Lithuanian Labour Exchange of 6 January 2010. The information about private employment service providers is placed on the website of the Lithuanian Labour Exchange (www.ldb.lt /Providers of Private Employment Services).

311. The information about social guarantees provided to migrant workers and their families is available at the websites of the Ministry of Social Security and Labour and the bodies accountable to it. Furthermore, information and consultation events are organised for them, along with the publication and dissemination of brochures and leaflets.

312. Since 2007, the Ministry of Social Security and Labour has been releasing an information-sharing publication for migrants "Life and Work in Lithuania". In 2009, this publication was released only electronically and is available at the website of the Ministry of Social Security and Labour. The publication provides relevant information to migrants about social guarantees, taxes, and studies in Lithuania, etc.

313. In 2008-2009, the Ministry of Social Security and Labour implemented a project financed by the European Social Fund "Development of Positive Image of Lithuania and Lithuanian Economic Migrants to Encourage their Return". Much attention was paid to the provision of information and counselling of economic migrants. On 21-23 November 2008, an information labour fair *Saddle up Horses, Brothers* was organised in two Irish towns, Dublin and Monaghan, which have the biggest communities of Lithuanian emigrants. The Lithuanian delegation comprised representatives from a number of state institutions, higher education bodies, organisations and employers. During the course of these events economic migrants were able to obtain information and consultations on the issues relevant for them. The most pertinent questions for Lithuanian emigrants were pensions, social insurance, taxes, children integration/reintegration in Lithuanian schools and employment in Lithuania.

314. Implementing the aforementioned project, local newspapers of the Lithuanian counties and regions with the highest negative net migration, as well as the newspapers published abroad in the Lithuanian language covered issues relevant for migrants.

315. Furthermore, during Quarter II of 2009, the Ministry of Social Security and Labour developed a publication and a brochure "For Those Coming Back to Lithuania" which provides the most relevant today's information about the social guarantees provided to people who have emigrated from Lithuania. The brochure provides information about the EU and Lithuanian social security legislation, answers to the issues which concern migrants, allocation of social insurance allowances to persons who have worked in several members states of the EU, European Economic Area or in Switzerland. These publications and brochures were disseminated in Lithuania and abroad through foreign Lithuanian communities and embassies of the Republic of Lithuania (United Kingdom, Ireland, Spain, etc.). The electronic versions of these publications are available on the website of the Ministry of Social Security and Labour.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

316. Seeking to ensure full and comprehensive public awareness-raising on the issue of free movement of persons, EURES advisors provided consultation and information about free movement of persons, took part in working club events, "Labour Market Days", information gathering events, EURES advisors' days, provided information to the press, TV and radio broadcasts, developed and released leaflets and brochures. The employer who registers a vacancy

in the Lithuanian Labour Exchange may choose for it to be seen by all residents of the member states of the EU and the European Economic Area. Lithuanian residents willing to get employed abroad can place their CVs on the EURES database. The website of the Lithuanian Labour Exchange provides information to persons about social protection, entitlement to an employment benefit and the conditions for obtaining it in the other member states of the EU (www.ldb.lt / Services to Persons / Social Protection of the EU Migrants / Entitlement to an Unemployment Benefit / Export of Unemployment Benefit).

317. On 25 April 2007, the Strategy for the Regulation of the Economic Migration was adopted, the purpose of which is to ensure that Lithuania has enough labour force during the conditions of the rapid economic growth and avoid negative consequences of the migration process. The strategic objective was used to satisfy the needs of the Lithuanian Labour Market and encourage economic migrants to come back home. Implementing the measures of the strategy, information-sharing publications were released for people coming back to Lithuania: a publication "Life and Work in Lithuania", and a leaflet "Social Guarantees for Persons Returning to Lithuania".

318. A website of the Ministry of Social Security and Labour provides information about free movement of workers, recognition of qualifications, and social protection of EU migrants (www.socmin.lt / European Union).

3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

Table 19.1.1. International migration

Year	Migration increase/decrease (thousand)	Emigration (thousand)				Immigration (thousand)		
		Total: (Declared + Undeclared)	Declared	Undeclared	Undeclared (%)	Total	Including Lithuanian nationals	Lithuanian nationals (%)
2005	-41.3	-48.1	-15.6	-32.5	67.6	6.8	4.7	69.1
2006	-20.1	-27.8	-12.6	-15.2	54.7	7.7	5.5	71.0
2007	-17.9	-26.5	-13.8	-12.7	47.9	8.6	6.1	71.3
2008	-14.4	-23.7	-17.0	-6.7	28.3	9.3	6.3	67.7
2009*			-22.0			6.5		

(Data of the Statistics Department)

- So far only the data of declared emigration have been known

319. In 2005-2009, data about the emigrants who have declared their departure, by their future place of residence (country) and gender, are provided in Annex 1 to the present report.

320. Statistics Department carries out assessment research of undeclared emigration flows on the basis of the findings of the Population Employment Survey, the purpose of which is to identify the number of emigrants who have not declared their departure from Lithuania and their composition by age, gender, nationality, reasons for departure, education and occupation.

Table 19.1.2. Emigrants who have not declared their emigration (Features: reasons for departure, year)

	2005	2006	2007	2008
The total number according to the reason for departure				
Emigrants who have not declared their emigration (thousand)	32.5	15.2	12.7	6.7
As compared to the total number of emigrants who have not declared their departure (%)	100.0	100.0	100.0	100.0
For work				

	2005	2006	2007	2008
Emigrants who have not declared their emigration (thousand)	26.6	9.6	8.8	4.7
As compared to the total number of emigrants who have not declared their departure (%)	81.8	63.2	69.3	70.1

(Data of the Statistics Department)

Table 19.1.3. Number of consultations provided to persons through the Lithuanian Labour Exchange EURES advisors in 2005-2009

Year	Number of consultations provided (thousand)
2005	26.9
2006	22.5
2007	20.1
2008	21.3
2009	24.6

(Data of the Lithuanian Labour Exchange)

Table 19.1.4. Number of persons employed abroad through employment agencies which had a licence of intermediation for employment abroad in 2005-2009

Year	Number of persons employed abroad
2005	2320
2006	2264
2007	1892
2008	1327
2009	1559

(Data of the Lithuanian Labour Exchange)

Table 19.1.5. Number of permits issued for third country nationals to work in the Republic of Lithuania in 2005-2009

Year	Number of work permits issued
2005	1565
2006	2982
2007	5686
2008	7819
2009	2239

(Data of the Lithuanian Labour Exchange)

Responses to the questions and conclusions of the European Committee of Social Rights:

Protection against misleading propaganda

The Committee takes note of the information provided by the Government in a number of reports to the monitoring committee on the United Nations Convention on the Elimination of All forms of Racial Discrimination. **The Committee would nevertheless like to receive more detailed information on what measures have been taken to combat racism and stereotypical views in respect of migrants, and whether law enforcement officials are trained in this area.**

321. Lithuania implemented the National Anti-Discrimination Programme 2006-2008 approved by Resolution No. 907 of the Government of the Republic of Lithuania of 19 September 2006. The objective of the programme is to carry out a comprehensive analysis of discrimination with respect to age, sexual orientation, disability, race or ethnic origin, religion or beliefs in all spheres of public life, increasing public tolerance, raising awareness of the public, social partners, different resident groups about non-discrimination, equal attitude, equal rights and opportunities and increasing legal protection from discrimination.

322. Implementing the National Anti-Discrimination Programme 2006-2008, the Ministry of Social Security and Labour developed and released a publication for training and education on matters relating to anti-discrimination and equal opportunities in the labour market. The publication deals with the key manifestations of discrimination: on the grounds of gender, sexual

orientation, age, ethnic origin and health (disability). Due to a number of reasons, these differences so far have constituted major obstacles in implementing the principle of equal opportunities in getting employed, when employed and in a career-building process. The main objective of the book is to present overall and key aspects of equal opportunities and non-discrimination which are necessary to perceive these phenomena.

323. A scientific research was carried out under the title "Analysis of the potential manifestation of discrimination newly provided for in the Republic of Lithuania Law on Equal Opportunities, assessment and comparative analysis of public tolerance with respect to various social groups".

324. Training was conducted on the issues of discrimination and equal opportunities to gain a profession and employment. Methodological material was developed for training on equal opportunities to gain a profession and employment, ensuring personal efficiency and assessment of professional interests.

325. Training was conducted on equal rights and their protection to representatives of trade unions and non-governmental organisations. Training was organised by the Office of the Equal Opportunities Ombudsman.

326. At present, implementation is carried out of the continuous National Anti-Discrimination Programme 2009-2011. Implementing the programme, the objective is to ensure implementation of Article 29 of the Constitution of the Republic of Lithuania enshrining the equality of persons and prohibition to restrict human rights and grant any privileges on the ground on general, race, nationality, language, origin, social status, belief, convictions or views. Furthermore, the task is to carry out a comprehensive investigation of manifestation of and reasons for discrimination in all areas of public life, develop respect for a human, raise legal public awareness, build mutual understanding and tolerance on the ground of gender, race, nationality, origin, social status, belief, convictions or views, gender, age, sexual orientation, ethnic origin and religion, as well as create more favourable conditions for operation of non-governmental organisations protecting human rights.

327. Implementing the National Anti-Discrimination Programme 2009-2011, training on equal opportunities and non-discrimination was organised in 2009 for employees of various institutions, civil servants, police officers and judges, discussions were organised with non-governmental organisations working in the area of human rights protection, an advertising campaign was launched about multi-dimensional discrimination, a programme of non-formal education on tolerance and respect for humans was developed for target groups. Official publications regularly presented statistical data about hate crimes committed on the ground of race, nationality, religion, language and sexual orientation. The system of controlling unlawful information available on the Internet was analysed and findings as well as proposals were submitted to the Government of the Republic of Lithuania. Other events promoting tolerance and getting acquainted with other cultures were organised.

328. The Prosecutor General's Office developed methodological recommendations on the organisation, supervision and conducting of pre-trial investigation of criminal acts committed on the ground of racial, nationalistic, xenophobic, homophobic and other discrimination motives.

Likewise, the Committee asks the next report to indicate whether any measures have been put in place to combat misleading propaganda relating to immigration and emigration.

329. All the aforementioned measures, the purpose of which is to provide information about the work and social protection of migrants both in Lithuania and abroad, cover issues related to possible dangers and misleading propaganda relating to immigration and emigration.

Article 19§3

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

330. Law on Social Services (Law No. X-493 of 19 January 2006) stipulates that entitlement to social services is given to nationals of the Republic of Lithuania, aliens, including stateless persons holding a permanent or temporary residence permit in the Republic of Lithuania and other persons in cases provided for in international treaties of the Republic of Lithuania.

331. Implementing the regulations of the co-ordination of social security schemes of the EU, much attention is paid to the co-operation of competent authorities of the Member States. The EU competent authorities and liaison bodies communicate by using E forms which provide all the information necessary to identify and confirm the person's entitlement to benefits. The plan for the future is a transition to the electronic exchange of data. With a view to modernising and facilitating the cooperation procedures of competent authorities of the member states and speeding-up the procedure of examination of applications for social insurance benefits, the new regulation provides for a replacement of paper E-forms with the structured electronic documents, i.e. a transition to the electronic exchange of information.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

332. Pursuant to Order No. V-59 of the Director of the Lithuanian Labour Exchange of 21 May 2004, the Procedure for Implementing Provisions of Regulation 1408/71 on the Export of Unemployment Benefits was adopted. Pursuant to Order No. A1-232 of the Ministry of Social Security and Labour of 7 September a working group was set up for getting prepared for the electronic exchange of information implementing Regulation (EC) No. 883/2004. Seminars were organised, working group meetings were conducted, information was shared with a view to ensuring a smoother transition to regulations (EC) 883/2004 and 987/2009 from 1 May 2010.

3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

333. During 2005, territorial labour exchange offices issued 69 E 301 forms (on aggregation of unemployment insurance periods) and 38 E 303 forms (on the export of unemployment insurance allowance). In 2006, territorial labour exchange offices issued 208 forms E 301 and 32 forms E 303. From 1 January to 31 December 2007, territorial labour exchange offices issued 156 forms E 301 and 22 forms E 303. From 31 May 2007 to 1 June 2008, territorial labour exchange offices issued 335 forms E 301 and 33 forms E 303. From 1 June 2008 to 31 May 2009, territorial labour exchange offices issued 404 forms E 301 and 85 forms E 303/2. From 1 June 2009 to 31 December 2009, territorial labour exchange offices issued 203 forms E 301 and 86 forms E 303.

334. The number issued forms E 301 and forms E 303 totalled respectively 1375 and 296.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee requests that the next report provides specific examples of such co-operation as regards Lithuanian workers abroad, and foreign workers in Lithuania (and the effects of such co-operation for the migrant worker concerned and his/her family).

335. The Foreign Benefits Office of the State Social Insurance Fund Board (hereinafter referred to as the Foreign Benefit Office) is a competent institution and it ensures implementation of Council Regulation (EEC) No. 1408/71/EEC and No. 574/72/ECC as well as other social security international treaties acceded by the Republic of Lithuania. The Foreign Benefit Office also co-operates with other respective institutions of foreign states as well as international organisations.

336. Seeking to ensure implementation of Council Regulation 1408/71/EEC and Council Regulation 574/72/EEC and, in compliance with other cases provided for in international treaties concluded by the Republic of Lithuania, the State Social Insurance Fund Board tasked the Foreign Benefits Office to act as a liaison body with respect to state social insurance benefits, except for unemployment social insurance and sickness benefits in kind, as well as with respect to the payment of family and funeral benefits. With respect to unemployment social insurance benefits the liaison body is the Lithuanian Labour Exchange, and with respect to sickness benefits in kind the functions of a liaison body are carried out by the State Patients' Fund.

337. Acting as a competent institution and liaison body, the Foreign Benefits Office receives the necessary information about the social security of migrants and provides it to the competent authorities of other countries in a centralised way, i.e. following a one-stop-shop principle.

338. New technologies have been used to ensure information and data exchange (with Estonia and Latvia), electronic connection to the databases of other state authorities was put in place (with Germany).

State Labour Inspectorate

339. The State Labour Inspectorate have concluded the following:

340. On 25 May 2005, the STI concluded an agreement with the State Labour Inspectorate of Poland on co-operation in the area of labour law, under which the parties made a commitment to exchange experts, information, organise practical exercises, take part in the conferences and international events organised by the parties to the agreement, exchange expertise implementing the EU directives relating to the activities of the labour inspectorates and co-operate on the local level of inspectorates, including staff exchange.

341. On the basis of the aforementioned agreement, the delegation of the Polish Labour Inspectorate paid a visit to the Lithuanian State Labour Inspectorate on 9-11 February 2006. During the meeting, the Lithuanian State Labour Inspectorate made a presentation about its activities, discussed the organisation of joint campaigns in the construction sector, spoke about the prospects for co-operation between the Polish and Lithuanian labour inspectorates as well as the prospects for acceding to the Latvian, Estonian and Lithuanian Agreement on Co-operation in the Area of Safety at Work and Health by the Polish Labour Inspectorate. Thoughts were also shared about the accession of the Lithuanian State Labour Inspectorate to the analogous co-operation agreement between the Polish and German Labour Inspectorates and issues relating to the training of Lithuanian labour inspectors in the training centre of the Polish Labour Inspectorate in Wroclaw were discussed.

342. On 1-2 February 2006, a meeting between the representatives of Estonian, Latvian and Lithuanian labour inspectorates took place which discussed the aspects relating to the assessment of occupational risk in hazardous objects and made an overview of the performance results achieved by labour inspectorates in 2005.

343. On 10 May 2007, the State Labour Inspectorate signed an agreement, No. 27-04, with the Norwegian Labour Inspectorate, On Co-operation and Mutual Exchange of Information. On the basis of this agreement, the parties made a commitment to exchange information about the employees posted to the territories of the parties, issues relating to working conditions, labour infringements detected during inspections and violations of employees' rights. On 30 October 2007, the State Labour Inspectorate signed a co-operation agreement with the Estonian Labour Inspectorate and Latvian Labour Inspectorate in the areas of safety at work and health.

Article 19§5

Reference period: 01.01.2005 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

344. In the Republic of Lithuania, 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. 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.

345. One of the key principles laid down in the regulations on co-ordination of the EU social security schemes (i.e. Council Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, self-employed persons and their families moving within the Community and Council Regulation (EEC) No. 574/72 laying down the procedure for implementing the aforementioned regulation) is prohibition of discrimination. Regulation (EEC) No. 1408/71 Article 3 stipulates that persons resident in the territory of one of the Member States to whom this Regulation applies shall be subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of that State.

346. Regulations on the co-ordination of the EU social security schemes apply in all member states of the EU, European Economic Area and in Switzerland. They apply to the nationals of the EU, European Economic Area and Switzerland, stateless persons or refugees which are subject or were subject to the legislation of one or more member states and those who are employed according to a labour contract or who are self-employed as well as their families. In 2003, 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.

347. 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.

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

349. 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.

Article 19§7

Reference period: 01.01.2005 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Responses to the questions and conclusions of the European Committee of Social Rights:

The major shortcoming of the new law is that only European Union nationals or persons residing in a European Union state are eligible for both types of legal aid, which automatically excludes migrant workers from non-European Union states which are Parties to the Charter from the possibility of obtaining legal aid and assistance. The Committee concludes that the situation in Lithuania is not in conformity with Article 19§7 of the Charter on grounds that migrant workers from non-European Union States Parties to the Charter are not entitled to apply for state-guaranteed legal aid.

350. Referring to the Third Report of the Republic of Lithuania, migrant workers, like all persons lawfully residing in the Republic of Lithuania, regardless of their nationality, are eligible for both primary and secondary legal aid under the same conditions as the nationals of the Republic of Lithuania.

351. The information given in the Third Report of the Republic of Lithuania is repeated below:

352. On 1 May 2005, the amendment of the Law on State-Guaranteed Legal Aid of the Republic of Lithuania (amendment of the Law No. X-78 of 20 January 2005) came into force. Paragraph 1 of Article 11 of the Law stipulates that all nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States and other persons specified in international treaties of the Republic of Lithuania shall be eligible for **primary legal aid**.

353. Pursuant to paragraph 2 of the said article, the following persons shall be eligible for **secondary legal aid**:

- nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States whose property and annual income do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under this Law (the same condition as applied to nationals);

- nationals of the Republic of Lithuania, nationals of other European Union Member States as well as other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States who are eligible for secondary legal aid regardless of their property and income;

- other persons specified in international treaties of the Republic of Lithuania.

354. **Special** state-guaranteed legal aid is provided to **certain** groups of foreign nationals (e.g. asylum-seekers) according to the Republic of Lithuania Law on the Legal Status of Aliens. These persons are provided with state-guaranteed legal aid in accordance with the procedure prescribed by Order No. 1V-233 On Granting of Powers of the Minister of the Interior as of 29 May 2009.

Article 19§9

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

355. The information presented in the first report of the European Social Charter (revised) remains the same.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Article 19§10

Reference period: 01.01.2005 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

356. As highlighted in the Third Report of the Republic of Lithuania, self-employed migrant workers are eligible for the same guarantees (under the same conditions) referred to in paragraphs 1 through 9 (where Lithuania is a state party) like all residents of Lithuania.

357. It should be noted that before 2009 self-employed persons (both migrants and non-migrants) could be covered with the pension state social insurance as well as sickness and maternity social insurance on a voluntary basis only. At the end of 2008, after the range of persons covered with state social insurance was revised, the decision was made to include self-employed persons as of 2009. Referring to the relevant experience of foreign states, the abovementioned persons shall be covered with the pension social insurance (both the basic and supplementary parts) as well as sickness and maternity social insurance, where they are only covered by maternity, paternity and maternity (paternity) social insurance. Concerning sickness social insurance, self-employed persons shall be able to be covered on a voluntary basis. Self-employed migrant workers, like other self-employed workers, shall pay compulsory health insurance contributions.

358. As already mentioned, the criterion of nationality with regard to maternity, paternity and maternity (paternity) social insurance is not relevant. A person, applying for a maternity, paternity or maternity (paternity) benefit, should meet the general requirements set for recipients of a specific benefit, i.e. a person should be covered with sickness and maternity social insurance, have the required sickness and maternity social insurance record and be on a maternity leave or, respectively, a paternity or parental leave at his/her workplace.

359. Self-employed persons who pursue or have pursued self-employment activity in several EU, European Economic Area Member States or Switzerland are applied EU regulations on coordination of social security systems. When granting social insurance benefits to self-employed persons, discrimination on grounds of nationality or place of residence is prohibited. The regulations also oblige to take into consideration social insurance record periods acquired in another member state (the principle of summing up of record periods); in the event that a self-employed person moves to another member state, granted social insurance benefits shall be exported (additional conditions have been provided in terms of exporting unemployment benefits). However, social guarantees shall be established for self-employed persons by the national legislation of a member state.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

However, in the case of equal treatment between wage-earners and self-employed migrants and between self-employed migrants and self-employed nationals, a finding of non-conformity under paragraphs 1 to 9 of Article 19 leads to a finding of **non-conformity under paragraph 10 since the same grounds for non-conformity as described under the aforementioned paragraphs applies to self-employed workers.**

360. In response to a question from the Committee, we would like to stress that according to the provisions of Lithuanian legislation there is an equal treatment between wage-earners migrants and wage-earners nationals and between self-employed migrants and self-employed nationals. For instance, they are paying the same compulsory health insurance contributions and they are entitled to get the same package of health care services.

Article 19§11

Reference period: 01.01.2005 – 31.12.2009

- 1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**
- 2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) **Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the national language of the receiving State.**

361. There is a small number of migrants' (foreign nationals') children in Lithuania; therefore, no serious problems of their integration have been observed. Migrants' children, who have completed full or part of a primary or basic education curriculum or part of a secondary education curriculum in a foreign country, are admitted to study according to the general education curricula at the general procedure, like all Lithuanian residents. Pursuant to Order No. **ISAK-789 On the Implementation of the Education of Children of Foreign Nationals, Who Came to Work or Live in the Republic of Lithuania, in General Education Schools** of the Minister of Education and Science of the Republic of Lithuania as of **4 June 2003**, the school which receives a request to continue studies by a student who comes from a foreign country shall assess the part of primary, basic or secondary education curriculum completed by the student abroad. If there are differences in the curricula that must be eliminated, the management of the school shall take into consideration the students' requests and provide for ways and forms to catch up. Before starting consistent studies at a general education school, persons who came or returned from a foreign country and who do not speak Lithuanian may learn the Lithuanian language in remedial classes or remedial mobile groups.

362. **In 2005**, the Ministry of Education and Science **drew up the Description of the Procedure for the Education of Children of Foreign Nationals and Citizens of the Republic of Lithuania, Who Came or Returned to Live or Work in the Republic of Lithuania, and Adults in Remedial Classes and Remedial Mobile Groups** (Order No. ISAK-1800 of the Minister of Education and Science of 1 September 2005) **and the Lithuanian Language Programme for Remedial Classes and Remedial Mobile Groups**. Remedial classes or remedial mobile groups are formed at school upon the founder's decision. Students who do not speak Lithuanian and who wish to learn the Lithuanian language in a remedial class or a remedial mobile group shall submit a request to the principal of the school. The request shall be written by one of the parents (guardians), if the child is under 14 years of age or by the child aged 14–16, if he/she has a written consent of one of the parents (guardians). Enrolment in a remedial class or a remedial mobile group shall be executed in the form of a study contract.

363. **20 to 25 hours per week shall be allotted** for studying of the Lithuanian language **in a remedial class**. If the school year in a remedial class starts in October or November, 28 hours per week are allotted. During the second half of the school year, the topics of Lithuanian history, Lithuanian geography and civic education are integrated in the Lithuanian language curriculum; students are introduced to the Lithuanian terminology of general curriculum subjects. In order to improve Lithuanian communication skills, students from remedial classes and remedial mobile groups are recommended to take part in the extra-curricula activities at school; they are provided with the conditions to attend active movement groups which comply with their interests at the same or another non-formal children's education school.

364. The Ministry of Education and Science organised the **preparation of teaching aids for children of foreign nationals and Lithuanian citizens**. In 2006, the ministry published a publication "For Lithuanian Language Teachers of Remedial Classes and Remedial Mobile

Groups”, which contains the descriptions of the Lithuanian language in compliance with the European Council language proficiency levels A1, A2, B1, and methodical recommendations for teachers. In 2006, the ministry prepared and in 2007 published a two-part Lithuanian language textbook with an integrated exercise book “Mano ir tavo šalis Lietuva” (*Your and My Country Lithuania*) for children of foreign nationals who have come to Lithuania and children of Lithuanian emigrants living abroad. The ministry also conducted a survey “Organisation of Education for Children of Foreign Nationals and Citizens of the Republic of Lithuania, Who Have Come or Returned to Live and Work in the Republic of Lithuania, in Lithuanian General Education Schools and Organisation of Education for Lithuanian Children in Foreign Lithuanian Schools”. In 2008, a socio-cultural education textbook “Mano ir tavo šalis Lietuva” (*Your and My Country Lithuania*) was published, followed by Parts I and II of the Lithuanian language primer “Labas” (*Hello*), aimed at children aged 7–8 of Lithuanians living abroad (yet suitable for immigrants’ children), in 2008 and 2009.

365. **35 per cent** more funds are allocated for a per-pupil voucher in case of a conventional student (migrant) who has come or returned from abroad than in case of a conventional student (non-migrant). As of 1 January 2009, the per-pupil voucher in case of a conventional student (a student in normal health attending the 5th–8th grade in an urban school) accounts for **LTL 3,774**; in case of a student who has returned from abroad – **LTL 5,093**. However, in the context of the economic crisis, the per-pupil voucher in case of a conventional student has been reduced to LTL 3,636 as of 1 September 2009, in case of a student who has come or returned from abroad (migrant) the per-pupil voucher is **30 per cent** bigger (i.e. it has been reduced by **5 per cent** to **LTL 4726**).

366. **In 2007 and 2008**, the Ministry of Education and Science organised 6 seminars and conferences for teachers working with migrants’ children. At the end of 2009, two professional development seminars for teachers were organised.

Responses to the questions and conclusions of the European Committee of Social Rights:

As regards migrant workers themselves (or other family members) the report indicates that they have the opportunity to attend Lithuanian language courses in Vilnius University. It is stated that in 2003 there were 40 people who came to Lithuania for work purposes and attended these language courses. In 2004 there were 35 persons. **The Committee asks whether such low figures represented the total number of migrant workers in Lithuania in the respective years.**

367. No, these figures present only those, who wanted and attended Lithuanian language courses. For instance, 609 work permits were issued for foreigners in 2003 and in 2004 – 877.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

Article 27§1

Reference period: 01.01.2003 – 31.12.2009

1) ***Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.***

368. Point 8 of Article 4 of the Republic of Lithuania Law on Support for Employment (Amended Law No. XI-334 of 14 July 2009) stipulates that pregnant women, at the choice of a family a mother (adoptive mother) or a father (adoptive father), a guardian (foster parent) and persons, who actually raises a child (adopted child) under 8 years of age or a disabled child (adopted child) under 18 years of age, and persons, who take care of the sick or disabled family member concerning whom the Disability and Working Capacity Assessment Office at the Ministry of Social Security and Labour established the permanent nursing or care, are additionally supported in the labour market. Pursuant to this article, the Lithuanian Labour Market Training Authority under the Ministry of Social Security and Labour has included into the database of consulted persons a separate target group of “pregnant women, a mother, a father or a guardian who raises a child under 8 years of age or a disabled child under 18 years of age” since 2007.

369. Vocational guidance and counselling as well as psychological consultation services to persons, who have withdrawn from the labour market to raise children, are provided at the general procedure if they are referred by the labour exchange or they address personally on the issues of vocational decision, professional suitability, choice of training courses, preparation for the job interview, etc. These persons are consulted in groups according to professional guidance and general competences development programmes: “Self-cognition and active pursuit of a professional career”, “Know, understand and act”, “Creating an individual profile and planning of a professional career”, “Career planning in the context of change”, “Self-cognition and preparation for an active job search”, etc. Seeking to facilitate the return of persons, who have withdrawn from the labour market to raise children, to the labour market, vocational guidance and general competences development programmes have been prepared specifically for this group.

370. Vocational guidance and counselling as well as psychological consultation services have been provided to this group: 1,962 persons (of which 1,860 women) in 2007; 1,499 persons (of which 1,350 women) in 2008; 2,501 persons (of which 2,128 women) in 2009.

371. Equal opportunities for women and men in Lithuania are ensured by the Republic of Lithuania Law on Equal Opportunities for Women and Men (Law No. VIII-947 of 1 December 1998). The purpose of this Law is to ensure the implementation of equal rights for women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of discrimination on grounds of sex, by reference in particular to marital or family status. Article 2(2) of the Law defines discrimination as any direct or indirect discrimination, sexual harassment, harassment or an instruction to directly or indirectly discriminate against persons on grounds of sex.

372. Article 2(4) stipulates that direct discrimination shall mean a treating one person less favourably on grounds of sex than another is, has been or would be treated in a comparable situation, except for certain cases, including special protection of women during pregnancy, childbirth and nursing and requirements for safety at work applicable to women aimed at protecting the women’s health owing to their physiological properties.

373. Article 5 of the Law on Equal Opportunities for Women and Men established the employer’s duty to implement equal rights for women and men at workplace. When implementing equal rights

for women and men at workplace, the employer must apply uniform selection criteria when recruiting or promoting, provide equal working conditions or opportunities to improve qualification, retrain, acquire practical work experience and provide equal benefits.

374. Pursuant to Article 6, the actions of an employer shall be treated as violating equal rights for women and men if, because of a person's sex, he applies to the person less (more) favourable terms of recruitment, transfer to another post or payment for the same work or for the work of equivalent value; in organising work, creates worse (better) working conditions for an employee; imposes a disciplinary penalty on an employee, changes the working conditions, transfers him to another job or terminates the employment contract.

375. With a view to ensuring equal opportunities and uniform conditions for the participation in the upbringing and education of the child, the Law on Sickness and Maternity Social Insurance regulates that a maternity (paternity) benefit shall be paid to one of the parents (adoptive parents) or a guardian eligible for this type of state social insurance benefit pursuant to the requirements of the Law.

376. More detailed regulation of a maternity (paternity) social insurance benefit is provided in the description of the implementation of Article 27, paragraph 2, of the European Social Charter.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks the next report to provide any information on measures taken in the field of vocational guidance and training for persons with family responsibilities and any other measures taken to assist them to enter, remain and re-enter employment.

377. Seeking to facilitate the return to the labour market of persons who have withdrawn from it to raise children, consultations for this specific group are provided according to special vocational guidance and general competences development programmes such as “Women can do more”, “Career planning and job search”, “Maternity and career planning”, “Development of the personality potential and evaluation of competences of persons who raised children and have been returning to the labour market”, etc.

The Committee notes that there is no obligation to agree to part-time work for a father who is not single. The Committee considers this to constitute discrimination and can therefore, not be considered to be in conformity with Article 27§1 of the Revised Charter combined with Article E.

378. Article 146(3) of LC lays down that part working time shall be set for an employee raising a child under three years of age as well as an employee who raises a child under fourteen years of age or a disabled child under eighteen years of age as a single parent (regardless of whether an employee is a father or a mother).

379. The abovementioned provision of LC took effect on 1 January 2003; it has already been described in the Second Report of the Republic of Lithuania.

The Committee wishes to know whether Lithuanian legislation provides for arrangements enabling parents to reduce or cease their professional activity because of serious illness of a child. The Committee asks details on the calculation of the amounts of salary and benefits received, if any, payable during the various types of leave taken.

380. In case of illness of a child, one of the parents can cease their professional activity temporary and receive the sickness benefit. The maximum duration of benefits for those nursing a family member:

- children under 14 years of age: 14 days per time for one illness;
- children under 7 years of age who are in-patients: for the course of the treatment but no longer than 120 days per year;
- children under 18 years of age who are ill with an oncohaematological disease, have undergone a complicated operation or have experienced trauma or burning: for the full course of treatment but no longer than 120 days per year;
- if a parent takes care of a child and the other parent is on maternity/paternity leave but cannot take care of the child for maximum 14 days due to illness.

381. The amount of sickness benefit in such cases is 85% of average monthly compensatory wage. The monthly compensatory wage comprises the average wage based on person's insured income earned in the calendar quarter before the last calendar quarter preceding the calendar quarter in which the temporary incapacity occurred.

382. The sickness certificate may be extended for a set period of time (up to 4 months or 120 days). If the child has not recovered at the end of that period, it is compulsory to apply to the Disability and Employment Capacity Assessment Office which is responsible for determining their degree of invalidity.

383. Under Article 146 of LC part daily working time or part weekly working time shall be set on request of an employee who alone raises a disabled child until it reaches eighteen years of age or on request of an employee nursing a sick member of his family, according to the conclusions of a health care institution. Part-time work shall not result in limitation when setting the duration of annual leave, calculating the length of service, promoting an employee, improving qualification, as well as shall not limit other labour rights of the employee. Employees shall receive payment in proportion to the time of work or by result. Further information concerning benefits to the parents taking care of the child with disability is provided in paragraph No. 388 of this report.

The Committee asks whether periods of absence from work due to family responsibilities are taken into account by calculation of pension scheme.

384. In accordance with subparagraph 2 of Article 8(2) of the Republic of Lithuania Law on State Social Insurance Pensions (amendment of the Law No. X-209 of 19 May 2005), the state social pension insurance record shall comprise the period during which persons receive maternity, paternity, maternity (paternity) benefits paid pursuant to the Law on Sickness and Maternity Social Insurance.

385. According to subparagraph 10 of Article 2(1) of the said law, at the choice of a family, one of the parents (adoptive parents) or a person appointed as a child's guardian raising a child under three years of age shall be insured for the social insurance pension by the state on the compulsory basis. As of 1 January 2008, these persons have been insured for a full pension by the state.

386. The Law on State Social Assistance Benefits ensures minimum pension guarantees for persons (parents, guardians, foster parents) who for not less than 15 years attended or nursed the disabled and therefore could not work and did not acquire the minimum work record for the social insurance old-age or work-incapacity pension. These persons shall be paid social assistance pensions from the state budget:

- those who have lost 75–100 per cent of capacity for work – 1.5 amounts of the basic state social insurance pension;
- those who have lost 60–70 per cent of capacity for work or who have attained the retirement age – 1 amount of the basic state social insurance pension.

Table 27.1.1. Social assistance benefits for persons nursing the disabled, 2005–2009

	2005	2006	2007	2008	2009
Average number of recipients	20	16	11	12	12
Used funds (LTL thousand)	45	46.7	47.7	62.9	56.6

The Committee requests information in the next report on qualifying conditions and amounts of benefits for workers with family responsibilities in relation to members of the immediate family, other than the sick ones, who need care and support.

387. Families taking care of disabled children are supported through social assistance benefits as well as through target compensations for meeting the special needs of disabled children, i.e. target compensations for nursing and care (assistance) expenses.

Child day care services, other childcare arrangements and family services

The Committee takes note of the various child day care services and arrangements available to workers with family responsibilities and asks that **the next report provide information on the available family services and arrangements for other members of the immediate family who clearly need care and support.**

388. Pursuant to the Law on Social Services, municipalities shall be responsible for ensuring the provision of social services for residents in their territories. They plan and organise social services, control the quality of common social services and social care. Social services to persons (families) are provided subject to individual needs and interests of persons (families), while continually assessing the efficiency of the social services provided in respect of development or compensation for the person's (family's) possibilities and abilities to care for his private (family) life or to participate in social life.

389. Having regard to individual needs, families may be provided with social care (development and maintenance of independent living skills, or assistance at home if there are disabled children) or common social services (information, counselling, mediation or representation, organisation of meals, provision with the basic clothing and footwear, organisation of transportation, socio-cultural services, organisation of personal hygiene and care services and other common social services).

390. Particular focus has been lately shifted to the provision of social assistance for family members who take care of the disabled or elderly persons or children, as well as for families at social risk. As of 2007, seeking to strengthen social work with families at social risk, the funds from the state budget have been used to create workplaces of social workers dealing with these families. In 2009, more than 670 social workers provided social and psychological assistance for approximately 11,000 families at social risk and social services at day care centres for approximately 7,000 children from these families.

391. According to the data from the Department of Statistics, there are about 130 child day care centres in the country, attended by approximately 8,000–9,000 children: in 2009, they were attended by 6,300 children from families at social risk and around 2,200 disabled children. The number of children attending day care centres in 2009 increased by approximately 13 per cent, as compared to 2003.

392. Social services (psychological assistance, consultations, etc.) were provided for more than 6,000 persons and families in crisis centres and temporary accommodation institutions for mothers and children; the services of developing and maintaining social skills at home were provided for almost 22,000 persons and families who had encountered social problems. In 2008, there were 60 family support centres (services) in the country, which provided social services to families at social risk or families who do not have possibilities or are not able to independently solve their problems. In 2008, these centres provide assistance to approximately 21,000 persons.

393. Seeking to create better financial possibilities for municipalities to organise social services for the disabled, special target grants have been allocated to municipalities from the state budget since 2007 to organise social care for persons with a severe disability. LTL 30,669,400 were allocated in 2009.

394. In 2009, contracts were signed regarding the implementation of 23 projects in accordance with the measure “Reconciling Family and Work Responsibilities” under the Lithuanian Operational Programme for the Development of Human Resources 2007–2013. The total value of these projects accounts for LTL 54.4 million (of which LTL 40.3 million from the European Social Fund), and the implementation timeframe is three years. The projects will be implemented according to the partnership principle by both non-governmental organisations or budgetary institutions and private businesses in most regions of the country.

395. The purpose of these projects is to create favourable conditions for economically active persons of working age to reconcile family and work responsibilities, and to promote the establishment of family-friendly workplaces. Implementing these projects, accessibility of child care and social services for the disabled and elderly people to poor families will be improved; a family-friendly environment will be created at workplaces; education, training and consultations of employers, employees and municipality representatives will be carried out in the areas of the choice and application of family-friendly instruments, flexible work organisation forms and their application, conclusion of a collective employment contract, the formation of a favourable attitude towards a family and family responsibilities at a workplace; employees will be informed about the sharing of family responsibilities.

The Committee asks what methods are applied in order to assess the need for the various services and asks to what extent the need is actually satisfied, in particular for low-income families. Lastly, it requests information on the geographical location across the national territory of such services.

396. The Law on Social Services provides that persons (families) who receive social benefits at the procedure prescribed by legal acts or a person (family) whose income (average family income per family member) is smaller than the triple amount of SSI (LTL 1,050) shall be provided with common social services and social care free of charge.

397. Social care services are organised in all 60 municipalities.

Article 27§2

Reference period: 01.01.2003 – 31.12.2009

1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

398. LC establishes that upon the decision of the family, a mother (adoptive mother), a father (adoptive father), a grandmother, a grandfather, or any other relatives who are actually raising a child, as well as an employee appointed as a foster parent, shall be granted child care leave until the child is three years old. The leave may be taken as a single period or distributed in parts. Employees entitled to this leave may use it alternately. During the period of this leave the employee shall retain his job/position, with the exception of cases when the enterprise is dissolved (Article 180(1)(3) of the LC).

399. The Law on Sickness and Maternity Social Insurance stipulates that entitled to a maternity (paternity) allowance shall be one of the parents (adoptive parents) or a guardian who: 1) has been covered with this type of state social insurance; 2) has been granted a child care leave; 3) over the last 24 months has got not less than 12 months of the sickness and maternity social insurance record.

400. A maternity (paternity) allowance shall be paid during the period of parental leave after the end of maternity leave until the child reaches two years of age.

401. The amounts of a maternity (paternity) allowance are as follows:

- until the child attains one year of age – 100 per cent of the beneficiary's reimbursed remuneration;
- from one year of age until the child is two years old – 85 per cent of the beneficiary's reimbursed remuneration.

Amendments:

402. **In 2003**, maternity (paternity) allowances were paid to insured persons, eligible according to the requirements laid down in the Law on Sickness and Maternity Social Insurance, and dismissed persons due to the liquidation or bankruptcy of a company, institution or organisation. In 2004, the list was amended by the case where insured persons were dismissed upon the expiry of a fixed-term employment contract.

403. **In 2006**, the amendment to the Law on Sickness and Maternity Social Insurance established that the amount of a maternity (paternity) allowance was 70 per cent of the beneficiary's reimbursed remuneration. As of 1 January 2007, the amount of this allowance was increased to 85 per cent. As of 1 July 2007, the amount of the allowance was 100 per cent from the end of maternity leave until the child attains the age of 6 months, and 85 per cent of the beneficiary's reimbursed remuneration for the remaining period. The amount of a maternity (paternity) allowance was 100 per cent of the beneficiary's reimbursed remuneration if two or more children are born to the insured person who is on the child care leave until the child reaches the age of one year.

404. The amendment of **2007**, which took effect as of 1 January 2008, provided for a privilege for persons who were full-time students of higher, vocational or general education schools until 26 years of age (provided the break since the end of studies does not exceed three months) and therefore could not acquire the required sickness and maternity social insurance record. In this case the period of payment of a maternity (paternity) allowance was prolonged from one to two years.

405. With regard to the increase in the number of cases of abuse, where the beneficiary's insured income suddenly increased during the period, which is used to calculate the amount of the allowance, the amendment of **2008** (which took effect as of 1 January 2009) established that the reimbursed remuneration, used to establish the amount of maternity, paternity and maternity (paternity) allowances, was calculated according to the insured person's insured income earned over 9 calendar months. As of 1 July 2009, the period of income was prolonged to 12 calendar months before the start of maternity, parental or child care leave. The sickness and maternity social insurance record required for this type of allowance was also extended.

2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

3) **Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

406. The figure and the table below illustrate the correspondence between a maternity (paternity) social insurance benefit paid until the child attains one year of age and the beneficiary's average monthly remuneration.

Figure 27.2.1.

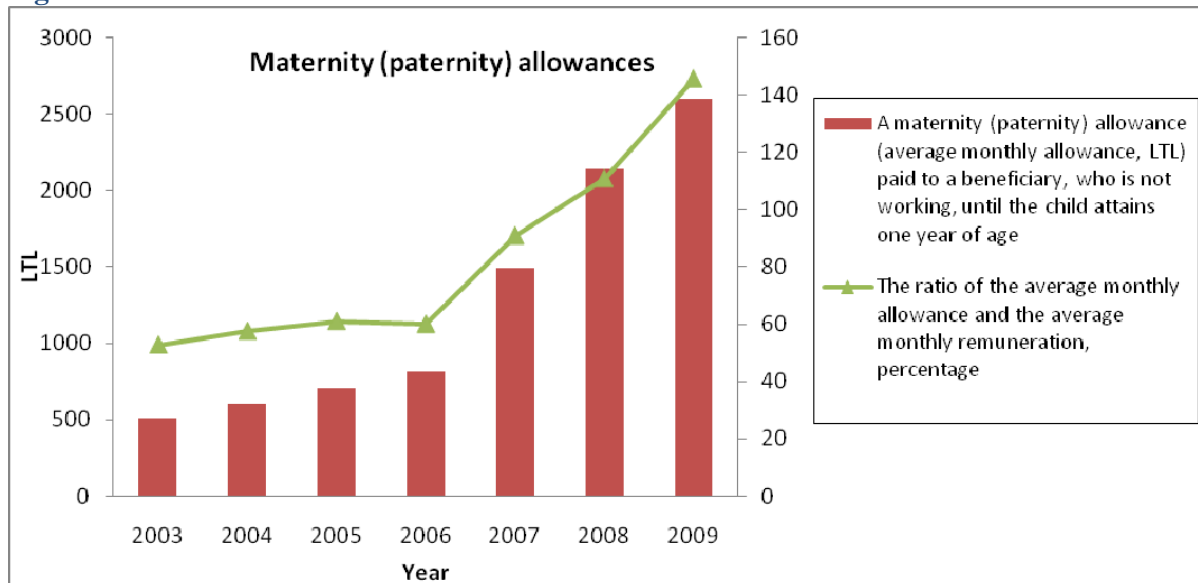


Table 27.2.2.

Year	A maternity (paternity) allowance (average monthly allowance, <i>LTL</i>) paid to a beneficiary, who is not working, until the child attains one year of age	The ratio of the average monthly allowance and the average monthly remuneration, <i>percentage</i>	Percentage of the amount of a maternity (paternity) allowance of a beneficiary's reimbursed remuneration
2003	509.71	52.72	60.0
2004	603.79	57.55	70 per cent (as of 1 March)
2005	708.18	61.0	70.0
2006	815.07	60.0	70.0
2007	1,489.6	90.9	85.0
2008	2,139.6	110.8	100.0
2009	2,598.6	145.7	100.0

Responses to the questions and conclusions of the European Committee of Social Rights:

Article 180 of the Labour Code states that parental leave before the child has reached the age of 3 shall be granted, to the (adoptive) parents, the grandparents or the relative raising the child, or the caretaker of the child. The leave may be taken as a single period or in portions. The parents may take it in turn or together. **The Committee asks what the duration of the parental leave is.**

407. The duration of the leave is until the child reaches the age of three.

In addition to parental leave, the Labour Code provides that a mother may request unpaid leave, during the pregnancy, childbirth leave or during the father's parental leave until the child reaches 3 years of age. A father may request unpaid leave during the mother's parental leave until the child reaches 3 years of age. The aggregate duration of such leave may not exceed three months. **The Committee asks clarification as to how in practice an unpaid leave can be taken during childbirth leave.**

408. Women are entitled to maternity leave: 70 calendar days before the child birth and 56 calendar days after the child birth (in the event of complicated confinement or birth of two or more children – 70 calendar days). This leave is added up and granted to the woman as a single period, regardless of the days used prior to the confinement.

409. Men are entitled to paternity leave from the date of birth of their child until the child is one month old. During that period fathers receive an allowance established by the Law on Sickness and Maternity Social Insurance.

410. After the maternity leave ends, upon the decision of the family, a mother (adoptive mother), a father (adoptive father), a grandmother, a grandfather, or any other relatives who are actually raising a child, as well as an employee appointed as a foster parent, are granted child care leave until the child is three years old.

Article 27§3

Reference period: 01.01.2003 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

411. Equal opportunities for women and men in Lithuania are ensured by the Law on Equal Opportunities for Women and Men of the Republic of Lithuania. The purpose of this Law is to ensure the implementation of equal rights for women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of discrimination on grounds of sex, by reference in particular to marital or family status. Article 2(2) of the Law defines discrimination as any direct or indirect discrimination, sexual harassment, harassment or an instruction to directly or indirectly discriminate against persons on grounds of sex. Article 2(4) stipulates that direct discrimination shall mean a treating one person less favourably on grounds of sex than another is, has been or would be treated in a comparable situation, except for certain cases, including special protection of women during pregnancy, childbirth and nursing and requirements for safety at work applicable to women aimed at protecting the women's health owing to their physiological properties.

412. Article 5 of the Law on Equal Opportunities for Women and Men establishes the employer's duty to implement equal rights for women and men at workplace. When implementing equal rights for women and men at workplace, the employer must apply uniform selection criteria when recruiting or promoting, provide equal working conditions or opportunities to improve qualification, retrain, acquire practical work experience and provide equal benefits. Pursuant to Article 6, the actions of an employer shall be treated as violating equal rights for women and men if, because of a person's sex, he applies to the person less (more) favourable terms of recruitment, transfer to another post or payment for the same work or for the work of equivalent value; in organising work, creates worse (better) working conditions for an employee; imposes a disciplinary penalty on an employee, changes the working conditions, transfers him to another job or terminates the employment contract.

413. If a woman considers that her rights have been violated, she may appeal to the Equal Opportunities Ombudsperson or the court for an objective and unbiased help, in accordance with Article 9(1) of the Law on Equal Opportunities for Women and Men. Article 12(1) of the Law establishes that the Equal Opportunities Ombudsperson shall investigate the complaints related to direct and indirect discrimination, harassment and sexual harassment and shall provide objective and unbiased consultations related therewith. In the course of the investigation or upon completion of the investigation, the Equal Opportunities Ombudsperson may take a decision: to refer the investigation material to a pre-trial investigation institution or the prosecutor if elements of a criminal act have been established; to address an appropriate person or institution with a recommendation to discontinue the actions violating equal rights and to amend or repeal a legal act related thereto; to hear cases of administrative offences and impose administrative sanctions. In accordance with Article 41⁶ of CALV, a violation of equal rights of women and men established in the Law on Equal Opportunities for Women and Men and equal opportunities established in the Republic of Lithuania Law on Equal Treatment inflicts a fine from LTL 100 to LTL 2,000 upon officers, employers or persons authorised by them. The same acts committed by the person who has been imposed an administrative penalty for the said violations inflict a fine from LTL 2,000 to LTL 4,000 upon officers, employers or persons authorised by them.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee asks that the next report provide more details on the circumstances which would violate the employers' interests and what constitutes a fault of the employee.

414. Following Article 136 of LC fault of the employee can be understood when the employee performs his duties negligently or commits other violations of labour discipline provided that disciplinary sanctions were imposed on him at least once during the last 12 months or when the employee commits one gross breach of duties (Article 235 of LC).

415. "Article 235. **Gross Breach of Work Duties**

1. A gross breach of work duties shall be a breach of labour discipline involving gross violation of the provisions of laws and other legal acts which directly regulate the employee's work, or any other gross transgression of work duties or the prescribed work regulations.

2. A gross breach of work duties shall involve:

1) improper conduct with the visitors or customers or any other acts which directly or indirectly violate a person's constitutional rights;

2) disclosure of state, professional, commercial or technological secrets or communicating them to a rival enterprise;

3) participation in the activities which, under the provisions of laws, regulatory acts, work regulations, collective agreements or contracts of law, are incompatible with the functions of work;

4) taking advantage of one's position to get unlawful gain for oneself or other persons or for some other personal purposes, arbitrary behaviour or bureaucracy;

5) violation of equal opportunities or sexual harassment of colleagues, subordinates or customers;

6) refusal to provide information where laws, other regulatory acts or work regulations obligate one to provide it, or provision of knowingly false information in those cases;

7) acts with elements of theft, fraud, appropriation or embezzlement of property, unlawful taking of a reward even though these activities did not involve the employee in criminal or administrative liability;

8) where, during the working time, the employee is under the influence of alcohol, narcotic or toxic substances, with the exception of cases where intoxication was caused by the industrial processes at the enterprise;

9) absence from work throughout the day/shift without any substantial cause;

10) refusal to undergo a medical check where such checks are obligatory;

11) other offences which are in gross breach of work procedure."

416. Circumstances which would violate the employer's interests are basically economic, objective and reasonable (proportional, essential) for the employer's activity. In the case of labour dispute usually the Court determines if the circumstances have been sufficient for the legal ground for the termination of employment.

It also asks whether there are any rules ensuring that an employee shall not be dismissed because of his/her obligations with respect to dependent children in cases where parental leave does not apply, or in case the employee is not alone, as well as for other members of the immediate family that need to be taken care of.

417. Article 133 of LC guarantees, that employees, who have temporarily lost their functional capacity for reasons other than a result of injury at work or occupational disease, shall retain their position and duties if they are absent from work due to temporary loss of functional capacity for not more than 120 successive days or for not more than 140 days within the last 12 months, unless laws and other regulatory acts provide that in the case of a specific disease the position and duties

shall be retained for a longer period. The mentioned periods shall not include the period during which an employee was in receipt of a state social insurance benefit for attending a family member or an allowance in cases of epidemic diseases.

The Committee notes that upon illegal dismissal, the employee may file court proceedings and obtain compensation for the forced absence. **The Committee asks whether there is a possibility in such cases for the employee to be reinstated.**

418. Yes, the employee can be reinstated.

Article 31 – The right to housing

Article 31§1

Reference period: 01.01.2003 – 31.12.2009

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Criteria for adequate housing

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to adequate housing, including the length of waiting periods.

Responses to the questions and conclusions of the European Committee of Social Rights:

Criteria for adequate housing

According to the report the key legislation is the Construction Act, which lays down the general requirements for buildings and the relevant regulations. **The Committee notes that the general information provided is not sufficient for it to assess the situation in the light of the principles it has laid down.** For the purpose of Article 31§1, the parties must define the notion of adequate housing in law. The Committee considers that “adequate housing” means a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law.

According to the Committee, the standards of adequate housing shall be applied not only to new constructions, but also gradually, in the case of renovation, to the existing housing stock. They shall also be applied to both housing available for rent as well as to housing occupied by their owners.

The Committee asks for detailed information in the next report on all the aforementioned points.

419. The Republic of Lithuania Law on State Support for the Acquisition and Lease of Housing and Renovation (Modernisation) of Multi-Apartment Buildings (Law No. I-2455 of 7 April 1992) stipulates the forms, conditions and procedure of state support provided to families and persons who have a permanent place of residence in the Republic of Lithuania for the acquisition, construction or reconstruction of housing as well as the modernisation of multi-apartment buildings and the formation of municipal subsidised housing stock, as well as the conditions and procedure for lease of municipal subsidised housing.

420. Housing (residential premises) means a single-apartment residential building, its part, an apartment or any other residential premises suitable for living for a person or a family.

421. Apartment means part of a residential building, comprising one or several living rooms, a kitchen and other premises, separated by enclosure structures from the premises of common use, other apartments or non-residential premises.

422. Subsidised housing means the residential premises owned by the municipality and leased on a non-commercial basis according to the procedure for the calculation of a rental, established by the Government, targeted at accommodating low-income persons and families in compliance with the conditions specified in this Law (residential service spaces, dormitories, lodging houses, treatment or guardianship (foster care) residential premises shall not be classified as subsidised housing).

423. Adequate housing 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 the useful floor space whereof per family member is larger than 14 square metres (this provision is not applied with regard to subsidised housing).

424. The essential requirements for construction works are laid down in the Law on Construction (Law No. I-1240 of 19 March 1996):

“1. A construction works (a part thereof) must be designed and built from such construction products the characteristics whereof would satisfy the following essential requirements for a construction works for an economically reasonable working life:

1) mechanical resistance and stability, i.e. the loadings that are liable to act on a construction works during its construction and use will not lead to any of the following: collapse of the whole or part of the work, major deformations to an inadmissible degree, damage to other parts of the works or to fittings or installed equipment; damage by an event which may be avoided or limited without major difficulties and expenses (explosion, blow, overload, mistakes made by individuals);

2) safety in case of fire, i.e. in the event of an outbreak of fire the load-bearing capacity of the construction can be assumed for a specific period of time; the generation and spread of fire and smoke within the construction works are limited, the spread of the fire to neighbouring construction works is limited; people inside the works can safely leave it or they can be saved in other ways; fire alarm and extinguishing systems are operable; the safety of rescue teams (firemen) is taken into consideration;

3) hygiene, health and the environment, i.e. it will not be a threat to the hygiene or health of the occupants or neighbours, in particular as a result of any of the following: the giving-off of toxic gas, the presence of dangerous particles or gases in the air, the emission of dangerous radiation, pollution or poisoning of the water or soil, faulty elimination of waste water, smoke, solid or liquid wastes, the presence of damp in structures of the construction works or on surfaces within the construction works;

4) safety in use, i.e. that it does not present unacceptable risks of accidents in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion;

5) protection against noise, i.e. noise perceived by the occupants or people nearby is kept down to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions;

6) energy economy and heat retention, i.e. the amount of thermal energy required in use shall not exceed the required amount, having regard to the climatic conditions of the location and the occupants (i.e. calculated in accordance with the requirements of hygiene norms and the purpose of a building or its spaces).

These essential requirements (one, several or all) and the technical parameters of the construction works pursuant to the levels and classes of characteristics of construction works or construction products shall be established by legal acts of the institutions authorised by the Government according to the competence established by the Government.

Classification of construction works according to their purpose, and their working life (taking into consideration the construction products they are built from, climatic conditions and the purpose of use) shall be established in normative technical construction documents.”

425. The minimum safe governed structure of the premises of a residential building has been established in the Construction Technical Regulation STR 2.02.01:2004 “Residential Buildings”, approved by Order No. 705 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

Table 31.1.1. Structure of the premises of a residential building

Purpose of the premises	A single-apartment building	A multi-apartment building		The first floor of a two-storey apartment	An apartment for one person
		Common use premises	Apartment		
1. A living room or a separable part of premises for daily communication	+		+	+	+ A living room
A bedroom or a separable part of premises for sleeping and rest	+		+	+	
A kitchen or a separable part of premises (niche) for cooking and storing food	+		+	+	+
4. A dining room or part of the kitchen for having meals	+		+	+	
A room for household chores * Alternative: A washhouse and drying area for the house community or its part (residents of the apartments of one staircase)	+	*	+	+	
6. WC	+		+	+	
A bathroom * Alternative: A shower-bath and a WC in one room	+ *		*	*	+
8. A lumber room or a built-in closet	+		+	+	+
9. A hall or a corridor with a closet (place) for upper clothes and footwear	+		+	+	+
10. Premises or part of the premises for keeping the tools for gardening and cleaning the premises	+	+			
Premises or part of the premises for perambulators, bicycles, wheelchairs, sports and game equipment * Alternative: A bicycle storehouse may be equipped outside	+	+ *			
Premises for temporary storage of household garbage * Alternative: An area for temporary storage of household garbage may be arranged in the plot where the building stands	+ *	+ *			
Premises of part of the premises for technical system equipment * Alternative: Technical premises according to the needs	+ *	+ *			
14. A boiler room and a fuel storeroom, or premises for the heating unit of the centralised heating supply system	+	+			
15. Entry portal	+	+**			
16. A staircase		+			
17. A common corridor (depending on the type of the house)		+			
18. A gallery (depending on the type of the house)		+			
19. A lobby, a part whereof is used for a lift		+			
20. A lift		+			

426. Section XV of the aforementioned construction regulation establishes the following requirements for the engineering services.

427. The overall design of housing must include at least the following engineering services:

- Space heating;
- Cold and hot water supply;
- Domestic waste water;
- Ventilation;
- Energy supply;
- Household garbage disposal.

428. Space heating requirements:

- A residential building must have a centralised or autonomous heating system with local or centralised heating supply (production);
- A residential building may have solid fuel closed or open kilns (hearths);
- The space heating system must be designed in order to meet the requirements set for sufficient thermal environment of the premises.

429. It should be noted that in accordance with the legislation of the Republic of Lithuania, renovation (modernisation) of buildings is applied the same requirements as new construction.

The state subsidises housing loans to large families, young couples with children and disabled persons by meeting 20% of the total cost. There is also a programme to improve water supplies to rural areas and small towns. The Committee asks for detailed information in the next report on progress towards remedying these shortcomings.

Subsidies for paying part of housing loans

430. A subsidy for paying part of housing loans is granted for recipients of loans, provided they have taken out a state subsidised loan from the state subsidised housing loan limit fixed for banks by municipalities and provided they are:

- orphans or persons who had been deprived of parental care or their families until they reach the age of 35; families raising three or more children (adopted children); or persons for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who have been recognised as incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who have attained the retirement age and have been established the necessity of meeting their special needs; or families where a family member is a person for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who has been recognised as incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who has attained the retirement age and has been established the necessity of meeting their special needs, shall be reimbursed 20 per cent of the amount of the housing loan (or the outstanding balance of the loan);
- young families raising one or two children (adopted children) and families where one of the parents is deceased shall be reimbursed 10 per cent of the amount of the housing loan (or the outstanding balance of the loan).

431. If the recipient of the housing loan is granted the right to the subsidy after he/she took out a state subsidised housing loan from the housing loan limit fixed for banks by municipalities, the subsidy shall be calculated of the outstanding balance of the loan.

432. Subsidised housing stock has been formed in municipalities in order to ensure efficient implementation of the right to adequate housing.

433. The development of municipal subsidised housing stock is funded from the target appropriations of the state budget and municipal funds, by constructing new or reconstructing and adapting present buildings, also by purchasing or acquiring in any other lawful way residential houses, parts thereof and apartments. Residential houses, parts thereof and apartments acquired in the said manner are registered by title of a municipality. Appropriations from the state budget for the development of the subsidised housing stock are planned and allocated among municipalities according to the programme of the development of subsidised housing stock approved by the Government.

Responsibility for adequate housing

The regional planning and construction inspectorate is responsible for enforcing housing standards. **The Committee asks for details of its powers, how its inspections are carried out and how often, and whether its decisions have binding force.**

434. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment of the Republic of Lithuania (hereinafter referred to as the STPCI) carries out state supervision of territorial planning and construction of the Republic of Lithuania. In a selective way, the STPCI checks whether the design and examinations of structures comply with the regulatory technical construction documents and whether construction permits have been issued in accordance with the prescribed procedure. State supervision of newly constructed special structures is carried out by inspections. Inspections are conducted at the following procedure:

- The following stages are obligatory:
 Stage I – foundations, cellar (if any);
 Stage II – the main load-carrying constructions (having performed geodetic control of their parameters);
- Selective inspections at any stage of the construction process.

435. State supervision of other (non-special) structures is carried out selectively at the established procedure. All obligations imposed by the STPCI are obligatory.

Table 31.1.2. State supervision of construction of structures in 2009

No.	Counties	Number of inspected structures		Administrative penalties during the reference period		Proposals to suspend or withdraw the documents, pcs.*
		All/with violations	Special/with violations	Number of imposed penalties	Amount of imposed penalties, LTL	
1.	Alytus	214 / 45	33 / 1	20	43,500	
2.	Kaunas	947 / 93	160 / 35	19	28,000	1
3.	Klaipėda	142 / 74	28 / 6	32	94,850	
4.	Marijampolė	84 / 44	14 / 5	22	28,000	
5.	Panevėžys	106 / 23	37 / 7	16	23,900	
6.	Šiauliai	249 / 50	61 / 16	29	42,450	3
7.	Tauragė	140 / 19	21 / 1	15	12,500	
8.	Telšiai	102 / 14	17 / 2	7	16,000	
9.	Utena	509 / 150	64 / 22	26	48,500	
10.	Vilnius	435 / 143	62 / 10	70	259,100	
	Total:	2,928 / 655	497 / 105	256	596,800	4

Notes: 1. The table covers all inspections of structures, including acts of arbitrary construction, except for the cases where structures have been acknowledged as suitable for use and certificates on incomplete construction have been issued.

* – Proposals to suspend or withdraw documents of contractors and contract managers of the main areas of technical activity, which entitle them to engage in respective construction technical activity, for the violations of the requirements of legal acts committed by contractors and contract managers. (Data from the STPCI)

The Committee considers 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 urban development rules and maintenance obligations for landlords. Public authorities must also guard against the interruption of essential services such as water, electricity and telephone. **The Committee asks for detailed information in the next report on all the aforementioned points.**

Conditions and ways to provide state support for the modernisation of multi-apartment buildings

436. State support for the modernisation of multi-apartment buildings is provided to all owners of apartments of multi-apartment buildings, despite the form of administration of common shared property of owners:

- by reimbursing at most 50 per cent of the state supported investments for the modernisation of multi-apartment buildings, having regard to energy efficiency of these investment projects implemented in accordance with the programme for the modernisation of multi-apartment buildings approved by the Government of the Republic of Lithuania or respective programmes approved by municipalities;

- by reimbursing the expenses of modernisation of a multi-apartment building, carried out according to investment projects, incurred by poor families (single residents): an initial contribution or a part thereof paid by these persons, loan insurance premium or a part thereof, the loan or a part thereof and the interest or a part thereof.

437. It is prohibited to levy execution according to the apartment owner's non-fulfilled obligations concerning the payment of his/her part of renovation (modernisation) projects to his/her apartment in a renovated (modernised) building, if it is the only dwelling of a family (single resident).

438. The State Enterprise Centre of Registers carries out the registration and takes inventory of construction works (including housing). Municipalities are responsible for the supervision of the use of construction works. State control of construction is performed by the STPCI.

439. Following CiC and the Law on Heat Economy, municipalities ensure that heating, cold and hot water supply is not cut-off for the residents.

Legal protection for the right to adequate housing

The Committee considers that effectiveness of the right to adequate housing implies its legal protection. This means that tenants or occupiers must have access to affordable and impartial judicial remedies. **The Committee underlines that it attaches particular importance to legal protection of the right to housing and asks for relevant information in the next report.**

440. The right to housing is protected by CiC, the Law on State Support for the Acquisition and Lease of Housing and Renovation (Modernisation) of Multi-Apartment Buildings, and the Law on the Protection of the Rights of the Child.

Article 31§2

Reference period: 01.01.2003 – 31.12.2009

- 1) **Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**
- 2) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- 3) **Please provide pertinent figures, statistics or any other relevant information on the number of homeless, emergency and longer-term measures for homeless, as well as evictions.**

Responses to the questions and conclusions of the European Committee of Social Rights:

The Committee notes, from another source³, that the government plans to give municipalities financial support to encourage NGOs to develop a network of services to establish different types of temporary accommodation. Reducing homelessness requires the introduction of measures such as provision of immediate shelter and care for the homeless and measures to help such people overcome their difficulties and prevent a return to homelessness. **The Committee considers that such measures must remain a government responsibility and asks for information in the next report on what steps have been taken to achieve this.**

The Committee considers that the parties must prevent categories of vulnerable people from becoming homeless. This requires states to introduce a housing policy for all disadvantaged groups of people to ensure access to social housing. The report states that the majority of the homeless are deprived of housing for very long periods (28% one to five years, 30% five to ten years and 25% more than ten years). It is clear from this information that there is a need for long-term measures to remedy this situation. The Committee notes that the authorities plan to provide 8,000 to 10,000 social housing units by 2010. **It asks for information in the next report, including detailed facts and figures, on the steps taken and progress achieved.**

The Committee also asks for information in the next report on the conditions governing eligibility for social housing, the waiting times for its allocation and the remedies available in the event of excessive waiting times.

The right to housing must not be subject to any kind of discrimination on any grounds mentioned by Article E of the Revised Charter. **The Committee therefore asks whether non-nationals lawfully residing or working regularly in Lithuania are eligible for social housing without discrimination.**

The Committee notes⁴ that one of the objectives of housing policy is to increase housing assistance for persons on low incomes. **It asks for information in the next report on measures introduced.**

Entitlement to municipal subsidised housing or improvement of its conditions

441. The right to municipal subsidised housing is granted to families and persons whose income and property of a calendar year previous to the year of an application to include into the respective list of families and persons entitled to subsidised housing and previous to the year of granting municipal subsidised housing is smaller than the income and property, the maximum amounts whereof are established by the Government, provided they do not own housing by title in the territory of the Republic of Lithuania or the useful floor space of their available housing per family member is smaller than 10 square metres, or smaller than 14 square metres if there is a family member for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who has been recognised incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who has attained the retirement age and has been established the necessity of meeting special needs, or a

³ National action plan against poverty and social exclusion 2004-2006, (consulted the European Commission's website: <http://www.europa.eu>).

⁴ National action plan against poverty and social exclusion 2004-2006, (consulted the European Commission's website: <http://www.europa.eu>).

person is severely ill with a chronic disease included in the list approved by the Government or its authorised institution.

442. The family and the person living in subsidised housing rented by the municipality, if the useful floor space of subsidised housing per family member is smaller than 10 square metres, or smaller than 14 square metres in specified cases, and their income and property of a calendar year previous to the year of the improvement of the conditions of subsidised housing does not exceed the amounts fixed by the Government, are entitled to the improvement of the conditions of subsidised housing. Having been provided with another housing or having acquired housing by title, the family or the person must vacate the rented municipal subsidised housing within a month.

443. Families and persons, who have been granted state supported housing loan but who have lost their housing acquired for the loan due to borrowing or other obligations or have transferred their housing to other persons, or with whom the lease contract of subsidised housing has been terminated because of their violations of the contract, shall be granted the right to municipal subsidised housing after five years from the date of deprivation of housing, transfer of housing to other persons or termination of the lease contract in accordance with the conditions of this part.

Standard useful floor space of subsidised housing

444. When renting subsidised housing, account is taken of the fact whether there is a possibility for separate rooms for persons for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who have been recognised as incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who have attained the retirement age and have been established the necessity of meeting special needs, or persons who are severely ill with chronic diseases included in the list approved by the Government or its authorised institutions, as well as children of different gender. In these cases the useful floor space of housing rented to a family by the decision of a municipal executive body may exceed the standard useful floor space. Useful floor space of subsidised housing rented to a family may also be enlarged if there are no available apartments in the municipal subsidised housing stock.

445. If one-room apartment is rented, its useful floor space per family member may be bigger than calculated according to the established standard.

Amount of rental of subsidised housing

446. The amount of rental of subsidised housing is established by municipal institutions, following the Description of the Procedure for Calculating the Rental of State and Municipal Residential Premises approved by the Government.

Procedure and conditions of renting subsidised housing

447. Having filed a written application, families and persons entitled to municipal subsidised housing or the improvement of its conditions shall be registered in the municipal executive body according to the place of residence declared by the person (in case of a family – by one of spouses) at the established procedure, or if the person does not have a place of residence – according to the municipality, where he/she resides. Documents, proving the right to subsidised housing or the improvement of its conditions, shall be enclosed with the application. A municipal executive body shall establish the procedure of registration.

448. Lists of families and persons, entitled to subsidised housing, shall be compiled according to the date of registration of an application in the municipal executive body. The following types of lists are compiled:

- 1) Young families;
- 2) Families raising three or more children (adopted children);
- 3) Orphans or persons deprived of parental care. The list includes former orphans and persons deprived of parental care or their families, who are under 35 years of age upon expiry of the term of their guardianship or imprisonment;
- 4) Disabled persons and families with disabled family members. This list includes persons for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who have been recognised as incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who have attained the retirement age and have been established the necessity of meeting special needs, as well as families with a family member for whom severe or moderate disability has been established pursuant to the Law on Social Integration of the Disabled or who has been recognised as incapacitated (lost 75–100 per cent of capacity for work) or partially incapacitated (lost 60–70 per cent of capacity for work), or who has attained the retirement age and has been established the necessity of meeting special needs, or persons who are severely ill with chronic diseases included in the list approved by the Government or its authorised institution, and families with a family member ill with such a disease;
- 5) General list. It includes all families and persons who cannot be registered into the lists specified in items 1–4;
- 6) Tenants of subsidised housing entitled to the improvement of housing conditions.

449. Municipal subsidised housing is rented according to the order of priority. If the family and the person, included in the list for renting municipal subsidised housing, acquire the right to be included in another list, they may be re-registered in another list at their request. The waiting time of their initial list shall not be annulled. Priority is given to families and persons included in the list of orphans or persons deprived of parental care. The municipal council establishes the priority of other lists. A municipal executive body makes the decision to rent subsidised housing. The lease contract with tenants of municipal subsidised housing is concluded in compliance with CiC. Upon consent of the parties, the lease contracts may envisage the terms and conditions concerning the removal of a tenant to housing of a smaller area. After a family or a person acquires housing by title, a lease contract of subsidised housing is terminated at the procedure established in the contract.

450. Residential premises of the municipality are rented at the procedure established by a municipal council to families and persons who are not included in the lists, who have lost housing due to fire, flood, storm or other circumstances beyond human control, who do not own another suitable housing by title in the territory of the Republic of Lithuania, as well as to families raising five or more children and families in which three or more children are born at a time. Information about the residential premises rented in cases specified hereinabove is made public at the procedure established by a municipal council.

Forced eviction

The Committee therefore asks for information on the nature and scope of judicial supervision before evictions can be ordered, the number of appeals against eviction orders and the cases in which legal aid may be granted and who is eligible for it.

451. Article 664 of the Civil Procedure Code of the Republic of Lithuania (hereinafter referred to as the CiPC) (Law No. IX-743 of 28 February 2002) stipulates the order of priority of asset recovery from debtors natural persons. Recovery of housing is given the last, i.e. fifth priority. Paragraph 1 of the said article establishes that the first priority is given to recovery of mortgage and assets pledged as collateral security in the event that recovery is performed on behalf of the

mortgagee or pledgee. The second priority is given to recovery of the debtor's cash, property rights, securities, salary, grants or other income or movable property. Paragraph 3 of the said article lays down the third priority of recovery of real property owned by the debtor, except the property specified in paragraphs 4 and 5 of the article. Article 664(4) of the CiPC provides that the fourth priority is given to recovery of agricultural land owned by the debtor, if agriculture is the principal business activity of the debtor. The fifth priority is given to recovery of housing owned by the debtor where he resides (Article 664(5) of the CiPC).

452. Natural persons may be evicted from residential premises only by court procedure, and eviction must be executed at the procedure prescribed by legislation. Article 769 of the CiPC stipulates eviction from residential and non-residential premises. Article 769(1) lays down that only persons indicated in the writ of execution must be evicted from residential premises, together with their owned property, by court judgment. Paragraph 2 of the said article establishes that the debtor shall be notified of the time of eviction in writing not later than five days beforehand. Pursuant to paragraph 3 of the article, if minors are evicted without granting another place of residence, the bailiff shall notify the state child rights protection institution of the time and place of eviction in writing not later than five days before the date of eviction.

453. Article 769(4) of the CiPC stipulates that eviction is usually executed in the presence of the evicted person. If the evicted person is hiding or does not obey the bailiff's urging to vacate the premises, the bailiff executes forced eviction in the presence of a police representative and a custodian. The bailiff draws up a protocol of forced eviction in the form established in the Instruction of Enforcement of Judgments approved by Order No. 1R-352 "On the Approval of the Instruction of Enforcement of Judgments" of the Minister of Justice of the Republic of Lithuania of 27 October 2005. Therefore, in the absence of a court judgment eviction cannot be executed. If eviction is executed in non-compliance with the requirements of Article 769 of the CiPC, the bailiff's proceedings may be appealed against at the procedure prescribed by legislation. Section XXXI of the CiPC lays down the procedure for the hearing of cases of bailiff's and notary's actions. Therefore, courts carry out the supervision of bailiffs' activities. Article 510(3) of the CiPC provides that filing of an appeal shall not suspend enforcement; however, the court, where necessary, has the right to suspend enforcement at the written procedure.

454. It should be noted that courts, when dealing with cases of eviction from residential premises, refer to the case-law of the European Court of Human Rights. In the civil case No. 3K-3-524/2006, the Supreme Court of Lithuania stated that, in accordance with the provisions of Article 3 of the CiPC, both the Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights, which interprets the Convention, are an integral part of the Lithuanian legal system. The Supreme Court of Lithuania has pointed out specifically this evaluation of the Convention and the case-law of the European Court of Human Rights (Order of the Supreme Court of Lithuania of 28 February 2000 in the civil case No. 3K-3-128/2000; Order of the Supreme Court of Lithuania of 24 March 2003 in the civil case No. 3K-3-294/2003; Order of the Supreme Court of Lithuania of 13 May 2004 in the civil case No. 3K-7-298/2004). The courts state that, having regard to the case-law of the European Court of Human Rights (case *Novoseletskiy v. Ukraine* No. 47148/99), in settling any dispute regarding a person's eviction the following aspects must be considered: the scope of regulation of eviction in laws, if yes, whether eviction is executed for the lawful purposes of the state, if yes, whether it is necessary for the interests of a democratic society and whether it is proportionate to the lawful purposes (e.g. Order of the Supreme Court of Lithuania of 17 October 2006 in the civil case No. 3K-3-524/2006).

455. Law No. I-983 of the Seimas of the Republic of Lithuania of 3 July 1995 ratified the 1989 United Nations Convention on the Rights of the Child, which is an integral part of the legal system of the Republic of Lithuania and is applied together with the national legislation. Article

3(1) of the Convention provides that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. In its order of 24 February 2010 in the civil case No. 2A-55-264/2010, Kaunas District Court stated that Article 6.612 of CiC provides for a possibility to evict a person who lives without having concluded a lease contract. However, in a concrete situation, the court must pay regard to the balance of interests of both parties and decide whose interests are more important: the state's, which is represented by the plaintiff as a state institution, or an individual's; a public interest or the interest of a citizen. **The court stated in the above order that eviction of the defendant and her minor daughters without providing them with another suitable dwelling, with regard to the social status of the defendant, will basically violate her and her children's interests; therefore, the defendant's interests outweigh the lawful purposes of the state and eviction is disproportionate to the lawful purpose.**

456. According to the data from the National Court Administration, 313 cases of eviction were started in 2009; 320 cases in 2008; 347 cases in 2007; 394 cases in 2006; 616 cases in 2005.

457. Point 8 of Article 12 of the Republic of Lithuania Law on State-Guaranteed Legal Aid stipulates that debtors in execution proceedings, when a recovery is levied against the last housing wherein they reside, shall 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. Parents or other legal representatives of minor children, when the issue of their eviction is being considered, shall also 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 (Point 9 of Article 12 of the Republic of Lithuania Law on State-Guaranteed Legal Aid).