



March 2024

## **European Social Charter (REVISED)**

European Committee of Social Rights

Conclusions 2023

**LITHUANIA**

*This text may be subject to editorial revision.*

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Lithuania, which ratified the Revised European Social Charter on 29 June 2001. The deadline for submitting the 20th report was 31 December 2022 and Lithuania submitted it on 12 January 2023.

The Committee recalls that Lithuania was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

The comments of the United Nations High Commissioner for Refugees (UNHCR) on the 20th report were registered on 14 July 2023. The Government's response to these comments was registered on 2 October 2023.

Lithuania has not accepted the following provisions from the above-mentioned group: 19§2, 19§4, 19§6, 19§8, 19§12, 31§3.

The conclusions relating to Lithuania concern 30 situations and are as follows:

– 24 conclusions of conformity: Articles 7§2, 7§4, 7§§6-10, 8§§1-5, 16, 17§2, 19§1, 19§3, 19§5, 19§7, 19§9, 19§10, 19§11, 27§§1-3.

– 6 conclusions of non-conformity: 7§1, 7§3, 7§5, 17§1, 31§§1-2.

Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter).

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 1 - Prohibition of employment under the age of 15*

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

As regards the situation concerning the duration of light work during school holidays, the Committee has previously considered that the situation was in conformity with the Charter, following the amendments that were introduced.

As regards the situation concerning the duration of light work during school term, in its previous conclusion, the Committee considered that the daily duration of working time on non-school attendance days (6 hours) was excessive and therefore the work could not be regarded as light.

The Committee recalls that, under Article 7§1 of the Charter, children who are still subject to compulsory schooling can carry out light work for two hours on a school day and 12 hours a week in term time outside the hours fixed for school attendance. However, a situation in which a child under the age of 15 works for between 20 and 25 hours per week during school term, or three hours per school day and six to eight hours on weekdays when there is no school, is contrary to the Charter.

The Committee notes that in Lithuania, according to Article 37.2.1 of the Occupational Safety and Health Law, children can perform light work up to 6 hours per day on days on which they do not attend school. The Committee considers that the situation, which it has previously found not to be in conformity with the Charter, has not changed. Therefore, it reiterates its previous finding of non-conformity.

As regards the Committee's targeted questions, it notes from the report that the State Labour Inspectorate (SLI) takes the lead in national efforts to build local capacity to address child labour and forced labour, to control illegal work and to ensure that the principles of international labour standards, including the elimination of child labour are implemented at the enterprise level. The SLI holds awareness-raising campaigns in schools and youth centres to highlight the rights and obligations of persons in the field of labour relations. It conducts planned and unplanned inspections to detect violations involving the illegal work of minors. In 2021, the SLI carried out 3 881 work inspections during which 27 minors were identified as working illegally. The employers or their representatives are liable to a fine ranging from €868 to €2 896 for each undeclared worker.

### *Conclusion*

The Committee concludes that the situation in Lithuania is not in conformity with Article 7§1 of the Charter on the ground that, during the school term, the daily working time outside school days is excessive and therefore the work cannot be regarded as light.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*

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

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Lithuania was in conformity with the Charter. However, the Committee asked for information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment under the age of 18 for dangerous or unhealthy activities.

The Committee notes from the report that the Government is strictly regulating the list of works prohibited for minors as well as harmful and dangerous factors to their health. The full list of prohibited work and the list of factors harmful and dangerous to health is approved by the Government in its Resolution No.518 of 28 June 2017 "On the Approval of the Procedures for the Employment of Persons up to the Age of 18 Years, the Organisation of Work and Vocational Training, and the Description of the Terms and Conditions of the Employment of Children".

The State Labour Inspection, through scheduled or unscheduled inspections is regularly monitoring the situation related to the employment of persons under the age of 18 for dangerous or unhealthy activities. From the available data for the period from 2018 to 2021, no violations regarding the work of persons under the age of 18 in inappropriate conditions and/or dangerous and health-harmful work were found. Economic entities wishing to receive methodological assistance on issues related to the implementation of legal acts regulating occupational safety and health as well as labour relations have the opportunity to invite a labour inspector to their company for consultation.

### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 7§2 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 3 - Prohibition of employment of children subject to compulsory education*

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

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

The Committee refers to its conclusion under Article 7§1 of the Charter and considers that the situation is not in conformity with the Charter on the ground that the daily duration of working time on non-school attendance days is excessive and therefore the work cannot be regarded as light.

### *Conclusion*

The Committee concludes that the situation in Lithuania is not in conformity with Article 7§3 of the Charter on the ground that the daily duration of working time of children in compulsory education on non-school attendance days is excessive and may deprive them of the full benefit of education.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 4 - Working time*

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

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in Latvia was in conformity with Article 7§4 of the Charter, pending receipt of the information requested on activities and findings of the State Labour Inspectorate (Conclusions 2019). The Committee requested up-to-date information on activities and findings of the State Labour Inspectorate with regard to the legislation on reduced working time of young workers who are no longer subject to compulsory education, including the number of inspections conducted, the number of violations detected and the sanctions imposed in practice.

The report states that the (Labour Inspectorate) SLI through scheduled or unscheduled inspections is regularly monitoring the situation in relation to violations concerning work and rest time of young persons. Violations of working and rest periods accounted for 37 per cent of total labour law infringements in 2021 (40 per cent in 2020, 45 per cent in 2019 and 60 per cent in 2018).

The report further specifies that a principal sanction takes the form of administrative fines. The Committee notes that, outside of the reference period, on 1 November 2021, the Law amending the Code of Administrative Offences, entered into force doubling fines for violations of labour and other laws. The minimum fine for infringements of working time records was doubled to EUR 300. The maximum fine for infringements of working time records is EUR 1 450 and the maximum fine for repeated infringements is between EUR 1 400 and EUR 3 000.

### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 7§4 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 5 - Fair pay*

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

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee deferred its previous conclusion pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral and to the targeted questions.

### ***Fair remuneration for young workers and apprentices***

The Committee noted previously that young employees are entitled to the same wages as adults (Conclusions 2004). In its previous conclusion, the Committee considered that the situation regarding the wages paid to young workers was in conformity with the Charter, as in 2016 the net monthly minimum wage amounted to 45.2% of the net average monthly wage, close to the 48% threshold required (Conclusions 2019). The Committee considered, however, that there was a decrease compared to 47.4% in 2016 and that should the percentage decrease further in the next reference period, it may be assessed as not in conformity. The Committee therefore requested information to be provided to show that the net monthly wage was sufficient to provide a decent standard of living.

The Committee recalls that, in application of Article 7§5, domestic law must provide for the right of young workers to a fair wage and of apprentices appropriate allowances. This right may result from statutory law, collective agreements or other means. The “fair” or “appropriate” character of the wage is assessed by comparing young workers’ remuneration with the starting wage or minimum wage paid to adults (aged eighteen or above). In accordance with the methodology adopted conclusions XII-2 (1992), Malta).

The report provides that employers and employees unanimously agreed at the meeting of the Tripartite Council of 21 September 2017 that the minimum wage level should be linked to the average wage and account for 45-50 per cent of it. In 2022, the Government approved the minimum monthly wage for 2023 (outside the reference period) amounting to EUR 840.

The Committee refers to its conclusion under Article 4§1 (Conclusions 2022), in which it had noted that despite considerable progress made in raising the minimum wage, it remained below 50% of the average wage. The Committee observed that the minimum wage stood at € 437 net in 2020 and the average wage amounted to € 913 net. The Committee notes that the percentage of minimum wage with respect to average wage was 47,9% in the reference period, very close to the 48% threshold required and more than in the previous conclusion (Conclusions 2019). Accordingly, it considers that the situation is in conformity with the Charter as regards fairness of remuneration for young workers.

Concerning the apprentices, the Committee previously asked whether all apprentices receive an allowance which cannot be less than the minimum monthly wage indicated in the report and also asked to be provided with examples of allowances paid to apprentices at the beginning and at the end of the apprenticeship (Conclusions 2019).

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



The report does not contain specific information about the questions asked previously by the Committee. Due to the failure to provide the information, the Committee concludes that the situation in Lithuania is not in conformity with Article 7§5 of the Charter on this point.

### ***Fair remuneration in atypical jobs***

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and
- iii) having zero hours contracts.

The report states that in Lithuania, the minimum wage is not differentiated for different groups of workers. It further provides that every child until the age of 18 receives a monthly EUR 80.5 financial contribution. The term can be extended up to the age of 23 for children who are engaged in general education program.

### **Enforcement**

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that the Labour Code and other legal acts do not distinguish separate rules for payment of work for employees under the age of 18. The same rules are applied for all employees (adults as well as employees under the age of 18) regarding the procedure and requirements for payment of wages. It is possible to apply a request form regarding improperly paid wages or other appropriate allowances directly to the Labour Disputes Commission of the SLI. As a mean to monitor the situation in practice scheduled inspections as well as unscheduled inspections in response to received complaints and other reports related to persons under 18 years of age are carried out.

### *Conclusion*

Due to the failure to provide the information listed below the Committee concludes that the situation in Lithuania is not in conformity with Article 7§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Lithuania of their reporting obligations under Article C of the Charter.

List of questions:

- amount of allowances paid at the beginning and at the end of the apprenticeship.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 6 - Inclusion of time spent on vocational training in the normal working time*

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

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In its previous conclusion, the Committee found that the situation in Lithuania was in conformity with Article 7§6 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee has previously recalled that the situation in practice should be regularly monitored and requested for information on the monitoring activities and findings of the State Labour Inspectorate in relation to inclusion of time spent on vocational training in the normal working time.

The report states that monitoring of the situation in practice is carried out through planned and unplanned inspections. Information regarding relevant legislation is continuously provided to the public through various information dissemination sources of SLI. It further specifies that after analysing the data of inspections carried out during the period of 2018-2021, the SLI found that there were no violations registered regarding the working hours and vocational training during the normal working hours for employees under the age of 18.

### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 7§6 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 7 - Paid annual holidays*

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

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Lithuania was in conformity with Article 7§7 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

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

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 8 - Prohibition of night work*

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

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Lithuania was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the monitoring activities and findings of the State Labour Inspectorate in relation to prohibition of night work for young workers under 18 years of age. The report notes that, during the reference period, the Labour Inspectorate did not record any breaches of the regulations concerning the prohibition in question.

### *Conclusion*

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

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 9 - Regular medical examination*

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

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Lithuania was in conformity with Article 7§9 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the monitoring activities and findings of the Labour Inspectorate in relation to regular medical examination of young workers. The report notes that monitoring by the Labour Inspectorate takes place through planned and unplanned inspections, and that two violations of the law as regards medical examinations of young workers were detected during the reference period.

### *Conclusion*

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

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 10 - Special protection against physical and moral dangers*

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and the targeted questions.

### ***Protection against sexual exploitation***

The Committee previously asked for updated information on the number of children recognised as victims of sexual crimes. It also sought confirmation that sexual exploitation, child prostitution, child pornography involving all children under the age of 18 were criminalised. It also requested information on whether the principle that child victims of sexual exploitation should not be prosecuted for any act connected with this exploitation was respected by Lithuania (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that in 2021, 239 cases of sexual violence were recorded, in 2020 – 185 cases, in 2019 – 221 cases and in 2018 – 151 cases. In 2019 and 2020, one case of possible child trafficking was identified and in 2021 – 2 cases. The report further states that the sexual exploitation of children, child prostitution, child pornography are criminalised under the Criminal Code. Children who are victims of acts of a sexual nature (pornography, prostitution, sexual exploitation) are not prosecuted under Lithuanian criminal law.

In reply to the targeted question, the report states that, as of 1 July 2018, the child rights protection function was transferred from municipalities to the State Child Rights Protection and Adoption Service (Service). The Service replies to reports of possible violations of children’s rights 24 hours a day, seven days a week. It organises various kinds of training on issues related to child protection. In 2019, the Service prepared recommendations for its territorial division specialists on a more effective identification of possible victims of human trafficking.

The report further states that in August 2021, Lithuania faced a huge challenge related to the arrival of a flow of illegal migrants and families with minors and unaccompanied minors. To ensure their rights, Order No. BV-277 “On the organisation of work during the emergency situation due to the mass influx of foreigners” was adopted and all the Service’s heads of territorial divisions were instructed to carry out visits to the places of accommodation of unaccompanied minors at least once a week and to the places of accommodation of families with minors – at least once every two weeks. Not a single case of sexual abuse of minors was identified in accommodation for foreigners.

The report states that the Service has been taking action to protect migrant children from sexual violence and from the threat of child trafficking through special training, distribution of leaflets in foreign languages (such as Ukrainian) on the system of protection of children’s rights in Lithuania.

The report states that in 2021, the police carried out inspections and took preventive measures for families at risk, foster homes, children's gathering places. No signs of criminal acts were detected.

### ***Protection against the misuse of information technologies***

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that Article 151 of the Criminal Code criminalises harassment of a person under the age of 16. This Article also covers cases where criminal acts are committed in the digital environment.

The report also states that the police launched the "Virtual Patrol" project to prevent violations of law in the virtual space. In October 2020, the police carried out scanning and targeted screening of 128 websites and comments in order to identify potential threats and risks related to children exploitation, and inspected five persons.

The report further states that Lithuania is connected to the Child Sexual Exploitation database where any material found to involve child sexual exploitation is checked and uploaded, as well as to the database of the USA National Centre for Missing and Exploited Children.

The report states that all interned users who encounter child abuse, violence or bullying, pornography, distribution of drugs, incitement to racial and national hatred in the digital space are invited to report it immediately to svarusinternetas.lt (clean internet in English). All Lithuanian providers of electronic information hosting services are invited to join the Memorandum on Clean Internet Environment, a soft law instrument prepared by the Communications Regulatory Authority.

### ***Protection from other forms of exploitation***

The Committee previously asked for information on measures taken to detect and assist child victims of trafficking. It also requested to be informed about measures taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas (Conclusions 2019).

The report states that upon identifying or receiving the information of possible violation of the rights of the child, the Service's specialists meet and communicate with the child, assess the child's situation, carry out other actions provided for by law. When a child is a victim of human trafficking and is in the foreign country, the Service cooperates on the minor's return to Lithuania. Children who have been victims of trafficking for the purpose of sexual exploitation are also assisted through the Child Victims of Sexual Abuse Help Centre.

The report further states that if a child is found in a street situation, this is described either as 'presence of a child in a precarious environment' and/or as 'child neglect'. Primary prevention for children involves helping them to avoid social risk factors by adopting a healthy lifestyle and developing resistance to negative phenomena even before they are confronted with them.

The report states that the State Labour Inspectorate regularly monitors breaches of labour law, including the illegal employment of minors.

### ***Covid-19***

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information

technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that the child protection function continued to be carried out during the pandemic. Mobile teams also worked with families and children during the confinement and their work was not interrupted. A public campaign “Where to go for help” to prevent violence against children was organised and implemented in 2020. In 2020, an information leaflet was produced for parents, guardians/carers and children, providing clear information on children’s rights, among which the right to be protected from all forms of violence, including physical punishment.

The report further states that additional funding was provided to the Childline to ensure new possibilities for reporting violence by allowing children and young people to use the “chat” function. Psychosocial support and mediation services continued to be provided during the pandemic. Various recommendations were made to municipalities to ensure the provision of social services to the most vulnerable groups during the pandemic.

The report states that between 16 March and 17 June 2020, the Service registered 9,855 reports of possible violations of the rights of the child, which was an increase on the same period the year before, when 8,149 reports were registered.

#### *Conclusion*

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



## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 1 - Maternity leave*

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

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusion (Conclusions 2019), the Committee found that the situation was in conformity with Article 8§1 of the Charter, pending receipt of information on the legislative framework protecting employees from discriminatory treatment related to maternity leave, as well as statistical data concerning the average length of maternity leave and the number and percentage of employed women, both in the private and in the public sectors, who take less than six weeks' postnatal leave.

### ***Right to maternity leave***

The Committee previously asked for information on the legislative framework protecting employees from discriminatory treatment related to maternity leave, as well as statistical data concerning the average length of maternity leave and the number and percentage of employed women, both in the private and in the public sectors, who take less than six weeks' postnatal leave (Conclusions 2019). It previously noted that the Government had pointed out that Article 132(1) of the Labour Code provided that if an employee did not use her pregnancy or maternity leave, the employer had to grant 14 days starting from childbirth, irrespective of the employee's request.

The Committee recalls that, according to its case law, women are allowed to opt for a maternity leave shorter than 14 weeks but, in all cases, there must be a compulsory period of postnatal leave of no less than six weeks which the employee cannot waive. Where compulsory leave is less than six weeks, adequate legal safeguards must fully protect the right of employed women to choose freely when to return to work after childbirth – in particular, an adequate level of protection for women having recently given birth who wish to take the full maternity leave period.

The Government provides some statistical data, notably on the average days of a maternity leave, which was of 72.7 working days in 2017 and of 79.4 working days in 2021. It further refers to the fact that, to avoid discrimination, the employer may not give notice to the pregnant employee about impending termination of the employment contract or take a decision to terminate the employment contract until the day her baby turns four months old. The employment contract may only be terminated be taken only after this period has passed. Moreover, an employment contract with an employee raising a child/adopted child under the age of three cannot be terminated on the initiative of the employer without any fault on the part of the employee (Article 57 of the Labour Code). An employment contract with an employee on pregnancy and childbirth leave, paternity leave or childcare leave cannot be terminated at the will of the employer (Article 59 of the Labour Code).

The Committee considers therefore that the situation is in conformity with the Charter on this point.

### ***Right to maternity benefits***

The Committee had previously concluded that the situation in Lithuania was in conformity with the Charter on this point. Therefore, there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion.

***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The report does not provide the information on this point.

***Conclusion***

The Committee concludes that the situation in Lithuania is in conformity with Article 8§1 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 2 - Illegality of dismissal during maternity leave*

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

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

In its previous conclusion (Conclusions (2019)), the Committee concluded that the situation was in conformity with Article 8§2 of the Charter pending further information on the termination of an employee's contract during pregnancy or maternity leave.

### ***Prohibition of dismissal***

In the previous conclusion and following the adoption of a new Labour Code in 2017 (Conclusions 2019), the Committee requested information on the termination of a worker's contract of employment during pregnancy or maternity leave.

The report refers to Article 59 of the Labour Code, according to which an employment contract with a worker on maternity/paternity leave or childcare leave may not be terminated at the initiative of the employer.

Article 61 of the Labour Code prohibits the dismissal of pregnant employees and employees on maternity leave. An employment contract with a pregnant employee during her pregnancy and until the baby reaches four months of age may only be terminated by mutual agreement, at her initiative, at her initiative during the trial period, or when a fixed-term employment contract expires or when the employer ceases to exist (following a court decision).

### ***Redress in case of unlawful dismissal***

The Committee had previously concluded that the situation in Lithuania is in conformity with the Charter on this point. Therefore there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion of conformity.

### ***Covid-19***

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report states that the protection of pregnant employees or those on maternity leave remained unchanged. There were no exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 8§2 of the Charter.

**Article 8 - Right of employed women to protection of maternity**

*Paragraph 3 - Time off for nursing mothers*

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

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Lithuania to be in conformity with the Charter ( Conclusions 2019), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

*Conclusion*

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

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 4 - Regulation of night work*

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Lithuania was in conformity with Article 8§4 of the Charter pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the question previously posed and the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

According to the report the Law on Safety and Health at Work provides that workers who are pregnant, who have recently given birth or who are breastfeeding and who are transferred to another post shall be paid at least the remuneration received prior to the transfer. Article 37(8) of the Law on Safety and Health at Work provides that pregnant workers, workers who have recently given birth or who are breastfeeding may be assigned to night work only with their consent; where such workers do not agree to work at night or provide a certificate that such work would harm their safety and health, they shall be transferred to day-time work or, where such workers cannot be transferred to day-time work for objective reasons, they shall be granted leave until the beginning of pregnancy and maternity leave, during which the monthly salary continues to be paid.

In response to a previous question the report confirms that the new Labour Code does not alter the rules regarding night work and pregnant workers, workers who have recently given birth or who are breastfeeding.

### *Conclusion*

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

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work*

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Lithuania was in conformity with Article 8§5 of the Charter pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the previous question and targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The report states that the Law on Safety and Health at Work provides that workers who are pregnant, who have recently given birth or who are breastfeeding and who are transferred to another post shall be paid at least the remuneration received prior to the transfer. If it is not possible transfer a woman to an alternative post they will be granted leave until their child is 12 months old. The report confirms that the Labour Code provides that women have the right to return to their previous employment at the end of the protected period.

In response to the questions previously asked the report confirms that Resolution No 469 "on the description of the working conditions of pregnant women, women who have recently given birth or breastfeeding women" covers all specific risks such as exposure to ionising radiation and to extreme heat or cold.

### *Conclusion*

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

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

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

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

The Committee deferred its previous conclusion pending receipt of the information requested (1) on domestic violence against women and (2) on childcare facilities (Conclusions 2019).

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of deferral, and to the targeted questions.

### ***Legal protection of families***

#### ***Domestic violence against women***

First of all, the Committee notes that Lithuania has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in June 2013, but has not yet ratified it.

In its previous conclusions (Conclusions 2019 and 2015), the Committee asked for information on the prosecution of perpetrators of domestic violence, including relevant statistical data and examples of case law in order to assess in particular how the legislation was interpreted and applied. Therefore, it reserved its position on this issue.

In addition, among the targeted questions that it raised, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

In response, the report indicates that the law provides for rapid government action in domestic violence cases. In particular, the report indicates that the police and other law enforcement officials may, with court approval, require perpetrators to live separately from their victims and to avoid all contact with them. The Criminal Code was amended to include liability for stalking, and the Law on Protection against Domestic Violence were amended (to come into force in 2023, outside the reference period) to incorporate an emergency protection order against domestic violence into the legal system. The order will be issued by a police officer for a period of 15 days.

As regards preventive measures against domestic violence, the report indicates that the police focus on the causes of violence rather than its consequences. If the complaint of domestic violence is not substantiated, but the first check establishes that a conflict (without criminal or administrative consequences) has occurred between the persons in question, the police officers will check the circumstances again within 3 working days at the latest, during which time they will reassess the situation by contacting all parties involved in the incident. At least once every three months, complaints of domestic violence recorded in the Police Recorded Events Register are also analysed; a list of persons at high risk of domestic violence is then drawn up, with whom prevention activities are organised at least once a month.

Police officers also cooperate, at least once every three months, with other relevant institutions (prosecutors' offices, courts, children's rights protection units, specialised assistance centres, other non-governmental organisations) on issues related to the prevention, investigation and repression of domestic violence.

Prevention meetings are also held within the community to promote zero tolerance of domestic violence. Community members are trained to recognise domestic violence, informed of help

available, and encouraged not to tolerate and report incidents of domestic violence of which they are aware.

The Committee takes note of examples of case law presented in the report.

According to the data from the Department of Information Technology and Communications (part of the Ministry of the Interior), in 2021, a total of 39,718 criminal acts were recorded by the police, of which 14.6% are related to domestic violence (5,801). In 2020, 43,525 criminal acts were recorded, of which 16.4% are related to domestic violence (7,126). The report indicates that most victims of domestic violence are women. According to the data of the Police Crime Events Register, in 2021, 5,152 criminal acts related to domestic violence were investigated (88.8% of all such criminal acts recorded), and 6,468 (90.8%) in 2020. The Committee observes that not all criminal acts related to domestic violence have been investigated.

## ***Social and economic protection of families***

### ***Childcare facilities***

In its previous conclusions (Conclusions 2019; Conclusions 2015, Article 27§1), the Committee asked for updated information on the provision of childcare places, and whether services were affordable and of good quality (quality being assessed on the basis of the number of children under the age of six cared for, the ratio of staff to children, staff qualifications, the suitability of the premises and the amount of financial contribution requested from parents). In the meantime, it reserved its position on this point.

In response, the report indicates the number of children enrolled in pre-school education: in 2018, 120,855 in 731 establishments; in 2019, 121,717 in 739 establishments; in 2020, 122,583 in 716 establishments and in 2021, 124,028 in 720 establishments.

As regards the ratio of staff to children, the report states that there are no exact figures, but usually a group has one teacher and 1 or 2 assistant teachers. Groups in public kindergarten can have more than 20 children; those in private kindergartens usually have up to 15 children.

The report indicates that qualification requirements for pre-school and pre-primary teachers are regulated by Article 48 of the Law on Education, which defines who may work as a teacher, and the Description of Qualification Requirements for Teacher, approved by Order No. V-774 of the Minister of Education, Science and Sport of 29 August 2014.

Regarding the suitability of premises, the report indicates that children must be provided with safe learning conditions on the premises. In accordance with the requirements of the Hygiene Standard, the premises in which a pre-school and/or pre-primary education programme is carried out and the facilities therein must be safe, equipped and maintained in such a way as to prevent accidents. The Committee takes note of the very detailed information contained in the report regarding the suitability of the premises.

The Committee notes that Article 70 of the Law on Education stipulates that the amount of the financial contribution for the school fees of children educated in accordance with pre-school education programmes is to be determined by the institution. Public kindergartens are financed from the municipal budget, so parents only have to pay for food and informal tuition fees. Fees for private kindergarten mainly consist of two parts - tuition and food fees, and a one-off entrance fee.

### ***Family benefits***

#### ***Equal access to family benefits***



In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

In response, the report repeats the information already examined by the Committee during the previous monitoring cycle. Therefore, the Committee renews its conclusion of conformity on this issue.

### ***Level of family benefits***

Among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 26 July 2023) that the monthly median equivalised income stood at €800 in 2021.

The report indicates that child benefits are paid monthly to one of the parents (or the only parent) or guardian. The monthly amount is fixed at 1.75 of the Basic Social Benefit (BSB) (€80.5) for all children until the age of 18 (and 23 if they are studying under the general curriculum regardless of family income). In 2021, 517,064 children benefited from the universal child benefit.

An additional child benefit is paid to low-income families raising one or more children. The monthly amount is 1.03 BSB (€47.38) for each child. If there are one or two children, the monthly income per family member must be less than twice the amount of the State Supported Income (SSI) (€294), while there is no income limit for disabled children and in the case of three or more children. In 2021, 144,083 children received the additional child benefit.

The Committee observes that the universal child benefit amounted to 10% of the median equivalised income. The Committee also notes that in addition to this universal benefit, low-income families receive other allowances amounting to € 47.38. The Committee considers that child benefit constitutes a sufficient extra income for significant number of families.

### ***Measures in favour of vulnerable families***

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

In response, the report indicates that in accordance with the Law on Cash Social Assistance for Poor Residents of 1 December 2011, families and single residents who are unable to secure sufficient means of subsistence are entitled to cash social assistance. There are two types of cash social assistance: (1) a social benefit and (2) compensation for heating, drinking water and hot water costs. This support is means-tested: it takes into account the income received and the property owned (the value of the property should not exceed the average value of property established for the residential area in question). The Committee takes note of the very detailed information provided in the report regarding the amount and conditions for receiving cash social assistance.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

In response, the report indicates that during the Covid-19 pandemic, the provision of cash social assistance (see above) had been continued.

Furthermore, the report indicates that the Law on a lump-sum benefit for children to reduce the effects of the Covid-19 pandemic was adopted on 9 June 2020 (it came into force on 12 June 2020). Under this law, a lump-sum of €120 must be paid for each child receiving child benefit, regardless of the family's income. Low-income families raising one or two children, families raising three or more children, as well as disabled children who are entitled to an additional child benefit are also paid a lump-sum child benefit of €80. The Committee notes from the report that the duration of the payment was from 12 June 2020 to 25 February 2022. In 2020, more than 531,400 children were granted the lump-sum benefit.

#### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 16 of the Charter.

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

### *Paragraph 1 - Assistance, education and training*

The Committee takes note of the information contained in the report submitted by Lithuania and in the comments by the United Nations High Commissioner for Refugees (UNHCR).

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 17§1 of the Charter on the ground that it had not been established that children could only be removed from their families in exceptional circumstances and never on the sole ground of their family’s financial situation (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

### ***The legal status of the child***

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that in accordance with Clause 29 of the Rules on Registration of Civil Status Acts, the Civil Registry Office shall register the birth on the basis of the application of the child’s parents or one of them and the birth certificate drawn up by the health institution. In order to solve the problem of registering the birth of children of foreign migrants who do not have identity documents, the Rules have been supplemented with a provision according to which, if an asylum seeker or an illegal alien who is not an asylum seeker does not have a valid travel document and has not been issued with a certificate of registration as a foreign national, the person may present a document issued by the Migration Department which will be submitted to the civil registry office when submitting an application for registration of the child’s birth.

The report further states that, according to Article 15 of the Law on Citizenship of the Republic of Lithuania, a child of stateless persons with legal status in Lithuania shall be a citizen of Lithuania, irrespective of whether the child was born in or outside the territory of Lithuania, provided the child has not acquired the nationality of another State at birth. A child whose one parent is a stateless person with legal status in Lithuania and the other parent is unknown, shall be a Lithuanian citizen irrespective of whether the child was born in or outside the territory of Lithuania, provided the child has not acquired the nationality of another State at birth.

In its comments, the UNHCR states that Lithuania has implemented several initiatives aimed at reducing statelessness, but additional guarantees may need to be introduced in the national

legislation to secure access to nationality for all children born on the territory who would otherwise be stateless. The Government did not provide a response.

### ***Child poverty***

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care.

The report states that family and child benefits are the measures which have an effect on poverty and social exclusion. In 2020, social protection benefits in cash for family and children increased by 26%. The report describes the changes in child-related benefits during the reference period.

The report also describes measures financed by the 2014-2021 European Economic Area financial mechanism programme "Health": development and implementation of the early intervention model of home visitation (aimed at providing services in the country ensuring equal opportunities to all families and children from vulnerable groups, so that they can benefit from the care they need from the very beginning of life); adaptation and implementation of Incredible Years, a parenting programme, which promotes opportunities and provides help for children with emotional and behavioural difficulties; provision of methodological tools to health offices in pre-schools and schools; implementation of an adapted and expanded model for the provision of youth-friendly healthcare services. As of 2021, mobile psychological crisis teams services are provided across the country.

The Committee notes from EUROSTAT that 21.6% of children in Lithuania in 2021 were at risk of poverty or social exclusion, a significant decline in comparison with 2018, when the percentage was 28.8%. The Committee notes that the 2021 rate is lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

### ***Right to assistance***

The Committee previously asked what measures had been taken to ensure that children in an irregular migration situation, whether accompanied and not, were accommodated in appropriate settings, and whether they had access to medical care. Further information was

requested on the assistance given to unaccompanied children, especially to protect them from exploitation and abuse. It also requested information as to whether minors in an irregular migration situation, accompanied by their parents or not, could be detained and, if so, under what circumstances. Finally, it asked whether Lithuania used bone testing to assess age and, if so, in what situations, and what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that according to the Law on the Legal Status of Aliens, unaccompanied minors have the right to free healthcare. Children of migrants who have not been granted unaccompanied minor status are also provided medical assistance. Unaccompanied minors also have the right to be provided with living space free of charge. After a massive flow of migrants in 2021, the report states that Lithuanian institutions have taken additional measures to provide suitable temporary accommodation and other assistance to those who needed it. Together with NGOs, Lithuanian authorities worked to ensure that all accommodation premises were suitable for living and met hygiene standards and needs. A temporary tent town was established, and the Ministry of the Interior made every effort to improve the living conditions there. Foreigners in vulnerable groups were accommodated in facilities administered by the Ministry of Social Security and Labour. In September 2021, a new Foreigners' Registration Centre was opened in Kybartai.

The report further states that Lithuania pays special attention to vulnerable asylum seekers, especially families with children. In accordance with the legislation, unaccompanied minors are not detained. Accompanied migrants can be detained only in very exceptional circumstances, taking into account the best interests of the child and of vulnerable persons. If families with children are detained, they are accommodated together.

The report states that if there are reasonable doubts regarding the real age of foreigners when they present themselves as minors, an age determination process is organised. The nearest healthcare facility carries out X-ray examinations of both hands and wrists and the front of the chest. Other age assessment methods, such as radiographs of other areas of the body, assessment of the signs of person's sexual maturity, anthropometric data, are also possible. The test results are always interpreted in favour of the foreigner.

In its comments, the UNHCR states that unaccompanied or separated children without identity documents are often subject to medical examinations to determine their age. In 2021, in the context of the increase in irregular arrivals through Belarus, some 250 young persons claimed to be children. By 26 October 2021, 214 young persons had been referred for X-ray examinations. As a result, 33 persons were found to be children and 181 persons were found to be over 18.

The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (*European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France*, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). In these circumstances, the Committee considers that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the ground that bone testing is used to assess the age of children in irregular migration situation.

In reply to the targeted question, the report states that in 2018, methodological recommendations were updated and published on strengthening early diagnosis of violence against children. Amendments to the Law on the Legal Status of Aliens made it possible to appoint a representative for an unaccompanied minor in a faster and simpler way.

The Committee notes from other sources (United Nations High Commissioner for Refugees, Amnesty International, as well as the Order of the Minister of the Interior of 2021) that immediate expulsion of migrants, including children in an irregular migration situation was

legalised by the Order of the Minister of the Interior of 2021 and is carried out by the authorities. The Committee concludes that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the ground that immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance.

### ***Rights of children in public care***

In its previous conclusion, the Committee found the situation in Lithuania not to be in conformity with Article 17§1 of the Charter on the ground that it had not been established that children could only be removed from their families in exceptional circumstances and never on the sole ground of their family's financial situation. It also asked to be kept informed on the number of children under guardianship, the number placed in institutions and in foster care as well as trends in the area (Conclusions 2019).

The report states that according to Article 3(4) of the Law on the Fundamentals of Protection of the Rights of the Child (the Law), a child cannot be separated from their family because of poverty. Further, the child can be removed from the family only when parents are temporarily unable to take care of him or her because of illness, arrest, serving a sentence or for other reasons; when the parents or the only parent do not take care of a child, do not properly raise them, use violence or otherwise abuse parental authority and endanger the child's physical, mental, spiritual, moral development and safety; if it is not possible to ensure a safe environment for the child with the measures provided for in the Law or if measures are taken to keep the child in the family but the child's parents or legal representatives do not make any efforts and might cause significant damage to the child's health or threaten their life. Every child's removal from their family must be approved by a court. The Committee notes that the situation is now in conformity with the Charter on this point.

The report further states that the number of children in foster care is steadily decreasing in Lithuania because the number of children is shrinking and because new forms of family support are developed. The number of children under guardianship decreased from 8,177 in 2018 to 6,296 in 2021. The number of children in institutions also decreased from 2,419 in 2018 to 415 in 2021. A new temporary care institute opened in 2020, which favours support from the family network or crisis centres, without separating the child from the family following the identification of possible violations of children's rights. It is planned to expand the model of on-call guardians, who are ready to provide child care services at home, in a natural family environment when a crisis situation arises. In 2021, the Adoption and Fostering Call Line was established.

### ***Children in conflict with the law***

The Committee previously asked about the maximum length of pre-trial detention and maximum prison sentences that could be imposed on a child, and whether children could be placed in solitary confinement; if so, for how long and under what circumstances. It also asked for information on the range of measures available when dealing with children below and above the age of criminal responsibility who committed a criminal offence, and any information on measures taken to reduce recourse to closed type institutions (Conclusions 2019).

The report states that the maximum length of pre-trial detention of a minor is two months at a time and it can be extended up to a maximum of four months. During the pre-trial investigation, the term of detention for minors may not last more than six months. In case of serious or grave crimes, the term of detention during pre-trial investigation may not exceed 12 months. The Committee recalls that it has previously found that eight-month and seven-month period of pre-trial detention was not in conformity with the Charter (Conclusions XX-4, 2015, Denmark, Conclusions 2019, Slovak Republic). The Committee considers that in order to be in conformity with the Charter, the pre-trial detention of children should not exceed six months. It therefore concludes that the situation in Lithuania is not in conformity with Article 17§1 of

the Charter on the ground that the maximum length of pre-trial detention of children is excessive.

The report states that the custodial sentence for minors may not exceed 10 years. A minor who systematically violates the rules in a particularly malicious manner can be placed in solitary confinement for five days, but the use of this measure is extremely rare.

The report also states that there are certain safeguards with regard to criminal liability of minors; for example, life imprisonment cannot be imposed. Further, the upper limits of custodial sentences are lower than those for adults. Fixed-term imprisonment can only be imposed where there is good reason to believe that another type of penalty is not sufficient to alter the minor's criminal dispositions, or where the minor has committed a serious or grave crime.

### *Conclusion*

The Committee concludes that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the grounds that:

- bone testing is used to assess the age of children in irregular situation;
- immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance;
- the maximum length of pre-trial detention of children is excessive.

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

### *Paragraph 2 - Free primary and secondary education - regular attendance at school*

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral, the targeted questions and the general questions.

### ***Enrolment rates, absenteeism and drop out rates***

In the previous conclusion, the Committee requested information on enrolment and drop out rates as well as information on measures taken to address the issues related to these rates. It noted that if this information was not provided in the next report, there would be nothing to establish that the situation in Lithuania was in conformity with Article 17§2 of the Charter (Conclusions 2019).

The report states that during the 2021/2022 school year, 330,262 pupils were enrolled, an increase on the 2018/2019 school year, when there were 322,344. The number of school-age children who do not attend school slightly decreased over the same period, from 16,579 in the 2018/2019 school year to 16,376 in the 2021/2022 school year.

The report further states that the main reason why children do not go to school is that they have left the country; the other reasons are social and psychological.

The report also states that Lithuania developed early warning systems to identify and respond to signs of early school leaving. The students who miss more than half their lessons in a month are registered in the National Information System on Child and Pupil Absenteeism. This data is transferred to the information systems of other agencies such as social welfare, internal affairs or healthcare. Some electronic diaries allow schools to send a text message or an email to inform parents of a pupil’s absence or late arrival. Another measure is youth schools for students aged 12-16 who lack both the motivation to learn and social skills. They take part in practical activities linked to the basic education curriculum while benefiting from social rehabilitation.

The Committee notes from other sources (UNESCO database) that the enrolment rates in 2021 were as follows: 99.73% in primary education, 99.89% in lower secondary education and 98.75% in upper secondary education.

### ***Costs associated with education***

The Committee has previously asked whether assistance to cover education costs (textbooks, uniforms, transport, meals) was provided to vulnerable groups and noted that if this information was not provided in the next report, there would be nothing to establish that the situation in Lithuania was in conformity with Article 17§2 of the Charter (Conclusions 2019). In the targeted questions, the Committee asked for information on measures taken to ensure that state



allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that from the moment the child starts attending an educational institution, the family can apply for social assistance. Depending on their family situation, schoolchildren are entitled to free lunches, free breakfasts in exceptional cases, learning aids. In addition, the Vilnius municipality guarantees transport to the educational institution for pupils at social risk.

In reply to the targeted question, the report states that the educational system of Lithuania is based on the principle of equal opportunities. The number of children attending private schools keeps increasing every year. The political parties represented in Parliament, together with the Association of Local Authorities in Lithuania and the National Education Council signed the Agreement on National Education Policy for 2021-2030 and, among other commitments, agreed to ensure that all state funded public, municipal and private education providers participate in the education quality management system.

### ***Vulnerable groups***

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee has previously asked for information on the measures adopted to ensure equal access to education for children from vulnerable groups such as Roma children, to prevent their early school leaving, to improve their educational outcomes and ensure that Roma children are not educated in segregated groups (Conclusions 2019).

The report states that equal opportunities in education are guaranteed by law.

The Committee notes that no information is provided on the measures to ensure that children from vulnerable groups do not leave school early, that they are not educated in segregated groups. Therefore, it reiterates this request for information. The Committee notes from other sources (UN Human Rights Council Working Group on the Universal Periodic Review, fiftieth session, 13 June – 8 July 2022 for the third cycle of review (2017-2022)) that Roma pupils are enrolled in general education institutions and individual measures to improve their social and educational situation have been taken.

### ***The voice of children in education***

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments).

The report states that the highest self-governance body in which pupils participate is the school council. In addition to students, teachers, parents and local community representatives are also involved. Children participate in self-governance and pupil committees are elected in each school. The Lithuanian School Students' Union is active and participates in the discussion of important issues in the Parliament, the Government and ministries. There is also a Children's Council operating under the State Child Rights Protection and Adoption Service. The Lithuanian School Students' Union is invited to participate in the deliberations when important issues related to pupils are discussed at State level.

### ***Anti-bullying measures***

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that in the year 2020, prevention programmes were implemented in 96% of schools and vocational training establishments and in 86% of pre-school education institutions. Between 2017 and 2020, more than 13,000 teachers, social educators,

psychologists and representatives of school administrations participated in the training programmes implemented with funding from a project entitled “Creating a safe environment at school II”. Since 2019, “Bullying box”, a free electronic tool, has been developed and successfully works to fight bullying in educational institutions. It allows pupils to anonymously and quickly report suspected or committed bullying, any violence or bullying cases. Currently, 325 schools have already installed the “Bullying box”.

The report also states that a free online training programme entitled “Bullying Prevention and Intervention” is working successfully, providing teachers and education professionals with the knowledge and skills they need to deal with bullying. The Ministry of Education, Science and Sport recommends that schools participate in various prevention programmes. Individual municipalities conduct research on the psychological climate of schools and the emotional well-being of educators.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that a plan was developed to mitigate the consequences of Covid-19 and that measures were taken to compensate for the learning losses caused by the pandemic. The implementation of these activities was estimated at 23.2 million euros in 2021. All pupils participating in the education process, including those from abroad, the Roma or other vulnerable groups, were involved in the implementation of the measures. The report provides detailed information on the various measures taken.

### ***Conclusion***

The Committee concludes that the situation in Lithuania is in conformity with Article 17§2 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 1 - Assistance and information on migration*

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

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions XXI-4 (2019)), the Committee deferred its conclusion, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

***Measures against misleading propaganda relating to emigration and immigration***

The Committee recalls that under Article 19§1 of the Charter, States Parties must take measures to prevent misleading propaganda relating to immigration and emigration (Conclusions XIV-1 (1998), Greece). Such measures should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions 2019, Estonia). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views. It considers that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere (Conclusions 2019, Albania).

The Committee had comprehensively assessed the measures taken to fight misleading propaganda and hate speech in its previous conclusion (see for a detailed description Conclusions 2015 and Conclusions 2019).

In its previous conclusion, the Committee asked for information on any measures taken to target trafficking in human beings (Conclusions 2019). The report does not address this issue. The Committee takes note from the second evaluation report on Lithuania of the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) of the measures taken by authorities to prevent and address trafficking in human beings.

*Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 19§1 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 3 - Co-operation between social services of emigration and immigration states*

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

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Lithuania was in conformity with Article 19§3 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

The Committee had previously assessed in detail the cooperation of public and private social services in the migration matters and considered them to be in conformity with the Charter (Conclusions 2015). In its previous conclusion, the Committee noted from the International Organisation for Migration (IOM) reports that Lithuania is predominantly an emigration country and that return and reintegration assistance to migrant workers is offered in cooperation with the IOM (Conclusions 2019). It requested that information be included in the next report on the assistance offered to returning migrants (Conclusions 2019).

The report indicates that the International Organisation for Migration (IOM) Vilnius Office provides return assistance to home countries for migrants in difficult situations. The main activities of IOM Vilnius Office are related to: (i) provision of the voluntary return assistance to third-country nationals, including vulnerable persons; (ii) provision of reintegration assistance for migrants, who had returned voluntarily to their country of origin; (iii) dissemination of the relevant information about voluntary return and reintegration programme such as distributing information brochures, posters, leaflets, video and film screening, meetings with the target group, partners and other interested bodies and individuals.

*Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 19§3 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 5 - Equality regarding taxes and contributions*

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

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Lithuania to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

*Conclusion*

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

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 7 - Equality regarding legal proceedings*

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

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Lithuania to be in conformity with Article 19§7 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in Lithuania to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

*Conclusion*

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

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 9 - Transfer of earnings and savings*

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

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee concluded that, pending receipt of the information requested, the situation in Lithuania was in conformity with the Charter. In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to its previous question.

In the previous conclusion (Conclusions 2019), the Committee took note that movable property may be imported to Lithuania with exemption from VAT tax, provided that it is a personal property and was used by the person concerned at his former place of residence for a minimum of six months before moving to Lithuania and the person concerned resided in the third country for a continuous period of at least 12 months. In Conclusions 2019, the Committee referred to its Statement of Interpretation on Article 19§9 (Conclusions 2011), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers, and asked the next report to specify whether any restrictions apply for a transfer of movable property of migrant workers abroad from Lithuania.

The Committee notes that according to Law on Value Added Tax, the movable property may be exported from Lithuania and Article 41 of this Law also provides that, 0% VAT rate shall be applied to supply of goods where the supplier exports the goods from the territory of the European Union.

*Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 19§9 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 10 - Equal treatment for the self-employed*

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

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Lithuania to be in conformity with Articles 19§1, 19§3, 19§5, 19§7, 19§9 and 19§11 of the Charter. Accordingly, the Committee concludes that the situation in Lithuania is in conformity with Article 19§10 of the Charter.

*Conclusion*

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



**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 11 - Teaching language of host state*

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

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Lithuania to be in conformity with Article 19§11 of the Charter.

Since no targeted questions were asked under Article 19§11, and the previous conclusion found the situation in Lithuania to be in conformity with the Charter, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 19§11 of the Charter.

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

### *Paragraph 1 - Participation in working life*

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

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Lithuania to be in conformity with Article 27§1 of the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### **Covid-19**

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

In reply, the report states that remote working was established in Lithuania in 2017 when a new, fully revised Labour Code which took into account the best practices in labour from all over the world was introduced. Remote work was used by only 5% of employees at the time, but soon after the outbreak of the pandemic, it raised to 40% and later on to almost 57%. According to the report, the provisions on remote work proved to be well established when applied in practice. However, there were challenges regarding the work-personal life balance (more often faced by women than by men), the technological insufficiencies, both regarding the tools available and the skills acquired, the lack of employer’s trust that an employee will carry on the tasks and the lack of social contacts. The employees were also given the opportunity to choose a hybrid form of work. The Ministry intends to promote other forms of flexible working, such as part-time work, flexible working time, and individual working time regimes.

### *Conclusion*

The Committee concludes that the situation in Lithuania is in conformity with Article 27§1 of the Charter.

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

### *Paragraph 2 - Parental leave*

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

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Lithuania to be in conformity with Article 27§2 of the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

In reply, the report states that the Covid-19 crisis did not have an impact on parental leave. Moreover, in cases of parents whose insured income decreased due to the pandemic, the maternity, paternity, and childcare benefits were calculated more favourably, based on the income from the period preceding the first quarantine. This also applied to all self-employed persons whose income decreased during that time.

### *Conclusion*

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

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

### *Paragraph 3 - Illegality of dismissal on the ground of family responsibilities*

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

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Lithuania was in conformity with Article 27§3 of the Charter, pending receipt of the information requested i.e. if workers with family responsibility are protected against dismissal, in case their family responsibilities concern persons other than their children (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the question raised in its previous conclusion.

### ***Protection against dismissal***

In its previous conclusion (Conclusions 2019), the Committee asked if following the entry into force of the new Labour Code, the employees are still protected against dismissal because of obligation with respect to members of the immediate family other than children (e.g. elderly parents). The previous report mentioned only that the employees raising children are protected against dismissal.

The report states that the new Labour Code provides for the protection of workers with family responsibilities against dismissal by establishing the selection criteria for redundancy and consequently the right of priority to keep the job (Article 57 para. 3 subpara. 2). It includes employees caring for other family members who have been recognized as having less than 55% of their capacity for work or family members who have reached the age of old-age pension and who have been recognised as having a high or average level of special needs.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

The report states that during the Covid-19 crisis, the general provisions on protection from dismissal including on the ground of family responsibilities continued to be in force. It is forbidden to dismiss on the ground of family responsibilities. According to Article 28 of the Labour Code, the employer must take measures to help the employee to fulfil family obligations. Employee’s request must be considered and given substantiated written answer.

During the Covid-19 crisis, the provisions on unlawful dismissal were not revised. According to Article 218§2 of the Labour Code, if an employee is dismissed from work without a legal basis or in violation of the procedure established by laws, the labour dispute resolution body shall deem the dismissal unlawful, order the reinstatement of the employee, and the payment of average remuneration for the period of forced absence (up to one year), and the material and non-material damage incurred.

*Conclusion*

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

**Article 31 - Right to housing**  
*Paragraph 1 - Adequate housing*

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

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 31§1 of the Charter on the ground that it had not been established that the supervision of housing standards was adequate (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

***Criteria for adequate housing***

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g., number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

Based on data from the Population and Housing Census 2021, the report notes that 90.8% of all dwellings are equipped with standard utilities, including water supply, sewerage, and central heating. According to the census, there has been steady progress during the past ten years in improving housing standards. For example, the number of central dwellings with central heating increased from 1,056 million in 2011, or 76.8% of the total number of dwellings, to 1,325 million in 2021, or 92.1% of the total number of dwellings. The report presents overcrowding rates, broken up by year, and for urban and rural dwellings. These rates remained relatively stable during the reference period, with 22.8% in 2018 and 23.7% in 2021, compared to EU rates of 17.1% and 17% respectively. As to the measures taken to improve the situation, the report provides a table illustrating the increase in the amount of housing benefits paid out during the reference period.

***Responsibility for adequate housing***

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 31§1 of the Charter on the ground that it had not been established that the supervision of housing standards was adequate (Conclusions 2019). In doing so, the Committee highlighted the persistent questions surrounding the status of inspections carried out by the State Territorial Planning and Construction Inspectorate (“the Inspectorate”) (Conclusions 2005, 2011, 2015 and 2019). In view of the lack of information provided in relation to key aspects of Article 31§1 of the Charter, the Committee reiterated its request for updated data on the inspections carried out, the shortcomings found, and the measures taken to ensure the adequacy of dwellings where shortcomings have been found.

The current report provides similar information as that found in previous reports, that is the number of visits carried out by the Inspectorate and the number of infringements found during the reference period, or 65 scheduled and 259 ad hoc visits, resulting in six and 124 findings of infringement respectively. The most frequent infringements found relate to the lack of compliance with procedural requirements during construction work, such as the failure to notify the start of construction, prohibition, certificates, the maintenance of construction documents or the completion of construction logs. However, the report also notes that the Inspectorate is only competent to visit construction sites, namely dwellings that are under construction or being renovated and that are therefore not in use.

The Committee recalls that Article 31§1 of the Charter requires public authorities to ensure that housing is adequate through different measures such as an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords (Conclusions 2003, France). Furthermore, States Parties are expected to demonstrate how the adequacy of the existing housing stock (whether rented or not, privately, or publicly owned) is checked, whether regular inspections are carried out and what follow-up is given to decisions finding that a dwelling does not comply with the relevant regulation.

In the absence of any mechanisms to ensure the adequacy of the housing stock that is in use, the Committee reiterates its previous conclusion of non-conformity.

### ***Legal protection***

In its previous conclusion, the Committee highlighted the persistent lack of information regarding the procedural safeguards available to ensure the effectiveness of the right to adequate housing (Conclusions 2005, 2011, 2015 and 2019). In that respect, the Committee reiterated its request for information on the affordability of legal remedies and the availability of non-judicial remedies, such as administrative review.

The latest report mentions court decisions in two cases involving the eviction of unlawful occupiers. The Committee notes from other sources that the Equal Opportunities Ombudsman did not open any investigations regarding housing discrimination despite widely reported instances of discrimination of Roma and refugees on the rental market (European network of legal experts in gender equality and non-discrimination, Country report non-discrimination, 2022 and UN Committee on Economic, Social and Cultural Rights, Concluding Observations, 2023). The report does not otherwise provide relevant information on the availability and/or affordability of judicial or non-judicial remedies concerning the right to adequate housing.

Due to the failure to provide requested information on the availability and affordability of judicial or non-judicial remedies concerning the right to adequate housing, the Committee concludes that the situation in Lithuania is not in conformity with Article 31§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Lithuania of their reporting obligations under Article C of the Charter.

### ***Measures in favour of vulnerable groups***

In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis. In its previous conclusion, the Committee concluded, after several conclusions of non-conformity, that the situation was in conformity with Article 31§1 of the Charter insofar as the measures taken to improve housing for Roma were concerned but asked for updated information in this respect (Conclusions 2019).

The report provides data from a survey which examined the housing conditions of Roma, and which revealed a degree of progress between 2015 and 2020. The share of people living in inadequate housing decreased from 72% to 55%. The share of households with sufficient heating increased from 48% to 75%. There was a decrease in the share of households without a flush toilet from 51% to 40%. Although the average living space of a Roma household was smaller than the national average (49 as opposed to 69 square metres), it still met minimum legal standards. Compared to 2015, the share of Roma households that were two or more times in arrears with utility bills due to poverty decreased from 58% to 34%. The report notes that, on 28 August 2020, the Vilnius City Council approved a new Roma inclusion programme, which included measures to subsidise the rent paid by Roma families subject to certain conditions. This benefited 31 Roma families in 2020 and 32 Roma families in 2021, with total subsidies paid out amounting to approximately €50,000 each year.

As regards refugees, the report provides information about construction and renovation work carried out at the refugee camps in Rukla, Vilnius and Kaunas during the reference period.

### *Conclusion*

The Committee concludes that the situation in Lithuania is not in conformity with Article 31§1 of the Charter on the ground that the supervision of housing standards is not adequate.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Lithuania is not conformity with Article 31§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Lithuania of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the availability and affordability of judicial or non-judicial remedies concerning the right to adequate housing.



## **Article 31 - Right to housing**

### *Paragraph 2 - Reduction of homelessness*

The Committee takes note of the information contained in the report submitted by Lithuania, as well as the comments from the United Nations High Commissioner for Refugees (UNHCR).

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 31§2 of the Charter on the grounds that:

- the law did not provide for the prohibition of evictions in wintertime;
- the right to shelter was not adequately guaranteed (Conclusions 2019).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

### ***Preventing homelessness***

In a targeted question, the Committee asked for information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, in particular during the Covid-19 crisis. The Committee also asked for information on the overall number/rate of homeless persons.

The report notes that, according to official statistics, in 2021 there were 1,380 persons in a situation of homelessness. The report provides information on the number of mortgage and rent subsidies provided by the State during the reference period, as well as the number of households benefiting from social housing. For example, the latter category included 10,614 households in 2018, 11,032 in 2019, 11,366 in 2020, and 11,419 in 2021.

The report also provides information about different measures adopted during the reference period and designed to facilitate the social inclusion of various vulnerable groups, including Roma, persons with disabilities, persons in a situation of addiction, young persons or persons leaving prison. For instance, the Ministry of Social Security and Labour initiated a research project designed to investigate the debt problem in Lithuania, identify its root causes and propose ways to address them. The report further notes that work on building new social housing with European Union funds continued during the reference period.

The report notes that the Law on Support for the Acquisition or Rental of Housing was amended on 21 December 2021 by increasing the income and asset limit conditions for social housing. Furthermore, in case of a national emergency such as that related to Covid-19, those who are no longer entitled to social housing based on the level of their income and/or assets, shall not be removed from the register of persons and families entitled to social housing until 1 June of the following year.

The report provides information about the guidelines adopted by the Government for the organisation of services provided during the Covid-19 crisis in municipal shelters, including by enabling longer stays, providing food and medicine, protective equipment, or on quarantine and social distancing.

### ***Forced eviction***

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 31§2 of the Charter on the ground that the law did not provide for the prohibition of evictions during winter (Conclusions 2019). As the report indicates that the situation has not changed, the Committee reiterates its previous conclusion of non-conformity.

In a targeted question, the Committee asked if the State Party declared a moratorium/prohibition on evictions during the pandemic, about its legal basis, its scope, or, alternatively, if any other measures were taken to limit the risk of evictions, including by supporting households who were unable to pay their bills. The Committee also asked for information on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps where Roma or Travellers were installed).

The report notes that no moratorium or prohibition of evictions was in place during the pandemic. However, the number of forced evictions carried out during 2020 and 2021 was relatively lower compared to the preceding period. Thus, the report notes that during the reference period, 711 eviction proceedings were initiated (190 in 2018, 196 in 2019, 147 in 2020, and 178 in 2021 respectively) and 219 forced evictions were carried out (72 in 2018, 63 in 2019, 39 in 2020, and 45 in 2021 respectively).

The report describes the procedure laid down in the Code of Civil Procedure (not restricted to the pandemic) for recovering debts from a physical person, which makes forced eviction a measure of last resort. The safeguards provided for include recovering the debt from sources other than the debtor's dwelling, lengthy deadlines, conducting a proportionality assessment that takes into account the debtor's personal circumstances, or fortuitous circumstances impeding the execution of the contract concerned. In making such a proportionality assessment, courts are entitled to either dissolve the contract and establish the date and terms of its dissolution or modify the conditions of the contract with a view to restoring the balance of the contractual obligations of the parties. The report does not otherwise indicate any changes to the situation, which the Committee found previously to be in conformity with the Charter (Conclusions 2019).

The report additionally notes that, by a ruling dated 24 March 2022 (outside the reference period), the Supreme Court clarified that the circumstances pertaining during the pandemic justified the application of the force majeure excuse for the non-performance of a contract.

The Committee previously asked whether in case of suspension of the eviction by a bailiff or a court, the eviction still needed to be carried out between 30 and 45 days after the order had been issued. The report notes in response that where the bailiff, on their own initiative or by a court decision, postpones or suspends the enforcement proceedings, the time limits concerned are no longer applicable. The enforcement actions continue once the circumstances which led to the postponement or suspension of enforcement ceased to apply.

The report notes that a range of measures were available in the case of households unable to pay their debts, including payment deferral or rescheduling, and targeted subsidies as regards the cost of utility bills. No specific measures were taken to support mortgage holders during the pandemic.

### ***Right to shelter***

In its previous conclusion, the Committee concluded that the situation in Lithuania was not in conformity with Article 31§2 of the Charter on the ground that the right to shelter was not adequately guaranteed (Conclusions 2019). In doing so, the Committee referred to the absence of information on the number of shelters, the number of persons applying for shelter compared to the number of persons hosted there, the quality of shelters (security, health, and hygiene standards), whether any person can stay in shelters regardless of their nationality or residence status, whether alternative accommodation was provided in case of eviction from shelters.

Additionally, in a targeted question, the Committee asked for information on the availability and adequacy of emergency accommodation offered during the Covid-19 crisis. The Committee also asked for information on the right to shelter of unaccompanied foreign minors, including those irregularly present, in law and practice.

The report notes that emergency accommodation is provided to persons at social risk or experiencing crises, victims of domestic violence and refugees. For instance, in 2021, hostels, a type of emergency accommodation, accommodated 1,043 homeless people, 163 former convicts, 22 victims of domestic violence, 5 victims of natural disasters, 3 orphans, 34 persons who were discharged from social and psychological rehabilitation institutions and 67 refugees.

Admission conditions, as well as health and safety standards, are laid down in the Recommendations for Providing Temporary Accommodation Services issued by the Ministry of Social Security and Labour in 2017. For instance, each person has a recommended minimal living area of five square metres, while no more than four persons should be accommodated in one room. Depending on the type of shelter concerned, services offered may include information, medication and representation, access to basic facilities for personal hygiene and access to healthcare, social and psychological support, or employment counselling.

The report notes that, in 2021, there were 96 temporary accommodation facilities, including 29 hostels and 67 crisis centres. The total number of places in temporary accommodation was 2,231, including 1,170 in hostels. In 2021, 4,009 persons were admitted to temporary accommodation. The report provides detailed data on the number of persons living in different types of temporary accommodation during the reference period, broken up by year and gender, which reveals a generally decreasing trend.

The report also notes that social care for unaccompanied foreign minors is funded from the state budget in accordance with procedures issued by the Ministry of Social Security and Labour. The report provides information about construction and renovation work carried out during the reference period at the refugee camps in Rukla, Vilnius and Kaunas, with a total reception capacity of 870 beds.

The report does not specify whether eviction from shelters without the provision of alternative accommodation is prohibited (see Conclusions 2015, Statement of Interpretation on Article 31§2). Therefore, the Committee considers that the situation is not in conformity with Article 31§2 of the Charter on the ground that the law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation;

According to the comments submitted by the UNHCR, Lithuania experienced a relatively high influx of asylum-seekers and migrants in 2021. Approximately 4,300 asylum applications were lodged, including by approximately 1,100 children. The UNHCR asserts that, once the existing capacity in shelters/emergency accommodation was exhausted, the incoming asylum-seekers and migrants were placed in tents, abandoned schools and other abandoned buildings, lacking safe and dignified living conditions, supplies or services. Children and other vulnerable persons were particularly affected, as many of these locations featured an elevated risk of gender-based violence, lacked psychosocial services, and experienced shortages of hot meals and season-appropriate clothes. Unaccompanied minors were often accommodated alongside adults for up to three months. Furthermore, the UNHCR characterised the placement in these facilities as amounting to *de facto* detention. Since late September 2021, there have been improvements as regards reception conditions, with asylum-seekers and migrants being moved to more suitable facilities offering a more diverse range of services.

The Committee recalls that the right to shelter should be adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers (Conclusions 2019, Greece). Furthermore, the exceptional nature of the situation resulting from an increasing influx of migrants and refugees and the difficulties for a State in managing the situation at its borders cannot absolve that State of its obligations under Article 31§2 of the Charter to provide shelter to migrant and refugee children, in view of their specific needs and extreme vulnerability, or otherwise limit or dilute its responsibility under the Charter (*International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Complaint No. 173/2018, decision on the merits of 26 January 2021, §133). In view of the above, the Committee concludes that the situation in Lithuania is not in conformity with Article 31§2 of

the Charter on the ground that, during 2021, the right to shelter for migrants, including unaccompanied migrant children, and asylum-seekers, was not adequately guaranteed.

### *Conclusion*

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

- the law does not provide for the prohibition of evictions during winter;
- the law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation;
- during 2021, the right to shelter for migrants, including unaccompanied migrant children, and asylum-seekers, was not adequately guaranteed.