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## STATE PARTY EXAMINATION OF LITHUANIA'S THIRD AND FOURTH PERIODIC REPORTS

64<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 SEPTEMBER – 4 OCTOBER

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*Lithuania ratified the Convention on the Rights of the Child (CRC) on 31 January 1992. On 23 September 2013, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Lithuania. It was last examined on 18 January 2006. The state party has no reservations on the CRC.*

### Opening Comments

The delegation of Lithuania was led by H.E. Mr Audrius Bitinas, Vice-Minister of Social Security and Labour of the Republic of Lithuania. He was supported by a large delegation consisting of representatives from The Drug, Tobacco and Alcohol Control Department of the Republic of Lithuania, The National Centre for Special Needs Education and Psychology, the Ministry of Justice, the Lithuanian Labour exchange, the Permanent Mission of the Republic of Lithuania to the United Nations Office, the Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of the Interior of the Republic of Lithuania.

Mr Bitinas noted that there had been many positive changes regarding child rights since the last session, however, the State still faced difficulties. There have been attempts to harmonise cooperation between the government, local government bodies, children and families. He explained that the State intended to create a co-ordinated framework for the CRC and the main institutions dealing with child rights issues. He highlighted that the State budget allowed for additional funding to municipalities in order to increase the number of professionals working with families at risk.

Mr Bitinas explained that an amending act to the Criminal Code was going to be submitted at the end of this year which would alter the rules regarding supervision of children at night. He

further highlighted the State's efforts to introduce a professional guardianship system. He emphasised that there is a growing number of children in foster care, therefore, since 2008 foster parents have been given special government managed training. He noted that the child custody system remains one of the State's priority areas. Another area of priority for the State was providing equal opportunities for children with special needs and enabling them with the ability to expand on their individual abilities.

Mr Bitinas brought attention to the mother and child health departments that were established and started functioning at the beginning of 2013. These departments focused on the diagnosis and the treatment of the children's diseases and have carried out studies on the mental health of children. On the topic of health Mr Bitinas explained that tobacco, alcohol and drug related issues have been dealt with through an integrated approach. The Parliament of Lithuania has used primary prevention measures on children through the use of healthy life skills sessions. Improvements had also been made to the juvenile justice system such as the creation of 49 juvenile survey rooms in 2006 in order to increase the protection of minor witnesses. This supported the regulations set out in the Lithuanian Code of Criminal procedure.

Mr Bitinas detailed the psychological and emotional support that is provided for children who had experienced sexual abuse. He noted that the age for sexual consent has been changed from 14 to 16 years of age; furthermore, due to the amendment of the Criminal Code in 2012 there was criminal liability for prostitution cases where the perpetrator knew that the person was underage. In addition to these amendments Mr Bitinas added that every year the Ministry of Internal Affairs provides reports on the investigation of human trafficking and that the Minister participated in a working group against human trafficking.

Ms Khazova and Ms Aldoseri, the Country Rapporteurs warmly welcomed the Lithuanian delegation. Ms Aldoseri congratulated the delegation on the State's changes to the Criminal Code regarding rules about child supervision. She further commended the delegation on important policy measures, particularly the child welfare programme, the National programme on drug abuse, the National programme on violence against children, and the National pre-primary development programme.

## **General Measures of Implementation**

### ***Legislation***

The Committee were concerned about the new draft law on children's rights. They highlighted that there had been several versions of this draft law; the initial version seemed to focus on the protection of child *rights* whereas the subsequent draft law is vaguer and focused on the protection of children. The Committee questioned why the word 'rights' disappeared and whether this was an omission. It was concerned that there may have been a derogation towards the rights based approach. It enquired as to whether the new draft law emphasised that the child is the owner of these rights and reminded the State that such an approach is fundamental to the principle of the rights of the child.

The Committee had several concerns about the new draft law such as the provisions about children's duties deriving directly from children's legal guardians and the law on the curfew for minors. It questioned how these measures would coincide with the CRC. Furthermore, the Committee observed that the draft law seemed to focus on children from social risk families and did not extend to all children in the jurisdiction of Lithuania. The delegation explained

that the draft law was not just for families at social risk but instead for all families, it reiterated that it was important that children under 14 years were not left without adult supervision.

The Committee asked for a clarification about the terminology used by the State in the draft and the delegation during the meeting. It noted that the use of the phrase child rights protection was very focussed on abuse whereas *child rights* was a broader concept which related to many issues such as education and participation. It questioned whether the Child Rights Protection Act included all of these other rights.

The delegation explained that in the new draft law there was a focus on the definition of what constituted a violation against a child. The delegation noted that responsible institutions in society should have been responsible for informing the relevant bodies about child rights. The delegation informed the Committee that there was an aim to present the draft law to Parliament in autumn 2013 and that by the end of 2013 there will be amendments made to this draft law. The delegation noted that the initial draft law was created with input from NGO's and school parliaments.

The Committee also examined the State's implementation of the Convention by national judges. It recognised that the legal system of Lithuania had the automatic inclusion of international law but enquired whether direct applicability of the law was different and whether this was a principle that was respected and directly invoked. The delegation affirmed that the CRC was directly applied and that the courts were obliged to take the child's best interests into consideration when they made decisions.

### ***Ombudsman***

The Committee commended Lithuania on the very important creation of the Ombudsman's Office for children which was created in 2000. However, it noted that due to a lack of resources the Ombudsman is currently not independent and questioned the delegation on the State's plans to strengthen the position of the child right's Ombudsman and how it intended to improve the complaints procedure. The delegation highlighted that during 2004 and 2005 there were a lot of new versions of the Ombudsman's law and local child protection procedures. It noted that there were plans to strengthen the institution which will be implemented by the Minister of Social Security.

The Committee further questioned the delegation of the role of the Ombudsman institution. It asked about the reporting mechanisms that can be used by children and brought attention to the insufficient resources that had been allocated to the office. The delegation brought attention to increased funding for the Ombudsman since 2000. It informed the Committee that there were 18 employees in the Ombudsman office and that the institution was a strong partner for all national children's right institutions.

### ***Coordination and monitoring***

The Committee voiced concern about the efficacy of Lithuania's co-ordination in implementing the CRC. It noted that there is still no single government body to act as the main body for child protection meaning that the system for child protection is decentralised. The Committee said that it appeared that child protection issues were kept at a municipal level. It asked the delegation if there was vision for improvements in this area.

The Committee drew attention to the extensive amount of statistics in the State report and asked the delegation what conclusions had been drawn from these statistics and whether there had been analysis of these statistics.

The Committee focused on the State's plan to create a special institution. It enquired about whether municipal services will be accountable to this new institution. It noted that child care institutions should be able to work with the families and should be independent. The delegation explained that local institutions will not be directly under control of this State institution, instead the body will provide methodological help. The delegation explained that the State Child Protection and Adoption services co-ordinate with the municipal organisations by visiting these organisations and ensuring that the institutions work as teams.

### ***Dissemination and training***

The Committee questioned the delegation on whether the Lithuanian population had knowledge about the CRC and whether measures had been put in place to inform people about the CRC. It asked if the provisions of the CRC have been invoked in the courts of Lithuania. The delegation confirmed that there is budgeting for NGO's who disseminate the CRC. It explained that conferences and seminars were organised to ensure that officials were knowledgeable about the CRC. Similarly there were individual training programmes for judges and bailiffs. The delegation explained that the individual judges had areas of expertise so family law judges were experts on the CRC and children's rights.

The Committee clarified that they were interested in how the CRC is disseminated to children. The delegation informed the Committee about the "Help Child" website which enabled children to find out information about their rights and informed children about dangers such as child trafficking. The website hosted discussion boards and was very active in schools. In addition to the website every year the State hosted a Children's Parliament where children were enabled to go to Parliament and to discuss issues that affected them. The Committee asked for more detail about the Children's Parliament in particular in regard to the impact that it has on the Government. The delegation clarified that the Children's Parliament was democratic and had its own provisions and programmes. Children took 141 seats in parliament and discussed areas that were amended in law and also resolutions, a process that was observed by politicians. The delegation also explained that human rights education was taught in schools and that there was an option for children to be taught about children's rights. It elaborated on the format of the human rights education by explaining that for primary children it is integrated into other lessons.

The Committee questioned the delegation on how often judges refer to the CRC when deciding cases. The delegation confirmed that article 3 is often mentioned by judges and that the CRC is directly applied which means that the courts can cite and can refer to the specific articles of the CRC. The Committee were pleased to be informed about the direct applicability of the CRC and commended the State for its work.

### ***Budget***

The Committee requested more information on the State's budget for child welfare. The delegation explained that the budget was distributed according to different programmes; all of the programmes that implement the CRC receive a portion of that budget. The delegation used the example of funding to help social risk families; 213 million litres of benefits were given to children and foster families in 2012.

The Committee also questioned the delegation on the proportion of the budget spent on healthcare as mental health issues and suicides had noticeably affected children in Lithuania.

### ***Cooperation with civil society***

The Committee enquired about the participation of NGO's and children's groups in the preparation of the State report. The delegation explained that there were a lot of remarks from society and NGO's about the draft law prepared in 2012 so the Ministry of Social Adoption and Labour decided to involve these ideas and evaluated the project, in turn making certain amendments.

The Committee also asked about the protection implemented by the State against the detrimental effects of public information. It asked whether it would limit the work of Human Rights defenders.

The Committee focused on a case example about a child that was sexually abused. It asked whether there are now safety measures to protect children's identities in the media and if other measures have been taken to prevent the repetition of this sort of case in the future. The delegation noted that this was a particularly painful case for Lithuanian society and that all legal provisions provided were in the best interest of the child. Furthermore, the delegation noted that an issue that arose from this case was the miscommunication between social services, prosecutors and the police. It assured that there had been an improvement on the quality of communications between these different professionals.

### **Definition of the Child**

The Committee highlighted the lack of clarity regarding the legal minimum age of sexual consent. The delegation recognised that there might be confusion when trying to determine the age of the child. In Lithuanian law there are several terms to define a child in civil and criminal law. In the Lithuanian Civil Code a child is someone who does not have legal capacity because they are under 18 years old, emancipation allows children more rights but they are still considered underage in criminal procedure. The Committee asked for further clarification on the impact of emancipation. The delegation explained that children over 15 could ask to be emancipated which was a decision that should be made by the courts. It added that this was a rare circumstance and usually was linked to the child wanting to get married at this age. The delegation explained that the age of sexual consent was changed from 14 to 16 in 2010 therefore the State did not have the intention of changing it again soon. The Committee further questioned the delegation on this issue and asked if the age of criminal responsibility for rape was still set at 14 when the age of sexual consent is 16. The delegation explained that there was in fact protection for children in such situations as only adults can be charged for raped.

## **General Principles**

### ***Non-Discrimination***

The Committee questioned the State on the practise of non-discrimination in regard to social risk families, children in care institutions and Roma children. It asked how these families benefit from the principles of non-discrimination and whether there is effective implementation of the principle. The delegation explained that there was a programme for non-discrimination in 2012-2013. This programme promoted non-discriminatory behaviour and trained judges, journalists and civil servants about non-discrimination. Other initiatives within this project included funding for NGOs in order to activate the project and also a plan of action for Roma people in Lithuanian society. The delegation informed the Committee that this project has been successful as the number of Roma children in ordinary schools and the labour market increased, alongside increased tolerance towards the Roma population.

### ***Right to identity***

The Committee were particularly concerned about identity issues surrounding the “baby box” phenomenon in Lithuania. It highlighted that the use of baby boxes threatened children’s rights to know their identity which was a violation of the CRC. The abandonment of children effectively allowed the concept of anonymous births. The Committee asked what measures have been taken to prevent baby abandonment and whether the State took a child right’s based approach when dealing with this issue.

The delegation agreed that these children had a fundamental right to know their origins. It informed the Committee that in 2012 – 2013 27 children were placed in baby boxes. The delegation maintained that the baby boxes meant that the children were not abandoned in dangerous places and that the measure allowed children to live. The Lithuanian civil code established that these children could be adopted over the age of three months (as this gave mothers time to reclaim their children). Either way, the children’s right to grow up in a family environment was being protected.

The Committee continued this line of questioning by asking if the best interests of the child were really being considered. They considered whether there was support for crisis pregnant women and if people had been informed about these baby boxes. The Committee were concerned that it was not always the mothers who were abandoning children. Similarly it questioned which measures are taken in order to identify mothers who decide that they want their children back.

The delegation explained that there are social workers and psychologists in the hospitals in order to support crisis pregnant women. It confirmed that a lot of help was provided to these women in order to prevent child abandonment. It explained that in the situation of a mother abandoning her child there were co-ordinated action plans; the police are informed and there is a search for the woman which is carried out very quickly. The delegation stated that this issue is a world problem and that Lithuania has made a lot of effort to prevent this situation. However, the delegation maintained that they believed that the baby boxes were not necessarily detrimental to the protection of children’s rights.

### ***Best interest of the child***

The Committee commended the delegation for the Lithuanian family law which was based on the best interests of the child. However it noted that the best interests of the child were not integrated into any of the legal acts, furthermore, it highlighted that the best interests of the children were understood and applied at a local level. It asked the delegation if there were any steps that could introduce this at local level.

The delegation explained that in the initial project for the draft law the rights of the child were not included, however the best interests of the child are now included in the new draft law. The delegation underlined that the State wanted to ensure that all the ratified Conventions have the full force of the law. It explained that in Lithuania the CRC will have supremacy and the provisions of the CRC are applied in court decisions.

### ***Survival and Development***

In response to the Committee's enquiry on the children's participation in the associations in their towns and schools the delegation confirmed that children can participate in such associations easily as it was not required by law to be a certain age in order to be a member of an association.

## **Civil Rights and Freedoms**

### ***Early marriages***

The Committee enquired about the number of child marriages and asked for statistics on this phenomenon. The delegation said that the government are trying to reduce the problem of child marriages through the means of education. It informed the Committee that in 2000 there were 374 underage marriages, in 2006 there were 200 and in 2012 there were only 77 underage marriages.

### ***Corporal Punishment & Child Abuse***

The Committee noted that child abuse in Lithuania is a continuous problem and that more should be done to combat violence against children. It underlined that there was tolerance for violence against children in Lithuania and that awareness about the obligation to inform society about the ill treatment of children was very low. It noted that a lot of attention was given to children who had already experienced such violence but not much attention paid to the prevention of the issue.

The Committee asked the delegation about the likelihood of the abolishment of corporal punishment in Lithuania. It noted that a survey of 1143 children aged 10-15 in 2008 showed that almost half had experienced corporal punishment demonstrating that corporal punishment was a huge problem. The Committee were concerned about the opposition to corporal punishment from Parliament, and noted that some politicians had labelled it as an effective technique and part of their cultural heritage.

The delegation explained that the State has determined the types of abuse and that the Ministry of Social Security and Labour have implemented prevention of abuse on a national level. There were plans for specialists to help victims and provide preventative measures, for example in 2012 more than 700 people were provided with these services. The Committee asked whether the State's definitions of forms of violence included corporal punishment and asked for a clarification about whether corporal punishment is expressly prohibited.

The delegation noted that NGO's have been used to change society's views regarding corporal punishment. The Committee asked whether the new law will make corporal

punishment explicitly prohibited. The delegation reaffirmed that there had been many Parliamentary debates about this issue and that it believed that the outcome of prohibiting corporal punishment will be achieved. The Committee noted that it was promised in 2006 that corporal punishment would be prohibited in all settings but, in March 2010 the Parliament rejected it. The Committee asked why the delegation was more optimistic about this issue now. The delegation informed the committee that political majority in the country had changed and that there was currently a new Social Democrat and Labour coalition.

### ***Children's Violence***

The Committee asked about the reasons behind the increase of violence from children. It noted that the State's reasons for increased violence from children such as the internet and social media. It agreed that children do spend a lot of time on social media but asked about cultural reasons which could explain the increase of violence.

The delegation explained that statistics had been used to combat the issue of violence against children. The Register of Criminal Affairs registered children that are guilty of delinquency; the comparison of statistics demonstrated that there has been a decrease in children guilty of delinquency. In 2005 the number children guilty of delinquency was around 4000 and in 2012 it was 3375.

### ***Freedom of thought, conscience and religion***

The Committee demonstrated concern about the general programme for teaching Catholicism in Lithuania. It asked the delegation about the reasons behind the implementation of this programme and what happened with minorities in the country.

The delegation explained that children and parents can choose whether or not to study religion. Up until the age of 14 the parent decides and children over 14 can decide themselves. One weekly lesson is allocated to religious education classes. The delegation elaborated that religious education is not compulsory; children have the right to choose to study moral education and ethics in lieu of religious education.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee noted that parents emigrating from Lithuania were creating the issue of "europhans": children that are left in Lithuania without parents. It requested what support is provided to encourage good parenting in families. Similarly it asked what proactive measures had been taken to combat the high level of child poverty in Lithuania. The delegation explained that the use of statistics is also implemented to combat poverty and that the Ministry of Social Security and Labour are implementing new measures to support families.

### ***Institutions and family-based care***

The delegation described the process of children being removed from their biological families. It explained that there were several Ombudsman recommendations about the procedure such as preventive measures within the families. The delegation said that certain bodies are active in these situations such as adoption institutions and municipal social functions which are required to work collectively. The Committee asked for a clarification



about whether the children's views were taken into consideration before this process was carried out, delegation confirmed that they were considered.

The delegation described the new form of care which has been established in Lithuania. The State had plans to make the foster homes smaller in the new social care institutions. Foster care homes were required to have a licence to provide services and if the conditions were not up to standard they had to prepare a plan of how to improve conditions.

The Committee asked if there had been any efforts made to improve foster care conditions for babies. The delegation discussed the plan for professional carers during 2008 which was a programme that made training and emotional support for these carers. The Committee also asked if the State had adopted the EU guidelines regarding care. The delegation explained that there was the PRIDE programme which ensures that staff were working in small family type institutions. Furthermore the delegation stated that during the economic crisis benefits for children stayed the same.

## **Basic Health and Welfare**

### ***Children with disabilities***

The Committee asked whether schools were prepared to receive disabled children and whether there were awareness raising programmes in society for disabled children. The Committee also asked if the government assisted with activities carried out by associations as well as funding them. The delegation said that they work closely with the NGOs that provide activities for children.

### ***Health Services***

The Committee demonstrated interest in adolescent's access to informative and scientific sexual health services and whether girls under the age of 16 can get abortions without parental consent. It enquired about the funding for maternal and child health services, whether mothers were allowed to give birth at home and if there was professional help for these mothers that decide to give birth at home.

The Committee highlighted the last of mother and child-friendly hospitals and raised concerns about home births. The Committee noted that an unsupervised birth at home puts both the mother and the child at risk. An important measure to deal with home births is the provision of trained public health midwives. The delegation was in accordance with the Committee about the importance of the mother's and child's safety. It noted that there are perfect units for families giving birth but that they do not have specialist clinics.

The Committee clarified that they were referring to the UNICEF operation which encouraged mothers giving birth in baby-friendly hospitals. After discussion about the definition of the UNICEF operation between the Committee and the delegation, the delegation stated that they did not have baby-friendly hospitals according to the UNICEF operation.

### ***Drug, alcohol issues and suicides***

The Committee questioned the delegation on whether any major studies had been undertaken on the issue of child suicides. It also asked about children who self-harm and whether this

was an issue that was being dealt with by the state. It asked if there were services for these children in schools. The delegation shared that there were 30 crisis management consultants in schools in Lithuania that were trained to support these children. As well as these consultants there were 5 crisis intervention centres in Lithuania and a team of child psychologists which helped these children.

The Committee noted that there were still many cases of sexual abuse that remain unreported, in particular cases of suicide that were related to sexual abuse. The Committee asked if there were plans to change the age of sexual consent from 16 to 18 in line with the Convention. The delegation noted that the change of the age for sexual consent from 14 to 16 was recently adopted in 2010 therefore it did not have plans to change the age again.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee commended the delegation on the education policy between 2003 and 2013, noting that free education should be continued. However, it requested more information about whether children were required to pay for text books. It asked how accessible education is for children living in rural areas or in poverty and for children from Roma families. It also asked if there were adequate professionals for children with mental instability problems. It asked for more detail about school textbooks and if there were stereotyped views about gender and different ethnic groups contained in the textbooks. The delegation explained that there were bursaries for vulnerable children to assist their education. Furthermore, for children who speak minority languages there are some schools which cater for these children such as children who speak Polish.

### ***School attendance***

The Committee enquired about school attendance in Lithuania. It highlights that in the 2011-2012 school year about 17,000 children did not attend school. The Lithuanian Government could not locate these children. The delegation responded that their current statistics demonstrated that 4% of children did not attend school and that these statistics were influenced by migration. The Committee asked what measures were taken in the municipalities to prevent lack of attendance. The delegated described a new project called "Trust Yourself" which encouraged young people to go back to education.

### ***Children with disabilities***

The Committee asked for more detail about why the integration programme for disabled children did not seem effective. The delegation shared statistics; 1.2% of disabled children were taught in special institutions and 10.5% of disabled children attended normal schools. Furthermore, there were buses to transport these children to school and additional funding for each child. It added that there was training and conferences for teachers working with these children.

### ***Military education***

The Committee demonstrated concern about the military programmes in Lithuania. It noted that the State report discussed Mobile Summer camps for children up to 16 years of age which were military rifle camps. It asked the delegation if there was training on how to use guns or how to behave in armed conflict situations. The delegation explained that at these camps adult members of the rifle club are taught how to use firearms whereas underage members only have training in history, first aid, strategies and tactics. It affirmed that no children can train with firearms with any organisation in Lithuania.

## **Special Protection Measures**

### ***Juvenile justice***

The Committee noted that there is a lack of juvenile courts in Lithuania and demonstrated concern about the training of judges and lawyers. The delegation described a mediation project that was carried out by the Department of the Police which was used to understand what the best practises were in the international sphere. The delegation affirmed that the project was very successful. The delegation said that judges who do family law have done special training to help them with their work.

In regard to cases concerning the deprivation of liberty the delegation assured that the number of these cases is very low. Furthermore, in some cases electronic bracelets have been used instead of the deprivation of liberty.

### ***Protection of child witnesses and victims***

The Committee asked about if there were re-integration programmes for children that have been involved in pornography or prostitution. It asked if these children are treated as victims as it seemed that some of these children had received fines. The delegation informed the Committee that there were organisations for children who are victims of violence or child trafficking. It explained that in the new code there will not be fines for underage prostitution.

### ***Asylum-seeking children***

The Committee demonstrated concern about stateless children and children of immigrants from non-EU countries. The delegation said that stateless children can receive Lithuanian citizenships if their parents are living in the state, similarly if one parent is stateless and the other unknown they can also gain citizenship. Furthermore, in May 2012 Lithuania ratified the Convention on the Prevention of Statelessness.

### ***Helpline***

The Committee asked if there was a helpline for vulnerable children in Lithuania. The delegation informed the Committee that in 2009 the child helpline was created. Since 2010 they have been working with NGO's to strengthen its success. When children called for psychological help their calls were transferred to the state child rights helpline. There have been business cards for the helpline distributed to children with the slogan "My Lawyers" which encouraged children to use the services.

## **Concluding Remarks**

Mrs Khazova thanked the delegation for the constructive dialogue and discussion with the Committee. She recalled that since Lithuania's independence in 1990 the State had experienced a difficult period of transition. Furthermore, recovering from the Soviet inheritance was made increasingly more complicated by the EU crisis in 2008/2009. She noted that children who were among the most vulnerable groups had experienced social and economic instability most of all. She affirmed that the dialogue in the session demonstrated that Lithuania had made efforts to fully implement the Convention. She maintained that there was still a lot of progress to be made and the Committee still did have various concerns. She concluded that she hoped the concluding remarks will help Lithuania.

Mr Bitinas thanked the Committee for its interactive dialogue. He re-iterated that the State believed that the most effective way of achieving protection for the child is on a national level and subsequently strengthening co-operation with UN bodies and procedures. He further noted that the Committee's previous recommendations have been very helpful and the opportunity for Lithuania to attend a Committee session provided an opportunity to share methods of good practise.

The Chairperson commended the delegation by recognising their very open attitude to the Committee's comments and ended the session.

