Committee on the Rights of the Child
Sixty-fourth session
Summary record of the 1826th meeting*
Held at the Palais Wilson, Geneva, on Monday, 23 September 2013, at 10 a.m.
Chairperson: Ms. Sandberg

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Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Lithuania

* No summary record was prepared for the 1825th meeting.
The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined third and fourth periodic reports of Lithuania (CRC/C/LTU/3-4, CRC/C/LTU/Q/3-4 and Add.1, CRC/C/LTU/CO/2)

1. At the invitation of the Chairperson, the delegation of Lithuania took places at the Committee table.

2. Mr. Bitinas (Lithuania), introducing the combined third and fourth periodic reports of Lithuania (CRC/C/LTU/3-4), said that, like other European countries, Lithuania had faced economic difficulties in recent years, yet many of the programmes and measures designed to protect children’s rights had not been cut back but had developed even further. Despite the positive changes his Government had reported in its replies to the list of issues (CRC/C/LTU/Q/3-4/Add.1), there were still difficulties in implementing some of the recommendations in the Committee’s previous concluding observations (CRC/C/LTU/CO/2). Efforts were therefore being made to improve legislation and ensure harmonious cooperation among central and local authorities and with NGOs. The Child Welfare Service of the Ministry of Social Security and Labour had been established in 2005 to ensure inter-institutional cooperation. Significant attention was being paid to improving the qualifications of those working with children.

3. The bill to amend the Law on Fundamentals of Child Rights Protection, implementing the proposed reorganization of child’s rights protection institutions adopted by Parliament in 2012, was expected to be put before Parliament by late 2013. The bill contained provisions on, inter alia, the supervision of children aged between 7 and 14, cooperation between administrative bodies within municipalities and with parents, police, the prosecutor’s office, health workers and NGOs, and institutional childcare. The aim was to provide effective assistance and prevent children being separated from their families. In that regard, he noted that the number of children in foster institutions had fallen between 2006 and 2012. Even so, 38 per cent of children under guardianship were currently in institutions and reconstruction of the child custody system remained a priority area.

4. Lithuania was preparing its National Education Strategy 2013–2022, which aimed to ensure adequate access to education and equal opportunities and maximize educational coverage. It paid particular attention to rural children, gifted children and those at social risk or with special needs, although the number of children with special educational needs had declined by over 30 per cent since 2005.

5. Health services were expanding. One of the Government’s measures to develop healthy lifestyles from infancy was the Mother and Child Health Department, recently opened by the Ministry of Health. Children’s and young people’s mental health, and notably youth suicide, had been the subject of special analysis with a view to determining risk and protective factors.

6. Treatment for addiction was provided in cooperation with the social rehabilitation services. A system for monitoring those referred to health institutions for mental or behavioural disorders caused by the use of narcotics or psychotropic substances had been established in 2011. The Government was committed to investment in the prevention of drug, tobacco and alcohol use, targeting children and youth in particular and with an emphasis on the development of mature judgement and healthy life skills.

7. The legislative framework on children’s procedural rights was being improved. Children were not to be in the same room as other participants in legal proceedings; questioning was to be carried out using audio and video recording equipment in special juvenile questioning rooms.
8. Under the legislation on protection against violence in closed environments adopted in 2011, provision had been made to keep victims out of perpetrators’ reach and provide psychological, legal and medical help for child victims of violence or sexual abuse and family members. The legal framework protecting children from sexual abuse and exploitation had been improved in 2010. The age of consent for sexual intercourse had been set at 16. Parliament had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2012 and a bill amending the Criminal Code to establish criminal responsibility for involvement in child pornography had been put before Parliament in 2012.

9. Parliament had also ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2012 and the Criminal Code had been amended to make action against trafficking more effective. Among other provisions, consent by the victim no longer negated the perpetrator’s liability and criminal liability could be incurred for knowingly using trafficked labour or service providers. The Ministry of Internal Affairs was an active participant in regional action against human trafficking and reported annually on investigations into trafficking, measures taken and results achieved.

10. Lastly, he said that a crime prevention and police training project had been instituted in cooperation with the European Union to deal with delinquent behaviour among juveniles using restorative justice models.

11. Ms. Aldoseri (Country Rapporteur) said that the Committee welcomed the State party’s recent accession to various regional instruments and commended it on its legislative amendments regulating adoption, social assistance measures and children’s departure to a foreign country. Positive measures had been taken on the social integration of children with disabilities, violence against children and preschool attendance.

12. Ms. Khazova (Country Rapporteur) said that there was some confusion over the draft legislation on child protection. A bill had been prepared in 2012, but there now appeared to be another one, intended to replace the Law on Fundamentals of Protection of the Rights of the Child. As the Committee had had some concerns over the 2012 bill, she would appreciate clarification of which version was under discussion.

13. The title of the existing Law referred to the protection of children’s rights but the new bill appeared to have dropped that reference. She wondered whether that reflected a change in policy. Although it contained much positive provision on the protection of children’s rights, overall the bill reverted to a situation where children were the object of parental and institutional control and were not recognized as the owners and subjects of rights deriving from their inherent dignity. That approach was contrary to the basic principles of the Convention, as the Committee had emphasized in its general comments Nos. 5 and 13 in particular.

14. She would welcome clarification from the delegation as to the meaning of the provisions regarding children’s duties, which the bill seemed to say were derived from the responsibilities of their guardians.

15. She would appreciate an explanation of one particularly controversial provision in the bill, imposing a curfew on minors. She wondered in what way it was consistent with the Convention and what sanctions there might be for children or parents in breach of that provision. In general, the bill seemed designed to protect mainly children from families at social risk rather than all children under the State party’s jurisdiction.

16. She said that coordination between the bodies responsible for implementing the Convention did not seem to have improved. The problem was that responsibility had been devolved to municipalities and that there appeared to be no central government body that could influence policy at the local level — which was thus set in accordance with local
politicians’ own views on child protection — and no resources for policy coordination. The Committee had already raised those issues in its previous concluding observations and she wondered what the delegation’s view was and whether it could see any possibility for improvement.

17. The establishment of the Children’s Rights Ombudsman had been a very important step but the Office’s lack of resources and its dependence on Government meant that it was unable to carry out its mandate as intended. Did the State party have any plans to strengthen its position and to make the complaints mechanism workable in the near future?

18. The principle of the best interests of the child was not consistently applied, particularly at the local level, and that led to divergences in approach. The principle as such was not explicitly enunciated in Lithuanian legislation, which was chiefly concerned to safeguard children’s legal interests. Was the State party planning to take steps to incorporate the principle of the child’s best interests into its legislation and make it applicable throughout the country?

19. According to the State party’s statistics, violence against children was on the rise. Some steps had clearly been taken to solve the problem but she had the impression that tolerance for violence in general and for violence against children in particular was rather high in Lithuania, and there was apparently little readiness to report it. It would appear that there was not enough understanding of the problem and that the measures mentioned in the delegation’s introductory statement were not being fully implemented. There seemed to be not enough institutional competence and insufficient qualified specialists to deal properly with the problem. The emphasis in schools, for example, seemed to be more on dealing with children who had experienced violence and less on how to recognize and prevent or minimize violence.

20. She wondered what the chances were of getting corporal punishment as a method of discipline explicitly abolished. It seemed to be quite widespread, and to be seen as normal in families and in institutions. In one survey 48 per cent of 10–15-year-olds interviewed said they had experienced corporal punishment, which meant it was a major problem and it would take a long time to change mentalities. Yet there was strong opposition in Parliament and among senior officials to any change in the law and corporal punishment seemed to be approved of as an effective parenting technique or even a part of Lithuania’s cultural heritage. The issue needed to be addressed in a more precise and straightforward way in legislation.

21. Mr. Gastaud said that he would appreciate more information on how the Convention was publicized among parents, children and social workers. Did the delegation know whether the Convention had been invoked in any court proceedings? Were the courts themselves sufficiently aware of the Convention to use it as a basis for their judgements?

22. He would like to know what contribution NGOs had been able to make to the preparation of the State party’s report, and also how the extensive statistics presented by the State party had been collected and analysed and what conclusions or consequences had emerged from them.

23. Ms. Muhamad Shariff asked if there was a special budget for the implementation of the Convention in Lithuania, and if so, what was its size; it would also be helpful to know if there were funds allocated for child welfare.

24. Ms. Oviedo Fierro said that it would be interesting to know in what ways the Programme for the Development and Promotion of Christian Values and Human, Scientific and Cultural Values affected freedom of speech, conscience and religion. A separation between education and religion was preferable. In particular, she would like to know how the Programme affected minority children who were non-Christians or atheists. She asked
why violence was increasing in Lithuania, and what underlying cultural realities were the cause.

25. **Ms. Wijemanne** asked whether the Children’s Rights Ombudsman had sufficient funding to carry out its mandate, and what role was played by other institutions in its work. She would also like to know whether it engaged in outreach programmes for children, and whether there were telephone hotlines or other mechanisms that children could use to seek help. Disaggregated data would be useful in many areas, in particular regarding children victims of violence.

26. The definition of the child was unclear: apparently the legal age of consent to sexual relations was 14. She would like to know, if that was indeed the case, whether the Government had plans to change the relevant laws.

27. She also asked to what extent non-discrimination provisions were upheld, in particular for children of ethnic minorities, children in care institutions, and children at social risk.

28. **Mr. Mezmur**, noting that 77 children had married in Lithuania in 2012, asked what was the position of the Government vis-à-vis child marriage. He would also like information on the experience of Lithuania in implementing public information campaigns designed to prevent discrimination. Lastly, invoking the report of the Working Group on the Universal Periodic Review on Lithuania (A/HRC/19/15), he said it would be useful to know what the State party had done to legislate and implement recommendations concerning, in particular, discrimination against Roma children.

29. **Ms. Herczog** said that the practice of leaving unwanted babies in so-called baby boxes was a form of abandonment and, since it did not protect the identity of the child, a breach of the Convention. She asked what measures the Government of Lithuania was taking to prevent the abandonment of babies and to introduce a child rights approach to the care of such babies.

30. **The Chairperson**, speaking as a member of the Committee, said that according to reports, the views of Lithuanian children were not always heard in matters concerning them, despite legislation requiring it. Could the delegation describe measures the Government was taking to ensure the implementation of that important right?

*The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.*

31. **Ms. Miškinienė** (Lithuania), replying to a question concerning the child protection bill, said that a working group had been formed within the Ministry of Social Security and Labour, that included parents, social organizations and NGOs. The original draft legislation had contained no provisions governing the rights of the child; on the basis of the group’s discussions, new provisions had been introduced. The main issue involved the assessment of family problems – and not solely for families at social risk. The bill addressed parents’ obligations, stipulating, in particular, that children under the age of 18 could not be permitted to live without parents or guardians. There had been much discussion about whether to address the responsibilities of children as well; it had been decided that children naturally had many responsibilities and that no additional ones should be legislated. Attention had also been given to violence against children and the bill took account of the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Provisions were also included protecting a child’s right to confidentiality.

32. **Ms. Khazova** asked whether the principle of the best interests of the child was reflected in the bill, and in particular whether children had the right to be heard in proceedings affecting them.
33. Ms. Miškinienė (Lithuania) replied that it was. The Government was planning to institute special procedures for removing a child from the family if so recommended by the Children’s Rights Ombudsman. The new standards would call for working with families on a limited 12-month basis, after which time a decision would be made to keep the child in the home or place them elsewhere. An application would be made to the court to request the removal of the child and to arrange their custody for a limited time. A range of social and governmental institutions and departments would be involved in such procedures.

34. Mr. Bitinas (Lithuania) said that the Ministry expected to present the draft legislation to Parliament soon and that it was likely to be enacted as law before the end of the year. It was currently holding discussions with NGOs with a view to strengthening the process. It was the view of the Ministry that laws must be drafted with input from many social partners; cooperation with NGOs was essential.

35. Ms. Skeivienė (Lithuania) said that in recent years a number of draft texts on improving the child protection framework had been prepared. The idea had been to create a central authority with local branches; that draft had been rejected. In 2005, the Ministry of Social Security and Labour had approved the establishment of an inter-institutional child welfare council, consisting of high-level members of various ministries, along with NGOs and members of the Lithuanian Student Parliament; children’s voices were therefore clearly heard there. Its mandate was to restructure the system for the protection of children’s rights, and the Ministry of Social Security and Labour had the responsibility of coordinating and governing child protection policy.

36. The Chairperson, speaking as a member of the Committee, said that the delegation had spoken of “child protection” and “child rights protection”. The Ministry should consider avoiding the term “child rights protection”, because it would be confused with the important idea of “child protection”. The distinction between rights and protection was crucial.

37. Mr. Bitinas (Lithuania) said that the concept of child rights protection was indeed a cornerstone of Lithuanian child policy.

38. Ms. Khazova, noting that Lithuania had both child protection services and adoption services, said she wondered whether the Government of Lithuania intended to create a special institution to coordinate child protection services as a whole. She agreed that institutions should be able to work with families; they must, however, reflect the principles of the Convention.

39. Ms. Skeivienė (Lithuania) said that the child rights protection and adoption services were the same institution; there was no new institution that would be responsible for coordinating child rights protection services.

40. Ms. Tarvydienė (Lithuania) said that the Office of the Children’s Rights Ombudsman had been created in 2000, and that both funding and staff had been increased since that time. More than 18 persons were now employed there. The Ombudsman was a strong partner to all national institutions working on child rights protection.

41. Mr. Bitinas (Lithuania) said that, since child rights protection was a priority for Lithuania, the Office of the Children’s Rights Ombudsman would certainly be expanded and strengthened.

42. Mr. Pagojus (Lithuania) said that the Government of Lithuania cared deeply about sharing knowledge of the Convention with officials, especially those working with children. The Council of Judges and the Ministry of Justice organized yearly training sessions for judges and bailiffs. The Lithuanian court system was currently undergoing a thorough reform: courts were being expanded and merged, and judges would in future be working in
their areas of expertise. Judges specialized in family law would be better able to ensure the implementation of the Convention.

43. Ms. Stankevičienė (Lithuania) said that the Ministry of Health maintained a website; all questions and issues raised by the Committee would be posted there, and the public would offer feedback. The Committee would be kept informed of all positive developments.

44. Mr. Bitinas (Lithuania) said that information sharing was essential. Children’s rights must be discussed not only in Parliament, but also in all ministries on a daily basis.

45. The Chairperson, speaking as a member of the Committee, inquired whether the Ministry of Health website was child-friendly and presented in language children could understand. She would also like to know whether the principles of the Convention were covered in school curricula.

46. Ms. Tarypydieńė (Lithuania) said that there was a special website for children called “Helping Children” that was designed to be attractive to young people. It provided information about rights and also told children how to get help if they were in trouble. Both children’s rights and human rights in general were important topics of discussion in schools.

47. Ms. Zinkevičiūtė (Lithuania) said that one day a year, children were invited to Parliament to discuss their concerns and give their opinions. The Government of Lithuania was making progress in cooperating with children and hearing their views.

48. Ms. Khazova inquired how many children went to Parliament that day, and on what basis they were chosen; it would be useful to know if children from minority groups were also represented.

49. Mr. Gastaud asked what were the competencies of the children’s Parliament and what was done to implement its decisions.

50. The Chairperson, speaking as a member of the Committee, inquired whether members of Parliament were present and took part in the discussion.

51. Ms. Stankevičienė (Lithuania) said that it was a democratic process that involved young activists; Parliament had special programmes for them. It was a national tradition that children took 141 parliamentary seats on that day; the members of Parliament observed. The discussion covered a wide range of topics.

52. Mr. Pagojus (Lithuania) said that the children’s session was only one day a year. However, the Lithuanian People’s Union, which had a strong presence in every Lithuanian city and helped to prepare legislation, worked closely with student unions.

53. Ms. Belian (Lithuania) said that the views expressed by children in Parliament were considered expert advice.

54. Ms. Urbonė (Lithuania) described how budget allocations were made to child rights programmes.

55. Ms. Belian (Lithuania) said that the objective of the health system bill was to establish a special fund for prevention programmes, research and social advertising, raised mainly from taxes levied on alcohol, equivalent to some €6 million annually. Particular emphasis would be placed on young persons’ and children’s lifestyle. The first reading of the bill in Parliament was scheduled for later that week.

56. Ms. Miškinienė (Lithuania) said that in 2012, the Ministry of Social Security and Labour had allocated some 200 million Lithuanian litas (LTL) to families at social risk and to the implementation of a number of programmes on child rights and child protection.
During the same year, some LTL 213 million in benefits had been paid to children and their guardians.

57. Ms. Urbonė (Lithuania) said that all the international conventions ratified by Lithuania had the full force of law, were directly applied and took precedence over national law. Therefore, the provisions of the Convention were directly applied. The national courts referred directly to the Convention and to the decisions of international courts on issues related to child rights when deciding individual cases.

58. Mr. Cardona Llorens asked whether article 3 of the Convention, concerning the best interests of the child, could be invoked directly and whether it was directly implemented.

59. Ms. Urbonė (Lithuania) said that the best interests of the child had been invoked directly in court proceedings. Children over 10 years of age were able to attend court and their opinion was heard. The courts were required to hand down reasoned decisions on cases involving children, specifying how their decisions were in the best interests of the child.

60. Ms. Khazova asked whether the courts referred directly to article 3 in reaching their decisions and, if so, how frequently.

61. Ms. Miškinienė (Lithuania) said that while no statistical data were available, article 3 was always mentioned in court decisions.

62. Ms. Urbonė (Lithuania) said that the provisions of the Convention were directly cited and applied in Lithuania.

63. The Chairperson said that the Committee was pleased to hear that article 3 was directly applied in the national courts.

64. Ms. Wijemanne invited the delegation to comment on a high-profile case of child sexual abuse in Garliava. The case had raised a number of issues, including the failure of the media to protect the child’s identity. What safety measures had the State party introduced to ensure that a similar situation did not recur, and to ensure proper coordination between the various institutions involved?

65. Ms. Tarvydienė (Lithuania) said that in that case, all legal and social services had been provided in the best interests of the child. The child rights bill sought to promote teamwork between various sectors. The Office of the Public Prosecutor, the Office of the Ombudsman and the Ministry of Social Security and Labour had concluded an agreement on cooperation with a view to improving understanding between the different institutions concerned and preventing the recurrence of such a situation.

66. Ms. Urbonė (Lithuania), replying to questions on violence against children, said that, in 2012, approximately one quarter of children who had experienced violence had been abused by their parents while one fifth had been abused by other persons entrusted with their care; the number of child victims of violence had increased because the definition of violence had been expanded to include less serious physical or other harm. During the period 2008–2012, the number of children involved in road traffic accidents had decreased significantly and the number of children who had suffered from some kind of theft of property had halved.

67. Ms. Miškinienė (Lithuania) said that the child rights bill specified various categories of violence against children, including physical abuse, emotional abuse, sexual abuse and neglect. The Ministry of Social Security and Labour implemented a rolling prevention programme at the national level; the current programme (2011–2015) focused on training specialists to help victims, and on preventive measures. The Government put out an annual tender for the provision of a variety of services, including social,
psychological and medical services, for abused children and their families; in 2012, more than 700 children and their families had received such services.

68. Within the framework of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Lithuania sought to rescue children and young persons from sexual abuse and exploitation. It was anticipated that a centre for child victims of such abuse and exploitation would be opened by 2016.

69. Ms. Khazova invited the delegation to clarify whether the forms of violence specified in the child rights bill included corporal punishment.

70. Ms. Aldoseri invited the delegation, in view of the growing number of “euroorphans” whose parents had left Lithuania to study or work, to indicate the action being taken to raise awareness of good parenting, particularly among vulnerable families. In addition, she requested further information on the family support services available. Conditions in care institutions were reportedly poor; given the large number of children in care, the Committee would appreciate information on the monitoring mechanisms in place to ensure the suitability of the institutions.

71. With regard to children with disabilities, she asked how the national programme for social integration had promoted equal opportunities for children with disabilities and what support was available for families of such children. Were mainstream schools equipped to accommodate children with disabilities and did they have teachers trained in special education on their staff? What activities had been conducted to raise awareness among children and parents prior to the launch of the social integration programme? Lastly, what had been the findings of investigations into the reported ill-treatment of children with mental disabilities in the nursing home at Venta?

72. The Committee welcomed the adolescent health promotion programme 2008–2012; was a second phase of that programme envisaged? The Committee was concerned that adolescents did not appear to have access to sexual or reproductive health information; it would appreciate further information on the confidentiality of testing and treatment for sexually transmitted infections among that age group.

73. With regard to the standard of living, it would be helpful to know how the economic crisis had affected the Government’s efforts to provide support and assistance to families with children. While the education policy 2003–2012 was commendable, the Committee remained concerned about children not enrolled in education or who dropped out and would appreciate further information about dropouts, in particular in the 16–18 age group. In view of the fact that not all municipalities provided textbooks to children free of charge, she wondered how accessible education was to the most vulnerable groups. Lastly, she asked what professional support was provided to children with emotional problems in schools.

74. Ms. Khazova said that, while the State party had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and had reported separately on its implementation, she would like to know whether the programmes organized with the Lithuanian Riflemen’s Union included training in the use of guns or in situations of armed conflict and invited the delegation to specify the skills taught to children at the “Mobile Summer Camps”.

75. Mr. Cardona Llorens said that the Committee had previously voiced concern about the lack of special juvenile courts or alternative measures for children in conflict with the law. What alternative non-custodial or non-judicial measures were available to juveniles? Noting that the State party had special child prosecutors, he asked whether judges and lawyers also received special training in juvenile justice issues. In view of the fact that some child victims of, or witnesses to, offences involving the sale of children had been fined for their involvement, he asked the delegation to describe the measures taken to
rehabilitate and reintegrate child victims and witnesses in such cases. Were children in such situations viewed as victims?

76. **Mr. Mezmur** asked whether children born to stateless persons or persons not permanently resident in Lithuania were covered by the recent legislation in that regard. He noted that a children’s hotline had been established and invited the delegation to share lessons learned.

77. **Ms. Aidoo** said that, although the Ministry of Education had issued a number of decrees and introduced various programmes on family life and sex education, opposition to sex education remained strong. What steps had been taken to secure national consensus to ensure that adolescents had the kind of scientific information on sexual and reproductive matters that would promote a healthy lifestyle? She asked whether a comprehensive policy or national strategy on sexual and reproductive health for adolescents was in place.

78. In connection with mental health issues, she reminded the delegation that the Committee had raised the issue of suicides among adolescents at a previous meeting with the State party. Had any major study been undertaken in order to identify the root causes of the high suicide rates among children and develop preventive strategies? What percentage of the national health care budget was allocated to children’s mental health?

79. Lastly, she asked whether human rights education was incorporated in the school system and what measures were being taken to eliminate gender and other social stereotypes from school textbooks.

80. **Ms. Wijemanne** said she would like to know what was being done in schools to address the large number of reported cases of self-inflicted harm by children. She wondered whether girls of 16 could obtain an abortion without parental consent. If that was the case, might the possibility of requiring parental consent be considered? In addition, was the maternal and child health budget being reduced? Lastly, she asked whether professional medical assistance was available to women who chose to deliver their children at home.

81. **Mr. Gastaud** said that the fact that children had the right to freedom of association in their schools was commendable. However, he wished to know whether that right extended beyond the school context and out into the village or neighbourhood. In addition, he asked whether the efforts mentioned in the report in connection with the teaching of minority languages had been translated into action on the ground.

82. **Ms. Aldoseri** asked the delegation to provide statistical information on the incidence of child suicide in cases involving child sexual abuse. In addition, she invited the delegation to indicate the current age of consent in the State party and asked whether there were plans to raise the age of consent to 18, in line with the Convention. Lastly, she asked for further information on measures to investigate sexual abuse, trafficking and exploitation of children and to prosecute perpetrators. What was being done to ensure that children were treated as victims and not perpetrators in such cases?

83. **Ms. Khazova** said that the head of delegation had referred in his introductory statement to a police training programme that would enable officers to work more effectively on delinquent behaviour in juveniles. She asked what the term “delinquent behaviour” meant in practice.

84. **Ms. Aldoseri** invited the delegation to comment on information received to the effect that children as young as 12 years could receive military training through the Lithuanian Riflemen’s Union and might be engaged in military activities.

*The meeting rose at 1 p.m.*