



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2012**

**Lithuania\***

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## Introduction

1. The Government of the Republic of Lithuania hereby submits the initial report on the implementation of the Convention on the Rights of Persons with Disabilities. The Convention on the Rights of Persons with Disabilities and its Optional Protocol (hereinafter referred to as the Convention) was ratified by the Republic of Lithuania Law on the Ratification of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (*Valstybės žinios* (Official Gazette) No. 67-3350, 2010).

2. According to Article 2 of the abovementioned Law the concept of “sexual and reproductive health”, as used in Article 25(a) of the Convention, cannot be interpreted as endorsing new human rights and establishing relevant international obligations for the Republic of Lithuania. The legal content of this concept does not include sponsorship, promotion or advertising of termination of pregnancy, sterilization, and medical treatment of persons with disabilities that could lead to discrimination based on genetic characteristics.

3. The report has been drawn up in accordance with the reporting guidelines, following Article 35(1) of the Convention. The report aims to provide the Committee on the Rights of Persons with Disabilities with detailed information on the current situation and the measures implemented by the State party with respect to the protection of the human rights of persons with disabilities.

4. This report has been worked out by the inter-institutional working group under the guidance of the Ministry of Social Security and Labour, with the participation of the Ministry of Health, the Ministry of Justice, the Information Society Development Committee under the Ministry of Education and Science, the Ministry of Culture, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Environment, the Department of Physical Education and Sports under the Government of the Republic of Lithuania and the Ministry of Transport and Communications. The draft report has been agreed with other state agencies: the Office of the Equal Opportunities Ombudsman, the Lithuanian Central Electoral Committee, the departments under the Ministry of Social Security and Labour. The organizations of persons with disabilities have been consulted and their contribution is reflected in the report to the extent possible.

5. Lithuania is a signatory to key treaties of the United Nations and the Council of Europe on the protection of human rights, therefore it has been regularly providing reports on their implementation, and it has been enforcing due decisions of relevant international authorities. Furthermore, efforts to comply with EU legislation have been taken as of Lithuania’s accession to the EU in 2004.

## I. General provisions of the Convention

### Articles 1–4

6. The Constitution of the Republic of Lithuania (hereinafter referred to as the Constitution) (*Valstybės žinios* (Official Gazette) No.33-1014, 1992) sets forth fundamental human rights and freedoms. The constitutional provisions comply with the requirements to protect and respect human honour and dignity, and prevent any discrimination, as prescribed by international instruments. Article 29 of the Constitution states that no one’s rights may be restricted nor any privileges may be granted to anyone on any ground such as sex, race, nationality, language, origin, social status, religion,

convictions, or opinions. Although protection from restrictions and discrimination on the basis of disability is not specifically set out in the Constitution, Article 6 states that “the Constitution shall be an integral and directly applicable act”. Thus every person may defend his rights by invoking the Constitution. In addition, Article 29 of the Constitution states that “all persons shall be equal before the law, the court, and other State institutions and officers”. Many other laws of the Republic of Lithuania governing various social relations enshrine the constitutional principle of equality and non-discrimination.

7. With a view to consolidating the constitutional principles of human rights, a Law of the Republic of Lithuania on Equal Treatment was passed in 2003 (*Valstybės žinios* (Official Gazette) No. 67-3350, 2010; No. 114-5115, 2003; No. 76-2998, 2008) providing for the definitions of the basic concepts: direct and indirect discrimination, equal opportunities, harassment, etc. Discrimination is defined as any direct or indirect discrimination, harassment, instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion. Indirect discrimination is defined as any act or omission, legal provision or assessment criterion, apparently neutral provision or practice that formally are the same but their implementation or application results or would result in de facto restrictions on the exercise of rights or extensions of privileges, preferences or advantages on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion, unless that act or omission, legal provision or assessment criterion, provision or practice is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Harassment is defined as any unwanted conduct which occurs with the purpose, or effect, of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or offensive environment on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

8. The Law on Equal Treatment provides that to ensure equal treatment the employer shall take reasonable accommodation to enable the disabled to have access to, participate in, or advance in employment, or to undergo training, including adaptation of premises, unless such measures would impose a disproportionate burden on the employer. The legal act does not specify the “disproportionate burden on the employer”.

9. Major concepts regarding the disability are consolidated in Article 2 of the Law of the Republic of Lithuania on Social Integration of Persons with Disabilities (*Valstybės žinios* (Official Gazette) No. 67-3350, 2010; No. 36-969, 1991; No. 83-2983, 2004):

- *A person with disabilities* is an individual with a disability category, or with less than 55% per cent working capacity and/or with special needs requirements, as recognized under the above Law;
- *Disability* is a long-term deterioration of health due to the disorder of bodily structure and functions, and adverse environmental factors, resulting in diminished participation in public life and decreased possibilities of functioning;
- *Working capacity* is individual capacity to implement previously acquired professional competence or acquire new professional competence or perform less demanding tasks in terms of professional competence;
- *Special need* is the need for special assistance arising from the person congenital or acquired long-term health condition (disability or loss of working capacity) and adverse environmental factors.

10. The definition of the person with disabilities is also provided in Article 18.16 of the Technical Requirements STR 2.03.01:2001 “Buildings and territories. Requirements related

to the needs of persons with disabilities” (*Valstybės žinios* (Official Gazette) No. 53-1898, 2001) (*Valstybės žinios* (Official Gazette) No. 67-3350, 2010): persons with disabilities – people with impaired functions of parts of the body, including movement, visual, auditory, manipulative disorders, that cause partial or complete restriction for people to move around and have access to environmental elements.

### **System of social integration of persons with disabilities**

11. Article 3 of the Law on Social Integration of Persons with Disabilities provides for major social integration arrangements, which are broadly in line with the principles specified in Article 3 of the Convention: equality of rights – persons with disabilities have the same rights as other members of society; equality of opportunities – persons with disabilities have the same access as other members of society to education, work, leisure, social, political and community life (only in cases where the same conditions and measures have proved non-effective, special measures shall be drafted with a view to improving the situation of persons with disabilities); prevention of discrimination – persons with disabilities are protected from discrimination or exploitation; full participation – all issues related to life and activities of persons with disabilities, shall at all levels be agreed with them and/or their representatives following the Law and considering their experience; autonomy and freedom of choice – persons with disabilities shall be continuously encouraged to be independent; accessibility – providing persons with disabilities with the conditions for participating in all areas of life and access to available resources; disability compensation – the consequences of disability shall be compensated for persons with disabilities in various cash and non-cash forms of support; decentralization – bringing assistance to persons with disabilities as close as possible to their place of residence, the community shall be involved in the social rehabilitation of the disabled; destigmatisation – raising public awareness with a view to addressing negative attitudes and stereotypes associated with disabilities; continuity and flexibility – all institutions shall act in coordination in social service provision and development of persons with disabilities; meeting different needs – persons with disabilities represent a heterogeneous societal group, which calls for consideration of differing needs of persons with disabilities when providing assistance.

12. The social integration system represents provision of medical, occupational and social rehabilitation services, meeting special needs with special measures of assistance, promotion of employment for persons with disabilities, provision of social support, allocation and payment of state social insurance pensions and benefits, provision of educational services, ensuring equal participation in cultural, sports and other public life. The social integration system is funded state and municipal budgets, the State Social Insurance Fund, the Compulsory Health Insurance Fund, the Employment Fund, the European Union structural funds and other legally acquired funds (Article 5 of the Law on Social Integration of Persons with Disabilities).

13. Article 16(2) of the Law on Social Integration of Persons with Disabilities specifies the following institutions as being in charge of the social integration of persons with disabilities:

- The Government of the Republic of Lithuania or its authorized institution. It coordinates and implements the system for social integration of persons with disabilities, and approves state long-term disability social integration programmes and strategies;
- Ministries, within their competence, make and submit to the Government proposals, draft legislation on the improvement of the framework of social integration of persons with disabilities, and arrange for the implementation of the above framework;

- The Department for the Affairs of the Disabled under the Ministry of Social Security and Labour (hereinafter referred to as the Department for the Affairs of the Disabled) co-ordinates and implements the National Programme for Social Integration of Persons with Disabilities, and carries out other policy measures related to social integration of persons with disabilities;
- Municipalities develop and carry out local programmes for social integration of persons with disabilities; they are responsible for providing for special needs of persons with disabilities through general and specific social services, for facilitating social integration of persons with disabilities, and cooperation with associations of persons with disabilities;
- Associations of persons with disabilities, which represent interests of persons with disabilities, help with the implementation of measures for social integration of persons with disabilities, and work with state and local agencies and institutions, and may get institutional and financial support from the above institutions. Associations of persons with disabilities are involved in national social policy making and its implementation.

#### **The Disability and Working Capacity Assessment Office**

14. Pursuant to Article 18 of the Law on Social Integration of Persons with Disabilities, Lithuania has the Disability and Working Capacity Assessment Office operating under the Ministry of Social Security and Labour (hereinafter referred to as the Disability and Working Capacity Assessment Office), which is a public administration authority delegated to assess disability of persons under 18 years of age, working capacity level and need of occupational rehabilitation services for persons under 18 years of age who are (were) insured by state social insurance, and for individuals from 18 years of age to retirement age, and to make a general primary decision on special needs of individuals regardless of their age, disability or working capacity. The tasks of the Office are as follows:

- Participate in the implementation of policies for social inclusion of persons with disabilities;
- Arrange for the assessment of the level of disability for persons under 18 years of age, working capacity level for individuals under 18 years of age who are (were) insured by state social insurance, and individuals from 18 years of age to the retirement age, need for occupational rehabilitation services, general primary special needs;
- Submit legislative proposals to the Ministry of Social Security and Labour with a view to improvements in the areas of assessment of disability level, working capacity level, general primary special needs and occupational rehabilitation.

See also the subsection on Article 28 below.

#### **Commission of Disputes**

15. Pursuance to Article 23 of the Law on Social Integration of Persons with Disabilities, Lithuania has a mandatory pre-litigation non-judicial body – the Commission of Disputes – operating under the Ministry of Social Security and Labour (hereinafter referred to as the Commission of Disputes). It is a public entity, which is established, and whose numerical composition, regulations and dispute settlement procedures are approved by the Minister of Social Security and Labour. The Commission is entrusted with the following tasks:

- Hearing and settling disputes between the beneficiary, the authority paying the pension or benefit and the Disability and Working Capacity Assessment Office;

- Collecting, framing and summarizing issues raised in the appeals of persons with disabilities, and making proposals to the Ministry of Social Security and Labour with a view to improving policies of social inclusion of persons with disabilities;
- Drafting reports on the performance of the Commission of Disputes.

16. The ruling issued by the Commission of Disputes may, within the procedure prescribed by law, be further taken to court.

#### **General statistics on persons with disabilities**

17. In 2011, Lithuania had 264 632 persons (8.6% of the total population of Lithuania) who were beneficiaries of pensions or benefits due to lost working capacity owing to disability (48% men and 52% women). The biggest proportion of the disabled is represented by people with 30-40% working capacity, i.e. 152 320. These make up as much as 58% of the total number of persons with disabilities. Persons with most serious disabilities, i.e. 0-25% working capacity, account for 12% in the total number of persons with disabilities. The number of disabled whose working capacity is 45-55% was 63 436 in 2011, which accounted for 24% in the total number of persons with disabilities; while the number of children with disabilities under 18 was 15 522, or 6% of the total number.

## **II. Information as per Convention article**

### **Article 5 – Equality and non-discrimination**

18. Equality and non-discrimination provisions have been enshrined in the Constitution (see section I of the report). Constitutional provisions have been detailed in other legislation. One of the main laws establishing principles of equal opportunities and non-discrimination is the Law on Equal Treatment, which prohibits direct and indirect discrimination, harassment and instruction to discriminate on the basis of sex, race, nationality, language, origin, social status, religion, faith, convictions or opinions, age, sexual orientation, disability, ethnic origin and religion, at work, in the civil service, in education establishments, in science and research institutions and in the field of consumer protection.

19. The Law on Equal Treatment obligates the following entities to ensure equal treatment:

- State and municipal agencies;
- Education institutions, science and higher education institutions (when enrolling, testing, opting for education programmes, etc.);
- Employers of all forms of ownership (when employing, establishing working conditions, establishing qualification development conditions, salary, etc.);
- A seller of goods, manufacturer of goods, or service provider (according to the Law the seller of goods, manufacturer of goods, or service provider shall ensure equal treatment regardless of a person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs).

20. This legislative act ensures the enforcement of the European Union legislation specified in the Annex to the Law, namely: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

21. The Law on Equal Treatment imposes prohibition to discriminate, applicable with regard to membership or participation in the activities of employee or employer organizations and other associations whose members are of relevant age, sexual orientation, social status, disability, race or ethnic origin, religion, conviction or faith. (Article 3(7) of the Law on Equal Treatment.)

22. Pursuant to Article 5 of the Law on Equal Treatment, state and municipal institutions and agencies must, within their competence:

(1) Ensure that equal rights and opportunities are enshrined in all legal acts irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

(2) Develop, approve and implement programmes and measures designed to ensure equal treatment irrespective of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion;

(3) In the manner prescribed by laws, support programmes of religious communities, associations and centres, public establishments, associations, as well as charitable and sponsorship foundations which assist in implementing equal treatment of persons on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion.

23. A person who considers himself wronged by failure to apply equal treatment to him shall have the right to appeal to the Equal Opportunities Ombudsman. An appeal to the Equal Opportunities Ombudsman shall not preclude the possibility of defending his rights in court. The Equal Opportunities Ombudsman investigates complaints and starts investigations on his/her own initiative as regards cases of discrimination on the grounds of disability. Any individual may take his/her case of violation of their rights and freedoms to court on individual basis.

24. It is notable that following Article 2(7)(5) and 2(7)(6) of the Law on Equal Treatment, the following is not considered as discrimination:

- Special measures in the field of health care, safety at work, employment, labour market as established by laws with the view of creating and applying conditions and opportunities guaranteeing and promoting integration into the working environment (Article 2(7)(5))
- Special temporary measures, as established by laws, which are taken to ensure equality and prevent violation of equal treatment on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion (Article 2(7)(6))

See also part 1 of the report.

25. Social integration of persons with disabilities is regulated and the principle of equal treatment enshrined in the Law on Social Integration of Persons with Disabilities. Following the adoption of the Law in 2004 (enacted as of 1 July 2005), there has been a shift from a medical to social model of disability: new concepts and terms have been introduced, the old concepts of “invalidity” or “invalid” have been replaced by “disability” and “the disabled” (see also part I of the report). Discriminatory provisions emphasizing the exceptionality of a disabled person have been abandoned and equal rights and opportunities of persons with disabilities in society have been legally consolidated. The purpose of the Law is to ensure equal rights and opportunities of the disabled in society, to establish principles of social integration of the disabled, define the system of social integration and its preconditions, authorities implementing social integration, assessment of levels of

disability and working capacity, provision of occupational rehabilitation services, assessment of special needs. (See also the subsections of the report on Articles 26 and 28.)

26. One of the key programmes whose measures have a direct impact as regards the improvement of the quality of life of persons with disabilities, is the National Program for the Social Integration of Persons with Disabilities 2010–2012 approved by the Government of the Republic of Lithuania by Resolution No. 850 of 7 June 2002 (*Valstybės žinios* (Official Gazette) No. 57-2335, 2002; No. 29-1345, 2010) (hereinafter referred to as the National Programme), which seeks to effectively develop the process of social integration of disabled people and ensure enforcement of national and international legislation on the social integration of persons with disabilities. The Minister of Social Security and Labour by his Order No. A1-194 of 17 May 2010 approved the Action Plan for the National Programme for Social Integration of Persons with Disabilities 2010-2012 (*Valstybės žinios* (Official Gazette) No. 58-2854, 2010). The National Programme aims to promote equal opportunities for the disabled through social integration actions that meet the country's international and domestic objectives and obligations, and through a relevant strategy for their implementation. The Strategy for the National Programme covers many areas of public life: public education, health care, medical rehabilitation, training of autonomous life skills, vocational rehabilitation, psychosocial rehabilitation, social services, education, social security, employment, culture, sport, recreation and family life. The aims of the National Programme are achieved through better legislation, central and regional programmes and measures, staff training and raising their competence, collaboration and consultation with associations of the disabled, collecting and analysing statistical and other information about persons with disabilities, their problems, and solutions to these problems, initiating and supporting social and economic research programmes.

27. The National Programme is the main document implementing provisions of the Convention. National programme measures are implemented through various ministries and other government agencies. Programme development involves organizations representing the disabled, who make proposals regarding the actions/measures, with due consideration to the diversity of disabilities and problem areas. Information on measures implementing the National Programme will be provided in relevant articles of the report. The National Programme lists measures eligible for funding when implemented by non-governmental organizations operating in the area of social integration of the disabled and implementing a wide range of activities: social rehabilitation services for the disabled in the community, training of mobility and autonomy skills, relevant periodic information publishing and distribution among the disabled, and support for associations of the disabled. Non-governmental organizations are eligible for funding through their projects. In 2011, disability related NGOs were allocated LTL 18,334.1 thousand for the implementation of the mentioned activities. More detailed information on the implementation of the measures, objectives, funding, etc. is provided in relevant articles of the report.

## **Article 8 – Awareness-raising**

28. Provisions of this Article are met by the implementing measures of the National Anti-Discrimination Programme for 2009–2011 approved by Resolution No. 317 of the Government of the Republic of Lithuania of 15 April 2009 (*Valstybės žinios* (Official Gazette) No. 67-3350, 2010; *Valstybės žinios* (Official Gazette) No. 49-1964, 2009) (hereinafter referred to as the Anti-Discrimination Programme). The purpose of the Anti-Discrimination Programme is to promote respect for the individual, to ensure implementation of the provisions of the legislation establishing principles of non-discrimination and equal opportunities, to raise legal awareness, understanding of and tolerance relating to gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnic origin and religion, to raise public

awareness as regards manifestations of discrimination in Lithuania and its negative impact on certain groups in society to enjoy equal opportunities to actively participate in society, and to implement equal rights measures. The implementation of the Programme is set to carry out provisions of Article 29 of the Constitution, establishing the equality of persons and the prohibition to restrict any privileges to anyone on any ground such as sex, race, nationality, language, origin, social status, religion, convictions, or opinions, and to apply a complex approach as regards studies of discrimination and its reasons in all walks of public life, to promote respect for the individual, to raise public legal awareness, understanding, tolerance on the grounds of gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity and religion, and to facilitate operation of non-governmental human rights organizations.

29. The economic crisis has adjusted the implementation of the Programme: the years 2009–2010 saw the implementation of educational measures, which did not require additional funds from the implementers. In 2009–2010, the implementation of the Anti-Discrimination Programme involved the Ministries of Social Security and Labour, Education, Justice, Culture, Internal Affairs, as well as the Equal Opportunities Ombudsman and the General Prosecutor's Office. Within the framework of the Programme the following events were held: training for staff of various institutions, civil servants, police officers and judges on equal opportunities and non-discrimination, discussions with non-governmental human rights organizations, a promotion campaign against multiple discrimination, an informal adult education programme on tolerance and respect for an individual has been developed for specific target groups. Official publications regularly covered statistics on criminal acts expressing hatred on the grounds of race, ethnicity, religion, language and sexual orientation. Analysis of the current monitoring system of illegal online information was done, with subsequent submission of the findings and recommendations to the Government of the Republic of Lithuania. Promotion events of tolerance to other cultures were held. 2011 saw the implementation of the measure "Partial funding of non-governmental human rights organizations" through announced calls for proposals from non-governmental human rights organizations, naturally, including organizations operating in the area of human rights of the disabled.

30. In order to ensure continuity of the Anti-Discrimination Programme, an Inter-institutional Non-discrimination Action Plan 2012–2014 was approved by Resolution No. 1281 of the Government of the Republic of Lithuania of 2 November 2011 (*Valstybės žinios* (Official Gazette) No. 134-6362, 2011), which was aimed to ensure implementation of awareness-raising measures on non-discrimination and equal opportunities, and to increase legal awareness and understanding and tolerance with respect to gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnic origin and religion, to raise public awareness of discrimination in Lithuania and its negative impact on certain groups in society to enjoy equal opportunities to actively participate in society. The Plan is coordinated by the Ministry of Social Security and Labour, and the approved measures are carried out by other institutions depending on their jurisdiction. The Plan includes annual training on issues of discrimination on the grounds of disability for persons working in the field of public information.

31. In the framework of the National Programme, the measure of funding of periodical and awareness-raising publications for disabled people and their distribution was carried out in pursuance of Order No. A1-491 of the Minister of Social Security and Labour of the Republic of Lithuania of 19 October 2010 approving arrangements for funding of periodical and awareness-raising publications for disabled people and their distribution (*Valstybės žinios* (Official Gazette) No. 126-6477, 2010). The goal of Project funding was to support publications important for the information of persons with disabilities.

According to these arrangements, funding is available for publications related to social integration and equal opportunities with respect to persons with disabilities:

- Periodicals which may contain issues of development, health, education, science, social protection, culture, sports, environmental access, extra activities, vocational training, occupational rehabilitation, employment, leisure;
- Publications which may contain a complete description of scientifically validated techniques aimed at promotion of social integration, equal opportunities and reduction of social exclusion, or introduction of publicly approved methodologies, as well as topics promoting disability prevention and raising public awareness.

32. The implementation of the measure in 2011 involved publication and distribution of periodicals intended for persons with physical disabilities, the blind, the deaf, mentally retarded, intellectually disabled, people with arthritis, people with diabetes and renal patients, as well as for their families, and professionals. A total of 11 successful projects were carried out by 7 associations of the disabled and 4 public bodies with a total allocation of LTL 881.3 thousand.

33. Funding of projects of the disabled associations is effected pursuant to Order No. A1-287 of the Minister of Social Security and Labour of 22 June 2010, approving the arrangements for the funding of the associations of the disabled (*Valstybės žinios* (Official Gazette) No. 75-3841, 2010). The goal of the funding of projects supporting activities of the associations of the disabled is to reduce social exclusion of persons with disabilities and to improve social integration, while representing and promoting the rights of persons with disabilities, mobilizing the disabled for joint activities that enhance their independence, develop relevant skills, encourage to live in the community. Applications are welcome from the umbrella associations of the disabled, bringing together associations of the disabled and individual persons with disabilities, which are involved in regular activities and provide services for the disabled in at least half of the municipalities, or half of the counties.

34. The implementation of the projects supporting activities of the associations of the disabled involves supporting activities related to: protection of the rights of the disabled by the nature of disability (representation, conferences, seminars, training events, international cooperation), development of professional qualification (development of professionals directly interacting with the disabled in the community, as well as managing skills development in the association staff), training of independent living skills, arrangement of workshops, camps, recreation, cultural and sporting events for the disabled, maintenance of reconstructed facilities or those under construction (involvement in checking the designs of buildings relevant for the disabled, and checking the compliance of the constructed facility with the relevant design solutions). To raise awareness, organizations of the disabled hold conferences, trainings, round table discussions on the rights, health care, civic movements of the disabled, access to information, etc. In 2011, implementation of projects supporting activities of the associations of the disabled involved 13 conferences (on social needs of the deaf, environment adjustment for the needs of the disabled, implementation of the provisions of the Convention on the Rights of Persons with Disabilities, the implementation of psychological support for family members of the disabled, health care, etc.), 32 seminars, trainings (on work with persons with disabilities and their families, on public awareness regarding disability, etc.), 78 other events (meetings, roundtables, etc.) on the promotion of the rights of the disabled, cooperation with municipalities, promotion of organ donation, environmental adjustments to the needs of the disabled, sports for the disabled promotion, etc. The total funding for the projects supporting activities of associations of the disabled accounted for LTL 4.1 million of national funds in 2011.

35. The provisions of this Article of the Convention regarding public awareness are also fulfilled through press releases, a wide range of information for families, teachers,

education professionals as regards the development of children with special needs, as placed on the website of the Ministry of Education ([www.smm.lt](http://www.smm.lt)) and distributed among the media. In 2011, the range of topics for the portal [www.ikimokyklinis.lt](http://www.ikimokyklinis.lt). expanded. The content of the portal is regularly updated, consultations are provided to visitors or specific users. It is a great source of information for parents raising children with disabilities.

36. Among the many measures projected in the Pre-school and Pre-primary Education Development Programme for 2011–2013, approved by Order No. V-350 of the Minister of Education and Science of 1 March 2011 (*Valstybės žinios* (Official Gazette) No. 30-1421, 2011), is establishment of universal multifunctional centers. The multifunctional centre is a facility providing local children and the community with the education, culture and social services. Its activities may include: pre-school, pre-primary and informal education of children, child day care, non-formal adult education, educational assistance, special education, distance education in formal and informal education programmes or course units, entertainment, socio-cultural and artistic activities for children and adults, and the like.

37. Another measure aims at education programmes specifically targeted at families raising children of pre-school and pre-primary age, thereby increasing family responsibility and expertise in educating their children (including the disabled). The model for improvement of education and life conditions for children from birth to compulsory schooling, approved by Resolution No. 1509 of the Government of the Republic of Lithuania of 11 November 2009 (*Valstybės žinios* (Official Gazette) No. 138-6073, 2009) foresees counseling and education for parents, families. The project “Development of Pre-school and Pre-primary Education” has scheduled funding municipal projects through open competition with a view to upgrading the integrated assistance (with particular focus on improved assistance to families with disabled children).

## **Article 9 – Accessibility**

38. According to Article 11 of the Law on Social Integration of the Disabled, the requirements regarding accessibility of physical environment for the disabled in all relevant environmental aspects of life are implemented in adjusting to the needs of the disabled spatial planning, designing of buildings and public facilities, housing and the immediate environment, public transport facilities and their infrastructure, and information environment. Municipal authorities, owners and users of the above facilities are responsible for their adjustment to special needs of persons with disabilities. The Ministry of Environment is in charge of the regulatory construction documentation regarding the adjustment of the environment to the special needs of the disabled.

### **Adjustment of buildings to special needs of persons with disabilities**

39. Article 6(3) of the Law on Construction (*Valstybės žinios* (Official Gazette) No. 32-788, 1996; No. 101-3597, 2001) states that the design, construction, reconstruction or overhaul of buildings (with the exception of renovation (modernization) of apartment houses) and civil engineering works must be carried out in such a way that they will accommodate the specific needs of the disabled in compliance with the Law on Social Integration of the Disabled.

40. Technical Requirements STR 2.03.01:2001 “Buildings and territories. Requirements related to the needs of persons with disabilities” was approved by Order No. 317 of the Minister of Environment of 14 June 2001 (*Valstybės žinios* (Official Gazette) No. 53-1898, 2001) in accordance with the provision of the Law on Social Integration of the Disabled. The Regulation lays down mandatory requirements for cities, towns and rural areas, individual sites and components of their equipment, public, residential and other buildings,

elements of the interior and the equipment, in terms of accessibility to the disabled. This Regulation shall be binding for all participants in the construction, legal and natural persons as well as companies with no status of a legal entity, whose activities are subject to the Law on Construction, as well as for national and municipal authorities involved in state regulation of construction.

41. Designs for buildings of relevance for the disabled with the exception of renovated (modernized) buildings, are checked by the Department of the Affairs of the Disabled in accordance with paragraph 8 of Annex 9 of Technical Requirements STR 1.07.01:2010 “Building permit documentation”, approved by Order No. D1-826 of the Minister of Environment of the Republic of Lithuania of 27 September 2010 (*Valstybės žinios* (Official Gazette) No. 116-5944, 2010).

42. The Construction Completion Commission is set up, replaced or revoked through specific documentation by the Head or authorised representatives of the State Territorial Planning and Construction Inspection in accordance with paragraph 9 of Technical Requirements STR 1.11.01:2010 “Completion of construction”, approved by Order No. D1-828 of the Minister of Environment of Lithuania of 28 September 2010 (*Valstybės žinios* (Official Gazette) No. 116-5947, 2010). The head or an authorized representative of the Department of the Affairs of the Disabled, pursuant to paragraph 10 of Annex 1 of the Technical Requirements, participates in the Construction Completion Commission, and inspects the conformity to the design solutions of the buildings of relevance for the disabled, with the exception of renovated (modernized) buildings, in terms of accessibility to the disabled. The Department of the Affairs of the Disabled has entrusted inspection to the Association of Environment Adjustment to the Needs of the Disabled. The national allocation for this activity amounted to LTL 348.5 thousand in 2011. The Construction Completion Commission draws up a Construction Completion Certificate, thereby confirming that the building was constructed or reconstructed or an apartment building or public building renovated (modernized) in compliance with building design solutions.

43. Paragraph 27 of the Technical Requirements STR 1.05.06:2010 “Building design”, approved by Order No. D1-708 of the Minister of Environment of Lithuania of 30 December 2004 (*Valstybės žinios* (Official Gazette) No. 4-80, 2005; No. 115-5902, 2010), states that, depending on the purpose of a building and its construction type, all parts of the project necessary for construction and use of the building in question must be ready; and their solutions must implement essential requirements of the building, building architecture, environment, landscape and immovable cultural heritage and other protection (safety), protection of interests of third parties, social integration of the disabled, and the designation. Initial paragraphs of Annexes 1 and 2 state that a project manager or manager of a part of the project, representing the interests of the builder and without prejudice to the interests of the designer, must ensure that the solutions of the design and its separate parts were in conformity with the requirements of the relevant laws, other legal acts, construction design documentation, normative technical, safety and designation documentation; and which were not in breach of the interests of the state, integration of the disabled people, the society and the third parties. Annex 8 of these Requirements provides for one of the integral parts of the general part of the technical design to contain information detailing environment and building accessibility solutions for the disabled. The architectural part should reflect solutions meeting specific needs of the disabled.

44. Article 5 of the Technical Requirements STR 2.02.09:2005 “Detached residential buildings” approved by Order No. D1-338 of the Minister of Health of the Republic of Lithuania of 1 July 2005 (*Valstybės žinios* (Official Gazette) No. 93-3464, 2005) states that design solutions that are not regulated by the Technical Requirements shall be accepted by the building designer, guided by professional qualification and experience, together with

the builder. If the terms of reference specify that the building will be used by persons with disabilities, the building shall be subject to the Requirements STR 2.02.09:2005.

45. The Technical Requirements STR 2.02.01:2004 “Residential buildings” approved by Order No. 705 of the Minister of Environment of 24 December 2003 (*Valstybės žinios* (Official Gazette) No. 23-721, 2004) provides that each apartment building should have apartments of different sizes for the disabled, constituting at least 5% of the number of apartments in the building. All entrances to apartment buildings, ramps, apartment entrance doors and elevators shall be designed according to STR 2.03.01:2001 “Buildings and territories. Requirements related to the needs of persons with disabilities”. Paragraph 201 provides for ramps to be equipped to the lowest lift stopping site or to the ground floor in the case where there is no lift. The paths of the land plot of the building shall be designed to enable free access for the disabled from the street (road) to the building and from the building to its appurtenances, landscaping, recreational facilities, parking lot or garage.

46. Paragraph 29 of the Technical Requirements STR 2.06.02:2001 “Bridges and Tunnels. General requirements” approved by Order No. 319 of the Minister of Environment of 15 June 2001 (*Valstybės žinios* (Official Gazette) No. 53-1899, 2001) provide that the design and reconstruction of structures should take into account the specific traffic of the disabled. It is necessary to meet the Technical Requirements STR 2.03.01:2001 “Buildings and Territories. Requirements related to the needs of persons with disabilities” as regards special requirements for building entrances, passageways, stairs and ramps. Paragraph 50 provides for building stairs to climb the bridge and enter the tunnel and ramps for baby carriages and bicycles, as well as the disabled in a wheelchair. Tunnel entrances can be open or covered, on pavements or ground floors of the existing buildings.

47. Paragraph 5.7 of chapter IV of the Technical Requirements STR 2.06.01:1999 “Communication systems of towns, small towns and villages”, approved by Order No. 61 of the Minister of Environment of the Republic of Lithuania of 2 March 1999 (*Valstybės žinios* (Official Gazette) No. 27-773, 1999), provides that the pedestrian walkways at intersections of overpasses, bridges and underground passages must be designed under the specifications of paragraph 2.10, chapter VI of the Technical Requirements STR 2.03.01:2001 “Buildings and Territories. Requirements related to the needs of persons with disabilities”, stating that at all public buildings and apartment buildings there should be lots for the disabled people according to the specifications of the Technical Requirements STR 2.03.01:2001 “Buildings and Territories. Requirements related to the needs of persons with disabilities”. The Chapter of the Requirements “Normative documentation establishing special planning requirements for communications” has a reference to Technical Requirements STR 2.03.01:2001 “Buildings and Territories. Requirements related to the needs of persons with disabilities”.

48. Paragraph 10 of Annex 1 of the Technical Requirements STR 1.11.01:2010 “Completion of Construction”, approved by Order No. D1-828 of the Minister of Environment of Lithuania of 28 September 2010 (*Valstybės žinios* (Official Gazette) No. 116-5947, 2010) provides that the head or an authorized representative of the Department of the Affairs of the Disabled inspects the conformity to the design solutions of the buildings of relevance for the disabled, with the exception of renovated (modernized) buildings, in terms of accessibility to the disabled.

49. Paragraph 8 of Annex 9 of the Technical Requirements STR 1.07.01:2010 “Documents authorising construction works” approved by Resolution No. D1-826 of the Minister of Environment of 27 September 2010 (*Valstybės žinios* (Official Gazette) No. 116-5944, 2010) lays down that the Department of the Affairs of the Disabled inspects designs of buildings of relevance to the disabled, with exception of renovated (modernised) buildings.

50. Improper work incurs liability, provided for by the Republic of Lithuania Code of Administrative Violations. Sanctions are imposed by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment or the court. Compliance with statutory requirements is controlled (overseen) by the following authorities, within their jurisdiction:

(a) Municipal administrations are responsible for issuing list of planning conditions for preparation of spatial planning documents (Law on Territorial Planning);

(b) Municipal administrations are responsible for issuing construction-permitting documents checked against building designs (Law on the Construction and STR 1.07.01:2010 Documents authorising construction works);

(c) The State Territorial Planning and Construction Inspectorate under the Ministry of the Environment is responsible for state supervision of construction (the Law on Construction);

(d) The State Territorial Planning and Construction Inspectorate under the Ministry of the Environment is responsible for the construction completion (Law on Construction and STR 1.11.01:2010 Construction completion);

(e) Municipal administrations are responsible for supervising the maintenance during the period of use or operation of residential buildings and other structures (except buildings falling within the supervision of the Ministry of Transport and Communications or its authorized institutions as per approved building lists) (Law on Construction).

#### **Transport accessibility to the disabled**

51. Accessibility of all modes of transport to the disabled is regulated by Article 11 of the Law on Social Integration of the Disabled, which provides that the implementation of the requirements regarding physically acceptable environment for the disabled in all relevant aspects of life are also carried out through relevant adjustment of public transport and passenger facilities as well as their infrastructure. Transport accessibility for the disabled is regulated by European Union legislation, also binding for Lithuania:

- Regulation (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, which establishes the rules for protection of and assistance to the disabled persons and persons with reduced mobility, which are aimed at protecting them against discrimination and ensuring necessary assistance;
- Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, which, among other passengers' rights, establishes rules for protection of and assistance to rail passengers with disabilities and persons with reduced mobility;
- Regulation of the European Parliament and the Council concerning the rights of maritime and inland waterway passengers, which came into effect in 2012;
- Regulation of the European Parliament and the Council on the city bus and coach passenger rights that enters into force in 2013, amending Regulation (EC) 2006/2004.

52. Adjustment of transportation facilities and infrastructure. AB Lithuanian Railways has developed non-discriminatory access rules for the transportation of the disabled and persons with reduced mobility by Lithuanian trains. These rules are to provide information about opportunities to travel by rail for people with different disabilities, their rights and responsibilities, as well as facilities designed for the disabled in trains, as well as the level of adjustment of stations and other infrastructure. The rules are distributed among the

Lithuanian Forum of the Disabled, railway stations, offices and trains, and its electronic version is placed in company's website: [www.litrail.lt](http://www.litrail.lt). In 2009-2010 AB Lithuanian Railways acquired and began operating 3 new double-decker trains EJ575 (one more acquired in 2008), which are fitted for the needs of persons with disabilities and currently run on the route Vilnius-Kaunas-Vilnius. The trains are specially adjusted for the disabled in terms of seats, restrooms, new passenger information systems, information signs in Braille for visually impaired people, and technical devices aiding people in wheelchairs to mount a train. In 2008, four railroad passenger cars were fitted with special seats and toilets for people with reduced mobility. In 2009-2010, AB Lithuanian Railways implemented several projects improving accessibility of services for the disabled: 11 stations were fitted with public toilets for the disabled, with ramps and widened doors; a specialized elevator installed in railway museum in the central railway station in Vilnius; communication stands were adapted for the disabled in the Kaunas railway tunnel to have enough space for the evacuation in wheelchairs; a pedestrian bridge adapted for the disabled was built over the railroad in Klaipeda. In 2009, AB Lithuanian Railways signed an agreement with the Association of Lithuanian Forum of the Disabled for cooperation in joint projects related to the improvement of services for rail passengers with disabilities and persons with reduced mobility, as well as integration in rail transport. In 2010, the representatives of the Lithuanian Forum of the Disabled – people with vision, hearing, mobility disabilities – and the administrative staff of the Lithuanian welfare society for people with intellectual disability “Viltis” conducted training for the staff passenger service directorate of the Lithuanian Railways about different types of disabilities, their specificity, and notable points with respect to communication and service provision. The Vilnius International Airport has a new modern train stop and a safe, spacious elevator. The elevator has a call-button for the disabled to call up for assistance. The stop contains a mobile lifting platform facilitating access for the disabled on and off the train.

53. Vilnius International Airport was equipped with three points with facilities to summon assistance; an access to a terminal was installed with guidance system (special tracks) for passengers with impaired vision; SITATEX information system was installed for information exchange on persons with reduced mobility traveling by air. In 2009, Vilnius International Airport acquired two stairclimbers Liftkar PT-S 160, facilitating embarkation and disembarkation of persons with disabilities (or persons with reduced mobility) in the aircraft apron areas. In 2010, the Vilnius airport passenger terminal was equipped with an additional arrival to terminal unit with a technically fitted ramp for the disabled, enabling them to access a baggage reclaim hall without human assistance. Kaunas International Airport operates a new passenger terminal, adjusted to the needs of the disabled travellers: equipped with elevators, escalators, special seats in the waiting rooms, separate sanitary rooms, ramps, two points to summon assistance, telephone fitted for the needs of persons with disabilities, as well as marked area for parking of the disabled. Palanga International Airport equipped with points to summon assistance, service provision scheme for persons with disabilities was agreed with ground-based service providers, and parking lot marking was improved.

54. In 2008, the Lithuanian Inland Waterways Authority adjusted Kaunas passenger terminal and Uostadvaris inland port berths for the disabled with disabled-adapted parking lots and ramps. The new ferry line in Klaipėda built new toilet facilities that meet modern requirements for the disabled. AB DFDS Lisco ferries are equipped for people with disabilities; they have cabins adjusted for persons with disabilities and their company (up to 4 persons per cabin).

55. Adjustment of public transport and its infrastructure is also carried out by municipalities. According to the Ministry of Transport and Communications, the Vilnius city municipality operates 249 low-floor vehicles (45 buses and 204 trolley buses); all information on routes, schedules, services and discounts for the disabled is available by

telephone at Communications Services, on the Internet and at information centres. Public transport stops, located in the vicinity of organizations for visually impaired, have large print timetables, some public vehicles have a sound system, which informs about the route and the stop. Persons with 20% working capacity and an accompanying person get 80% discount on tickets, people with 35% working capacity get 50% discount on one-off and monthly tickets. Pedestrian crossings were equipped with a sound system. Disabled parking is free in Vilnius. The city centre has about 100 parkings for the disabled people, marked by special road signs. Vilnius Municipality provides a free marked parking space at a place of residence of a disabled person.

56. Kaunas city municipality operates 123 low-floor vehicles (80 buses and 43 trolley buses). 97 vehicles are equipped with special ramps for the disabled, for wheelchairs. Vehicles have special seats that are marked for the disabled as well as special places with rails and belts for the disabled in wheelchairs. Taking into account requests from organizations of the disabled, schedules of only low-floor bus runs were made. Also, taking into account requests from organizations of the disabled to facilitate access to public transportation for visually impaired and blind people, 40 trolley buses were equipped with an external audio communication system. As it approaches a bus station, the trolleybus with its outside loudspeakers announces the number of the route. All vehicles provide loud route information inside.

57. As of 1 September 2010, Klaipėda Municipality has been replacing its buses by only low-floor alternatives. All buses are equipped with internal audio equipment, informing about current and next bus stops, as well as outside loudspeaker informing the waiting passengers at the stop about the route the bus follows. In 2011, LED-based information system was introduced on buses, both inside and outside a bus; providing information about the route, stops and the streets on the route.

#### **Adjustment of information environment to the needs of persons with disabilities**

58. Under the Law on Social Integration of Persons with Disabilities, arrangement of access for the disabled to the information environment is delegated to a Government-authorized body (i.e. the Information Society Development Committee under the Ministry of Transport and Communications; hereinafter referred to as the Committee). The Committee is responsible for the implementation of measure 3.15 of Objective 3 under the Action Plan for the National Programme for Social Integration of Persons with Disabilities 2010–2012 approved by Order No. A1-194 of the Minister of Social Security and Labour of 17 May 2010 (*Valstybės žinios* (Official Gazette) No. 58-2854, 2010) regarding the methodological guidelines for the development, testing and assessment of disabled-friendly websites according to the W3 Consortium Web Content Accessibility Guidelines version 2.0, and the methodology for the assessment of compliance of state and municipal websites to the W3 Consortium Web Content Accessibility Guidelines version 2.0): in accordance with part one of measure 3.15 of Objective 3 and taking into account the proposal to Member States by the European Commission Communication “Towards an accessible information society” of 1 December 2008 (COM/2008/0804 final) to include in national rules the web accessibility technical requirements worked out by the World Wide Web Consortium (hereinafter – the W3C), Methodological Guidelines for the Development, Testing and Assessment of Disabled-friendly Websites were drawn up and approved by Order no. T-237 of the Director of the Committee of 27 December 2011 (hereinafter referred to as the Guidelines). The regulations representing W3C technical requirements WCAG 2.0 have been translated into the Lithuanian language. The Guidelines and the above regulations have been published on the Committee’s website ([www.ivpk.lt](http://www.ivpk.lt)). The implementation of part one of measure 15.3 of Objective 3 of the Plan called accounted for national allocation of LTL 24.2 thousand. The implementation of part two of the measure

15.3 of Objective 3 of the Plan will involve the development of the methodology for the assessment of Web accessibility to the disabled.

59. The Guidelines became binding for state and municipal institutions and agencies in terms of their website accessibility for the disabled by Resolution No. 480 of the Government of Lithuania of 18 April 2003 on general requirements for websites of state and municipal institutions and agencies (*Valstybės žinios* (Official Gazette) No. 38-1739, 2003, No. 154-6976, 2009). Following the said Resolution, the Committee analyses, once a year, web sites of state and municipal institutions and agencies, including their accessibility. The analysis serves as basis for a report to be published on the Committee's website. However, no legislative sanctions have been provided for non-compliance in terms of accessibility to the disabled.

#### **Accessibility provisions in the Law on Public Procurement**

60. The Law on Public Procurement (*Valstybės žinios* (Official Gazette) No. 84-2000, 1996; No. 4-102, 2006) provides for a possibility for a contracting authority to set terms in contract documents providing for such contracts to be performed by social undertakings of the handicapped as well as undertakings and organisations in which not less than one half of the employees are handicapped, or to provide for such contracts to be performed in the context of sheltered employment programmes where most of the employees concerned are handicapped persons. The Law also provides for supplies, services or works in procurement to be described in technical specifications to be defined so as to take into account accessibility criteria for people with disabilities or design for all users. The Public Procurement Office is entitled to issue requirements applicable for technical specifications binding for contracting authorities.

#### **Measures to improve environmental access for the disabled under the National Programme for Social Integration of Persons with Disabilities**

61. Measures for the improvement of environmental access for the disabled under the National Programme are aimed at the reduced social isolation of the disabled through the adjustment of public, residential and information environment to their needs. The implementation of the Action Plan for the National Programme for the Social Integration of Persons with Disabilities involved the implementation of the following measures in 2011:

- Draft recommendations for Public and Private Disability Services, intended for state and municipal institutions and enterprises, individuals and institutions providing public and private services, including medical, educational, cultural institutions, and organizations. These recommendations are aimed at helping public and private service providers to be prepared to interact with and serve persons with various disabilities;
- Funding arrangements for adjustment of housing for persons with disabilities, approved by Order No. A1-560 of the Minister of Social Security and Labour of 28 December 2011 (*Valstybės žinios* (Official Gazette) No. 1-18, 2012);
- Amended Annex to the Programme for the Renovation and Modernization of Multifamily Buildings "Specific Technical Requirements for Multifamily Building Renovation (Modernization) Projects" by Resolution No. 1556 of the Government of the Republic of Lithuania of 28 December 2011 (*Valstybės žinios* (Official Gazette) No. 1-1, 2012), which now provides that the replacement (upgrading) of lifts to more efficient ones in terms of energy consumption, under the state-sponsored multifamily building renovation (modernization) programme, must include adjustment of lifts for the needs of the disabled;

- Funding of independent living and mobility projects for people with physical disabilities established by law;
- Information on social integration of the disabled was provided on the Internet (through the universal rehabilitation and information system of the disabled), and special publications;
- Subtitling software acquired and transferred for the usage of the Lithuanian National Television.

62. Considering the provisions of the Convention, Lithuania takes efforts to promote universal design principles. The related measures have been incorporated into the Action Plan for the National Programme. In 2011, trainings were held, the idea of universal design was promoted through development of professional knowledge in the field of environmental applications, and universal design-related problems were discussed with a view to making the environment friendlier for the disabled. Four trainings were attended by 86 participants. The universal design concept was presented on Lithuanian television, and covered by print media as well as relevant websites. The website of the Department for the Affairs of the Disabled has a link and provides information about the universal design. Further steps towards the promotion of the universal design shall be taken.

#### **Programme for housing adjustment to persons with disabilities**

63. The Programme for housing adjustment to persons with disabilities 2007–2011 was approved by Resolution No. 638 of the Government of the Republic of Lithuania of 28 June 2006 (*Valstybės žinios* (Official Gazette) No. 73-2782, 2006) (hereinafter referred to as the Programme). The Programme aims at enabling persons with disabilities to have a higher degree of mobility, better access to educational, vocational training process, the labour market and public life. The goal of the Programme is to seek a greater independence and social integration of people with disabilities through disabled-oriented services and housing adjustment. In the framework of the Programme, housing adjustment is carried out, information on housing adjustment is collected, stored and disseminated, a common computer accounting system of housing adjustment (BPNAS) is operating, and supervision of the implementation of the Programme includes associations of persons with disabilities.

64. The institutions responsible for the delivery of the Programme are: the Ministry of Social Security and Labour (responsible for the development of the legal framework for housing adjustment), the Ministry of Environment (responsible for the preparation of technical construction documents regarding housing adjustment to the needs of the disabled), the Department of the Affairs of the Disabled (responsible for the funding and control of Programme measures), municipalities (responsible for arrangement for housing adjustment to the needs of persons with disabilities), and associations of persons with disabilities (responsible for the oversight of housing adjustment). Funds for the implementation of the Programme are transferrable by applications submitted by municipal administrations. Funding arrangements for adjustment of housing for persons with disabilities, approved by Order No. A1-111 of the Minister of Social Security and Labour of 19 April 2007 (*Valstybės žinios* (Official Gazette) No. 47-1822, 2007; No. 35-1681, 2010) were in effect by 2011, which provided for shared state and municipal funding: 80 per cent from the state budget and 20 per cent from the municipal budget for persons with very serious mobility disorders and self-sufficiency problems; 50 per cent from the state budget and 50 per cent from the municipal budget for persons with moderate mobility disorder and self-sufficiency problems. According to the Funding Arrangements, housing is adjusted for the disabled persons with mobility and self-service disorders. Responsible municipal staff assess the need for adjustment, i.e. how much and what work needs to be carried out (adjusting access to the building, installing lifting platforms, adjustment of

sanitary units, widening of inside doors, water supply and sewerage installations, etc.). Housing adjustment works are arranged by municipalities or applicants themselves.

65. To ensure the oversight, control and transparency of the implementation of housing adjustment measures, municipalities established a Commission for Housing Adjustment to Persons with Disabilities. The functions of a member of the Commission and actual oversight are effected by specialists appointed by a municipality, as well as a representative of associations of persons with disabilities, delegated by the Department of the Affairs of the Disabled, following consultations with NGOs.

66. The total number of homes adjusted to the disabled from the Programme for the period 2007–2011, was 1,402. The overall allocations for the measures of the Programme over the period 2007–2011 were LTL 21,327.7 thousand from the state budget and LTL 5,826.6 thousand from municipal budgets.

67. To ensure continuity of the 2007–2011 programme for housing adjustment to persons with disabilities, efforts to adjust housing have been continued in 2012 as per Order No. A1-560 of the Minister of Social Security and Labour of 28 December 2011 on new Funding arrangements for adjustment of housing for persons with disabilities (*Valstybės žinios* (Official Gazette) No. 1-18, 2012). The funding procedure has remained essentially unchanged.

## **Article 10 – Right to life**

68. The Republic of Lithuania is party to a range of international human rights treaties providing for the right to life. Notably, the right to life is enshrined in all the following conventions: European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the Charter of Fundamental Rights of the European Union. The right to life has also been provided by the above international instruments to persons with disabilities. Article 19 of the Constitution provides for the most important individual natural right – the right to life. This article states that the human right to life is protected by law, so the human right to life must be ensured by a comprehensive system of legal measures. Lithuania recognizes the right to life for all individuals, including the disabled: Lithuania has no legislation providing otherwise.

69. Euthanasia has not been legalised in Lithuania. Article 9(1) of the Law on the Registration of Death of a Human Being, and on Critical Conditions (*Valstybės žinios* (Official Gazette) No. 30-712, 1997; No. 43-1601, 2002) states that a person who has determined a critical condition must without delay provide first aid to a human being and take other possible measures to preserve the life of a human being. Article 7(3) of this law states that transplant surgeons and other persons who for some reason are interested in transplantation of the organs and tissues of a dying person or are at least slightly related to the transplantation cannot participate in determination of brain death.

70. Article 134 of the Criminal Code of the Republic of Lithuania (*Valstybės žinios* (Official Gazette) No. 89-2741, 2000) provides for liability to someone who aided a suicide of a terminally ill person at his/her request. According to this provision, individuals shall be punished in cases when they aid a suicide of a terminally ill person at his/her request, i.e. provide necessary conditions, supply necessary tools and remove relevant barriers, etc. When a person kills another person, even though he is terminally ill and requested for this, it is classified as murder.

71. According to procedure of termination of pregnancy, approved by Order No. 50 of the Minister of Health of 28 January 1994 (*Valstybės žinios* (Official Gazette) No. 18-299, 1994), termination of pregnancy at a woman's request is allowed until 12 weeks of pregnancy, later-term pregnancy termination is allowed only when there is a risk to a

woman's life or health. A list of diseases or conditions causing risk to a pregnant woman and the foetus's life and health, is approved by the aforementioned order. Article 142 of the Criminal Code provides for criminal penalties for illegal abortion. According to this article a doctor who has the right to perform abortions and performs an abortion at the request of a patient, in the presence of contraindications or in the event of performing it not at a health care establishment, a health care specialist who does not have the right to perform abortions and performs an abortion at a health care establishment at the request of a patient, and a person who does not have the right to perform abortions and terminates pregnancy at the request of a pregnant woman shall be held liable. If abortion is performed without the patient's consent or in cases where a patient due to helpless state was unable to give consent, it is classified as a serious health disorder, and punishable under the Penal Code Article 135.

### **Article 11 – Situations of risk and humanitarian emergencies**

72. In view of provisions of Article 11 of the Convention, it should be noted that, as far as these issues are concerned, Lithuania people are not divided into healthy and/or the disabled: in case of situation of risk, all must get equal help according to the existing situation, i.e. there are no any specific measures applicable for the disabled in hazardous situations. Article 5 of the Law on Civil Protection (*Valstybės žinios* (Official Gazette) No. 115-3230, 1998; No. 159-7207, 2009) establishes tasks of the civil protection and rescue system, which are as follows: warning residents of the imminent emergency, informing of its possible effects and measures to respond thereto, undertaking emergency prevention, organising the supply of residents with individual protection kits and collective protection equipment, carrying out the reconnaissance and marking of the hazardous scene, extinguishing fires, carrying out rescue and other emergency operations, maintaining public order in the disaster area; providing medical aid and ensuring public health care in the event of an emergency; evacuating people and property from the territories at risk; carrying out sanitary treatment and other decontamination measures, organising provision of the victims with temporary accommodation and supplies, making arrangements for the burial of the dead, organising restoration of disrupted provision of essential municipal services, providing assistance to preserve vital establishments, stockpiling vital supplies.

### **Article 12 – Equal recognition before the law**

73. As mentioned in part I of the report, Article 29(1) of the Constitution provides that all persons are equal before the law, courts and other state institutions or officials. This constitutional provision is elaborated in the laws and other legislation. Article 1(1) of the Law on Equal Treatment claims that the purpose of this Law is to ensure the implementation of human rights laid down in the Constitution of the Republic of Lithuania, and to prohibit any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. The principle of equality of the disabled is also enshrined in the Law on Social Integration of Persons with Disabilities: Article 3(1) provides that persons with disabilities have the same rights as other members of the public. It should be noted that violation of equal opportunities under the Law on Equal Treatment incurs administrative responsibility (Article 41<sup>6</sup> of the Republic of Lithuania Code of Administrative Offences (*Valstybės žinios* (Official Gazette) No. 1-1, 1985).

74. A subject of civil relations in Lithuania is a person that is characterized by a legal capacity, i.e. a person who can gain and enjoy civil rights and obligations. Civil legal personality is composed of civil and legal capacity. Article 2.1 of the Civil Code of the

Republic of Lithuania (*Valstybės žinios* (Official Gazette), No. 74-2262, 2000) provides that every natural person shall have the full enjoyment of civil rights (passive civil capacity), that also includes the disabled. Article 2.5(1) of the Civil Code, provides that on attaining full age, i.e. when a natural person is eighteen years of age, he, by his acts, shall have full exercise of all his civil rights and shall assume civil obligations. An individual may gain an advanced full civil capacity (before the age of 18) in two cases provided for in the Civil Code: Article 2.5 (2) of the Civil Code provides that a person authorised by law to enter a marriage relationship before the legitimate age, shall acquire full active civil capacity at the moment of entering into marriage; and Article 2.9 of the Civil Code provides that a minor of sixteen years of age may be emancipated by the court.

75. Article 2.6 (1) of the Civil Code provides that restrictions on the passive or active civil capacity may not be imposed on anyone in any other manner except by express provision of law. One of the grounds restricting civil capacity is provided for in Article 2.10(1) of the Civil Code, which states that a natural person who as a result of mental illness or imbecility is not able to understand the meaning of his actions or control them may be declared incapable. It should be noted that the ruling of 11 July 2008 by the Civil Division of the Lithuanian Supreme Court in a civil case 3K-3-370/20082008, which is also recognized as a source of law, states that *having* mental illness or mental disability, where a person cannot understand the significance of their actions or control them, according to the confirmation from forensic psychiatry expert, does not mean *not having* legal capacity. Furthermore, provisions of Article 2.10(1) of the Civil Code, and Article 4 of the Law on Mental Health Care (*Valstybės žinios* (Official Gazette) No. 53-1290, 1995) shall not be interpreted as establishing that in all cases where there is psychiatrist's conclusion about mental disease or mental disability, where a person cannot understand the significance of their actions or control them, the court declares him/her incapable.

76. Person's legal capacity assessment means the evaluation of the diagnosed mental disorders in terms of the incapacity to understand the significance of their actions or control them, when being recognized as serious, which enables reasonable decision-making about the need for guardianship, and thus justifying the restriction of the rights and freedoms by recognizing incapacity. Persons who may be recognized as incapable and thus in need for guardianship are only those who have been diagnosed with the most serious and persistent mental health disorders, i.e. a person whose mental or intellectual disability continually limits the ability to focus, work, integrate, to be economically independent and make autonomous decisions, and be liable for them. In any case, the recognition of a person on the grounds mentioned above as completely incapable, is governed by the provisions of the Civil Code and the Civil Procedure Code, providing for the procedural rights of the person claimed as incapable (the right to be heard in person, the right to remove a hearing judge, the right to be heard; and give reasoning and submit appeals, the right to express opinion in the closing speech), as well as Article 8 of the European Convention on Human Rights, focussing on the protection of a person's mental health. This article covers the set of public measures to ensure the rights of individuals with mental disorder or mental disability in legal proceedings when considering the issues of their legal capacity.

77. Article 2.10 of the Civil Code provides that a person recognized as incapable by court ruling shall be placed under guardianship. The rights of a person recognized as incapable, except for personal rights that can be implemented only by the person himself (such as the right to marry, the right to vote and so on) are exercised from the date of the ruling of the court by a guardian, who is acting in the interests of the incapable person.

78. Persons recognized as having limited capability may take advantage of some of their rights and freedoms and act in their discretion according to the level of their understanding and abilities. Article 2.11 of the Civil Code states that the court may impose restrictions on their civil capacity only in cases where these persons abuse alcoholic beverages, drugs,

narcotic or toxic substances. In this case, the person is placed under guardianship. Disability (physical or mental) is not a basis for imposing restrictions on their civil capacity. At the same time it should be noted that Article 3.279 of the Civil Code provides for cases where guardianship<sup>1</sup> is requested by a capable person who cannot independently exercise their rights or duties due to a health condition. This opportunity provided by law may be used by people who suffer from a disease preventing them from properly performing their duties, or ensuring implementation of their rights or generally persons of retirement age who need care and nursing due to their health condition.

79. Where a person who was declared incapable gets over his illness or the state of his health improves considerably the court shall recognise his capacity. Persons referred to in Article 2.10(4) of the Civil Code shall have the right to request the revocation of person's incapacity: i.e. the spouse of the person, parents, adult children, care institution or a public prosecutor, who, according to Article 19 the Law on Lithuanian Prosecutor's Office (*Valstybės žinios* (Official Gazette) No. 81-1514, 1994; No. 42-1919, 2003) having established the breach of the rights and legitimate interests of an individual, society, defends the public interest within the procedure and in cases prescribed by law at the request, proposal, statement or appeal of an individual, the state or municipal institution or body, or on his own initiative, as well as in the cases when officials, employees or other staff of other institutions, obliged to defend the interest, fail to take measures to that effect.

80. In 2008, a Task Force was set up to deal with improvement of the incapacity concept in Lithuania, providing legislative proposals in this regard. Draft legislation was to expand the concept of limited capacity, providing for recognition of limited capacity not only in cases of alcohol or drug abuse, but also in cases of mental disorders, where there is not sufficient reason to recognize the person as completely incapacitated. The draft proposals for the amendments to the Civil Code, the Civil Procedure Code, and the Law on State guaranteed legal aid aimed to ensure that persons claimed as incapable would have the compulsory legal representation through state-guaranteed legal assistance; they also consolidated the obligation to produce in this case the assessment of the allegedly incapable person's skills to address independently social problems not only from a medical institution, but also from the social worker; new clarifications have been submitted as regards certain legal definitions and terms, etc. The above-mentioned draft laws No. XIP-958, No. XIP-959, No. XIP-960 submitted to the Seimas, were discussed at the Seimas Committee on Health Affairs. They were generally approved. With the ratification of this Convention on 27 May 2010, Lithuania assumed new international responsibilities and the obligation to harmonize its legal framework with the Convention. Considering the fact that new international human rights standards were not taken into account, the above-mentioned draft Civil Code, Civil Procedure Code and Law on State guaranteeing legal aid were returned to the originator to be amended accordingly by the Government of the Republic of Lithuania to take into account the new international standards for protection of the rights of persons with disabilities under the Convention.

81. Article 23 (1) of the Constitution establishes the general principle of the inviolability of personal property. Paragraph 2 of this Article provides that the ownership rights shall be protected by law, and paragraph 3 contains a provision that property may be taken over only in cases and according to the law for a public purpose and subject to fair

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<sup>1</sup> Guardianship is accorded by court to protect the rights and interests of persons with restricted capacity. The official caretaker does not act on behalf of the ward as a guardian, but helps him exercise his rights, i.e. authorises a person with restricted capacity to conclude contracts that he otherwise would be unable to conclude on his own, and helps a person with restricted capacity to implement his other rights or fulfil his duties, and protects his rights and interests against abuse from third persons.

compensation. A similar provision is laid down in Article 4.67 of the Civil Code. These rules apply to all persons equally, including persons with disabilities, and this regulation is based on the said general constitutional provision that all persons are equal before the law, courts and other state institutions or officials. Thus, following the provisions of the Lithuanian legislation, the disabled have the same rights as other persons as regards ownership or inheritance, control of their own financial affairs, as well as an equal access to bank loans, mortgages and other forms of financial credits, as specified in Article 12(5) of the Convention.

### **Article 13 – Access to justice**

82. Article 30(1) establishes that any person whose constitutional rights or freedoms are violated shall have the right to apply to court. This law guarantees that every person concerned has the right according to the law to apply to court for the protection of violated or disputed right or legitimate interest.

83. The Law on State-guaranteed Legal Aid (*Valstybės žinios* (Official Gazette) No. 30-827, 2000; No. 18-572, 2005) provides individuals with access to state-guaranteed legal aid to have their violated or disputed rights or legitimate interests properly protected. Such assistance is provided on the basis of the principles of equality and protection of all the rights and interests by law. Therefore, every person, regardless of their disability, are entitled to high quality and effective legal assistance guaranteed by the state. Under this law, the primary legal aid includes legal information, legal advice and preparation of legal documents submittable to state and municipal authorities. Primary legal assistance is provided completely free and to all applicants across all municipalities, cities and districts. Secondary legal aid includes drafting of documents, defence and representation in court, including the process of execution, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision. This legal aid shall also include cases of litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings and the costs related to the hearing of a civil action brought in a criminal case. If necessary, people with visual, hearing or speech impairments applying for state-guaranteed legal aid are provided with a possibility of translation into sign language.

84. A draft law amending the Law on State-guaranteed Legal Aid XIP-4364 has been drawn up; its Article 12(1)(11) contains a new provision that “access to secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under this Law, shall be provided to persons claimed as legally incompetent in cases of recognition of individual incapacity, as well as to persons recognized as incapable in cases of guardianship.”

85. Article 6 (2) of the Republic of Lithuania Code of Criminal Procedure (*Valstybės žinios* (Official Gazette) No. 1341-46, 2002) provides that the justice in criminal proceedings is carried out under the principle that all persons are equal before the law and the courts, regardless of origin, social or property status, national origin, race, sex, education, language, religious or political beliefs, type and nature of activities, residence and other circumstances. Granting privileges to anyone or making any restrictions based on some circumstances, personal character, social and property status is forbidden.

86. Furthermore, Article 6 of the Republic of Lithuania Law on Administrative Proceedings (*Valstybės žinios* (Official Gazette) No. 13-308, 1999; No. 85-2566, 2000) provides that justice in administrative cases shall be administered solely by courts, following the principle of equality of all persons before the law and the courts, regardless of origin, social status, national origin, race, sex, education, language, religious or political beliefs, type and nature of activities, residence and other circumstances. It should be noted

that neither the above legislation nor any other legislation governing the procedure for filing a case with a court, hearing procedure, procedure for court judgment and enforcement, have any provisions creating preconditions for discrimination against people with disabilities.

87. Article 6 of the Code of Civil Procedure, which provides for the procedure for hearing, and making a judgment and enforcing a judgement in, civil, labour, family, intellectual property, competition, bankruptcy, restructuring and procurement cases and other cases on private legal relations, and special legal proceedings; recognition of foreign judgments and arbitral awards and procedure for enforcement in the Republic of Lithuania, as well as procedure for complaints against decisions of arbitration operating in the Republic of Lithuania, establishes that justice in civil cases shall be administered solely by the courts, in accordance with the principle of equality of all persons, regardless of origin, social status, national origin, race, sex, education, language, religious or political beliefs, type and nature of activities, and other circumstances. So, regardless of whether the person has a disability or not, the courts of justice are primarily guided by the principle of equality before the law and ensure all players the same procedural rights.

88. It should be noted that in order to ensure adequate procedural rights of persons with disabilities, the Code of Civil Procedure provides for certain legal and regulatory measures ensuring appropriate accommodation to exercise their procedural rights (for instance Article 192 of the Code of Civil Procedure regulating the procedure for questioning the witness, provides that if a witness due to the disability cannot appear before the court, he can be questioned at his place).

89. It should also be noted that under Article 663 of the Code of Civil Procedure providing for restrictions on the recovery of an individual's assets, the court, at the request of the debtor or his family members, following the arrest of the apartment or house to settle the outstanding bills of energy, utilities and other services, may rule that the last apartment, building or its part, necessary for concerned persons to live, should not be subject to the recovery. The court may determine this having regard to the material status and interests of the children, the disabled and other socially disadvantaged individuals.

90. Article 53(4) of the Code of Criminal Procedure provides that at the decision of the prosecutor or court judgement, a family member or close relative of a person who has not been recognised as incapable under the law, but because of old age, disability, illness or other valid reasons cannot exercise the rights conferred by law, may participate in the proceedings as a lawful representative, at his written or oral request. Article 53 of the Republic of Lithuania Code of Criminal Procedure provides that the examination of cases of blind, deaf, dumb and other persons with physical or mental disabilities, who are unable to exercise their right to defence, participation of the defence counsel (attorney) is obligatory. If the suspect, the accused or convicted person has not taken care of the defence counsel himself, or other persons at his request, in this case the pre-trial investigation officer, prosecutor or court must notify the institution responsible for state guaranteed legal aid or its coordinator about the fact that the suspect, accused or convicted person needs defence, and designate the defence counsel selected by this institution. Following Article 12(1) of the Republic of Lithuania Law on State-guaranteed Legal Aid, where there is participation of obligatory defence counsel, state-guaranteed legal aid is provided free of charge.

91. Article 8 of the Republic of Lithuania Code of Criminal Procedure provides that participants of criminal procedure unfamiliar with the Lithuanian language, have a guaranteed right to make statements, give evidence and explanations, submit requests and complaints in the mother tongue or another language which they know. In all these cases, as well as getting acquainted with the case, the participants have the right to a translator's services within the procedure prescribed by the Code. According to Article 43 of the

Republic of Lithuania Code of Criminal Procedure, a translator is also a person who understands the signs of deaf or mute individuals, who is invited by a pre-trial investigation officer, prosecutor, investigating judge or the court to participate in this process in accordance with the Code. Translation costs are covered from the pre-trial investigation, prosecution or judicial resources, in other words: translation services are free for the defendant.

92. The Criminal Code protects life, health, freedom, freedom of sexual self-determination and inviolability, honour and dignity equally of both the healthy and the disabled. On the other hand, people with disabilities are ensured, where appropriate, increased security. For example, if the offense is committed against a person who because of illness, disability, retirement or other reasons, has been helpless, without his consent, it is classified as a crime qualifying feature (Article 129(2)(2); 135 (2)(2);138(2)(2) of the Criminal Code), or as an aggravating circumstance for the offender (with regard to other offenses). The Criminal Code provides for criminal liability for certain offenses, where the perpetrator takes advantage of a victim's dependent or vulnerable state (Articles 147, 151 of the Criminal Code), which may be due to the victim's disability.

93. Training held by the Lithuanian police on communication with victims includes the issue of discrimination on the grounds of disability. In 2010, 15 seminars were held on the subject with participation of 223 police officers. A total of 8 trainings held in 2011 welcomed 110 police officers. In 2011, the Lithuanian police school held trainings on interaction with people with disabilities, which were attended by 171 police officers.

#### **Article 14 – Liberty and security of the person**

94. Article 20 of the Constitution and Article 5(1) of the European Convention on Human Rights that came into effect in the Republic of Lithuania on 20 June 1995 stipulate that human freedom is inviolable. A similar provision is also enshrined in Article 9 of the International Covenant on Civil and Political Rights, and Article 6 of the Charter of Fundamental Rights of the European Union: no one shall be arbitrarily arrested or detained; no one shall be deprived of his freedom except on such grounds and in accordance with the procedures which are prescribed by law. The said constitutional provision on the inviolability of human freedom is applicable to all persons, including the disabled. Republic of Lithuania laws and regulations do not contain any provisions providing for possible imprisonment of the person on grounds of disability.

95. Article 6 of the Republic of Lithuania Penal Sanctions Enforcement Code (*Valstybės žinios* (Official Gazette) No. 73-3084, 2002) enshrined the principle of the equality of convicts before the penal laws. This article provides that the application of penal laws follows the principle that all offenders are equal, regardless of their ethnicity, gender, social or property status, race or ethnicity, political and partisan views, education, language, religious or other beliefs, genetic characteristics, disability, sexual orientation, type and nature of activity, residence and other circumstances outside the legislation of the Republic of Lithuania. This principle applies to all types of penalties, including imprisonment. It should be noted that under Article 173(5) of the Penal Sanctions Enforcement Code, disabled persons who are arrested, imprisoned and imprisoned for life have access to facilitated accommodation and living conditions and higher nutritional standards. Article 182(5) of the Republic of Lithuania Penal Sanctions Enforcement Code provides that disabled and elderly persons released from correctional institutions and detention facilities should have access at their request to social support under the laws of the Republic of Lithuania.

96. Article 2.26(1) of the Civil Code provides that freedom of a natural person shall be inviolable and that a capable person (legally incapable persons are specified in the

subsection of the report on Article 12) may not be placed under any supervision or imposed any restrictions. Incapable persons placed under guardianship (Article 3.238 of the Civil Code), are under the supervision of a guardian, and therefore limited in their freedom to the extent necessary to ensure their proper care and public safety. It is therefore forbidden to unreasonably, unwisely, without grounds restrict freedom of an incapable person. Article 2.26(2) and 2.26(3) of the Civil Code contain specific provisions as regards provisions of Article 2.26(1) of the Civil Code. They provide that where a person's life is endangered or he has to be hospitalised to protect the public interests the person's consent to the medical care shall not be required. A person's mental condition can be tested only with his consent or court permission. Consent to assess an incapable person's mental health may be given by the guardian or the court. If a person's life is in real danger, emergency psychiatric medical assistance can be given without consent. Article 26.2 (4) of the Civil Code has principled provisions for institutionalization. The above-mentioned Article 26.2(4) of the Civil Code provides that a person may be confined in a psychiatric institution only with his consent and after the authorisation of the court has been granted. Where a person is seriously ill with a mental disease and where there is a real danger that his actions may cause considerable damage to his or other people's health or life and property, the person may be hospitalised in a compulsory manner for a period not exceeding two days. Compulsory hospitalisation may be extended only after the authorisation of the court in accordance with the procedure prescribed by law has been granted. Where a person is incapable, his guardian may give his consent to the said person's compulsory hospitalisation for the period not exceeding two days. Compulsory hospitalisation of an incapable person may be extended only after the authorisation of the court following the procedure prescribed by law has been granted.

97. Article 28 of the Law on Mental Health Care (*Valstybės žinios* (Official Gazette) No. 53-1290, 1995) sets forth that the patient can be involuntarily hospitalized and undergo involuntary psychiatric treatment for a period not exceeding 2 days without court permission. When a patient is involuntarily hospitalized, psychiatric facility administration must refer to justice within 2 days. The Court, having considered the recommendations of psychiatrists, has the right to decide on the extension of patient's forcible hospitalization and involuntary treatment, but no longer than 1 month from the first day of the involuntary hospitalisation. If the court does not grant the extension permission within two days, involuntary hospitalization and treatment should be discontinued.

98. A psychiatric facility's administration, following a psychiatrist's recommendations, has the right to prematurely terminate a patient's involuntary hospitalization and involuntary treatment. If a patient's involuntary hospitalization and treatment should be extended, the psychiatric facility's administration must refer to the court for its extension. The Court may discontinue or extend the involuntary hospitalization and involuntary treatment, but not exceeding 6 months each time. However, in this case too the psychiatric facility's administration, following a psychiatrist's recommendations, has the right to prematurely terminate patient's involuntary hospitalization and involuntary treatment. In case of involuntary hospitalisation and involuntary treatment of patients with serious mental illness, the psychiatric facility administration must contact the municipality regarding secondary legal aid to a patient, if he is not represented by his lawful representative, but this provision has not always been carried out, or has been carried out formalistically. Article 30 of this law states that an involuntarily hospitalized patient must confirm by signature that he has been informed by a psychiatric facility administration about his involuntary hospitalization and his rights in the psychiatric facility. If the patient refuses to sign or is incapable of signing, the fact of him being informed about involuntary hospitalization is confirmed by two witnesses in writing; they can be staff of a psychiatric facility, excluding psychiatrists.

## **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**

99. Article 21(3) of the Constitution provides that it is prohibited to torture, degrade human dignity, or apply cruel treatment as well as establish such punishments. This constitutional provision, as well as international documents (the above-mentioned European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Council of Europe Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Charter of Fundamental Rights of the European Union, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, etc.) relate this prohibition to torture, injure, degrade human dignity, treat cruelly, or punish primarily with the state and its authorities. Thus, these prohibitions are laid down to protect the individual from unlawful actions of public officials or other persons authorized to act on behalf of the state.

100. During the first cycle of the universal periodic review of the Human Rights Council, the Republic of Lithuania approved the recommendations to become party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and rated them as already being implemented (see A/HRC/19/15, para. 89), meaning that the Republic of Lithuania has already taken a decision to become party to this Protocol.

101. Article 21(4) of the Constitution provides that no person may be subjected to scientific or medical experimentation without his free and informed consent. In this case, when the person finds out that he has been subjected to scientific or medical experimentation against his will, he may appeal for justice under Article 21(4) of the Constitution. According to Article 308<sup>1</sup> of the Criminal Code (prohibited biomedical research involving human beings or embryos), liability for prohibited biomedical research involving a human being or human embryo shall lie with the conductor of the research.

102. Article 2.25 of the Civil Code on “Right to the Inviolability and Integrity of the Person” has provisions which also help to reveal the content of Article 21 of the Constitution. Based on the above Article of the Civil Code, a natural person shall be inviolable. No natural person may be made to undergo scientific or medical test or examination against his will and without his free consent (in cases of a person’s incapability – without consent of his legal representative). Such consent shall be given in writing. Intervention into a human body, removal of parts of his body or organs shall be possible only with his consent. Consent to a surgical operation shall be given in writing. Where a person is incapable his guardian shall give his consent; in the event of castration, sterilisation, abortion, operation, removal of organs of an incapable person, however, authorisation of the court shall be necessary. Such consent shall not be necessary in emergency cases when person’s life is endangered and has to be saved while the person himself is unable to express his will. A natural person may determine, in writing, the nature of his funeral and the disposal of his body after his death. A human body, its parts or organs and tissues may not become subjects of commercial contracts. Such contracts shall be deemed null and void. The person whose right to the inviolability of and integrity of his person has been infringed shall enjoy the right to request the guilty persons to redress property and non-pecuniary damage incurred on him.

103. The procedure for the donation and transplantation of human tissues and organs is established in a separate law: the Republic of Lithuania Law on Donation and Transplantation of Human Tissues, Cells and Organs (*Valstybės žinios* (Official Gazette) No. 116-2696, 1996; No. 55-1886, 2004). Article 7(1) and 7(2) of the Law states that each person of full age (not before 18) and capacity shall have a right to inform about his consent or dissent for using his tissues and/or organs for transplantation after his death. The person

shall inform the healthcare institution in writing. Having received a person's written consent or dissent for using his tissues and/or organs for transplantation after his death, the healthcare institution must register this in accordance with the procedure established by the Ministry of Health and immediately transmit this data to the Register of Donors and Recipients of Human Tissues, Cells and Organs. The person must be informed that he may change his mind concerning the consent or dissent at any time and that he shall have to inform the healthcare institution about it. Article 8(2) and 8(3) of the Law state that in case of a death of a person who did not express his will concerning the use of his tissues and organs for transplantation before his death in accordance with the procedure laid down in Article 7 of this Law and where there is no other possibility of finding out his will, and the next of kin of the deceased are not known and it is impossible to ask them, in case of emergency, the decision concerning removal of the tissues and (or) organs from said person for transplantation may be taken by the concilium of the healthcare institution. Individuals who are interested, due to any reasons, in transplantation of the said person's tissues or organs shall not have the right to take part in taking the decision on removal of the said person's tissues or organs for transplantation. It shall be allowed to remove tissues, cells and organs from a living capable donor only after obtaining a written consent from him. The donor shall have the right to revoke his consent. It shall be prohibited to remove tissues, cells or organs from a fully or partially incapable donor of the age of majority. Before tissues, cells and organs are removed, the donor and the recipient must undergo a medical examination. The donor must be comprehensibly informed about the possible effects of the donation of tissues, cells and organs on his health. It shall be prohibited to remove tissues, cells or organs from a person, if this would significantly worsen his state of health or cause threat to his life. According to this Law, tissues, cells and organs of a dead or living person cannot be the subject of civil commercial transactions. It shall also be prohibited to publish information about the need for human tissues, cells and organs or their availability seeking for financial or similar benefit.

104. Article 1(2) of the Republic of Lithuania Law on Ethics of Biomedical Research (*Valstybės žinios* (Official Gazette) No. 44-1247, 2000; No. 125-5093, 2007) states that biomedical research must be conducted according to the principle that the interests of the human being prevail over the interests of society and science. This law states biomedical research involving vulnerable subjects shall be permitted only where such biomedical research may be undertaken only on vulnerable subjects, when the results of the biomedical research may be of direct and real benefit to the health of these subjects, when the biomedical research will not pose a risk to the health or life of the subject. Vulnerable subjects shall be the persons whose consent to participate in biomedical research may be influenced by external circumstances. Vulnerable subjects include people with mental disorders, but capable of giving their consent to participate in biomedical research, persons living in institutions. According to Article 8(1) biomedical research shall be undertaken only with written consent of the subject. Before giving his consent, the subject shall be provided, against signature, with information understandable to him about the goal, plan of the research and the methods applied, decisions of the Lithuanian Bioethics Committee or an appropriate Regional Biomedical Research Ethics Committee as well as about foreseeable benefits of the biomedical research to the subject; the rights, foreseeable risks and inconveniences which the biomedical research may cause to the subject as well as the compensation available to the subject in the event of the damage incurred by the biomedical research; the right of the subject to revoke his consent to participate in the biomedical research in writing at any time, providing to him information about the consequences of such discontinuation of the biomedical research; guarantees of confidentiality of the information. The consent of a psychiatric patient capable of giving knowing consent to take part in a biomedical research must be attested by two witnesses and the head of a health care establishment where the biomedical research is being conducted. Approval of the Medical Ethics Commission must also be obtained.

105. Biomedical research in Lithuania may be conducted only with permission of the following authorities: the Lithuanian Bioethics Committee or the Regional Biomedical Research Ethics Committee. Clinical trial of a medicinal product can be carried out only with the approval of the Lithuanian Bioethics Committee and authorization of the State Medicines Control Agency under the Ministry of Health.

### **Article 16 – Freedom from exploitation, violence and abuse**

106. Justice in Lithuania's criminal proceedings is carried out following the principle that all persons are equal before the law and the courts, regardless of origin, social or property status, national origin, race, sex, education, language, religious or political beliefs, nature of activities, residence and other circumstances, and the law prohibits granting privileges to anyone or make any restrictions based on some circumstances and personal character, social and property status (the Republic of Lithuania Code of Criminal Procedure Article 6(2) and (3)).

107. Public order is enforced in Lithuania by the police. One of the main tasks of the police is rendering urgent assistance to individuals when they need it for reasons of physical or mental helplessness, as well as to victims of crimes, other violations of law, natural disasters or similar factors (Article 5(1)(3) of the Republic of Lithuania Law on Police Activities (*Valstybės žinios* (Official Gazette), No. 90-2777, 2000). It should be noted that Article 24(2) and Article 25(2) provide that it shall be prohibited to use methods of combat wrestling and special equipment against persons when they are visibly disabled.

108. In order to reduce violence in the immediate environment and to ensure the protection of victims of violence in the immediate environment, the Seimas adopted the Republic of Lithuania Law on Protection Against Domestic Violence (*Valstybės žinios* (Official Gazette) No. 72-3475, 2011), which came into force on 15 December. This legislation is very general and applies to all persons affected by violence. The Law applies when any violence (physical, psychological, sexual, economic, etc.) is used in the domestic environment, i.e. when violence is committed between persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household. It should be noted that according to the Law, on receipt of a notice of an incident of domestic violence and on arrival to the place of the incident or being witnesses to the incident, police officers shall record the fact of occurrence of the incident of domestic violence and initiate pre-trial investigation. A victim of violence shall not file a complaint. The Law provides for the perpetrator to be evicted for the time period as established by court from the residence where he lives with the victim; also for the perpetrator not to approach the victim of violence, not to communicate and not to seek contact therewith. In imposing the measures, where a victim of violence or perpetrator of violence cannot be deprived of care due to their physical or mental defects or properties, the issue of care of these persons shall be resolved in accordance with the procedure laid down by legal acts of the Republic of Lithuania (Article 5(5) of the Law). In order to prevent domestic violence, the Law provides for preventive measures, to be administered by state and local government institutions and NGOs.

109. Measures involving assistance to women affected by violence, measures for perpetrators, as well as prevention of domestic violence against women are carried out in accordance with the National Strategy for Combating Violence against Women and its Action Plan for 2007–2009, approved by Resolution No. 1330 of the Government of the Republic of Lithuania of 22 December 2006 (*Valstybės žinios* (Official Gazette) No. 144-5474, 2006). The new Action Plan for 2010–2012 was approved by Resolution No. 853 of the Government of the Republic of Lithuania of 19 August 2009 (*Valstybės žinios* (Official

Gazette) No. 101-4216, 2009). This strategy is designed to combat violence against women at the national level with a view to its consistent, comprehensive and systematic reduction.

110. As regards the protection of disabled children from violent acts, the Republic of Lithuania Criminal Code establishes a number of provisions establishing that cases regarding individual offenses committed against a minor or a young child are not classified as private prosecution cases (Articles 140, 149, 150, 151, etc. of the Republic of Lithuania Criminal Code). Public prosecution guarantees that those responsible for criminal conduct will be prosecuted.

111. The Criminal Code provides for criminal liability for a person who involves a minor in prostitution, who gains profit from the prostitution of a minor or organises or is in charge of the prostitution of the minor or transports the minor with his consent for prostitution, or uses a minor for pornography purposes, or produces, acquires, stores, demonstrates, advertises or distributes pornographic material displaying a child. It also provides for criminal liability for raping minors and young children, for their sexual abuse and forced sexual intercourse, molestation of a young child, for abduction or substitution of a child, for purchase or sale of children, and trafficking in human beings. All of the above Criminal Code provisions shall include offenses committed both against girls and boys.

112. Article 144 of the Republic of Lithuania Criminal Code provides for criminal liability for a person who, having raised a threat or while having the duty to take care of the victim, fails to provide assistance to him in a situation posing a threat to this person's life, although he was in a position to provide him with assistance. Also, Article 158 of the Code provides for criminal liability for a father, mother or a guardian or another lawful representative of a child who deserts a young child being unable to look after himself thus leaving him without due care, with the intent to abandon him,

113. On 22 April 2003, the Republic of Lithuania ratified by law the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in Palermo on 15 November 2000 (*Valstybės žinios* (Official Gazette) No. 49-2166, 2003).

114. The national child abuse prevention and child support programme for 2011–2015 is continued by Order No. A1-2 of the Minister of Social Security and Labour of 3 January 2011 (*Valstybės žinios* (Official Gazette) No. 2-81, 2011), providing for a number of measures aimed at preventing violence against children, and intervention, including all types and forms of violence, as well as development of complex services, professional skills, etc. These measures are intended to improve the system of protection from violence against all, including disabled children.

## **Article 17 – Protecting the integrity of the person**

115. As mentioned in the subsection of the report on article 15, the laws of the Republic of Lithuania enshrine the inviolability of an individual, who, without his knowledge and consent, cannot be subjected to scientific or medical experimentation. These provisions are applied on an equal basis to all persons, including the disabled.

116. The Republic of Lithuania Law on the Rights of Patients and Compensation of the Damage to their Health (*Valstybės žinios* (Official Gazette) No. 102-2317, 1996; No. 145 6425, 2009) provides that the patient has the right to be treated in such a way that their diagnosis, treatment and nursing care would be regarded with respect; the patient must be provided scientifically sound means of anaesthesia, preventing suffering resulting from their health disorders, the patient has the right to be cared for and to die with dignity. The above Law also states that the patient cannot be involved in biomedical research without his

written consent. A patient's involvement in biomedical research and training of medical professionals must be guided by the principle that the patient's interests and well-being are above an academic interest.

117. Health care facilities providing training for health care professionals shall provide information on the internal regulations and procedure of the facility to the patient for his confirmation by signature. These rules shall highlight the fact that the patient will be involved in a medical training process. It is considered that a patient who signs under the regulations of a health care facility providing training for health care professionals, gives his consent to be involved in the training process. A patient who does not agree to be involved in the training process, or for the information to be used for scientific and educational purposes, must state this in writing. His written statement must be stored in the patient's medical file. Patient privacy shall not be violated by using the information for scientific and educational purposes.

118. Article 10 of the Republic of Lithuania Law on Mental Health Care states that the patient has the right to choose a psychiatrist, a mental health facility and the type and scope of health care or to refuse same. Article 26 provides that a patient who was not involuntarily hospitalised shall have the right to leave the mental health facility at any time. No treatment shall be given to a patient without his consent, except for cases of involuntary hospitalisation. Involuntary treatment shall not be administered other than by the court's decision. Before the court's permission is granted, the patient may be involuntarily treated for 2 days at the most by a decision of two psychiatrists and one representative (doctor) of the psychiatric institution's administration. Article 18 of the Law provides that mentally ill persons may be prescribed only the methods of treatment approved in accordance with the procedure laid down in the legal statutes of the Republic of Lithuania. Methods of treatment which have irreversible harmful effect on health may not be applied to incompetent mentally ill persons. Clinical experimental methods of treatment or psychosurgery may be applied with respect to mentally ill persons only for the purpose of treatment under the supervision of the medical ethics commission. Clinical experimental methods of treatment or psychosurgery may be applied only with the written informed consent of the mentally ill person certified by two witnesses and the head physician of the mental health facility.

119. It is also noteworthy that Article 2.25(2) of the Republic of Lithuania Civil Code states that intervention into a human body, removal of parts of his body or organs shall be possible only with his consent. Consent to a surgical operation shall be given in writing. Where a person is incapable his guardian shall give his consent; in the event of castration, sterilisation, abortion, operation, removal of organs of an incapable person, however, authorisation of the court shall be necessary. Such consent shall not be necessary in emergency cases when person's life is endangered and has to be saved while the person himself is unable to express his will.

120. Persons with a disability, as well as other Lithuanian citizens, have access to assistive reproductive means. Arrangements for artificial insemination have been approved by Order No. 248 of the Minister of Health of 24 May 1999 (*Valstybės žinios* (Official Gazette) No. 47-1497, 1999) providing for artificial insemination for only a capable adult woman, under 45, whose health condition is fit for this procedure. This also requires a written consent by herself and her capable spouse. No one can force or otherwise convince a woman to have artificial insemination. Artificial insemination shall not be applied in cases where the pregnancy or delivery could endanger the life or health of the woman or a future child.

## Article 18 – Liberty of movement and nationality

121. Lithuania's legislation on legal relations as regards nationality (conditions and procedures for citizenship acquisition, its withdrawal) and migration (entry to the Republic of Lithuania, stay and exit), provide for no limitations, restrictions or denial or deprivation of the rights of persons with disabilities on the grounds of their disability. Legislation in these areas is applicable equally to all persons, irrespective of gender, disability and other characteristics. Article 12 of the Constitution stipulates that the citizenship of the Republic of Lithuania shall be acquired by birth and other grounds established by law. Article 32 provides that a citizen may move and choose his place of residence in Lithuania freely and may leave Lithuania freely.

122. The Republic of Lithuania Law on the Legal Status of Aliens (*Valstybės žinios* (Official Gazette) No. 73-2539, 2004) regulates the entry of foreigners into the Republic of Lithuania, stay and exit, where a foreigner is not a citizen of the Republic of Lithuania, irrespective of whether he is a foreign national or a stateless person (Article 2(32)). Article 3(2) provides that in the Republic of Lithuania aliens shall be equal before the law without distinction as to sex, race, nationality, language, religion, origin, social status, religion, convictions or views.

123. No discriminatory provisions have been provided, neither in the Republic of Lithuania Law on Passports (*Valstybės žinios* (Official Gazette) No. 99-3524, 2001) nor in the Republic of Lithuania Law on Identity Cards (*Valstybės žinios* (Official Gazette) No. 97-3417, 2001), which provide for issuance of a passport or identity card to all citizens of the Republic of Lithuania of certain age.

124. Currently in the Seimas draft proposals have been tabled for the law amending the Law on Legal Status of Aliens No. XIP-2360 (2). Article 51(8)(4) of the draft amended law states that in order to obtain a permit for permanent residence in Lithuania, the requirement to pass examinations in the state language and the Republic of Lithuania Constitution does not apply to individuals who had been issued by the state of their citizenship or former habitual residence a document attesting to a disability, equalling to 0 – 25 per cent of working capacity or the level of substantial special needs.

125. It should be noted that the Republic of Lithuania Law on Citizenship (*Valstybės žinios* (Official Gazette) No. 144-7361, 2010) provides for facilitation as regards citizenship acquisition through naturalization (in cases of persons who are 65 years of age or over, persons who have been established as having 0-55% working capacity and persons who have reached retirement age and who have been assessed as having high- or medium-level special needs according to the procedure laid down by legal acts, and also persons suffering with grave chronic mental illnesses, the Republic of Lithuania may grant citizenship without the need to pass the state language and the Constitution examinations).

126. Article 9 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child (*Valstybės žinios* (Official Gazette) No. 33-807, 1996) and Article 3.161 (1) of the Civil Code enshrine the child's right from the moment of birth to have a name and surname. The procedure for giving a child a name is laid down in Articles 3.166 and 3.167 of the Civil Code. The child shall be given a name by the mutual agreement of the parents. Where the child's mother and father cannot agree on the name, the child shall be given a name by a judicial order. While registering the birth of a child whose parents' identity is not known, the child shall be given a name by the state child rights protection institution. The child also falls subject to the provisions of Articles 2.20 and 2.21 of the Civil Code, establishing the right of all individuals to have a name and procedure for its remedy.

127. It is notable that the right to liberty of movement and place of residence of the persons with recognised incapacity is exercised by their court appointed guardians.

### **Article 19 – Living independently and being included in the community**

128. The Republic of Lithuania Law on Social Services (*Valstybės žinios* (Official Gazette) No. 17-589, 2006), adopted in 2006, defines the objective of social services as follows: to create conditions for a person (family) to develop or to enhance the abilities and possibilities to independently solve his social problems, maintain social relations with society as well as to assist in the overcoming of social exclusion. Social services are aimed at providing assistance to a person (family) who, by reason of his age, disability or social problems, partially or completely lacks, has not acquired or has lost the abilities or possibilities to independently care for his private (family) life and to participate in society. According to the Law on Social Services, social services shall be managed, granted and provided on the basis of the principles of co-operation, participation, complexity, accessibility, social justice, relevance, efficiency and comprehensiveness. The implementation of these principles should ensure that persons have for as long as possible access to social services in their homes and families, and assistance coordinated with education, training and employment, health care and special aid measures.

129. The Law on Social Services distinguishes two types of social services: social services of general interest and special social services. Social services of general interest shall be provided to a person (family) whose abilities to independently care for his private (family) life and to participate in society may be developed or compensated for by the specific services provided without permanent assistance by specialists. Special social services include social attendance and social care. Social attendance shall mean the totality of the services aimed at providing to a person (family) complex assistance not requiring permanent attendance by specialists (assistance at home, development and maintenance of social skills, temporary lodging as well as other services). Social care shall mean the totality of the services aimed at providing to a person (family) complex assistance requiring permanent attendance by specialists. Social care shall, according to its duration, be divided into day, short-term and long-term care.

130. The Law on Social Services of the Republic of Lithuania provides that all persons, including persons with disabilities, are entitled to social services meeting their needs. Social services shall be provided to an adult with a disability by creating conditions for him to live at home, with his family, and organising assistance co-ordinated with education, employment, personal health care and special assistance measures, helping to develop or compensate for his abilities to care for his personal (family) life and to participate in the labour market. Social services available for the disabled are listed in the catalogue approved by Order No. A1-93 of the Minister of Social Security and Labour of 5 April 2006 (*Valstybės žinios* (Official Gazette) No. 43-1570, 2006).

131. The implementation of the Law on Social Services has a special focus on family support, particularly social services in the home, short-term social care by temporarily placing an elderly or a disabled person under institutional care, etc. These services aim to help families taking care of persons with disabilities, elderly persons, to reconcile family and work. While organizing social services, it is important that services are decentralised and taken as close as possible to beneficiary, therefore a more important role is given to municipalities in the area of the management of social services. Development of a network of community centres, helping to reconcile work responsibilities with care for the elderly and the disabled has been foreseen in the Programme of the 15th Government. Non-institutional social services enabling individuals to have access to necessary social support

in the community, while staying at home, not in a social care institution, have been for more than 10 years at the focus of the development of social services in Lithuania.

132. In 1998-2009, Lithuania carried out a National Programme for the Development of the Infrastructure of Social Services. The programme aimed at developing advanced forms of social services in communities. State allocations for the implementation of the programme in the mentioned period amounted to LTL 60 million, which was used for reconstruction, renovation, etc. of social services facilities. About one-fifth of the projects were aimed at the development of social services for the disabled, and one third for the development of community services. These measures have had a significant influence on the whole infrastructure of social services.

133. Social services for adult people with disabilities in 2011 were provided by 36 social care institutions. In the beginning of 2012, care institutions for persons with disabilities accommodated 5.9 thousand people. Disabled children and disabled young people were provided social care services by five social care facilities, the total number of the accommodated being 745 children.

134. Some persons with medium disabilities accommodated at the social care facilities could live in their community with the provision of minimal assistance, but such accommodation support and services in the community is still short. Only about a fifth of the municipalities (12 in 2011) have independent living homes run by local communities, associations of the disabled and other organisations dealing with social inclusion of the disabled (charitable foundations, religious communities, public agencies).

135. A disabled person with severe disability feels best when they are close to their loved ones, in their community. Social services are provided to people with disabilities at home, day care centres, resident care facilities. According to Statistics Lithuania, in 2011, social services were provided at home to 16.5 thousand elderly and disabled persons. Social services provided at day care centres accounted for 39.3 thousand.

136. In order to strengthen financial capacities of municipalities to organize as many services as possible for people with disabilities, since 2007, earmarked grants have been injected to municipal budgets (hereinafter referred as grants) with a view to ensuring care for persons with severe disabilities. State grants to municipalities have seen a steady growth: from LTL 13.5 million in 2007 to 41.7 million in 2011, which was used to fund not only long-term (short-term) care at social care facilities, but also in day care centres and individual homes of more than 3.7 thousand people with severe disabilities. State grants may be used to finance both state and municipal as well as NGO social care of people with severe disabilities.

137. To accelerate development of the infrastructure of non-institutional social services, the priority in terms of EU structural funds is given to social service institutions such as day social care centres and day centres for setting up centres for independent living for the disabled. Through the implementation of measure 1.5 of the Single Programming Document for 2004–2006 for the development of infrastructure of social services, 33 non-institutional social services infrastructure development projects were funded across different municipalities of Lithuania, including 12 projects for the disabled. Through the implementation of the measure on non-institutional social services infrastructure development under Priority II: Quality and Accessibility of Public Services in the framework of the 2007–2013 Cohesion Promotion Action Programme, 104 non-institutional social services projects were implemented in different municipalities, including 63 projects of social services for the disabled, elderly people, their families or communities. Other projects include the development of social service facilities providing mixed services to the most vulnerable groups, including disabled children, adult disabled persons, and elderly persons. While implementing the measure on the development of the infrastructure

of institutions of social care under Priority II of the Cohesion Promotion Action Programme, in 2011–2013, a new programme for the modernisation of the infrastructure of social services institutions has been carried out. EU funded projects have been aimed at modernization, and reconstruction of already existing social care homes, with a view to ensuring better quality of social services and underlining the right of an individual to a safe environment, as well as to reforming social services infrastructure by creating small, modern homes for the disabled people to live in small groups.

138. Pursuant to the Law on Social Services (*Valstybės žinios* (Official Gazette) No. 17-589, 2006; No. 71-2702, 2008, No. 53-2598, 2010), municipalities are responsible for the provision of all social services within their areas. They do service planning, assessment of the need for social services, financial powers to pay for services, and they finance the social services. According to the Republic of Lithuania Law on Local Self-Government (*Valstybės žinios* (Official Gazette) No. 55-1049, 1994; No. 113-4290, 2008), independent functions of municipalities include: planning and provision of social services, founding and maintaining social services establishments and cooperation with non-governmental organizations; and provision of conditions for social integration of the disabled residing within the territory of a municipality. State (delegated by the State to municipalities) functions shall include ensuring provision of social care to individuals with a severe disability. The delegation of these functions to the municipality is accompanied by increased local government financial capacity to organize social services in the community. In the light of growing availability of social care across the country, since 1 January 2007, earmarked grants have been allocated to municipalities for organisation of social care for persons with severe disabilities and socially vulnerable families. In 2010, these allocations to municipalities for assuring care for severely disabled people accounted for LTL 36,199.3 thousand, in 2011 the allocations were LTL 41729.3 thousand, or 15 per cent more compared to 2010.

139. In Lithuania, a disabled person is provided with a possibility to express an opinion in a form acceptable to him on the choice of care homes, to express wishes regarding the staff, the neighbours of the living room; his rights are guaranteed and protected by law and his concerns and complaints are responded constructively. This has been provided for in the Social Care Standards approved by Order No. A1-46 of the Minister of Social Security and Labour of the Republic of Lithuania of 20 February 2008 (*Valstybės žinios* (Official Gazette) No. 24-931, 2008). The Social Care Standards regulates principles and characteristics of the provision of social care and sets binding requirements as regards quality of long-term, short-term and day care services provided by social care institutions and foster families.

### **Home nursing**

140. The home nursing programme, funded by the Compulsory Health Insurance Fund, was launched in June 2008. Their provision is regulated by the Requirements for the Provision of Nursing Services in Outpatient Health Care Facilities and at Home, approved by Order No. V-1026 of the Minister of Health of 14 December 2007 (*Valstybės žinios* (Official Gazette) No. 137-5626, 2007). Home nursing aims to improve patients' quality of life, focussing on their independence in the home environment, thus encouraging patient self-care. Currently, pursuant to the said legal act, home nursing services are provided to persons who have been assessed, within the procedure required by law, as having a need for long-term nursing care. Basic home nursing services include injections, intravenous drips, diagnostic procedures, wound care, bed sore prevention and treatment, drainage, and other nursing tasks. The definition of home nursing includes instruction by a nurse of a family member that looks after the patient.

141. For the promotion of the provision of nursing and social services, Nursing and Social Care Provision Standards were approved by Order No. V-558/A1-183 of the Minister of Health of the Republic of Lithuania and Minister of Social Security and Labour of 4 July 2007 (*Valstybės žinios* (Official Gazette) No. 76-3029, 2007). It sets forth basic objectives and principles for the provision of nursing and social services (hereinafter referred to as long-term care), as well as service recipients, delivery of long-term care, documentation and funding. Long-term care aims to encourage fully fledged independent living in the community, at home, by ensuring proper delivery of nursing and social services, aimed to protect a person from disease progression or progression of existing symptoms, taking into account the needs and possibilities of the family. The legal act specifies municipalities as responsible persons for long-term care delivery and set-up of a nursing team. Long-term care is delivered by a team in institutions, enterprises, organizations and homes.

### **Mental health care services**

142. Mental health services are also provided in Lithuania. The Law on Mental Health Care provides for the rights of the mental patients as well as the mental health care delivery standards and supervision principles. The law provides that the state must provide mentally ill persons with conditions for development, help them acquire work skills, change their qualifications, rehabilitate and return to life in the community. Mentally disabled persons shall be taken care of by the state. Health care of mentally disabled persons shall be financed in the manner established by the laws of the Republic of Lithuania. Municipalities shall organise and support the nursing and care of the mentally disabled in their families, health care institutions, mental health centres and other institutions of care and rehabilitation.

143. Aided by non-governmental organizations, most service users get involved in the reformation of mental health care and service delivery. It was non-governmental organizations that pointed out the need for greater involvement of mentally disabled people and helped to get funding for mental health facilities to equip rooms for creation. Currently, creativity rooms are available at more than half of all mental health facilities.

144. Mental health services are aimed to help patients to become more independent and better integrated in society. Therefore, mental health services need to be tailored to patients' individual needs and must be provided in the least socially restrictive environment. Therefore, the 2007–2013 Programme for the Reduction of Morbidity and Mortality from the Major Non-communicable Diseases, as approved by Order No. V-799 of the Minister of Health of 9 October 2007 (*Valstybės žinios* (Official Gazette) No. 106-4354, 2007) provides for the development of the network of flexible mental health services in the community and increased access to mental health services by opening about 20 mental health day care in-patient facilities.

145. In 2011, 9 thousand of the disabled, including 400 children, were delivered social services under the Social Services Directory in the framework of the implementation of community projects for social rehabilitation of the disabled (for more information on funding of the above community projects please see the subsection of the report on Article 26). The projects included the following activities: transport arrangement (transportation of persons with disabilities to day care centres, offices, schools, medical facilities, independent living skills training places, etc.), help in the house, accommodation in independent living homes, day care, long-term social care.

146. In 2011, projects supporting activities of associations of the disabled (see also the subsection of the report on Article 8) focussed on: professional training (in-service training of professionals directly involved in work with the disabled, development of management skills within associations); training on independent living skills, workshops and camps.

These activities will continue in 2012, therefore the associations of the disabled are welcome to continue submitting their applications.

147. Order No. A1-576 of the Minister of Social Security and Labour of 6 December 2010 set up a working group that examined possibilities for reforming state social institutions for the disabled and presented findings regarding quality of life at state social care institutions. The working group involved representatives from non-governmental organizations of the disabled, who, together with government representatives, visited care homes and looked into the situation.

## **Article 20 – Personal mobility**

148. This particular right is related to the accessibility rights referred to in the subsection of the report on Article 9 relating to basic standards ensuring access for the disabled to social environment, and transport infrastructure, thus enabling the disabled to make use of different facilities and services on an equal footing with the rest of the society.

149. One of the measures contributing to improved mobility of people with disabilities is provision of technical aids (any standard or specialised products, tools, equipment or technical systems helping the disabled to avoid, offset, reduce or eliminate the impact of disturbed functions on health condition, individual autonomy, personal development, and working activities). Provision of technical aids for persons with mobility, visual and hearing disabilities is organized by the Centre for Technical Aid for the Disabled under the Ministry of Social Security and Labour (hereinafter referred to as the Centre), which has 10 territorial units across Lithuania to take services as close as possible to those in need. Provision of technical aid and reimbursement for the acquisition is regulated by Order No. A1-338 of the Minister of Social Security and Labour of 19 December 2006 (*Valstybės žinios* (Official Gazette) No. 140-5368, 2006). The right to acquire technical aid for permanent or temporary use or to receive a compensation exists for citizens of the Republic of Lithuania, as well as foreign nationals permanently residing in the Republic of Lithuania and stateless persons who have declared their place of residence in the Republic of Lithuania within the procedure prescribed by law, with confirmed need for long-term or temporary use of technical aids. Technical aids are procured in accordance with the Law on Public Procurement. They must meet high quality and safety requirements. All procured aids are marked with CE label; most aids are required to have Quality Management conformity certificates to international or European standards (ISO 9001 or ISO 13485). The Centre maintains regular contacts with foreign and local manufacturers and suppliers, follows developments in the field of technical aids, looks for new models, aims to meet individual personal requirements for technical aids, and tries to expand the range of available technical aids. When procuring technical aids, priority is given to children.

150. The disabled are provided with technical aids free of charge, only a small part of the aids require a tiny contribution, for example 10 per cent of the price of a new or the value of the returned manually or automatically adjustable bed or pedalled tricycle; 10 per cent of the price of a new electric wheelchair, or 30 per cent of the price for a TV or radio connection device. The Centre also offers maintenance services, which are financed from the state budget. Persons with vision, hearing, mobility disabilities are free to choose between technical aids or compensation for their acquisition: the disabled may obtain some of these aids at the territorial units of the Centre or municipal administrations, or they may get compensation for the aids they have acquired at their own expense (such as a bedsores preventing mattresses, talking body thermometers, talking wristwatches, talking desktop clocks and other aids).

151. On the basis of the needs of persons with disabilities and requests from disability-related agencies, new requirements were issued on 1 January 2011 as regards the provision

of persons having vision, hearing and mobility disabilities with technical aids by paying out due compensations through companies.

152. To compensate transportation costs to the people having difficulties to use public transport but who can drive their own cars, the state pays out transport compensations. The right to compensation for transportation costs is specified in the following legislation:

(a) Article 7 of the Law on Transport Privileges (*Valstybės žinios* (Official Gazette) No. 32-890, 2000);

(b) Requirements for the Assessment of Special Needs for Long-Term Nursing, Long-Term Care (Assistance), Compensation of the Costs of the Acquisition of a Passenger Car or its Technical Adjustment, and Transportation, approved by Order No. A1-120/V-346 of the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 4 May 2005 (*Valstybės žinios* Official Gazette, No. 60-2130, 2005);

(c) Requirements for Compensation of Transportation Costs, approved by Order No. A1-234 of the Minister of Social Security and Labour of the Republic of Lithuania of 8 July 2008 (*Valstybės žinios* (Official Gazette) No. 79-3124, 2008).

153. Compensations for transportation costs are paid against certificates confirming special needs for compensation of the costs for the acquisition of a passenger car or its technical adjustment: (a) monthly 0.25 BSB (basic social benefit), accounting for LTL 32.5, to cover transportation costs is paid against the certificate confirming special needs for compensation for transportation costs. This compensation is paid to both adults as well as children with disabilities; (b) up to 32 BSB (up to LTL 4,160) compensation for the acquisition of a passenger car or its technical adjustment is paid once every 6 years, if the beneficiary can drive a car himself; (c) up to 32 BSB (up to LTL 4,160) compensation for the acquisition of passenger cars or their technical adjustment is paid once every 6 years to families with their own or adopted disabled child under 18, who requires long-term nursing.

154. Allocation and payment of compensations for transportation costs is only one of the measures ensuring better quality of life for persons with disabilities and their adequate involvement in the society. There are a number of other privileges regarding transportation services for the disabled:

(a) According to Article 5 of the Law on Transport Privileges, the disabled are entitled to a single ticket for travel on long distance or local regular service buses at 80 per cent of fare, and a single ticket for travel on long distance or local regular service buses with 50 per cent discount;

(b) The network of transport services for the disabled is under expansion. The country has many patients with severe mobility disabilities, who cannot use public transport or drive a car themselves, therefore the Ministry of Social Security and Labour carried out a Programme for Procurement of Special Purpose Vehicles for the Disabled for 1995–1999. In 1995–1998, 111 special minibuses adjusted to the needs of persons with disabilities were purchased and transferred to municipal social support units. Currently, almost all municipal social support units have one or two of these vehicles;

(c) The year 2000 saw the launch of an investment programme Procurement of Transport Adjusted to the Needs of Persons with Disabilities, enabling transfer of procured vehicles under the agreement of use to non-governmental organizations of the disabled. The total number of vehicles allotted to non-governmental organizations was 61. The programme gives more opportunities as regards the use of special transport in outlying areas.

155. In accordance with the Arrangements for Financing of Projects for Increased Mobility and Independent Living Skills among Persons with Physical Disabilities, approved by Order No. A1-241 of the Minister of Social Security and Labour of the Republic of Lithuania of 17 May 2011 (*Valstybės žinios* (Official Gazette) No. 61-2930, 2011), funding became available for NGO projects aimed at the development, restoration and maintenance of independence of persons with vision disabilities, and the development of driving skills in persons with mobility disabilities, with a view to facilitating the involvement of persons with disabilities in society and effecting daily tasks. The target group of the projects includes persons with vision and mobility disabilities. Eligible applications may include activities aimed at the development of independent living skills in persons with vision disabilities through theoretical and practical sessions, peer support groups, camps, and mobility trainings of persons with mobility disabilities (category B driving lessons).

### **Article 21 – Freedom of expression and opinion, and access to information**

156. Lithuanian legislation guarantees the right to have and freely express one's convictions to all persons. The freedoms of access to information and expression of convictions may not be limited in any other way except by law, when that is necessary to protect human health, honour and dignity, private life and morality or to safeguard the constitutional order.

157. As regards access to information for the disabled, it is important to mention the legislation described in the subsection of the report on Article 9 of the Convention as well as the measures implemented to adapt the information environment to the special needs of disabled people. Of particular note is Resolution No. 480 of the Government of the Republic of Lithuania of 18 April 2003, approving the List of General Requirements for the websites of national and local authorities and bodies, which obliges national and local authorities and bodies to adapt their websites to the needs of people with disabilities (*Valstybės žinios* (Official Gazette) 2003, No. 38-1739; 2009, No. 154-6976).

158. The Resolution of the Government of the Republic of Lithuania of 3 June 2009 approved the Programme for the Use of the Lithuanian Sign Language and Interpretation Services for 2009–2012 (*Valstybės žinios* (Official Gazette), No. 70-2844), which aims at the integration of the deaf to the society as well as the reduction of their social cohesion. According to the Programme, the sign language is the main method of communication as well as receipt and transmission of information in the deaf community, as a language minority. Implementation of the measures under the said programme involves the improvement of the vocabulary of the Lithuanian sign language and development of sign language research, training of sign language researchers, preparation and publishing of specialised dictionaries for the Lithuanian sign language, enhancement of the methodological resources of the schools for the deaf, preparation of Lithuanian sign language instruction programmes for the specialists providing public services and sign language interpreters, organisation of Lithuanian sign language courses for Lithuanian sign language translators, pedagogues for the deaf, officers of the police and the State fire and rescue services, health care workers, social workers, family members of the deaf and other members of the society. Additionally, the functions and the activities of the public institution Centre for Educology for the Deaf are being developed with the aim to turn it into a centre for methodological assistance conducting qualification advancement programmes for sign language interpreters.

159. Lithuania has five sign language interpretation centres (in Vilnius, Kaunas, Klaipėda, Panevėžys and Šiauliai), and the Ministry of Social Security and Labour has the

owner's rights and duties in respect of these centres. Each centre for sign language interpretation provides interpretation services for two country territories and the deaf people residing therein. As of 2012, the implementation of investment projects for the adaptation of four sign language interpretation centres (in Kaunas, Klaipėda, Panevėžys and Šiauliai), financed from EU Structural Funds, has begun. LTL 5.88 million will be allocated for the implementation of the said projects. At present, sign language interpretation services in Lithuania are provided to deaf people individually, while the implementation of the investment projects will enable the provision of completely new services, namely video interpretation in the sign language. With the help of EU Structural Funds' assistance, the provision of video interpretation services will begin in late 2013, thus increasing the accessibility of sign language interpretation services.

160. In implementing measure 3.21 of the Plan of Implementing Measures for the National Programme, subtitling equipment for the subtitling of TV programmes was acquired and handed over to the public institution Lithuanian National Television and Radio in 2011. An amount of LTL 299,400 was used to acquire the property. Therefore, in the future there should be more subtitled TV programmes for people with hearing disabilities. Shows to be subtitled have been selected taking into consideration the opinions of people with hearing disabilities.

161. Article 5(9) of the Law of the Republic of Lithuania on the Lithuanian National Radio and Television (*Valstybės žinios* (Official Gazette) 1996, No. 102-2319; 2005, No. 153-5639) stipulates that the Lithuanian Radio and Television (hereinafter referred to as "LRT") shall create shows or programmes for people with a hearing or visual disability. This provision is implemented by translating the broadcast programmes into the sign language. In 2008-2009, the Lithuanian Television broadcast 5-6 hours of programmes in the sign language per week, consisting of news and hosted shows selected by the disabled themselves. With the reduction in LRT funding at the end of 2009, only three news programmes are broadcast in the sign language per week. Programmes on the parliamentary and local council elections, the President's address to the Seimas and breaking news (such as in the case of the tsunami in Japan) as well as programmes for the disabled. Radio is the most accessible source of the media to the visually impaired. The Lithuanian radio station Klasika broadcasts a special programme for the disabled, the visually impaired and the blind as well as other programmes intended to familiarise the public at large with the topicalities of the life of disabled people.

162. Lithuania has the Lithuanian Library for the Blind, the Regulations of which, approved by Order No. IV-289 of the Minister of Culture of the Republic of Lithuania of 8 May 2007 (*Valstybės žinios* (Official Gazette) 2007, No. 53-2062) define the library's objective and functions: to provide the blind and the visually impaired with equal rights and opportunities to search for and obtain information and documents, to use library services, study, communicate, take a full part in cultural life and get acquainted with the Lithuanian national as well as world heritage. The key functions of the library include the publishing of books, journals and informational literature in the formats accessible to the blind and visually impaired.

163. The Lithuanian Library for the Blind is organised as a centralised library system consisting of the central library in Vilnius and five branches in other cities. Additionally, books may be delivered to the reader's homes and by post. Specialised service points have been established at public libraries as well as branches of the Lithuanian Association of the Blind. In addition, the library performs the functions of a centre of information provision to the blind and visually handicapped and methodological activities and organises, within its remit, qualification advancement seminars on the topic of working with the disabled as well as conferences for library specialists. The library has a typhology department and the Lithuanian Museum for the History of the Blind, promotes the creative activities of the

blind and visually impaired, collects literature on the blind and organises cultural and educational events. The library's staff and clients may use special adaptation equipment, such as sound synthesizers, etc. For visually impaired people the Lithuanian Library for the Blind publishes publications in Braille (around 27 publications per year), audio books (around 250 books per year) and magazines (around 16 magazines per year), audio books recorded from digital formats (around 200 books per year), and typhological publications in regular print but larger size (around 3-5 editions per year).

164. After the project Virtual Library for the Blind is completed, 6,000 pages of scanned text will be prepared and ten publications of the DAISY (Digital Accessible Information System) format, which is new to Lithuania, will be published for persons with a visual disability. For persons with a visual disability, the environment will be adapted with the help of the ELVIS system for the management of electronic publications, to be developed in the course of the implementation of the project "Virtual Library for the Blind" financed by the European Regional Development Fund and the State Budget of the Republic of Lithuania, which will be a system for centralised collection, management, processing, analysis and provision of audio books and magazines, DAISY, text publications and other digital information publications for visually impaired service recipients. The system will contain products that are present in the archives of the Lithuanian Library for the Blind as well as those developed in the course of the project and supplied by the Lithuanian Association of the Blind and Visually Impaired or handed over by other publishers. The system will be accessible to visually impaired persons in the middle of 2012. The services of the Lithuanian Library for the Blind, established by the Ministry of Culture, are used by 2,981 persons with a visual disability. In 2010, the library issued 5,641 documents in Braille and 166,052 audio documents.

165. In the course of implementing the project "For progress of the library" in 2008-2011, public libraries were provided with computers furnished with the special JAWS software, which facilitates working with a computer/internet for visually impaired visitors. For the benefit of people with visual disabilities, the project includes initiatives for the promotion of the use of public libraries and computers, for instance, a campaign aimed at people with visual disabilities "Open up the internet in the library" was organised for the visually impaired in 2009 with the aim to encourage visually impaired people to become more active in using the internet for everyday needs and get better acquainted with public libraries that offer special workstations for people with visual disabilities. During the campaign, librarians communicated with the participating people with visual disabilities by means of on-line lectures. In these lectures, the campaign participants learned about new opportunities opened up by computers and the internet at the libraries and talked to specialists who gave explanations and answered questions concerning the procedure of providing technical means and consulted on the topical issues of employment, education, leisure and health.

166. The results of a survey conducted among the members of the groups of users of public internet access, carried out in implementing the project "For progress of the library" have shown an improvement in the conditions for visiting the city library and using its services for physically/visually disabled people. Library visitors suffering from a disability have become more active and bolder in using the wide opportunities created by the internet, although in rural areas the use of the public internet access service remains problematic for the members of this social group. The survey's results show that the most active group of users of library services and internet access consists of mentally disabled people, who spend quality time at a library, while socialising both with library staff and other library visitors they know.

167. Speaking of the accessibility of the physical environment to facilitate service access for the disabled, it should be noted that the premises of Lithuanian museums and libraries

are gradually adapted to the needs of the disabled in order to provide them with easy access to the buildings and comfortable movement within the buildings. It is noteworthy that the State partially finances the restructuring of the buildings of cultural designations which includes, where possible, the installation of ramps, elevators, lifts, etc.

168. In the course of implementation of the project “For progress of the library” in 2008-2011, public library entries were adapted (ramps installed, passages widened) and the disabled were enabled to move inside the libraries without restrictions: elevators were installed for access to other levels, passages between bookshelves were widened, etc. Taking into account the needs of persons with movement disabilities, many libraries offer the free delivery service. In 2012, the Lithuanian Sea Museum is planning to introduce the eGido system, unique in Lithuania, which will allow visitors to find their way inside the building and receive all the required information on the Lithuanian Sea Museum and Dolphinarium with the help of a smart-phone. This application will be adapted for people with a visual disability.

169. Digital technologies create more opportunities to provide high-quality cultural services to people with disabilities. Six major projects for the digitalization of Lithuanian cultural heritage were launched in 2009 with the aim to ensure on-line access to the materials stored at the country’s libraries, archives, museums and audiovisual heritage archives, i.e. to books, archived files, manuscripts, posters, works of painting and graphic art, photographs, etc. The public services developed when implementing digitalization projects are also being adapted to the needs of the disabled: applications for the disabled enabling size increase are being developed and instructions are given on the use of generated digital content on-line, thus ensuring that disabled people are able to access digital content for recreational and educational purposes without leaving their homes.

170. In 2005, the development of a universal information system for the rehabilitation and integration of the disabled (hereinafter referred to as “UNRIIS”) began, in implementation of measure 2.2 “To build and introduce a universal rehabilitation and integration database” under the National Programme for the Social Integration of People with Disabilities for 2003-2012 (*Valstybės žinios* (Official Gazette) 2002, No. 57-2335), approved by Resolution No. 850 of the Government of the Republic of Lithuania of 7 June 2002. UNRIIS is a database intended to assist in the preparation, collection, systemisation and dispersion of the latest specialised information on disabled people as well as the services, agencies and instruments available to the disabled in the areas of health, social security, education and science, employment, environment accessibility, culture, sports and others. The database also provides the institutions, bodies and organisations that do not have their own databases with an opportunity to use its resources and to inform the public. The database has been adapted for people with various disabilities. Information on the database is easily accessible and free of charge. The key objective of UNRIIS is to build a universally accessible on-line database on the basis of the “design for all” principle that would store regularly updated information relevant for the disabled and dealing with rehabilitation and integration issues.

171. Speaking of the education of cultural workers, the Lithuanian Centre for the Professional Development of Cultural Workers has organised qualification advancement courses on the subject of working with disabled people. Around 50 cultural workers attended the training programme each year. This centre has been closed, thus the Ministry of Culture now procures the services of qualification advancement for cultural workers (including seminars on the aforementioned topics).

172. The employees of the Lithuanian Sea Museum, in cooperation with the Social Work Methodology Centre of the budgetary institution Centre for the Disabled Klaipėdos Lakštutė, participated in programmes for social worker qualification advancement in 2006-2011; delivered lectures and conducted practical training (“Dolphin therapy for

children with mental and psychiatric disabilities”; “Dolphin therapy for children with various disabilities”).

173. In implementing the programme “Education for information society”, the Ministry of Education and Science has been providing schools with computer teaching aids as well as instruments facilitating the improvement information accessibility to the disabled. The Programme for Providing Schools with Yellow Buses is being implemented on an annual basis, and 48 buses for the disabled were purchased in the 2011-2011 period. Presently, the Programme for Providing Schools with Yellow Buses 2013-2017 has been drafted (the preliminary funds requirement: LTL 3 million). According to the plan, 15 yellow buses for transporting disabled people will be purchased and distributed during the programme implementing period. Additionally, as the Methodology for calculating the so-called “pupil’s basket” is being improved on an annual basis, the basket for pupils with special needs is growing and is now 35 per cent higher than the basket for a statistical pupil at a school of general education. Accessibility of education is further improved by the adaptation of the textbooks of general education schools, the development of special teaching aids and the improvement of teacher competencies.

174. Access to information is governed by the provisions of paragraphs 1, 2 and 3 of Article 5 of the Law on the Rights of Patients and on Compensation for Damage to Their Health: a patient is entitled to information on the services provided by health care institutions, their prices and the possibilities of using them. A patient is entitled to information on the health care specialist providing him with health care services (name, surname, position) as well as information on the specialist’s professional qualification. A patient who produces personal identification documents has the right to receive information about his health status, disease diagnosis, other treatment or examination methods applied at the health care institution or known to the physician, possible risks, complications and side effects, treatment prognosis and other circumstances that may have an impact on the patient’s decision to accept or to refuse the proposed treatment as well as the consequences of such refusal. The physician must provide the patient with the said information taking into consideration his age and health status, in a comprehensible form and with explanations of special medical terminology.

175. In implementing measure 4.6 of the Plan of Implementing Measures for the National Programme, “To analyse the possibility of providing persons suffering from severe visual disabilities with general information in special formats (Braille, increased size, electronic format, etc.) at public health care institutions”, the Ministry of Health collects from municipalities information on the possibilities of providing persons suffering from severe visual possibilities with general information in special formats at the institutions providing in-patient health care services. According to the received data, a comprehensive analysis will be carried out and adequate decisions will be taken concerning the improvement of information accessibility to persons with severe visual disabilities at personal health care institutions.

## **Article 22 – Respect for privacy**

176. International documents (the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civic and Political Rights, the Charter of Fundamental Rights of the European Union) enshrine the rights of persons, including the disabled, to private life, which is ensured by the Republic of Lithuania. Article 21 of the Constitution enshrines the principle of integrity of the person, stipulates that human dignity shall be protected by law, establishes the prohibition of torture of and bodily injury to humans, degradation of human dignity, and cruel treatment of humans, as well as imposition of cruel penalties, and prohibits scientific and medical

experimentation with a human being without his knowledge and free consent. Accordingly, Article 2.24 of the Civil Code sets out provisions for the protection of a person's honour and dignity. Article 22 of the Constitution states that the private life of a human being shall be inviolable: the law and the court shall protect against arbitrary or unlawful interference in private and family life and from encroachment upon honour and dignity. Personal correspondence, telephone conversations, telegraph messages, and other communications are inviolable. Information concerning the private life of a person may be collected only upon a justified court decision and only according to the law.

177. These constitutional provisions are elaborated in Article 2.23 of the Civil Code, which provides that the private life of a natural person shall be inviolable. Information on a person's private life may be made public only with his consent. After a person's death the said consent may be given by the person's spouse, children and parents. Violation of privacy includes unlawful entry into a person's dwelling or other premises as well as fenced private territory, unlawful observation of a person, unlawful search of a person or his property, breach of confidentiality of personal telephone calls, written or other correspondence as well as personal notes and information, the making public of personal health data in violation of the procedure established by law, and other unlawful actions. Collection of information on another person's private life in violation of the law is prohibited. Making public the facts of private life, however truthful they may be, as well as making public private correspondence in violation of the procedure prescribed in paragraphs 1 and 3 of Article 2.23 of the Civil Code as well as entering a person's dwelling without his consent, except in the cases specified by law, observation of a person's private life or collection of information about him in violation of the law well as other unlawful acts infringing the right to privacy form the basis for a court action for material and non-material damages caused by the said acts.

178. Article 24 also enshrines the principle of inviolability of the home of a human being. Without the consent of the resident, entrance into his home is not permitted unless authorised by a court decision or in accordance with the procedure established by law when this is necessary to guarantee public order, apprehend a criminal or save the life, health, or property of a human being.

179. It should be noted that all the aforementioned constitutional provisions are intended to guarantee for everyone, including the disabled, the right to private life and its inviolability, the right to the inviolability of the home and the right to personal honour and dignity.

180. Concerning the confidentiality of the health status and rehabilitation data of the disabled, it should be noted that Article 6.736 of the Civil Code, which governs the provision of patient information and medical documentation, prevents the supplier of personal health care services from providing, without the patient's consent, third parties with information about the patient and from enabling them to obtain copies of the official records specified in Article 6.733 of the Civil Code. If information is nevertheless provided to the third parties, it may be provided in so far as this does not cause any harm to the privacy of the patient or third-party. Information on a patient must be furnished where this is prescribed by law.

181. Respect for privacy is governed by the Law on the Rights of Patients and on Compensation for Damage to Their Health. In line with the provisions of the said law, the privacy of patients shall be inviolable. Information on the facts of patients' lives may be collected with the patients' consent and only when that is necessary for the purposes of disease diagnostics, treatment or nursing. Data on a patient's presence at a health care institution, his health status, and the applied means of diagnostics, treatment and nursing are entered in the patient's medical records of the form and types specified by the Ministry of Health. When specifying the form, content and usage of these documents, the protection

of the patient's privacy must be ensured. All the information on a patient's presence in a health care institution, treatment, health status, diagnosis and prognoses, as well as other personal information on the patient must be considered confidential even after the patient's death. The procedure for the protection of such confidential information is established by Lithuanian laws and the legislation approved by the Minister of Health. Confidential information may be supplied to third parties only with the written consent of the patient. Persons directly participating in the treatment or nursing of a patient or performing a patient's health examination may be provided with confidential information without the patient's consent only where it is necessary and to the extent that it is necessary to safeguard the interests of the patient. Without the patient's consent, confidential information may, according to the procedure established by legislation, be furnished to public authorities that have been granted by Lithuanian laws access to confidential information on a patient irrespective of his will. When a patient is unconscious and has given no consent, confidential information may be supplied to the patient's representative, spouse/partner, parents/adoptive parents or adult children only when necessary and only to the extent necessary to protect the patient's interests.

182. In ensuring the patient's right to privacy, the principle that his interests and welfare are superior to those of the society shall be followed. Illicit collection and use of confidential information on a patient is punishable in accordance with legislation. The patient is entitled to both material and non-material damages. Chapter XXIV of the Criminal Code covers criminal activities against a person's privacy (Article 165. Illegal infringement of the inviolability of a person's home, Article 166. Infringement of the inviolability of personal communications, Article 167. Illegal collection of information on the private life of a person, Article 168. Illegal disclosure or use of information on the private life of a person), which result in criminal liability.

### **Article 23 – Respect for home and family**

183. Article 38 of the Constitution of the Republic of Lithuania states that marriage shall be concluded upon the free mutual consent of a man and a woman. Under Article 1.2 of the Civil Code, civil relations, including the conclusion of a marriage, shall be governed in line with the principle of equality of subjects, therefore marriage, under Article 3.13 of the Civil Code, shall be concluded by a man and a woman (without differentiating between healthy people and those with disabilities) by their free will. The main criterion is the ability to express free will. Any threat, violence or deception is grounds for annulment of marriage. An exception when a person cannot enter into a marriage because of inability to express his will is a situation when the person has been declared legally incapable by a final court decision. He cannot enter into a marriage because he is not capable of expressing his will, which would contradict the principle of voluntary marriage. The declaration of legal incapacity of a person is not grounds for nullity of the marriage except in the cases where it can be proven that a person could not comprehend the meaning of his actions or control them when entering into the marriage. At the same time, it should be noted that a person's mental illness or limited capacity do not preclude conclusion of a marriage.

184. The Republic of Lithuania does not have legislation prohibiting the disabled from having children or restricting this right of the disabled. Paragraph 2.1 of the Procedure for the Termination of Pregnancy of Order No. 50 of the Minister of Health of the Republic of Lithuania of 28 January 1994 (*Valstybės žinios* (Official Gazette) 1994, No. 18-299) stipulates that in the case where pregnancy threatens the life or health of the mother it shall be terminated irrespective of the gestation period. Pregnancy is terminated only where there is a real threat to the mother's health or life. The Order approved the list of diseases and conditions that may threaten the lives and health of a pregnant woman and foetus (this

includes mental disorders of a pregnant woman, diseases of the sense-organs, nervous system diseases, inflammatory diseases, hereditary diseases, etc.).

185. The provision that intervention into the human body and removal of body parts or organs is allowed only with the person's consent is set out in paragraph 2 of Article 2.25 of the Civil Code of the Republic of Lithuania (this provision of the Code is set out in more detail in Articles 15 and 17 of the Report on the Convention). In addition, Article 17 of the Law of the Republic of Lithuania on the Rights of Patients and on Compensation for Damage to Their Health stipulates that, prior to performing a surgical, invasive and/or interventional procedure on a patient, an informed consent of the patient must be obtained for that specific surgical, invasive and/or interventional procedure. Such consent shall be given in writing. When obtaining informed consent to a surgical, invasive and/or interventional procedure, a patient is deemed to be adequately informed if he has received an explanation of the essence of the surgical, invasive and/or interventional procedure, its alternatives, type and objectives, known and possible complications (undesired effects), other circumstances that may affect the patient's decision to accept or refuse the proposed surgical, invasive and/or interventional procedure, as well as possible consequences of the refusal of the proposed surgical, invasive and/or interventional procedure.

186. Paragraph 2 of Article 3.161 of the Civil Code states that a child shall have a right to live with his parents, be nurtured and provided for in the family of the parents, communicate with the parents, whether or not the parents live together or separately, and communicate with his relatives, unless that is prejudicial to the child's interests. The same right is enshrined in Article 23 of the Law on the Fundamentals of the Protection of the Rights of the Child (*Valstybės žinios* (Official Gazette) 1996, No. 33-807), which maintains that the child has the right to live with his parents or other legal representatives.

187. In line with paragraph 1 of Article 3.179 of the Civil Code, where the parents (father or mother) do not live together with the child for objective reasons (illness, etc.), and it is necessary to decide where the child is to live, the court may decide to separate the child from the parents (father or mother). Where only one of the parents is affected by unfavourable circumstances, while the other parent can live and nurture the child, the child shall be separated only from the former parent.

188. Under paragraphs 1 and 2 of Article 3.180 of the Civil Code, where the parents (father or mother) fail in their duties to nurture their children, abuse their parental authority, treat their children cruelly, produce a harmful effect on their children by immoral behaviour or do not look after their children, the court may order temporary or indefinite restriction of parental authority (in respect of either of the parents). The court orders temporary or indefinite restriction of parental authority (in respect of either of the parents) with regard to the specific circumstances that require restriction of parental authority. Parental authority may be restricted indefinitely where the court finds that the parents (father or mother) do very great harm to the development of the child or do not look after the child at all and no change in the situation is forthcoming. In any case, separation of the child from parents or other legal representatives against the will of the parents (legal representatives) is possible only in exceptional cases and in accordance with the procedure specified in the laws, pursuant to a court decision (judgement), and where such separation of the child is necessary (in order to prevent danger to the child's life and health, to ensure the child's supervision and upbringing and to protect other important interests of the child). Thus, the said legal provisions establish a legal regulation ensuring that a child, whether disabled or not, is not separated from the parents, except for the aforementioned reasons and cases defined in the laws.

189. To prevent the institutionalization of disabled children whose parents are unable to look after them and to ensure that they receive alternative care within the wider family, and failing that, within the community in a family setting, it should be noted that, under

Article 3.249 of the Civil Code, when placing a child (any child, disabled or not) under guardianship/curatorship the following principles of placing a child under guardianship/curatorship shall be followed: the primacy of the child's interests; close relatives of the child have the right of priority to become guardians/curators if this is in the interests of the child; child guardianship/curatorship within a family; non-separation of brothers and sisters, except when that is in conflict with the child's interests.

190. With regard to the right to be a guardian, Article 3.269 of the Civil Code, which sets out the provisions concerning the right to be a child's guardian/curator, stipulates that persons declared to be incapable as well as persons suffering from chronic alcoholism, drug abuse as well as mental and other diseases, the list of which was approved by the institution authorised by the Government (Order No. 386 of the Minister of Health of the Republic of Lithuania of 17 July 2001 approving the List of diseases which prevent a person from being appointed as a child's guardian/curator (*Valstybės žinios* (Official Gazette) 2001, No. 64-2373), cannot be appointed as child guardians/curators.

191. Concerning the legal regulation of the institution of adoption with regard to the disabled, it should be noted that, pursuant to the principle of equality of subjects, children may be adopted by adults of both sexes aged under 50 who are prepared for adoption. In exceptional cases the court may allow older individuals to adopt children (Article 3.210 of the Civil Code). However, a person who has been declared legally incapable or of limited capacity by the court does not have the right to be guardian/curator or adoptive parent (Article 3.210 of the Civil Code).

192. As already mentioned in Articles 15 and 17 of the Report on the Convention, it should be noted with regard to the measures taken to prevent forced sterilization of the disabled that both the Constitution of the Republic of Lithuania and the Civil Code guarantee the right to the inviolability and integrity of the body.

## **Article 24 – Education**

193. In line with Article 41 of the Constitution, education is compulsory in Lithuania for persons under 16. Education in State and municipal schools of general education, vocational schools and colleges is free of charge. Higher education is available to all according to individual abilities. Successful students are guaranteed free education at State schools of higher education.

194. Article 4 of the Law on Equal Opportunities obligates the institutions of education, science and higher education to enforce equal opportunities. The institutions of education, science and higher education must provide persons with equal opportunities with regard to their age, sexual orientation, disability, race, ethnicity, religion or beliefs, when:

- (a) Admitting persons to schools of general education, vocational schools, colleges, schools of higher education as well as qualification advancement, re-qualification and other courses;
- (b) Granting student allowances and student loans;
- (c) Drawing up, preparing, approving and selecting teaching programmes;
- (d) Assessing knowledge.

195. Educational, science and higher education institutions as well as the bodies implementing adult education programmes must ensure, within their remit, that teaching programmes and textbooks do not contain provisions discriminating or promoting discrimination on grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs.

196. On 17 March 2011, the Law Amending the Law on Education (*Valstybės žinios* (Official Gazette) 2011, No. 38-1804) was adopted, setting out the objectives of education, the principles of the education system, the fundamentals of the educational system structure, educational activities and relations in education, as well as State commitments in the area of education. Article 14 of the said Law stipulates that the purpose of educating pupils with special educational needs is to help a pupil develop and learn according to his abilities and to acquire an education and a qualification by recognising and developing their abilities and capacities. The groups of pupils with special educational requirements shall be defined and their special educational needs shall be divided into low, medium, high and very high in accordance with the procedure prescribed by the Minister of Education and Science, Minister of Health and Minister of Social Security and Labour. For pupils with special educational requirements, the programmes of general education, vocational training and higher education are adapted in accordance with their special educational needs. The education of pupils with special educational needs is implemented by all the schools providing compulsory and universal education, other providers of education and, in exceptional cases, by schools (forms) intended for pupils with special educational needs. This law also guarantees the accessibility of education to pupils with special educational needs: if a pupil's parents (guardians/curators) so desire, the pupil is enabled to attend a pre-school education establishment, a general education school, a vocational training school or any other State or municipal/regional school intended for pupils with special educational needs. The accessibility of education is also ensured by adapting the school environment, by offering psychological, special pedagogical, special and social pedagogical assistance, by providing schools with technical aids to education and special teaching aids and by other means prescribed by law. Pupils who are unable to attend a general education school due to illness or pathology are given an opportunity to study at an in-patient health care facility or at home.

197. Pursuant to the Law on Education, pre-school education shall be available to children from birth until the moment when pre-primary education becomes available to them. The establishment of nursery groups which at the request of the parents may be attended by children with special educational needs has begun in the country. In 2012, the country had 8 pre-school education establishments with special groups for children (mainly disabled) with high and very high special educational needs (mainly disabled). 281 children with high or very high special educational needs took part in pre-school education programmes and 114 in pre-primary education programmes. All in all, the country had 169 special groups carrying out pre-school education programmes and 41 groups carrying out a pre-primary education programme. The majority of children attending these groups suffer from disabilities of various types and severity due to inherited or acquired disorders.

198. The objective of the Programme for the Development of Pre-school and Pre-Primary Education 2011–2013, approved by Order V-350 of the Minister of Education and Science of the Republic of Lithuania of 1 March 2011 (*Valstybės žinios* (Official Gazette) 2011, No. 30-1421) and of the State project “Development of pre-school and pre-primary education”, financed by the European Social Fund and the Ministry of Education and Science of the Republic of Lithuania, is to increase the accessibility and quality for pre-school education as well as education assistance, especially in rural areas. The activities planned by the project (LTL 18 million) are aimed at improving early childhood intervention as well as the provision of adequate education assistance, social support and health care services to children and their parents/guardians. The project will provide funding for the establishment of inter-institutional cooperation coordinator positions in 20 municipalities. The implementation of this measure is expected to improve the accessibility of services and education to children from their birth to the start of compulsory education. The said programme also envisages competitive funding to the provision of

mobile education assistance in municipalities to children with reduced mobility as well as socially abandoned and disabled children.

199. Resolution No. 1823 of the Government of the Republic of Lithuania of 22 December 2010 approved the Methodology for the calculation and allocation of the pupil's basket (*Valstybės žinios* (Official Gazette) 2001, No. 57-2040; 2009, No. 158-7134). In line with paragraphs 12 and 13 of the Methodology, funding for pre-school education groups shall cover a minimum of 20 hours per week. The pre-school and pre-primary education basket of a child with special educational needs is around 35 per cent higher than those of other children educated under pre-school and pre-primary education programmes. This helps not only to improve the accessibility and quality of pre-school education but also to guarantee increased effectiveness of ensuring child safety and health. The introduction of the basket encourages the establishment of non-State kindergartens as well as the legalization of the already existing ones. As an instrument, the basket allows the allocation of funds to municipalities for the development of new groups, the funding from the State budget of the provision of educational aids, enhancement of educational assistance, improvement of pedagogues' competencies, etc.

200. In implementing the project "Preparation of special teaching aids" (2009–2011), co-financed by the European Social Fund and the Republic of Lithuania, nine special teaching aids intended for pupils with different special educational needs were prepared and published. Teaching aids for mathematics, geography, biology and social skills have been prepared and supplied, using the funds allocated under the project, to over 4,000 pupils with visual, hearing and mental disabilities.

201. In 2009–2011, the project "Development of the forms of education for persons with special needs" was implemented with the aim to increase the effectiveness of the education (self-education) of pupils with special needs as well as the competencies of pedagogues, educational assistance specialists and education administration employees in the sphere of special education (self-education). 107 seminars were organised and 975 teachers, education assistance specialists and education administration employees improved their professional competencies. 12 seminars were held and 240 specialists of pedagogical-psychological services took part in team training on the evaluation of special educational needs and prescription of special education. A draft "Model for the development of forms of educating pupils with special educational needs" has been prepared. The following guidelines for special schools concerning the enhancement of education quality when working with pupils having special educational needs have been prepared: "Learning together" (5,800 copies), which present materials concerning the involvement of the family members of pupils with special educational needs in the process of providing assistance, education differentiation and individualisation; "Inclusive education and team assistance to a pupil" (5,800 copies), which set out the ways and methods of the organisation of inclusive education, building of the teaching and learning capacities of pupils with special educational needs and encouragement of such pupils' motivation and activity, as well as the peculiarities of teamwork in responding to the pupils' special educational needs; and the publication on the choice of a vocation entitled "Vocational training options for pupils with special educational needs" (5,800 copies).

202. In order to provide each pupil with the most favourable conditions for education and compensate for the learning difficulties resulting from disability and unfavourable environmental factors, child welfare commissions have been created at the schools. The purpose of the said commissions is to organise and coordinate preventive work, provision of education assistance, creation of a safe and favourable environment for education, and adaptation of educational programmes for pupils with special educational needs. That way, every child's educational difficulties may be evaluated and addressed in an integrated fashion, taking the various aspects of his problems into consideration. By evaluating and

determining special educational needs and selecting the assistance strategies and measures, pupils are provided with the conditions enabling them not to drop out of the education system and to participate in the education process and seek education under conditions equal to those enjoyed by their peers.

203. In implementing the Programme for the Development of Pre-school and Pre-primary Education 2007-2012, approved by Resolution No. 1057 of the Government of the Republic of Lithuania of 19 September 2007 (*Valstybės žinios* (Official Gazette) 2007, No. 106-4344), multifunctional centres were established to provide children and local communities with educational, cultural and social services, whose activities may encompass the following: pre-school, pre-primary and informal education of children, day care for children, informal adult education, education assistance, education of children with special educational needs, distance education under formal and informal education programmes or modules thereof, entertainment, socio-cultural and artistic activities of children and adults, etc. The activities of such centres also help ensure the comprehensiveness of the services supplied to children and families.

204. Order No. V-2068/A1-467/V-946 of the Minister of Education and Science of the Republic of Lithuania, the Minister of Social Security and Labour of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 4 November 2011 (*Valstybės žinios* (Official Gazette) 2011, No. 134-6387) approved the Procedure for providing comprehensive education assistance, social support and health care services to children of pre-school and pre-primary age and to their parents/guardians. It stipulates that comprehensive assistance is intended to secure effective education of children under pre-school and/or pre-primary education programmes and to help parents reinforce their parenthood and social skills. When implementing this legal act in practice, efforts are being made to improve the coordination of the assistance and services rendered to families raising disabled children, to enhance the education quality for such children, and to reduce the social tension resulting from separate and uncoordinated actions of the specialists of every institution, which fail to address the needs of a particular child or family.

205. The project “Testing and introduction of a model for the development of the competencies of primary school teachers and special education pedagogues in the application of information and communication technologies (ICT) and innovative teaching methods”, financed by the European Social Fund and the Ministry of Education and Science, is being implemented. The education assistance specialists from around the country are taking part in training and, together with primary school teachers, are acquiring the competencies of ICT development and application in educating pupils with special educational needs.

206. The project (2011–2014) “Improvement of primary education” has been prepared. It seeks the establishment of pre-conditions for a more effective development of the practical and problem-solving skills as well as creativity of primary school pupils. The project’s activities devote major attention to the pedagogues’ abilities to adapt the primary education programmes for pupils with special educational needs, while increasing the education system’s accessibility and quality for the disabled as well. According to a large number of surveys, it is adequate preparedness of teachers to accept and educate disabled children that is the key to education quality and stimulation of learning motivation.

207. Pursuant to the Procedure for the provision of instruments of financial assistance to disabled students of schools of higher education, approved by Resolution No. 831 of the Government of the Republic of Lithuania of 29 August 2006 (*Valstybės žinios* (Official Gazette) 2006, No. 93-3655; 2009, No. 117-5021), disabled students are provided with the following financial assistance instruments:

- For the fulfilment of special requirements – a targeted monthly benefit of the amount equal to 50 per cent of the State social insurance basic pension;
- For students of State schools of higher education whose tuition is partly covered or is not covered from the funds of the State budget of the Republic of Lithuania – a targeted benefit equal to the amount 3.2 times the Government-set basic social insurance benefit for each semester as a partial reimbursement of the cost of studies;
- For students of State schools of higher education whose tuition is not covered from the funds of the State budget of the Republic of Lithuania – a targeted benefit equal to the amount 3.2 times the Government-set basic social insurance benefit for each semester as a partial reimbursement of the cost of studies;
- The persons mentioned in the sub-paragraphs above may be granted, using the European Union Structural Fund appropriations for the Ministry of Education and Science in accordance with the procedure prescribed by the Minister of Education and Science, a monthly targeted benefit intended to increase the accessibility of education of the amount equal to four Government-fixed basic social benefits.

208. LTL 1,822,300 were used for the implementation of this measure in 2011. Pursuant to the Procedure for the provision of instruments of financial assistance to disabled students of schools of higher education, support was extended to 1,050 disabled students at 38 schools of higher education, 942 (90 per cent) of which were attending 27 State schools of higher education and 108 (10 per cent) were attending 11 non-State schools of higher education.

209. In implementing the project for social rehabilitation services for the disabled within a community and the project supporting the activities of the associations of the disabled (for more information on the projects see the subsection of the report on Article 26 on the Convention), wellness and leisure as well as work-linked training camps and hobby groups (drawing, sewing, needlework, knitting, handicrafts, sports, music, singing, dancing, drama, etc.) are being organised. Courses, sessions and seminars are organised too. These activities implement the informal education of the disabled, contribute to their integration into the society and help them learn various skills.

## **Article 25 – Health**

210. The Constitution provides that the state takes care of people's health and ensures medical care and services if an individual becomes ill. The laws (the Law on Social Integration of the Disabled, the Law on the Rights of Patients and Compensation for the Damage to Their Health, and the Law on Mental Health Care) guarantee to persons (including the disabled) availability of health services, quality health services, the right to choose a health care institution, a health care specialist, and treatment methods as well as the right to receive information and the right to refuse treatment, etc.

211. It is noteworthy that the Law on the Rights of Patients and Compensation for the Damage to Their Health establishes patients' rights and obligations, specific features of patient representation, and the grounds for the examination of patients' complaints and compensation for the damage to their health (the provisions of this Law are described in the subsections of the report on Articles 17, 21, and 22 of the Convention). This Law is based on the position that the relations between patients and health care specialists as well as between health care institutions are based on the following principles: mutual respect, understanding, and assistance; ensuring patients' rights according to health care conditions recognized pursuant to the procedure established by the state; prohibition to restrict patients' rights on the grounds of their gender, age, race, citizenship, nationality, language, origin, social status, faith, convictions, beliefs, sexual orientation, genetic properties,

disability or other grounds except for cases established by the laws without prejudice to the general human rights principles. This provision prohibiting discrimination on the grounds of disability is also applied to sexual and reproductive health services which are provided to the disabled.

212. The Law on Health Insurance of the Republic of Lithuania (Official Gazette *Valstybės Žinios* No. 55-1287, 1996; No. 123-5512, 2002) establishes that the following persons are regarded as the insured who are covered by insurance from the state funds: persons who have been recognized as disabled in accordance with the procedure established by legal acts as well as one of the parents (adoptive parents), guardian or curator nursing a person at home for whom a disability level is established (disabled child) or a person who was recognized as having incapacity for work (before 1 July 2005, a person with group I disability) before he or she reached the age of 24, or a person who before he or she reached the age of 26 was recognized as having incapacity for work (before 1 July 2005, a person with group I disability) because of the illness which occurred before he or she reached the age of 24, or a person for whom a special need of permanent nursing care is established (before 1 July 2005, total disability). According to this Law, the costs of the following individual health care services are to be covered from the budget of the Compulsory Health Insurance Fund: preventive medical assistance, medical assistance, medical rehabilitation, nursing care, social services attributed to individual health care, and individual health examination.

213. Persons who have been recognized as having incapacity for work or persons who have reached the old-age pension age and in respect of which a high level of special needs has been recognized in accordance with the procedure established by legal acts shall be compensated 100 per cent of the basic price of the reimbursed medicine included in the List of Diseases and Reimbursed Medicine for their Treatment and in the List of Reimbursed Medicine as well as of the basic price of medical assistance aids included in the List of Reimbursed Medical Assistance Aids for out-patient treatment. 50 per cent of the basic price of the reimbursed medicine included in the List of Reimbursed Medicine and of the basic price of the medical assistance aids included in the List of Reimbursed Medical Assistance Aids in case of out-patient treatment shall be reimbursed to the insured in receipt of the group II disability pension or persons who have partial capacity for work in respect of which the 30–40 per cent level of capacity for work has been recognized in accordance with the procedure established by legal acts.

## **Article 26 – Development of abilities and functions and rehabilitation**

214. In Lithuania, a number of types of rehabilitation are used, namely, medical rehabilitation, social rehabilitation, and vocational rehabilitation; they are aimed at increasing people's abilities and reducing limitations in various areas so that the disabled, availing of the services of rehabilitation, could participate in public life in a comprehensive manner.

### **Medical rehabilitation**

215. Medical rehabilitation is one of the intensive types of treatment applied to persons after serious operations and traumas as well as those ill with chronic diseases. Services of medical rehabilitation may be provided both on an in-patient and out-patient basis. The most serious patients receive medical rehabilitation services in specialized rehabilitation units of hospitals; in these units, efforts are made to reintroduce the patients to life and to teach them, again, to take care of themselves and, quite often, to teach them to perform the simplest actions helping to adjust to the environment. Less serious patients, after an illness or injury, may be prescribed a health restorative treatment or out-patient rehabilitation by

the physician. When medical rehabilitation or sanatorium treatment is prescribed by the physician, these services are reimbursed to the insured (in full or in part) from the Compulsory Health Insurance Fund.

216. The prescription of medical rehabilitation services shall be regulated by the Procedure for the Selection of Adults for and Their Referral to Medical Rehabilitation Health Care Institutions approved by Order No. V-50 of 17 January 2008 of the Minister of Health of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 12-407, 2008). The said Procedure and the Stages of the Provision of Medical Rehabilitation Services provide that during the first 2 or 3 years after the establishment, by the Service of the Establishment of Disability and Capacity for Work, of the decrease in capacity for work or increase in special needs, repeated rehabilitation is prescribed (for special reasons indicated according to the International Statistical Classification of Diseases and Related Health Problems (the 10th edition)). Subsequently, starting with the fourth year after the recognition of disability, due to special reasons indicated in this Annex, according to the International Statistical Classification of Diseases and Related Health Problems, supportive rehabilitation (in-patient or out-patient) is prescribed to the disabled according to their indications every year during the entire period of their disability. The Special Requirements for the Provision of Medical Rehabilitation Services to Adults approved by the said Order provide that repeated and supportive rehabilitation (in-patient or out-patient) is prescribed to individuals who have been recognized incapable for work and whose level of capacity for work in accordance with the procedure laid down in legal acts is established at 0–25 per cent; individuals who have reached old-age pension age and in respect of whom in accordance with the procedure laid down in legal acts a high level of special needs has been recognized; and individuals who have partial capacity for work whose level of capacity for work in accordance with the procedure laid down in legal acts is established at 30–40 per cent. It has also been laid down that adult patients have the right to one course of medical rehabilitation due to the same disease and according to their indications in one calendar year.

217. The Law on Health Insurance provides that the entire basic price of medical rehabilitation and sanatorium treatment is reimbursed to individuals who have been recognized as incapable for work or individuals who have reached old-age pension age and in respect of whom in accordance with the procedure laid down in legal acts a high level of special needs has been recognized.

218. Order No. V-50 of 17 January 2008 of the Minister of Health of the Republic of Lithuania “Regarding the organization of medical rehabilitation and sanatorium (anti-relapse) treatment” (*Valstybės Žinios* (Official Gazette) No. 12-407, 2008) also regulates the provision of medical rehabilitation services to disabled children. The Stages of the Provision of Medical Rehabilitation Services approved by this Order provide that children up to 18 years of age, who are recognized as disabled in accordance with the procedure laid down in legal acts, during the first three years after the recognition of disability due to special reasons indicated in this Annex, according to the International Statistical Classification of Diseases and Related Health Problems (the 10th edition), are prescribed repeated rehabilitation. Subsequently, starting with the fourth year after the recognition of disability, due to special reasons indicated in this Annex, according to the International Statistical Classification of Diseases and Related Health Problems, supportive rehabilitation is prescribed to disabled children according to their indications every year during the entire period of their disability. The said Order also provides that patients have the right to medical rehabilitation several times in a calendar year due to the same disease in the presence of indications. Children up to 8 years of age also have the right to go to medical rehabilitation institutions accompanied by a nursing individual. Children older than 8 years of age could be accompanied by a nursing individual if the child is recognized as disabled or if the medical consultative commission has established that nursing is necessary due to

adaptation or behavioural disorders or serious injuries, traumas, or operations of the central or peripheral nervous systems, or the musculoskeletal system. The Law on Health Insurance of the Republic of Lithuania provides that 90 per cent of the basic price of sanatorium (anti-relapse) treatment shall be reimbursed to persons up to 18 years of age who have been recognized as disabled in accordance with the procedure laid down in legal acts.

### **Vocational rehabilitation**

219. The Law on Social Integration of the Disabled regulates an important link in the system of social integration of the disabled, namely, vocational rehabilitation. Vocational rehabilitation is defined as restoration or increase of an individual's capacity for work, professional competence, and ability to take part in the labour market using developmental, social, psychological, rehabilitation, and other means. The following services of vocational rehabilitation are distinguished: vocational guidance, counselling, assessment or restoration of professional abilities, development of new professional abilities, and re-qualification.

220. The aim of vocational rehabilitation is to develop or restore capacity for work of the disabled and increase opportunities for their employment. This is achieved in several stages. First of all, the need for vocational rehabilitation services is determined. The Service for the Establishment of Disability and Capacity for Work, which performs this function, assesses medical, functional, vocational, and other criteria, which have an impact on the possibilities of an individual's vocational rehabilitation and employment, with regard to every individual who is approaching the Service concerning the establishment of the level of capacity for work.

221. An individual possessing a conclusion of the above-mentioned institution which confirms the need for vocational rehabilitation must approach a territorial labour exchange according to the place of residence. The latter institution draws up an individual's personal vocational rehabilitation plan with the participation of the individual and in consultation with the institution providing services of vocational rehabilitation. In drawing up the plan, a territorial labour exchange, if applicable, cooperates with the current or future employer of an individual, institutions providing services of vocational rehabilitation, and municipal institutions and agencies. Having drawn up the personal vocational rehabilitation plan, a territorial labour exchange issues a document of referral to the institution providing services of vocational rehabilitation. Here, on the basis of the personal vocational rehabilitation plan, an individual's personal vocational rehabilitation programme is drawn up and the intended services are provided to the individual. Upon the conclusion of the vocational rehabilitation programme, an individual returns to the Service for the Establishment of Disability and Capacity for Work where his or her final level of capacity for work is established.

222. The Criteria for the Establishment of the Need for Services of Vocational Rehabilitation and the Regulations for the Provision and Financing of Vocational Rehabilitation Services approved by Order No. A1-302 of 31 December 2004 of the Minister of Social Security and Labour of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 6-163, 2005) define the criteria which are the basis for the establishment of the need for vocational rehabilitation services, lay down the principles for the provision of vocational rehabilitation services, and determine organizers and providers of vocational rehabilitation services as well as the provision and financing of vocational rehabilitation services. The need for vocational rehabilitation services is established with regard to individuals who, without these services, are not able to do their previous work according to the acquired vocational qualification, or other work according to their vocational qualification, or to acquire new vocational qualification, or to perform work

requiring other vocational qualification due to a disease, the health condition, or disruption in the body's functions.

223. The right to vocational rehabilitation services is granted to individuals permanently residing in the Republic of Lithuania with regard to whom the need for vocational rehabilitation services has been established. The need for vocational rehabilitation services is established: (a) at the time of establishing the level of capacity for work; (b) with regard to individuals whose level of capacity for work is established, at their request. Individuals with regard to which the level of capacity for work is established for the first time may apply for the establishment of the need for vocational rehabilitation services no earlier than upon a lapse of 6 months following the date of the establishment of the level of capacity for work.

224. The need for vocational rehabilitation services is established by assessing medical, functional, vocational, and other criteria which have an impact on an individual's vocational rehabilitation and his or her employment options. The conclusion regarding the establishment of the need for vocational rehabilitation services is made following the calculation, according to the meanings of the criteria, of circumstances favourable for the establishment of the need for vocational rehabilitation services as well as medium favourable and unfavourable circumstances. The need for vocational rehabilitation services is established when there exist 5 or more favourable and medium favourable circumstances for such establishment.

225. The Service for the Establishment of Disability and Capacity for Work, in accordance with the Criteria for the Establishment of the Need for Services of Vocational Rehabilitation and the Regulations for the Provision and Financing of Vocational Rehabilitation Services approved by Order No. A1-302 of 31 December 2004 of the Minister of Social Security and Labour of the Republic of Lithuania, shall establish the need for vocational rehabilitation services with regard to individuals who are not able to do their previous work according to the acquired vocational qualification or other work according to their vocational qualification, or to acquire new vocational qualification, or to perform work requiring lower vocational qualification due to a disease, the health condition, or disruption in the body's functions. Vocational rehabilitation services are aimed at developing or restoring the capacity for work of the disabled as well as increasing their employment options. This is how the rights and possibilities of the disabled are legally established, namely, the rights and possibilities to receive vocational rehabilitation quality services which will help individuals who lost employment due to a disease or injury to once again join the labour market.

226. The development of the system of vocational rehabilitation started in 2005. That year, 12 persons participated in the vocational rehabilitation programme, and vocational rehabilitation services were provided by only one institution, namely, the public institution Valakupių Rehabilitation Centre in Vilnius. Currently, vocational rehabilitation services are already provided in 11 institutions across Lithuania. The majority of providers of such services are located in Vilnius, Kaunas, and Šiauliai counties. As the infrastructure of vocational rehabilitation develops, the number of individuals taking part in the vocational rehabilitation programme increases every year. In 2011, the number of such individuals reached 513 (out of them, 40 per cent joined employment).

227. The year 2009 saw the signature of 8 agreements for the establishment/modernization of vocational rehabilitation institutions for the disabled, the total value of which was LTL 42.20m, including European Union funds – LTL 35.87m, state budget funds – LTL 6.22m, and project promoter funds – LTL 113,300. The implementation of these projects in Panevėžys, Klaipėda, Palanga, Trakai, Mažeikiai, Utena, Kaunas, and Rokiškis resulted in the establishment/modernization of 9 vocational rehabilitation institutions. The projects are implemented according to the following

schedule: In 2011, 6 vocational rehabilitation institutions were established/modernized, in 2012, 3 such institutions will be established/modernized; the plan is to create, in total, 77 new jobs following the implementation of the projects.

228. In order to improve the quality of vocational rehabilitation services, a 2007–2012 Strategy for the Development of Vocational Rehabilitation Services was approved by Order No. A1-157 of 6 June 2007 of the Minister of Social Security and Labour of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 65-2535, 2007). The Strategy provides for long-term objectives of the development of the vocational rehabilitation system, such as improving the legal framework of the vocational rehabilitation system, increasing availability and variety of vocational rehabilitation services, and improving the quality of such services. Every year, the Minister of Social Security and Labour approves a plan of measures for the implementation of the Strategy.

229. The Department for the Affairs of the Disabled implements the 2009–2013 European Union project “Development and implementation of methodologies of vocational rehabilitation services for the disabled, establishment of qualification requirements for vocational rehabilitation specialists, preparation for and development of the standards of the provision of vocational rehabilitation services to the disabled, and development of the services quality assessment system”, the purpose of which is to improve the provision of vocational rehabilitation services to the disabled and ensure the availability of vocational rehabilitation services to individuals with movement, vision, or hearing disabilities, individuals with learning disabilities, and mentally disabled individuals. Objectives of the project are as follows: implementation of the methodologies for the provision of vocational rehabilitation services for the disabled with different disabilities; preparation of the requirements for specialists providing vocational rehabilitation services; preparation for the standardization of the provision of vocational rehabilitation services for the disabled, and preparation for and development of the system of vocational rehabilitation services provision quality assessment.

### **Social rehabilitation**

230. As it has been mentioned, in 2002, the National Programme and a plan of measures for its implementation (see the subsection of the report on Article 5 of the Convention) were approved. In the implementation of measure 2.3, every year, tenders are announced and social rehabilitation services projects for the disabled in the community are financed. As of 2012, social rehabilitation services projects for the disabled in the community are financed through municipalities in accordance with the Procedure for the Financing of Social Rehabilitation Services Projects for the Disabled in the Community approved by Order No. A1-287 of 22 June 2010 of the Minister of Social Security and Labour of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 75-3841, 2010; No. 84-4114, 2011). The municipal administrations announce tenders for the financing of projects, organize and conduct project application assessment and project selection, file applications with the Department for the Affairs of the Disabled regarding the financing of projects, finance the selected projects, and control the rationale behind the usage of the funds.

231. The aim of financing social rehabilitation services projects for the disabled in the community is to improve social integration of the disabled into the society by involving in organizational processes municipal administrations which would supplement the assistance provided to the disabled by municipalities through projects which are selected by way of tender and which meet real needs of the disabled and by encouraging organizations operating in the area of social integration of the disabled (associations, charity and support foundations, religious communities and associations, and public institutions) to provide services which are necessary for the disabled and which would restore or maintain social and independent-living skills of the disabled, and increase independence and employment

of the disabled as well as their possibilities to take part in public life. Applications for social rehabilitation services projects for the disabled in the community may be submitted by organizations operating in the area of social integration of the disabled (associations, charity and support foundations, religious communities and associations, and public institutions (except for public institutions whose owner's rights are implemented by a state or municipal institution)). In the implementation of social rehabilitation services projects for the disabled in the community, the types of constant activities and services supported shall be the ones in line with the nature and specific features of disability as well as with the content of social rehabilitation conducted by the organization, such as, development, maintenance, or restoration of social and independent-life skills of the disabled, support of a personal assistant for the disabled, engagement of the disabled in various craftsmanship groups or clubs, development of artistic, sports, and other abilities in artistic, cultural, and sports groups or clubs.

232. According to applications submitted by municipalities, in 2012, in the 60 municipalities, for the financing of social rehabilitation services projects for the disabled in the community, the amount of 15,098,600 litas was distributed (out of that amount, the state budget allocated 13,690,240 litas and the municipal budget, 1,408,360 litas); the plan is to finance 409 projects.

233. As for social rehabilitation, it is noteworthy that provision of technical assistance means for the disabled also contributes greatly to the improvement of possibilities to take part in social life of the society (see the subsection of the report on Article 20 of the Convention).

## **Article 27 – Work and employment**

### **Employment policy of the disabled**

234. In Lithuania, there is a high focus on the support for employment of the disabled. Special measures for the integration of the disabled into the labour market are provided for in the Law on Social Enterprises (*Valstybės Žinios* (Official Gazette) No. 96-3519, 2004; No. 155-7352, 2011). In order to integrate the disabled into an open labour market, active measures of the labour market policy provided for in the Law on Support for Employment (*Valstybės Žinios* (Official Gazette) No. 73-2762, 2006; No. 86-3638, 2009) are implemented.

235. The Law on Support for Employment pays particular attention to the support for the recruitment of the disabled and their independent employment. The Law provides for an active measure of the labour market policy, namely, subsidized employment, which is organized for the disabled with regard to whom up to 40 per cent of capacity for work, or a serious or medium level of disability, has been established, in order to create special conditions to remain in the labour market, and for the disabled with regard to whom 45-55 percent of capacity for work, or a mild level of disability, has been established, in order to help them to consolidate their position in the labour market.

236. Employers who have recruited the disabled are paid a monthly subsidy for partial compensation of the work pay of every employed individual as indicated in the employed individual's employment contract as well as of employer's mandatory state social insurance contributions calculated with regard to this work pay. The amount of this subsidy may not exceed two minimum monthly wages as approved by the Government and shall be calculated in per cent on the basis of the amount of the employed individual's work pay and employer's mandatory state social insurance contributions calculated with regard to this work pay:

- 75 per cent of the calculated amount when employed individuals are the disabled of employable age with regard to whom up to 25 per cent of capacity for work, or a serious level of disability, has been established;
- 60 per cent of the calculated amount when employed individuals are the disabled of employable age with regard to whom 30–40 per cent of capacity for work, or a medium level of disability, has been established;
- 50 per cent of the calculated amount when employed individuals are the disabled of employable age with regard to whom 45–55 per cent of capacity for work, or a mild level of disability, has been established.

237. The subsidy for the work pay shall be paid for up to 12 months when an employment contract is concluded with the disabled with regard to whom 45–55 per cent of capacity for work, or a mild level of disability, has been established. In case employed individuals are the disabled with a serious disability (up to 40 per cent of capacity for work or a serious or medium level of disability), the subsidy shall be paid on an unlimited basis for the entire period of their employment.

238. With regard to the disabled, subsidies may be granted for the establishment of jobs in order to support their recruitment for an unlimited period by establishing new jobs (adjusting current jobs) taking into account the nature of the disability of an unemployed individual. Subsidies for the establishment of one job may not exceed the amount of 40 minimum monthly wages as approved by the Government. Employers must pay no less than 35 per cent of the expenditure necessary for the establishment (adjustment) of jobs (for each disabled employee with regard to whom a serious level of disability or the capacity for work not exceeding 25 per cent has been established (until 1 July 2005, a disabled individual of group I) – 20 per cent; for a disabled employee with regard to whom a medium level of disability or the capacity for work of 30–40 per cent has been established (until 1 July 2005, a disabled individual of group II) – 30 per cent) and must maintain the established (adjusted) job for no less than 36 months from the recruitment of individuals referred by territorial labour exchanges.

239. If disabled individuals, with regard to whom the capacity for work of up to 40 per cent or a serious, or a medium level of disability has been established, seek to start their own business and to establish a job for themselves, support for independent employment is organized. The support for the establishment of a job may not exceed the amount of 40 minimum monthly wages as approved by the Government, without applying the requirement to cover no less than 35 per cent of the expenditure necessary for the establishment (adjustment) of jobs. A disabled individual who has established a job for him/herself must maintain it for no less than 36 months. In 2009, 60 disabled individuals established a job for themselves, in 2010, 43 disabled individuals, and in 2011, 40 disabled individuals.

240. In order for the disabled to acquire a qualification or competences, if that is necessary for recruitment, vocational training may be arranged for the disabled. The total amount of funds allocated for an individual of employable age who is unemployed or who has been warned about the dismissal may not exceed 6 minimum monthly wages as approved by the Government to acquire a qualification and 3 minimum monthly wages as approved by the Government to improve a qualification or to acquire a competence. Individuals of employable age who are unemployed or who have been warned about the dismissal who are working part-time, during the entire vocational training period, once a month, shall be paid a scholarship, shall be reimbursed the expenses of travelling to a vocational training location and back, accommodation expenses when a trip to a vocational training location is organized no more often than once in a working week, and all expenses

for mandatory health check-ups and vaccination against communicable diseases if that is laid down in legal acts regulating employees' health and safety at work.

241. In order to provide a possibility for job-seeking disabled individuals to earn their living and to temporarily be employed, public works are organized. An employer who has recruited the disabled under an employment contract to perform public works shall be paid a subsidy with regard to the work pay for the time actually worked according to the minimum hourly rate approved by the Government which was effective in that month, shall be reimbursed employer's mandatory state social insurance contributions calculated with regard to this work pay, and shall be paid a monetary compensation for unused leave. The total duration of public works, in a period of 12 months, may not be longer than 6 months.

242. In contrast to the Law on Support for Employment, the Law on Social Enterprises provides for state assistance to the disabled who have reached old-age pension age. This Law provides for state assistance for a social enterprise, namely, partial reimbursement of the work pay and state social insurance contributions, a subsidy for the establishment of jobs, for the adjustment of jobs of disabled employees and for the acquisition or adjustment of their work means, and a subsidy for training employees belonging to target groups. In addition to the above-mentioned state assistance, additional state assistance of the following types may be allocated to a social enterprise of the disabled, namely, a subsidy for the adjustment of the disabled employees' work environment, industrial and recreational premises, a subsidy for the reimbursement of additional administrative and transport expenses, and a subsidy for the reimbursement of the expenses for an assistant (a sign language interpreter).

243. A partial compensation for the work pay and state social insurance contributions is intended to compensate for additional expenses of a social enterprise related to lack of work skills, lower productivity, or limited capacity for work of employees belonging to target groups. The compensation shall be calculated in per cent on the basis of all types of work pay calculated, in that month, with regard to every employee belonging to a target group who is employed in a social enterprise, however, not exceeding two minimum monthly wages as approved by the Government which was effective that month, and on the basis of the amount of employer's mandatory state social insurance contributions calculated with regard to this work pay:

- 75 per cent of the calculated amount when employed individuals are the disabled with regard to whom up to 25 per cent of capacity for work, or a serious level of disability, or a high level of special needs has been established;
- 70 per cent of the calculated amount when employed individuals are the disabled with regard to whom 30–40 per cent of capacity for work, or a medium level of disability, or a medium level of special needs has been established;
- 60 per cent of the calculated amount when employed individuals are the disabled with regard to whom 45–55 per cent of capacity for work, or a mild level of disability, or a low level of special needs has been established.

244. A subsidy to compensate for the expenses for the establishment (adjustment) of a job of a disabled employee and for the acquisition or adjustment of his or her work means may be allocated only if these expenses are necessary in order to eliminate obstacles, in an enterprise, arising due to the employee's disability and hindering him or her from performing work functions. The amount of a subsidy for the establishment or adjustment of a job and for the acquisition or adjustment of work means of a disabled employee, with regard to whom up to 25 per cent of capacity for work, or a serious level of disability, or a high level of special needs has been established, comprises 80 per cent of all expenses necessary for that purpose. The amount of a subsidy for the establishment or adjustment of a job and for the acquisition or adjustment of work means of a disabled employee, with

regard to whom 30–40 per cent of capacity for work, or a medium level of disability, or a medium level of special needs has been established, comprises 70 per cent of all expenses necessary for that purpose. The amount of a subsidy for the establishment or adjustment of a job and for the acquisition or adjustment of work means of a disabled employee, with regard to whom 45–55 per cent of capacity for work, or a mild level of disability, or a low level of special needs has been established, comprises 65 per cent of all expenses necessary for that purpose. A subsidy for the establishment or adjustment of a job or the acquisition or adjustment of work means of a disabled employee may not exceed 40 minimum monthly wages as approved by the Government which was effective in the month of allocation of the subsidy.

245. In order to compensate for the expenses of social enterprises of the disabled, aimed at eliminating obstacles caused by the disability of a disabled employee and hindering the employee from accessing the workplace or recreational premises of the enterprise, a subsidy is allocated for the adjustment of disabled employees' work environment, industrial and recreational premises. A subsidy to compensate for these expenses for every disabled employee with regard to whom a serious level of disability and up to 25 per cent of capacity for work, or a high level of special needs, has been established, comprises 80 per cent; for every disabled employee with regard to whom a medium level of disability, 30–40 per cent of capacity for work, or a medium level of special needs has been established, it comprises 70 per cent of the amount of these expenses. A subsidy for the adjustment of one disabled employee's work environment, industrial and recreational premises may not exceed 6 minimum monthly wages as approved by the Government which was effective in the month of allocation of the subsidy and may not be allocated more often than once in 36 months.

246. In order to compensate for additional administrative expenses of social enterprises of the disabled, which are caused by the work of disabled employees, a subsidy is allocated. If a social enterprise organizes the transportation to and from work of disabled employees working therein who have a serious or medium level of disability, or disabled employees with regard to whom up to 40 per cent capacity for work or a high or medium level of special needs is established, as well as transportation of materials, parts, products, etc. that are necessary for the work of these disabled employees at home, to and from their homes, that enterprise may be allocated a subsidy to compensate for the fuel expenses for its transport. The amount of each subsidy may not exceed 70 per cent of all the necessary expenses.

247. If disabled employees who have a serious or medium disability and with regard to which up to 40 per cent capacity for work or a high or medium level of special needs is established, in order to perform their work functions, need the support of an assistant (a sign language interpreter), a subsidy is allocated to compensate for these expenses. The subsidy comprises 40 per cent of the minimum hourly rate as approved by the Government which is effective in the month of allocation of the subsidy for each disabled employee having a serious or medium disability, or for a disabled employee with regard to which up to 25 per cent capacity for work or a high or medium level of special needs is established, and 20 per cent for each disabled employee with regard to which 30–40 per cent capacity for work is established, taking into account the time actually worked by a disabled employee.

248. The Law on Social Enterprises provides that in order to compensate for the expenses of social enterprises for training the disabled, these enterprises may be allocated a subsidy. The training must be aimed at upgrading the employees' qualification necessary for the activities of a social enterprise. A subsidy for training employees belonging to target groups may comprise up to 35 per cent of the expenses necessary for special training, or up to 60 per cent of the expenses necessary for training of general nature. This subsidy may be

increased by 10 per cent if assistance is provided to medium-sized enterprises, or by 20 per cent if assistance is provided to small enterprises.

249. It is noteworthy that the number of social enterprises, including social enterprises of the disabled, has been increasing in Lithuania every year. In 2008, the number of operational social enterprises was 83 (including 61 social enterprises of the disabled), in 2009, 102 (including 74 social enterprises of the disabled), in 2010, 128 (including 90 social enterprises of the disabled), and in 2011, 137 (including 101 social enterprises of the disabled). The number of disabled employees in social enterprises in 2010 amounted to 2,449, and in 2011, to 3,498.

250. In 2011, 20,548,291.20 litas were paid to social enterprises from the state budget, including 16,135,816.12 litas for partial compensation for the work pay and state social insurance contributions, 3,767,975.77 litas as subsidies for the establishment of jobs, 2,146.65 litas as subsidies for training employees belonging to target groups, 25,350.00 litas as subsidies for the adjustment of disabled employees' work environment, industrial and recreational premises, 1,109.71 litas as subsidies for compensating for additional administrative expenses, 148,047.65 litas as subsidies for compensating for additional transport expenses, and 457,863.30 litas as subsidies for compensating for the expenses of an assistant (a sign language interpreter).

#### **Regulation of labour relations and work pay of the disabled**

251. The Labour Code of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 64-2569, 2002) is the main legal act regulating labour relations which provides for the equality of subjects of labour law regardless of their gender, sexual orientation, race, nationality, language, origin, citizenship and social status, faith, marital and family status, age, beliefs or convictions, affiliation to political parties and NGOs, and circumstances not related to employees' professional features.

252. The duty of the employer to implement equal opportunities at work is also provided for in the Law on Equal Opportunities (see the subsection of the report on Article 5 of the Convention). The employer, without taking into account an individual's age, sexual orientation, disability, race or ethnic origin, religion or convictions, upon recruiting an individual or recruiting him/her to the public service, must apply the same selection criteria, except for cases provided for by law; must create the same work or public service conditions as well as provide the same possibilities for upgrading the qualification, seeking more complex vocational training or re-qualification, or acquiring practical work experience; must also provide the same privileges; must apply the same criteria for the assessment of work and official activities performed by public servants; must apply the same assessment criteria with regard to dismissal from work and from the public service; must pay the same work pay for the same work and the work of the same value; and must comply with other obligations provided for in the Law.

253. The Labour Code provides for the principle of fair work pay, which means that the employees' work pay depends on the quantity and quality of work, the results of the operation of an enterprise, institution, or organization as well as the demand and supply of work in the labour market. Men and women, for the same work or the work of equal value, shall be paid the same work pay (Article 186, paragraph 3, of the Labour Code). Thus these provisions are in conformity with the right of the disabled to receive the same work pay for the work of the same value as provided for in this Article of the Convention.

254. The Labour Code provides for a number of guarantees for the disabled related to maintaining the workplace and adjusting it for work. For instance, Article 133 of the Labour Code provides that if employees lose their capacity for work due to an injury at work or an occupational disease, their workplace and position remain unoccupied until the

employee regains capacity for work or until disability is established. If disability is established with regard to an employee, an employment contract with that employee may be terminated in accordance with the provisions of this section. If an employee becomes temporarily incapable for work for other reasons (not due to an injury at work or an occupational disease), the workplace and position remain unoccupied if the employee, due to temporary incapacity for work, does not arrive to work for no more than one hundred and twenty days in succession or for no more than one hundred and forty days within the last twelve months if the laws and other normative legal acts do not provide that in case of a certain disease the workplace and position remain unoccupied for a longer period of time.

255. It is noteworthy that Article 131, paragraph 1, item 1, of the Labour Code prohibits warning employees about the termination of an employment contract and dismissing employees from work during the period of their temporary incapacity for work. In addition to that, an employment contract with the disabled may be terminated only in extraordinary cases, if leaving the employee at work would materially violate the employer's interests (Article 129, paragraph 4, of the Labour Code).

256. The Labour Code provides that in case an employee's health deteriorated due to work in a particular company (the employee cannot do previous work due to an injury, an occupational disease, or another health damage) and there is no possibility to transfer him or her to another workplace, which is in conformity with his or her health condition and, if possible, qualification, because in the company there is no work which the employee would be able to do according to his or her health condition, the employee is paid a sickness benefit in the amount established by the laws until a conclusion of the Service for the Establishment of Disability and Capacity for Work is received regarding the employee's capacity for work. Once the percentage of the lost capacity for work is established, if the employee was not covered by social insurance against injuries at work and occupational diseases, the employee is paid a compensation for damages (Article 249 of the Labour Code). If the employee, in the presence of other circumstances indicated in Article 212, paragraph 1, of the Labour Code, is transferred to another workplace, which is less highly remunerated, the difference between the previous average work pay and the work pay received according to the work performed shall be paid until a conclusion of the State Social Medical Examination Commission is received regarding the employee's capacity for work.

257. The Labour Code provides for the duration of the disabled individuals' work, overtime work, and leave:

- On the basis of a conclusion of the Service for the Establishment of Disability and Capacity for Work, upon the demand of a disabled individual, part-time work during a working day or a working week is established;
- On the basis of a conclusion by the Service for the Establishment of Disability and Capacity for Work, with regard to a disabled individual, part-time work during a working day or a working week is established;
- A disabled individual may be assigned overtime work only with his or her consent (if that is not prohibited in a conclusion of the Service for the Establishment of Disability and Capacity for Work);
- A disabled individual may be assigned to work at night or keep watch in a company or at home only with his or her consent (if that is not prohibited in a conclusion of the Service for the Establishment of Disability and Capacity for Work);
- Disabled individuals have the right to a longer yearly minimum leave, namely, 35 calendar days.

258. The Labour Code provides for the employees' right to work in a safe manner. Every employee must be provided appropriate and safe working conditions, which are not harmful to his or her health, as provided for in the Law on Safety and Health at Work of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette ) No. 70-3170, 2003), while Article 279 of the Labour Code provides for guarantees with regard to safety and health of employed disabled individuals. Safety and health of disabled employees are guaranteed by the Labour Code and other laws as well as normative legal acts regulating safety and health at work. Article 38 of the Law on Safety and Health at Work provides that the safety and health of disabled employees shall be guaranteed by the Labour Code, that Law, other laws, and normative legal acts regulating safety and health at work. Additional safety and health guarantees for the disabled may be provided for in collective agreements and employment contracts.

259. In accordance with Article 5 of the Law on Civil Service of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette) No. 66-2130, 1999; No. 45-1708, 2002), laws and other legal acts regulating labour relations and social guarantees shall apply to public servants insofar as their status and social guarantees are not regulated by that Law. Taking account of these provisions, disabled public servants are subject to the provisions of the Labour Code which prohibit discrimination of the disabled.

### **Article 28 – Adequate standard of living and social protection**

260. The Constitution regulates the fundamental social rights: it lays down that the state shall guarantee to citizens the right to receive old age and disability pensions as well as social assistance in the event of unemployment, sickness, widowhood, loss of the breadwinner, and in other cases provided for by laws.

261. The Lithuanian social protection system is comprised of:

- Social insurance system, which is based on the principle of contributions: the insured or the employer shall pay contributions for the benefit of employees so that in case of social risks an employee receives pension payment or benefit, the amount of which depends on the amount of contributions;
- Social assistance system, which does not depend on the social insurance period. The social assistance system consists of two main parts: financial assistance and social services. Social assistance is also provided in the form of benefits. Social assistance is financed from the state or municipal budgets;
- Additional social benefits offered to specific population groups for their special merits or the damage suffered. They are financed from the state budget.

#### **Establishment of disability, working capacity level, special needs and special needs level**

262. Under the Law of Social Integration of the Disabled, disability shall be established for persons under 18 years of age, except individuals who are (were) to be covered by state social insurance. Disability is the extent, as established by complex procedures, to which a person due to a particular health condition lost his/her ability to function independently in everyday activities and the opportunities to education. According to the degree of severity, disability may be divided into 3 levels: severe disability level (condition of an individual in which due to illness, trauma, injury, a congenital or acquired in childhood health disorder or negative impact of environmental factors the individual has less opportunities for education, participation and functioning and requires permanent nursing, care and assistance from other people), moderate disability level (condition of an individual in which due to illness, trauma, injury, a congenital or acquired in childhood health disorder or

negative impact of environmental factors the individual has less opportunities for education, participation and functioning and requires impermanent care and assistance from other people) and mild disability level (condition of an individual caused by illness, trauma, injury, a congenital or acquired in childhood health disorder or negative impact of environmental factors and leading to an insignificant reduction of the individual's opportunities for education, participation and functioning).

263. For persons over 18 years of age until they reach pension age the level of working capacity must be established. The level of working capacity is a person's capacity to realize his/her professional competence or acquire a new professional qualification or perform work activities which require less competency. If, according to the procedure established by legal acts, a person under 18 years of age is (was) to be insured by the state social insurance, the level of working capacity shall be established for the person under 18 years of age. The level of working capacity is established on the basis of documents provided by the physicians treating the person, experts in the area of vocational rehabilitation and other specialists. The level of working capacity is established after the assessment of a person's health condition and abilities to perform work activities according to the acquired qualification, acquire a new qualification or perform unskilled tasks after all possible means of medical and vocational rehabilitation as well as special assistance tools have been used.

264. The working capacity is assessed in percentage and its level is set at 5 percentage point intervals:

- If a person is recognised to be of 0–25% working capacity, he/she is considered to be incapable of work and cannot work under ordinary conditions, i.e. is able to work only in the working environment adapted according to the type of disability;
- If a person is recognised to be of 30–55% working capacity, he/she is considered to be partially capable of work and able to work under ordinary working conditions, taking into consideration the recommendations provided in the conclusion concerning the conditions and character of work;
- If a person is recognised to be of 60–100% working capacity, he/she is considered to be capable of work.

265. For individuals who have reached the age of old-age pension, the level of special needs is established with regard to the special needs assessed in respect of such persons.

266. Municipalities are assigned to establish the level of special needs of disabled persons, in accordance with the Order No. A1-316 of the Minister of Social Security and Labour of 16 November 2007 "On Approval of the Conditions and Regulations for Establishment and Meeting of Special Needs" (*Valstybės žinios* (Official Gazette) No. 120-4907, 2007). The level of special needs for these persons is assessed on the basis of the information provided by other services within their competence (according to the assessed special needs for permanent nursing, permanent care (assistance), social need for compensation for transport expenses, compensation of expenses on purchase of a passenger vehicle and its technical adaptation or the need for technical assistance means or the special need for adaptation of housing or the need for social services) and an interview with the person. The municipality, upon identification of the person's special needs, issues to him/her a certificate of a disabled person. Persons with the established level of special needs are entitled to have privileges provided for in legal acts in the same way as the persons with the assessed working capacity level.

267. Pursuant to "The List of Criteria and Description of the Procedure for Identification of the Special Needs for Permanent Nursing, Permanent Care (Assistance), Compensation for the Purchase of a Passenger Vehicle and its Technical Adaptation and Compensation of Transport Costs" approved by Order No. A1-120/V-346 of the Minister of Social Security

and Labour and the Minister of Health of the Republic of Lithuania of 4 May 2005 (*Valstybės žinios* (Official Gazette) No. 60-2130, 2005), the special needs of persons shall be established by the Disability and Working Capacity Assessment Service. Special needs are assessed and met according to the procedure laid down in legal acts, regardless of the person's age, disability level or working capacity level. The decision on special needs is adopted, taking into consideration the diagnosis made by a physician as well as the fact that, after treatment and/or application of rehabilitation activities, some functional impairments will persist.

268. The following special needs may be assessed in respect of a person:

(a) The special need for permanent nursing, which is established, according to the criteria approved by the above-mentioned Order, for persons who require constant nursing and who due to their physical and mental impairment are restricted in their ability to navigate their surroundings, move, work and function independently in their personal and social life;

(b) The special need for permanent care (assistance) is established, according to the criteria specified in the Order, for persons who due to a very serious functional impairment need constant care (assistance) of another person in their home and their personal and social life;

(c) The special need for compensation of expenses of the purchase of a passenger vehicle and its technical adaptation is established for persons over 18 years of age with a severely impaired mobility function due to relevant health conditions, according to the approved criteria;

(d) The special need for compensation for transport expenses is established for persons with a severely impaired mobility function due to relevant health conditions, according to the approved criteria.

269. Persons, upon establishment of the aforementioned special needs, are awarded compensations in the amounts specified by legal acts.

### **Payments for the disabled**

270. Pursuant to the Law of the Republic of Lithuania on State Social Assistance Benefits (*Valstybės žinios* (Official Gazette) No. 71-25, 2005), disabled children, as well as persons who are incapable of work or partially incapable of work and who are not entitled to any kind of pension payment or who receive very small pensions, shall be paid social assistance pensions from the state budget funds. The amount of social assistance pensions is calculated with reference to the amount of the basic state social insurance pension (currently LTL 360) (hereinafter referred to as "the basic pension"). The amount of the social assistance pension varies according to respective categories of receivers (from 0.75 to 2 basic pensions). The amount of the social assistance pension paid to a disabled child depends on the assessed disability level, whereas the amount paid to working age persons depends on the percentage of the working capacity lost as well as on the date from which the person for the first time was recognized as disabled. In 2010, the average number of working age disabled receivers of the social assistance pension was 25,655, while the number of disabled children receiving the social assistance money was 15,835.

271. In accordance with the Law of the Republic of Lithuania on State Social Insurance Pensions (*Valstybės žinios* (Official Gazette) No. 59-1153, 1994; No. 71-2555, 2005), persons with assessed working capacity who were recognized as incapable of work or partially capable of work (hereinafter referred to as "persons incapable of work" or "persons partially capable of work"), according to the procedure specified in legal acts, and who have the minimum required state social insurance period shall be awarded and paid

state social insurance pensions for lost working capacity. These types of pension as well as all other state social insurance pensions depend on the duration of the person's period of employment and the insured income received before granting of the pension. It is notable that from 1 January 2010, the provisional Law of Recalculation and Payment of Social Benefits (hereinafter referred to as "Provisional Law", *Valstybės žinios* (Official Gazette) No. 152-6820, 2009) came into force, providing for a temporary reduction, in the period of an economic crisis in the country of 2010–2011, of certain social benefits, including the pensions for lost working capacity paid for persons partially incapable of work. With the termination of the Provisional Law, since 1 January 2012, pensions are not further reduced and are being restored to previously paid amounts of 2009. According to the data of 2010, the average pension for lost working capacity is LTL 621.15, and the average number of receivers of such pension is 226,943. Though, since 2007, the number of receivers of the pension for lost working capacity has been increasing each year, the rising trend of such receivers shows a slow-down.

272. The special needs of the disabled for permanent nursing and permanent care (assistance) are met by providing them with target compensations for nursing or care (assistance) costs. The amounts of these payments are also determined on the basis of the basic pension. The disabled persons for whom the special need for permanent nursing has been identified are awarded target compensations for nursing costs in the amount of 2.5 basic pensions. The persons for whom the special need for permanent care (assistance) has been established are awarded and paid target compensations for care (assistance) costs. The amount of this target compensation, depending on the established disability level, lost percentage of working capacity as well as the day on which the person was assessed as disabled for the first time, may equal 1 basic pension or 0.5 of the basic pension.

273. The information on the amounts of compensations for the acquisition of a passenger vehicle and its technical adaptation as well as transport costs is provided in the subsection of the report on Article 20 of the Convention.

#### **Social services for the disabled**

274. Social services are provided for persons with regard to their individual needs. The person's need for social services is assessed according to the person's dependency and the possibilities of training for independent living as well as compensation with social services to meet the person's interests and needs. These issues are regulated by the Law on Social Services, the Description of the Procedure of the Establishment of Person's (Family) Need for and Award of Social Services, the Methodology for Establishment of the Need of Old-Age and Adult Persons with Disabilities for Social Care approved by Order No. A1-94 of the Minister of Social Security and Labour of 5 April 2006 (*Valstybės žinios* (Official Gazette) No. 43-1571, 2006) and the Methodology for Establishment of the Need for Social Care of Children with Disabilities approved by Order No. A1-255 of the Minister of Social Security and Labour of 9 September 2006 (*Valstybės žinios* (Official Gazette) No. 97-3793, 2006).

275. In accordance with the principles of the management, provision and award of the social services provided for in the Law on Social services, the issues relating to the management, provision and award of social services shall be addressed together with the receivers of social services and/or their representatives, organizations safeguarding the interests and rights of social groups through the co-operation and mutual assistance among persons, families, communities, organizations for the protection of the interests and rights of social groups, institutions for the provision of social services, municipal and public institutions and combining the provision of social services corresponding to a person's needs with the provision of social services to his/her family.

276. With a view to ensuring the accessibility of the vital social services to the poor population, including disabled people, the Law on Social Services provides that general services (information, consulting, intermediation, organization of food provision in charity canteens or delivery of warm food, provision of essential clothing and footwear) as well as social care services (home assistance to elderly or disabled persons, social skills training services for social risk families) shall be provided free of charge to everyone who receives social benefits or to those whose income (the average family income per family member) is lower than 2 amounts of the state supported income (LTL 700).

277. Information on social services for the disabled is also provided in Article 19 of the Report on the Convention.

#### **Information on payments for the disabled to cover the costs of utility, electricity and telephone or fuel bills**

278. In accordance with Resolution No. 193 of the Government of the Republic of Lithuania of 26 March 1992 “On Medical and Social Servicing and Guaranteeing the Material Condition of the Disabled” (*Valstybės žinios* (Official Gazette) No. 16-444, 1992) and the “Procedure of the Payments to the Disabled” approved by Order No. A1-98 of the Minister of Social Security and Labour of 6 April 2005 (*Valstybės žinios* (Official Gazette) No. 43-1572, 2006), the disabled persons shall be paid grants to cover the costs of household utility, electricity or telephone bills or fuel purchase. This grant is paid to disabled persons raising children under 18 (attending, on a day-time basis, schools of general education and vocational schools registered in the Republic of Lithuania or higher education establishments – on a day-time or permanent (full-time) basis, until they turn 24 years of age) who were assessed as incapable of work by the Disability and Working Capacity Assessment Service (until 1 July 2005 – by the commissions for establishing disability) and in whose families none of the members is capable of work. The amount of the grant equals 20 per cent of the BSB (basic social benefit) per month.

#### **Provision of financial social assistance for the disabled**

279. The Lithuanian system of the provision of financial social assistance is based on the evaluation of the income and/or assets of the population. The social benefits paid to low-income people impact the reduction of the level of poverty risk. Pursuant to the Law of the Republic of Lithuania on Financial Assistance to Low-Income Families and Single Persons (*Valstybės žinios* (Official Gazette) No. 73-3352, 2003, No. 155-7353, 2011), low-income persons, whose income derived from work, social insurance and other sources, due to objective reasons which are beyond their control, is insufficient, are awarded social benefit and compensation to cover the costs of house heating, drinking water and hot water. With respect to assets and income, the right to receive the said benefit is also granted to persons who receive any kind of pension, pension payments or social assistance benefits, persons who have lost 45–55% of their working capacity, provided they are registered in the territorial Lithuanian labour exchange offices or in the national employment service of another state; persons taking nursing care of a family member or a close relative of themselves or their spouse, for whom the necessity of constant nursing (assistance, care) was assessed and who are paid target compensations for nursing or care (assistance) or who were recognized as incapable.

280. With a view to reducing social exclusion, compensations for transport costs for the disabled persons, target compensations for nursing or care (assistance) costs, grants and other material support for students and schoolchildren as well as social assistance money paid in accordance with the Law of the Republic of Lithuania on Social Services are not included in the general family income when determining the entitlement to financial social assistance and amount of income received by persons. The exclusion from family income

of the said income of social character contributes to the increase of financial social assistance to low-income persons.

281. Municipalities are responsible for meeting the needs of persons residing in their territories and have the right to award from their budgets lump-sum allowances to people living on low incomes, provide them with food products, clothing and other vital necessities. The Law on Financial Assistance to Low-Income Families and Single Persons entitles municipalities, according to the procedure established by municipal councils, to award to families or persons, who are living alone, financial social assistance also in other cases not specified in the above Law (e.g. to grant special benefit on decision of the municipality, to pay a lump-sum benefit, compensate for housing debt, etc.), taking into account the living conditions and necessity for support. Thus, the disabled persons living in poor material conditions are entitled to apply to the social support centre at the local municipality of their place of residence for social assistance granted on the decision of municipal administration.

### **Article 29 – Participation in political and public life**

282. Article 33 of the Constitution of the Republic of Lithuania states that “citizens shall have the right to participate in the governance of their State both directly and through their democratically elected representatives as well as the right to enter on equal terms in the State service of the Republic of Lithuania”. Lithuanian citizens are also guaranteed the right of petition. Article 34 of the Constitution sets forth the electoral right and the right to be elected which has a limitation in respect of citizens who have been recognised as incapable by the court. Article 35 establishes the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the laws. Thus, the above-mentioned constitutional norms guarantee for the disabled citizens of the Republic of Lithuania the right to participate in political and public life of the state.

283. The right of the citizens of the Republic of Lithuania to participate on equal terms in public life (the right to vote, right to be elected, form political parties and etc.) is guaranteed by the following legal acts: the Law of the Republic of Lithuania on Political Parties, Law of the Republic of Lithuania on Associations, Law on Equal Opportunities and other laws.

284. All citizens of the Republic of Lithuania who on the day of election have turned the age of 18 have the right to vote in the elections of the Seimas of the Republic of Lithuania, the President of the Republic of Lithuania, European Parliament and municipal councils. The citizens have certain limitations on the right to stand as candidates in elections to the Seimas of the Republic of Lithuania, the President of the Republic of Lithuania, European Parliament and municipal councils, however, any direct or indirect limitations on the citizens’ rights on the basis of gender, race, nationality, language, origin, social status, religion, opinions or views are prohibited. Likewise, no limitation on the candidacy right is imposed due to disability or health condition. The only provision relating to health condition of a candidate is laid down in the Law of the Republic of Lithuania on Presidential Elections – a candidate may provide a medical statement which should be publicized by the Central Electoral Commission.

### **Representation of the rights of the disabled**

285. The rights of the disabled are protected by the associations of persons with disabilities which are representing them. When decisions are taken, efforts are made to consider the opinion and experience of the disabled. The laws and other legislation relevant to the disabled are drafted by the responsible public institutions in co-ordination with associations of persons with disabilities. One of the key institutions representing the disabled and their organizations is the Council for the Affairs of the Disabled (refer also to

the subsection of the report on Article 33 of the Convention), which includes, as participants, the representatives of the organizations of the disabled and vice ministers representing public institutions (ministries). The composition of the Council for the Affairs of the Disabled, its activity and functions are approved by Resolution of the Government of the Republic of Lithuania of 23 December 2005 “On Approval of the Composition and Regulations of the Council for the Affairs of the Disabled under the Ministry of Social Security and Labour” (*Valstybės žinios* (Official Gazette) No. 152-5603, 2005).

### **Ensuring access to voting**

286. The existing Law of the Republic of Lithuania on Elections and the Law of the Republic of Lithuania on Referendum impose an obligation on the municipalities to provide adequate premises for the organization and conduct of elections. Upon request of a municipality, public institutions and other organizations must provide electoral commissions with adequate premises and equipment for the preparation and conduct of elections. The maintenance of voting places and polling stations (electoral districts) of municipal and district electoral commissions, acquisition and storing of equipment items for the voting premises is financed from municipal budgets. If a municipality fails to provide the polling stations and voting premises of municipal and district electoral commissions with adequate premises or equipment, the relevant costs are to be covered by the Central Electoral Commission from the funds assigned to it in the state budget.

287. In this case the Central Electoral Commission within 2 months after elections by way of a non-contentious procedure shall recover from the municipality the actual costs for voting premises and equipment. Considering the duration of election and public procurement, such a mechanism may be deemed applicable only to the adaptation of low-cost movable premises or purchase of low-cost equipment. Given such short terms of conduct and organization of elections, changes in construction of voting premises and their adaptations are impracticable to carry out.

288. Besides, depending on elections, there may be about 2,050 polling stations in Lithuania. Therefore, the Central Electoral Commission faces the problem of insufficient involvement of municipalities regarding the adaptation of the buildings of public use where voting is held or the problem of their limited financial resources.

289. Prior to each elections or referendum, the Central Electoral Commission takes a decision to approve the Procedure for Equipment of the Voting Premises. The Procedure, among other requirements specified in the laws on elections and referendum, also includes a provision by the Central Electoral Commission which, since 2010, requires that in order to ensure the access of voters with impaired mobility and/or vision and elderly voters to voting premises, these premises should be adapted to the voters’ needs. In case it is impossible to ensure that such voting rooms are constructed inside buildings which are adapted to the said voters’ needs, it is recommended to arrange voting rooms in the buildings where there are no constructions preventing the access of voters with impaired mobility and/or vision and elderly voters to voting places. These requirements are optional for the municipalities. Although the above-mentioned laws provide for the obligation for public and municipal institutions to assist the electoral commissions in fulfilling their mandate, the legal acts provide no real mechanism for the enforcement of such a requirement. According to the Procedure of Construction of Voting Premises approved for the last elections by the Central Electoral Commission, the municipal or district electoral commissions no later than 45 days prior to elections must prepare and announce the information to voters concerning electoral districts (polling stations), indicating the address of the polling station, explanation to the voter how to find and reach the polling station, indicating the means of transport communication (e.g. the nearest public transport stop) and/or important objects for navigation, the information for the voter must also indicate

whether the voting place is adapted for voters with impaired mobility and/or vision and elderly voters or not. All this information is available on the Central Electoral Commission's website during election period.

290. On 14 April 2012, the amendment of Article 22(4) of the Law of the Republic of Lithuania on Elections to the Seimas (*Valstybės žinios* (Official Gazette) No. 22-635, 1992, No. 59-1760, 2000) came into force, obligating the municipal institutions, which are responsible for adaptation of the premises of public use for special needs, to assess the adaptation and suitability of the voting places offered for elections according to the needs of voters with impaired mobility and/or vision and elderly voters.

### **Voting**

291. The Law on Elections and Referendum currently in force provides for the possibility to vote at home for voters with disabilities, voters who are temporarily disabled due to illness and voters who are 70 years of age and older, if, on the day of election, they are unable to attend their polling station due to health condition. The right to vote by mail ballot is granted only to voters who, due to their health condition or age, have been placed in health care (except out-patient), social welfare or guardianship institutions or perform compulsory military service and, therefore, are not able to attend voting at a polling place. For this purpose special post divisions are established within these institutions. The laws permit voters who, due to physical defects, are unable to vote for themselves to vote with the assistance of another person whom they trust. This person must mark the ballots in the voter's presence, according to his/her instructions, and keep a vote secret. The members of the commission, the observers of elections and the representatives for the elections shall be prohibited from performing voting activities for the disabled voter.

### **National Programme of Social Integration of the Disabled for 2010-2012**

292. The Plan of Implementation Measures of the National Programme contains measures aimed at a more active involvement of the disabled into public and political life in 2011, including the funding of the projects to support the activities of the disability associations, measures to improve disabled access to voting procedures. Also, the municipalities are encouraged, in accordance with the procedure established by legal acts, to set up permanent municipal commissions for addressing the issues of persons with disabilities, intended to strengthen the co-operation between municipalities and organizations in the area of social integration of the disabled; activities in this direction include holding of a conference and training sessions for the representatives of municipal administrations and non-governmental organizations.

### **Article 30 – Participation in cultural life, recreation, leisure and sport**

293. The Lithuanian Cultural Policy Guidelines approved by Resolution No. 542 of the Government of the Republic of Lithuania of 14 May 2001 (*Valstybės žinios* (Official Gazette) No. 42-1454, 2001), provide for the guaranteeing and protection of the fundamental human rights and freedoms, including cultural rights in Lithuania. The Lithuanian cultural policy is based on the Constitution, laws and regulations. The Lithuanian Cultural Policy Guidelines state that the development of the information society is one of the strategic goals of the state. Technological innovations foster great changes in both public and private life of every citizen, expand and enhance international relations. The key cultural institutions engaged in performing functions related to the development of the information society are libraries and museums.

294. The Lithuanian Library for the Blind (information on its activity is provided in the subsection of the report on Article 21 of the Convention) offers to persons with visual

disabilities the opportunity to participate in cultural life by organizing various events, such as marking the anniversaries of important dates in the lives of public figures who were blind, presentations of the work of blind writers, meetings with outstanding people and representatives of organizations, international and national conferences, formation of groups (circles) of blind or visually impaired authors, including people who have an interest in culture.

295. The Lithuanian museums and libraries, in cooperation with different non-governmental associations comprising people with disabilities as well as nursery schools and schools, organize various events (concerts, exhibitions and performances), conduct education programmes and projects designed for the disabled. For instance, the Lithuanian Sea Museum offers dolphin therapy sessions, implements a zootherapy project (which implies communication with animals and employees who take care of them), the tactile exhibition “Things, Which Can Talk”, set up in Šiauliai Aušra Museum, aims to acquaint the blind and sight impaired visitors with the Lithuanian history, culture and modern art through touchable objects-exhibits.

296. In order to entitle the disabled visitors to free admission to museums, the Order No. 410 of the Minister of Culture of the Republic of Lithuania of 5 June 1998 “On the Establishment of Ticket Prices, Excursion Services and Visiting Privileges in the State Museums” was issued. This Order enabled the heads of the Contemporary Art Centre as well as national and republican museums and, for the heads of the museums under local authority jurisdiction, recommended, to grant free entry to museum exhibitions for the disabled. (Information on the development of libraries and their activities is provided in the subsection on Article 21 of the Convention).

297. Each year, the Ministry of Culture provides co-financing for cultural projects. Financing is also granted in support of the cultural projects of disability organizations. The co-financing is carried out via the public institution “The Press, Radio and Television Support Fund” by means of a tender according to the applications submitted to the Fund by public information providers. During the period 2009–2011, financial support was provided to the press project “Self Expression of the Disabled within Communities”, radio project “I Am”, internet project “The Culture, Education and Traditions of the Deaf in Virtual Space” and the TV education project with a translation into sign language “For the Children to Grow up Being Honest”.

298. Article 3(1) of the Law of the Republic of Lithuania on Physical Education and Sport (*Valstybės žinios* (Official Gazette) No. 9-215, 1996; No. 47-1752, 2008) establishes the principle of equality, which implies seeking to create conditions for everyone willing to engage in sports, regardless of their gender, age, disability, religion or belief, sexual orientation and sexual or economic status. Separate competitions for men and women, disabled persons, competitions according to age groups, limitation of the number of participants in competitions are not to be regarded as violation of the principle of equality. According to the said Law, athletes of high-performance in the Paralympic sports who are training for international competitions and represent Lithuania in such competitions may be paid state grants, the amount of which is fixed by the Government. In 2010, 47 disabled athletes received a total of LTL 630,000 in state grant, while in 2011, LTL 217,800 was paid to 15 athletes and, in 2012, LTL 1,068,200 was distributed among 57 athletes. Also, high-level athletes and other members of national teams were paid prize money for their sporting achievements. In 2009, LTL 1,321,200 was paid as prize money, in 2010 – LTL 153,800, and in 2011 – LTL 474,000 (according to Resolution No. 927 of the Government of the Republic of Lithuania of 16 August 2000 “On Encouragement of High-Performance Athletes and other National Team Members”).

299. The Law provides that the Department of Physical Education and Sports may confer the title of a merited athlete and coach of the Republic of Lithuania on winners and prize-

winners of the Paralympics, Deaf Games, the European and world champions of different Paralympics and Deaflympics sports and their coaches.

300. The Law on Physical Education and Sport establishes that a sportsman, citizen of the Republic of Lithuania, who has terminated the sporting career and does not participate in the Olympic Games, world and European championships, shall have the right to receive a monthly annuity in the amount of 1,5 average wages, provided that the athlete holding the citizenship of the Republic of Lithuania and representing the Republic of Lithuania had become or, prior to the enforcement of the Law, acquired the citizenship of the Republic of Lithuania and, before the acquisition of the citizenship, had become winner of the of Paralympics or Deaf Games (the procedure and conditions for the payment of annuities is established in accordance with the Procedure of the Conditions for Paying Annuities to Former Athletes approved by Resolution No. 1302 of the Government of the Republic of Lithuania of 3 December 2008 (*Valstybės žinios* (Official Gazette) No. 142-5650, 2008)). In 2011, a total of LTL 148,200 was allocated for payment of annuities of 5 disabled athletes.

301. The non-governmental organizations of the disabled take active participation in Lithuania's cultural life, physical education and sports related activities. They are developing cultural activities as well as activities related to the Paralympic Games, Deaf Olympics and the Special Olympics and different sports branches within the country. The following 5 national disability sports organizations have been operating in Lithuania for 22 years already: the Lithuanian Paralympic Committee, the Lithuanian Blind Sports Federation, the Lithuanian Deaf Sports Committee, the Lithuanian Disability Sports Federation and the Lithuanian Special Olympics Committee. The federations and committees comprise 37 sports clubs of people with various disabilities, 25 special schools, 17 social care homes, 14 special education centres, day centres and professional training centres where more than 5,400 people with disabilities engage in sports activities. The representatives of the national disability sports organizations represent Lithuania in 15 international organizations. The structure of the five above-mentioned national disability sports organizations virtually corresponds to that of the international sports organizations for the disabled. The Lithuanian disability sports organizations engage in 23 sports and events. Each year, more than 70 championships of various disability sports are held in the country (in 2009 – 72 championships were organized, in 2010 – 78, in 2011 – 75), attended by over 3,500 disabled athletes (in 2009 – 3,504 disabled athletes participated, in 2010 – 3,608 and in 2011 – 3,608), 5 international sporting events (the Paralympic boccia competition for the disabled with mobility impairment, wheelchair basketball, sitting volleyball, judo wrestling for visually impaired athletes, goalball tournaments) featuring over 180 disabled athletes, 3–4 events for schoolchildren and children (deaf schoolchildren's games, children's sports competition "Brave, Strong and Quick", basketball and football tournaments of special education schools), participated by over 400 schoolchildren, 6–7 health and fitness events (the Lithuanian Disabled Games, Special Olympics of Care Homes, events under the framework of the European Special Olympics Football and Basketball Weeks, summer and winter sports festivals for persons with mobility and visual impairments) attended by nearly 1,500 athletes with disabilities. In 2009 – 2011, 158 training camps of different kinds were organized for 504 disabled athletes, six training improvement seminars and conferences were held, attended by 25 disabled participants.

302. With the aim of integrating the disabled into the society, the best performing Lithuanian disabled athletes take part in the Lithuanian Healthy Athletes' Competitions (in 2010, the number of disabled athletes participating was 126, in 2011 – 130) as well as in games, organized by international sports organizations for the disabled, including the Paralympic Games, Deaf Olympics, Special Olympics, IBSA and IWAS Games, European World Championships and other international tournaments. In 2009, a total of 148 disabled

athletes were competing in the above-mentioned competitions, in 2010, 170 athletes participated, and in 2011 – 155. In the period of 2000–2011, the said competitions were participated by athletes representing 16 sports, whereas medals were won by athletes in 12 sports.

303. The programmes and projects of the disability sports organizations are largely financed from the state budget funds via the Department of Physical Education and Sports under the Government of the Republic of Lithuania (in 2011, a total of LTL 1,278,400 was allocated, in 2012 – LTL 1,542,800) and the Physical Education and Sports Support Fund (the amount allocated in 2011 was LTL 71,800 and LTL 43,000 in 2012) as well as the Department for the Affairs of the Disabled.

304. Seeking to implement the 2010–2012 National Programme of Social Integration of the Disabled and measure 3.2 of the Implementation Measures' Plan, the Department for the Affairs of the Disabled, in accordance with the procedure established by legal acts, annually announces tenders and finances the projects on provision of social rehabilitation services for the disabled within the community which, among other supported activities, also support the development of artistic, sports and other abilities within artistic, cultural circles, groups and clubs. Actions within the framework of implementation of Measure 8.3 include annual tender offers and funding of projects to support the activities of disability associations aimed at sponsoring the organization of active recreation, culture and sports events. (See also the subsection of the report on Article 26 of the Convention). In 2011, LTL 1,793,860 from the state budget funds was spent on activities to develop artistic abilities. The activities for developing artistic abilities were implemented on a community level by 145 organizations.

305. In the course of implementation of the projects, artistic ability development classes are held to give the disabled people the opportunity to express their abilities in a variety of forms (i.e. drawing, clay modelling, design, etc.) as well as develop them. Persons with disabilities hold exhibitions of their work and take part in contests. Moreover, rehearsals and classes of different artist amateur groups (drama, dance, recitation groups, music groups, vocal ensembles, humour groups, etc.) are also organized. The artist amateur groups arrange concert programmes, participate in different cultural events and organize festivals and concerts. During the implementation of the projects, 4,875 persons with disabilities, among them, 500 disabled children participated and received services in different song, dance, drama and recitation groups, ensembles, music groups, other art classes and groups as well as humour groups. Over 10,000 persons with disabilities, including nearly 200 handicapped children took part in the organized events. In 2011, LTL 828,940 from the state budget funds went to activities for developing sports abilities. The activities for developing sports abilities were implemented on a community level by 90 organizations. During the implementation of the projects, support was provided for the activities of 32 disabled sports clubs, which were attended by 3,066 disabled persons, among them, 481 disabled children. 5,304 people, including 4,776 persons with disabilities, among them, 592 disabled children attended training sessions, classes, competitions and sports festivals held for different sports.

306. One of the supported activities within the framework of implementation of the projects to support the activities of the associations of the disabled is organization of active recreational, cultural and sporting events for the people with disabilities. In 2011, the activity for organizing cultural events received LTL 531,940 in support from the state budget funds. Cultural events were organized by 10 umbrella disability organizations. During the implementation of the projects in 2011, 63 cultural events were held (concerts of disabled artist groups, artistic expression and creation contests, thematic evenings, artistic expression open-air workshops, festivals, social interactions, performances and etc.). Organization of cultural events facilitated the development of artistic and social abilities,

creativity of the disabled, cultural exchange and social partnership within the community. The organized cultural events were attended by 24,008 participants, including 8,655 persons with disabilities, among them, 694 disabled children. Organization of cultural events aims at promoting the changes in the social integration of the disabled that would lead to improvement of the status of the people with disabilities in the society and reduction of their social exclusion.

307. In 2011, LTL 604,000 was spent from the state budget funds in support of organization of sporting activities. The active recreation events were organized by 6 umbrella disability organizations. During the implementation of the projects, 127 athletic events were organized and attended (i.e. championships, tournaments, competitions, sports festivals, sports training camps) by 4,232 participants, including 2,836 disabled persons, among them, 522 children with disabilities. In 2011, organization of active recreation events and camps received LTL 197,260 in support from the state budget funds. The active recreation events were organized by 8 umbrella disability organizations. In implementing the projects, 70 active recreation events and camps, attended by 3,132 people, including 2,799 persons with disabilities, among them, 170 disabled children were organized.

308. The Lithuanian higher education institutions train specialists to work with disabled persons, for example, the Lithuanian Academy of Physical Education offers degrees for specialists in adapted physical activity education.

309. With regard to the obligations laid down in Article 30(3) of the Convention, Article 22 (1)(2) of the Law of the Republic of Lithuania on Copyright and Related Rights (*Valstybės žinios* (Official Gazette) No. 50-1598, 1999; No. 28-1125, 2003) provides that reproduction for non-commercial, educational and scientific research purposes of lawfully published works in the form intended for people with hearing or visual disabilities to the extent required by the specific disability, with the exception of works specifically created for this purpose shall be permitted without the authorization of the author of the work or any owner of the copyright in this work, and without the payment of the remuneration, but mentioning, when possible, the source and the name of the author. According to the provisions of the aforementioned Law, it shall be permissible to reproduce a performance, phonogram, recording of an audiovisual work (film) as well as broadcasts of a broadcasting organization or their recordings for non-commercial purposes in the form intended for the people with a hearing disability to the extent required by this disability.

310. One of the objectives of the Concept of Non-Formal Education of Schoolchildren approved by Order No. ISAK-2695 of the Minister of Science and Education of the Republic of Lithuania of 30 December 2005 (*Valstybės žinios* (Official Gazette) No. 4-115, 2006) is addressing the problems of social integration, including social integration and solution of the social problems of children with less opportunities (originating from an unfavourable environment in terms of culture, geographic and socioeconomic conditions or having special needs) as well as the needs of exceptional children (who are especially gifted and talented) and who do not fit in the educational system. This is in line with the provision of this Article which states that children with disabilities should have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system.

### **III. The situation of children and women with disabilities**

#### **Article 6 – Women with disabilities**

311. The legal protection of women and girls with disabilities against potential discrimination is ensured by the Law on Equal Treatment which provides that a disability

may cause grounds for discrimination. In addition, the law indicates sex as grounds for discrimination. This creates preconditions to fight multiple discrimination, with the horizontal priority placed on sex.

312. The Law on Equal Opportunities for Women and Men regulates equality between women and men. The provisions of the law can be applied when girls and women with disabilities are potentially subject to discrimination based on sex. This law is substantial in the context of the Convention because, first and foremost, it defines terms, such as equal opportunities for women and men, discrimination (both, direct and indirect), violation of equal rights of women and men, and sexual harassment. Secondly, it states which actions are to be considered discriminatory, prohibits such actions and defines the sphere of application. And, thirdly, the above law regulates the control and monitoring mechanism. Article 3.2 of the Law on Equal Opportunities for Women and Men stipulates that within the scope of their competence, state and municipal authorities and bodies shall draw up and implement programmes and measures aimed at ensuring equal opportunities for women and men.

313. With a view to carrying out the above provisions, the National Programme on Equal Opportunities for Women and Men for 2010–2014 was approved by Resolution No. 530 of the Government of the Republic of Lithuania of 4 May 2010 (*Valstybės žinios* (Official Gazette), No. 56-2757, 2010). For the purpose of the implementation of this programme, an Action Plan for the Implementation of Measures of the National Programme on Equal Opportunities for Women and Men for 2010–2014 was approved by Order No. A1-323 of the Minister of Social Security and Labour of the Republic of Lithuania of 7 July 2010 (*Valstybės žinios* (Official Gazette), No. 83-4391, 2010). The measures apply to everyone, including people with disabilities. Detailed information on the implementation of measures of the Programme on Equal Opportunities for Women and Men for 2010-2014 is presented in the Fifth Report on the Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women in Lithuania.

314. The horizontal priority of equal opportunities for women and men is implemented in all spheres, in cooperation at various levels. The coordination of implementation of the policy of equal opportunities for women and men at governmental level has been delegated to the Ministry of Social Security and Labour. Also, within the scope of their competence, ministries and municipalities are required by the Law on Equal Opportunities for Women and Men of the Republic of Lithuania to draw up and implement programmes and measures aimed at ensuring equal opportunities for women and men. At academic level, there are gender studies centres, established in the major universities of the country. In order to ensure the effective functioning of this mechanism, a Commission of Equal Opportunities for Women and Men has been set up, consisting of representatives delegated by all the ministries and non-governmental organisations. It should be noted that there are no non-governmental organisations in Lithuania, working in the sphere of women with disabilities. Women committees or centres are actively functioning in three major trade unions. Control and monitoring functions are carried out by the Equal Opportunities Ombudsperson that has been functioning for ten years with the assistance of the Office of the Equal Opportunities Ombudsperson, and which is accountable to the Seimas of the Republic of Lithuania.

315. A Plan for the Implementation of Measures for the National Programme for Social Integration of People with Disabilities for 2010–2012 provides for a measure to analyse a situation on women and girls with disabilities in the country and to set up measures aimed at protecting them from discrimination and ensuring their development and the improvement of the situation. The recently drawn up terms of reference for an extended comparative study are included in the description of the financial conditions of the European Social Fund measure “Reduction of Discrimination”.

## Article 7 – Children with disabilities

316. Article 3.3 of the Civil Code of the Republic of Lithuania stipulates that the legal regulation of family relationships in the Republic of Lithuania shall be based on the principles of priority of protecting and safeguarding the rights and interests of children, as well as on other principles. The principle of priority of protecting and safeguarding the rights and interests of children means that in the adoption of legal acts, application of legal acts, as well as in the discussion of issues that are not regulated by legal acts, all the decisions made or any other actions taken must be in the interests of the child and it must be ensured that they are not jeopardised. Article 3.177 of the Civil Code of the Republic of Lithuania lays down that when adjudicating on disputes over children, the child capable of expressing his or her views must be heard and his wishes must be ascertained. These provisions apply to all children, not excluding children with disabilities.

317. The principle of non-discrimination is enshrined in Article 4.3 of the Law of Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania (*Valstybės žinios* (Official Gazette), No. 33-807, 1996). The article stipulates that every child shall enjoy equal rights with other children and cannot be discriminated against for reasons of his parents' or other legal child representatives' gender, age, nationality, race, language, religion, convictions, social, monetary and family position, state of health or any other circumstances. The rights of children with disabilities are also regulated in this law. A disabled child is defined as a child having some congenital or acquired physical or mental disabilities, which have been determined by a child health care institution and which interfere with his ability to develop normally and his adaptation and integration into society. He shall have equal rights with normal children to lead an active life, develop and acquire an education befitting his physical and mental potential and desires, to be engaged in work that suits him and to participate in creative and social activity. Moreover, the law lays down that recognising his special needs, a disabled child shall have the right to obtain special (extraordinary) care. The person who cares for him shall be rendered social, medical and other assistance. A disabled child shall have the right to privileged services by treatment providing institutions, sanatoriums and resorts, as provided by laws and other legal acts. He shall be given qualified medical assistance based on early diagnosis, and provided appropriate corrective and rehabilitative treatment methods. This assistance shall be provided by physician specialists, prosthetics experts, rehabilitation experts and other medical specialists and, when dictated by necessity, treatment will be scheduled in institutions of specialised medicine. Parents and other legal representatives of the child, who are raising and caring for a disabled child at home, shall have the right to obtain required assistance from the state budget. State and municipal institutions must create the necessary conditions for education of the disabled child, his professional preparedness and, in accordance with work opportunities and also, by taking into account the health, special needs and talents of such a child. Allowances and privileges established by laws and other legal acts shall be applied to people, institutions and organisations, employing a disabled child. Teachers, educators and social workers shall receive special training for work with children having physical and mental disabilities. In addition, pursuant to the Law of Fundamentals of Protection of the Rights of the Child, public buildings, streets and transportation means, which are to be used by a disabled child, shall be adapted to the special needs of a disabled child. Specially adapted accommodations shall be installed within institutions intended for these children. State and municipal executive institutions shall ensure according to their competence and potential that the above requirements would be implemented.

318. The description of the procedure for an integrated provision of educational assistance, social assistance, health care services to children at the age of pre-school and pre-primary education, as well as to their parents (guardians), approved by Order

No. V-2068/A1-467/V-946 of the Minister of Education and Science of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 4 November 2011 (*Valstybės žinios* (Official Gazette), No. 134-6387, 2011) (see also the subsection of the report on article 24 of the Convention) provides for an objective for the integrated provision of the assistance, i.e. to ensure an effective education for children according to the curricula of pre-school education and/or pre-primary education and to help parents (guardians) to strengthen parenting and social skills. It is expected that the application of this legal act in practice will lead to an improved coordination of assistance and services to families raising children with disabilities, a better quality of education of these children, and the reduced social tension, which is formed when actions of specialists from each institution are carried out separately, not in a coordinated manner and not designed to assist directly a specific child and a family.

319. Associations of disabled persons carry out programmes of social integration of the disabled and provide assistance to children with disabilities as well as their family members, e.g., they provide services themselves or assist in the provision of services as partners to municipalities and help them organise social services to children with disabilities and their family members in a community; they initiate the establishment of social services, day care services and centres in municipalities, and contribute to their development; they organise the non-formal education of the disabled, carry out other educational programmes for the disabled; they provide psychological assistance to families, organise recreational activities for children with disabilities and their families; they represent the disabled and protect their rights, encourage civil initiatives at the community level with the use of various measures, i.e. they defend the interests of persons with disabilities, collect information about persons with disabilities and their special needs, the necessary services, employment and education; moreover, they represent the disabled to make sure that their special needs are satisfied, the services are provided and conditions, necessary for the implementation of educational and employment measures, are created at the community level.

## **IV. Implementation of special rights**

### **Article 31 – Statistics and data collection**

320. The Lithuanian Department of Statistics, in implementing the National Programme for Social Integration of People with Disabilities for 2003–2012, approved by the Resolution No. 850 of the Government of the Republic of Lithuania of 7 June 2002 (*Valstybės žinios* (Official Gazette), No. 57-2335, 2002; No. 29-1345, 2010), accumulates, summarises and annually publishes sources of administrative data and statistical surveys on the website [www.stat.gov.lt](http://www.stat.gov.lt) regarding the number of children with the level of disability assessed for the first time and the number of working-age people in respect of which the reduced level of working capacity has been assessed, as well as changes in social integration, and the number of people with disabilities provided with social services. Moreover, the Lithuanian Department of Statistics, as a partner of the European Statistical System (ESS), takes part in the implementation of the Community's programmes of statistics; in 2011 it carried out a Labour Force Survey ad-hoc module on employment of disabled people.

321. The Law on Legal Protection of Personal Data of the Republic of Lithuania (*Valstybės žinios* (Official Gazette), No. 63-1479, 1996; No. 22-804, 2008), hereinafter referred to as the Law on Personal Protection of Personal Data, defines general principles, criteria and requirements for the lawful processing of personal data of all natural persons, which are also applicable in the processing of personal data of persons with disabilities. It is

worth mentioning that pursuant to this law, the data related to the health of a natural person as well as information on person's disability and its causes are attributed to the special category of personal data; therefore, this law respectively sets more stringent requirements as to the processing of such data. This law regulates relations arising in the course of the processing of personal data by automatic means, and during the processing of personal data by other than automatic means in filing systems: lists, card indexes, files, codes, etc. The law establishes the rights of natural persons as data subjects, the procedure for the protection of these rights, the rights, duties and liability of legal and natural persons while processing personal data.

322. Personal data collected for different statistical purposes are compared and combined only on condition that the personal data are protected against unlawful use for other than statistical purposes. Special categories of personal data are collected for statistical purposes solely in the form which does not permit direct or indirect identification of the data subject, except in the cases laid down in laws. Information regarding the personal data protection and the protection of an individual's right to private life is provided in the subsection of the report on Article 22 of the Convention.

323. The Disability and Working Capacity Assessment Office draws up statistical activity reports on the disabled and submits them to the Ministry of Social Security and Labour of the Republic of Lithuania, and the Department of Statistics under the Government of the Republic of Lithuania. The Disability and Working Capacity Assessment Office provides and exchanges information and cooperates with the health care institutions, the Lithuanian Labour Exchange Office under the Ministry of Social Security and Labour of the Republic of Lithuania, the State Social Insurance Fund Board under the Ministry of Social Security and Labour of the Republic of Lithuania, municipalities, public authorities, bodies and other organisations without prejudice to the provisions of the Law on Legal Protection of Personal Data.

324. Currently, the Disability and Working Capacity Assessment Office is implementing a project "Accounting and Integration of Disability Cases of the Disability and Working Capacity Assessment Office under the Ministry of Social Security and Labour into the Information System", which is funded by the European Social Fund and the Lithuanian State Budget. The project activities will be implemented by 25 March 2013, the total value of the project is LTL 2,665,504.83. The project will cover all territorial units of the Disability and Working Capacity Assessment Office. The objective of the project is to create a centralised database of persons with disabilities, to create electronic files of persons with disabilities and to integrate them into the information system of the Disability and Working Capacity Assessment Office. The implementation of the project will lead to a more simplified and effective performance of internal administrative functions by the staff of the Disability and Working Capacity Assessment Office, a more rational use of resources of the Disability and Working Capacity Assessment Office as well as in a more effective provision of administrative services to the customers of the DWCAO. In addition, the creation of a centralised database of the disabled will provide possibilities of accumulating and analysing data on the nature of a person's disability in various aspects and planning measures relating to the disabled.

## **Article 32 – International cooperation**

325. Lithuania provides support for international cooperation following policy provisions of the Development Cooperation of the Republic of Lithuania for 2011–2012, approved by Resolution No. 10 of the Government of the Republic of Lithuania of 12 January 2011 (*Valstybės žinios* (Official Gazette), No. 6-220, 2011), and the implementing legislation. Although assistance for the disabled is not included in the areas for assistance consolidated

in these provisions, it does not preclude project promoters from submitting project proposals of such nature. However, no specific projects have been implemented yet in this area of development cooperation.

326. Since 2000 the Ministry of Education and Science of the Republic of Lithuania has been participating in the activities of the European Agency for Development in Special Needs Education, and since 2004 it has been an actual member of this organisation. The ultimate aim of the agency is to improve educational policy and quality for learners with special educational needs through the promotion and implementation of a long-term framework for extended European collaboration. Teachers, scientists, representatives of non-governmental organisations of parents and people with disabilities, and specialists from ministries have an opportunity to take part in projects implemented by this organisation, and thus contribute to the drawing up of recommendations for politicians and practitioners regarding the accessibility of services and quality improvement.

### **Article 33 – National implementation and control**

327. On 27 May 2010 the Law on the Implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol of the Republic of Lithuania (*Valstybės žinios* (Official Gazette), No. 67-3350, 2010) was adopted. The Seimas of the Republic of Lithuania made a statement in article 2 of the law that the term “sexual and reproductive health” used in article 25(a) of the Convention cannot be interpreted as consolidating new human rights and imposing relevant international obligations for the Republic of Lithuania. The legal content of this term does not imply the support, promotion and advertising of the procedures of termination of pregnancy, sterilisation as well as medical procedures for the disabled that would cause discrimination based on genetic characteristics.

328. In order to properly implement the provisions of the Convention and taking into consideration provisions of article 33 of the Convention, an institutional mechanism for the implementation of the Convention was approved by Resolution No. 1739 on the Implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol of the Government of the Republic of Lithuania of 8 December 2010 (*Valstybės žinios* (Official Gazette), No. 145-7455, 2010), (hereinafter referred to as “the resolution”). Pursuant to the above resolution, the Ministry of Social Security and Labour has been appointed as a government authority, responsible for the coordination of the implementation of the Convention, while other public authorities have been designated within the scope of their competence to be responsible for the implementation of provisions relating to relevant areas of activities. The function of independent mechanism of the implementation of the Convention has been assigned to the Office of Equal Opportunities Ombudsperson and the Council for the Affairs of the Disabled. The Council for the Affairs of the Disabled is in charge of the monitoring of the implementation of the Convention and the submission of proposals as to the implementation of the Convention to the Minister of Social Security and Labour. The Office of Equal Opportunities Ombudsperson is recommended to control the implementation of the Convention provisions relating to equal treatment, namely: to investigate complaints regarding discrimination on the basis of disability, to make sure that the content of the media is free of advertisements of discriminatory nature on the basis of disability, to investigate cases of administrative offences, to impose administrative penalties, etc. It has been decided that people with disabilities as well as organisations representing them can be included into the control process of the implementation of the Convention through the Council for the Affairs of the Disabled; representatives of organisations of the disabled are actively involved in the activities of this council.

329. In view of sound implementation of the provision of Article 33.3 of the Convention, stipulating that civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process, on 8 December 2010, the Government of the Republic of Lithuania adopted Resolution No. 1740 Amending Resolution No. 1426 on the Approval of Composition and Regulations of the Council for the Affairs of the Disabled under the Ministry of Social Security and Labour of 23 December 2005 (*Valstybės žinios* (Official Gazette), No. 145-7456, 2010), (hereinafter referred to as “the council regulations”). The council regulations are supplemented with an item, providing that the Council for the Affairs of the Disabled shall submit to the Minister of the Social Security and Labour proposals and recommendations regarding the implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol. Moreover, Vice-Ministers shall represent public authorities in the Council for the Affairs of the Disabled. In addition, the Equal Opportunities Ombudsperson or a person delegated by the Ombudsperson shall attend the sittings of the council as an observer. Thus, the Office of Equal Opportunities Ombudsperson and the Council for the Affairs of the Disabled can share information regarding the implementation of the Convention provisions, raise issues and seek the elimination of obstacles for the sound implementation of the Convention.

330. The National Programme for Social Integration of People with Disabilities for 2010-2012 has been based on the provisions of the Convention and it aims at an effective development of the process of social integration of people with disabilities and proper implementation of provisions of national and international legislation establishing the social integration of people with disabilities. The programme is implemented through the plan of measures for the National Programme of the Social Integration of People with Disabilities for 2010–2012.

331. After the ratification of the Convention, on 30 March 2011, by Order No. A1-175 of the Minister of Social Security and Labour of the Republic of Lithuania (*Valstybės žinios* (Official Gazette), No. 42-1995, 2011) the implementation plan of measures for the National Programme for Social Integration of People with Disabilities for 2010-2012 was supplemented with new measures, proposed by the concerned authorities and non-governmental organisations within the scope of their competence and in accordance with relevant articles of the Convention. With a view to ensuring the continuity of the National Programme for Social Integration of People with Disabilities for 2010–2012, a new National Programme for Social Integration of People with Disabilities for 2013–2019 as well as its implementation plan are being drafted, providing specific measures, funding and bodies, responsible for the contribution to the implementation of the provisions of the Convention pertaining to area of rights of people with disabilities.

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