



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1101st MEETING (Room B)

Held at the Palais Wilson, Geneva,
Wednesday, 18 January 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
(*continued*)

Second periodic report of Lithuania

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Lithuania ((CRC/C/83/Add.14); core document (HRI/CORE/1/Add.97); list of issues to be taken up (CRC/C/LTU/Q/2); written replies of the Government of Lithuania to the list of issues to be taken up (CRC/C/LTU/Q/2/Add.1))

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

2. Ms. MURAUŠKAITĖ (Lithuania) said that in 2003 Parliament had adopted a decision on political parties' agreement to a State policy on child protection in the light of the Committee's concluding observations on Lithuania's initial report and the document "A World Fit for Children" adopted by the United Nations General Assembly at its 2002 special session on children, and that in 2005 the Government had approved the 2005-2012 plan of action on child protection.

3. In line with a recommendation by the Committee, measures had been taken to improve the data acquisition system, and in 2004 the Government had adopted a regulation requiring all information on children to be broken down by age, sex and place of residence (urban or rural). The Department of Statistics did not however collect data relating to national origin because that distinction was inadmissible under the law on legal protection of personal data.

4. In 2003, the Ministry of Social Security and Labour had been mandated to coordinate policies for children and had for that purpose set up the Family, Children and Youth Department. Since 2003, municipal children's rights protection agencies had been financed out of the State budget. In October 2005, the mandate of the Adoption Agency had been expanded and its name changed as a result to the National Adoption and Child Protection Agency. The Child Protection Council, created in October 2005, was a consultative body made up of representatives of government ministries, public organizations and NGOs, chaired by the Minister of Social Security and Labour. The Child's Rights Protection Ombudsman and members of the Children's Parliament were invited to take part in its meetings.

5. The family assistance system had been re-examined and improved and in 2004, for example, payment of a universal monthly allowance for each child had begun. Because of the country's limited economic capacity, 42% of all children living in Lithuania were in receipt of the benefit in 2005, but it was anticipated that it would be phased in and become universal by 2009. A bill on social services was now being reviewed by Parliament.

6. Parliament had approved a revised version of the Law on Education and implementation of the national education strategy over the 2003–2012 period.

7. The age limit for paediatric care of children had been raised from 16 to 18 years in 2004, which had also been declared Child Health Year. Various measures had been taken to support a healthy way of life, to fight against tobacco and alcohol consumption and to improve hospital care for children.

8. Lithuania's second periodic report had been drawn up by a commission made up of representatives of various institutions and adopted by the Government; it had been made public and posted on the Internet.

9. Ms. SMITH (Rapporteur) found it regrettable that much of the information in the report under review consisted of a description of laws and programmes, with little mention of their application or impact. Nor did the report highlight the progress achieved since the presentation of the initial report. In addition, it did not comply with the reporting guidelines. According to information derived from various sources, the most serious problem facing Lithuania was family violence and violence against children. The number of children removed from their family environment was high.

10. The measures taken by the authorities to better coordinate activities for children were certainly welcome, in particular the creation of a coordinating authority as recommended by the Committee. It was also encouraging that the Ministry of Social Security and Labour had initiated a strategic partnership project with municipalities to have them put in place a social assistance database, but it would be useful to know what institutions played the role of locomotives in the area of child protection and whether the measures taken to better coordinate policies and actions had borne fruit.

11. The delegation might specify how often the child protection council met and whether it had sufficient resources to work effectively. As regards plans and programmes, as the 2005–2012 plan of action on child protection the same one as was mentioned in paragraph 31 of the report? And were the Lithuanian authorities allocating to all existing plans and programmes sufficient funds for their implementation, within the limits of available resources?

12. The Committee would like explanations of the financing of municipal children's rights protection agencies and of the delegations granted by the State to the municipalities: what were the effects of the efforts made to strengthen these agencies? Were particular measures taken to improve the qualifications of the personnel working there?

13. It would be useful to know whether the Child's Rights Protection Ombudsman's Office was independent, whether it was empowered to receive complaints, how many it received annually if so, and whether Lithuania planned to set up a national human rights institution in conformity with the Paris Principles, if no such institution had yet been established.

14. As the Ministry of Education and Science planned to create a database on the conditions of children's growth and development in their family environment, there was a legitimate concern that the collection of such data could constitute an invasion of privacy. Further information on cooperation between the authorities and civil society would be welcome, in particular to ascertain whether NGOs had sufficient resources to carry through their important activities for children.

15. Ms. VUCKOVIC SAHOVIC said she was concerned at the number of Roma children that were apparently discriminated against and suffering serious hardship. She would like to know the results of the 2000–2004 Roma integration programme and wondered what data the programmes for the Roma were based on, as there were no statistics on minority groups. Surely there must be a way of determining what percentage of the child population the Roma accounted for and what access those

children had to health and education services. The delegation might also indicate whether measures were being taken to ensure the integration of Roma children by having them take the same courses and share the same activities as other Lithuanian children. Information was needed, too, on what accounted for the Roma's general ill repute.

16. Ms. ALUOCH would like to know why the Convention had not been invoked in any case ruled on by Lithuanian courts, whereas according to the Lithuanian Constitution international treaties ratified by Parliament were an integral part of the country's justice system, and whether it was true that there was no specialized court system for juveniles. Precise details on the contents of the 2005-2012 plan of action on child protection would be appreciated.

17. Mr. FILALI asked whether law enforcement personnel received sufficient training to allow them to fully apply the provisions of the Convention, which held higher status than the laws of the country. Concrete examples in that regard would be welcome.

18. As there were no youth courts, he wondered how Lithuania dealt with acts of violence involving juveniles—which were clearly increasing. It would be interesting to know whether the Ombudsman with responsibility for equal opportunities played a role in the application of the Convention, whether the Child's Rights Protection Ombudsman was empowered to receive complaints from children, and whether there could be a jurisdictional conflict between these two services of the Ombudsman's Office.

19. The Committee would like to know the situation with respect to discrimination against Chechen and Afghan children and whether there was discrimination against particular ethnic or religious groups, for example in obtaining housing.

20. How could the delegation explain the persistence, or even aggravation, of the phenomenon of family violence, in spite of the authorities' efforts, and had everything possible been done to prevent police brutality and guarantee that police respected children's dignity?

21. They might also specify the scope of the financial support the State provided to NGOs, as well as the age of consent to sexual intercourse.

22. Mr. LIWSKI asked what criteria were applied to ensure respect for the principle of equitable distribution and to see that the significant regional disparities did not lead to imbalances in the provision of services, since part of the State budget went to finance decentralized services. It would be also useful to know whether control mechanisms had been established to monitor the use of the funds allocated to these decentralized services.

23. As the Law on Education had enshrined the right of association of children and young people, the delegation might specify what influence associations formed in the educational environment had on educational establishments' decisions and whether freedom of association was also guaranteed away from the school environment.

24. Mr. PARFITT would like to know to what authority and according to what procedures the Ombudsman's Office and the Child's Rights Protection Ombudsman would report and how much independence they had. Further information on their staffing would be welcome. More than 13,000 children were reported to be under

the care of public assistance, which seemed high for a country of 3.6 million people. It was all the more important to determine whether these children directly affected by State policies had access to the Ombudsmen's services and whether the latter launched information campaigns to publicize their services, particularly to that segment of the population. Did the Ombudsmen have any right of inspection of the new strategies adopted and, if so, did they wield their general oversight authority over both domestic law and international standards?

25. The very name of the municipal children's rights protection agencies indicated that they were monitoring bodies, but the information provided on their role and functions seemed to indicate that they were restricted to providing services to families at the municipal level; precise information on that score would be appreciated.

26. The State party did not specify whether any NGOs were associated with the reporting process, but it was encouraging to learn that they worked in liaison with the Child Protection Council. Perhaps the delegation could clearly indicate what form their collaboration actually took.

27. He would also appreciate any elucidation of the operations of the Children's Parliament and the action taken pursuant to its recommendations and of the exercise of children's right to be heard, given that only 51% of children felt they had a voice in family decisions.

28. The CHAIRPERSON was surprised at the level of violence in Lithuanian society and would like the delegation to give its interpretation of this established fact and explain what measures were planned to remedy it.

29. The delegation might also supply details of the criteria by which assistance was granted to families and of the relations between the Child Protection Council and the municipal children's rights protection agencies, their means of coordination and the legal import of their decisions.

30. It appeared that NGOs had been consulted during the drafting of the report but had complained that their opinions were ignored.

31. In Lithuania, certain religions were recognized by the State and could therefore be taught in school in religious instruction classes, whereas others could not. To be recognized, a religion must "be supported by society". Could the delegation please clarify that condition?

32. According to external information sources, asylum seekers, including children, were almost systematically placed in detention. That called for some explanation; reception centres, it was said, did not have satisfactory housing conditions and full social rights were enjoyed only by permanent residents.

33. Ms. SMITH asked whether it was true that children born on Lithuanian soil to stateless parents did not receive Lithuanian nationality and, if so, whether any review of that rule was planned.

34. The Committee would like to know, moreover, how much access children had to cultural facilities, such as libraries, and to children's broadcasts on Lithuanian radio and television.

35. Perhaps the delegation could clearly indicate whether corporal punishment was prohibited by law in schools and other establishments but also within the family.

36. It would also be useful to know whether, as of a certain age, children could choose their religion freely and so be exempted, in school, from instruction in another religion.

The meeting was suspended at 11:00 a.m.; it resumed at 3:25 p.m.

37. Ms. MIKALAUSKAITĖ (Lithuania) said that at the national level the rights of the child were in the first instance the concern of the Family, Children and Youth Department of the Ministry of Social Security and Labour. Each of the 60 municipalities had a children's rights protection agency, whose primary role was to monitor children's situation and to coordinate measures to benefit families, but which could in some cases be called upon to perform various other social actions for lack of other professionals to deliver the necessary services. These agencies were staffed by three or four employees in the smaller cities and 30 to 40 in the larger ones. In general, the objective was not to have more than 2,500 children per employee. In 2003 the Government had approved a programme to improve the activities of the children's rights protection agencies, calling for the allocation of additional funds for upgrading staff qualifications at the municipal children's rights protection agencies, activities for foster families, better family placement, the creation of new positions, and infrastructure improvements. As a result, the budget allocated to the agencies had risen from 4 million litai in 2003 to 11 million litai. The system was growing from year to year and both the quality and quantity of its services had enormously increased since its inception.

38. Ms. SMITH asked what specific methods the municipal agencies used to monitor children's overall situation.

39. Ms. VUCKOVIC-SAHOVIC asked, in that connection, whether families in difficulty must take the initiative of meeting with child protection officials or whether the latter went into the field to detect problems.

40. Ms. MIKALAUSKAITĖ (Lithuania) said that the law set out a certain number of services compulsorily provided by municipalities, as well as a certain number of criteria for determining what families would receive care. One of these criteria, for example, was the presence of an alcoholic person in the home. Among the measures that had to be available to persons in need were provisional placement under supervision, placement in a foster family, or day reception facilities.

41. Each year, municipal children's rights protection agencies submitted to the Family, Children and Youth Department an activity report containing data broken down by sex, age and place of residence (rural/urban), as well as an evaluation report. A structural reform adopted in December 2005 had had the effect of further broadening the municipal agencies' jurisdiction; henceforth they would have to be more involved in social services and disseminate their information and conclusions more widely, in particular on the use of funds allocated and results obtained, so that the authorities would have a clearer vision of the budget items that should receive priority. Their job was certainly not an easy one, and it should be recalled that Lithuania had been independent only for about fifteen years and, in modernizing rapidly, had its work cut out for it.

42. In autumn 2005, the Ministry of Social Security and Labour formed a coordinating body—the Child Protection Council—made up of representatives of various ministries and the municipal children's rights protection agencies but also of a number of associations. That body would be meeting for the second time in

January 2006. The fact that the Ombudsmen and several NGOs were invited to take part in its debates to ask questions and make suggestions clearly showed that one of its primary missions was to facilitate cooperation between partners. The Council had a responsibility to examine issues related to the child's well-being and to study means of bringing more effective help to families in need.

43. Funds had been allocated for the training of the officials in charge of implementation of the Convention and a handbook on its implementation had been translated into Lithuanian for that purpose, with UNICEF's cooperation. As the number of handbooks published was not very high, distribution had been organized according to requirements, starting with the municipal children's rights protection agencies, the courts, prosecutors, senior police officers and students. The translation would also be accessible on the Internet.

44. Mr. VECKYS (Lithuania) indicated that the law on municipalities determined their own jurisdictions and those where they enjoyed authority delegated by the State, one of which the protection of children's rights. Municipalities had their comptrollers and auditors, but the State too carried out verifications using its own auditors.

45. Ms. MIKALAUŠKAITĖ (Lithuania) said that the State had forged a partnership with NGOs and that between 2001 and 2005 the number of projects implemented in cooperation with them had greatly increased. The adoption of the new law on social services, which assigned a greater role to the private sector and NGOs in the financing and delivery of social services, should help increase NGOs' participation in those activities as of 2006. More public monies had been allocated to NGOs in recent years in order to help organizations the quality of whose services had been demonstrated. The State was, moreover, organizing training courses to help NGOs develop projects relating to the rights of the child. NGOs had also taken part in several campaigns against family violence.

46. Ms. VUCKOVIC-SAHOVIC asked to what extent NGOs and civil society in general could take part in the development of laws and programmes in the area of the rights of the child and whether the State granted subsidies to NGOs that were politically active or played an oversight role at all levels of society.

47. Ms. MIKALAUŠKAITĖ (Lithuania) said that the priority in that regard was the creation of broad associations bringing together the NGOs active in the field. One confederation was in receipt of a government grant and played such an oversight and advocacy role regarding all children's issues.

48. In line with a Committee recommendation, the Government had invited NGOs to take part in the drafting of the report under review, which indeed contained some of their contributions, but as that was something new in Lithuania their participation should be much more significant in the future.

49. The violence situation had greatly altered over the past 10 years. Today it was admitted that the problem, once ignored, was acute in school and in the family. Many programmes were devoted to assistance for victims of violence and analysis of its causes. Teachers and doctors were encouraged to report any suspicion of ill-treatment to the appropriate services. The first programmes in this area, launched in 2000 and 2004, were concerned with sexual abuse and trafficking in children. A new programme, launched in 2005, tackled family violence, one of the country's most serious problems.

50. Ms. ALUOCH asked what the results had been of the project launched in 2002 to give the police a role in preventing violence against children.

51. Ms. MIKALAUSKAITĖ (Lithuania) said that the draft amendment to the Penal Code whereby the perpetrator of acts of violence would be barred from the family home, which was under examination by Parliament, constituted big progress in the fight against violence. A public awareness campaign called “A Month Free of Violence” had been held each May since 2004; in 2004 it had emphasized the child and the child’s right not to be beaten, and, in 2005, the parents and violence-free communications.

52. Mr. FILALI asked whether the violent relative’s exclusion from the family home was effected by an administrative or a legal order.

53. Mr. MICKEVICIUS (Lithuania) replied that it was up to a judge, at the prosecutor’s request, to make that order, which applied throughout the criminal proceedings, if the judge deemed the suspect likely to intimidate the victim during those proceedings, to re-offend, to pressure the victim to withdraw the complaint, or to destroy evidence.

54. Mr. PARFITT asked whether there was a provision setting out the obligation for social workers, psychologists and doctors in direct contact with children to report cases of violence to the appropriate services.

55. Ms. MIKALAUSKAITĖ (Lithuania) said that the State had since 2002 been planning to introduce a universal obligation for the members of all professions likely to observe cases of violence to report any such cases to the children’s rights protection agencies so that an investigation could be launched.

56. Mr. VECKYS (Lithuania) indicated that Lithuania devoted a sixth of all public appropriations, i.e. 5% of its GNP, to issues pertaining to children’s well-being. The great majority of those appropriations went to the education system. All in all, the amount allocated to children’s well-being had increased by 10% between 2004 and 2005.

57. Mr. MICKEVICIUS (Lithuania) said that at present there were no legal provisions explicitly setting the age of consent in Lithuania and that the matter was being debated in Parliament. From court rulings it could be inferred that as of the age of 18 years, the minimum legal age for marriage, a person’s right to have sexual intercourse was fully recognized. Before that age, it was limited by the parents’ authority and legal provisions on emancipation and morals.

58. As regards adults’ responsibility for sexual intercourse with a minor, two age thresholds were recognized: sexual intercourse with a 14-year-old was defined as rape even if the child had given his or her consent (no matter whether the act was a homosexual or heterosexual one); where the minor was between 14 and 18 years of age, the court must examine the child’s situation and determine whether he or she was able to understand and consent to the act; if not, the sexual intercourse was defined as rape. The Lithuanian Parliament was currently studying a bill whereby the age of consent would be set at 16 years.

59. Mr. PUODŽIUKAS (Lithuania) explained that decisions on the teaching of religion or morals to children under 14 were the parents’ responsibility. Beyond that age, the child could make his or her own decision. The Catholic religion was the main one taught.

60. Ms. SMITH would like more information on the placement of children in institutions, on how a child was removed from his or her family and how that decision was made, according to whether the parents did or did not give their consent or themselves requested the removal. The delegation might indicate how much control was exerted over institutions and orphanages and give more information on the new legislative provisions governing the latter.
61. The reproductive health programme for adolescents appeared inadequate given the large number of unwanted pregnancies, which was very worrisome.
62. It appeared from the report that many children dropped out of school; were measures being taken to remedy this?
63. The delegation might provide further information on children with disabilities, especially as regards their schooling and education, in particular in rural areas—where it seemed they still did not have access to secondary education.
64. The delegation might also specify the amounts spent on children's schooling, given that education was in theory free, and indicate whether any assistance was provided to cover the cost. Fuller information on pre-primary education would also be useful, as it seemed to be at too low a level and not to cover all children, even if the system was gradually improving. Details on children's leisure pursuits would be welcome.
65. It would be helpful to specify the age at which a child could be consulted on medical issues and, in general, whether children's opinion was taken into account within the family and at school, in particular through student councils, and in court.
66. Ms. VUCKOVIC-SAHOVIC would like the delegation to provide details on child victims of exploitation and to indicate whether they came from particular ethnic groups, and also whether poor children were disproportionately represented. Trafficking in children was a very worrisome problem in Lithuania, which was at once a country of origin, of transit and of destination. The statistics related only to cases that had led to an arrest and conviction, but more information was needed on the current situation and on what the results had been of the anti-trafficking plan concluded in 2004, as well as those of transboundary cooperation. Although prostitution of children over the age of 16 years was regarded not as a criminal offence but only an administrative infraction, the Convention and its Protocol deemed a child under 18 to be a victim in all cases; had any public awareness campaign been conducted aimed at those young people who were prostituting themselves?
67. Mr. FILALI asked what an adoptive child could do who wished to find his or her biological parents, insofar as the Lithuanian Civil Code gives parents the right to remain anonymous, thus infringing the child's right to know his or her identity. The delegation might provide details on the ever-increasing number of adoptive children, and more particularly, in the case of international adoption, on the countries of destination of these children and the guarantees offered, and indicate whether such adoptions were conducted in accordance with the relevant international standards.
68. It would be appropriate to indicate whether poor families could benefit from the system of creches or private institutions offering pre-school teaching.

69. As regards the problem of the disappeared, the delegation should give information on how great a problem it was among children and what measures had been taken to eliminate it.

70. How long were children charged with minor infractions detained? And how long for more serious offences? With respect to corrective measures, the delegation should specify what the role of restorative justice was and indicate whether any procedure of mediation between the perpetrator of a criminal offence and his or her victim was provided.

71. The Committee would like to know more about the procedures for reception of child asylum seekers, who, it appeared, were turned back at the borders of Lithuania and not allowed to petition the appropriate authorities or to be informed of the existing procedures, contrary to the provisions of national law. Details on the situation and rights of the children of stateless parents living in Lithuania would be welcome.

72. Ms. ALUOCH noted that Lithuania was not in full compliance with its international engagements with respect to breastfeeding, adding that NGOs and health professionals were complaining about the lack of government support. There was a need for a public awareness campaign on breastfeeding for young mothers.

73. It would be interesting to learn why the sex education programme in schools had been ended in 2004 and why the Ministry of Education and Science had refused to support an HIV/AIDS prevention programme.

74. The delegation should indicate whether children in provisional detention were kept away from other prisoners or were mixed with adult accused.

75. Mr. LIWSKI asked whether an evaluation had been done of the “school for all” programme and what the situation of children with disabilities was in rural areas given that rural schools lacked specialized personnel.

76. He would be glad to learn whether the law on health insurance applied to all children in the country, or only the poorest, and whether recipients must pay up front and be reimbursed.

77. Lithuania should take measures against environmental pollution.

78. The delegation might indicate the results of the campaign against iodine deficiency conducted between 2003 and 2005 and set out the strategies employed against tuberculosis, which preferentially struck the poorest and whose incidence was worrisome in Lithuania. Was access to mental health services free for adolescents? What measures were being taken to combat the increase in youth suicide in rural areas? Were training activities being undertaken for health professionals, as recommended in the Convention?

79. Mr. PARFITT asked whether the increase in the number of children accommodated in placement institutions was the result of a proliferation of cases abuse and neglect. It would be good to know what the State was doing to prevent children living in poverty from being placed in institutions and whether it was taking measures to reintegrate the child into his or her family at the end of his or her stay in an institution or orphanage.

80. What credence was given to a child's testimony in the event of a lawsuit? What were the arrangements when children under 10 were summoned to testify in criminal court?

81. The delegation might indicate whether Lithuanian judges had extraterritorial jurisdiction over trafficking in young people and what the Government was doing to cope with it.

82. The Committee would like to know, moreover, whether there was any system for monitoring detention centres for juveniles, as it was clear that living conditions there were often very bad.

83. The CHAIRPERSON asked more information on the measures taken by Lithuania against trafficking in women and the sexual exploitation of children.

84. The Committee would like to obtain further information on the situation of asylum seekers and to learn who a child could approach to file a complaint.

The meeting rose at 1 p.m.