

Reply of Lithuania on the Rights of the Child and the implementation of the 2030 Agenda for Sustainable Development

1. What key lessons learned from the experience of implementing the Millenium Development Goals could be taken into account to ensure that the rigths of the child are protected in the implementation of the 2030 Agenda for sustainable Development?

The Programme of the Government of Lithuania for 2012–2016 foresees measures aimed at providing every child with the opportunity to grow up in a family by developing access to preventive and integrated services for children and families, and creating adequate guardianship (foster care) or adoption conditions for children deprived of parental care.

The Action Plan of Integrated Services to Family 2016–2020 foresees a coordinated provision of education, social, health care and legal services to children and families, seeking to enable and/or help families deal with crisis situations, raise children, improve child socialisation, reduce social exclusion, by ensuring the quality and accessibility of services as close to the child's/family's place of residence as possible.

Pursuant to *the Action Plan on Transition from Institutional Care to Family and Community-Based Services for People with Disabilities and Children Deprived of Parental Care 2014–2020*, the long-term focus of children's rights protection is shifted on strengthening preventive work with families.

The amendments to the *Law on Fundamentals of Protection of the Rights of the Child* have been under the deliberation in Seimas since 2015. The *Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography* has been already transposed in the national legislation and is being implemented.

2. What approaches to implementing the 2030 Agenda would ensure the protection of the rigths of all children, and that no child is left behind?

a. Equality and non-discrimination

As far as the principle of non-discrimination is concerned, *Article 29 of the Constitution* stipulates that all persons shall be equal before the law, the court, and other State institutions and officials, and the rights of the human being may not be restricted on the grounds of gender, race, nationality, language, origin, social status, belief, convictions, or views. *Article 38 of the Constitution* specifies that childhood is under the protection and care of the State. *Article 39 of the Constitution* specifies that under age children shall be protected by law. *Article 7 of the Code of Criminal Procedure* provides for equal rights of the parties. The *Criminal Code* provides for liability for discrimination. The key national legal act of the system of child rights protection is *the Law on Fundamentals of Protection of the Rights of the Child* (hereinafter – the Law). *Article 4 of the Law* stipulates that parents, other legal representatives of the child, state, municipal government and public institutions and other natural and legal persons must abide by the principle that every child shall enjoy equal rights with other children.

b. Investing in children

Transition from Institutional Care to Family and Community-Based Services for People with Disabilities and Children Deprived of Parental Care. In 2014, the Ministry of Social Security and Labour together with social partners, heads of organisations uniting care institutions, representatives from education institutions and ministries drafted and approved the *Action Plan on Transition from Institutional Care to Family and Community-Based Services for People with Disabilities and Children Deprived of Parental Care for 2014–2020* (hereinafter – the Action Plan). Pursuant to the Action Plan, the provision of integrated services in the community will be established aiming to create opportunities 1) for every child and person with disabilities or their families (guardians, foster parents) to receive individual services meeting their needs and necessary assistance in the community and 2) for every child deprived of parental care to grow in a safe and development-conducive environment in a biological (or adoptive parents’/guardians’) family.

The Action Plan is implemented together with the *Operational Programme for EU Structural Funds for 2014–2020* which establishes institutional care reorganisation as one of its measures. This measure provides for the development of services to persons with disabilities and children deprived of parental care in a family and community. Community-based services are high quality social, health care, educational, cultural and other services of various forms and types, provided in a community. They guarantee a possibility for a person to live in a community and receive specialised assistance meeting individual or family needs and for a child to grow up in a family environment. Following community-based services are foreseen:

- a family type community-based child care targeted at children deprived of parental care;
- supporting care for young persons aged 16–18 or students who have grown up in child care institutions and/or families facing various risk factors;
- case management for children with intellectual or mental disabilities and their families;
- temporary respite services that provide an opportunity to family members who take care of the disabled to have a temporary rest from care duties;
- day centres and other educational, psychological and legal aid services to a family.

The first stage (2015–2017) of institutional care reorganisation covers preparation for reorganisation and encompasses following measures: assesment of individual needs of residents in pilot care institutions; evaluation of competences and motivation of employees of these institutions; development of professional competences of employees who provide services to target groups and employees who administer these services, etc. Currently, the gradual transition from institutional care is implemented, aiming for the model with developed community-based services for children and persons with disabilities, whereas institutional services will only be provided in cases of necessity of specialised services. 100 social carers will be trained while implementing the project and provision of their services will be ensured across Lithuania. It is particularly important that infants and children under 3 years of age are not placed under institutional care, therefore, reorganisation will also cover all 5 infant homes operating in the country. In total, 95 child care homes operate in Lithuania, and 16 of them are planned to be reorganised by 2020. Reorganisation of four care homes has been already started. In 2017–2020, two reorganisation stages – regional development of services infrastructure and provision of new forms of services to target groups – will be carried out simultaneously. A total of EUR 77.4 million (of which EUR 64.09 million from the EU Structural Funds) will be allocated for all three stages.

Child Welfare Action Plan. The purpose of the *National Child Welfare Action Plan for 2016-2018* is 1) to enable the child, having regard to his/her interests and needs, to grow in a biological family, developing access to preventive and integrated services for the child and his biological family in crisis or in a situation where the child is a victim of violence, and 2) to provide the child who has lost parental care with proper care or adoption that would be in the best interests of the child and meet his/her needs to grow in a family or in the environment similar to a family.

Protection of Children against Sexual Exploitation and sexual abuse. In 2012–2016 the Ministry of Social Security and Labour pursued commitments to implement the provisions of the *Council of Europe Strategy for the Rights of the Child, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter - Lanzarote Convention)*, as well as other commitments. Seimas ratified Lanzarote Convention in 2012. The Convention serves as a means to promote international cooperation and exchange of information in order to prevent sexual exploitation and sexual abuse of children. In order to properly implement the provisions of Lanzarote Convention, Lithuania has been actively participating in the activities of Lanzarote Committee.

Work restrictions for persons found guilty of the crimes against children’s sexual independence and integrity. Seeking to implement *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography (hereinafter - the Directive)*, Seimas adopted the *Law on Fundamentals of the Protection of the Rights of the Child (hereinafter – the Law)* on 20 October 2015. The Law establishes that upon employing a person, he/she shall submit a certificate on data on his/her natural person from the Register of Suspected, Accused and Convicted Persons (hereinafter – the certificate) to the employer, certifying that he/she has not been convicted for the commitment of the acts specified in the Law. A person who wants to engage in voluntary activities shall submit the certificate to the organiser of voluntary activities. A person who concludes a contract with the provider of services regarding the provision of services to the child shall have the right to request from the provider of services to receive the certificate. Furthermore, persons who have been found guilty of committing criminal acts against children’s sexual independence and integrity by final judgement of conviction and working with children as of the date of coming into force of this Law shall immediately terminate the labour contract or voluntary activities.

Assistance to child victims of sexual exploitation. The Ministry of Social Security and Labour initiated the project “*Establishment of the Support Centre for Child Victims of Sexual Abuse*“ which is currently implemented by the care home “Užuovėja” in cooperation with the Icelandic Government Agency for Child Protection Barnaverndarstofa and is co-funded from the European Economic Area Financial Mechanism and the State budget. Bilateral cooperation creates the conditions to take over the best practice of Iceland related to working with child victims of sexual abuse. The project aims to establish a centre with all services necessary for the child victim of sexual abuse and for his/her family members. The centre will provide integrated assistance (psychological, social, legal, medical). Interinstitutional cooperation will be strengthened, and the guidelines on provision of integrated assistance to child victims of sexual exploitation will be prepared. These guidelines will aim at helping Lithuanian institutions responsible for the child’s welfare, health and protection of rights, to more efficiently implement functions related to the protection of the rights of the child and the child’s representation in criminal proceedings in order to protect the child’s rights and legitimate interests.

Legislatives proposals. In 2016, a *Draft Law Amending the Law on Fundamentals of Protection of the Rights of the Child (hereinafter - the Draft Law)* was prepared. The Draft Law proposes a common procedure of examination of a potential violation of the child’s rights (as well as a register of these reports) and a common procedure of organisation of preventive and social work and addressing the court. The Draft Law envisages that preventive measures shall be applied for definitive period of time (no longer than a year) and the child’s temporary guardianship (foster care) shall last only a year. The proposed procedure would better meet the needs and interests of the child as well as families’ expectations to raise their children.

Integrated Services for Families. The purpose of the *Action Plan of Integrated Services for Family for 2016–2020 (hereinafter – the Action Plan)* is to create the conditions for the family to receive integrated services by ensuring their accessibility in the territory of every municipality in order to empower families to overcome crises, enable them to combine family and work life. The Action Plan is financed from the European Social Fund with EUR 21 159 863 allocated for its implementation in 2016–2020. Following services for family are foreseen: positive parenting trainings, psychosocial assistance, development of family skills and sociocultural services, mediation services, child supervision services, information and counselling of target groups, etc. At least 75 percent of funds, allocated for the provision of services established in the Action Plan, must be granted for the services provided by NGOs. Applicants, i.e. administrations of municipalities, are responsible for the preparation and proper implementation of a project aimed at implementing the Action Plan, planning of services, as well as provision of these services. A municipal administration must guarantee that coordination of integrated services for families, provision of information and consultations about the services are carried out following the “one-stop-shop“ principle, and the place where the activities are carried out shall have a public sign “Community Family Home”.

Helplines. Through the implementation of the *National Programme on prevention of violence against children and support to children for 2008-2010* the Ministry of Social Security and Labour initiated and implemented a free telephone helpline for children. In cooperation with the State Child Rights Protection and Adoption Service and NGOs, the helpline for children was introduced in September 2009. The aim of the helpline for children is to strengthen the protection of the rights of children in Lithuania, i.e. not only to provide the possibility for children to speak and be heard about their painful and difficult experiences, but also to ensure the provision of social services or any other necessary assistance to them, as well as to receive information from adults about children in need of assistance after the experienced violence, sexual abuse or rape. Seeking to provide comprehensive assistance (emotional, psychological and social) to a child as soon as possible, a cooperation agreement between the governmental and non-governmental sectors was signed in 2010 on mutual

cooperation in providing support to children by the common short telephone number all over Europe (11 61 11) and the funding from the State budget.

Aiming at better accessibility to support for children, the State Child Rights Protection and Adoption Service in cooperation with the Department of Youth Affairs is implementing the EU project “*Provision of information and counselling services to children and young persons in the public e-space*” for streamlining the management of in-coming calls, as well as developing the provision of electronic counselling through various communication means. The internet page of the State Child Rights Protection and Adoption Service www.pagalbavaikams.lt provides descriptions of physical and sexual violence, alcohol and drug abuse, as well as other related topics with recommendations aimed at helping children to avoid dangerous situations or encouraging them to address adults for support. In 2011 the internet page www.pagalbavaikams.lt was announced the winner of the international smart e-content competition World Summit Award (WSA) under the category “E-involvement – reduction of electronic exclusion and participation”. The webpage has been highly evaluated under one of the eight categories of the contest organized by the United Nations every second year.

c. Partnerships for implementation

The system of children’s rights protection institutions at state, municipal and non-governmental levels and general provisions with regard to institutions comprising this system are stipulated in Articles 58–62 of the *Law on Fundamentals of Protection of the Rights of the Child*.

Pursuant to the Resolution No. 194 of 6 February 2003 of the Government “*On the Assignment of the Field of Protection of Children’s Rights to the Competence of the Ministry of Social Security and Labour*”, the Ministry of Social Security and Labour is responsible for the field of children’s rights protection. The Government established that the Ministry of Social Security and Labour forms and implements the policy of child rights protection, and, together with other state and municipal institutions and enterprises, ensures proper protection of children’s rights as well as, together with the Ministry of Health, Ministry of Education and Science, Ministry of Justice and Ministry of the Interior, ensures accessibility of services to children and other matters.

Provisions of the Ministry of Social Security and Labour approved by Resolution No. 892 of 17 July 1998 of the Government of the Republic of Lithuania specify that the Ministry coordinates the implementation of the policy of protection of children from various forms of violence, including sexual exploitation and abuse, and the international children’s rights protection policy. The above-mentioned Resolution stipulates that the Ministry of Education and Science is responsible for the implementation of educative measures aimed at protecting children from all forms of physical and psychological violence and other infringements of children’s rights. The Ministry of the Interior drafts and implements programmes on child crime, violence against children, trafficking in children and other issues related to the prevention of violations of children’s rights. The Ministry of Justice implements measures aimed at ensuring the provision of state guaranteed legal support to children. The Ministry of Health guarantees the accessibility of health care services to children.

d. Accountability and monitoring

Implementing Resolution No. 695 of 8 June 2004 of the Government “*On the Approval of the List of Indicators of Statistical Information on Children*”, the Ministry of Social Security and Labour of the Republic of Lithuania cooperates with municipalities by developing social services and other measures of children’s rights protection. Pursuant to this agreement, the children’s rights protection service (division) of each municipality gathers and submits data on the implementation of children’s rights protection in municipalities to the *Information System of Social Support to Family* (hereinafter – the Information System). The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour has been analysing data of the Information System since 2006. The Information System (<http://vitrinos.spis.lt:8080/vtas.html>) presents statistical data on children who have suffered from violence (including sexual abuse) in a certain municipality and across the whole country. The number of children suffering from violence outside their close environment and the number of children experiencing violence in their close environment are highlighted. Statistical data about children who have suffered from sexual abuse in Lithuania are gathered and processed according to the gender of children.