**11-11-2022**

**Responses provided by the Republic of Lithuania**

**to the Questionnaire by the Special Rapporteur on the rights of persons with disabilities**

**“Re-Imagining Services in the 21st Century to give effect to the right to live independently and be included in the community for persons with disabilities”**

# A: Policy Goals and Principles

1. **What are the primary principles and goals that govern the provision of services to people with disabilities in your State?**

*The primary principles and goals are:*

* + *to protect the rights of people with disabilities and ensure their inclusion in many aspects of society through international, the EU and national policy and legislation;*
	+ *to reduce social exclusion and to achieve integration of the people with disabilities into society;*
	+ *to implement social inclusion programs and projects aimed at addressing the social needs of people with disabilities.*

*It is currently very important for Lithuania to provide services and care for people with intellectual or psychosocial disabilities in the community, not in an institution. The development of integral assistance, new technical assistance tools, temporary respite for family caregivers or caregivers of severely disabled family members is important. The plans include increasing the availability of information, providing services to people with disabilities on a "one-stop" basis, creating a new disability identification model, and introducing new labour market services for people with disabilities.*

1. **Have these principles and goals been modified to take explicit account of Article 19 of the CRPD on the right to live independently and be included in the community (e.g.,** **personalization of services, personal and human support, assistive technology, accessible transport, access to housing, expansion of community-based services, emphasis on personal empowerment and choice).**

*In Lithuania, people with disabilities can use the help of a personal assistant. In order to implement Article 19 of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Minister of Social Security and Labour of the Republic of Lithuania approved the Guidelines for the Organization and Provision of Personal Assistant Services and Personal Assistant Activities.*

*In 2021, the mechanism of providing people with visual, auditory and communication technical support tools has been improved, new and innovative technical support tools have been added, and a new group of sensory technical support tools has also been added. It is envisaged that all these tools can be purchased independently by people, choose according to their individual needs and receive reimbursements for the purchase costs. In addition, mobile teams have started to operate, the purpose of which is to select and apply the necessary technical assistance tool in a person's home, to constantly monitor the use and technical condition of the technical assistance tool. People with communication or sensory impairments can apply for more diverse, innovative and more suitable communication and sensory technical assistance tools that meet their individual needs. The necessary communication and sensory technical assistance devices will be selected by the doctor when they are requested for the first time. In order to receive compensation for the cost of purchasing communication or sensory technical assistance devices, a person need to submit an extract from medical documents to the Centre for Technical Assistance for the Disabled and fill out an application. This can be done upon arrival at the institution, by sending it by registered letter, e-mail or through the Social Family Support Information System (SPIS)* [*www.spis.lt*](http://www.spis.lt)*.*

*Since 1 September 2022, a new procedure came into force offering people who are nursing or looking after a child at home, who has been identified as having a special need for permanent care or special permanent care (assistance) due to mental or behavioural disorders, an opportunity to obtain the status of provider of a person with a disability for 36 months after the child reaches the age of 18. The provider will be able to be covered by state-funded pension and unemployment social insurance and compulsory health insurance. The new procedure will ensure the social welfare of families of people with disabilities and reduce the administrative burden.*

*Lithuania has also been implementing institutional care reorganization with the strategic goal to develop a system of an integrated provision of services which would enable every child and every disabled person, or his/her family, guardians or carers to receive individual services tailored to their needs and the requisite community support.*

*The housing is adapted for a disabled person whose level of disability or working ability or special needs has been determined and:*

*- a special need for continuous care and the person has movement disorders or*

*- the need for technical assistance measures for movement, or*

*- special need for continuous care or special need for continuous care (assistance) due to mental or mental disability. Adaptation of housing also includes reorganizing housing and its environment, by changing spaces and/or using equipment, as well as simple repairs, performing construction works directly related to adaptation of housing for the disabled according to their special needs. Residential environment is adjusted by installing ramps, paths for wheelchair access to housing and/or parking spaces located near an individual or multi-apartment house or other structure, if the housing is located in a non-residential building. The applicant (a disabled person or a person representing him) is given the opportunity to fully participate in the service provision process in the electronic space. The applicant can fill out the electronic service order form and receive a valid electronic service.*

*Currently, only about a third (34%) of people with disabilities use social integration measures aimed at reducing their social isolation: adaptation of housing, personal assistance, social rehabilitation services in the community, etc. The disability assessment process is expected to include the organization of case management. Once a disability has been determined, a case manager will be assigned to the person, who will draw up a case management plan with the person and their relatives, according to which comprehensive support and services will have to be provided. Monitoring and control of case management will allow to determine the need for individual assistance, to provide the necessary assistance tools or services in a timely manner, increasing the possibilities of human participation. In this way, complex assistance would be provided, which would not only help to solve the problems of independence of a person with a disability but would also create conditions for them to seek changes themselves. By changing the disability determination model, the application of case management is expected to help at least 65 000 people annually.*

*From 1 January 2023, social rehabilitation services for people with disabilities in the community will be classified as social care services. This will ensure that the individual needs of people with disabilities are met on a "one-stop" basis, i.e., the person will have to apply to the municipality for social services.*

1. **Are** **these goals linked directly to broader policy imperatives to ensure people with disabilities can take meaningful advantage of being in the community – such as the opportunity for employment and education, access to health care, promotion of natural or unpaid supports or community assets available to citizens without disabilities? If so, how?**

*These goals linked directly to broader policy imperatives to ensure people with disabilities can take meaningful advantage of being in the community. Changes are still needed in this area, suitable living conditions for people with disabilities, non-discrimination. Increasing the availability of assisted employment services, paying employers subsidies for workplace adaptation, determining the possibility of covering the costs of work assistants, paying subsidies for adapting working conditions to the needs of a person with disabilities, renouncing the status of social enterprises in order to move to the open labour market - this is only part of the proposals submitted by the Ministry of Social Security and Labour, which were approved by the Government of the Republic of Lithuania.*

# B: Service Delivery

1. **Who primarily *delivers* services to people with disabilities (State, local government, private providers commissioned by the State, religious organizations, other, or a mix?).**

*In Lithuania, a mix of state institutions and organizations delivers services to people with disabilities. The policy of social integration of persons with disabilities is formed and implemented in this systematic manner:*

*1) The Government of the Republic of Lithuania shall establish strategic goals and / or progress targets for the policy of the social integration of persons with disabilities through the adoption of the National Progress Plan and the National Development Programs implementing the objectives, which include measures for these objectives to be achieved;*

*2) The Ministry of Social Security and Labour forms the policy for social integration of persons with disabilities, participates in the preparation of the National Progress Plan on the National Integration of Persons with Disabilities setting national strategic objectives and / or targets for progress, preparing national development programs, planning, organizing, coordinating and controlling the implementation of progress targets; formulates, organises, coordinates and monitors the implementation of social services policy, analyses and evaluates the state of social services in the country and makes proposals to municipalities on the planning and organisation of social services, prepares and finances state social services programmes and projects.*

*3) Ministries, in particular the Ministry of Transport and Communications and the Ministry of Environment, according to their competence, participate in the formation of social integration of persons with disabilities policy, organizes, coordinates and controls its implementation;*

*4) The Department of Disability Affairs under the Ministry of Social Security and Labour, in cooperation with associations of persons with disabilities and in accordance with its competence, organizes the implementation of the social integration policy of persons with disabilities, also coordinates the implementation of integration policies’ measures and projects, organizes the monitoring of the results of the social integration activities of persons with disabilities, and participates in the preparation of reports on the implementation of the United Nations’ Convention on the Rights of Persons with Disabilities;*

*5) Disability and Working Capacity Assessment Service under the Ministry of Social Security and Labour, in accordance with its competence, participates in the formulation and implementation of policies for the social integration of individuals on the assessment of the level of disability, the level of working capacity, the need for vocational rehabilitation services, and special needs.*

*6) Department of Supervision of Social Services under the Ministry of Social Security and Labour assesses, supervises and monitors the quality of social services, etc.*

*6) Municipalities carry out social integration of persons with disabilities and are responsible for establishing the level of special needs of the disabled. They take care of the integration of persons with disabilities into the community. They also plan measures and implement projects in cooperation with associations of persons with disabilities. Municipalities are responsible for ensuring the provision of social services to the inhabitants of their territory - they are responsible for planning and for organising the provision of social services to individuals/families, they monitor the quality of general social services and social assistance provided in its territory, etc.*

*7) Associations of persons with disabilities represent the interests of persons with disabilities and assist in the implementation of measures and projects for the social integration of persons with disabilities: organizes the provision of social rehabilitation services, recreation, sports, tourism, cultural activities, and international cooperation. Associations of persons with disabilities cooperate with the state and municipal institutions and bodies in organizing their activities and may receive financial support from these institutions and bodies.*

1. **How do you see this mix changing if at all as a result of the UN CRPD in your country?**

*With a view of personalization of services, more of services are provided at municipal level thus making them closer to people and their individual needs.*

*In the near future, the influence of medical criteria in assessing disability will decrease. Instead, attention will be paid more to assessing his/her abilities, environmental obstacles. The changes aim to make the physical, informational environment, transport, goods and services, as well as other objects accessible to the public both in urban and rural areas, accessible according to the principle of universal design. Also, the proposed changes aim to establish clear principles for determining and organizing the need for disability, assistance and services, and to redefine the principles of the institutions' activities.*

1. **Who primarily *pays for* services to people with disabilities (State, local government, private providers commissioned by the State, religious organizations, other, or a mix?). How do you see this mix changing if at all**

*Social services are financed from the state and municipal budgets, social services institutions, the European Union structural funds, foreign funds, donations, personal/family payments for social services and other funds. The methodology for financing social services and calculation of funds shall be approved by the Government or its authorised body.*

*General social services and social assistance for the elderly, adults with disabilities, children, adults at social risk and their families are financed from the municipal budget.*

*Social day care for children is financed from the municipal budget and state budget grants to municipal budgets. Complex family services, their organisation and provision shall be financed from the funds of the European Union Structural Funds and/or state budget grants to municipal budgets and/or municipal budgets.*

*Social care for the elderly, adults with disabilities and children with disabilities (except those with severe disabilities) is financed from the municipal budget. Social care for people with severe disabilities is financed from special earmarked grants from the state budget to municipal budgets*

*The municipality directly finances social assistance and social care institutions, which are chosen by the recipient of social services in accordance with the procedure laid down by the municipality, by concluding contracts with an accredited social assistance institution or an institution providing social care to finance the costs of the social services provided to the person. Municipalities can fund social services through social services programmes. The municipality procures social services for the inhabitants of its territory in accordance with the procedure laid down by the legal acts governing public procurement. The price of the social service is approved by social service institutions. The specific amount a person (family) pays for social services is set by municipalities. Preventive social services, some general social services (information, counselling, mediation and representation), social rehabilitation for people with disabilities in the community are free of charge. The amount of the payment for the social services is based on a person's income. The payment for services is regulated by Law on Social Services of the Republic of Lithuania and the Procedure for Payment for Social Services. Social services may be provided by a legal entity or other organisation, or a subdivision thereof, that meets the requirements set out in the Law on Social Services.*

*Since 2007, the legislation allows municipalities to finance social care directly by concluding direct funding contracts with a social service provider, if a person chooses the social care institution. Following the success of this model, the amendments to the Law on Social Services were adopted in 2020, legalising the accreditation of social services and allowing the direct financing of institutions providing social assistance, regardless of their subordination or legal form. Direct funding was introduced for day-care centres for children in 2021 and for other social assistance services from 2022.*

1. **Describe generally *how* community-based providers are paid for the services they deliver (e.g., through general grants, through per capita funding, based on specific services rendered, other means?). What changes, if any, are anticipated regarding the present payment methodology?**

*Community-based services in Lithuania include:*

* *Activities in a day care centre or social care in a day care centre, integral help at home, mobile crisis management, counselling support, sheltered workplace (work with a companion), educational programs for independent living skills, mobile crisis management support, sheltered housing, accommodation in an apartment with "accompaniment" service;*
* *Accommodation in an independent living home with the help of a social worker, social rehabilitation in a social rehabilitation centre (after institutional care, hospitalization), group living home (up to 10 persons), specialized care/care spec. in nursing/care institutions.*

*These services should be mostly paid from the municipal/state budget.*

*Non-governmental organizations of the disabled provide various services to the disabled in the community free of charge.*

1. **In what ways are principles and service goals communicated to the service system (e.g., in laws, service standards, staff training, funding incentives, means for compensating/penalizing service providers, and/or for assessing the quality of services?). Please describe.**

*Article 19 of The Law on Social Services establishes the types of social services provided in the Republic of Lithuania, organising of these services, conditions for providing and obtaining them, relations between the providers and recipients of social services and the funding principles of the social services.*

1. **What new services, including those to support families, have been added to the available service array to advance principles consistent with Article 19?**

*From 1 January 2022, only accredited social care services are provided. This not only ensures the quality of services, but also increases their availability. The mother, father or appointed guardian, caregiver, who is nursing or constantly looking after a person with a disability, are covered by the social insurance of pensions at the expense of the state. In this way, the state social insurance system makes it possible for the guardian (caregiver) of a person with a disability to both work and take care of a person with a disability and ensures that the seniority of pension social insurance will not be lost due to caring for a relative.*

*Temporary respite service is important when balancing personal and work commitments with caring for a loved one. In order to ensure greater availability of this service, it is planned to expand the circle of social service providers by including natural persons in the provision of services, paying for their services from the state budget. Possibilities are also being considered to provide social services free of charge to a person with a disability during the temporary respite of his relatives.*

1. **What practices, if any, have been adopted/encouraged to promote greater use of technology to personalize support to persons with disabilities (e.g., telehealth, remote monitoring, adaptive communication, artificial intelligence, etc.)?**

N/A

1. **In what ways are caregivers (e.g., family members, other informal caregivers) recognized and supported?**

*Family members and other informal caregivers can be supported in several ways.*

*Relatives of children who require constant care and adults with disabilities who cannot spend time with the person they care for due to work or personal matters for a certain period of time can receive temporary respite services. The service can be provided in the person's home, day centre or social care institution.*

*Since 1 September 2022, a new procedure came into force offering people who are nursing or looking after a child at home, who has been identified as having a special need for permanent care or special permanent care (assistance) due to mental or behavioural disorders, an opportunity to obtain the status of provider of a person with a disability for 36 months after the child reaches the age of 18. The provider will be able to be covered by state-funded pension and unemployment social insurance and compulsory health insurance. The new procedure will ensure the social welfare of families of people with disabilities and reduce the administrative burden.*

1. **Do you have a policy of personalizing/tailoring services to individual needs? How is the policy implemented? (e.g., through individual planning requirements? etc.).**

*The Description of the Procedure for Determining the Need for Personal Assistance and the Provision of Personal Assistance determines the criteria for determining and evaluating the need for personal assistance for disabled persons who have a disability or level of 55 percent or lower working capacity in accordance with the procedure established by the Law on the Social Integration of Disabled Persons of the Republic of Lithuania, the criteria for determining and evaluating the provision of personal assistance, suspension, renewal and termination of provision, personal assistant functions.*

1. **Describe how much control people with disabilities have regarding the services that they receive (e.g., choice of who provides support, choice of where they live and with whom they live, control over budgets).**

*Services usually are provided at municipal level. The choice might be limited due to the availability of the service in the market. In the case of the provisions of personal assistance, the Description of the Procedure for Determining the Amount of Payment for Personal Assistance of a Disabled Person regulates the determination of the amount of payment for personal assistance of a disabled person receiving personal assistance, the assessment of a person's financial capabilities to pay for personal assistance, determines the income of a person and their calculation. There is a general trend to lower the administration burden both for the disabled people and for the state and make the service closer to the recipient. Normally the state/municipality implements control over budgets.*

1. **In some disability support structures, service users or families have an allocated budget which is devolved so they have control over how the funds are used to purchase eligible disability supports. Do you have or anticipate a policy of devolving budgets to the service user? Describe.**

N/A

1. **If budgets are devolved to the user, what kinds of supports are available to assist them, how are the administrative tasks minimized and is the individual given wide discretion on how the funds are spent?**

N/A

1. **Have you adopted any positive “wealth accumulation strategies” (e.g., innovative trust funds) to complement social provision? Describe.**

N/A

# C. Monitoring and Oversight

1. **Describe the types of data you collect on people with disabilities receiving services (e.g., numbers of service users, types of disability, service utilization, costs per person, quality of life outcomes, health outcomes, incidence of abuse, neglect and exploitation). Are these data gathered and reported in aggregate only or may it be disaggregated per person?**

 *The Department for the Affairs of the Disabled, together with other institutions within their competence, annually collects interinstitutional information on the social integration of the disabled based on administrative data, summarises it and publishes on the website http://www.ndt.lt/. In these statistics, persons with disabilities are as follows:*

* *Persons under 18 (with certain exceptions) who were established a level of disability (severe, moderate or mild);*
* *Persons of working age who were established a level of capacity for work of 55 per cent or less;*
* *Persons (irrespective of age) who were established a level of special needs (constant care, help, purchase and maintenance of a car, reimbursement of transport costs).*

 *Statistics Lithuania annually carries out a statistical survey on social services, produces and publishes statistics on the number of persons with disabilities provided social services at home, day centres and inpatient care establishments. In these statistics, the following definitions from the Law on Social Services of the Republic of Lithuania, are used:*

* *Adult with disability refers to a person of working age who, due to disability, has partially or fully lost the ability to independently take care of his/her personal (family) life and participate in the social life.*
* *Child with disability refers to a child under 18 who, due to disability, has not partially or fully acquired the level of independence characteristic of his/her age and whose ability to learn and participate in the social life has thus been limited.*
* *Statistics Lithuania produces statistics on children with special educational needs, pupils and students with disability based on the data of the Centre of Information Technologies in Education.*

*More information is available on the website: https://osp.stat.gov.lt/statistika-apie-asmenis-su-negalia-rengiama-igyvendinant-nacionalinius-teises-aktus.*

1. **How do you enforce standards as they apply to service delivery providers (law, standards, incentives)? What do these standards focus on in the main? How are they measured?**

*Normally the standards to service delivery providers are established by law and are subject to public procurement procedure. The main focus of these standards is on service quality, competence and price.*

1. **Do your compliance rules make it possible to disqualify those providers in breach of the standards from competing for future State support?**

*Yes*

# D. Re-Shaping the Market/Challenges and Opportunities

1. **Describe the major challenges you face in endeavoring to reform your system of services and supports for people with disabilities. Barriers might include workforce shortages, inadequate resources, lack of knowledge and training, weak infrastructure, and/ history of institutionalization.**

*The main problems and challenges with disability situation in Lithuania still remain, despite improvement in the general situation. The reform is complex and deals with a number of serious issues including labour market participation problems, the risk of poverty and social exclusion, deinstitutionalization process, healthcare accessibility, etc. The main barriers include changing the mind-set of society (and employers) that the disabled people are an equal part of it, also inadequate resources and weak infrastructure.*

1. **How is the COVID-19 pandemic and its aftermath reshaping the service delivery market? Explain in terms of changes in service expectations among service recipients and regarding impacts on the services available.**

*The COVID-19 pandemic limited access to face-to-face services including healthcare services. The service delivery is renewed. When planning to adopt the reform of systemic disability this year, the model of determining disability will fundamentally change, and the disabled will receive all the help through the only newly created Agency for the Rights of Persons with Disabilities.*

1. **Do you pro-actively seek out new kinds of service providers with new business models that emphasize person-centered practices?**

*Wherever it is possible, yes. The public procurement system limits the pro-active search of new kinds of service providers with new business models. Person-centered practices are essential for all services providers who provide services for the disabled people.*

1. **Do you encourage service providers to adopt a ‘business and human rights approach’ to their endeavours?**

*Wherever it is possible, yes.*

1. **How do you incentivize innovative person-centered new providers to enter the market? Describe.**

N/A

1. **Do minimum wage laws apply in this sector? Is there a career advancement structure for workers in the sector?**

*No, minimum wage in Lithuania applies for unqualified work only. Since the beginning of 2022, the wage fund, from which the salaries of social workers are paid, has been increased. The gap between the wages of social workers and the national average wage has decreased by 5 percent per year. The career advancement for workers in the sector is possible but limited.*

# E: Process of Reform

1. **What lessons have been learned to build momentum, while minimizing resistance, for systems change consistent with Article 19?**

*The reform is ongoing, so lessons to be identified at later stage.*

1. **Did you have an initiative to re-imagine services that includes service users (e.g., have you commissioned a Task Force?).**

*In 2022, we held public consultations and presented the directions for the transformation of the integration system of persons with disabilities, which included concepts, standards for increasing and covering of the accessibility of the physical environment and information, consolidation of institutions subordinate to the Ministry of Social Security and u that help solve disability issues, a mechanism for identifying disabilities and meeting individual needs, case management and legalization of the one-stop shop principle, wider empowerment of decisions taken by the Disability Council under the Ministry of Social Security and labour and to hear opinions on other possible directions of transformation.*

1. **In what ways do you solicit the input of people with disabilities and family members in policy making, program oversight, strategic planning, etc. (e.g., national advisory councils, regional/local forums, surveys, webinars, etc.).**

*The involvement of non-governmental organisations and associations working in the field of disability in working groups and public consultations on issues related to the social inclusion of people with disabilities is a priority.*

*According to the Social Service Planning Methodology, one of the objectives of the social service planning process is to inform and involve stakeholders and organisations representing users of social services or defending the interests and rights of social groups of people in the planning and monitoring of social services. The methodology also stipulates that the municipality shall involve community members and representatives of organisations in the preparation of the draft social services plan.*

1. **What are the two or three strategic objectives you have to enhance the quality, availability, and effectiveness of services to people with disabilities in your state?**

*Our key strategic objective is a successful implementation of a disability reform which aims to:*

1. *ensure the independence of people with disabilities in all areas of life, involvement in social life and facilitate their integration into the labour market;*
2. *implement a better disability assessment model, greater accessibility of services and assistance to people with disabilities, faster provision of individualized assistance and services, and more accessible public information to people with disabilities.*

*The development plan of The Eighteenth Program of the Government of the Republic of Lithuania establishes the following measures:*

*3.2.5. "Reduce discrimination of people with disabilities by creating a system of information accessibility for the disabled" (implementation data - 3rd quarter of 2024), -3.2.6 "Create a one-stop mechanism for assistance to disabled children and families raising disabled children (case management, complex services and assistance)" (implementation data - IV quarter of 2022) and*

*3.2.7 "Develop a new disability determination model that meets a person's individual needs" - 2023 II quarter).*

*Amendment of the provisions of the Law on Social Integration of the Disabled is also planned.*