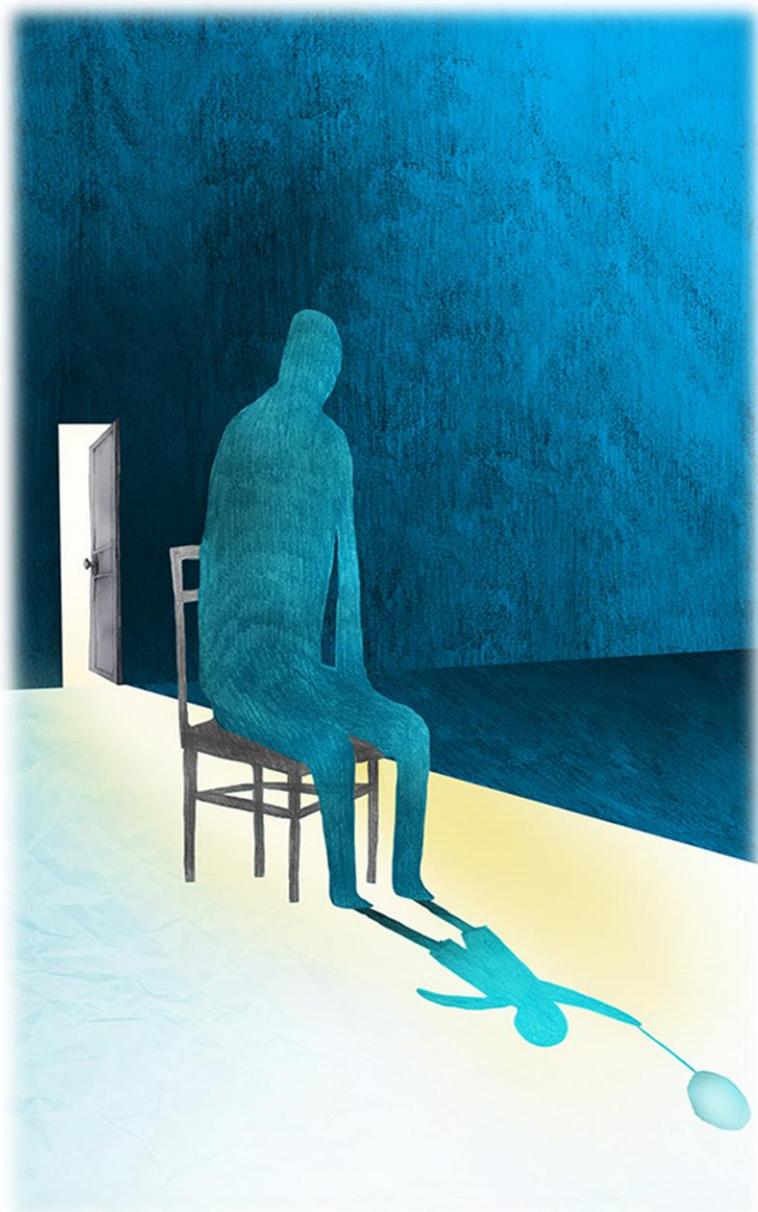


**UNITED NATIONS HUMAN RIGHTS COUNCIL  
UNIVERSAL PERIODIC REVIEW**

**The 3<sup>rd</sup> cycle  
(2016 – 2020 year)**



**SUBMISSION  
OF THE OMBUDSPERSON FOR CHILD'S RIGHTS**



## List of abbreviations:

**Law on CR** – Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania

**SEN** – Special education needs

**Office of the Ombudsman** – The Office of the Ombudsman for Child's Rights of the Republic of Lithuania

**The Ombudsman** – The Ombudsman for Child's Rights of the Republic of Lithuania

## Introduction

Office of the Ombudsman is an autonomous and independent state budgetary institution established according to the Constitution of the Republic of Lithuania (Article 73) by the resolution of the Parliament in 2000.

The Office is run by the Ombudsman, an independent official of the state, whose powers and activities are regulated by the Law of the Ombudsman for Child's Rights of the Republic of Lithuania. The Ombudsman is appointed by the Parliament, upon recommendation of the Speaker of the Parliament.

The Ombudsman exercises supervision and control of the implementation and protection of children's rights, investigates the cases of violation of children's rights and seeks to improve the situation of children in Lithuania. In his activities Ombudsman follows principles of priority of the rights and legitimate interests of the child; participation of a child and listening to a child; freedom, independence, and autonomy of the activities; accountability; legitimacy, justice and impartiality; publicity.

The Ombudsman is empowered to investigate the submitted complaints and initiate investigation on his own. The decision adopted by the Ombudsman after the investigation of child's rights violation is of a recommendatory nature the main purpose of which is to stop or (and) prevent violations of children's rights, eliminate violation of legal acts, the reasons and conditions of these violations, initiate improvement of the protection of children's rights and legitimate interests, etc.

Ombudsman for Child's Rights:

- ✧ assesses and supervises implementation of the provisions of national and international legal acts regulating the protection of children's rights, i.e., the conformity and the efficiency of theory and practice, seeks the consistency of provisions set in national and international legal acts and other documents and of their implementation practice, particularly conformity with UN Convention on the Rights of the Child;
- ✧ promotes the adoption of legal acts, implementation of measures regarding children's rights protection; seeks, that in the course of procedures of drafting and implementing legal acts, as well as in formulating and implementing the state policy, the universally accepted fundamental principle of children's rights protection is followed;



- ⌘ following the carried out investigations, summaries and analysis about the situation in different fields of child's rights protection, submits conclusions, notes and proposals to the President, Parliament and the Government, initiates, independently drafts and takes part in adoption process of legal acts;
- ⌘ has the right to propose the Parliament to apply to the Constitutional Court for examining whether legal acts related to the protection of child's rights comply with the Constitution of the Republic of Lithuania and other laws; as well as to apply on his own initiative to the administrative court with a request to investigate whether an administrative regulatory enactment comply to a law or resolution of the Government, and whether a general act adopted by a specific public or political organization, association and political party is legitimate;
- ⌘ Seeks children's participation in the process of making and implementing decisions affecting them, that children are ensured the possibility to express their opinion and it would be heard.



## Summary

Positive changes are observed in Lithuania, implementing the recommendations of the 2nd cycle of UPR, as well as other international obligations entered by the state in the field of children's rights and the recommendations received during the reviews of relevant documents. During the 3rd cycle of the UPR, the system of child's rights protection was reformed (centralized), expecting a higher quality protection and representation of each child, the prohibition of all forms of violence against children was introduced, the processes of taking children from the family and organizing care have changed significantly, preparation for the ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure has been started. At the same time, many challenges remain in various areas of protection of child's rights, the gap is observed between legal regulation and practical implementation, the approach to the child as a rights holder is not yet universally accepted.

This report is prepared taking into account the recommendations<sup>1</sup> submitted to Lithuania during the 2<sup>nd</sup> Cycle of UPR in 2016 on ensuring the rights of children and in the light of the outcomes of investigations carried out by the Ombudsperson; the issues identified, and proposals submitted to the Parliament, Government and other competent authorities aimed to improve the protection and implementation of children's rights; and the results of the visits to various institutions for children by the Ombudsperson. The range of issues identified by the Ombudsperson have been omitted due to the requirements for submission.

## Efforts to increase the effectiveness of the protection of child's rights

(1) Following the adoption of the new version of the Law on CR in 2017, since 1 July 2018 the reformed (centralized) system of child rights protection institutions became operational<sup>2</sup>; the functions of specialists in different fields have been defined; algorithms for responding to violations of children's rights, also for assessing the need of services have been established by laws; forms of violence, as well as corporal punishment have been prohibited; prohibition to leave children of young age unattended have been established; custody in institutions (with some exceptions) for children under 3 years of age has been prohibited; child care in health care-type institutions (homes for infants with development disorders) has been prevented; professional foster care and Foster care centers providing services to them have been introduced; new mechanisms of assistance for family (case management and integrated services), a package of minimum services for families which must be ensured by each municipality (basic package of services) has been established; as well as legal institutes (e.g. permission issued by the court to take a child from legal representatives, temporary custody of a child, etc.), ensuring that in practice children are

<sup>1</sup> Recommendations 100.34, 100.35, 100.40–100.42, 100.44, 100.97; 100.113–100.117; 100.120, 100.147, 100.148, 100.150.

<sup>2</sup> Link: <https://vaikoteises.lt/protection-of-children/the-lithuanian-child-rights-protection-system/>



taken from legal representatives only as a last resort, after all means have been exhausted to enable the family to take care of the child.

(2) The results of the Ombudsperson's monitoring show that the activities of the State Child Rights Protection and Adoption Service, despite the functions established by the Law on CR, might become focused only on responding to reports of possible violations of children's rights in the family, ignoring the duty to take action in order to protect and ensure all the rights of the child.

(3) After Lithuania started the process of deinstitutionalization<sup>3</sup>, the focus was on the design and development of a system of comprehensive family services, ensuring their individualization, availability in the community, promotion of care in the family and adoption of children who cannot be returned to their biological family. These measures have significantly reduced the number of children deprived of parental care and children in institutional care, however due to insufficient development of community services and spectrum of social services, problems of coordination and cooperation, problems of spectrum of services which should meet the individual needs of the child and the family, their quality, efficiency and individualization remain relevant, also the infrastructure of services is developed differently in the regions (in some of them – insufficiently).

These problems especially affect a particularly vulnerable group of children with disabilities, often leading to their accommodation in an institution and later 'travelling' among institutions, arguing that there is a lack of access to the services these children need. There are cases when the problems of children with behavioral and/or emotional disorders in care institutions are solved by their hospitalization in psychiatric hospitals.

(4) Insufficient number of guardians and professional foster parents, low rates of adoption, problems of quality of training of guardians and professional foster parents, also aforementioned problems of availability and efficiency of services may lead to change of guardians and poor social care services, development of community child care homes rather than foster care in the family or adoption.

(5) The issue of availability and quality of assistance measures (due to the nature of provision of such services) was especially relevant during the pandemic (quarantine) period. Greater attention was required to ensure the protection of child's rights when applying isolation measures to children by accommodating them in premises designated by municipal administrations during the quarantine period.

(6) During the quarantine, the government lacked flexibility in addressing the right of children to education. Municipalities and schools themselves sought for solutions that could best serve the children's interest to in-person learning. There were difficulties in providing children with the necessary equipment for distance learning; 9.2 million Eur was allocated for the purchase of computer equipment, but they did not reach schools immediately, therefore some children and teachers lacked learning equipment for some time<sup>4</sup>. Distance learning has had a negative impact on all children, especially those with SEN, as it has restricted access to the services of educational support professionals. Organizing education

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<sup>3</sup> „Strategic Guidelines for the Deinstitutionalization of Social Care Homes for Disabled Children without Parental Care and for Adults With Disabilities“, approved by Minister of Social Security and Labor 16 November 2012, No. A1-517, „Action Plan on the Transition from Institutional Care to Family and Community Services for Disabled Persons and Children Without Parental Care for 2014-2020“, approved by Minister of Social Security and Labor 14 February 2014, No. A1-83, [https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/9950\\_a1-83order.pdf](https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/9950_a1-83order.pdf)

<sup>4</sup> „School COVID - 19 in pandemic conditions: lessons, solutions, perspectives“, „Švietimo problemas analizė“ May 2021, No. 2 (192).



remotely may have possibly prevented the timely detection of violations of the rights of the child.

(7) During the quarantine, the availability of health care services was hindered for an unreasonably long time, as well as distance learning was used for too long<sup>5</sup>, which had a negative effect not only on learning achievements, but also on physical (obesity, postural problems, etc.) and mental health of children (emotional well-being of adolescents have worsened in 38–40 percent of cases<sup>6</sup>; children mostly turned to child helplines for experiencing psychological domestic violence<sup>7</sup>). In response to the negative consequences of the COVID-19 pandemic, an Action Plan to reduce the long-term negative consequences of the COVID-19 pandemic on mental health was adopted<sup>8</sup>, which provides additional funding to help students with psychological difficulties.

(8) Psychological assistance to children, their relatives is emphasized in various areas (education, health, social security) and, considering the diversity of service providers, it is important to ensure the quality of these services. Since 2008 the Seimas (Parliament) periodically discusses the draft Law on Practical Activities of Psychologists, however the practical activities of psychologists, licensing, and other important aspects of quality assurance, taking into account their diversity, are not regulated at the legislative level.

(9) Recommendations (100.34, 100.35) on the support and strengthening of the Office of the Ombudsperson including on the adequate provision with financial and human resources, remain unimplemented.

## Recommendations:

- ✦ Strive for greater involvement of municipalities in the development of the service network, ensuring the availability of services needed by children and families closest to their place of residence, also individualization, quality, and efficiency of services.
- ✦ Ensure better management of education, more flexible decision-making process, to promote and strengthen the development of teachers' competencies, to ensure the quality improvement of teaching and learning, progress of students' achievements, to strengthen teachers' and students' general and social competencies, to develop emotional resilience to negative events.
- ✦ Ensure adequate support for the Office of the Ombudsperson.

## Protecting children from violence

<sup>5</sup> Due to the COVID-19 pandemic, quarantine has been announced in the territory of the Republic of Lithuania from 16 March 2020 until 17 June 2020 and from 7 November 2020 until 1 July 2021.

<sup>6</sup> Research by Vilnius University scientists "Distance education of children during the Covid-19 pandemic: threats and opportunities from an ecosystem perspective". Link: [https://www.fsf.vu.lt/dokumentai/Nuotolinis\\_vaiku\\_ugdymas\\_pandemijos\\_del\\_COVID-19\\_metu.pdf](https://www.fsf.vu.lt/dokumentai/Nuotolinis_vaiku_ugdymas_pandemijos_del_COVID-19_metu.pdf)

<sup>7</sup> Annual activity report of State Child Rights Protection and Adoption Service.

Link: <https://vaikoteises.lt/media/file/ataskaitos/nauja%20VVA%20AET%202020%20m.%20veiklos%20ataskaita.pdf>

<sup>8</sup> Order of Minister of Health of the Republic of Lithuania 3 July 2020 No. V-1596, „Action Plan to Reduce the Long-Term Adverse Mental Health Effects of the COVID-19 Pandemic“



(10) After many years of discussions, in 2017 the Seimas established in Law on CR prohibition of all forms of violence against children (physical (and corporal punishment), psychological, sexual, neglect), defined the concepts of forms of violence, and established mechanisms for responding to violence against children.

(11) In 2018 some groups of society sought to narrow the concepts of violence against children, to differentiate violence according to the severity of the consequences for the child and provision of services for family and child, to link the liability for violence against a child only to the severity of the consequences. Initiatives have emerged to repeal the new version of the Law on CR, as it denies the right of parents to choose the methods of raising a child. In 2019 the Seimas, having assessed the position of some groups of the society, changed the wording of the concepts of forms of violence enshrined in the Law on CR, introduced new institutes for ensuring the rights of the child.

(12) The prohibition of violence against children has not been and is not unequivocally accepted in society (especially by parents) and is quite widely tolerated<sup>9</sup>. At the legislative level, by-laws and other documents quite consistently regulate the mechanism of responding to violence or its signs and every person's obligation of reporting. In practice, even persons whose activities involve working with children do not always report to the competent authorities about possible violence against the child, violation of his/her rights.

(13) The prevalence of bullying among Lithuanian students remains stably high<sup>10</sup>. In order to bring about change, amendments to the Law on Education came into force in 2017, which introduced a reference to the concept of violence; some forms of violence have been singled out; provisions on protection against violence in educational institutions, and response to violence have been expanded; the obligation to provide psychological assistance free of charge to a perpetrator and a person who has experienced violence (a student and his/her legal representatives, a teacher, another employee of an educational institution) has been established<sup>11</sup>; Recommendations on implementation of violence prevention in schools<sup>12</sup> and Recommendations to schools on criteria for the identification of domestic violence and action to be taken in the event of a suspicion of possible domestic violence<sup>13</sup> have been approved. However, not all schools<sup>14</sup> have detailed procedures and action plans for reporting violence; schools do not comply with the obligation to register all cases of violence and bullying; teachers' violence against children is encountered (children with SEN are no exception); often school administrations impose minimum disciplinary measures for these violations and avoid treating teacher's violent actions as a gross violation of work discipline and the rights of the child. Effective prevention of violence (bullying) is not sufficiently

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<sup>9</sup> „<...> for the majority of respondents (68%), it is tolerable (completely / sometimes tolerable) for the parent to slap on the child's hands to protect from dangerous behavior, e. g. from the fire. 36 percent. - to punish child's misbehavior or insufficient efforts. 23 percent would tolerate if the parent picked up and shook misbehaving child in the store. 15 percent would tolerate if the teacher twisted child's ear when he is not listening / talking to a classmate during the lesson "; study conducted by "Spinter tyrimai" Link: <https://vaikoteises.lt/naujienos/aktualu/visuomene-vis-dar-toleruoja-smurta-pries-vaikus-net-68-proc-apklaustuju-pasisako-uz-fizines-bausmes.html>

<sup>10</sup> International research HBSC (Health Behavior in School-aged Children) conducted in April-June 2018. Link: <http://hbcs.lt/wp-content/uploads/2020/04/2018reportLT.pdf>

<sup>11</sup> Law on Education of the Republic of Lithuania No. I-1489 amendment of Articles 1, 2, 19, 23, 43, 46, 47, 49, 56, 58, 59 and supplementing with Articles 23<sup>1</sup>, 23<sup>2</sup>, 18 October 2016, No. XII-2685.

<sup>12</sup> Order of 22 March 2017 of the Minister of Education and Science of the Republic of Lithuania No. V-190 "On approval of recommendations on implementation of violence prevention in schools", entered into force 1 September 2017.

<sup>13</sup> Order of 3 August 2017 of the Minister of Education and Science of the Republic of Lithuania No. V-625 "On approval of recommendations to schools on criteria for the identification of domestic violence and action to be taken in the event of a suspicion of possible domestic violence".

<sup>14</sup> School - a legal entity, a division of a legal entity or other organization of a Member State, established in accordance with the procedure provided in legal acts of the Republic of Lithuania, the main activity of which is formal and / or non-formal education.



developed in schools; the possibility of establishing a (mandatory) periodic survey of school's microclimate and other factors should be considered; there is a lack of effective measures to tackle cyberbullying.

(14) According to the Law on Protection against Domestic Violence, adopted in 2011, a person (and a child) against whom violence has been used is considered a person who has experienced domestic violence, as well as a child who has witnessed domestic violence or lives in an environment where violence has taken place. During the review period, the Law was amended several times, but the issue of protecting victims of domestic violence from repeated violence remains relevant. In practice, the victim is not always protected from direct contact with the abuser when dealing with issues related to the child (e. g. communication, determination of the child's place of residence). Due to unconstructive cooperation or coordination of actions between case managers and Specialized help centers specialists, sometimes cases of excessive intervention to the family and duplication of assistance measures arise.

(15) Insufficient dissemination of information on the provisions of the legislation on the protection of child's rights, the principles of the reformed system of child's rights protection institutions, new forms and objectives of family and child support, sometimes create contradictions between Specialized help centers specialists who provide assistance to women (mothers) victims of violence and specialists who provide assistance to children and defend their rights.

(16) There is no uniform practice in the implementation of legal acts, specialists working with children and families still lack qualifications in recognizing violence (psychological violence is not identified (or identified difficultly), assessing its consequences, identifying the need for services and the specifics of their provision.

(17) Law on CR in 2015 was supplemented by a prohibition on persons found guilty of sexual offenses, regardless of whether the conviction has been expired, to work or engage in activities related to children. In 2017 the range of persons subject to the prohibitions on working with children has been extended to include persons convicted of premeditated serious or grave crimes against children<sup>15</sup>. The Law on CR is not properly implemented throughout its validity, although there are periodic discussions: there is no supervision and control over the implementation of the prohibition; it is not clear which authorities have to perform this function; legislative changes, necessary to establish interfaces between individual registers and to carry out checks of criminal records on individuals by the authorities managing them, have not been adopted; the provisions of legal acts on restrictions on work with children are interpreted in different ways, they are not widely known to the persons who have to apply them (employers, service providers, recipients) and to the public; there is no information and educational activities.

(18) Even observing positive changes regarding the strengthening of the protection of the rights of children who have been victims of sexual offenses in criminal proceedings, one of the remaining problems is the provision of assistance, support to the child victim and his relatives. In the capital of Lithuania, a Support center for children who have been sexually

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<sup>15</sup> Prohibitions on working with children apply to persons who have been found guilty by the judgment of conviction for crimes against freedom of a person's sexual self-determination and inviolability, exploitation of a child for pornography, profiting from the prostitution of a child, involvement of a child in prostitution or possession of pornographic material displaying a child or presenting a person as a child, purchase or sale of a child, as well as other premeditated serious or grave crime or similar acts provided in the criminal laws of other states, regardless of whether the conviction has expired or has been expunged.



abused (established under Barnahus "children's house") model) is opened since 2016. It should provide all the services necessary for the child and his relatives, examination and questioning of the child. Centers as these are considered as good practice but are not being further developed in the country. Considering the geographical location of the center and the situation and vulnerability of a child who may have experienced sexual violence, the services of this center are not provided to all children in need; the services provided are short-term. The issues of assistance, support (especially long-term) for the child and his relatives, as well as quality, timeliness and flexibility have been and remain extremely important. Both legislative and implementing measures are needed to ensure the state's commitments on assistance to child victims.

### Recommendations:

- ✦ Implement measures to change public, especially child's close circle, attitudes towards violent measures to discipline children, inform about the forms of violence and its consequences for the child.
- ✦ Ensure consistent, continuous, and coordinated prevention of violence against children at various levels (state, municipal, institutional), to inform children by strengthening their abilities and skills to recognize and respond to violence.
- ✦ Develop a network of services that meet the individual needs of children who have experienced violence and their families, increase the availability of services provided by emotional support lines and solve the problems of availability and quality of mental health care services for children, including the regulation of psychologists' activities.
- ✦ Implement the measures to strengthen the protection of children from sexual violence, including effective intervention programs or measures which could be used by individuals in order to assess the risk of possible criminal behavior, to prevent it and to reduce the risk of recurrence of such behavior; develop a model of help centers for children victims of sexual violence, to ensure the provision of short-term and long-term assistance.
- ✦ Develop and implement measures to protect children from all forms of violence, as enshrined in legislation, and others that have proven to be "good practice".

### Children with disabilities

(19) Lithuania is taking legal, organizational, and other measures to ensure the rights of children with disabilities, but there is still a number of barriers to achieve proper implementation of the rights of children with disabilities enshrined in legislation.

(20) Due to insufficient availability and quality of early rehabilitation, the need for services for children with developmental disorders is not objectively assessed, services are not provided to everyone in a timely and high-quality manner<sup>16</sup>, therefore, the level of child's disability or the risk of its occurrence is not reduced; children with disabilities and SEN do

<sup>16</sup> National Audit Report "Do Early Rehabilitation Services and Inclusive Education Meet the Needs of Children with Disabilities and Ensure Their Social Integration" 8 December 2016 No. VA-P-10-4-27.



not have access to appropriate, high-quality primary and basic education in general education schools equally with others in the communities in which they live; in the field of education, the positive attitude of the society towards persons with disabilities is insufficiently formed, there is a lack of coverage in planning and implementing measures to increase tolerance for the disabled.

(21) Problems in the family of a particular child are not identified in time, because municipalities do not have detailed data on children with disabilities, the situation of their families; there is a lack of services that meet individual needs of the family, services for both children with disabilities and parents with disabilities raising children; social services are insufficiently coordinated with education, health care services and other assistance measures; there is a lack of information about the services provided, the child's development, education, and treatment. Parents raising children with disabilities are at greater risk of poverty.

(22) Assistance and measures are planned for children diagnosed with autism or other developmental disorders<sup>17</sup>, but although measures have been put in place, there is a lack of services or problems with the quality of services for families raising children diagnosed with autism spectrum disorders. There are cases when the provision of educational and social services is refused due to the child's aggression, the needs of these children are not met; there is a need to develop services for children affected by more severe forms of autism spectrum disorders.

(23) The state addresses the inclusion of children with SEN in education in various ways. Legal regulation is being improved (the Law on Education was amended in 2020<sup>18</sup>, strengthening the legal preconditions for inclusion and eliminating discriminatory provisions for students with SEN); methodological centers are being created; in 2020 and every other year, through the joint efforts of the Association of Lithuanian Municipalities, the Ministries of Health and Education, Science and Sports, Lithuanian disability organizations, it is planned to adapt at least one general education school and one health care service institution to people with disabilities<sup>19</sup>. According to different statistical data, 10–18% of education institutions in Lithuania are fully adapted.

(24) Despite the positive actions, researches by Office of the Ombudsperson and other organizations<sup>20</sup> confirm that the problem of ensuring the right of children with SEN (in some cases, children with disabilities) to appropriate, high-quality and accessible educational (as well as non-formal and pre-school) services remains (in a form of non-adaptation of the environment, formation of classes, lack of qualification of specialists, adaptation of technical and special educational measures, financing). The SEN of children are not fully met due to the lack of specialists (special educators, teachers of children with hearing or visual impairment, speech therapists, psychologists), due to heavy workload of specialists, services

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<sup>17</sup> Action Plan for Assistance to Children Diagnosed with Autism or Other Developmental Disorders 2019-2020, approved by Ministers of Health, Education, Science and Sports, and Social Security and Labor of the Republic of Lithuania, 25 April 2019 Order No. V-499/V-487/A1-225.

<sup>18</sup> Law on Education of the Republic of Lithuania No. I-1489 amendment of Articles 5, 14, 21, 29, 30, 34 ir 36 and supplementing with Article 45<sup>1</sup>, 30 June 2020, No. XIII-3268. The law will fully enter into force on 1 September 2024, The Ministry of Education, Science and Sports is preparing an action plan for the implementation of this law.

<sup>19</sup> Memorandum "On Access to Education and Health Care Institutions" 28 January 2020 by Lithuanian Association of Municipalities, Minister of Health of the Republic of Lithuania, Minister of Education, Science and Sports of the Republic of Lithuania and Lithuanian Forum of Disability Organizations.

<sup>20</sup> Lithuanian Association of the Disabled. A study of the availability of education, special education, and educational assistance for children with disabilities, assessing the effectiveness of the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania. Link: [http://www.ndt.lt/wp-content/uploads/%C5%A0vietimo-tyrimo-ataskaita-2019\\_12\\_31.pdf](http://www.ndt.lt/wp-content/uploads/%C5%A0vietimo-tyrimo-ataskaita-2019_12_31.pdf)



are not provided to children or are provided on a smaller scale (allocated hours are reduced), special assistance (by teacher's assistant) is not provided or is provided to an excessive number of children or only occasionally, thus not ensuring the quality of the service. The potential of methodological centers is not exploited, educational institutions avoid using their services. There is strong resistance from the school community to the inclusion of children with behavioral and/or emotional disorders.

### Recommendations:

✧ Develop the system of education and social services for children with disabilities, to remove physical, financial, social, and other obstacles hindering the inclusion of children with SEN in the education system.

### Children in conflict with the law

(25) Assistance for children in conflict with the law, who have behavioral problems, remains a major challenge, despite ongoing positive changes, increasing guarantees for protection of their rights and strengthening of assistance and support system. In practice, emotional reactions to children's inappropriate behavior, violations of the law, especially crimes, opinions about the complete impunity of children are very common in the society, as the emphasis is on support for the child, requiring respect for child's rights, consider his age, maturity, etc.

(26) One of the biggest challenges is the provision of assistance to children in specialized institutions – children's socialization centers, to which children from the age of 14 (in exceptional cases even younger) can be referred under the provisions of Criminal Code or the Law on Minimum and Medium Child Care. There are three centers in Lithuania (2 for boys, 1 for girls) to which children from all over the country are referred (for the first time the duration of accommodation is up to 1 year; the maximum term is up to 3 years; no longer than the child reaches the age of 18). The socialization center is a state specialized general education school, where the child should be provided with all the necessary assistance and services. Due to their subordination (to the Ministry of Education, Science and Sports) and nature, aspects of child representation (parents, guardians are the child's legal representatives), principles of organization and provision of services and lack of inter-institutional cooperation, during the accommodation of children in these institutions, they are not (it is stated, that they cannot be) provided with the assistance and services that are enshrined in legal acts and that they need (children have different levels of SEN, behavioral emotional disorders, the problems of addiction are also relevant). When dealing with health care services, participation in legal proceedings and other issues, there is a problem of active, consistent, and close cooperation with the child's legal representatives, specialists of his place of residence and other specialists whose participation is necessary addressing changes in the child's living environment, issues of changing child's behavior, continuity of assistance and reintegration upon return from the center.



(27) The attitude of specialists (in socialization centers and other specialists) towards children is changing very slowly; preconceived negative attitudes prevail; requirements, expectations regarding changes in the child's behavior are not based on the assistance the child needs, quality services; there is little faith in changes in the child's behavior or their continuity when they return from the center. The remaining attitude is (especially in society) that isolating a child in a closed institution is the best solution of problems; that decisions on the accommodation of a child in a center and / or the extension of a term (especially when approaching adulthood) should be made more easily; child's participation, hearing of a child has a lot of formal aspects; proper attention is not given to cause-and-effect analysis.

(28) When planning changes in the network of these centers, modernization of infrastructure, the interests and needs of children, the availability of services and assistance are not the main criteria. The activities of the new centers are planned in unused buildings (planning renovation), in rural areas, where problems of access to professionals, services, keeping in touch with the child due to limited access and other, are likely to arise.

### Recommendations:

✦ Address the issue of access to services and assistance for children in child socialization centers, ensure conditions that are safe, change-oriented, and necessary for development, as well as respect for and proper implementation of children's rights.

### Migrant children

(29) Measures have been taken to improve the integration of asylum seekers (the legal framework has been amended to create equal conditions for foreigners with refugee status and subsidiary protection, as well as children, to receive state support)<sup>21</sup>, however systemic obstacles remain.

(30) Lithuania uses exclusively institutional care for unaccompanied minors and does not develop a network of guardians (natural persons) who could accept these children. The problem of the abscondment of unaccompanied minors from the care institutions requires more attention from the competent authorities. Positive changes - from September 2019, the participation of the territorial unit of the State Child Rights Protection and Adoption Service in the interview of an unaccompanied minor is required <sup>22</sup>.

(31) At the beginning of reporting period, when implementing policies of prevention of possible illegal migration, detention practices, unacceptable from the point of view of child's rights, of foreign families with children were applied. The reception (accommodation) conditions of detained children did not meet their interests (day regime, prison-type environment, use of handcuffs for parents, unsafe spaces, lack of playrooms). Alternative measures to detention are not sufficiently developed.

<sup>21</sup> Law on Child Benefits of the Republic of Lithuania No I-621 amendment of Articles 1 and 4, 15 June 2017, No XIII-446.

<sup>22</sup> Description of the procedure in the Republic of Lithuania for determining the age, accommodation and other procedural actions of unaccompanied minors who are not asylum seekers, recast by order of Ministers of Social Security and Labor, Interior and Health of the Republic of Lithuania, 18 September 2019, No A1-538/1V-780/V-1067.



(32) The conditions in the Foreigners' Registration Center for the reception and accommodation of asylum seekers and other foreign families with children are unsatisfactory (living spaces were cramped, overcrowded, lacked privacy, children did not have space to play in the Center, material support for asylum seekers is extremely small, services of professional translators are not provided). The issues of children's leisure activities have been addressed. Due to the increased number of asylum seekers, lacking places in accommodation centers, persons, including families with children, were accommodated in border crossing points, transit areas where reception conditions (premises, meals, movement restrictions, length of stay) were not in the best interests of children.

### Recommendations:

✧ Ensure that the rights and best interests of every child are carefully and individually assessed in migration procedures, regardless of their status.

### Child's opinion and participation in all matters affecting him

(33) The child's right to be heard and to participate in all matters affecting him is enshrined at the legislative level in national legal acts. Although positive changes are observed, there is still a gap between legal regulation and practical implementation (lack of attention to the content of the law, formal implementation, questioning of this right and its significance, child's participation and hearing of his opinion is considered to be excessive (complicating the decision-making process) and pointless).

(34) The child is neither heard, consulted nor his opinion is taken into account when making decisions about child care (choice of guardian), changing place of care, as decisions are made taking into account the possibilities of the municipality to provide social care services.

(35) Often decisions important to the school community are made without consulting, listening to its members, not ensuring the participation of children in the decision-making process (e.g. due to the COVID-19 pandemic (quarantine), one municipality suspended non-formal education services provided by municipal institutions without coordinating the actions with communities of these institutions (also children), communication with individuals who were affected by this decision was insufficient.<sup>23</sup> Decisions on the liquidation of educational institutions and changes in their activities are not always actively discussed with community representatives (also children). Communication and its directions are not given due attention, assessing the difference between interest groups (specifics of children's participation). In schools, there is still a lack of attention to the active involvement of children in decision-making, listening to and taking into account their opinion (e. g. when deciding on rules of conduct of students).

<sup>23</sup> Investigation of the Ombudsperson for Child's Rights of the Republic of Lithuania, 28 September 2020 No (6.7-202-23)PR-403 "On the implementation of non-formal education of children during the quarantine period in municipal children's education institutions", link: <http://vtaki.lt/lt/naujienos/atliktas-tyrimas-del-neformaliojo-vaiku-svietimo-igyvendinimo-karantino-laikotarpiu-savivaldybese>



## Recommendations:

- ✦ Carry out consistent, active information and communication campaigns for the public and separate target groups about the attitude towards the child as the rights' holder, value and importance of his opinion and participation in solving the matters affecting him.
  - ✦ To improve the legal regulation and implement (adapt) good practices regarding the implementation of the child's right to be heard, the right to express one's opinion, views in different environments and situations.
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