



# **Convention on the Rights of the Child**

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## **Committee on the Rights of the Child**

### **Sixty-fourth session**

16 September-4 October 2013

Item 4 of the provisional agenda

### **Consideration of reports of States parties**

## **List of issues to be taken up in connection with the consideration of the combined third and fourth periodic reports of Lithuania (CRC/C/LTU/3-4)**

### **Addendum**

## **Replies of Lithuania to the list of issues\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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## **I. Replies to the issues raised in part I of the list of issues (CRC/C/LTU/Q/3-4)**

### **Reply to the issues raised in part I, paragraph 1, of the list of issues**

#### **1. Trainings**

1. Governmental institutions organize qualification improvement trainings for employees/specialists who work with children, according to competence, in order to provide conditions for a child to be listened to in all institutions and organizations, including cases of child custody.

2. The Ministry of Education and Science organizes trainings for psychologists and social pedagogues in municipal pedagogical psychological services and schools, on topics of sexual crimes against children, prevention and intervention. The aim is to make the trainees acquire new knowledge and skills, improve professional competence in recognition and resolution of cases of sexual abuse against children (including trafficking of human beings, dangers on the Internet, etc.). EU project Improvement of Competences of Teachers and Assistance Specialists Working at Children and Youth Socialization Centers is implemented as of the year 2011 in order to improve the qualification of teachers and specialists of educational assistance working at Children Socialization Centers, the purpose of the project is to improve quality of education, efficiency of educational assistance to children, to ensure more successful correction of behavior and socialization of children. The project will provide employees of socialization centers with competences to work with children who have behavioral issues, organizational structure of these institutions will be improved.

3. In the year 2010-2012 the Lithuanian Police School organized trainings for public police officers working in the area of prevention of violation of children's rights (police officers who deal with juvenile affairs, district inspectors, other officers at prevention divisions of public police). Trainings on the following topics were prepared: Protection of the Rights of Children in Lithuanian and International Law; Cooperation Between the Police and Child Welfare Institutions (System and Cooperation of Children's Rights Protection Institutions); Actions of Police Officers to Ensure Protection of Children's Rights; Causes of Criminal Behavior of Children (Teenagers); Creation of Prevention Projects; Forms and Methods of Prevention of Violation of Children's Rights; Cooperation with Children of Various Age Who Have Communication Issues and Other Issues. Trainings were attended by 46 officers in the year 2010, 28 in the year 2011 and 33 in the year 2012.

4. A seminar on issues of prevention of violence against children and provision of help to children was organized for public and criminal police officers who work with children. The seminar was focused on issues of prevention of violence and abuse against children, work with children who have experience violence and abuse, as well as provision of help to them. The seminars were attended by 228 officers in the year 2010, 59 in the year 2011 and 67 in the year 2012.

5. Police officers also participated in seminars on Juvenile Justice. Seminar topics: Legal Position of a Juvenile in Criminal Procedure and Administrative Procedure; Examination of Juvenile Cases of Separate Categories; Pretrial Investigation of Criminal Acts Committed by Juveniles; Social Control and Prevention of Criminal Behaviour of Juveniles. Resocialization of Juveniles; Psychological Peculiarities of Communication with Children and Teenagers; Empirical Analysis of Juvenile Justice in Lithuania. Interrogation Rooms for Children. The seminars were attended by 40 officers in the year 2010, 36 in the year 2011 and 28 in the year 2012.

6. 33 police officers participated in interdepartmental trainings on issues related to juvenile justice, the trainings were organized by the Training Centre of the National Courts Administration in the year 2010-2012.

7. The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour is responsible for organization of adoption in the country and methodical management of municipal children's rights protection services in solving various issues related to protection of rights of children. The Service evaluated the importance of proper preparation of a child for processes that he has to go through and preparation of children welfare specialists to listen to the child.

8. This Service implemented the Plan of Strategy of Child Custody (care) System Reorganization and Measures of Implementation of the Strategy for the year 2007-2012 approved by decision No. 1193 of the Government of the Republic of Lithuania on 31st of October, 2007 and, in cooperation with Temporary Child Care Center Atsigrėžk Į Vaikus prepared a training programme For Employees at Child Care Institutions Regarding Preparation of Children for Custody and Adoption, the programme was used for trainings of 5 teams of specialists in the year 2011. These teams trained employees of 5 child care institutions in the year 2012, the plan for the year 2013 is to train employees of 15 child care institutions. The aim of the trainings is to provide knowledge and skills required in direct work with children, preparing them for living in custody in a family or adoption. The Service has scheduled trainings for specialists of children's rights protection in the year 2013, the trainings shall be focused on evaluation of needs of the child and hearing the child's opinion.

## **2. Minimum and medium childcare**

9. In accordance with Clause 2 of Article 4 of the Law on Minimum and Medium Care of a Child of the Republic of Lithuania (hereinafter – the Law), one of the principles of minimum and medium care of a child is involvement of the child in making decisions related to him. A child must have a possibility to be heard during any related judicial or administrative examination directly or through a representative following order established by law. The child's opinion must be considered if it does not conflict with the interests of the child. Another principle – individualism – means that child's age and maturity, mental and physical traits, needs, social environment and other important peculiarities must be taken into account when making decisions concerning the child. It is established in Part 4 of Article 10 of the Law that the Child Welfare Commission of municipal administration examines requests for allocation, alteration, renewal or cancellation of measures of minimum and medium child care in a hearing in camera, the child must be present at the hearing, alongside with the specified persons. It is established in the fifth part of this Article that the child's opinion must be taken into account at a hearing at the Child Welfare Commission of municipal administration. In order to protect the child from possible negative influence, the child may be absent from a hearing at the Child Welfare Commission of municipal administration, but in such case the child's opinion must be heard in advance at the Children Rights Protection Department and evaluated at the Child Welfare Commission's hearing. The Children Rights Protection Department also considers the child's opinion when the child avoids participation at the Child Welfare Commission's hearing and informs parties of the hearing of the opinion. It is established in Part 11 of the aforementioned Article that the child's opinion must be provided when the director of a municipal administration requests for the court to permit minimum child care measures established in Clauses 6, 7 and 8 of Part 1 of Article 6 of the Law, as well as the conclusion of the Children Rights Protection Department.

10. According to information provided by municipalities, a part of Child Welfare Commissions in municipal administrations have approved sample forms for provision of a child's opinion. A child's opinion is always heard in one of the following ways: during a

hearing at the Child Welfare Commission of municipal administration and recorded in a protocol or it may be heard at the Children Rights Protection Department and presented to the chairman of the Child Welfare Commission in writing if the child is absent from the hearing. According to available data and court practice, a court does not permit execution of the measures without a written opinion of the child. According to information provided by municipalities, almost half of children agree with imposed measures of minimum care and execution thereof. According to information provided by Child Welfare Commissions at municipal administrations, usually the child's opinion is taken into account in cases of examination of suitability of minimum care measures in terms of expectations, needs and interests of the child, if the opinion does not conflict with interests of the child.

11. It should be noted that Child Welfare Commissions operate in all municipalities and schools, they solve issues related to welfare of children. Principles of child's participation in making relevant decisions, consideration of the child's opinion and giving priority to interests and welfare of the child are established in regulations on activities of the commissions at schools. When issues of a certain child are examined, the child is summoned to a hearing of the Child Welfare Commission at school, his opinion is taken into account.

12. Child's participation in making decisions concerning him is also established in the description of order of choosing a Children Socialization Center, it is stated that the child's request to accommodate him in a certain Children Socialization Center may be taken into account if municipal administration does not object to it.

13. It is established in the description of activities of the Children Socialization Center that the Children Socialization Center acts according to principles of participation of a child in making decisions related to him, as well as principle of priority to the child's interests and welfare and other principles. According to Clause 18 of these regulations, a plan of execution of measures of medium care must be prepared upon the child's arrival to the center. The child participates in preparation of the plan, he is provided with an opportunity to express his opinion, expectations on offered forms and methods of education. The plan must correspond to the child's age, maturity, sex, mental and physical traits, health, educational needs, documents regulating education, available social skills. Children can express their opinion via the municipal institution operating at the center.

### **3. The right of a child to be heard**

14. The right of a child to be heard is established in Volume 3 of the Civil Code of the Republic of Lithuania, it regulates family law. It is established in Part 1 of Article 3.164 of the Civil Code that in case of examination of any issue concerning a child, the child must be heard directly, if he is able to formulate his point of view. And, if it is impossible, his opinion must be taken via a representative, his wishes must be taken into account when making decisions, provided it does not conflict with interests of the child. The child's wishes must especially be taken into account when deciding on a caregiver (custodian) or adoption. According to Part 2 of Article 3.174 of the Civil Code, the court considers the child's interests and wishes when deciding on his place of residence. The child's wishes may not be taken into account solely in cases when the wishes conflict with interests of the child. According to Article 3.177 of the Civil Code, the court must hear the child when solving disputes related to children, provided the child is able to express his opinion, the court must ascertain what the child wants. It is established in Part 3 of Article 3.183 of the Civil Code that the court must listen to the opinion of the child and take it into account when deciding on restriction of parental powers, provided the child is able to express his opinion. It is established in Article 3.215 that a written consent of the child is required in cases of adopting a ten-year-old or older child. The child presents the consent to the court, adoption without consent is forbidden. When an adopted child is younger than ten years, he must be heard in court (if he is able to express his opinion) and the court must take the

child's wish into account when making a decision, provided the wish does not conflict with the interests of the child. The same is regulated by Part 2 of Article 3.249 of the Civil Code: the child must be heard (if he is able to express his opinion) and his opinion is important when establishing or cancelling custody (care), assigning a custodian (caregiver).

#### **4. The right of a child to be heard during a civil procedure**

15. The right of a child to be heard during a civil procedure is established in the Code of Civil Procedure of the Republic of Lithuania. It is established in Part 1 of Article 380 of the Code of Civil Procedure that a child must be heard directly (if he is able to express his opinion) when issues concerning him are examined, and if it is impossible – he must be heard via a representative. The child's opinion must be taken into account when making decisions, if it does not conflict with interests of the child. Provision of consent of the child being adopted is regulated in Parts 1 and 2 of Article 485 of the Code of Civil Procedure and it is established that an adoptee older than ten years old may be heard at a court hearing on adoption. The court ascertains whether the adoptee agrees to be adopted and to be an adoptee of the adopter, whether he consents to the adopters to be recognized as his parents and to be recognized as a child of the adopters, whether he consents to changing his name and surname. Adoption without a written consent of a ten-year-old adoptee is forbidden. The opinion of an adoptee younger than ten years old about adoption and change of full name must be heard at a court hearing, if the child is able to express his opinion and to formulate his point of view. The opinion may be expressed in verbal or written form or other chosen methods. When making the decision, the court must take the wish of the child into account if it does not conflict with interests of the child. According to Part 1 of Article 503 of the Code of Civil Procedure, a child must be heard at a court hearing provided he is able to express his opinion and formulate his attitude towards establishment of permanent custody or care and (or) assigning of a custodian or a caregiver. An expert psychologist may be called for determination whether the child is able to express his opinion and for explanation of the expressed opinion. The child's opinion may be expressed verbally, in writing or using other methods chosen by him.

#### **5. The right of a child to be heard during a criminal procedure**

16. The right of a child to be heard during a criminal procedure is established in the Code of Criminal Procedure of the Republic of Lithuania. The rights of a suspect and the accused to be active participants of the procedure are established in Part 4 of Article 21, Part 3 of Article 22 of the Code of Criminal Procedure, respectively. The rights are as follows: to testify, to ask questions during the examination in court, to give explanations of investigated circumstances of the case and to express their opinion about requests filed by other participants of the hearing in court, etc. The obligation of the victim to testify is established in Part 3 of Article 28 of the Code of Criminal Procedure. The obligation of a witness to give correct testimony about relevant circumstances known to him is established in Part 1 of Article 83 of the Code of Criminal Procedure. A child may be a suspect, a defendant, a witness or a victim in a criminal procedure. Thus, the right and sometimes the obligation to testify, i.e. the right to be heard and to be an active participant of the procedure exists during the entire criminal procedure. However, a child may become a suspect or the accused one solely when older than fourteen or sixteen years (Part 1 of Article 13 of the Criminal Code).

#### **6. The right of a child to be heard in healthcare system**

17. According to Article 8 of the Law on the Rights of Patients and Compensation of the Damage to Their Health, patients, including juvenile patients (16 to 18 years old), may be treated and receive other medical care solely with their consent. Healthcare and nursing services are provided to juvenile patients (younger than 16 years old) solely upon consent

of their representatives, unless demanding for such consent would conflict with interests of the juvenile patient.

18. In accordance with order No. V-138 (Regarding Provision of Personal Healthcare Services to Children) of the Minister of Health on 28th of February, 2003, patients younger than 18 years old are provided with secondary and tertiary healthcare services by specialists of childhood diseases and other specialists if such specialists of childhood diseases are not specified in the list of personal healthcare specialties and subspecialties.

19. 16-year-old and older patients who are ill with diseases specified in the list approved by order No. V-164 (Regarding Approval of the List of Diseases in Cases of Which 16-Year-Old and Older Patients May Receive Healthcare Services Without Disclosing Their Identity) of the Minister of Health on 22nd of February, 2010 are entitled to receive healthcare services without disclosing their identity.

20. A Helpline for children was activated at the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour in the year 2009, the aim of the Helpline is to hear a child who needs help and provide the help. A separate website [www.pagalbavaikams.lt](http://www.pagalbavaikams.lt) of the Helpline for children is also active, all important information for children is presented there. The website [www.pagalbavaikams.lt](http://www.pagalbavaikams.lt) was awarded as the winner of international E-content contest World Summit Award (WSA) in Cairo (Egypt) in the year 2012 – the best project in category E-Inclusion and Participation. Lithuania participated in such contest for the first time. The Helpline for children prepared recommendations on communication with children who have emotional issues in the year 2012 and distributed them in 254 educational institutions.

21. It should be stated that formal education includes integrated programmes, the content of them is oriented to development of general and essential subject competences of pupils. Prevention Programmes is one of the integrated programmes. The aim of this integrated programme is to prepare young people for life, to develop a mature and moral personality, able to create and maintain mature interpersonal relations and resistant to negative phenomena in life. Prevention programmes indicate the direction of preventive work and may be implemented in accordance with the context of school or class using several methods: by integrating it to contents of curricula; by starting a special course as an optional curriculum for any grade; by integrating informal educational programmes into the additional education; by integrating into class sessions; using another method chosen by the school (implementation of projects, etc.). Another integrated programme is focused on Healthy Living Skills. The aim of the programme is to develop personal and social skills of pupils, by preparing them for living outside the school and for adult life in a rapidly changing society. It includes development of the following traits of pupils: responsible action, prediction of consequences of one's behavior, resistance to failures and conflicts, searching for support and acceptance thereof, stress management. The Healthy Living Skills integration programme is implemented by integration to formal and informal education when school participates in projects. This programme is integrated into all curricula.

22. One of the integrated areas in general programmes of secondary education is Development of General Competences. The purpose of this educational programme is to define general competences, objectives thereof and evaluation process. Development of General Competences is integrated into all curricula, it is a part of school life, it is reflected in school and after-school activities. The aim of the education area is to enrich educational content with educational tasks and activities that are important for the pupils and society, and to help pupils to develop the following competences required for living in knowledge society: knowing how to learn, communication, cognition, social, civic, personal and cultural competences, as well as proactivity and creativity. When developing cognitive competence, the goal is to make pupils raise issues and questions, correctly choose and apply various strategies of problem solving, search for reasonable answers; think critically

and evaluate various sources of information, alternative attitudes, etc. When developing social civic competence, the goal is to make pupils understand the needs, feelings, different opinions and attitudes of other people, help them as necessary; start and maintain benevolent relations with others, constructively solve disputes and conflicts; understand their identity and role in community, use their rights and thoroughly execute their obligations, follow legal acts, etc. When developing personal competence, the goal is to make pupils understand, manage and properly express their emotions and feelings; follow general moral rules and be responsible for consequences of their actions; take care of their health and cherish life, act safely, avoid addictions, search for help in case of risks; think positively, accept challenges and changes in life, foresee their choices, be able to solve problems, etc.

23. It is important for pupils of all ages to be taught about knowledge and skills related to maintenance of safety and health. Thus, the Ministry of Education and Science approved two new programmes in the year 2012: the General Programme on Human Safety and the General Programme of Health Promotion. The General Programme on Human Safety defines the aim and tasks of human safety education, the structure of competence in human safety, integration possibilities, education guidelines, peculiarities of environment for efficient studying are specified, achievements and extent of contents are described. The programme is an integral part of general programmes of primary and basic education. The programme is designed for development of competence in human safety – ability to use knowledge and decisions based on individual and collective experience when ensuring own safety and that of other people. The aim is to make pupils recognize and identify dangerous situations, be ready to take practical actions, protect life and health, environment and properties. The purpose of the General Programme of Health Promotion is to ensure successful child health proportion at school, to contribute to moral, physical, mental, social abilities and welfare. The aim of health promotion is to help pupils understand health conception, to help them develop abilities, habits, and attitudes that are useful for health, as well as responsibility for their own health and that of others, to encourage them to choose a healthy lifestyle.

### **Reply to the issues raised in part I, paragraph 2, of the list of issues**

24. The purpose of the current Law on Fundamentals of Child Rights Protection is to improve legal protection of children in the country, by defining fundamentals of protection of children rights and freedoms, complying with the Constitution of the Republic of Lithuania as well as international legal standards and principles. The aim of the new draft law is to determine a system of measures for protection of children, which would ensure safe environment for thorough and balanced development of a child, when such conditions may not be ensured by parents of the children or other legal representatives. The draft law shall contain a suggestion to establish prohibition of leaving a child younger than 7 years old alone without supervision of parents or other persons. Improvement of structure of children rights protection services at municipal administrations is also planned, as well as revision of excess functions of officials at these services, established in laws and other legal acts. In order to reinforce representation of a child, the State Child Rights Protection and Adoption Service may be entitled to participate in cases examined in court in cases established by law. Authors of the draft law shall suggest consolidation of control of system of children rights protection, as well as coordination of children rights protection services. Submission of the prepared draft law on changes of the Law on Fundamentals of Child Rights Protection for approval at the Parliament of the Republic of Lithuania is scheduled for the end of year 2013.

25. In order to formulate a consistent and coordinated system of children rights protection institutions, ensuring proper representation and protection of rights and



legitimate interests of a child, the Parliament approved the conception of reorganization of children rights protection institutions by decision No. XI-1954 on 29th of March, 2012.

26. In order to achieve the aim of the Conception, functions of governmental and municipal institutions related to children welfare and children rights protection shall be redistributed, administration of these functions shall be improved, children rights protection shall remain a governmental (transferred from the state to municipalities) function. Reorganization of the system of children rights protection institutions shall be carried out as follows: clearly defined tasks and functions of ministries and other governmental institutions related to children rights protection, as well as their position in the system of governmental institutions, certain limits of liability shall be defined; functions of management and control of the system of children rights protection shall be enforced; competence of municipal institutions shall be revised, the structure of children rights protection services shall be improved, main functions of children rights protection services shall be established by law.

27. Implementing the Conception, the Government approved a Measure Plan for Implementation of Conception of the System of Children Rights Protection Institutions in the end of the year 2012. Improvement of legal regulation of children rights protection by means established in the Measure Plan is planned, enforcing coordination of activities of institutions ensuring children welfare, revising functions executed by the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor and children rights protection services at municipal administrations, improving legal regulation of child care (custody) and adoption, encouraging availability and variety of social services in the field of children rights protection. The aim is also to ensure consolidation of human resources in children rights protection institutions at municipal administrations by reducing work loads for specialists, increasing state budget subsidies for additional positions of officials in children rights protection services at municipal administrations, allocating additional funds for supply these services with computers and other office equipment.

### **Reply to the issues raised in part I, paragraph 3, of the list of issues**

#### **1. Protection of interests of a child**

28. Many provisions related to protection of interests of children are established in volume 3 of the Civil Code, it regulates family law. Provisions of the Civil Code and the Code of Civil Procedure regulating a child's right to be heard are also relevant in this case. Other standards related to protection of interests of children are also mentioned.

29. Fundamental rights of children are established in Article 3.161 of the Civil Code. According to the aforementioned Article, every child has an inherent right to healthy development, full name since birth; a child is entitled to know his parents if it does not conflict with his interests and the law does not establish otherwise; a child is entitled to live together with his parents, to be educated and provided for in the family of his parents, to communicate with parents irrespective of whether the parents live together or separately, to communicate with relatives if it does not conflict with interests of the child; rights of children who were born to unmarried parents are equal to those of children who were born to married parents; rights of children do not change if marriage of parents is dissolved, annulled or if they are separated.

30. Principles of legal regulation of family relations are established in Article 3.3 of the Civil Code. It is established in this Article that legal regulation of family relations in the Republic of Lithuania is based on principles of priority to protection and defense of rights and interests of children and upbringing of children in a family. Family law acts and application thereof must ensure consolidation of a family and importance of it in society, as well as mutual responsibility of family members for protection of family and education of

children, a possibility for all family members to properly execute their rights and protect juvenile children from inappropriate influence of other family members, other persons and other factors. It is established in Part 5 of Article 3.14 of the Civil Code that a State Child Rights Protection institution must present a conclusion about reasonability of reduction of marriageable age when such issue is examined, the institution must also state if it conforms to interests of the juvenile. According to Article 3.30 of the Civil Code, spouses must bring up their juvenile children, provide for them, take care of their education, health, ensure the right of children to personal life, integrity and freedom, material, social and other rights of children, as established in local and international legal acts. It is established in Part 4 of Article 3.53 that in case an agreement on consequences of marriage dissolution conflicts with public order or substantially violates rights and legitimate interests of juvenile children or one of the spouses, the court shall not approve such agreement and the case regarding marriage dissolution shall be suspended until the spouses conclude a new agreement. In consideration to age of one spouse, duration of marriage, interests of juvenile children of the spouses, the court may refuse to dissolve the marriage upon request of one of the spouses if such marriage dissolution would cause substantial material or nonmaterial damage to one of the spouses or their juvenile children (Part 3 of Article 3.57 of the Civil Code). It is established in Part 1 of Article 3.65 of the Civil Code that court may apply interim measures for protection of the interests of children of the spouses and one of the spouses, until a decision is made by court. Special interim measures for protection of interests of children in family cases are specified in Part 2 of the aforementioned Article. It is established in Part 1 of Article 3.71 of the Civil Code (regulation of legal consequences of marriage dissolution) that in case the place of residence is owned by one of the spouses, the court may decide on establishment of usufruct and to leave another spouse living in that place, if the spouse keeps juvenile children after marriage dissolution. A special provision for protection of interests of children is also established in Part 4 of Article 3.76 of the Civil Code (regulation of separation of spouses): the court may approve an agreement on consequences of separation concluded between spouses if such agreement does not conflict with public order or substantially violate rights and legitimate interests of juvenile children or one of the spouses. If spouses have juvenile children, a state children rights protection institution must participate in examination of the case regarding separation, it must present a conclusion stating whether rights of children shall not be violated when solving separation issues (Article 3.80 of the Civil Code). It is established in Part 2 of Article 3.85 of the Civil Code (regulation of legal mode of family properties) that in case spouses have juvenile children, court permission is required in order to be able to conclude contracts related to immovable properties of the family. It is established in Part 1 of Article 3.123 of the Civil Code that the court may deviate from the principle of equal parts of joint properties of the spouses and to grant a bigger part of the property to one spouse when solving issues related to division of common joint ownership of the spouses, in consideration to interests of juvenile children. Interests of juvenile children must also be taken into account when choosing a method for division of properties and when dividing properties in kind (Part 3 of Article 3.127 of the Civil Code).

31. It is established in Article 3.178 of the Civil Code that participation of a state children rights protection institution is required when examining disputes concerning children. A state children rights protection institution presents a conclusion about the dispute after analysis of conditions of family environment. When solving the dispute, the court evaluates the conclusion, as well as the child's wishes and evidence presented by the parties. It is established in Article 3.183 that the court is not bound by any filed demands and it makes a decision in consideration to the situation and interests of the child when examining claims regarding restriction of paternal powers and claims regarding separation of a child from parents. The court hears the opinion of the child who is able to formulate his attitude and takes it into account. It is established in Part 1 of Article 3.186 of the Civil Code that parents must manage properties of their juvenile children in exceptional consideration to interests of the children. A principal provision is established in Part 1 of

Article 3.209 of the Civil Code (regulating adoption procedures) that adoption is possible solely for interests of the child. Furthermore, special adoption conditions are established in the Civil Code, a circle of persons who may adopt is determined, thus assumptions for protection of interests of the child are instituted in the court of adoption process. The following principles of determination of child custody (care) are established in Part 1 of Article 3.249 of the Civil Code: priority to interests of the child; close relatives of the child are preferred as foster parents (caregivers) if it corresponds to interests of the child; child custody (care) in the family; trying not to separate siblings unless it violates interests of a child. Moreover, as it has already been mentioned, it is established in Part 2 of the aforementioned Article that the child must be heard (if he is able to express his opinion) and his opinion is important when establishing or cancelling custody (care), assigning a custodian (caregiver). According to Part 1 of Article 3.268 of the Civil Code, a custodian (caregiver) is chosen according to personal traits, health condition, ability to be a custodian (caregiver), relations with the child who has lost parental care and interests of the child.

## **2. Protection of interests of a child in a civil procedure**

32. Special procedural standards are established in the Code of Civil Procedure in order to ensure protection of interests of a child in a civil procedure. An exception from the rule that the parties should be heard is established in Part 4 of Article 376 of the Code of Civil Procedure, the purpose of the exception is to ensure protection of interests of children. I.e. in family cases, if one of alternative demands (established by law) is filed, the court may at its initiative apply an alternative method of defending rights or legitimate interests of the person (or child) if the court determines that approval of the demand would be unreasonable. It is established in Part 2 of the same Article that the court must take measures to reconcile the parties in family cases, the court must also seek protection of rights and interests of children. According to provisions of the aforementioned Article, the court is active in collecting evidence in family cases, the court is also entitled to exceed the filed demands, in order to ensure defense of public interest, including interest of children, in family cases. A special provision is established in Part 2 of Article 491 of the Code of Civil Procedure, the provision is to be applied in cases regarding custody and care determination – it states that the court must take all necessary measures to protect rights and interests of persons who need custody and care. Special provisions related to submission of the child's opinion in such cases are valid in cases regarding custody and care determination (these standards are specified in answers to questions asked in Clause 1). Furthermore, it is established in the Code of Civil Procedure that the court may decide to eliminate any participant in the case from the court room in exceptional cases for the time of hearing of the child's opinion. A pedagogue and (or) a psychologist and participants in the case may ask the child questions with the permission of the court. The court must explain the consequences of establishing custody (care), assigning a custodian (caregiver) and adoption to the child, when making a decision the court must take the child's opinion into account, if it does not conflict with interests of the child (Articles 485, 503 of the Code of Civil Procedure).

33. Special standards regulating the process of execution of court decisions made in civil cases are also established to protect interests of children. Article 644 of the Code of Civil Procedure establishes an obligation of a debtor to immediately inform a state children rights protection institution and a bailiff of juvenile children living in the place where exaction is directed to. According to Part 4 of Article 663 of the Code of Civil Procedure, the court may establish, in consideration to interests of children, that the last apartment, residential house or a part thereof, essential for living of the persons shall not be subject to exaction upon request of the debtor or his family members after the apartment or residential house is arrested due to failure to pay for energy, utilities or other services. When executing exaction from natural persons, it may not be applied to household items, work or study equipment and other properties that are essential for living of the debtor or his family, or for

his professional work or studies, exaction may not be applied on items essential to children (Part 1 of Article 668 of the Code of Civil Procedure). Exaction may not be applied on funds that are supposed to be paid by the debtor to the children, in accordance with the Law on Child Benefits (Clause 4 of Article 739 of the Code of Civil Procedure). In order for the interests of the child to be ensured when custody or place of residence of the child is disputed in court, the detailed procedure of transfer of children to the exactor is established in Article 764 of the Code of Civil Procedure, participation of a children rights protection institution, a police representative and a psychologist in this procedure is also established. It is established in Part 3 of Article 769 of the Code of Civil Procedure that in case persons are evicted from residential or nonresidential premises in accordance with a court decision and juvenile children are evicted without providing them with other residential premises, the bailiff must inform a state children rights protection institution of the time and place of the eviction within no more than thirty days before the day of eviction.

### **3. Protection of interests of a child in a criminal procedure**

34. First of all, examination of criminal cases in camera is allowed when persons younger than eighteen years old are accused of criminal acts. Secondly, a different order of interrogation is applied when children participate in criminal procedure, i.e. a witness or a victim younger than eighteen years old are usually interrogated no more than one time during the pretrial investigation. An audio and video recording may be made during the interrogations of such persons. If a suspect or attorney thereof participates in interrogation of a witness or a victim younger than eighteen years old, the pretrial investigator must prevent any illegal influence on the witness or victim. A witness or a victim younger than eighteen years old is summoned to a hearing only in exceptional cases. If a suspect may influence a witness or a victim younger than eighteen years old, the pretrial judge does not allow the suspect participate in the interrogation. In order to protect interests of a witness or a victim younger than eighteen years old, the pretrial judge may decide to not allow the suspect and other parties of the procedure (except a representative of a state children rights protection institution or a psychologist) be present at the premises where interrogation takes place. In such case a mandatory audio and video recording is made, and the suspect and other parties of the procedure must have a possibility to watch and hear the interrogation from another room and to ask the interrogated person questions via the pretrial judge. If it is impossible to provide the suspect and other parties of the procedure with a possibility to watch and hear the interrogation from another room, the interrogation is performed in absence of the suspect and other parties of the procedure. In such case an audio and video recording of the interrogation shall be shown to the suspect and other parties of the procedure immediately after the interrogation, they are entitled to ask the interrogated person questions via the pretrial judge. A representative of a witness or a victim younger than eighteen years old is entitled to participate in the interrogation. A representative of a state children rights protection institution or a psychologist must be summoned to the interrogation of a witness or a victim younger than eighteen years old upon request of parties of the procedure or as initiated by the pretrial investigator or the pretrial judge. The representative or the psychologist help to interrogate the juvenile person, in consideration to his social and psychological maturity (Article 186 of the Code of Criminal Procedure). In case it is necessary, parents or other legal representatives of a juvenile witness are summoned to the interrogation.

35. A representative of a state children rights protection institution or a psychologist, or parents of the juvenile witness or other legal representatives participating in the interrogation may ask the witness questions upon permission of the chairman of the hearing. A witness younger than sixteen years old must leave the court room after the interrogation, unless the court decides that his staying in the court room is essential. If interrogation in court may cause a mental trauma or other severe damage to a witness younger than eighteen years old, this witness shall not be summoned to the hearing, his

testimony given to the pretrial judge shall be read aloud (Article 280 of the Code of Criminal Procedure). A representative of a victim younger than eighteen years old must participate in an interrogation of the victim. A victim of such age and his representative are not obliged to participate in the entire examination of the case. If interrogation in court may cause a mental trauma or other severe damage to a victim younger than eighteen years old, his interrogation in court is not mandatory. His testimony given to the pretrial judge shall be read aloud (Part 3 of Article 283 of the Code of Criminal Procedure).

36. When the suspect/the accused is juvenile, order of interrogation of aforementioned persons shall also be different from general order, i.e. a representative of a state children rights protection institution or a psychologist may be summoned to the interrogation of the suspect younger than eighteen years old upon request of participants of the procedure or as initiated by the pretrial investigator, the prosecutor or the pretrial judge, the representative of the psychologist would help in interrogation of the juvenile in consideration to his social and psychological maturity (Part 5 of Article 188 of the Code of Criminal Procedure). A representative of a state children rights protection institution or a psychologist may be summoned to the interrogation of the accused younger than eighteen years old upon request of participants of the procedure or as initiated by the court, the representative of the psychologist would help in interrogation of the juvenile in consideration to his social and psychological maturity (Part 4 of Article 272 of the Code of Criminal Procedure).

37. As for the procedure of criminal cases in Court of Appeals, it must be stated that examination of evidence in Court of Appeals is performed in accordance with regulations established in section XXI of the Code of Criminal Procedure. These regulations are for examination of evidence in Court of First Instance. Thus, if juvenile persons are to be interrogated in Court of Appeals, they shall be interrogated following the same order as in Court of First Instance. The same regulations must be followed in examination of cases in Court of Cassation.

38. The Ministry of Justice has prepared a draft Law for modification and supplementation of Articles 9, 154, 186, 280, 283 of the Code of Criminal Procedure of the Republic of Lithuania and supplementation of annex to the Code (draft registration No. XIP-4797 at the Parliament of the Republic of Lithuania (hereinafter – the Draft No. XIP-4797)), it establishes that examination in camera shall be allowed in cases where victims are younger than eighteen years old. The Draft suggests establishment of mandatory video and audio recording of interrogation of a juvenile witness and victim during the pretrial investigation. In such cases, after establishment of mandatory recording during pretrial investigation, the recording may be presented during examination of evidence at the sentencing hearing. If the child is summoned to the hearing, he must have a possibility to be in a different place from other participants of the procedure, execution of interrogation of the child must be possible using audio and video recording devices.

39. It is established in Clause 1 of Article 4 of the Law on Protection of Participants in Criminal Procedure and Criminal Intelligence, as well as Officials of Justice and Law Enforcement Institutions in the Republic of Lithuania from Criminal Influence (hereinafter – the Law) that protection from criminal influence may be applied on persons participating in criminal procedure: witnesses, victims, experts, specialists and attorneys (representatives), legal representatives, suspects, the accused, convicts, the exculpated, persons who had their case (pretrial investigation) terminated. In accordance with Part 1 of the Law, protection from criminal influence may be applied on these persons by a motivated suggestion by the head of a pretrial investigation institution or the territorial prosecutor's office, or the head of a department of the General Prosecutor's Office of the Republic of Lithuania. General decision regarding application of protection from criminal influence shall be made by the General Prosecutor of the Republic of Lithuania and the General Commissioner of the Republic of Lithuania or the Director of the Prison Department within no more than 5 business days after receipt of the motivated suggestion.

It is established in Part 4 of Article 183, Part 6 of Article 279 of the Code of Criminal Procedure that a witness, who has protection from criminal influence applied following order established by law, may be interrogated using remote audio and video equipment. The same order of interrogation would be applied on the victim as well (Article 185, Part 2 of Article 283 of the Code of Criminal Procedure).

40. The Ministry of Justice has also prepared a draft Law for modification and supplementation of Articles 71, 75, 82, 120, 121, 126, 132, 139, 167, 179, 183, 218, 219, 233, 236, 261, 273, 279, 285, 286, 317, 319, 407, 426, 427, 428, 429, 432 of the Code of Criminal Procedure and supplementation of the Code with Articles 91, 1311, 4301 (draft registration No. XIP-4759 at the Parliament of the Republic of Lithuania). It suggests using remote audio and video equipment in interrogation of a witness and a victim in other cases as well, when these persons are not able to be present at the interrogation during pretrial investigation or in court.

41. The right of a victim or a witness to ask the Prosecutor or a pretrial investigator for anonymity is also established in Part 1 of Article 198 of the Code of Criminal Procedure. It is established in Part 3 of the Article that if anonymity is reasonable, the Prosecutor or a pretrial investigator may initiate anonymity.

#### **Reply to the issues raised in part I, paragraph 4, of the list of issues**

42. According to data at children rights protection services, 1261 children experienced abuse in the year 2012. 1343 cases of child abuse were reported. In comparison to the year 2010, the number of abused children insignificantly increased during the last 3 years. Different number of abused children (1261) and cases of child abuse (1343) shows that in some cases children experience repeated or regular abuse. Almost equal amount of cases of physical (50%) and psychological abuse were recorded in the year 2012. Comparing the data with the year 2010, it is obvious that amount of cases of sexual abuse against children was decreasing in the year 2011 and 2012.

43. When collecting statistical data about children who experiences abuse, children living in child care institutions are not excluded. However, in accordance with Clause 1.5 of order No. A1-114 (Regarding Commission to the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour) of the Minister of Social Security and Labour of the Republic of Lithuania on 23rd of February, 2012, Description of Order of Notification of Special Cases Related to Possible Violation of Children's Rights was approved by order No. BV-8 of the Director of the Service on 10th of May, 2012, the Description is for employees of child care institutions, children rights protection services and the State Child Rights Protection and Adoption Service, the aim is to determine the mechanism of cooperation, providing information about special cases.

44. A special case, as defined in the Description of Order, shall be a case when damage (by action or inaction) was done to a child's health, or he was killed, irrespective of whether another child or an adult did the damage or killed the child. If a special case occurs in the biological family or that of foster parents, or an institution, children rights protection services or administrations of child care institutions must immediately (by telephone) inform responsible specialists at the Service and to prepare exhaustive information about the circumstances of the special case within 3 business days. Having received the information about the special case, organized and provided help, the Service shall evaluate and decide whether child care institutions and children rights protection services took the required actions to ensure and protect the violated rights and interests of the child, and whether the actions of the institutions require attention of the founder of the institution or the Director of the municipal administration.

45. The Service registered 53 special cases in child care homes in the year 2012 (from 29th of February to 31st of December), children rights protection services and child care institutions of towns and districts informed about the cases. Number of child victims in these cases was 61. The majority of the reports were on sexual abuse against children residing in child care institutions. 19 juveniles were victims of sexual abuse. Mostly children of age 10-14 years were victims of sexual abuse (8 children), 6 children were of age 15-17. 9 children from child care institutions experienced physical abuse. Most of them were 10-14 years old.

46. In case a child from a child care institution experiences abuse or gets into a situation which causes danger to his life, the institution must immediately contact a law enforcement institution, inform the children rights protection service and address medical institutions. Social workers, pedagogues and a psychologist (if available at the institution) at the child care institution shall provide the child with social, pedagogical and psychological help. In a special case educational preventive activities related to the type of the special case are activated.

47. When analyzing information about special cases in child care institution, the Service notices that not all institutions have a complex plan of help, which would include other kinds of help (maybe more useful for the child) apart from psychological help, would have aims set, duration of help and results to be achieved. In consideration to type and frequency of such cases, specialists at the Service started to visit care institutions in the year 2012 and to analyze ability of child care institutions to solve critical situations as well as help they provide to juveniles. Special cases and solutions thereof are also discussed in interinstitutional meetings.

48. Lithuania ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereafter – the Lanzarote Convention) in the end of the year 2012. Lithuania is planning to use experience of Iceland in practice. The Ministry of Social Security and Labour of the Republic of Lithuania participates in the European Economic Area Financial Mechanisms Programme Children and Youth at Risk, the Ministry plans to establish A Help Center for children who are victims of sexual abuse before the year 2016, in accordance with Icelandic model Barnahus. Lithuania hopes to cooperate with Barnahus experts in Iceland in the future, in order to train Lithuanian specialists for work with children who experienced sexual abuse. Establishment of such center for Lithuanian children who experienced sexual abuse would also ensure specialized complex help to their families, quality of interrogation of the child and other services would be good. Such center would also contribute to implementation of provisions of the Lanzarote Convention.

### **Reply to the issues raised in part I, paragraph 5, of the list of issues**

49. General fundamentals of children rights protection and the right of a child to privacy protection are regulated by the Law of Children's Rights Protection, the Civil Code, the Law on Legal Protection of Personal Data. Violations of provisions of the aforementioned legal acts may cause liability established in legal acts.

50. It is established in Article 2.2 of the Civil Code that a photo (or a part of it), portrait or another reflection of a natural person may be reproduced, sold, demonstrated, printed and the person may be photographed solely with the consent of the person. In case of a child, such consent may be given by legal representatives of the child, and such actions are forbidden without a prior consent. If the right of a natural person is violated, such person is entitled to demand for termination of such actions and for compensation of material and nonmaterial damage, following judicial order. It is established in Article 2.3 of the Civil Code that private life of a natural person is inviolable. The following shall be considered to be violations of private life: illegal entering into residential or other premises of the person,

as well as fenced private territory, illegal watching of the person, illegal search of the person or his properties, violation of confidentiality of telephone conversations of the person, as well as mail and other correspondence and personal notes and information, announcement (violating order established by law) of information about health condition and other illegal actions. Collection of information about private life of a person is forbidden when it is done violating legal acts. Announcement of information about private life of a person, even though the information is true, as well as announcement of personal mail, violating order established in Parts 1 and 3 of this Article, as well as entering the place of residence of a person without his consent, except cases established by law, as well as watching a person's private life or collecting information about him and other illegal actions violating the right to private life may serve as a basis for filing a claim for compensation of material and nonmaterial damage caused by such actions. The aforementioned provisions are also applied in cases of rights of children to private life and protection of the right to image.

51. We are informing that public awareness activities are regulated by the Law on Public Awareness of the Republic of Lithuania, the newest edition was approved in the year 2010. This Law establishes the order of collection, preparation, publication and distribution of public information, as well as rights, obligations and liability of organizers of public information, distributors, participants thereof, reporters and institutions regulating rights of these persons.

52. It is established in Part 1 of Article 13 of the Law on Public Awareness that the following is forbidden when collecting and publishing information in order to not violate personal rights, to protect dignity and honour: 1) to film, take pictures, make audio and video recordings in the place of residence of a natural person, private home of a natural person and his fenced or otherwise marked territory without consent of the person, irrespective of whether the person is present at the mentioned places; 2) to film, take pictures, make audio and video recordings at private events without consent of hosts authorized to organize such events; 3) to film, take pictures of a person and to use the images for advertisements in mass media without consent of the person; 4) to film and take pictures of a person with obvious physical defects without consent of the person or to film and take pictures of a person when he is helpless due to health disorder; 5) to film, take pictures, make audio and video recordings of a child without consent of at least one of his parents, foster parents or caregivers and the child. It is forbidden to use pictures and audio or video recordings of children in erotic, pornographic or violent information; 6) to film, take close-up pictures, make video recordings of a dead person without consent of his family members. The human right to protection of private information must be ensured when preparing and distributing public information (Part 1 of Article 14). Thus, information about a child and images of him must be published without prejudice to dignity, honour and private life of the child. Otherwise, publishing information about a child, recording images of him even with consent of parents, foster parents or caregivers may violate rights of the child and shall be illegal.

53. The main mechanism of legal regulation of protection of juveniles from negative influence of public information is the Lithuanian Law on Protection of Juveniles from Negative Influence of Public Information. This Law establishes criteria of public information that causes negative influence on juveniles, as well as order of distribution of such information, and rights, obligations and liability of organizers of such information, distributors, participants thereof, reporters and institutions regulating rights of these persons.

54. In accordance with the Law on Protection of Juveniles from Negative Influence of Public Information, distribution of public information that causes negative influence on development of juveniles in mass media is forbidden when such information is related to publication of personal data: 1) when personal information of a suspect, an accused person,



a convict or a juvenile victim of a criminal act or other violations of law is published as related to criminal activity or other violations of law and the person is not hiding from law enforcement institutions or court, when his personal identity may be revealed using such personal data; 2) when personal data of a juvenile person who injured himself or tried to do it or committed suicide or tried to do it are published, when his personal identity may be revealed using such personal data; 3) when such information about a juvenile may humiliate him and (or) violate his interests; 4) when trust and lack of experience of juveniles is abused and opinions and evaluations of juveniles are presented in the context of negative social phenomena; 5) when pictures of juveniles or video material about them are presented in the context of negative social phenomena, if personal identity may be revealed using such material (Article 6).

55. Implementation of provisions of the Law on Protection of Juveniles from Negative Influence of Public Information is supervised by the Inspector for Journalists Ethics (hereinafter – the Inspector). The Inspector analyzes complaints and claims of concerned persons regarding violation of their dignity and honour in mass media, regarding violation of their right to private life in mass media, regarding violation of personal data management in mass media. Performing his functions established by law, the Inspector for Journalists Ethics may warn the organizers and distributors of public information about the noticed violations of legal acts regulating public awareness and demand for elimination of such violations; demand for the organizer or distributor of public information to deny the published false information which violates dignity and honour or is harmful to the person's professional reputation, legitimate interests or to provide the person with a possibility to response or deny such information; address competent governmental institutions and the Ethics Commission of Journalists and Publishers regarding noticed violations of this Law and other legal acts regulating public awareness; issue administrative law infringement protocols in cases established in the Code of Administrative Infringements of the Republic of Lithuania, analyze cases of administrative law infringements and impose administrative fines. The following institutions are also responsible for law enforcement on the aforementioned Law: the Lithuanian National Radio and Television Council, the Lithuanian Radio and Television Commission, the Ministry of Culture, the Ethics Commission of Journalists and Publishers of Lithuania, Institution of the Ombudsperson for Children's Rights, municipal executive institutions, the Information Society Development Committee (Article 50 of the Law on Public Awareness, Article 9 of the Law on Protection of Juveniles from Negative Influence of Public Information).

56. It should be noted that valid legal acts allow persons to apply complex actions when defending their rights violated by mass media, i.e. it is possible to contact mass media supervision institutions regarding ethical responsibility and to defend violated rights following judicial order (regarding denial of false information, compensation of nonmaterial damage). In extraordinary cases, a person is entitled to defend his rights violated in mass media using administrative law measures. Also, in certain cases, if the victim filed a complaint, criminal liability may be imposed for violation of the right to inviolability of personal life, for defamation or insult.

### **Reply to the issues raised in part I, paragraph 6, of the list of issues**

57. Families classified as social risk families had the biggest number of juvenile children up to 3 years old in the year 2012, 2011 and 2010 – more than a thousand children. It shows that families with juvenile children are quite rapidly recognized by specialists (medical personnel, social workers) as families in need of help and families where rights of children may be violated and safety of them is not ensured. Early recognition of such families allows more active and more successful solution of their issues by providing necessary social services of other help to the whole family, it also helps to successfully

avoid critical situations in the families, when children must be taken away and separated from their parents.

58. In the year 2012, the majority of 1205 cases of establishment of child custody (care) in institutions, i.e. 35.3% (425 cases), were children of 0-3 years old. Usually temporary custody is established for children who lose paternal custody before 3 years of age, in order to return them to their families. Temporary custody was established for 421 children of such age (i.e. 34.9% of all cases of establishment of temporary custody within this period) in the year 2012, and at the end of the period 499 children younger than 3 years old lived in care institutions, temporary custody was established for 373 of them.

59. In consideration to the current situation and in order to not separate a child from parents social work is organized in municipalities, services are provided to families (Information is provided in the response to the 10th question)

### **1. Children's day care centers**

60. Implementing the strategy of reorganization of the system of child custody (care) in the year 2007-2012, the very first aim was to ensure the right of a child to grow up in a family, therefore activities of children's day care centers were developed in municipalities, providing ambulatory services of social care during the day for children of social risk families. Approximately 180 children's day care centers are currently sponsored by State budget. Approximately 5000 children attend these centers. It should be noted that services provided by children's day care centers satisfy solely  $\frac{1}{4}$  of the demand because 22075 children were in social risk families in the year 2012.

### **2. Complex services for families in critical situation**

61. In order to reduce the number of children in child care homes and children younger than 3 years old who are sent to child care institutions, contests of programmes of complex services for a child and his mother (father) going through a crisis are organized since the year 2008, funds are allocated from State budget. The programmes are implemented by municipal social support or crisis centers and nongovernmental organizations. Executors of the programmes in the year 2008-2011 have provided complex help to more than 1500 families and 2345 children. The majority (30 per cent) of children who participated in the programmes were children younger than 3 years old. The aim of implementation of strategy of reorganization of the Child custody (care) system was mostly to reduce separation of a child of such age from the family. Provision of complex help to a child and his mother (father) going through a crisis provides the child with a possibility to grow up in a family and the family is then able to overcome the crisis and to live self-sufficiently.

62. Social help was provided to participants of the programmes, they were supplied with essential items, services of information, mediation, consultation, representation, administration of personal documents were provided. Feeding was also organized, safe temporary housing was provided, as well as psychological, legal, medical consultations and development of household skills, professional orientation and help in job seeking, temporary supervision of children.

### **3. Strengthening of child custody (care) in a family**

63. In order to reduce the number of children in child care institutions, services of searching for foster parents (caregivers) and adoptive parents, preparation, selection, consultation and assistance to them have been organized since the year 2008, the programmes were financially sponsored. Future foster parents (caregivers) and adoptive parents in Lithuania are currently prepared by teachers of the GIMK (Be Born) programme (a training programme for caregivers and foster parents). To ensure quality of help for families of foster parents (caregivers) and adoptive parents, a continued training

programme for caregivers and adoptive parents was started in the year 2011, the programme is designed for training of the teachers of GIMK programme on how to provide help to families of foster parents (caregivers) and adoptive parents. Implementing this measure, general system of preparation and help for foster parents (caregivers) and adoptive parents was created and is active. 1518 families of foster parents (caregivers) and adoptive parents were prepared in the year 2008-2012.

64. Strategic Guidelines for Deinstitutionalization of Social Care Homes for Disabled Children, Children without Parental Custody, Adult Disabled People (hereinafter – Strategic Guidelines) were approved by order No. A1-517 of the Minister of Social Security and Labour on 16th of November, 2012, to implement the United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol thereof, United Nations Convention on the Rights of the Child, United Nations Guidelines for the Alternative Care of Children, provisions of the European Disability Strategy (year 2010-2020).

65. The aim of deinstitutionalization is to form a consistent and coordinated system of assistance and services that would provide each disabled child, a child without parental custody, a disabled person with a possibility to get individual necessary services and required help in community. The aim is also to provide the conditions for each disabled child, a child without parental custody to grow up in a safe environment, beneficial for his development, in the biological family or, in its absence – a family of foster parents. In special cases conditions close to familiar ones may be created.

66. Main directions of deinstitutionalization:

(a) To develop social and other services oriented to the needs of family and children, especially in rural areas, in order to keep a child with his parents;

(b) To improve services related to preparation for custody of a child and services to families that already serve as foster parents;

(c) To create a network of professional temporary foster parents who could take care of a child who is temporarily separated from parents and to provide services to the child and his family as well;

(d) To improve legal regulation, for children younger than 3 years old to not get into institutional custody. In this case conclusions and recommendations after research of the Inspector of Children Rights Protection are considered as well, as mentioned by the Committee;

(e) To improve legal regulation of activities of social families – solely persons with custodian experience as well as relevant education (for example, a social pedagogue, a social worker, a psychologist) should be allowed to establish a social family. A possibility to reduce the maximum number of children to be kept at a social family is being considered;

(f) To improve order of sponsorship for ambulatory social care institutions;

(g) To improve legal regulation of adoption in Lithuania;

(h) To organize publicity campaigns that would form positive attitude of the society towards a child in custody and custody in a family, as well as adoption;

(i) As for system of education – to draw more attention to preparation of pupils for positive parenthood;

(j) To provide conditions for disabled children to get necessary help at specialized nursing and care homes in cases when the family of the child is not able to ensure proper care and nursing;

(k) To provide juveniles younger than 21 years (24 years), who leave a care institution, with a possibility to get social services, necessary help in preparation for self-sufficient life and to receive temporary housing;

(l) To provide disabled children who reach majority with a possibility to get social services and help in consideration to their self-sufficiency (irrespective of whether they live with parents), to protect their dignity in the community;

(m) To evaluate employment possibilities at reorganized ambulatory social care institutions by suggesting transferring from ambulatory care to non-ambulatory (e.g. professional child care, children's day care centers, children crisis centers where the personnel could work with children in critical situations, as well as with their biological parents, in programmes for support for foster parents, they could perform the mediation function, etc.). A part of personnel working in the community shall remain to work at ambulatory social care institutions during the transition period and the salary will be paid from funds allocated for maintenance of these institutions. Trainings will be conducted, informal providers of services, family members and foster parents shall be involved;

67. The Ministry is preparing a deinstitutionalization programme for the year 2013, for implementation of these guidelines.

68. Estimated period for implementation of the programme – year 2014-2030. European Union structural funds for the year 2014-2020 are to be used for implementation of the programme.

### **Reply to the issues raised in part I, paragraph 7, of the list of issues**

69. The Early Childhood Intervention Service was established in the year 1996, and since then it has been successfully developed. Currently, it includes 41 secondary level Services in regions and towns as well as 2 tertiary level Services, which function at the Children's Hospital, Affiliate of Vilnius University Santariškių Klinikos and at the Hospital of the Lithuanian University of Health Sciences Kauno Klinikos. One needs a general practitioner's or child and adolescent psychiatrist's referral in order the services were financed from the Mandatory Health Insurance Fund budget.

70. The early childhood intervention service (ECIS) ensures detection of early developmental disabilities of children (DDC), early complex support to children having DDC and their parents (foster-parents), DDC and disability primary, secondary and tertiary prevention, complex intervention and integration into the society and educational system. These services are provided by a team of specialists, consisting of a doctor, having the licence of a paediatrician, paediatric neurologist or physical medicine and rehabilitation doctor and a medical psychologist, speech-language pathologist, physiotherapist, special educator, occupational therapist, nurse, social worker.

71. The ECISs of secondary level in order of priority are provided to children under 4 years old, elder (under 7 years old) children, who do not attend the education establishment, may also receive these services.

72. The ECIS of tertiary level are provided to all children under 7 years old, who have developmental disabilities.

73. In the year 2011, after the provisions of the Law on Special Education were integrated into the Law of the Republic of Lithuania on Education, the provision to the develop the idea "schools to everyone" and implement inclusive education was validated. There were started to be established methodical centres in Lithuania, the purpose of which is to provide education services to pupils having special education needs, meet their needs of education, support and other services.

74. This is also contributed by the implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Strategic Guidelines on Deinstitutionalisation of Social Care Homes for Disabled Children, Children deprived of Parental Care, and Adult Disabled Persons (please see the answer to question 6).

### **Reply to the issues raised in part I, paragraph 8, of the list of issues**

75. At the moment in Lithuania there are 8 “baby boxes”, 7 in towns of Lithuania, in the premises of hospitals or care institutions. The establishment of new “baby boxes” is not envisaged in Lithuania. The purpose of “baby boxes” is to protect newborns, biological parents of which do not want to raise them, from possible death.

76. By Minister of Social Security and Labour of the Republic of Lithuania No A1-579 of 16 September 2009 an interinstitutional working group was created for solving the issues regarding neonaticide and anonymous leaving of newborns in unsafe place (hereafter – the working group). The working group examined neonaticide and leaving of newborns in unsafe place prevention measures applied, possible proposals to the Government concerning their improvement and the need for “baby boxes or other appropriate means. The working group recommended for avoiding the increase in leaving children not to promote the establishment of “baby boxes”, to inform the public about the importance of each life via social advertisement, to encourage the state, self-government, community and all public to contribute to preserving life as well as provide different social, psychological, economic, legal support to pregnant women, parents and relatives of babies that are being born.

77. By Minister of Social Security and Labour of the Republic of Lithuania No A1-286 of 17 June 2011 the recommendations on the interinstitutional cooperation in case of finding a child at a health care institution or at an institution, where there is established a “baby box”. By these recommendations there is established the procedure for how to take care of a found child, identify his/her origin, while in case it is not identified, to propose him for families willing to adopt in order the child was not placed at the institution. Temporary care for the found child is established within three days from the day the information on the found child was received. Statistical data shows that most of children found in “baby boxes” were immediately placed in the family of future foster-parents.

78. In the year 2009 there was found 1 child, to whom temporary care in the family of future foster-parents was established.

79. In the year 2010 there were found 12 children in “baby boxes”, out of which:

(a) To 1 child institutional care was established, as his biological mother intended to return children to her family;

(b) To 11 children temporary care in the family of future foster-parents was established.

80. In the year 2011 there were found 31 children, out of which:

(a) To 3 children institutional care was established, as their biological mothers intended to return children to their families;

(b) 4 children were returned to biological mothers;

(c) To 4 children, who had health disorders, temporary care at the institution was established;

(d) To 20 children temporary care in the family of future foster-parents was established.

81. In the year 2012 there were found 13 children, out of which:

(a) To 3 children (twins and a girl) institutional care was established, as their biological mothers expressed wish to return children to their families;

(b) To 10 children temporary care in the family of future foster-parents was established.

82. In Lithuania there is no data on the reasons why infanticide cases take place, as there has been no research done on that so far. In the year 2010 there was registered 1 infanticide, in the year 2011 there have been no such cases, while in the year 2012 there were registered 3 cases. Since the year 2005 social workers and psychologists work in hospitals. Since the year 2011 hospitals are able to employ social workers and psychologists at their discretion.

### **Reply to the issues raised in part I, paragraph 9, of the list of issues**

83. In Lithuania there are no specialised juvenile or family courts, also there are no judges who specialise and work just with the cases related to juvenile. However, in 2009-2012 the Training Centre of the National Courts Administration organised seminars under the qualification upgrading programmes “Juvenile Justice“, “Family and Inheritance Law”, where the issues related to protection of children rights were analysed. In the seminars judges, prosecutors, police officers, other officers from the Police School of Lithuania, Lithuanian Criminal Police Bureau, probation offices, judge assistants, specialists from the state guaranteed legal aid services took part.

84. In the implementation of the provisions of the Prosecutors’ Specialisation in Criminal Procedure, in all level prosecutor’s offices there were assigned prosecutors who specialise in the area of juvenile justice. Specialisation of prosecutors in the area of juvenile justice at the Prosecution Service of the Republic of Lithuania, territorial prosecutor’s offices was also embedded in the Recommendations on Prosecutors’ Specialisation in Criminal Procedure and Distribution of Pre-Trial Investigations to Prosecutors.

85. By Prosecutor General of the Republic of Lithuania Order No I-126 of 16 September 2009 the Recommendations on Interrogation of Juvenile and the Aggrieved Party were approved.

86. On 8 December 2009 at the Prosecutor General’s Office there was held a seminar on the topic of juvenile justice to prosecutors, who specialise in the area of juvenile justice.

87. On 25 March 2011 Panevėžys Regional Prosecutor’s Office together with Panevėžys County Police Headquarters organized a seminar “Aspects of Interinstitutional Cooperation in Ensuring Effective Pre-Trial Investigation in Juvenile Criminal Cases“, where all specialised prosecutors of Panevėžys County took part.

88. Prosecutors specialising in the area of juvenile justice upgrade their qualification while participating in interinstitutional qualification upgrade programmes organised by the Training Centre of the National Courts Administration:

(a) On 5-8 December 2011 a 25-academic hour seminar “Juvenile Justice”;

(b) On 19-22 March 2012 and 17-19 December 2012 24-academic hour seminars “Juvenile Justice”.

89. Specialised prosecutors also participated at the international conferences and training sessions organised by the Children Support Centre:

(a) On 5 November 2010 a conference “Strengthening of Protection of Children from Child Care Homes against Violence and Sexual Abuse. Interinstitutional Attitude”;

(b) On 24 May 2011 a conference “A Child – Victim of Violence: Interdepartmental Attitude and International Experience”;

(c) On 12-13 June 2012 training sessions “Interrogations of Children, Violence Victims and Witnesses. Methods and Recommendations on How to Work with Children”;

(d) On 28 September 2012 a national conference “Let’s Protect Early Childhood”.

90. Participation in training seminars and conferences organised by other institutions:

(a) On 25-27 May 2011 an international training seminar “Investigations and Criminal Prosecution for Sexual Abuse of Children on the Internet” organised by the Organization for Security and Cooperation in Europe, Committee on Human Rights of the Seimas of the Republic of Lithuania and Institution of Ombudsman for Children Rights of the Republic of Lithuania;

(b) On 10 October 2011 an international conference “Protection against Violence in Close Environment: Challenges of Implementation” held in the Seimas of the Republic of Lithuania.

91. Prosecutors specialising in the area of juvenile justice take active participation in prevention programmes in order to improve the cooperation of juvenile justice system institutions and to coordinate the actions of all institutions, cooperate with the staff of the Institution of Ombudsman of Children Rights, Municipal Education Divisions, subdistricts, heads of schools and social educators.

92. Taking into consideration that through the efforts of territorial prosecutor’s offices and Divisions of Children Right Protection of municipality administrations it is possible to defend children rights and legitimate interests more efficiently as well as in order to ensure a closer cooperation between territorial prosecutor’s offices and Divisions of Children Right Protection, to improve protection of children rights in criminal procedure on 27 January 2011 the Prosecutor General’s Office of the Republic of Lithuania, Ministry of Social Security and Labour and the Institution of Ombudsman of Children Rights signed Cooperation Agreement No 17.3-40/D4-45/11-1.

93. One of activity areas of specialised prosecutors is participation in the activity of the Child Welfare Commission at the municipality administration. Article 14(2) of the Law on Minimum and Average Care of a Child envisages that the Child Welfare Commission at the municipality administration, in addition to representatives of other institutions, also includes the representative of territorial prosecutor’s office. In the year 2012 in the Child Welfare Commissions at 58 municipality administrations there worked 55 prosecutors, who were included into the composition of the Commissions by the Orders of the Municipality Directors.

94. Prosecutors were in particular active in giving lectures to pupils; however, special prosecutors not only give lectures to pupils, but also put efforts so that pupils aimed at gaining legal knowledge themselves. The work by Panevėžys County Prosecutor’s Office in preaching legal knowledge to pupils is noteworthy. Since the year 1996 in Panevėžys region there has been started to be organised a knowledge competition-quiz of legal knowledge “Themis” for the 9-12<sup>th</sup> form pupils of secondary schools. Over this period the competition grew up into the national one and a final national tour is organised in Panevėžys each year. This competition-quiz encourages pupils’ legal sophistication, provides pupils with a possibility to meet the representatives of law-enforcement institutions in informal environment, to learn rights and duties of juvenile.

## Reply to the issues raised in part I, paragraph 10, of the list of issues

### 1. Banning corporal punishments

95. At the moment the draft Law amending Articles 2, 10, 49, 56 and 57 of the Republic of Lithuania Law on Fundamentals of Protection of Rights of the Child (draft law registration No. XIIP-317 in the Seimas), by which it is proposed to define the conception of violence against children, different violence against children forms and to embed banning any violence against the child, is under consideration in the Seimas of the Republic of Lithuania.

### 2. Reform of institutional care

96. Information on deinstitutionalisation guidelines is provided in the reply to the issues raised in paragraph 6 of the list of issues.

### 3. Programme for Preparation for Family and Sexual Education

97. The Programme for Preparation for Family and Sexual Education, approved by Minister of Education and Science of the Republic of Lithuania Order No ISAK-179 of 7 February 2007, regulates the main principles of sexual education. One of the objectives of the programme is to present an aggregate concept of sexuality including biological, social, psychological, cultural and spiritual aspects. The goal of this programme is to develop pupils' personal, health maintenance and social skills while preparing them for life outside school and for adult life in rapidly changing society.

98. Four key topics are distinguished in the Programme: family; gender, culture, society; sexual health; risky behaviour. In the implementation of the Programme for Preparation for Family and Sexual Education, in the year 2006 by the Order of the Minister of Education and Science of the Republic of Lithuania, the Methodological Recommendations on Drafting the Programmes for Preparation of Children and Youth for Family were approved (Official Gazette, 2006, No 23-766), Programme for Spread about Preparation of Children and Youth for Family and Sexual Education, Plan of the Implementation Measures of the Programme for Preparation for Family and Sexual Education were approved. In the year 2009 the Programme for Qualification Upgrade for Teachers was prepared and accredited (EDC Director Order No.1.18-202 of 25 November 2009).

### 4. Strengthening of social risk families and the system of social support to the family

99. As of the year 2007 in order to strengthen social work with social risk families, the job positions of social workers to work with social risk families are created in municipalities from the State budget, the number of which increases every year (from 556 in the year 2007 to 634.5 in the year 2013).

Table 1.

#### Dynamics of social workers' job positions and funds attributed to social care

(Data by the Ministry of Social Security and Labour)

<i>Year</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Job positions	556	612.5	629.5	629.5	630.5	630.5	634.5
Funds (million LTL)	8.04	13.49	16.13	13.96	13.96	17.38	19.77

100. Greater and greater attention is given to social workers (wages, workload, qualification upgrade):



(a) Increasing official wage rate (in the year 2007 it was 8 (basic monthly salary), as of the year 2012 – 13);

(b) Decreasing workload (in the year 2007 there were 22 families for 1 social worker's job position; in the year 2012 – 17). In the year 2013 the Ministry of Social Security and Labour plans to foresee a maximum number of social risk families per every social worker's job position financed by the funds from the State budget;

(c) Aiming at higher quality of services provided, staff members participate in qualification upgrade training sessions; to facilitate work the methodological publications are prepared and published. In the year 2012 Lies Gualtherie van Weezel, Expert of Social Work from the Netherlands together with specialists of different areas working with social risk families (social workers of subdistricts for work with social risk families, social workers working at social service offices (e.g. social service centres, child day-care centres, children's social care homes, etc.), specialists of Divisions for Protection of Children Rights, etc.) prepared the Methodology of Social Work with Social Risk Families, following which in the year 2013 it is planned to train both social workers and specialists of children right protection – during training sessions evaluation of family situation and planning of work with a family will be emphasized.

Table 2.

**Statistics on social risk families and children raised in them**

	<i>In 2010</i>	<i>In 2011</i>	<i>In 2012</i>
Number of social risk families	10,856	10,613	10,380
Number of children raised in social risk families	22,217	21,881	21,297
Number of families included into the register of social risk families over a year	1,753	1,686	1,766
Number of children raised in them	3,065	2,962	3,146

**5. Monetary support to families, also applied to social risk families**

101. For benefits to persons raising and taking care of children, over the year 2011 LTL 223.6 million were spent (21.6 per cent of total expenditure for monetary social support). In the year 2010 expenditure to these benefits represented 27.5 per cent of total expenditure to monetary social support. Over the 1st quarter of the year 2012, LTL 49.8 million (17 per cent of total expenditure to monetary social support) were spent, in the 1st quarter of the year 2011 expenditure to these benefits represented 17.2 per cent of total expenditure to social support.

102. Out of them the child benefit was paid as follows: over a month of the year 2011, 117.3 thousand children received it (i.e. 18.8 per cent of children in Lithuania) and to pay this benefit about LTL 7.7 million per month were spent. Over one month of the 1st quarter of the year 2012 this benefit was received by 91.1 thousand children (i.e. 14.9 per cent of children in Lithuania) and to pay this benefit, about LTL 6.5 million were spent on the average per month. Over the 1st quarter of the year 2012, as compared to the 1st quarter of the year 2011, the number of child benefit receivers over a month decreased by about 15.1 per cent (from 107.3 thousand children to 91.1 thousand children), while expenditure to paying this benefit decreased by about 10.4 per cent (from LTL 21.8 million to LTL 19.6 million).

103. Decrease in the number of child benefit receivers and funds to pay this benefit was predetermined by that as of 1 January 2010 legal regulation of payment of child benefit, having assessed family income, including assessment of family, which raises children under 2 years old, income came into force as well as there was statistical trend of decrease in children under 7 years old.

104. In the year 2011 the lump-sum benefit in case of birth of a child was received by 32.9 thousand persons, LTL 46.9 million were spent.

105. In the year 2012 LTL 130.9 million were assigned to social support to pupils (in the year 2011 – LTL 118.5 million), out of which for free of charge meals – LTL 103.6 million, support for acquisition of pupil's materials – LTL 22.3 million, administration – LTL 5 million.

106. In school year 2012 free of charge meals were assigned to 128.5 thousand pupils (in the year 2011 – 142.4 thousand pupils).

107. In the year 2011 support for acquisition of pupil's materials was received by 137.4 thousand pupils, in the year 2012 – 118.3 thousand pupils.

108. In the year 2011 the Children's Maintenance Fund Administration under the Ministry of Social Security and Labour paid benefits from the Children's Maintenance Fund to 21,637 children. In the year 2011 the size of appropriations was LTL 42,630 thousand.

109. Care (social care) benefit: in the year 2011 on the average per month 12.4 thousand persons received it, LTL 68.98 million were used. The number of care (social care) benefit receivers on the average over one month of the 1st quarter of the year 2012, as compared to the 1st quarter of the year 2011, decreased from 12.6 to 12.5 thousand (0.8 per cent), while expenditure for paying this benefit decreased from LTL 17.2 million to LTL 16.8 million (2.3 per cent).

### **Reply to the issues raised in part I, paragraph 11, of the list of issues**

110. In the Programme for Reduction of Morbidity and Mortality from the Major Non-communicable Diseases for the Years 2007–2013 approved by Minister of Health of the Republic of Lithuania Order No V-799 of 9 October 2007, there are envisaged funds of EU Assistance for the years 2007–2013 for the establishment of 5 Centres of Differentiated Complex Mental Help to the Child and Family. In these centres there will be concentrated a complex of flexible services and it will be aimed at ensuring mobility that specialists and teams were able to access persons having problems. The activity of these centres will ensure early help in case of crisis situations when human mental health is disordered and will help to prevent their growth into severe socialisation consequences.

111. Currently, all 5 projects are under implementation, and services are provided in the largest towns of Lithuania. In Šiauliai, Klaipėda and Panevėžys the projects are officially implemented, while in Kaunas and Vilnius their implementation is coming to an end (end in the year 2013). Infrastructure was modernised, small yards were equipped, the required equipment, vehicle for mobile calls were acquired in order a safe and comfortable environment to the patient were created. These Centres of Differentiated Complex Mental Help to the Child and Family in Lithuania will function as a service alongside with other outpatient and hospital services.

112. In the implementation of Measure VP1-4.3-VRM-02-V “Promotion of Public Policy Reforms” of Priority 4 “Strengthening of Administrative Capacities and Enhancement of Public Sector Administration Efficiency” under the Operational Programme for the Development of Human Resources for the years 2007–2013, the State Mental Health Centre implements project No VP1-4.3-VRM-02-V-05-002 “Study of Public Mental Health Risk Factors and Establishment of Prevention Measure Planning Trends”. The project implementation period is from 16 June 2011 to 16 June 2013. This project includes the analysis of the status of child and adolescent mental health, mental disorder risk and prevention factors.

113. In the implementation of Measure VP1-4.3-VRM-02-V “Promotion of Public Policy Reforms” of Priority 4 “Strengthening of Administrative Capacities and Enhancement of Public Sector Administration Efficiency” under the Operational Programme for the Development of Human Resources for the years 2007–2013, project No VP1-4.3-VRM-02-V-05-008 “Evaluation of Mental Health Services Legal Regulation and Optimisation of Child Mental Health Services” is under implementation. There will be prepared the conception of child mental health (hereafter – the Conception), taking into consideration the recommendations of the international project “Child and Adolescent Mental Health in Enlarged EU: Development of Effective Policies and Practices” (CAMHEE) to the European Union Member States. In the Conception it is envisaged to provide guidelines for optimisation of child mental health services, simultaneously, prevention of child and adolescent suicides would be strengthened.

Table 3.

**Funds from the Mandatory Health Insurance Fund to Care of Mental Health of Children under 18 Years Old in the Year 2011 (Million LTL)**

	<i>Funds, mil., LTL</i>	<i>% to children</i>
Primary outpatient mental health care (to children under 18 years old)	6.5	
% of: total expenditure of primary outpatient person's mental health care	607.8	1.07%
Outpatient specialised mental health care to children under 18 years old	8.6	
% of: total expenditure of outpatient specialised person's mental health care services	560.8	1.53%
Rehabilitation mental health care services to children under 18 years old	2.2	
% of: total compensation of medical rehabilitation and sanatorium treatment expenditure	146.2	1.48%
Hospital mental health care services to children under 18 years old	8.1	
% of: expenditure of hospital person's health care services	1,409.7	0.58%
Total for mental health care of children under 18 years old	25.38	
% of: total for PERSONAL HEALTH CARE SERVICES (including medical rehabilitation)	3,093.6	0.82%

**Reply to the issues raised in part I, paragraph 12, of the list of issues**

114. In Meeting No 49 of the Commission, where the reports by the states following Article 12(1) of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, there were presented final remarks, in item 22 of which Lithuania is indicated that Articles 3(b) and 3(c) of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography must be fully implemented in the laws of the Republic of Lithuania, where, respectively, the states are indicated to criminalise offering, obtaining, procuring or providing a child for child prostitution (child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration) and producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography (child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit

sexual activities or any representation of the sexual parts of a child for primarily sexual purposes). It is also proposed to include the concepts of child prostitution and child pornography.

115. The criminal act established in Article 3(b) of the Optional Protocol to the Convention is criminalised in Article 157(1) of the Criminal Code of the Republic of Lithuania, where it is established that a person who offers to purchase or otherwise acquire a child or sells, purchases or otherwise conveys or acquires a child, or recruits, transports or holds in captivity a child, while being aware or seeking his involvement in prostitution or gaining profit from his prostitution or his use for pornography purposes or forced labour, shall be punished by imprisonment for a term of three up to twelve years. The criminal act established in Article 3(c) of the Optional Protocol to the Convention is criminalised in Article 309(2) and 309(3) of the Criminal Code of the Republic of Lithuania, where it is established, respectively, that a person who produces, acquires, stores, demonstrates, advertises or distributes pornographic material displaying a child or presenting a person as a child shall be punished by a fine or by imprisonment for a term of up to two years, and that a person who, for the purpose of distribution, produces or acquires or distributes a large quantity of pornographic material displaying a young child shall be punished by imprisonment for a term of up to five years. It is also noteworthy that the Ministry of Justice has prepared the draft Law amending and supplementing Articles 7, 8, 60, 95, 151, 1511, 153, 162, 307, 308, 309 of the Criminal Code of the Republic of Lithuania, supplementing the Code with Articles 1001, 1002, 1521 and 2521 and supplementing Annex to the Code (which was registered at the Seimas of the Republic of Lithuania, No XIP-4796), where it is proposed to amend Article 309(2) of the Criminal Code by including offering of pornographic material, displaying a child or a person presented as a child, as an alternative act, as well as acquisition of access to pornographic material displaying a child or a person presented as a child by making use of information and communication technology.

116. In terms of definitions of child prostitution and child pornography in the Criminal Code, it should be emphasized that in the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council framework Decision 2004/68/JHA, the concepts of neither child pornography nor child prostitution were included into the Criminal Code. What is the information of pornographic nature is defined in Article 2(42) of the Republic of Lithuania Law on Provision of Information to the Public, i.e. information of pornographic nature means information when an actual or simulated sexual intercourse, genitalia, defecation, masturbation or paraphilias (paedophilia, sadism, zoophilia, necrophilia, etc.) are openly and graphically depicted and this is the main purpose of such information. Whereas the concept of child prostitution is embedded in court practice, for example, in criminal case No 2K-227/2012 of 8 May 2008 of the Criminal Case Division of the Supreme Court of Lithuania it is explained that “prostitution is the activity done for money or other benefit while having sex or in other way satisfying sexual passion of other persons”.

117. The Government of the Republic of Lithuania By Protocol No 49 of the Meeting of 16-17 July 2012 accepted the Interinstitutional Action Plan for the Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). On 6 November 2012 the Seimas of the Republic of Lithuania ratified the Convention. On 9 April 2013 the Permanent Representative of Lithuania to the Council of Europe officially transferred the Lanzarote Convention ratification documents to the Deputy Secretary General of the Council of Europe. Following Article 45 of the Lanzarote Convention, the Convention to the Republic of Lithuania shall enter into force on the first day of the month following the expiration of a period of three months after its deposit day, i.e. 1 August 2013.

## II. Replies to the issues raised in part II of the list of issues

### Reply to the issues raised in part II, subparagraph (a), of the list of issues

118. On 3 June 2008 Law No X-1566 amending Article 3.65 of the Civil Code of the Republic of Lithuania came into force. By this law the court is granted the right to implicitly order the violent spouse to live separately, i.e. the court shall have no obligation to estimate the possibilities of one spouse to live separately from the other. This change aimed at granting the right to the court to more effectively defend the rights of the abused spouse or child and prevent a family against violence.

119. On 30 June 2012 the Law (XI-2198) amending Articles 147, 1471, 157 and 303 of the Criminal Code of the Republic of Lithuania and Annex thereto as well as supplementing the Code with Article 1472. It replaced Article 157 of the Criminal Code related to trafficking of children:

#### “Article 157. Purchase or Sale of a Child.

1. A person who offers to purchase or otherwise acquire a child or sells, purchases or otherwise conveys or acquires a child, or recruits, transports or holds in captivity a child, while being aware or seeking, taking no consideration of a child's consent, his illegal adoption, exploitation under conditions of slavery or practices similar to slavery, involvement in prostitution, for pornography, other sexual abuse forms, forced labour or services, including begging, committing the offence or other exploitation purposes shall be punished by imprisonment for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of two or more children or young children or by causing danger to the victim's life or by participating in an organised group or being aware or seeking to acquire the victim's organ, tissue or cells or being a civil servant or person carrying public administration functions and exercising authority shall be punished by imprisonment for a term of five up to fifteen years.

3. The victim of the offence under this Article may be exempted from criminal liability for the offence that he directly was forced to do due to the offence done to him envisaged in this Article.

4. A legal entity shall also be held liable for the acts provided for in paragraphs 1 and 2 of this Article.”

120. The Ministry of Justice has prepared the draft Law amending Articles 7, 8, 60, 95, 151, 1511, 153, 162, 307, 308, 309 of the Criminal Code of the Republic of Lithuania and supplementing the Code with Articles 1001, 1002, 1521 and 2521 and amending Annex to the Code (Register No XIP-4796 at the Seimas). The draft amends Article 309(2) of the Criminal Code:

“2. A person who produces, acquires, stores, demonstrates, advertises, offers or distributes pornographic material displaying a child or presenting a person as a child or by making use of the information and communication technology acquired access to pornographic material displaying a child or presenting a person as a child shall be punished by a fine or by imprisonment for a term of up to three years.”

**Reply to the issues raised in part II, subparagraph (b), of the list of issues**

121. By Seimas Resolution No XI-1954 of 29 the conception of reconstruction of the system of the institutions of children's rights was approved, which aims at a more efficient resolution of the problems arising in the area of children's right protection. By Government of the Republic of Lithuania Resolution No 1290 of 24 October the Plan for the Implementation Measures of this Reconstruction Conception (for more information see the answer to question 2 concerning the draft law on Fundamentals of Protection of the Rights of the Children).

122. On 1 October 2010 the reorganisation of territorial labour exchange offices; however, the services provided by territorial labour exchange offices and implemented employment support measures did not change. The procedure for registration in territorial labour exchange offices did not change either – following the Description of the Conditions and Procedure for the Labour Market Monitoring approved by Minister of Social Security and Labour of the Republic of Lithuania Order No A1-473 of 4 August 2009, persons of at least 14 years old can register in territorial labour exchange offices. Such regulation was established following the procedure for employment, health examination and procedure for the establishment of the ability to perform specific work, working hours, prohibited types of work for persons below 18 years old and adoption of the list of health-detrimental and hazardous factors, where it envisaged persons under 14 years old, having received the permit of one of the parents or other child's representative based on the law, while during the period of school year – also a written consent from school, where a pupil learns, are allowed to work easy works, which was approved by Government of the Republic of Lithuania Resolution No 138 of 29 January 2003.

**Reply to the issues raised in part II, subparagraph (c), of the list of issues**

123. Following Minister of Health of the Republic of Lithuania Order No V-470 of 28 May 2012 on the Approval of the Description of the Procedure for Testing of the Eyes of Newborns, as of 1 July eyes of newborns are tested.

124. The Description of the Procedure for General Testing of Hearing of Newborns and the Programme for Provision of Institutions Where Testing of Hearing will be done with Required Equipment and Personnel Training for Work was developed.

125. By Minister of Social Security and Labour of the Republic of Lithuania Order No A1-547 of 3 December 2012 the Child's Welfare Programme for 2013-2018 was approved. The aim of the Programme is, taking into consideration the interests and needs of a child, to make presumptions for a child to live in a biological family by developing accessibility of prevention and complex services to the child and family, while for a child deprived of a parental care – appropriate care (welfare) or adoption conditions.

126. By Minister of Social Security and Labour of the Republic of Lithuania Order No A1-517 of 16 November 2012 the Strategic Guidelines on Deinstitutionalisation of Social Care Homes for Disabled Children, Children Deprived of Parental Care, and Adult Disabled Persons were approved (for more information please see the answer to question 6).

127. In the year 2012 the State Child rights Protection and Adoption Service started the implementation of the Communication Strategy for Promotion of Care in a Family (Household Unit) (hereafter – the Strategy), the aim of which is to create an image of child care as an especially beneficial, good work to active, responsible and willing to do that society members, citizens and families.

128. Following Director of the Lithuanian Labour Exchange Order No V-83 of 19 February 2013, by 1 April 2013 in territorial labour exchange offices there will be 10 Youth Work Centre Divisions will be established. This will aim at enhancement of accessibility and development of employment services to youth from 14 to 25 years old, involvement of regional education institutions, non-governmental organisations and other social partners helping the youth to successfully transfer from the education system to the labour market and adapt to its changes. The Youth Work Centres function on the principle of an open information zone, i.e. services are provided free of charge, registration is not obligatory.

129. On 21 November 2012 the Government of the Republic of Lithuania by its Resolution No 1408 approved the National Programme for Social Integration of the Disabled for the Years 2013-2019 (hereafter – the Programme), by which it is aimed at creation of harmonious environment and conditions for successful development of social integration of the disabled processes in Lithuania as well as ensuring the implementation of the provisions of national legal acts establishing social integration of the disabled and equal opportunities, the Convention on the Rights of Persons with Disabilities and its Optional Protocol ratified by Seimas of the Republic of Lithuania Law No XI-854 of 27 May 2010. For the implementation of the Programme, 3 Measure Plans approved by the Minister of Social Security and Labour will be developed (for the years 2013–2015, for the years 2016–2018 and for the year 2019).

Table 4.

**Preliminary need for funds for the Programme Implementation Measure Plan for the years 2013-2015**

<i>The year 2013</i>	<i>The year 2014</i>	<i>The year 2015</i>
54,624.5	50,912.1	40,007
SB –28,471, EU* – 26153,5	SB – 32,713, EU* – 18,199.1	SB – 33407, EU** – 6,600

SB – State budget funds.

EU\* – funds of EU Structural Funds for 2007–2013.

EU\*\* – funds of EU Structural Funds for 2014–2020.

**Reply to the issues raised in part II, subparagraph (d), of the list of issues**

130. In order to ratify the International Convention for the Protection of All Persons from Enforced Disappearance signed on 6 February 2007 in Paris (France), the Ministry of Justice drafted the Law on Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. This draft Law was registered in the Seimas on 18 December 2012, Register No XIIP-152.

131. On 27 May 2010 the Seimas of the Republic of Lithuania adopted Law No XI-854 on the Convention on the Rights of Persons with Disabilities and its Optional Protocol, by which the Convention on the Rights of Persons with Disabilities and its Optional Protocol (hereafter – the Convention) adopted on 13 December 2006 were ratified. In order to adequately implement the provisions of the Convention, on 8 December 2010 the Government of the Republic of Lithuania adopted Resolution No 1739 on the Implementation of Convention on the Rights of Persons with Disabilities and its Optional Protocol, where the institutional mechanism of the Convention implementation was envisaged, taking into consideration the provisions of Article 33 of the Convention. By the aforementioned Government Resolution the functions of the coordinating institution in Lithuania were assigned to the Ministry of Social Security and Labour. The Council for the Affairs of Disabled under the Ministry of Social Security and Labour was assigned to

perform monitoring of the Convention implementation and to give proposals to the Minister of Social Security and Labour on the implementation of the Convention.

132. On 6 November 2012 the Seimas of the Republic of Lithuania ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. By the Government of the Republic of Lithuania Resolution the Information technology and communications department under the Ministry of the Interior of the Republic of Lithuania was assigned as the institution responsible for the implementation of Article 37(1) of the Convention.

### III. Replies to the issues raised in part III of the list of issues

#### Reply to the issues raised in part III, paragraph 1, of the list of issues

133. Funds for exercising the function of child rights protection in municipalities are attributed to job position maintenance, transportation expenses, secondments, communication expenses, qualification upgrade.

134. For exercising the function of child right protection in municipalities (i.e. for ensuring the activities of municipal child right protection divisions) the following amounts were assigned:

- In the year 2008 – LTL 15.8 million
- In the year 2009 – LTL 13.8 million
- In the year 2010 – LTL 12.6 million
- In the year 2011 and in the year 2012 – LTL 13.2 million

135. The following is data on national education budget:

- In the year 2010 – LTL 6,560.6 million, GDP- 6.85 per cent;
- In the year 2011 – LTL 6,151.9 million, GDP- 5.85 per cent;
- In the year 2012 – LTL 5,929.7 million, GDP- 5.28 per cent;
- In reply to: the year 2013 – LTL 5,863.5 million, GDP- 4.91 per cent.

Table 5.

**Funds from the Mandatory Health Insurance Fund (hereafter – MHIF) for children health care in the years 2010-2012 (mil, LTL)**

	2010			2011			2012		
	For Children	Total	% for children	For children	Total	% for children	For children	Total	% for children
For personal health care services (including med. rehabilitation, children molar sealants, financing health care at schools, organ transplantation programmes)	495.8	2.957.2	17%	522.5	3.149.8	17%	484.5	3.082.0	16%
Centrally procured pharmaceuticals and medical aid devices, orthopaedic devices	12.1	180.4	7%	11.6	241.8	5%	10.1	163.5	6%



	2010			2011			2012		
	For Children	Total	% for children	For children	Total	% for children	For children	Total	% for children
Expenditure of the MHIF budget for subsidized pharmaceuticals and medical aid devices for children and youth under 18 years old	n.d.	n.d.	n.d.	34.6	621.2	6%	40.0	660.6	6%
Total % of these MHIF lines:	507.9	3.137.6	16%	568.8	4.012.8	14%	534.6	3.906.1	14%
% of total MHIF budget:	507.9	4.075.0	12%	568.8	4.319.3	13%	534.6	4.220.4	13%

n.d. – no data

### Reply to the issues raised in part III, paragraph 2, of the list of issues

136. Based on the data provided by the State Child Rights Protection and Adoption Service, although the share of children who were deprived of parental care of total number of children living in the country did not change, and it represented about 2 per cent of total number of children, total number of foster children was decreasing every year. One of the main reasons for that is the decreasing number of children in the country.

137. In the year 2010 11,130 children were deprived of parental care (5,635 boys and 5,495 girls):

- 6,269 children were established care in town areas.
- 4,861 – in rural areas.

138. Over the year 2010 2,145 children were deprived of parental care.

Table 6.

#### Children deprived of parental care in 2010

By age: children of 0-3 years old	859
4-6 years old	1.033
7-9 years old	1.732
10-14 years old	4.264
15-17 years old	3.242

139. In the year 2011 there were 10,813 children deprived of parental care (5,510 boys and 5,303 girls):

- Out of which 6,135 children were established care in town areas,
- 4,678 – in rural areas.

140. Over the year 2011 there were 2,305 children deprived of parental care.

Table 7.  
**Children deprived of parental care in 2011**

By age: children of 0-3 years old	883
4-6 years old	921
7-9 years old	1.584
10-14 years old	4.282
15-17 years old	3.143

141. In the year 2012 there were 10,542 children deprived of parental care (5,394 boys and 5,148 girls):

- 6,055 children care was established in town areas,
- 4,493 – in rural areas.

142. Over the year 2012, 2,055 children were deprived of parental care.

Table 8.  
**Children deprived of parental care in 2012**

By age: children of 0-3 years old	881
4-6 years old	850
7-9 years old	1.502
10-14 years old	4.152
15-17 years old	3.157

143. The main reason for which children are established care is that parents or the single of the parents do not take care, show no interest in a child, do not look after him, educate improperly, uses physical or mental violence and due to that the danger arises for physical, mental, spiritual, moral development and security, and which, under the order established by the laws, was taken from the family (till under the court procedure he will be separated from parents). More than a half of parents, from whom children are separated, live in rural areas.

144. As it has been mentioned, the number of fostered children decreases every year: in the year 2010 there were 6,654 children fostered in the family (3,140 boys and 3,514 girls), in the year 2011 – 6,329 children (3,002 boys and 3,327 girls), in the year 2012 – 6,105 children (2,923 boys and 3,182 girls); in the year 2010 there were 4,173 children fostered at children care homes (2,338 boys and 1,835 girls), in the year 2011 – 4,119 (2,312 boys and 1,807 girls); in the year 2012 – 4,030 children (2,255 boys and 1,775 girls). Whereas the number of children fostered in household units increased: in the year 2010 there were 303 fostered in household units (157 boys and 146 girls), in the year 2011 – 365 (196 boys and 169 girls), in the year 2012 – 407 children (216 boys and 191 girls). Currently, there are 48 household units in Lithuania.

### **Reply to the issues raised in part III, paragraph 3 (a), of the list of issues**

145. The number of children with disabilities living in families, who received social services at home:

- (a) In the year 2010 children with disabilities up to 7 years old: boys – 12, girls – 8.
- (b) Children with disabilities from 7 to 17 years old: boys – 81, girls – 102.
- (c) In 2011 children with disabilities up to 7 years old: boys – 22, girls – 15.
- (d) Children with disabilities from 7 to 17 years old: boys – 84, girls – 46.
- (e) In the year 2012 children with disabilities up to 7 years old: boys – 5, girls – 15.
- (f) Children with disabilities from 7 to 17 years old: boys – 65, girls – 58.

**Reply to the issues raised in part III, paragraph 3 (b), of the list of issues**

146. The number of children with disabilities living in children care homes in total is as follows: in the year 2011 – 606, in the year 2012 – 686. Unfortunately, the number of 2010 is unknown.

147. The number of children with disabilities living in children care homes for children with disabilities in 2010 was 8, in 2011 - 7 and in 2012 – 4.

**Reply to the issues raised in part III, paragraph 3 (c), of the list of issues**

148. Unfortunately, the number of children with disabilities placed in foster care is unknown.

**Reply to the issues raised in part III, paragraph 3 (d), of the list of issues**

149. The number of pupils with special education needs is as follows: in general classes at general education schools in the year 2010 – 42,608, in the year 2011 – 41,924, in the year 2012 – 35,386;

150. In special classes at general education schools in the year 2010 - 894, in the year 2011 – 872, in the year 2012 – 895.

**Reply to the issues raised in part III, paragraph 3 (e), of the list of issues**

151. The number of pupils learning in special schools:

- In the year 2010 – 4,106.
- In the year 2011 – 3,942, in the year 2012 – 3,768.

**Reply to the issues raised in part III, paragraph 3 (f), of the list of issues**

152. In 2010 the number of children with disabilities not attending school was included in social, psychological and other reasons.

153. The number of children not attending school due to disabilities was as follows:

- In 2011:
  - Aged 7-15 – 10 children (1 girl, 9 boys).
  - Aged 16 – 0.

Aged 17 – 2 (2 girls, 0 boys).

– In 2012:

Aged 7-15 – 18 children (5 girls, 13 boys).

Aged 16 – 11 children (4 girls, 7 boys).

Aged 17 – 22 children (9 girls, 13 boys).

Table 9.

**Statistical information on disabled children under 18 years old by the level of disability and area of residence in the years 2010-2012:**

<i>Disabled children by disability level</i>	<i>2010</i>			<i>2011</i>			<i>2012</i>		
	Towns	Districts	Total	Towns	Districts	Total	Towns	Districts	Total
High level of disability	1,089	1,453	2,542	1,085	1,396	2,481	1,065	1,394	2,459
Average	2,255	3,433	5,688	2,260	3,307	5,567	2,328	3,340	5,668
Low	2,555	4,550	7,105	2,694	4,512	7,206	2,728	4,471	7,199
Child with disabilities, who is not established disability level	215	187	402	163	140	303	117	101	218
Total:	6,114	9,623	15,737	6,202	9,355	15,557	6,238	9,306	15,544

**Reply to the issues raised in part III, paragraph 4 (a) and (b), of the list of issues**

154. Based on the data of the Register of the Departmental Register of Criminal Offences, hereby we provide you with the information on children who suffered from violence, ill-treatment, sexual exploitation.

	<i>2010</i>	<i>2011</i>	<i>2012</i>
1. Total number of children who suffered from different offences:	3,019	3,234	3,153
1.1. From his/her parents	360	686	815
1.2. From stepparents or adoptive parents	68	81	163
1.3. From foster parents (carers)	10	13	12
1.4. From teachers	12	13	10
1.5. From unfamiliar persons	815	688	615
2. Victims suffered:			
2.1. Neglect	12	35	14
2.2. Physical violence	1,118	1,138	1,442

	2010	2011	2012
2.3. Psychological abuse	117	139	110
2.4. Sexual abuse	135	135	164
3. Numbers of victims by different offence types:			
3.1. Murder (Article 129 of the Criminal Code of the Republic of Lithuania (hereafter – the CC))	12	12	12
3.2. Severe health impairment (Articles 135–136 of the CC)	10	5	3
3.3. Causing Physical Pain or a Negligible Health Impairment (Article 140 of the CC)	471	600	984
3.4. Unlawful Deprivation of Liberty (Article 146 of the CC)	18	5	15
3.5. Abduction of a child or Exchange of Children (Article 156 of the CC)	5 (6 persons suspected of committing offence, out of which 5 – just regarding abduction)	2 (6 suspects, out of which 4 – just regarding abduction)	4 (1 suspect regarding abduction)
3.6. Purchase or Sale of a Child (Article 157 of the CC)	1 (8 suspects)	2 (9 suspects)	5 (6 suspects)
3.7. Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child (Article 163 of the CC)	16 (10 suspects)	15 (9 suspects)	10 (18 suspects)
3.8. Evasion of a Child's Maintenance (Article 164 of the CC)	282 (222 suspects)	567 (406 suspects)	405 (469 suspects)
4. Numbers of children who suffered from offences of sexual nature:			
4.1. Rape (Article 149 of the CC)	64	56	67
4.2. Sexual Assault (Article 150 of the CC)	61	44	67
4.3. Sexual abuse (Article 151 of the CC)	5	2	8
4.4. Sexual molestation of a child (Article 153 of the CC)	55 (29 suspects)	87 (46 suspects)	45 (30 suspects)
4.5. Use of a child for	1	4	2

	2010	2011	2012
pornography (Article 162 of the CC)	(3 suspects)	(2 suspects)	(2 suspects)
4.6. Involvement in prostitution (Article 308 of the CC)	–	1	3

155. Based on the data of the The Report on the Hearing of Criminal Cases of the National Courts Administration (Trial at the 1st Instance Courts), hereby we provide you with the information on the number of compliants, investigations and processucion carried out regarding children.

Table 10.

**The number of cases according to separate category of charges in 2010**

<i>The Category of Cases</i>	<i>The remaining untried cases at the beginning of the reporting cycle</i>	<i>Received cases</i>	<i>Cases heard</i>	<i>The remaining untried cases at the end of the reporting cycle</i>
1 Murder of a young child (Article 129, part 2, 1p. of the CC)	2	4	1	5
2 Severe health impairment of a child (Article 135, part 2, 1 p. of the CC)	3	3	5	1
3 Non-Severe Health Impairment of a young child (Article 138, part 2, 1 p. of the CC);	8	15	12	11
4 Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability (Article 151-1 of the CC)	1	4	4	1
5 Sexual Molestation of a Child (Article 153 of the CC)	15	32	24	23
6 Crimes and misdemeanours against a child and a family (Chapter XXIII of the CC)	60	301	260	101
6.1 Abduction of a child or Exchange of Children (Article 156 of the CC)	1	7	7	1
6.2 Purchase or Sale of a Child (Article 157 of the CC)	1	2	1	2
6.3 Desertion of a Child (Article 158 of the CC)	0	0	0	0
6.4 Involvement of a Child in a Criminal Act (Article 159 of the CC)	30	69	72	27
6.5 Involvement of a Child in the Use of Medicine or Other Intoxicating Means (Article 160 of the CC)	1	1	1	1
6.6 Involvement of a Child in Abuse of Alcohol (Article 161 of the CC)	4	11	7	8
6.7 Use of a Child for Pornography (Article 162 of the CC)	3	5	2	6
6.8 Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child (Article 163 of the CC)	3	6	7	2
6.9 Evasion of a Child's Maintenance (Article 164 of the CC)	19	196	162	53

Table 11.

**The number of cases according to separate category of charges in 2011**

<i>The Category of Cases</i>	<i>The remaining untried cases at the beginning of the reporting cycle</i>	<i>Received cases</i>	<i>Cases heard</i>	<i>The remaining untried cases at the end of the reporting cycle</i>
1 Murder of a young child (Article 129, part 2, 1p. of the CC)	5	2	3	4

2	Severe health impairment of a child (Article 135, part 2, 1 p. of the CC)	1	5	5	1
3	Non-Severe Health Impairment of a young child (Article 138, part 2, 1 p. of the CC);	11	15	20	6
4	Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability (Article 151-1 of the CC)	1	15	11	5
5	Sexual Molestation of a Child (Article 153 of the CC)	25	48	49	24
6	Crimes and misdemeanours against a child and a family (Chapter XXIII of the CC)	108	515	465	158
6.1	Abduction of a child or Exchange of Children (Article 156 of the CC)	1	3	3	1
6.2	Purchase or Sale of a Child (Article 157 of the CC)	2	5	3	4
6.3	Desertion of a Child (Article 158 of the CC)	0	1	1	0
6.4	Involvement of a Child in a Criminal Act (Article 159 of the CC)	33	77	73	37
6.5	Involvement of a Child in the Use of Medicine or Other Intoxicating Means (Article 160 of the CC)	1	1	1	1
6.6	Involvement of a Child in Abuse of Alcohol (Article 161 of the CC)	8	14	18	4
6.7	Use of a Child for Pornography (Article 162 of the CC)	6	3	5	4
6.8	Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child (Article 163 of the CC)	2	11	8	5
6.9	Evasion of a Child's Maintenance (Article 164 of the CC)	54	399	353	100

Table 12.

**The number of cases according to separate category of charges in 2012**

<i>The Category of Cases</i>		<i>The remaining untried cases at the beginning of the reporting cycle</i>	<i>Received cases</i>	<i>Cases heard</i>	<i>The remaining untried cases at the end of the reporting cycle</i>
1	Murder of a young child (Article 129, part 2, 1p. of the CC)	4	4	3	5
2	Severe health impairment of a child (Article 135, part 2, 1 p. of the CC)	1	3	3	1
3	Non-Severe Health Impairment of a young child (Article 138, part 2, 1 p. of the CC);	6	9	13	2
4	Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability (Article 151-1 of the CC)	5	15	18	2
5	Sexual Molestation of a Child (Article 153 of the CC)	26	29	39	16
6	Crimes and misdemeanours against a child and a family (Chapter XXIII of the CC)	159	539	592	106
6.1	Abduction of a child or Exchange of Children (Article 156 of the CC)	1	2	2	1
6.2	Purchase or Sale of a Child (Article 157 of the CC)	4	3	1	6
6.3	Desertion of a Child (Article 158 of the CC)	0	1	1	0
6.4	Involvement of a Child in a Criminal Act (Article 159 of the CC)	38	53	68	23
6.5	Involvement of a Child in the Use of Medicine or Other Intoxicating Means (Article 160 of the CC)	1	0	0	1

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6.6	Involvement of a Child in Abuse of Alcohol (Article 161 of the CC)	4	14	13	5
6.7	Use of a Child for Pornography (Article 162 of the CC)	4	3	6	1
6.8	Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child (Article 163 of the CC)	5	13	10	8
6.9	Evasion of a Child's Maintenance (Article 164 of the CC)	100	450	490	60

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### **Reply to the issues raised in part III, paragraph 4 (c), of the list of issues**

156. In Lithuania just the employment of the group aged 15-24 is measured. There are no separate data on whether children of 15-18 years old work, as this group is too small and the data would be not representative. Children under 15 years old are not surveyed on whether they work.

157. According to unofficial data, in 2011 there were 8000 working children aged 15-18. In 2012 m. there were 1 000 children in this regard.

### **Reply to the issues raised in part III, paragraph 5, of the list of issues**

158. Currently the Plan for the Implementation Measures of Reconstruction Conception of the System of the Institutions of Children's Rights and the Strategic Guidelines for Deinstitutionalization of Social Care Homes for Disabled Children, Children without Parental Custody, Adult Disabled People are considered as the areas of priority to implement the Convention.

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