

## ALTERNATYVOSIOS ATASKAITOS JTO LYGINAMOJI LENTELĖ



### **Opinion regarding the implementation of United Nations Convention on the Rights of Persons with Disabilities towards the children/adults with Autism Spectrum Disorder in Republic of Lithuania**

Association "Kitoks vaikas" is Lithuanian NGO, representing interests of the families, growing children with Autism Spectrum Disorder (ASD).

The State is not contributing to awareness of the society regarding the ASD. This is presently done by families, NGO's, independent scientist and media

We would like to state that the situation in our country remains mostly unsatisfactory, children and families are mostly not receiving efficient protection, non-discrimination and efficient care from the State.

5 February 2016, Vilnius

### **Committee on the Rights of Persons with Disabilities**



### **Convention on the Rights of Persons with Disabilities**

Distr.: General  
20 April 2016  
**ADVANCE UNEDITED  
VERSION**

Original: English

### **Concluding observations on the initial report of Lithuania**

#### **I. Introduction**

1. The Committee considered the initial report of Lithuania (CRPD/C/LTU/1) at its 246th and 247th meetings, held on 6 and 7 April 2016 respectively, and adopted the following concluding observations at its 261st meeting, held on 18 April 2016.
2. The Committee welcomes the initial report of Lithuania, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/LTU/Q/1/Add.1) to the list of issues prepared by the Committee.
3. The Committee appreciates the fruitful dialogue held with the State party's delegation during the consideration of the report and commends the State party for the strength of its delegation, which included many representatives of relevant government responsible for the implementation of the Convention on the Rights of Persons with Disabilities.

<p>We would like to express our opinion that Lithuanian state presently fails to fulfil it's obligations according to Convention as regarding people with ASD. The situation should be changed.</p>	<p><b>III. Principal areas of concern and recommendations</b></p>
<ul style="list-style-type: none"> <li>The Article 5 of the Convention is still not applicable in Lithuania: children with ASD are not getting access to pre-school education and secondary education on the same ground as their peers.</li> </ul>	<p><b>Equality and non-discrimination (art. 5)</b></p> <ol style="list-style-type: none"> <li>The Committee is deeply concerned that the State party does not consistently apply the concept of reasonable accommodation in relation to the principle of non-discrimination.</li> <li><b>With reference to the Sustainable Development Goals, Target 10.2, the Committee recommends that the State party take all necessary legislative, juridical and administrative measures to:</b> <ol style="list-style-type: none"> <li>Promote, ensure and monitor the provision of reasonable accommodation for persons with disabilities across all public and private sectors;</li> <li>Recognize the denial of reasonable accommodation as a form of discrimination on the basis of disability.</li> </ol> </li> </ol>
<ul style="list-style-type: none"> <li>As regarding Article 7 of the Convention, the current actions of Lithuanian state are not in the best interest of the children.</li> </ul>	<p><b>Children with disabilities (art. 7)</b></p> <ol style="list-style-type: none"> <li>The Committee is concerned about the lack of: <ol style="list-style-type: none"> <li>Data and initiatives on the protection from and the prevention of sexual abuse and trafficking targeting specifically children with disabilities;</li> <li>Systematic involvement of children with disabilities in decision-making concerning their lives, especially children with intellectual or cognitive impairments and children with reduced ability to express themselves vocally.</li> </ol> </li> <li><b>The Committee strongly recommends that the State party:</b> <ol style="list-style-type: none"> <li>Develop and implement an appropriate plan of action to eliminate all forms of sexual abuse and violence against children with disabilities within and outside of institutions, and collect disaggregated data in order to evaluate the effectiveness of measures adopted under such plan of action;</li> </ol> </li> </ol>

	<p style="text-align: center;"><b>(b) Take legislative and administrative measures to guarantee the right of children with disabilities to express their views on all matters affecting them, particularly in judicial and administrative procedures, recognising their evolving capacity and giving due weight to their views in accordance with their age and maturity and to be provided with disability and age-appropriate assistance to realize this right.</b></p> <p>8. The Committee is concerned about the low number of children with disabilities and their families receiving support from the Ministry of Social Security and Labour and the narrow scope of support provided.</p> <p>9. <b>The Committee recommends that the State party take measures to ensure that children with disabilities and their families are receiving the necessary and appropriate support according to their individual requirements and develop necessary statistical tools to measure the progress in that respect.</b></p>
<ul style="list-style-type: none"> <li>The Lithuania State currently fails to recognize and deploy the scientifically substantiated methods for early intervention via structured teaching of the children with ASD, thus depriving them (and their families) the possibilities of inclusive education, independent living and integration into community. All the burden of the care of growing the disabled child is shifted onto the families, thus depriving them of their basic rights according to Article 23.</li> </ul>	<p><b>Respect for home and the family (art.23)</b></p> <p>43. The Committee is deeply concerned that persons with disabilities, especially those deprived of their legal capacity, can be denied the right to marry, found a family, adopt and raise children.</p> <p><b>44. The Committee calls upon the State party to repeal provisions restricting these rights and to provide adequate support services to ensure families with parents with disabilities and/or children with disabilities their right to family and home.</b></p>
<ul style="list-style-type: none"> <li>It is presently not yet recognized by the State that the children with ASD are entitled to receive different, specialized type of education as per Article 24. As the result, such education is presently not provided. The tendency is to lock the autistic children into the institutions for education of the children with other forms of mental retardation. There is no recognition that such environment is unsuitable for the children with ASD and doing them harm instead of good. It later mostly leads to institutionalization and medication of adolescents &amp; growth adults with ASD.</li> </ul>	<p><b>Education (art. 24)</b></p> <p>10. The Committee is concerned at reports that:</p> <p>(a) Many students with disabilities, particularly those with visual, hearing, psychosocial and/or intellectual impairment, in the preschool, primary and secondary education are referred to and obliged to attend special schools due to, among others, a lack of reasonable accommodation and accessibility in the mainstream educational system;</p> <p>(b) The special education system or home schooling remains a too frequent option for children with disabilities;</p> <p>(c) Not all children with disabilities enjoy their right to free and compulsory primary education or to affordable secondary education on the equal basis as others, as some of the public special schools do not provide</p>

	<p>education free of charge;</p> <p>(d) Children with disabilities are forced to shift to special schools as they advance to higher levels of education and there is low enrolment of persons with disabilities in tertiary education.</p> <p>(e) The number of accessible means of transport is insufficient to accommodate the needs of students with disabilities allowing their full participation in the inclusive education system.</p> <p>11. <b>The Committee recommends that the State party adopt and implement a coherent strategy on inclusive education in the mainstream educational system in accordance with article 24 of the Convention and with reference to Sustainable Development Goal 4, especially Targets 4.5 and 4.8. Such strategy should:</b></p> <p>(a) <b>Ensure accessibility of school environments, the provision of reasonable accommodation, accessible and adapted materials and curricula, and the compulsory pre-service and in-service training of all teachers on inclusive education;</b></p> <p>(b) <b>Secure the sufficient, necessary and accessible means of transportation to accommodate the needs of students with disabilities.</b></p> <p>(c) <b>Set clear timelines, targets, baselines and indicators to secure timely and measurable progress;</b></p> <p>(d) <b>Have allocation of effective and adequate financial, material and adequately trained human resources.</b></p> <p>12. <b>The Committee recommends that the State party guarantee a legally enforceable right to inclusive, quality and free primary and affordable secondary education on equal basis with others.</b></p> <p>13. <b>The Committee further recommends that the State party facilitate access for persons with disabilities to tertiary education and vocational training, including through the provision of reasonable accommodation in higher education.</b></p>
<ul style="list-style-type: none"> <li>• The State presently fails to provide early screening and diagnostic of ASD, and thus the disability remains underdiagnosed and underreported. The proper statistics is presently not collected, contrary to the obligations in Article 31.</li> </ul>	<p><b>Statistics and data collection (art. 31)</b></p> <p>14. The Committee is concerned that:</p> <p>(a) There is a lack of disaggregated and reliable statistical data regarding persons with disabilities across all sectors;</p> <p>(b) The statistical data relating to persons with disabilities collected by the State party fail to take into account the diversity of persons</p>

with disabilities, thereby rendering it impossible to evaluate the impact of each policy on persons with disabilities.

15. **The Committee recommends that the State party in collaboration with organizations of persons with disabilities systematize the collection, analysis and dissemination of data, disaggregated by sex, age, disability, residence, geographic area and types of support received, in relation to all sectors, also taking note of the Sustainable Development Goal 17, Target 17.18 to increase the availability of high-quality, timely and reliable disaggregated data relevant in national contexts.**

#### **Follow-up and dissemination**

1. The Committee requests that the State party, within 12 months and in accordance with article 35, paragraph 2, of the Convention, provide information on the measures taken to implement the Committee's recommendations as set forth in paragraph 58 (giving everyone with a disability the right to vote and stand for election) and 68 b) (creating a monitoring mechanism in accordance with the Paris Principles).
2. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.
3. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its periodic report.
4. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.