



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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.

II. Positive aspects

4. The Committee commends the State party on:
 - (a) Raising public awareness to eradicate negative attitudes and stereotypes associated with disability;
 - (b) The submission of the amendments of the Law on Elections to the Seimas of the Republic of Lithuania and the Law on Referendum of the Republic of Lithuania that allow voting through accessible electronic voting systems;
 - (c) The inclusion of organizations of persons with disabilities in the development of the National Programme for Social Integration of Persons with Disabilities 2013-2019.

* Adopted by the Committee at its fifteenth session (29 March-21 April 2016).

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned that the definition and understanding of disability in State party laws and regulations focuses on the individual impairment thereby neglecting the social and relational dimension of disability, including especially the barriers which the persons with disabilities face.

6. **The Committee recommends that the State party amend its legal definition of disability in accordance with the criteria and principles provided in articles 1 to 3 of the Convention, and effectively apply it into all laws and regulations.**

7. The Committee is concerned by the frequent use of derogatory language such as “deaf-mute” and “disorder” when referring to persons with disabilities in legislation and data-collection, which perpetuate negative perceptions about persons with disabilities.

8. **The Committee recommends that the State party review and harmonize its legislation concerning the definition of and data collection related to persons with disabilities to eliminate the use of all derogatory language to refer to persons with disabilities to ensure that all existing and new laws and regulations, and definitions used therein, comply with the human rights based model of disability in accordance with the Convention.**

9. The Committee is concerned that there has been a decrease between 2009 and 2014 in available resources allocated for the support of persons with disabilities.

10. **The Committee recommends that the State party regularly evaluate national budgets and its use of the European Union Structural and Investment Funds to ensure the maximum available resources being used for the realization of the rights of persons with disabilities in accordance with article 4, paragraph 2 of the Convention. The Committee calls on the State party to provide, in its next periodic report, updated information on public spending demonstrating how social protection for persons with disabilities has been increasingly prioritized.**

11. The Committee notes with concern that organizations of persons with disabilities are not included in all decision-making processes on matters regarding themselves timely with sufficient support in accordance with the provisions of article 4 paragraph 3 of the Convention.

12. **The Committee recommends that the State party:**

(a) Develop, adopt and implement a strategy for full inclusion of organizations of persons with disabilities from the early stage of all political decision-making relevant for persons with disabilities across all sectors including implementation and monitoring of the Sustainable Development Goals;

(b) Provide sufficient financial support for the capacity building and autonomous participation of those organizations in all decision-making.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

13. 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.

14. **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:**

(a) Promote, ensure and monitor the provision of reasonable accommodation for persons with disabilities across all public and private sectors;

(b) Recognize the denial of reasonable accommodation as a form of discrimination on the basis of disability.

Women with disabilities (art. 6)

15. The Committee notes with concern the absence of concrete measures to prevent and eradicate discrimination against women and girls with disabilities as well as multi-dimensional discrimination of women and girls with disabilities based on other grounds, especially on sexual orientation and gender identity in the Action Plan of the National Programme on Equal Opportunities for Women and Men for 2015-2021.

16. The Committee recommends that the State party revise its Action Plan of the National Programme on Equal Opportunities for Women and Men for 2015-2021 to include an explicit focus on prevention and eradication of discrimination against women and girls with disabilities, including multiple and intersectional discrimination, as well as measures for their development, advancement and empowerment, in particular to foster their participation in public life. The Committee also recommends that the State party include measures to prevent and eradicate discrimination based on sexual orientation and gender identity in the said Action Plan.

Children with disabilities (art. 7)

17. The Committee is concerned about the lack of:

(a) Data and initiatives on the protection from and the prevention of sexual abuse and trafficking targeting specifically children with disabilities;

(b) 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.

18. The Committee strongly recommends that the State party:

(a) 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;

(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.

19. 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.

20. 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.

Accessibility (art. 9)

21. The Committee is concerned at the limited scope of measures taken for and reported insufficient progress in promoting universal design principles to its physical environment and transport, especially regarding improvement of accessibility within and around private and public buildings and the chain of transport, including parking space, train stations, platforms, intercity buses, taxis and ferries. The Committee is also concerned at the lack of effective monitoring on accessibility of buildings.

22. The Committee recommends that the State party, in line with its General Comment No. 2 (2014) on accessibility and in close collaboration with organizations representing persons with disabilities:

(a) Develop and implement a plan of action with clear timeframe and measurable baselines and indicators, and include regulations and standardization which guarantee progressive application of universal design principles to physical environment, accessible housing and transport both in urban and rural areas, encompassing accessibility for all persons with disabilities;

(b) Ensure such regulations, standardization and a plan of action encompass physical, environmental, informational and communicational accessibility for all persons with disabilities, provide for corresponding dissuasive sanctions and enforcement mechanisms and halt the use of the European Union funds on inaccessible constructions, websites, and others;

(c) Allocate sufficient human and financial resources necessary for the effective implementation of such regulations, standardization and a plan of action and establish mechanisms to monitor their implementation;

(d) Pay attention to the link between article 9 of the Convention and the Sustainable Development Goal 11, Targets 11.2 and 11.7.

Situation of risks and humanitarian emergencies (art. 11)

23. The Committee notes with concern that the requirements of persons with disabilities, especially those who are deaf, deaf blind or hard of hearing are not explicitly factored into disaster response measures at national and local level, including emergency call application called GPIS112.

24. The Committee recommends that the State party implement, in close collaboration with organizations of persons with disabilities, initiatives securing the inclusion of persons who are deaf, deaf blind or hard of hearing in emergency response and mitigation plans and adapt emergency call lines to respond to the requirements of persons who are deaf, deaf blind or hard of hearing through the implementation of the Sendai Framework for Disaster Risk Reduction.

Equal recognition before the law (art. 12)

25. The Committee is deeply concerned at the legal provisions permitting the denial or restriction of the legal capacity of persons with disabilities contrary to article 12 of the Convention, and thereby limiting their right to free and informed consent for treatment, right to marry, found a family, adopt and raise children.

26. With reference to its General Comment No.1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal laws, policies and

practices permitting guardianship and trusteeship for adults with disabilities and replace regimes of substituted decision-making by supported decision making.

Access to justice (art. 13)

27. The Committee is concerned that the training for judicial and law enforcement personnel do not cover all barriers faced by persons with disabilities accessing justice and are insufficient in their scope and numbers.

28. **The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, develop and implement a national plan of action on capacity building of justice system personnel, including judges, prosecutors, police and prison staff, to enhance knowledge on the rights of persons with disabilities and to ensure the provision of procedural and age appropriate accommodations in all legal procedures, and of reasonable accommodation in prisons.**

Liberty and security of the person (art. 14)

29. The Committee is concerned that the Law on Mental Health (1995), the draft amendment to the Law on Mental Health Care and the Civil Code (2000) allow involuntary hospitalization and non-consensual treatment, indefinite or temporary restraints of persons with psychosocial disabilities.

30. The Committee is also concerned at the lack of statistical data on non-consensual treatment of persons with psychosocial disabilities including consented by a guardian or family member.

31. **The Committee recommends that the State party:**

(a) Immediately repeal laws permitting deprivation of liberty based on impairment, forced treatment and the use of restraints and seclusion, and enact new legislation, prohibiting those practices, including within the current draft amendment to the Law on Mental Health Care.

(b) Involve organizations representing persons with psychosocial disabilities in the development of new legislation;

(c) Collect and use data to monitor and eliminate all forms of involuntary hospitalization and treatment of persons with psychosocial disabilities.

Freedom from Exploitation, Violence and Abuse (art. 16)

32. The Committee is concerned about reported violence and unwarranted restriction of freedom of movement, including isolation, as a form of punishment in social care and psychiatric institutions.

33. **The Committee recommends that the State party:**

(a) Improve monitoring and inspection of social care homes and psychiatric institutions to prevent violence against and abuse of residents with disabilities;

(b) Ensure that persons deprived of liberty have access to independent complaint mechanisms;

(c) Provide adequate remedies to victims of abuse, providing redress and adequate compensation, including rehabilitation.

34. The Committee is concerned by:

(a) High number of reports of women, boys and girls with intellectual and psychosocial disabilities facing violence and abuse, including sexual abuse, at institutions as well as at home;

(b) The lack of targeted measures such as provision and availability of accessible victim support services including shelters, complaints and reporting mechanisms.

(c) The absence on independent monitoring authorities assigned to comply with article 16.3 of the Convention;

(d) The lack of statistical data on exploitation, violence, trafficking and abuse in homes, schools, institutions, hospitals and prisons disaggregated by, among others sex, age and disability.

35. The Committee recommends that the State party strengthen the protection of persons with disabilities against violence, exploitation and abuse, particularly women and girls with disabilities as recommended by the Committee on the Elimination of Discrimination Against Women (CEDAW/C/LTU/CO/4), by establishing inclusive and accessible victim support services including accessible hotlines, shelters, reporting and complaints mechanisms; awareness-raising and training of police, health professionals, social workers, etc. on supporting victims of violence with disabilities.

36. The Committee recommends that the State party adopt awareness raising measures with requisite budget allocation, collect disaggregated data and designate independent authorities for monitoring of services and facilities.

Protecting the integrity of the person (art.17)

37. The Committee is concerned at the provision of the Civil Code (2000) that allows performing surgical operations on persons with disabilities who are deprived of legal capacity without their consent, including castration, sterilisation, abortion, operation, removal of organs when authorized by a court, and at the lack of investigation of and data on forced sterilization of persons with disabilities.

38. The Committee recommends that the State party:

(a) Abolish all practices of forced treatment including non-consensual castration, sterilisation, abortion, surgery and eliminate the possibility for third parties such as guardians, doctors and courts to approve such practices, in accordance with article 12 and the Committee's General Comment No. 1 (2014) on equal protection before the law;

(b) Provide training for judges and health care workers on the recognition of the legal capacity of persons with disabilities and the mechanisms of supported decision-making;

(c) Collect disaggregated reliable data on forced sterilization of persons with disabilities.

Living independently and being included in the community (art. 19)

39. The Committee is deeply concerned at the lack of sufficient choice and range of adequate support mechanisms, including independent living schemes, to ensure that persons with disabilities regardless of sex, age or impairment can access accommodation within their local community. In particular:

(a) Many children under three years with disabilities are still placed in residential institutions;

(b) There are no guarantee that all younger persons with disabilities have realistic options choosing not to live in residential facilities for the elderly;

(c) There is no programme for individualized personal and financial assistance allowing persons with disabilities to live independently in the community, and a lack of range of community based services.

40. **The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities:**

(a) **Adopt an adequately funded strategy for deinstitutionalization ensuring a range of community based services for the social inclusion of persons with disabilities, including for children with intellectual and/or psychosocial impairments, including their right to live independently in the community, with the possibility of individualized personal assistance support services in their home;**

(b) **Effectively implement the Action Plan 2016-2018 of the implementation of the National Programme for Social Integration of Persons with Disabilities 2013-2019 at all levels of the State;**

(c) **Adopt a moratorium on new admissions of children into institutionalized care;**

(d) **Eliminate excessive waiting time for receiving support services by investing in developing new services and rendering existing services accessible and inclusive and ensure persons with disabilities access to sufficient financial resources for independent living and improving accessibility in the community.**

41. The Committee is concerned at the ongoing national and European Union funded investments of renovating existing and constructing new institutional facilities.

42. **The Committee recommends that the State party further prioritize investing in social service system for independent living in the community, and immediately refrain from using national and structural funds of the European Union for renovating, maintaining or constructing residential institutions for persons with disabilities.**

Respect for home and the family (art.23)

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.

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.**

Education (art. 24)

45. The Committee is concerned at reports that:

(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;

(b) The special education system or home schooling remains a too frequent option for children with disabilities;

(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 education free of charge;

(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.

(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.

46. 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:

(a) 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) Secure the sufficient, necessary and accessible means of transportation to accommodate the needs of students with disabilities.

(c) Set clear timelines, targets, baselines and indicators to secure timely and measurable progress;

(d) Have allocation of effective and adequate financial, material and adequately trained human resources.

47. 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.

48. 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.

Health (art. 25)

49. The Committee is concerned that:

(a) The current legislation on health insurance does not fully guarantee reimbursement or other forms of compensation to persons with disabilities for expenditures caused by disability when receiving treatment within the mainstreamed health system;

(b) The systemic barriers including physical barriers, lack of accessible information, communication, training or treatment equipment and lack of health-care professionals trained in the human rights model of disability, are limiting persons with disabilities' access to mainstreamed health services;

(c) Persons with disabilities face discrimination in accessing sexual and reproductive health care services, due to, among others, the lack of accessible equipment suitable for use by all persons with disabilities.

50. The Committee recommends that the State party:

(e) Take appropriate legislative measures to secure access for persons with disabilities to free and affordable health-related habilitation and rehabilitation goods and services.

(f) **Train health personnel on the human rights model of disability including the right to free and informed consent, and ensure accessibility of health care facilities and equipment to ensure that all facilities and equipment, including hospitals, dentists, gynaecologists and obstetricians are accessible to persons with disabilities, regardless of their impairments;**

(g) **Ensure universal access to sexual and reproductive health-care services, including family planning, information and education, and integration of reproductive health into national strategies and programmes as set out in Sustainable Development Goal 3, Target 3.7.**

Work and employment (art. 27)

51. The Committee is seriously concerned at the commonly applied concept of “working incapacity” resulting in a low employment rate among persons with disabilities and at the uniformed focus on segregated work environments such as social enterprises to which European Union funds are being directed.

52. **The Committee recommends that the State party, in close collaboration with representative organizations of persons with disabilities, eliminate the concept of “working incapacity” of persons with disabilities and develop and implement efficient strategies and programs aimed at increasing employment of persons with disabilities in the open labour market, by eliminating segregated work environments and directing investment into promoting vocational training, access to adjustments in the workplace, provision of reasonable accommodation, and training of private and public employers, as set out in the Sustainable Development Goal 8, Target 8.5.**

Adequate standard of living and social protection (art. 28)

53. The Committee is concerned that:

(a) Persons with disabilities face higher risk of poverty than others;

(b) Part of the support to persons with disabilities is based on discounts and vouchers, which increases stigmatization and stereotyping of persons with disabilities as a group lacking autonomy and as being dependent on social welfare.

54. **The Committee recommends that the State party adopt new policies securing persons with disabilities and their families have adequate income levels, equal to others, taking into account additional disability related costs.**

55. The Committee is further concerned at reports indicating that public expenditures targeted specifically at persons with disabilities have decreased due to budgetary reductions in the social insurance and social assistance system caused by the financial crisis since 2008.

56. **The Committee recommends that the State party take steps to secure that persons with disabilities and their families are not disproportionately affected by budget cuts and ensure an adequate standard of living through income support and social security, taking note of the Sustainable Development Goal 1, Target 1.3 to implement appropriate social protection systems and measures for all, including floors.**

Participation in political and public life (art. 29)

57. The Committee is concerned that:

(a) The Constitution denies persons with disabilities who are declared legally incapable of the right to vote and stand for election;

(b) There is lack of reliable statistical information on the number of persons with disabilities who have been removed from the electoral register on grounds of disability;

(c) Current laws on election do not allow autonomous, free and secret participation by all persons with disabilities in the electoral process.

58. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities:

(a) **Repeal provisions in the law and Constitution which deny the right of persons with disabilities to vote and stand for election including by eliminating the possibility of declaring persons with disabilities incapable of legal capacity on the ground of disability;**

(b) **Restore voting rights to all people with disabilities who are excluded from the national voter registry;**

(c) **Collect reliable and disaggregated statistics and data on the political participation of persons with disabilities as voters, running for elections;**

(d) **Expedite the Parliamentary approval of election laws to ensure legally enforceable rights for persons with disabilities to vote and have access to, among others, accessible ballots, election materials and polling stations, and the provision of freely chosen, adequate and necessary assistance in order to facilitate voting by all persons, regardless of impairment.**

Participation in cultural life, recreation, leisure and sport (art. 30)

59. The Committee is concerned at reports stating that public, cultural spaces such as UNESCO World Heritage sites largely remain inaccessible for persons with disabilities and the lack of State party documentation on how European Union Structural Funds contributes to removal of barriers to accessibility.

60. The Committee recommends that the State party, in close collaboration with representative organizations of persons with disabilities, take the necessary steps to secure and promote inclusive and accessible facilities for recreational, leisure and sporting activities, including UNESCO World Heritage sites, providing equal access to and participation for persons with disabilities, as also set out in the Sustainable Development Goal 11, Targets 11.2 and 11.7.

61. The Committee is concerned that the State party, despite expressed will for ratification pending collective ratification by the European Union, has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

62. The Committee recommends that the State party take all necessary measures to ensure unilateral ratification and implementation of the Marrakesh Treaty without further delay.

C. Special obligations

Statistics and data collection (art. 31)

63. The Committee is concerned that:

(a) There is a lack of disaggregated and reliable statistical data regarding persons with disabilities across all sectors;

(b) The statistical data relating to persons with disabilities collected by the State party fail to take into account the diversity of persons with disabilities, thereby rendering it impossible to evaluate the impact of each policy on persons with disabilities.

64. **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.**

International Cooperation (art. 32)

65. The Committee is concerned at the lack of mainstreaming of disability rights in the national, regional and global implementation and monitoring of the 2030 Agenda, including in designing international development assistance.

66. **The Committee recommends that the rights of persons with disabilities are mainstreamed in the national implementation and monitoring of the 2030 Agenda and the Sustainable Development Goals, and that all related processes, including in designing international development assistance, are undertaken in close cooperation and involvement with organisations of persons with disabilities.**

National implementation and monitoring (art. 33)

67. The Committee is concerned that:

(a) The Ministry of Social Security and Labour, in charge of the overall coordination of the Convention, lacks the legal mandate, authority, human and financial resources to influence other ministries and state institutions and to coordinate effective implementation the Convention and its monitoring; and there is no strong focal point within each ministry responsible for the implementation of the Convention;

(b) The Office of Equal Opportunities Ombudsperson and the Council for the Affairs of the Disabled, appointed to function as the State party's independent monitoring mechanisms, are not in full compliance with the Principles relating to the Status of National Institutions (the Paris Principles), notably because the Council falls under the mandate of the Ministry of Social Security and Labour;

(c) There is lack of consultation and involvement of representative organizations of persons with disabilities in monitoring the implementation of the Convention.

68. **The Committee recommends that the State party:**

(a) **Immediately take necessary steps to empower and enable the Ministry of Social Security and Labour to carry out the role as the coordinating Government body for the implementation of the Convention, and establish strong and efficient focal points within each ministry and state institution responsible for the implementation of the Convention;**

(b) **Remove the Council for the Affairs of the Disabled from the independent monitoring framework and in consultation with organizations of persons with disabilities, expedite the establishment of an independent monitoring mechanism complying with the Paris Principles with the required expertise and with access to sufficient resources in accordance with article 33(2);**

(c) Adopt legislation to guarantee the full participation of representative organizations of persons with disabilities in the implementation, coordination and monitoring of the Convention.

Follow-up and dissemination

69. 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).

70. 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.

71. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its periodic report.

72. 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.

Next report

73. The Committee requests the State party to submit its combined second and third periodic reports by no later than 18 September 2020, and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.
