

Governance fit for Children

To what extent have the general measures of implementation of the UNCRC been realised in Lithuania?



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Lithuanian title of this report: Valdymas atitinkantis vaiko poreikius Vaiko teisių konvencijos bendrųjų priemonių įgyvendinimas Lietuvoje nacionaliniu ir vietos lygiu.

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Foreword

[FROM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD]

The Convention on the Rights of the Child (the CRC) has the ambition to face two challenges:

- ❖ to confirm the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights – from a historical point of view, a “new” child was born in 1989;
- ❖ to offer universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living.

This new status of the child, subject of rights, is well illustrated by two principles of the Convention: The primary consideration to be given to the best interests of the child (CRC, art. 3), which places the child at the centre of all decisions affecting him/her, and the child's right to be heard (CRC, art. 12), which considers the child as competent enough for influencing such decisions. These two articles complement each other and present a concept of the active and participating child, which now has to be made a reality.

But how to translate this new status of the child and all the provisions of the Convention, including social, economic and cultural rights (food, shelter, education, health...) and rights to protection (against violence, exploitation, neglect...) into the different realities of countries, regions, communities, ethnicities, cultures and juridical systems?

The legislators of the Convention have not proposed a universal mechanism, but have drafted the article 4 stating that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”, which leaves it to the State Parties find out which measures are helpful to achieve the shared objectives of the Convention. Additional articles give directions; Article 42 (make the Convention widely known), Article 44(6) (make reports widely available), Article 2 (respect the rights of all children) and Article 3(2) (ensure protection and care).

On this basis, the Committee has generated the concept of “General Measures of Implementation” that are to serve as general prerequisites for the implementation of children's rights in details. In the General Comment No. 5 on “General measures of implementation” (CRC/ GC/2003/5) the Committee has explained what all State Parties should consider to do: examine and amend laws, allocate resources, coordinate measures, raise the awareness, carefully monitor the implementation process and arrange for an independent assessment of progress made. These measures are the toolbox for promising efforts to make the substantive rights a reality for children.

The instruments of this toolbox look so far away from what children need and desire. The Committee knows that children are not living in Ministries or in Services, but in villages and cities, in large families or with one parent alone, in an apartment house or in the streets. Still, the very concrete actions, appropriate to context and cultural background, require a framework of general measures in order to secure their effectivity and sustainability.

The studies presented in this report series has investigated, in which ways five member states of the EU and EU institutions have used such general measures of implementation. The results will be seriously considered by the committee in order to make its recommendations to State Parties the most applicable and useful for the benefit of children and their universal rights.

Jean Zermatten

Vice-Chair of the Committee on the Rights of the Child

Lothar Krappmann

Member of the Committee on the Rights of the Child

The situation today...

[1. INTRODUCTION]

1.1 Description of the General Situation in the Country

Lithuania is one of the smaller countries of the European Union (hereinafter – EU) (the country covers an area of 65 thousand km²) and is located on the Southeast coast of the Baltic Sea. According to the data of the Department of Statistics under the Government of the Republic of Lithuania, at the beginning of 2010, the population of Lithuania was about 3 million 329 thousand people. Ethnically, Lithuanian society is quite homogeneous – about 83.1% of the total state population are Lithuanians. The largest ethnic groups in the country are Poles (6.0%) and Russians (4.8%). Other ethnic groups are the following: Belarusians (1.1%), Ukrainians (0.6%), Roma (0.1%), Jews (0.1%), Latvians (0.1%), Tatars (0.1%), and other nationalities (0.3%). The number of children at the beginning of 2010 amounted to 636.1 thousand.

The territory of Lithuania is divided into 60 municipalities, and the municipalities are divided into 546 neighbourhoods. The capital of Lithuania is Vilnius City.

Although the name of Lithuania first appeared in written sources in year 1009 AD, the country can be regarded as a rather young state with erratic and severe history. Historical events, especially the 50 years of Soviet oppression, are still affecting the economic, social, and cultural environment of the country. The Republic of Lithuania regained its independence on 11 March 1990. In 2004, Lithuania became a member of NATO, and on 1 May 2004, joined the EU.

1.2 Implementation of the United Nations Convention on the Rights of the Child in Lithuania

The United Nations (hereinafter – UN) Convention on the Rights of the Child (hereinafter – CRC) was ratified by the Seimas¹ of the Republic of Lithuania on 3 July, 1995. Thus, Lithuania has joined other States that have ratified the Convention and together with these countries has the commitment to implement and protect children's rights by all possible means: legal, educational, economic, administrative, etc., which are appropriate to ensure the right conditions for child's growth and development. Ratification of the Convention also indicates that first, the implementation of child's rights is sanctioned by the law of the Republic of Lithuania and second, proper exercise of these rights is protected by an international consortium.

The CRC is an important legal document, which defines the basic needs for healthy and safe life and development of the child and establishes international obligations of the State. The Convention also defines the ways the state seeks to ensure children's welfare and their right to a happy childhood and life. In practice, the CRC ensures a consistent, continuous and better performance of social institutions and authorities that are involved in the work for the child's rights and child's welfare protection.

Every State that ratified the CRC, undertakes in writing to submit to the United Nations Committee on the Rights of the Child the reports on the implementation of the Convention in the country. Article 44 of the Convention states that by ratifying the Convention, the States Parties undertake to inform the UN

¹ Seimas – the Parliament of the Republic of Lithuania

Committee on the Rights of the Child on “<...> the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights”². The first report is submitted within two years of the entry into force of the Convention for the State Party concerned and every five years thereafter. Alternative reports and/or comments on the implementation of the CRC can be submitted by non-governmental organizations.

So far, the Lithuanian Government has submitted three reports on the implementation of the CRC to the UN Committee on the Rights of the Child (1998, 2004, and 2009). Comments and/or alternative reports on the implementation of the Convention have been submitted by Save the Children Lithuania, the Confederation of NGOs for Children, the Family Planning and Sexual Health Association.

The UN Committee on the Rights of the Child presents concluding observations to the State following the confirmation of the report on the implementation of the CRC. The comments submitted to Lithuania on the second and third Report on the Implementation of the CRC in the country indicate that Lithuania is still not doing enough to ensure the protection and implementation of the rights of the child, particularly in certain areas. One of the areas is prohibition of physical punishment of children. Both in 2001 and 2006, the comments of the Committee expressed concern that the culture of physical punishments, particularly in the family, still prevails in the state. Regardless of comments and recommendations of the Committee on the Rights of the Child, prohibition of physical punishments by law is still not implemented in Lithuania.

The Committee expressed its concern about informing the public, both adults and children, on the rights of the child and the CRC. Since 2001, there have been no significant changes in consistent and professional information for children and adults on the rights of the child and the CRC. The Committee on the Rights of the Child welcomed Lithuania's efforts in preparing the professionals working with children and teaching them about the rights of the child, the CRC, and the implementation of the principal provisions of the Convention in practice. However, there is a lack of specific, understandable and accessible information to the public; the children are not taught to apply the principles and provisions of the CRC in everyday life (the study has also shown children's abstract awareness of the rights of the child and the Convention). General public opinion about the rights of the child is negative – the rights are perceived as the source of children's misbehaviour, disrespect for adults and other negative phenomena. This indicates the lack of public awareness of children's rights, respect for the dignity of the child, and acceptance of the child. The comments of the Committee on the Rights of the Child state that the major concerns are the deficiency and fragmentation of professional training and the lack of information spread and its accessibility to the general public and children, especially in rural areas.

Another relevant problem is custody of children who have lost their parents: in Lithuania, the number of children living in childcare institutions remains high. According to the data of the Department of Statistics under the Government of the Republic of Lithuania, in late 2009, in Lithuania the custody of 12,306 children has been determined, 5,234 of whom lived in childcare institutions. The high number of children coming into childcare institutions indicates that the right of the child to a family and the right of his/her non-separation from parents is not guaranteed. However, it should be noted that in 2009, Lithuanian citizens adopted 110 children left without parents. The number of adopted children is increasing gradually: in 2009, it was higher than over the last decade.

2 United Nations Convention on the Rights of the Child // Valstybės žinios (Official Gazette), 1995, No.60-1501

In Lithuania, the number of families at risk remains rather high: at the end of 2009, 11,121 families, which include 24,222 children, were included in the list of families at risk throughout the country. However, it is necessary to note a positive change: the number of families at risk is gradually decreasing in the country.

One of the most important principal provisions of the CRC – the right of the child to non-discrimination – is not ensured well enough in the country. This issue is particularly sensitive when it comes to children in risk groups, children living in childcare institutions, the Roma children, refugees and children seeking refuge, and children living in rural areas. During the study, some investigators noticed that in general, there is a lack of focus on implementation of the principle of non-discrimination in the country, and that the current situation encourages the inequality of children of different social groups, which in turn has a negative impact on the spread of other social phenomena (e.g. bullying, social exclusion, etc.).

Currently, Lithuania has no comprehensive and detailed strategy for children based on the CRC. However, the Government approved the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012. The above mentioned strategy is quite exhaustive and clear. According to the representative of the Children's Rights Ombudsman Institution of the Republic of Lithuania, the mere fact that such strategy exists shows that the assurance of the child's rights is a priority. The Plan of Implementing Measures sets forth the responsible institutions and implementation periods; however, the measures should be reviewed periodically and their effectiveness and suitability evaluated in accordance with the current situation in the country and the status of the child's rights within the country.

Other programs and reforms related to assurance of the rights of the child in separate fields are being implemented in the country (for more information see Chapter *Development of National Plans of Action*).

The main institution responsible for the actions related to implementation of the child's rights in Lithuania is the Ministry of Social Security and Labour of Lithuania. Ministry's Strategic Action Plan for 2010-2012 notes that "Protection of the rights of the child and legitimate interests is one of the key objectives raised for the country and society"³. The Strategic Action Plan of the Ministry also distinguishes the main violations of the child's rights in Lithuania, which are violence against children, socially vulnerable families and their children, and children deprived of parental care.

1.3 Economic, Social and Cultural Context

The overall economic, social and cultural situation in the State has significant impact on proper implementation of the rights of the child in the country. Six key dimensions are generally used to measure the child's welfare, i.e. material well-being, health and safety, education, relationships with peers and family, risk and behaviour, and the young people's attitude to their well-being.

The level of education of the Lithuanian population is rather high. In 2009, 91.3% of Lithuanian population aged 25 to 64 had secondary and higher than secondary education. In 2009, 31% of the residents aged 25 to 64 had higher and post-secondary education (EU average – 25.1%). Lifelong learning (in 2009, it reached 4.5%; EU average – 9.5%) and pre-school education (in 2009, 54.7% of children aged 1 to 6 and older were involved in pre-school and pre-primary education, while the EU average is 86.8%) can be seen as problematic. It is noteworthy that the interview carried out during the study revealed that education is among the fields that receive the highest funding in Lithuania.

3 The Strategic Action Plan for 2010 – 2012 of the Ministry of Social Security and Labour of the Republic of Lithuania // Internet access: <http://www.socmin.lt/index.php?-l384509614>

Lithuania has experienced the period of particularly rapid economic development following joining the EU. In 2001–2007, the GDP growth in Lithuania was 7.9%, i.e. one of the highest in EU, meanwhile the EU average was 2.9%. The situation was determined by several aspects: increased export, productivity and

internal consumption. Under these conditions, the level of unemployment and long-term unemployment was decreasing, although it should be noted that labour emigration from Lithuania has also had its impact.

Due to the global economic crisis, GDP growth rates in Lithuania have decreased from 7% in the first quarter to 3.1% in the third quarter of 2008. At the same time, the employment level started falling and the unemployment started growing. On 30 September 2010, the unemployment rate in Lithuania was 14.34% of the entire able-bodied population (the total of 310 thousand registered unemployed people).

During the study, the interview with Divisions of the Social Support has revealed a significant increase in social assistance recipients during the financial crisis. The representatives of both the State and non-governmental organizations said that a difficult situation in families had direct impact on the children. The financial crisis has not only caused financial problems: the study revealed that due to more complicated financial situation, the parents spend less time with their children, because they have to work more.

Children poverty level is also among the highest in EU – 27% after and 34% before social welfare benefits (in EU – 19% and 34% respectively). In Lithuania, the highest risk of poverty is expected for single parents having one or more children (At-risk-of-poverty rate⁴ – 48.3%), and families (both parents) having three or more children (At-risk-of-poverty rate – 46%). It was also determined that the highest risk of poverty in the country is expected for children of 3 to 5 years of age.

In the country, the differences between urban and rural areas are fairly significant, which also leads to uneven assurance of the rights of the child. For example, in 2009, the children (aged 1–6 and older) involved in pre-school and pre-primary education amounted to 54.7%. 72.6% of children living in cities attended pre-school and pre-primary educational institutions; meanwhile only 22.8% of children attended such schools in rural areas. The risk of poverty in the rural population is approximately twice as high as in the population of the five largest cities.

Moreover, the number of families at risk is higher in rural areas than in the cities: at the end of 2009, there were 6,830 and 4,291 families at risk respectively.

It is also noteworthy that the Lithuanian society lacks proper awareness of the mission of the rights of the child and the CRC. The CRC commits the adult members of the society, especially educational practitioners (parents, teachers, etc.), to implement the rights of the child, which requires knowing them, because obscurity of the rights is equal to their absence. However, negative attitude towards the rights of the child and the CRC prevails in the country: many members of the society believe that the fact that children have rights leads to their inappropriate behaviour and restricts the ability of adults to educate and raise children (society mistakenly believes that child's rights mean that adults cannot contradict with or discipline the children). Even some professionals lack understanding that the CRC is a serious international instrument that obligates the State to allocate all possible measures to ensure that children have their rights realised, for example the right to education, the right to express their opinions, the right to be protected from abuse or exploitation, the right to have their privacy protected, the right to proper living conditions, etc.

4 At-risk-of-poverty rate – a part of population below the poverty risk threshold.

The children's opinion about the welfare in the country is also not good enough. The survey carried out by UNICEF in 29 countries shows that Lithuania is at the lowest positions according to the evaluation of quality of family relationships, and that the children in Lithuania feel most unhappy compared with their peers in other European countries.

The overall situation of the children in Lithuania shows that the implementation and protection of the rights of the child is not limited to adopting of the new laws and other legal acts, and taking care of material well-being solely – it must be accompanied by development of the measures promoting respect for the rights of the child and their proper understanding, accepting the child as an equal, and the measures ensuring family well-being and the ability to take care of a child properly.

This is how we did it...

[2. METHODOLOGY]

2.1 Aim of the research

This report is part of the project “Europe: Good Practice on the General Measures of Implementation of the Convention on the Rights of the Child” which is funded from European Commission’s Fundamental Rights and Citizenship Programme. The aim of the project is to assess how far the general measures of implementation of the UN Convention of the Rights of the Child have been realised at European, national and community level. The project focuses on the EU institutions and five European countries: Lithuania, Italy, Romania, Sweden and the United Kingdom.

The objective of the research presented in this report is to assess how far the general measures of implementation of the UN Convention of the Rights of the Child have been implemented at the national and local level in Lithuania.

The research covers several areas, i.e., legal status of the CRC; development of the National Plan of Action, co-ordination of CRC implementation, monitoring of the implementation, data collection and indicators, visibility of children in budget, co-operation with civil society, international co-operation, independent human rights institutions, information and raising awareness on CRC.

2.2 Research process, methodology, and methods

In order to carry out the analysis of the implementation of general measures of the CRC, the following research methods are applied:

- ❖ *Document analysis.* During the research, official State documents (national laws and other legal acts, national programmes), official statistics, and other documents that provide information on the implementation and protection of children’s rights in the country were analyzed. The list of the analyzed documents is provided in the Annex 2.
- ❖ *Semi-structured interview, carried out at the national level.* The interview at the national level was conducted in state institutions and non-governmental organizations, acting at the national level. The interview was carried out following a structured questionnaire, which contains the guidelines for interview questions, leaving a possibility for the interviewer to ask additional questions in order to specify the information. In the research at the national level, non-governmental organizations (“Child’s House”, SOS Children’s Villages Association, and the Confederation of NGOs for Children) and state institutions (Children’s Rights Ombudsman Institution of the Republic of Lithuania, Ministry of Social Security and Labour of the Republic of Lithuania, Ministry of Foreign Affairs of the Republic of Lithuania, Bureau of the Committee on Human Rights), took part.
- ❖ *Semi-structured interview, carried out at the local level.* Interview at the community level was conducted in 4 municipalities:
 - ❖ Utena Region Municipality
 - ❖ Šakiai Region Municipality
 - ❖ Jurbarkas Region Municipality
 - ❖ Širvintos Region Municipality.

In the municipalities, the specialists of the Divisions for the Protection of the Rights of the Child, Divisions of the Education, and Divisions of the Social Support as well as Youth Affairs coordinators were interviewed using a structured questionnaire with a possibility for the

researcher to ask additional questions. In Utena Region Municipality, the interview was also carried out with representatives of the Utena Centre of Children Social Support and Education.

- ❖ Semi-structured interview, carried out at the community level with the children. The interview with the children was carried out in the above municipalities, using a questionnaire adjusted to children.

The precise list of institutions, organizations, and divisions that participated in the research is provided in the Annex 1 to this report.

The material obtained during all interviews was processed and analyzed, and the generalized data are presented in this report.

2.3 Limitations

It is necessary to note that the research is more similar to an overview. In the future, it would be useful to carry out a similar research, including more municipalities of the country; perhaps even to perform their comparative analysis.

For the interviews with children, it would be interesting to compare the knowledge and opinions of children living under favourable conditions and children at risk about the child's rights and their implementation in Lithuania. During the research, certain contradiction was noticed: the specialists of one local Division for the Protection of the Rights of the Child stated that the children at risk know more about children's rights and they are well aware of what they are entitled to (for example, services, social benefits, nourishment free of charge, etc.), whereas in another municipality, the specialists stated that children at risk, who experience deprivation, often hide the actual situation in their families, because of a fear that they could lose their parents. The specialists claimed that the children, who live under favourable conditions, have better access to information and are braver to use their rights. Nevertheless, in this research, the objective was to ascertain the general level of children's awareness about children's rights and the CRC; therefore, this specific issue of knowledge varying between different groups of children could be investigated through a separate piece of research.

In addition, the lack of time has also had an impact on the research, as in some municipalities, the interviews had to be shortened on the respondents' request. In one municipality, we failed to meet with the Division of the Social Support to specify the information that was obtained through interviews in other divisions.

It is noteworthy that the knowledge of specialists working in the field of the child's rights about general measures of implementation of the CRC is not comprehensive and the majority of specialists do not know much about them. When organizing and carrying out the interviews, some specialists expressed opinion that the children's rights and questions regarding the implementation of the UN CRC are in the remit of the Divisions for the Protection of the Rights of the Child only, meanwhile, the specialists working in education, health and other fields do not have to be knowledgeable of these questions. Therefore, when carrying out the interviews sometimes it was difficult to get a comprehensive reply to the questions asked, which were directly related to the implementation of the children's rights.

Regardless of these limitations and areas that should be examined further, this research provides useful and rather comprehensive information on the general situation of the children's rights in Lithuania and the implementation of general measures of the CRC in the country.

This is what we found out...

[3. PRESENTATION OF THE RESEARCH RESULTS]

3.1 Legal Status of the UN Convention on the Rights of the Child

3.1.1 Introduction

Article 4 of the CRC indicates that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation”⁵. The UN Committee on The Rights of the Child especially highlights the importance and necessity of ensuring that the national laws and other legal acts were fully compatible with the provisions of the CRC and that a child was treated as the holder of these rights. Of special importance is the fact that general principles of the Convention (i.e. articles 2, 3, 6, and 12 – on non-discrimination, the best interests of the child, child’s right to life, survival and development, and child’s right to express opinion, respectively) were represented in the national laws and other legal acts. The Committee prompts the countries to invoke the above mentioned principles and provisions of the CRC in courts as well.

The UN Committee on the Rights of the Child emphasizes the fact that in cases of incongruity between the national laws and other legal acts and the CRC, the latter should be followed. The Committee also compliments the efforts of the countries to adopt general laws that regulate the rights of the child.

In addition, in the General Comment No. 5, the UN Committee on the Rights of the Child indicated that “<...> The Committee believes a comprehensive review of all domestic legislation and related administrative guidance to ensure full compliance with the Convention is an obligation”⁶ to all countries that ratified the Convention.

In the UN Committee’s on the Rights of the Child concluding observations on the report of Lithuania, concerning the implementation of the CRC in the country⁷, it is indicated that the Committee commends the State’s effort to coordinate national laws and other legal acts with the Convention, however, it prompts the State to consider the areas, in which the present situation only partially conforms to the provisions of the Convention, i.e. protection of children against violence, physical punishments, and the right of the child, who became a victim of any harmful acts, to physical and psychological rehabilitation and reintegration.

3.1.2 The Situation at the National Level

Since the ratification of the CRC in Lithuania, the State contributed a lot of effort in pursuance of ensuring compliance of the national laws and other legal acts with the Convention.

5 United Nations Convention on the Rights of the Child // Valstybės žinios (Official Gazette), 1995, No. 60-1501

6 UN Committee on the Rights of the Child: General Comment No. 5 // Internet access: <http://www.unhcr.org/refworld/category/LEGAL/CRC/4538834f110.html>

7 In this report, concluding observations are the observations that were provided by the UN Committee on the Rights of the Child in 2006 (related with the report, submitted by Lithuania in 2004).

Having assessed the legal base of Lithuania, it can be stated that country's national laws and other legal acts are compatible with the CRC, and the principles of the Convention are transferred to the national legal acts. Where a dispute/incongruity occurs between the national laws and other legal acts and the Convention, the latter is being followed.

Moreover, having ratified the CRC in Lithuania, new laws were adopted, the objective of which is to promote better implementation of children's rights and to ensure the protection of these rights. One of the most important laws is the Law on Fundamentals of the Protection of the Rights of the Child, adopted in 1996, the purpose of which is "<...> the improvement of legal protection of children within the country, through establishment of principles in defence of the rights and freedoms of the child, co-ordinated with the Constitution of the Republic of Lithuania and international law norms and principles"⁸. This law establishes fundamental rights and freedoms of the child, defines the responsibility of parents and other persons, who violate the rights of the child, and establishes the protection mechanisms for the children's rights. Generally, the Law on Fundamentals of the Protection of the Rights of the Child is considered the first serious attempt of Lithuania to thoroughly harmonize the legal base with the provisions of the CRC.

Several other important laws and legal acts of Lithuania that establish the rights of the child are the following:

- ❖ The Civil Code – Article 2 of the Section 11 of the Civil Code "Child's Rights and Freedoms" defines the main principles of the child's rights and determines the obligations of the child. Articles 1 and 3 of the same section define the content of authority of child's parents or legal representatives and their rights and obligations, responsibilities in children's education and the implementation of their rights. In addition, the cases when the authority of parents is restricted are also defined.
- ❖ The Code on Civil Procedure – interrogation procedures of children witnesses are defined in the Code; it is indicated that when solving family cases, the protection of the rights of a child and his/her legal interests has to be ensured and the child's participation in court sessions is defined. It also defines the cases when parents' authority is restricted, adoption procedures, etc.
- ❖ The Law on the Minimal and Medium Care for the Child of the Republic of Lithuania was adopted on 28 June, 2007, and its purpose is to "<...> establish a system of minimum and medium child care measures in line with the child rights and lawful interests as well as public safety requirements, intended for socialisation and education of a child with behavioural disorders as well as for the provision of social, pedagogical, psychological, special psychological, informational and other types of assistance, which would help a child to overcome the behaviour disorders and to develop the perceptions of a meaningful personal and public life"⁹. This law consolidates a new attitude towards children in trouble with the law, considers the best interests of the child, and projects adequate support to the child with troublesome behaviour, who is prone to delinquency.

Moreover, various programmes to ensure better implementation and protection of the children's rights are being created and implemented in Lithuania. Most successful long-term programmes, implemented in Lithuania are, for example, National Programme of the Children Day Centres, National Programme for the Prevention of Violence against Children and for Assistance to Children, National Programme for Juvenile Crime Prevention, etc. These programmes help to implement practical measures and ensure the protection of the child's rights. Nevertheless, the representative of the Children's Rights Ombudsman Institution has mentioned that in order to ensure actually efficient implementation and protection of the rights of the child, it is necessary not only to create national programmes, but also to give more attention to

8 Law on Fundamentals of the Protection of the Rights of the Child of the Republic of Lithuania // Valstybės žinios (Official Gazette), 1996, No. 33-807

9 Law on the Minimum and Medium Care for the Child of the Republic of Lithuania // Valstybės žinios (Official Gazette), 2007, No. 80-3214

the assessment of their efficiency – *“Having in mind various programmes, conceptions, and strategies we have and the results we have achieved, we can refer to any document as a national plan or otherwise; however, I do not believe that it gives the effect we expect from a document bearing such title. This is because we have the programmes segmented in various areas, the measures that are essentially duplicated, large amounts of money are allocated, and the evaluation criteria do not allow assessing the actual efficiency of the implementation of a programme or strategy. <...> Some programmes could be cancelled and everything should be more focused. Then it would be possible to separate, for example, the child’s right to education or juvenile justice, and to include all measures of the particular field, thus avoiding duplication. This way, there would be more transparency.”*

There is also a lack of assessment concerning laws and other legal acts: although the laws and other legal acts of Lithuania are in compliance with or are in the process of being made compliant with the CRC, comprehensive and versatile review of the legal base has not been carried out in the country. The legislative agenda (i.e. a specific list of laws and other legal acts that have to be adopted or added) focusing on children’s rights, has not been prepared either.

Another problem area mentioned by the research participants is that even though the laws and other legal acts are compliant with the CRC and theoretically are well prepared and defined, the practical implementation of these laws does not always ensure the realization of the best interests of the child. According to the representatives of the Ministry of Social Security and Labour, *“The laws are compliant with the CRC. From a theoretical point of view, our legal acts are very well prepared. The practical implementation is another cup of tea. The implementation of certain laws is problematic. For example, minimal and medium care is theoretically well defined, but its implementation and realization is a whole new ball game. The funds and human resources are related to the implementation.”* This indicates that the measures necessary for practical implementation of laws and other legal acts are not always ensured. In addition, the representatives of the Ministry of Social Security and Labour claim that *“The implementation of the laws related to financial support and allowances is very clear and pretty much easy, meanwhile the implementation of laws related to quality and reception of services is more difficult.”*

The representatives of non-governmental organizations, who participated in the research, also indicated that the Lithuanian laws are well prepared at the theoretical level. However, in practice, we often face the cases when valid laws are not being implemented due to the lack of practical measures to ensure implementation. According to the representatives of non-governmental organizations, *<...> Our laws are correct in legal terms. The problem is their implementation. <...> There are plenty of good amendments, for example, the amendment of the Civil Code, and the recent Law on the Minimal and Medium Care. In general, we have good laws. The problem is who implements them, how they are implemented, and when they are implemented. Personally, I believe that there is a lack of the knowledge about CRC in courts. For instance, participation of a specialist from the Division for the Protection of the Rights of the Child is mandatory in all court sessions, where the children are involved. But what exactly does specialist from the Division do there? No-one can define that. He/she implements and ensures the rights of the child <...>. But what does it mean? If the procedure of court does not correspond to the child’s interests according to the CRC, the specialist for the protection of the child’s rights can terminate the court’s session. But the question is how to do this? There are no specific guidelines. Therefore, the implementation is poor.”* The representatives also mentioned that State’s report to the United Nations regarding the implementation of the CRC is often descriptive and not specific enough; concrete achievements are not indicated clearly in the report. For example, new laws and other legal acts that were adopted, amended, etc. are listed, but there is no analysis of the actual changes these modifications helped to achieve.

3.1.3 The Situation at the Local Level

The Lithuanian legal framework was evaluated quite positively by the specialists who participated in the research at local level as well. The specialists said that at the theoretical level, the laws and other legal acts are harmonised with the principles of CRC. However, practical implementation of laws and legal acts does not always comply with the provisions of the Convention. According to the specialists: *“The major part of the laws is harmonised. Of course, there are minor inconsistencies and mistakes but basically laws are harmonised”*; *“I believe that the laws reflect the Convention as there are all possibilities to implement them and no law violates the interests of the child. However, our view towards the child, the perspectives is the question of greater importance”*. Thereby, specialists highlight two aspects: first, the difficulties and inconsistencies related to the practical implementation of laws and other legal acts and second, the general attitude towards the child and the child’s personality. Despite perfect legislation and attempts to ensure its practical implementation, putting the principles of the rights of the child into practice is aggravated by the fact that the society does not assume a child as a right-holder. Thus, it is important to achieve that not only effective and practically functioning legal framework is created but adequate attitude of the society towards the children is formed as well.

The principles and provisions of the CRC are equally taken into account when decisions concerning the child are made. The specialists of Divisions for the Protection of the Rights of the Child mentioned that when making the decisions, they always take into account the CRC and its principles. For example, when making a decision in favour of the parents for tax exemption concerning the services of pre-primary school, it has to be stated which articles of the Convention were referred to; when writing the Deed of Administrative Offence, particular articles of the CRC that were violated (if, for example, the offence is related to the improper actions against the child) are indicated, etc. In addition, according to the specialists, no specific group of children is currently abandoned in the legal sense as the rights of children belonging to the groups of people with disabilities, national minorities, religious minorities, social risk and other are ensured too.

3.1.4 Conclusions

Having assessed the general situation, it can be said that Lithuania has achieved quite good results in harmonising the national laws and other legal acts with the provisions of the CRC. The additional general laws regulating the rights of the child have been adopted and the previously adopted national laws and other legislation have been harmonised with the CRC. The CRC is the overriding document in the cases when the inconsistencies between the Convention and national documents occur.

When making decisions related to the child, it is practically attempted to consider the principles of CRC and underpin the decision with concrete provisions and articles of the Convention.

In Lithuania, different programmes aiming to ensure the implementation and protection of individual rights of the child are also created and developed, and sufficient financial resources are allocated to such programmes.

On spite of good legislation, some difficulties are encountered, because sometimes legislation does not work in practice, and there are not enough effective practical means considered, so quite often, the law does not fully ensure the implementation and security of the rights of the child.

Regular evaluation of the laws and the other legal acts in force is lacking as well as regular and comprehensive evaluation of the current programmes. When assessing the programmes, most often the quantitative indicators, funding and the use of it are taken into account, and the qualitative results and the difference made are not measured.

The current situation shows that legislation in Lithuania still does not protect the child from all forms of violence (including physical punishment); also, the right to non-discrimination, the right to have a family and live with the parents, and the right to have adequate conditions for child's growth and development are not being fully implemented.

3.1.5 Recommendations

- The state must put in further attempts to ensure that national laws and other legal acts were completely and fully compliant to the principal provisions and requirements of the CRC. At the moment, one of the main aims is to ensure the protection of the child from all forms of violence, including physical punishment, through the use of legal instruments.
- When creating the legal framework, adopting new laws and other legal acts, and revising the existing legislation, it is necessary to ensure concrete practical instruments to implement the legislation and to create the mechanisms for implementation and protection of the rights of the child, which would work in practice.
- The state must periodically revise and assess the laws and other legal acts in force, which are related to the implementation and protection of the rights of the child.
- When evaluating the programmes for children, the achieved results should be measured not only in terms of the quantitative parameters, but also in terms of the qualitative ones; it is necessary to define the criteria and instruments, which would allow evaluating the achieved changes.

3.2 National Action Plan for Children

3.2.1 Introduction

One of the factors ensuring proper implementing of the CRC in a State is creating and implementing a complex national strategy or action plan for children. Such strategy or plan has to provide a system of specific, realizable and coordinated actions to realise the CRC. General Comment No. 5 of the UN Committee on the Rights of the Child states that an effective strategy or action plan is the one that takes into account the current situation of children in the country and all the rights listed in the CRC. Moreover, the strategy or plan has to be prepared based on consultations, including consultations with children and young people.

In the General Comment No. 5, the Committee especially emphasizes that preparing the strategy/plan for children “<...> must not be simply a list of good intentions; it must include a description of a sustainable process for realizing the rights of children throughout the State; it must go beyond statements of policy and principle, to set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children.”¹⁰

In the concluding observations on the Lithuanian report on the implementation of the CRC, the Committee indicated that Lithuania must ensure that the plan prepared by the State is covering all areas of the Convention, appropriate financial resources are allocated for plan implementation, and all other action plans and programmes intended to ensure the implementation of children's rights were compliant with this plan.

3.2.2 The Situation at the National Level

At the moment, Lithuania does not have a complex strategy/plan for child's rights that is based on the

¹⁰ UN Committee on the Rights of the Child: General Comment No. 5 // Internet access: <http://www.unhcr.org/refworld/category/LEGAL/CRC,,4538834f11,0.html>

CRC. However, another plan related to children's rights was adopted by the State – the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012. The aim of this Strategy is “<...> to create the preconditions for the welfare of all children residing in the Republic of Lithuania. In the Strategy, the welfare of the child is perceived as providing the conditions for the child to live complete life and ensuring his right to security, provision, and participation in social life.”¹¹ The main aim of the Strategy is to provide appropriate conditions for the child to live in a family and actively participate in social life, to protect the child against any form of violence and abuse, and to provide appropriate conditions to study and receive proper medical care.

The tasks of the Strategy define the necessity to ensure the implementation of the CRC in the State. The tasks of the Strategy state the necessity of:

- ❖ Better compliance of the laws and other legislation with the provisions of the CRC; preparing new laws and legislation.
- ❖ Promoting cooperation among various institutions and organizations (at local, national, and international level), which would ensure the participation of children and young people in decision-making for child welfare.
- ❖ Ensuring necessary aid for families, increasing the availability and supply of social services to children and families, and increasing parental responsibility.
- ❖ Improving the education system (including adjustment of the learning environment to the persons with different needs and developing the variety of education forms) and increasing children's after school activities and funding for these areas.
- ❖ Improving the health care of children and the quality of health care services.
- ❖ Ensuring all necessary measures and actions to protect children against all forms of violence and neglect and exploitation.
- ❖ Taking into account children's needs in town planning.
- ❖ Ensuring the protection of rights of children seeking asylum.
- ❖ Ensuring collection of comprehensive statistical information on all groups of children and according to all areas of the UN CRC.
- ❖ Constantly assess child's welfare situation in Lithuania (the areas of child provision, protection and involvement).
- ❖ Raising the qualification of specialists working in the field of children's rights, developing the training system of guardians and adopting parents and the network of centres of social work methods¹².

The Plan of Implementing Measures of the Strategy of State Policy on Child Welfare was amended several times by adding new measures and changing the institutions responsible for individual actions. One of the main amendments was adding a new measure to the Plan in 2006, which provides for allocation for funds to non-governmental organizations working in the field of the CRC. Based on this measure, a call for projects was announced, where organizations can submit offers for activities related to informing the public about child's rights and the CRC.

In 2007, the Plan of Implementing Measures was supplemented by the direction to prepare the draft law on amendment of the Law on Fundamentals on Protection of the Rights of the Child. The aim of such amendment was the attempt to protect the children against all forms of violence. Another amendment was related to the non-pecuniary court judgments related to children (e.g. place of residence of the child, establishing the order of communication with children, etc.). This amendment provided for the necessity to

11 Governmental Regulation of the Republic of Lithuania „On the approval of the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012“ // Valstybės žinios (Official Gazette), 2005, No. 25-802

12 Centres of social work methods – social services institutions that not only provide social services but also organize trainings for social workers, implement social work innovations, organize dissemination of good practices to other social services institutions.

prepare methodical recommendations on how to properly execute non-pecuniary court judgments related to children.

The coordination of implementation of the Strategy of State Policy on Child Welfare is the responsibility of the Ministry of Social Security and Labour. Every two years, the Government is presented with the reports on the implementation of the Strategy and achieved results.

The Ministry of Social Security and Labour was also assigned by a Governmental Regulation to form the Commission for Coordination of Implementation of the Strategy of State Policy on Child Welfare Measures. In 2005, the order of the Ministry of Social Security and Labour approved the Interdepartmental Council of Child Welfare and the provisions of its activity. Currently, the Council is still operating and Council meetings are being organised, where most issues relevant to children and children's rights implementation and protection are discussed, the condition of children in the State is analysed, the proposals for the activity of State and municipal institutions and authorities are prepared as well as for the improvement of interdepartmental cooperation in the field of child welfare. The Council consists of the representatives of various institutions and organizations: the Ministries (Social Security and Labour, Interior, Education and Science, and Health), State Child's Rights and Adoption Service, Associations of the Divisions for the Protection of the Rights of the Child, Children's Rights Ombudsman Institution, non-governmental organizations, and other institutions. Moreover, a representative of the Lithuanian Parliament of Students is a member of the Council.

When assessing the Strategy of the State Policy on Child Welfare, the representatives of both state and non-governmental institutions said that the existence of such Strategy is very important, as it is the recognition of the State that children, children's rights and their implementation and protection are a priority for the State. Such a Strategy means that the State recognizes that in some areas problems exist, which have negative impact on the situation of the children's rights and the conditions of life of children in the State, and the State admits that it must solve the problems and existing difficulties. *"The fact of the existence of the Strategy itself means that the children are a priority and protection of children's rights is a priority. The Strategy establishes the attitude that children are important to us, and the document can be used as an instrument in communication with the same political authorities. For instance, when a certain measure is necessary, you have the grounds that there is such Strategy and plan, that says and we have stated that children are our priority, and that a certain problem was identified, and then you can reason why the proposed programme is necessary – the State itself has admitted that such problem exists and the State has made the decision to solve it."* In such a case, the Strategy is an excellent instrument to remind the State its obligations in the field of implementation and protection of children's rights, to encourage the State to take actual measures in solving one or another problem.

According to the specialists' assessment, the description and philosophy of the Strategy are very good: the importance of children's rights is emphasized as well as the necessity to ensure appropriate conditions for implementation and protection of children's rights.

The efficiency of the Plan of Implementing Measures of the Strategy causes more concern. According to the representatives of the Ministry of Social Security and Labour, the question how to select the efficient measures that would help to achieve the set aims has not been answered yet. The representatives suggest that reviewing the Plan every two years and assessing the changes in the situation of the State, economical, social, cultural and other conditions, and the state of children, could be efficient. It is very important, as set measures can get out-of-date and become irrelevant in several years, which means that their implementation would be inexpedient and not necessary. The Plan of Implementing Measures must completely correspond to the present situation.

Moreover, the representatives of the Ministry of Social Security and Labour said that one of the weak sides of the Strategy is the direction that the programmes, which help to implement the aims and tasks of the Strategy, have to be approved by the Ministers, who control the area of the programme, and not the Government. Thus, the programmes become departmental and the situation, where each Ministry is responsible for its programmes and their implementation, occurs and there is a lack of cooperation and collaboration among the Ministries.

According to the non-governmental organizations, the Strategy itself is well prepared, but there are too few discussions about it and too little information on its implementation is provided. In general, the Strategy should be the main document, according to which all programmes and actions related to children and children's rights should be harmonised. It is not so in Lithuania: *"We have adopted the Strategy <...> and we forgot it. It is a big problem, because everything should be coordinated according to the Strategy. <...> The Strategy is good, <...> and it leads to good changes [in the field of children's rights] – for example amendments made in the Civil Code or the adoption of the Law on Minimal and Medium Care for the Child. In terms of legislation, everything is fine."*

"The Strategy is well written, observing the principles of the Convention, but the plans of Strategy implementation are fragmented and not consolidated into an entirety. They should be corrected. <...> Second, they are completely unsubstantiated financially and thus, their implementation sometimes remains "a pipe dream". Therefore, although the State has a good Strategy that is compliant with the provisions of the CRC, there is a lack of recognition of the Strategy's importance and significance, coordination of created programmes and other actions with the Strategy, and specific implementation measures supported by necessary resources (human, financial, etc.).

Non-governmental organizations also emphasize that sometimes State is attempting to solve the problems of children in a very short time span: *"<...> the State attempts to solve some problems of children in a very short time, e.g. in a year or two State allegedly solved the problem of sexual abuse of children, and that's why the national programme is not repeated anymore."* This indicates that achieved results have to be assessed more responsibly and widely, and the Strategy measures should provide for long-term and consistent work to solve the problems of implementing and protecting children's rights.

3.2.3 The Situation at the Local Level

The Lithuanian Governmental Regulation No. 184 of 17 February of 2005 "On the approval of the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012" sets forth that it should be recommended for the municipalities *"<...> according to financial possibilities, to implement <...> the approved Plan of Implementing Measures of the Strategy of State Policy on Child Welfare for 2005-2012"*¹³. During the survey, when interviewing the specialists, it was noticed that the Strategy is not an important document for creating the action plans of the municipalities. When creating the action plans, local social problems and major difficulties are taken into account, the applicable laws and legislation of the State are observed, but the Strategy itself is hardly ever mentioned as the basis for planning particular actions. The CRC is not used as the framework for creating municipal action plans either.

The action plans of the Divisions for the Protection of the Rights of the Child take into account the CRC more, which is natural, as one of the main functions of the Divisions is to ensure proper implementation and protection of children's rights. However, the Strategy of State Policy on Child Welfare is not the document that has a lot of impact on organising the work of these Divisions. In general, during the

¹³ Governmental Regulation of the Republic of Lithuania "On the approval of the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012" // Valstybės žinios (Official Gazette), 2005, No. 25-802

interviews, it was noticed that the specialists know of the existence of the Strategy and that actions are implemented and changes are made based on the Strategy, but the Strategy is not perceived as the document of great significance. The representatives of the Divisions for the Protection of the Rights of the Child knew the Strategy best, whereas the representatives of other Divisions could give fewer comments on the Strategy.

The specialists who participated in the survey indicated that adopting the Strategy had the impact on certain changes and on the work of the specialists (especially the specialists of the Divisions for the Protection of the Rights of the Child): *“<...> we felt the changes when the Governmental programme for strengthening the Divisions for the Protection of the Rights of the Child was being implemented; it ended in 2008, and started in 2003, as far as I remember. The trainings were organised, cars were provided to the specialists, the legal base was significantly changed, and temporary guardianship of children was well regulated. However, after the strengthening end, the funding to the Divisions for the Protection of the Rights of the Child was cut. In short, the attitude is not systemic.”* In the opinion of local-level specialists, the implementation of the Strategy is very chaotic and not systemic.

In the opinion of the specialists of the Divisions for the Protection of the Rights of the Child, the fact that the State has the Strategy of State Policy on Child Welfare is a positive aspect and the specialists believe that the document is well-prepared: *“<...> the Strategy as the document is very nice, and its paper version is really strong.”* However, the specialists believe that the existence of the Strategy in practice has no significant impact on the changes in children's lives: *“<...> the reality of life shows that many children live in the conditions that cannot be fathomed in the Western Europe – children live without a WC, without water supply, in poor domestic conditions, in the buildings of emergency condition, let alone the space.”* In the opinion of the specialists, the existence of the Strategy is an important aspect, but its practical implementation is not coordinated well enough, it is chaotic and fragmented, and therefore, it is difficult to speak of actual and significant changes in children's lives determined by the Strategy.

Some specialists even said that the Strategy is not the priority of the State: *“In reality, the Strategy is not the priority of the State. True, the Strategy exists, but it is more of a declarative document, and implementation of some children's rights is also declarative. E.g., the right to education – in fact, village schools are being closed.”* General assessment of the Strategy at the local level indicates that the document has no significant impact on the changes in the field of implementation and protection of children's rights.

The children who participated in the survey had no knowledge of the Strategy of State Policy of Child Welfare, i.e. the document that defines the State's attempts to create proper conditions for children's lives and development as well as to ensure the implementation of children's rights. In the opinion of children, at the local level, in their communities, they hardly have any power to influence the decisions related to children.

3.2.4 Conclusions

Although Lithuania does not have a comprehensive strategy/plan for children it does have the Strategy of State Policy on Child Welfare and the Plan of its Implementing Measures. The Strategy is well prepared and its existence means that the State admits that the implementation and protection of children's rights is a State priority and the State undertakes to ensure appropriate living and development conditions to children. According to the order of the Minister of Social Security and Labour, the Interdepartmental Council of Child Welfare was formed, which also contributes to the implementation of the Strategy, analysing the situation of children in the State, and prompting positive changes for children.

In the opinion of the specialists, the Strategy of State Policy on Child Welfare is well prepared, taking

into account the principles of the UN CRC; however for the successful implementation of the Strategy, a specific plan of implementation measures is missing, which would provide for particular and efficient measures to achieve set goals, specific financial resources and sources, and implementation terms. The Strategy should be the document, which all actions, programmes, laws and legislation for children should be harmonised with. Currently, there is no such recognition of the significance of the Strategy.

At the local level, the Strategy of State Policy on Child Welfare is not taken into account sufficiently. The specialists who participated in the survey had heard of the Strategy, but only the specialists of the Divisions for the Protection of the Rights of the Child had more knowledge about it. According to the specialists, the Strategy is more of a declarative document and has no significant impact on the implementation and protection of children's rights in the State.

When creating action plans at the local level, the Strategy of State Policy on Child Welfare is not taken into account sufficiently.

It is also important that some solutions are too hurried: it is attempted to solve relevant social problems too rapidly and within a realistic timeframe, and it is not clear what the criteria are for stating that the problem has decreased or is completely solved.

3.2.5 Recommendations

- The Strategy of State Policy on Child Welfare and the Plan of Implementing Measures have to be reviewed and it must be ensured that the Strategy and its implementation plan cover all areas relating to children and take into account all aspects of the CRC.
- The Plan of Implementing Measures of the Strategy of State Policy on Child Welfare must be reviewed every two years and the measures, their suitability to the current situation in the State, efficiency, and the need for change must be assessed.
- The Strategy of State Policy on Child Welfare and the Plan of Implementing Measures must provide for specific financial resources and sources for the implementation of set actions and measures, specific terms of implementing individual actions, and clearly define the areas of responsibility and functions of individual institutions.
- Municipal institutions at the local level should be encouraged to create local plans/strategies, which would provide for the implementation and protection of children's rights at the local level. Such plans/strategies should also provide for specific financial resources and sources, terms, and responsible persons, institutions and services for the implementation of the plan/strategy.

3.3 Co-ordination of the Implementation of the Convention on the Rights of the Child

3.3.1 Introduction

While examining reports of the countries regarding implementation of the CRC, the UN Committee on the Rights of the Child almost always stresses out that countries should make every effort to fortify and improve efficiency of coordination of the Convention implementation in the country and ensure more successful cooperation of separate institutions, organizations and offices, and also close cooperation with society.

The Committee points out that the purpose of the successful coordination is to – “<...> ensure respect for all of the Convention's principles and standards for all children within the State jurisdiction; to ensure that the obligations inherent in ratification of or accession to the Convention are not only recognized by

those large departments which have a substantial impact on children – education, health or welfare and so on - but right across Government, including for example departments concerned with finance, planning, employment and defence, and at all levels”¹⁴.

The UN Committee on the Rights of the Child believes that there are many formal and informal opportunities and ways to ensure efficient coordination of implementation of the Convention on the Rights of Child, for example, establishing interdepartmental committees/offices regarding subjects related to children.

In the concluding observations on Lithuanian report on the implementation of CRC, the Committee welcomed Lithuanian efforts to improve coordination of implementation of the Convention of the Rights of the Child but drew attention to the fact, that there is a “<...> lack of coordination and coherency of the implementation of the Convention both at the central and local levels, especially with regard to local authorities.”¹⁵. The Committee recommended that Lithuania further ensured the compliance and coordination of the Convention, successful cooperation between national and local governing institutions, and cooperation with society: non-governmental organizations, children and young people and parents.

3.3.2 The Situation at the National Level

General system of the children’s rights institutions in Lithuania is presented in Figure 1.

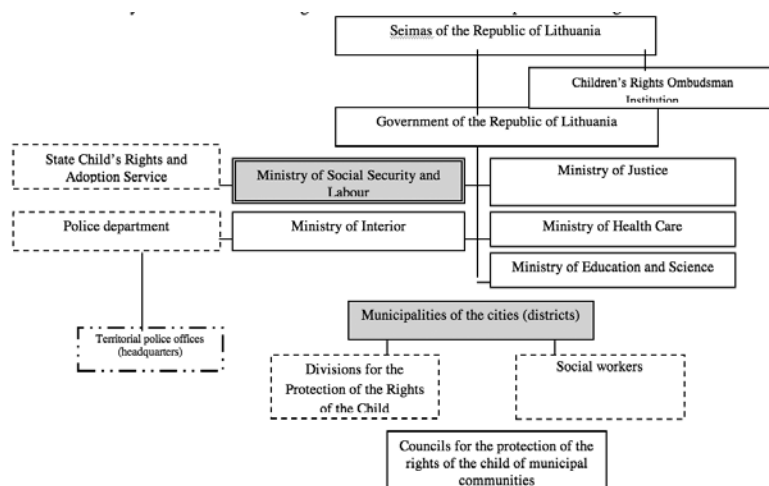


Figure 1. System of institutions for the child’s rights protection in Lithuania (Report of the activity of year 2009 of the Children Rights Ombudsman Institution, 2009, p. 4)

Protection of the rights of the child in Lithuania is ensured by the State and its institutions, local and self-government institutions. The importance of non-governmental organizations, acting in the field of the rights of the child and in the welfare of the child, is also growing.

14 UN Committee on the Rights of the Child: General Comment No. 5 // Internet access: <http://www.unhcr.org/refworld/category/LEGAL/CRC/4538834f/1/0.html>

15 United Nations Committee on the Rights of the Child: Concluding observations: Lithuania, 2006 // CRC/C/LTU/CO/2

The Government of the Republic of Lithuania is performing several functions in the field of the rights of the child: (1) prepares and submits for the approval of Seimas draft laws and other legal acts, confirms national programmes; (2) executes the laws and other legal acts; (3) appoints the Ministry responsible for the management of the rights of the child; (4) defines the competencies of other ministries in the field of protection of the rights of the child.

The decision No. 194 of 6 February 2003 of the Government of the Republic of Lithuania appointed “<...> Ministry of Social Security and Labour to be responsible for the management of the rights of the child”¹⁶. The decision states that the Ministry of Social Security and Labour:

- ❖ “forms and implements the policy of protection of the rights of the child and together with other State institutions and offices and municipalities ensures appropriate protection of the rights of the child;
- ❖ organizes the cooperation between State institutions and offices and municipalities in the field of protection of the rights of the child in the procedure defined by legislation;
- ❖ collects, organizes and analyzes information provided by institutions and offices of the State and the municipalities regarding the issues of protection of the rights of the child;
- ❖ provides the institutions and offices of the State and municipalities with methodical aid regarding the subjects of protection of the rights of the child;
- ❖ coordinates and prepares reports on implementation of international contracts regarding protection of the rights of the child in the remit of the Lithuanian ministries and submits the reports to international organizations;
- ❖ together with the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, and the Ministry of the Interior ensures the accessibility of the services to children;
- ❖ prepares and implements the programmes for improving the social protection of children¹⁷.

In order to perform its functions properly, the Ministry established the Family Welfare Department, which includes the Children and Youth Division. The Ministry has also established the State Child’s Rights and Adoption Service. Moreover, by the order of the Minister of Social Security and Labour, Interdepartmental Council of Child Welfare was established.

The aim of the State Child’s Rights and Adoption Service is “ensuring the functioning of the general system of protection of the rights of the child and implementing the measures for protection of the rights of the child, with the view to protect each child’s right to family and to represent his/her legal interests”¹⁸. The assigned functions of this Service include improving the system of protection of the rights of the child in the country, implementing the measures for protection of the rights of the child according to applicable legislation (national and international), promoting inter-institutional cooperation in the field of protection of the children’s rights, preparing legal acts related to the implementation of measures for the protection of the children’s rights, and coordinating the work of the municipalities’ Divisions for the Protection of the Rights of the Child.

Responsibilities of other ministries in the field of protection of the rights of the child are also defined in the Decision No. 194 of the Government of the Republic of Lithuania of 6 February 2003 “Regarding assigning of the management of the rights of the child to the Ministry of Social Security and Labour and defining the competences of other ministries”. The Ministry of Education and Science of the Republic of Lithuania is responsible for the implementation of the rights of the child in the education field: the

16 Decision No. 194 of the Government of the Republic of Lithuania of 6 February 2003 “Regarding assigning of the management of the rights of the child to the Ministry of Social Security and Labour and defining the competences of other ministries” // *Valstybės žinios* (Official Gazette), 2003, No. 15-611.

17 Ibid

18 State Child’s Rights and Adoption Service. Activity // Internet access: www.ivaikinimas.lt/veikla

Ministry collects and analyzes the data regarding the occupation and education of children; together with institutions of the municipalities solves such issues as school attendance, accessibility of pre-school education, accessibility of additional education, quality of education services, and accessibility of pedagogical psychological help for children; implements education measures that would protect children from any form of violence; coordinates the activity of children's education, foster homes and special schools.

The functions of the Ministry of Health of the Republic of Lithuania, assigned by the Government are to ensure high-quality health services to children, to prepare and implement the programmes related to the improvement of the condition of children's health in the country, to collect, organize and analyze the information on children's health issues, to participate in the creating of policy for protecting children's rights, and to implement it in the field of public health policy.

The Ministry of the Interior of the Republic of Lithuania is also participating in creating the policy for protecting children's right, implements it in its own sphere of regulation, collects and analyzes the data about children and crimes committed against children and about administrative law infringements in its remit, prepares and implements the programmes for prevention of juvenile delinquency, violence against children, trafficking of children, and other violations of the rights of the child.

The Children's Rights Ombudsman Institution was established to address violations of the rights of the child. The Law on Fundamentals of Protection of the Rights of the Child states that the Ombudsman Institution is responsible in its remit for control and supervision of the implementation of the laws and other legal acts regulating the protection of children's rights (see Chapter *Independent Human Rights Institutions* for further details).

In ensuring implementation and protection of the rights of the child, the importance of non-governmental organizations is growing. When implementing the CRC in the State, it is attempted to create partnerships between state institutions and non-governmental organizations and work together, though these relationships still need to be strengthened. It is noteworthy that there is no strong union of non-governmental organizations, which would promote appropriate implementation of CRC. The representatives of the non-governmental organizations said that sometimes this situation is influenced by the present state of non-governmental organizations in Lithuania, in particular their financing schemes: they promote competition between the organizations instead of partnership.

Previously, there was a Lithuanian Commission of Volunteer Advisors for Children's Rights, which was presided by the Save the Children Lithuania, but the work of the Commission was terminated. Currently, the Confederation of NGOs for Children is operating and it unites non-governmental organizations working in the field of child's rights and child's welfare. The Confederation is monitoring and collecting information on the programmes implemented by the State (intended for children and ensuring children's rights) and preparing the report "On implementation of the CRC", which is an alternative to the report submitted by State institutions.

According to evaluation of representatives of both state and non-governmental organizations, the system of protection of the children's rights in Lithuania is good enough, although there are some fields that could be improved. The representative of the Children's Rights Ombudsman Institution said: *"It is unclear, which institution is the central and coordinating one in solving the issues of the rights of the child, even in individual cases. The UN Committee on the Rights of the Child always emphasizes that each country must have the central coordinating institution. According to the provisions of the State Child's Rights and Adoption Service, it seems that this Service is the coordinating institution together with the Ministry of Social Security*

and Labour, in the limits of authorization by the Ministry of Social Security and Labour. But in practice, the situation is different: because of huge responsibility, the function of coordination is sometimes avoided and it is attempted to pass it over to the Ombudsman Institution. Thus, the Ombudsman Institution sometimes finds itself in the position to provide the solution, for instance, how the municipal Divisions for the Protection of the Rights of the Child should act. But if we give the solution, we cannot perform our function of control and supervision”.

At the national level, there is sometimes a lack of closer cooperation between individual ministries and other institutions when implementing CRC. According to the opinion of the representatives of the Ministry of Social Security and Labour, the greatest concern is regarding complex issues: sometimes it is confusing which institution should solve these problems – *“For example, the Infants Home – it is an institution of health care, which also performs a social function. Maybe greater problem is the structure of the institutions themselves and harmonisations between the organizations. There are some issues that cannot be distinguished and attributed to a particular field. For example, violence is an issue of health, social and interior affairs, it is a complex subject. Sometimes assignment of such complex issues is very unclear”.*

3.3.3 The Situation at the Local Level

Divisions for the Protection of the Rights of the Child are operating in the municipalities and their main functions are to protect the rights of the child and youth in the territory of the municipality. Divisions represent the interests of children in courts and pre-trial investigation institutions, participate in interrogation of witnesses or victims under 18, collect data about neglected, abandoned children, children experiencing violence, and organize help for them, submit offers and prepare the material for including/striking off families to/from the lists of families at risk with children, organize work with such families and their children, organize and supervise child's custody and adoption, provide methodical aid and consultations to children, parents (foster-parents), and specialists regarding issues of protection of the children's rights, custody (care), adoption and prevention of violation of the rights, and perform other activities related to representation, implementation and protection of children's rights.

The representative of Children's Rights Ombudsman Institution said: *“Division for the Protection of the Rights of the Child should be acting as a coordinating and central institution at the local level as the specialists of the children's rights are the main defenders of the rights of the child at the level of self-government. Of course, participation of the police, Division of Social Support, Division of the Education, Prosecutor's Office, health care institutions is also necessary, as well as the involvement of the sector of non-governmental organizations <...>, and community”.*

There are also workplaces for social workers for work with the families at risk, established in the municipalities. The main purpose of activity of these employees is to work with families at risk and their children, to determine families' need for social services and to do social work with the family. Moreover, social workers contribute to the protection of children's rights, as they must study and assess if the child has suitable living conditions, if he/she is properly looked after, etc. Sometimes some difficulties occur while evaluating the state of the child in the family, as it is quite difficult to define the standards in particular fields. For example, one expert of the Division for the Protection of the Rights of the Child said: *“If a child from family at risk is left alone at home it is seen as neglect, but when similar situation occurs in “normal” family (a child stays alone at home during the summer) – what should we call it? Everyone says it is a normal situation, not neglect like in the case of the family at risk. Moreover, double standards still exist. Or, for example, a social worker writes that a family lives in one room and this is considered as child's neglect, but this situation is not because family is not taking care of a child but because the family does not have other place to live. There are no rules how to define child's neglect”.*

The majority of social workers for work with families at risk (over 70%) work in rural locations. The experts of the Divisions for the Protection of the Rights of the Child said that help of these social workers is important and necessary for them; social workers help to ensure better support for both the child and the family. However, the specialists still indicate the lack of the human resources as the main problem.

Councils for the Protection of the Rights of the Child of Municipal Communities are operating in the municipalities and according to the Law on Fundamentals of Protection of the Rights of the Child, they shall consist of “<...> representatives of municipal institutions, institutions (services) of the protection of the rights of the child, juvenile (youth) police inspectors, educational, childcare establishments; a council may also include representatives of children (youth) organizations or/and schoolchildren councils, public organizations active in the field of the protection of the rights of the child or/and religious communities which are traditional and recognized by the State as well as other establishments and organizations”¹⁹. These Councils can present proposals to municipal institutions concerning the formation of a policy of and a strategy for the protection of the rights of the child of the municipal communities as well as the setting of their priorities, concerning the preparation and implementation of the measures designed to protect the rights of the child and to prevent violations of the rights of the child; and perform other functions.

Moreover, coordinating Child Welfare Councils can operate in the municipalities. Their main functions include analyzing main problems related to children, implementing children’s rights, planning preventive measures against the violations of the children’s rights, implementing minimal and medium care measures, providing aid to the coordinating groups in schools, etc.

It is noteworthy that often the same representatives are the members of the above Councils and Councils for the Protection of the Rights of the Child of Municipal Communities and therefore, in some cases the Councils for the Protection of the Rights of the Child terminate their work, as there is no need for several groups/councils that actually perform the same functions and unite the same members. Also, the councils are not active in all the municipalities.

The specialists of the Divisions for the Protection of the Rights of the Child in the municipalities where this research was performed assessed the distribution of functions in implementing and protecting children’s rights quite positively. The cooperation between the Divisions and other institutions was assessed positively as well. Specialists said that they closely cooperate with the Divisions of Social Support, Divisions of the Education, Centres for Social Services, schools, the police, Children Day Care Centres, etc. The responsibility, willingness to help, and goodwill of the specialists working in different divisions and institutions are very important as well.

Still, the coordination of the implementation and protection of children’s rights at the local level should be strengthened and improved. A representative from one Division for the Protection of the Rights of the Child said that “<...> sometimes because of unperformed functions [of the divisions or institutions], it is assumed that Division for the Protection of the Rights of the Child is solving everything related to the children, although the functions of the Division are clearly distinguished in the new provisions. Division for the Protection of the Rights of the Child does not work directly with the family; however, everyone comes to us”. The representative of the Division for the Protection of the Rights of the Child of another municipality said that when the issue is related to “child’s rights”, the applicants are immediately directed to the Division for the Protection of the Rights of the Child, although the solution of the issue is not always in the remit of the Division. It is noteworthy that when discussing the possibility to carry out this study, some divisions of the

19 Law on Fundamentals of the Protection of the Rights of the Child of the Republic of Lithuania // Valstybės žinios (Official Gazette), 1996, No. 33-807

municipalities said that they did not really understand how they could contribute to the study, as it is the Division for the Protection of the Rights of the Child that is working with children's rights, and not them. This shows that there is lack of general understanding of child's rights and the provisions of the CRC, and this in turn has negative impact on coordination of implementation of the CRC.

The child's rights protection representatives also positively assessed the cooperation with central institutions, particularly with the State Child's Rights Protection and Adoption Service and the Ministry of Social Security and Labour. The representatives noted that they can call these institutions any time for consulting, to ask relevant questions and get advice, suggestions, and help. Although the communication with Children's Rights Ombudsman Institution is less active, it was also assessed as positive. However, the child's rights protection representatives said that it is important to promote the awareness to the central institutions on what practical work looks like and how it is performed, in particular when it is related to the workload of the Divisions for the Protection of the Rights of the Child and the lack of the human and other resources necessary to ensure efficient performance.

3.3.4 Conclusions

When evaluating the system of children's rights protection institutions in Lithuania and the coordination of implementation of the CRC, it can be stated that many positive changes are seen in the country, which allowed better description of the responsibilities and competence areas of different institutions, organizations and offices, and also helped to avoid duplication of the functions. However, closer and more positive cooperation between different institutions is needed as well as assuming the responsibility, particularly in complex and difficult cases related to the implementation of child's rights.

While implementing the CRC, the cooperation of State institutions and non-governmental organizations is not close enough; however, it was noticed that non-governmental organizations are rather weak in the field of child's rights advocacy. There is a lack of national coalitions or associations of non-governmental organizations to influence appropriate implementation of the CRC.

The communities at the local level are fairly active and their attitude towards the implementation and protection of child's rights is responsible. Individual divisions and institutions are cooperating quite closely and successfully and are solving arising problems of child's rights together. However, the greatest responsibility is put on the Divisions for the Protection of the Rights of the Child – the experts of the other fields are not aware that their work is also contributing to the implementation of the CRC and that child's rights are the responsibility of all relevant institutions. Due to inappropriate attitude at the local level, even the experts are not familiar with the CRC in detail and do not have proper understanding of the Convention and its meaning; they also lack knowledge about general implementation measures of the Convention.

3.3.5 Recommendations

- Stronger and closer cooperation and sharing of information between national and local institutions must be ensured in order to ensure coordination and sustainable implementation of the CRC.
- It is important to ensure suitable conditions and opportunities for cooperation with children and young people and to ensure successful participation of children and young people in decision making in implementing the CRC both at the national and local level. It is also important to ensure close and constant cooperation with the local community and non-governmental organizations.
- The responsibility areas must be clearly defined especially where it is unclear, which institution has the competence to solve a particular case of implementation or violation of the child's rights.
- At the local level it is necessary to promote awareness that Division for the Protection of the Rights of the Child is not the only institution responsible for implementation and protection of the rights of the

child's – the municipality administration, Division of the Education, Division of the Social Support, Health Care, etc., other local institutions and offices must also actively participate in making the decisions regarding the issues of implementation and protection of child's rights. Detailed knowledge of the Convention, including practical application of its provisions must be ensured not only for the Divisions for the Protection of the Rights of the Child, but also for experts of other fields.

3.4 Monitoring of Implementation

3.4.1 Introduction

The process of monitoring is also an important mechanism for assuring proper implementation of the CRC. The UN Committee on the Rights of the Child states that in order to ensure that any action related to children is in line with the principle of the best interests of the child and to ensure that the national laws and other legal acts as well as the policy decisions are aligned with the CRC, it is necessary to implement a continuous process for assessment of the impact on the child (for example, to evaluate the impact of the laws and other legal acts, policy decisions and budgetary allocations, etc. on the children) and to perform the impact analysis (measured by the actual effect of implementation of the CRC).

The UN Committee on the Rights of the Child notes that the governments must be committed to carrying out the regular monitoring and evaluation of their work – in this case both the self-assessment by the governments and independent monitoring and evaluation that is carried out by the non-governmental organizations, research institutions, professional associations, independent human rights institutions, and youth groups are all important.

3.4.2 The Situation at the National Level

According to the applicable Lithuanian laws, it can be stated that the national function of monitoring of the implementation of the CRC is assigned to the Children's Rights Ombudsman Institution. The Law on the Ombudsman for Children's Rights indicates that the Ombudsman Institution has to control and supervise the implementation of provisions of the laws and other legal acts that regulate the protection of children's rights and legal interests, supervise the implementation of the children's rights and protection of legal interests, give suggestions regarding the improvement of protection, formation and implementation of the policy related to the protection of children's rights and legal interests, and inform the society about the situation of the protection of children's rights and legal interests in the country.

According to the representative of the Children's Rights Ombudsman Institution, the institution performs its functions and observes the situation of children's rights in the country, *"We collect statistical data, then the analysis of legal acts takes place, and then conclusions are made regarding the relevance of the problem to the whole of Lithuania or to a certain region; the practice is created in the process of solving it <...>. The monitoring process is natural, because Ombudsman Institution has advisers who are responsible for particular thematic theme. When an adviser is working in her/his thematic area, it is natural that she/he has to do the analysis of the legal acts' projects, existing laws, and collect data. That's how the monitoring process is being implemented. The Ombudsman Institution is constantly being called for help in solving different problems and therefore, it is very important to have the knowledge and information about the situation in the area of the problem."*

The representatives of the Ministry of Social Security and Labour mentioned, that the Social Support Information System and the data that is submitted by the Divisions for the Protection of the Rights of the Child help to carry out the observation; each year the State Child's Rights and Adoption Service submits annual reports, in which the situation of children's rights in Lithuania is also reviewed. Moreover, according to the representatives of the Ministry, the information about children (for example, violent

crimes against children, children delinquency, etc.) is received from the Ministry of the Interior – such information is generalized and with conclusions. The Ministry of Social Security and Labour itself has also initiated several researches, which revealed the situation of children's rights in certain areas in the country, for example, upon the request of the Ministry, "The Assessment of the Quality of Life and the Preparation for Independent Living for Persons Deprived of Parental Care" (in 2005 and 2009) was carried out; "Psychological and Social Welfare Factors of Children, whose Parents Emigrated from Lithuania" (2008); "Analysis of the Causes for Children's Mortality and Injuries in Lithuania" (2007); "Possibilities and Measures for Reducing Children Poverty and Social Exclusion in Lithuania" (2007), etc.

Every 2 years, the Ministry of Social Security and Labour has to submit reports to the Government of the Republic of Lithuania on the realization of the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012. Reports include situation analysis and the achieved results. The reports are being prepared regarding the implementation of the national programs as well – the effect they had, the changes in the situation in the area, for which the program was designed, etc., are being analyzed. Launching new programmes intended for the improvement of the situation of children in the country and/or solving of a certain problem is also based on the review of the situation of children's rights in the country.

The Ministry of Education and Science has also initiated several researches, for example "Teaching Healthy Lifestyle in Schools" (2007); "Meeting the Schoolchildren's Needs for Cultural Education in the Education System" (2007); a research of the spread of violence and bullying was initiated, etc.

Non-governmental organizations are also trying to carry out the monitoring; however, this process is not consistent, and they lack positive experience and abilities to perform the monitoring properly. Nevertheless, such organizations like Save the Children Lithuania, Confederation of NGOs for Children have prepared/are preparing alternative reports or additional comments alongside the Lithuanian report regarding the implementation of the CRC in the country.

On the initiative of the non-governmental organizations, the researches are carried out, the objective of which is to measure the implementation and protection of children's rights in Lithuania. For example, the Association of SOS Children's Villages in Lithuania carried out a research "Analysis of Ensuring Implementation of the Rights for the Children Deprived of Parental Care or at Risk to be deprived of it" (2009); NGO "Child's House" carried out the research "Violence against Children. Assessment of the Situation in Foster Homes" (2003); "The Spread of Violence in Schools, its Forms, Causes, Prevention, and Measures of Help" (2008, on request of the Ministry of Education and Science); Save the Children Lithuania carried out the "Survey of Children on Family Relations" (2009), etc.

The children are hardly included in the monitoring processes. According to one representative of the non-governmental organization, such situation exists due to the fact that society does not trust the children and their words enough, and the child's opinion is not considered to be equal to the adult's opinion. The research carried out by the Children's Rights Ombudsman Institution, for example, about the sexual abuse in foster homes revealed that a high number of children living there have experienced sexual abuse; however, such data was accepted rather sceptically: it was said that it is children's story – *"The trust in children is very low; what children say, i.e. trust in the information given by children is extremely low. Various studies were carried out, where the children tell the way it is, and adults say – perhaps is not exactly true what the children have told."*

According to non-governmental organizations, another reason why it is difficult to involve children in the process of monitoring is that the attitude of children themselves towards the children's rights is perverted: children do not have enough knowledge about the children's rights and the CRC, or the knowledge is

superficial and not always correct. Moreover, there are no methodical recommendations and institutions that would prepare children for monitoring the CRC; as a result, there are no organizations that would operate in the field of children's participation.

The representative of the Children's Rights Ombudsman Institution said that the institution endeavours to include children in monitoring the CRC – "*<...> sometimes we ourselves carry out interviews with children, or, for example, Divisions for the Protection of the Rights of the Child and Pedagogical Psychological Office was asked to make a questionnaire, which would be designed for children, in order to check their knowledge about a certain problem, about how much they themselves or their friends are involved, what the parents' reaction is, etc. This way we receive information from children.*" Generally, children's involvement into the monitoring is insufficient, and the experience of such activity is lacking.

3.4.3 The Situation at the Local Level

At the local level, the units responsible for the monitoring and assessment of the implementation of children's rights are Divisions for the Protection of the Rights of the Child, although the Divisions of the Education when collecting data implement the monitoring of education and the Divisions of the Social Support perform the monitoring of social situation. However, when interviewing specialists of the Divisions for the Protection of the Rights of the Child, it was observed that monitoring is mostly performed when working with families at social risk, i. e. it is monitored how well the rights of the child are ensured within the family, whether the family creates proper conditions for the life and development of the child, what factors negatively impact the children's life and so on. Sometimes children are interviewed on one or two issues; however, these are one-off activities. For example, one of the municipalities conducted a survey on children growing in large families; a survey on the situation of children whose parents have left for abroad; the incidence of sexual abuse, etc. Child's rights protection specialists also mentioned that the majority of surveys and situation analyses are initiated by the Children's Rights Ombudsman Institution. The Division for the Protection of the Rights of the Child receives a request of the Ombudsman Institution and following it the Division collects necessary data and presents the analysis of the situation at the local level.

In addition, upon the initiative of the municipalities themselves, various surveys are conducted to assess the state of children's rights at the local level. For example, upon the request of Vilnius City Municipality the following research was carried out: "Survey on Children begging, Children forced to beg or exploited for Street-dealing" (2009); the following survey was carried out in Šakiai Region Municipality: "Scientific Research of the Main Problems, Needs and Moral Attitudes of the Youth of Šakiai District" (2010).

The children gave rather varying comments on their possibilities to participate in the monitoring process. It can be said that the engagement of children depends on the activity and attitude of the adults working with children. For instance, in one of the municipalities, the children said that information is collected from them very rarely: "*Sometimes surveys are organised in schools but it does not happen very often. The Children Group against Violence has collected data itself. But generally, data are not collected from children.*" In another municipality, the opinion of children was a little bit different: "*Surveys are definitely organised - on violence, bullying, uniforms, gymnasium (we were asked whether we want the school to be transformed into the gymnasium). They are mostly organised by class teachers or the social pedagogue. The survey on bullying was organised by children themselves. We organise conferences in order to monitor what is happening in our school. We present results and the situation during larger meetings, conferences. When some problem occurs in school we take initiative to solve it. We have conducted classes on violence for younger students.*" Thus it can be said that different municipalities have different experience of working with children (speaking about children's participation, children engagement in the monitoring, decision making, etc.) and this process is closely related to the people working with children, with their knowledge of the CRC, acceptance of the child's personality.

3.4.4 Conclusions

The implementation of monitoring in Lithuania, similar to the collection of statistical data, should be improved and strengthened. At the national level, the mechanisms for the implementation of monitoring and the responsibility for the implementation of monitoring should be specified more clearly. NGOs should also strengthen their capacities in the area of monitoring, coordinate their actions and cooperate more closely.

It is important to develop specialists' skills for the implementation of monitoring, in particular, at the local level. The function of the monitoring of the implementation of the CRC is assigned to the Divisions for the Protection of the Rights of the Child. Currently, the monitoring at the local level mostly involves children at risk and their families rather than the general situation of the implementation and protection of children's rights.

It has been observed that there is no common understanding as to what the assessment of the implementation of the Convention should mean. At the local level, the municipalities do not have separate plans/strategies concerning the implementation of the Convention and the assessment of the implementation of the Convention. People tend to think that since one of the functions of the municipality is the protection of children's and youth rights and there are Divisions for the Protection of the Rights of the Child, there is no need for a separate strategy or plans for the implementation of the CRC.

3.4.5 Recommendations

- It is important to create a unifying system for monitoring the implementation of children's rights both at national and local levels. The monitoring must be performed regularly, consistently and systematically. At both national and local levels, specialists should receive proper training to perform monitoring. They should be provided with practical measures and mechanisms for implementing this activity.

3.5 Data Collection and Indicators

3.5.1 Introduction

The UN Committee on the Rights of the Child emphasizes that the collection of comprehensive, sufficient and reliable data on children as well as proper disaggregation of this data helps to identify the cases of discrimination and/or differences in implementing children's rights and ensures that all groups of children have their rights realised. Therefore, proper collection of data on children is one of the principal parts in implementing the CRC.

For the collected data to be sufficient and reliable, the Committee recommends the State to cooperate with appropriate research institutes and to assess the progress in implementation of the CRC. Such a survey should comprise both qualitative and quantitative analysis. In addition, the Committee notes that it is important to specify proper indicators for data collection, and highlights that the collection of the data should cover all age groups (from 0 to 18 years of age) as well as all the areas of the Convention. It is equally important to ensure children participation. The Committee emphasises that in most cases children themselves will be the best judge of whether their rights are recognised and realised. Therefore, the collection of data, e.g. in conducting interviews with children, is one of the possibilities to collect qualitative data.

The collected data should be analysed and used to assess the progress in implementation of the CRC. In addition, this data should be used in identifying the main problems in the implementation and protection of children's rights in the country and in influencing decisions in relation to these problems.

The UN Committee in its concluding observations regarding Lithuania's report on the implementation of the CRC in the country, commends the country for its efforts to improve the collection of data on children and the preparation of the List of Indicators of the Statistics on Children; however, it also expresses its concern that the data collection does not cover all areas. There is an absence of data on ethnic minorities, victims of human trafficking, etc. The Committee recommends Lithuania to continue improving the collection of data on children and dividing this data „<...> according to gender, urban and rural areas and by those groups of children who are in need of special protection, in order to allow detailed analysis of their living conditions and the implementation of their rights.“²⁰

3.5.2 The Situation at the National Level

There is no full and comprehensive data collection system in Lithuania. Nevertheless, the general statistical data on Lithuanian children is collected comparatively well; there are some attempts to systemise and analyse the data. In addition, attempts of the State to create different systems and data collecting mechanisms that allow storing data necessary to evaluate the situation of children and the children's rights are welcomed.

When the statistical data is collected, the indicators selected in the right way are of crucial importance as they ensure that these data is full and comprehensive. In Lithuania, a few lists of indicators were approved in 2004: Public Health Monitoring Indicators were approved by the order of the Minister of Health, and List of Indicators of the Statistics on Children by the order of the Minister of Social Security and Labour.

For the collection of statistical data, the Social Support Information System (SPIS) is created. This system gives possibility to collect information on social benefits and compensation, social support for pupils, social services, activities in the area of protection of the children's rights, etc., and analyse it referring to different municipalities. The Ministry of Social Security and Labour performs the functions of the maintenance of the System (SPIS).

Moreover, the Education Management Information System (ŠVIS) was created, and Centre of Information Technologies in Education maintains the System. Using the system, the data that allows evaluating the education situation in the country are collected.

Each year, social service organisations must present the data about the performance of services and number of service recipients for the Department of Statistics under the Government of the Republic of Lithuania. The data are submitted using a special form.

The Department of Statistics under the Government of the Republic of Lithuania is responsible for the collection of the statistical data. The processed data are available on the website of the Department of Statistics. The Department has a separate database for Lithuanian children (*Lietuvos vaikai*), which includes the data of a few areas: demographic characteristics, education, health, labour market, migration, juvenile delinquency, level of living of the households with children, and social security. In addition, the Department of Statistics was preparing and publishing the issue of "Children of Lithuania". There was access to the electronic version which was made public on the website of Department of Statistics. The last issue was prepared in 2008.

Statistical data are also published and publicly available on the site "Lithuania's Social Map" (www.socialiniszemelapis.lt), which was prepared according to the provisions of cooperation between the Ministry of Social Security and Labour and the municipalities. On this website, one can find the statistical data

20 United Nations Committee on the Rights of the Child: Concluding observations: Lithuania, 2006.

concerning the municipal social services for citizens, good practice of the municipalities' social work and the statistical data, which reflect the situation and environment of each municipality. The website provides public information on the children (general number of children in the municipalities, number of children with disabilities, number of children growing in the families with 3 and more children, number of families with 3 and more children, number of parents who raise the child in a single-parent family, number of the children under the care (of institutions, families), statistical information about care institutions, statistical data related to education).

Nevertheless, a few participants of the research mentioned that sometimes it is difficult to find specific data, and the data of the Department of Statistics and the way of presentation is not always understandable for everyone, for example, someone without sociological knowledge.

Lithuanian report on the implementation of the CRC always presents a sufficient amount of statistical data; however the data do not cover all the areas of implementation of the Convention, for example, there is not enough data on the children with disabilities, child victims of the trafficking in people, street children, children exploited for work, etc. Some data are not enough analysed and disaggregated, for example, on the alternative child care. The other data on children are usually disaggregated according to the age (age groups), gender, place of residence (city/rural place).

In the opinion of the representatives of the state institutions who participated in the survey, the statistical data is being used when creating the national programmes, taking decisions related to children, preparing the draft laws and other legal acts etc. Nevertheless, the representative of the Children's Rights Ombudsman Institution mentioned that it would be useful if the statistical data is made public more often (each quarter or every six months), and not – as it happens most often – on an annual basis. Also, the collected data are not critically evaluated at the moment – it should be assessed how well the data reflect the actual current situation of the state and the particular problems.

According to the evaluation of the NGOs, even if collection of the statistical data is organised quite well, there still are some areas which should be improved. The representative of one of the NGOs said: *"The general information is collected really perfectly – for example, on children's health conditions, as in medicine a lot is actually recorded, <...> there are reports. There is good statistics on crime: now there is a separate group which previously did not exist, i. e. crime exceptionally against children, and the crimes committed by children – with perfectly presented statistics, and the system of home affairs does it perfectly in analytical terms. Social security performs the monitoring concerning each child and those numbers <...>".* The NGOs notice some problems as well, especially when the socially sensitive information is touched: the organisations admit that it is unclear how much attention is devoted to such data, and if they are recorded, and is it done in a proper way – *"<...> for example, is the statistics on how much children are being injured or on the use of alcohol by children collected? The problem is if such cases are being reported or not, and if they are recorded properly".* It is not always clear what criteria serve as the basis when the data is collected, and how they are evaluated. As the representative of the NGO pointed out, *"speaking of families at social risk, we had around 16 thousand of them, and then the number decreased, namely to 11 thousand. We can only ask whether they vanished so effectively or just were not included in the record. <...> Thus, the essential question is how professionally we take records in our municipalities and towns. I think that very many cases of [children's] rights violation are not recorded, especially those which are minor".*

The NGOs critically evaluated their own attempts to collect statistical data too. It can be observed that NGOs often record data which is only directly related to the services provided, for example, social services for children from families at risk, services and support for victims of the trafficking in people, etc. Such data is often collected because the organisations must submit reports concerning the service provided and

the other activities implemented according to the projects funded by the State. The representative of one of the NGOs admitted that there are even such cases when the NGOs make statistics “more impressive” (make the numbers bigger) seeking the funding necessary for their activities. In addition, NGOs still do not coordinate their own actions well enough, including collection of the data. Thus, sometimes the data of organisations are manipulated, for example, one child attends two day care centres at the same time (is listed in the list of service recipients of both centres).

In the opinion of NGOs, the collected data not always are properly used for decisions making, related to the better implementation of children’s rights and their protection. In addition, not all data is effectively used in order to make the situation of children’s rights in the country better. The representative of the NGO pointed out “<...> Lithuania actually participates in many projects and comparative studies, where the well-being and health of children and other aspects are evaluated. Here is another problem: do we use such data in making decisions for the benefit of children <...> for example, concerning children health: the physical health of children in Lithuania is very poor but their physical training does not become more extensive in the sense that funding would grow and be directed to <...> the after school activities, sports, physical training. It does not proportionally grow the way it should, having the problem in mind. Nearly every third child has disfigurement, and it is a very high number <...>. Furthermore, the number of accidents, suicides of children and teenagers – it does not result in the financing which would help to solve children’s psychological problems adequately <...>. The problems so far are solved in the selective way”. In addition, in the opinion of the NGOs, statistical data not always are precisely collected and full; and the problem of their objective evaluation is encountered – “<...> The data not everywhere coincide, for example, it was announced that the number of sexual violence against children decreased twice – such was the record of the Divisions for the Protection of the Rights of the Child, however, such [decrease] was not recorded by the police. However, the data from the Divisions for the Protection of the Rights of the Child was enough to allocate less funding [to the national program]”.

According to the representatives of the Ministry of Social Security and Labour, when the statistical data are collected, the difficulties are encountered when they must be transferred to the international institutions. The representatives say that such difficulties are related to the fact that different concepts in different states have a different meaning – “<...> for example, the cases when the parents lose the rights of custody, cases of violence – the way they are understood depend on the legal system of that State, so it is more difficult to collect data and present them to the international institutions. For example, in Lithuania the child “in an institution” is understood as living at a foster home, and in another country it might be the case when the child attends a centre where he/she lives for a week and returns home for a weekend. So the question of concepts is not harmonized and creates problems”.

3.5.3 The Situation at the Local Level

Divisions for the Protection of the Rights of the Child, Divisions of the Education and Divisions of the Social Support collect data on children at the local level. As it was said, one of the essential changes in the area of data collection is creation of the Social Support Information System (SPIS). The purpose of the system is “<...> in harmonized way, to register and store all information on all social support from the municipalities (social benefits and compensation, social support to pupils, social service, activities in the area of protection of the children’s rights, etc.).”²¹ This system includes collection of the data in the area of children’s rights. In total, 14 indicators are defined for the system, and they provide the basis as to what information should be collected. In the field of children’s rights, it includes: the data on the families

21 Order of the Minister of Ministry of Social Security and Labour of the Republic of Lithuania, 28 May, 2008, No. A1-I72 „Concerning the provisions of the Social Support Information System to the family and approval of the provisions for the date storage in the Social Support Information System to the family” // Valstybės žinios (Official Gazette), 2008, Nr. 64-2429

at risk, the number of children who might have suffered from violence, help organised for children who suffered the violence and their families, number of the cases of guardianship (custody of minors), number of the cases when guardianship (custody of minors) is assigned to the family, number of the cases when guardianship (custody of minors) is assigned to the foreigners, numbers of the cases when guardianship (custody of minors) is assigned divided according to the legal framework, data about the families where guardianship (custody of minors) is assigned, dismissal and removing of the person implementing guardianship (custody of minors), number of the cases when the form of guardianship (custody of minors) was changed during the year, the reasons for the interruption of the guardianship (custody of minors), children who were transferred to the institutions for guardianship (custody of minors), number of the cases when guardianship (custody of minors) was assigned under the request of parents, and representing children's interests in court.

Each municipality has a separate database server of the Social Support Information System and a local database, where the municipal data are stored, and the Ministry of Social Security and Labour maintains the central server of the system with the central data basis where the data of municipalities are stored.

In the opinion of the specialists from the Divisions for the Protection of the Rights of the Child, the system facilitated the collection and systematization of the data – *“Practically each employee of the Division for the Protection of the Rights of the Child can receive all necessary data just by entering the child's code. Of course, when that database was created, even the Divisions for the Protection of the Rights of the Child were against it, as it was difficult to enter all the data, but now adding something to the database takes a few minutes. It is easier to form the statistical reports”*. In the opinion of specialists, such system is convenient because they can see all information about the child and the family: social information (for example, what benefits the family receives), and data related to children's rights protection and education. Equally, the information may be used by the specialists from the Division of the Education, Division of the Social Support. It facilitates the work with children and families.

Divisions of the Education at the municipality level collect the data on children concerning their education, context of education, service delivery and organisation, personnel, pupils, participation in education, teaching and learning processes, results of education.

Divisions of the Social Support collect the data concerning the social benefits, benefits, children in custody and that type benefits, allocation of social housing, etc.

The data from municipalities are published on the sites of those municipalities, at some places the Departments have their own internet sites (for example, Education, Sports and Tourism Department of Utena); equally schools have their own web pages with the information on school.

Children are rarely invited to collect data: according to children, surveys at school are organised (most often by the social pedagogues), for example, about the extent of the violence, use of drugs, but such surveys are not regular. Children mentioned that if Children Groups against Violence are operating in their school, those groups also sometimes carry out surveys, when they have the purpose to collect data or to find out the opinion of peers concerning some issue (most often, the surveys are on bullying, violence, drugs). In some municipalities, the initiative was shown by other institutions. For example, in one of the municipalities the Educational Centre conducted a survey on what children know of their rights. In another municipality, the Youth Affairs coordinator showed the initiative to conduct a survey on the problems of the district youth, their needs and values. Such initiatives must be welcomed as important, but they are still spontaneous and not consistent.

3.5.4 Conclusions

Statistical data on the children in Lithuania are collected in a good way but two negative trends can be noticed:

1. Collection of the data is chaotic and not systematic.
2. Collection of the data does not cover all the areas of the implementation of the CRC. There is a lack of data on street children, child victims of the trafficking in people and so on; not all the data are analysed in the proper way and segregated.

It is attempted to improve the data collection system (information systems created, lists of indicators approved) but this work should be continued and made more efficient.

Analysing some data and the methods of collection are not clear enough, as there is no definition how the quality and reliability of the data collected should be ensured. Not all the information is considered when implementing the CRC – some actual problems do not get enough attention, and problems of the implementation and protection of the rights of the child are approached in a selective way.

3.5.5 Recommendations

It is important to further develop a full and consistent system of data collection on children, to define concrete indicators meeting the requirements of the CRC. Such system must include all children (individuals who are younger than 18), and special attention must be given to the especially vulnerable children groups (for example, victims of violence, victims of trafficking in children, children with disabilities, children from minorities, refugees and asylum-seeking children, street children, missing children, etc.).

Decision-making must be based more on the collected data. The problems of children and the priorities of their solution must be set taking into account the existing clear and objective data on the current situation.

3.6 Making Children Visible in Budgets

3.6.1 Introduction

Article 4 of the CRC says that each State which ratified the Convention has a responsibility to take all available “<...> legislative, administrative, and other measures for the implementation of the rights recognized in the <...> Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation²². The UN Committee on the Rights of the Child in the General Comment No 5 points out that no country can maintain that it uses all possible resources to ensure the rights of the child if it is not able to identify and indicate concretely what part of the budget is allocated to the social area and what part of the funding in that way reaches children in both – direct and indirect – ways.

Today, some countries publish a “children’s budget”, however, many countries explain that it is impossible because it is not possible to define what can be called funding allocated to the child. Nevertheless, the UN Committee on the Rights of the Child pointed out that in order to ensure the adequate implementation of the rights of the child, each country must ensure proper monitoring and evaluation of how much resources are allocated to children and what is the impact of expenditure on children, on implementation and

22 United Nations Convention on the Rights of the Child // Valstybės žinios (Official Gazette), 1995, No. 60-1501

protection of the rights of the child. In addition, the Committee urges the countries to give the priority to the budget assignments for implementation of the economic, social and cultural rights of children especially focusing on the rights of health, education and children in poverty.

UN Committee on the Rights of the Child in its concluding observations on Lithuanian report on the implementation of the CRC in the country welcomed the fact that in Lithuania the funding is increasingly allocated to children and expenditure related to the children; nevertheless, there is some concern that “<...> the budgetary allocations are inadequate to ensure the implementation of the Convention, including the effective implementation of the significant number of programmes and reforms undertaken by the State party. The Committee is also concerned at regional disparities between rural and urban areas and is also concerned that a large number of families with children who live in poverty do not have enough support.”²³ For that reason, the Committee recommended to Lithuania further increasing of the funding for the protection of the children’s rights; and to prepare the strategy which would ensure economic, social and cultural rights of the child, especially when it concerns the local level and the most vulnerable groups of the children. The Committee also recommended for the State to create the effective control system which would help to ensure that the allocated funding reduces regional differences (the rural areas and cities) and reaches the most vulnerable groups of the children. In addition, the county should evaluate what difference the allocated funding makes for children and their families.

3.6.2 The Situation at the National Level

Lithuania as well as many other countries does not publish a “children’s budget”, i.e. report on the allocation of funding from the State budget for children, and implementation of the rights of the child. Most information is available on the funding in the education area; however, the information on the financial resources for children and families in the other areas is limited. The amount of funding for children is partially reflected in the national programmes that are aimed at implementation and protection of the separate rights of the child.

According to the representatives of the Ministry of Social Protection and Labour, the Government defines the areas of priority funding, and the amount of funding depends namely on the priorities set. So far as the implementation of the separate rights of the child has been related – in the eyes of the representatives – to all the areas, namely, social, education, cultural and other, the financing also depends on which of those areas are most prioritized. In the opinion of the representatives, the area most prioritized by the current Government is family. Nevertheless, the NGOs assume that children and the rights of the child were never treated as the priority area when the budget was formed – “<...> as long as we have been working, the children and the rights of the child have never been the priority concerning the budget, because even now, at the time of crisis, the National <...> prevention of violence against the children [Programme for the Prevention of Violence against Children and for Assistance to Children] is cut and the allocated amounts are smaller, and it makes the work of NGOs and giving support for children more difficult.” The NGOs also mentioned that they do not have enough information on how the budget is formed in general and the financing allocated when the questions related to children are discussed – “<...> For example, now the budget for 2011 is formed. I, for example, don’t know anything – who discusses the budget and how much funds are going to be allocated to children’s needs, and what is basis for such decision”. The representatives of the NGOs also mentioned that actually there is no common understanding what the funding allocated to children and child maintenance money mean – it is possible that members of the Seimas, ministries understand those terms in one way, and the NGOs in the other.

23 United Nations Committee on the Rights of the Child: Concluding observations: Lithuania, 2006

The representatives of the NGOs were of the same opinion that the biggest part of the funding in Lithuania is allocated to the education area, however, the opinions concerning financing of the other areas were different as part of the representatives admitted that sufficient means are allocated to the health system as well, and the other part expressed the opinion that the health of the child is not of high enough concern. A considerable part of the specialist who participated in the research mentioned that enough funding is allocated to the social security – because of the economic crisis there are more social benefits, and the need of the social services has grown. Nevertheless, the representatives of the NGOs mentioned that it is impossible to evaluate unambiguously whether all the areas get enough funds – “<...> *I wouldn't say all areas get enough funds... for example, there should be more day care centres, especially at the places where the number of population is small, and also in rural areas* <...>”. It indicates that allocation of budget requires indicators and mechanisms which would help to evaluate how allocation of funds to different areas meets the existing need of social services, education services and to which degree such need is satisfied, i.e. what impact on children and families is made by the Government funding.

The differences are apparent between the state and NGOs opinion of what is meant by “children’s budget”. According to the representatives of the State institutions, it is very difficult to separate concrete sums which are received directly by children because, for example, some funds may be money for teachers’ who teach children salaries; or there may be social benefit funds for families, and they ensure the suitable conditions for the child who grows in the family as well. At the same time, the NGOs admitted that while calculating this way, it is possible to state that only the small part of financial resources reaches children directly and serve for their interests. Along the way, until those means are transferred to children, rather big part of them goes to the adults who allegedly help the children or the buildings are maintained (for example buildings of schools, rehabilitation centres, socialization centres, hospitals, day care centres and so on) – “<...> *for example we have a children institution with the budget of 2 million LTL²⁴. When you hear it, it seems so much. But then you are informed that 60 –70% of the budget is used for maintenance of the building, even if the funding was meant for well-being of the child. The child does not need all those rooms in the centre. So in that sense there is a problem – [money] does not fully serve for the direct interests of the child*”.

The opinions differ talking about the “children’s budget” and the necessity of preparing it. In the opinion of State institutions, it is very difficult to separate the funds for children and not for children – in most of the cases the rights of the child are implemented and protected by the specialists who work with children and depend on the physical conditions allowing work with children and so on. For that reason, it is possible to assert that some funding – even if it is not defined as allocated to children – serves to the implementation of the rights of the child. NGOs were more supporting the idea to make a “children’s budget” public.

3.6.3 The Situation at the Local Level

According to specialists, the largest portion of funds at the local level is allocated to education and social security. In the area of education, the allocation of funds is rather clearly defined. In Lithuania, funds are allocated to the educational institution according to the number of students. Each child who is attending school has a “pupil’s bag” (amount of money per child), which is established each year in accordance with the Law on Confirmation of Financial Indicators of the State Budget and the Budgets of Local Governments of the Republic of Lithuania.

Pursuant to the amendments of individual articles of the Law on Local Self-Government of the Republic of Lithuania adopted by the Parliament of the Republic of Lithuania on 24 September 2002, the protection of rights of children and youth has become the function of the State (passed to the municipalities). A certain

24 LTL – Litas, national currency of the Republic of Lithuania

amount of funds from the State budget is allocated for the implementation of this function. In 2010, the government allocated LTL 14598.1 for the protection of the rights of children and youth.

When assessing the financial crisis, the specialists of Divisions for the Protection of the Rights of the Child indicated that the funds allocated in 2010 for the protection of children's rights had decreased remarkably. This resulted in staff reduction in the area of children's right protection. In addition, the workweek has been shortened. According to one of the specialists of the local government, as the crisis unfolded, the local government had reduced funding for the protection of children's rights but the funding for the agricultural segment had remained unchanged. The specialist said that such a decision of the local government clearly reflects how much of a priority children's rights are in the local government.

According to specialists, the financial crisis has made the greatest impact on families. The family's deteriorating economic situation mostly affects children. A specialist of the Division of the Social Support of one of the municipalities said that *"<...> family income is generally decreasing and it affects children. In half a year, we have already used the whole year's budget for social benefits. The number of recipients has increased as well as the number of those who need free nutrition, social benefits, and school supplies for children"*. The increase in the number of social benefits recipients was mentioned by all specialists of the Divisions of the Social Support of the municipalities that participated in the research. The specialists also pointed out that the constantly changing Law on Child Benefits had also had a negative effect. At the beginning, families with children received LTL 90 per child (per month), later this amount was reduced to LTL 52 and finally some families stopped receiving benefits altogether because eligibility began to be determined according to the family income. According to specialists, such situation has a negative impact on children's interests as well as on the implementation of the non-discrimination principle. Participants of the research also mentioned that poor families that are struggling to make living and still taking care of their children are left without so much needed support. A specialist of the Division of the Social Support of one of the municipalities said: *"An incident of the State policy – attempts to help and provide as much assistance as possible may cause those who need a slight support to fall out. This affects children who are in a more difficult situation but who do not fall in the at-risk category."* Thus, the allocation of funds doesn't meet the best interest of the child and doesn't ensure equal conditions to grow and live for all the children.

However, specialists pointed out not only the deterioration of the financial situation of families when assessing the impact of the financial crisis. According to the research participants, the economic crisis has also negatively affected the relationships between children and their parents, in particular, the possibility of parents to spend free time together with their children and give sufficient attention to them. Due to economic crisis most parents had to look for an extra job and work longer hours. The deteriorated living conditions have lead to anxiety and stress and it has made a negative impact on the general atmosphere within the family, on the relationships between children and parents as well on the possibility to spend free time together with children and take interest in children's activities.

At the local level, specialists also think that it is rather difficult to draw up a separate budget for children – *"Drawing up of a separate budget requires high competence in order not to distort the situation because it is difficult to assess how much money should be allocated per child in the sphere of education, how much money should be allocated for the child's maintenance. It is a complex task to calculate the funds correctly. For example, if the family has a child and receives benefits, how can we calculate which funds are meant for children and which are not"*. A specialist who participated in the research said that however beneficial the publishing of the "Children's Budget" may be, there are doubts as to whether such a budget would have tangible benefit and whether it would encourage positive changes in the implementation and protection of children's rights.

3.6.4 Conclusions

It can be observed that various institutions look very differently at the funds allocated for children. State institutions tend to think that children's money includes money allocated for the salaries of the specialists working with children, for maintenance of facilities, social benefits, etc. Meanwhile, non-governmental organisations think that such attitude does not reflect these financial resources and their amount allocated for the direct satisfaction of children's needs.

According to non-governmental organisations, much attention is given to the creation of physical conditions as well as tangible investments (as mentioned above, e. g. maintenance of facilities), whereas human matters, direct satisfaction of children's needs receive insufficient attention.

At present, the clearest allocation of funds is in the area of education and social support. However, there is a lack of information on other areas and on the amount of financial and other kind of resources allocated to children within those areas.

The majority of research participants thought that it would be rather difficult to draw up and publish a separate "Children's Budget", whereas others claimed that it would not be possible at all. Such an attitude is particularly shared by State institutions. Meanwhile, non-governmental organisations (although in certain cases also specialists of the Divisions for the Protection of the Rights of the Child) tend to support the idea of specifying how much money, exactly, is allocated for children and for the implementation and protection of children's rights since it would help to ensure a more transparent funding; specifying which areas do not receive sufficient attention and generally observing how well the State ensures all possible conditions for children's growth and development.

The financial crisis has not only lead to the deterioration of the economic situation of families, increase in the number of social benefit recipients, but also has had a negative impact on the human sphere: relationships between children and parents, possibility of parents to devote enough time to their children. Furthermore, the workloads of the Divisions for the Protection of the Rights of the Child have increased due to staff reduction, shortened workweek, etc. This implies a decrease in the quality of the implementation of children's rights as well as quality of handling the cases of violations of children's rights.

3.6.5 Recommendations

- The State should create assessment mechanisms to help assess how well the allocation of the budget (both at national and local levels) meets best interests of the child and how effectively the allocation of financial resources allows to reach the most disadvantaged groups of children and reduce the differences between different regions (including those between urban and rural areas).
- It is necessary to create assessment mechanisms that would assist in determining how well the present budget and allocation of finances ensure the implementation and protection of the economic, social and cultural rights of children.
- The existing programmes designed for the implementation and protection of children's rights should be reviewed – some of the programmes might be joined encouraging joint initiatives and actions of larger scale rather than individual, fragmented activities.

3.7 Cooperation with Civil Society

3.7.1 Introduction

Civil society plays an important role in implementing the provisions of the CRC and ensuring proper protection of children's rights. The UN Committee on the Rights of the Child emphasizes that only

the involvement of all society sectors into the implementation of the CRC can help the State to achieve successful and significant results in the field of implementation and protection of children's rights. Involvement of all society sectors also means that proper conditions for participation of children in decision-making and consulting with the children have to be ensured, and that the opinion of children has to be heard and taken into account.

The non-governmental organizations are also very significant and perceived as a bridge between the society and the government, as a means for the society members to actively participate in State life and management, the process of creating public welfare, and promoting positive changes. Non-governmental organizations actively contribute to efficient solving of various social problems. Due to these reasons, non-governmental organizations are called the basis of the democratic society. When assessing the activity of these organizations, it was noticed that they often are more flexible than State institutions and services and therefore, they can respond faster to the changes in the society and the world and promote innovations. Non-governmental organizations often discover and adopt newest work methods, attract foreign support, promote positive changes in the society, and provide the opportunity for the citizens to participate in their activity. These organizations have played an important role when preparing the CRC and therefore, they must be involved in the processes of CRC implementation.

In the concluding observations on the Lithuanian report on the implementation of the CRC, UN Committee on the Rights of the Child commended Lithuania for State efforts to establish the connection between the Government and the society and to improve the communication and cooperation. However, the Committee emphasized that there still is a lack of effort to involve the society in the implementation of the CRC. Due to this reason, the Committee recommended close cooperation with the society, especially with the non-governmental organizations, involvement of these organizations and other public sectors working with children into all stages of Convention implementation.

3.7.2 The Situation at the National Level

The history of non-governmental organizations in Lithuania is often associated with year 1991, when Lithuania regained the independence from the Soviet Union. During that period, massive establishing of non-governmental and non-profit organizations was observed in the State, the creation of the legal base regulating the activity of non-governmental organizations was started. However, it is noteworthy that compared to the Western Europe states, the history of non-government organizations in Lithuania is much shorter, and the conditions for their establishing, development and activity were not as auspicious as in other states. Therefore, the non-governmental sector in Lithuania has yet to be strengthened.

In spite of often unfavourable conditions, the non-governmental sector in Lithuania is getting stronger. The positive fact is that international organizations are operating in the State (e.g. Save the Children, SOS Children's Villages, Lithuanian National Committee for UNICEF). When assessing non-governmental organizations working in the field of child's rights or child's welfare, it is seen that the majority of organizations engage in direct provision of services to children and their families, meanwhile there is a lack of advocacy work and child's rights promotion. It is one of the weakest sides in the activity of non-governmental organizations.

Moreover, in Lithuania, there is a lack of networks of strong non-governmental organizations working in the field of child's rights or child's welfare, the communication among separate organizations is competitive. However, a positive change is the establishment of the Confederation of NGOs for Children (2005). The aim of the Confederation is to "fight for implementation of fundamental child's rights in

Lithuania.”²⁵ The Confederation unites 59 national organizations working with children and for children.

The partnerships between State institutions and non-governmental organizations cannot be assessed univocally. The participants of the survey said that communication and cooperation between State institutions and non-governmental organizations is getting stronger, the participants especially positively assessed the relations of the Ministry of Social Security and Labour and the Children’s Rights Ombudsman Institution with the non-governmental organizations. The participants of the survey mentioned that non-governmental organizations are invited to meetings, consultations, round-table discussions, and their opinion is asked for. Moreover, State institutions together with non-governmental organizations are organising and holding conferences, public events and other activities to promote the CRC and the issues of children’s rights. The representatives of non-governmental organizations are involved in various interdepartmental councils and groups, which are formed to solve the issues of implementation and protection of children’s rights (e.g., Interdepartmental Council of Child Welfare). Moreover, the funding of non-governmental organizations is mainly ensured through procurement of services/activity in national programmes, though non-governmental organizations indicate that such funding does not ensure constant, continuous, and consistent activity of the organizations.

One of the major achievements is the Conception of Development of Non-Governmental Organizations approved by the Government of the Republic of Lithuania on 22 January 2010. This Conception provides for clearer definition of the concept and status of non-governmental organizations, setting and implementing the measures that would help to strengthen non-governmental organizations. The Conception sets forth the measures to strengthen non-governmental organizations: amendment and improvement of existing laws and legislation, establishing the principles of organization assessment, accounting and publicity, preparing the programme for development of non-governmental organizations. Thus, it is attempted “<...> to strengthen the representation of the non-governmental sector, to ensure consistent cooperation of the state and non-governmental sector, <...> to establish the fields of activity beneficial to the society, and to encourage non-governmental organizations to provide services in these fields.”²⁶ Adopting this Conception can be held as the recognition of the importance of non-governmental organizations to the State.

Certainly, the partnership between state institutions and non-governmental organizations has to be strengthened and developed. Non-governmental organizations that participated in the survey expressed a wish that their proposals were taken into account more: in the opinion of the organizations, some meetings and consultations are declarative, as if organized just in order to be able to indicate in the report that the non-governmental sector was consulted. The representatives of one non-governmental organization said that *“NGOs cannot become strong at once – they are growing and they cannot provide all services at once. State institutions that have financial resources sometimes view the non-governmental organizations as beggars on the scrounge, and it seems that they are scrounging for themselves. I mean, they do not see non-governmental organizations as partners that help to achieve the goals, but as beggars that ask for money for themselves.”*

When Lithuania is preparing a report to the United Nations on the implementation of the CRC in the State, non-governmental organizations, such as Save the Children Lithuania, the Confederation of NGOs for Children, etc., are preparing additional comments or alternative reports by themselves – they do not join their efforts, there is little cooperation among the organizations. A frequent practice in foreign states

25 Confederation of NGOs for Children. About us // Internet access: <http://www.nvovaikamskonfederacija.lt/?lang=lt&mid=2>

26 Governmental Regulation No. 85 of the Republic of Lithuania of 20 January 2010 “For approval of the Conception of Development of Non-governmental organizations” // Valstybės žinios (Official Gazette), 2010, No. 12-566

is that during the period of preparing the report, non-governmental organizations join the networks with a view to prepare an alternative report on the implementation of the CRC, and to monitor the process of state accounting to the United Nations. Such practice is missing in Lithuania.

It is attempted to create better conditions for the civil society to participate in State life. One of the most important factors is that since June 2009, draft laws have been published online. The society can familiarize with the draft law and all covering material (letter of coordination, explanatory letter, certificate of basic assessment, etc.) from the day, when the institution preparing the draft submits it to the interested institutions for coordination. In the set period, both individuals and organizations can give comments and suggestions for published draft laws. However, as the representatives of the Ministry of Social Security and Labour and of the Bureau of the Committee on Human Rights have noticed, the society hardly ever uses this opportunity. According to the representative of the Children's Rights Ombudsman Institution, "*<...> there the society and the same non-governmental organizations are not active. When considering the drafts, I miss more criticism from the non-governmental organizations. The criticism emerges when the law is adopted, and not when the draft law is considered. I wish that instead of Seimas members inviting the non-governmental organizations, the non-governmental organizations would show some initiative themselves.*" However, the representative of the Ombudsman Institution also admitted that the society might lack clear and specific information on how to use the legislation information system.

The citizens also have the conditions to apply their questions to State institutions. In the opinion of survey participants, the biggest problem is not the inactivity of State institutions, but the lack of strong civil society in Lithuania. The representative of one non-governmental organization said that "*The society is not mature enough to express its opinion, although it has all opportunities to do so. In this case, none of the institutions are closed and they all accept suggestions and questions <...>. When some law is being considered, the citizens can submit their suggestions, comments and opinions, but they do not do so. Of course, maybe there is too little information that it can be done, or maybe it is not convenient to access. But the majority of people who wish to express their opinion have the right to do so in any place – the local government and the Ministry.*"

The situation in the field of children's rights is similar: as negative attitude towards the children's rights and incorrect understanding of the CRC prevails in the society, naturally, the society cannot participate in the implementation of the CRC actively and efficiently. Therefore, the society has to be properly educated and prepared, appropriate information has to be provided and activity should be promoted in order to speak of the participation of the civil society in the implementation of the CRC.

The involvement of children is also more declarative and fragmented. A positive aspect is that the Lithuanian Parliament of Students is operating in Lithuania – "democratically elected institution of students, which represents the interests of Lithuanian students. The Parliament considers the issues relevant to the students, actively participates in the formation of youth policy, and submits suggestions to State institutions, initiates discussions, and implement projects."²⁷ Moreover, there is a Lithuanian School Students Union – "<...> independent and voluntary non-governmental organization that unites the students – its members – for common initiatives and problem solving."²⁸ The government of students exists in Lithuanian schools. The students can participate in student councils; the councils of class elders also exist. On the initiative of non-governmental organizations, the Children Groups against Violence are operating in schools, which are also based on the involvement of children on a peer-to-peer basis.

27 About Lithuanian Parliament of Students // Internet access: http://www.lmp.lt/index.php?option=com_content&task=blogsection&id=4&Itemid=28

28 About Lithuanian Students Union // Internet access: <http://www.moksleiviai.lt/apie-lms>

On the initiative of non-governmental organizations, the children and young people can express their opinion during various events and children conferences. The children and young people are also invited by non-governmental organizations and sometimes State institutions to participate in the meetings, where the decisions related to children are made (e.g. children participated in considering the amendments to the Law on Fundamentals on Protection of the Rights of the Child, which were intended to establish the prohibition of physical punishments for children). The representative of the Lithuanian Parliament of Students participates in the Interdepartmental Council of Child Welfare. According to the representatives of the Ministry of Social Security and Labour, the children and young people are also involved in the surveys, where they express their opinion on various issues related to children (e.g. about violence, guardianship, etc.), although such surveys are rare due to the lack of funding.

According to the representatives of the Ministry of Social Security and Labour, the children have to be properly prepared to participate in decision-making: *“<...> in order for the children to express their opinion, they have to be helped and prepared. In certain cases, e.g. the Lithuanian Parliament of Students expresses its opinion, but a great work is necessary to be able to take into account the opinion of children when considering a specific issue concerning the children. It is not enough to invite the child to the meeting for him to express his opinion. The information suitable for the child has to be prepared, i.e. the information has to be translated into the language of children. Non-governmental organizations could be the partners of State institutions, to work with children and to transfer that information [from the children] to the State institutions, and to transform the language of [legal, State institutions] documents to the language of children.”* The representatives of non-governmental organizations also agree with this opinion. According to the representatives who participated in the survey, there is a lack of work with children in Lithuania with a view to provide the opportunities for children to participate in State life.

In general, involvement of children is often perceived incorrectly. As the specialist of the Division of the Education of one municipality noticed, the involvement of children is often understood as children participation in *“after-school activities, and some people do not even understand what children participation means and that something like involvement of children in decision making exists. Maybe social pedagogues of schools understand the involvement of children better, but in general, such understanding is missing.”* Meanwhile, the involvement of children is *“<...> the right to act, express own opinion and to influence the decisions individually and collectively in the family and society; creating the social environment for their active involvement.”*²⁹ Such understanding is missing.

3.7.3 The Situation at the Local Level

When implementing the CRC at the local level, efforts are being made to create partnership relations with local communities. According to the specialists of the Divisions for the Protection of the Rights of the Child, the institutions closely cooperate with Children Day Care Centres (which have been mostly founded by NGOs) based in the respective municipality, also with Children's Groups against Violence (which have been established by the Save the Children Lithuania) operating in schools, associations of the people with disabilities and other NGOs operating in the community. However, it has been observed that there are no organisations at the local level that would work with child's rights advocacy. All organisations focus on the provision of direct services to children and their family members.

It is also reported that at the local level there are Councils for the Protection of the Rights of the Child of Municipal Communities and/or Child Welfare Councils which also include community members. In this way the community is being stimulated when adopting decisions on the realisation and protection of

29 Šimaitis, A. Self-Governance of Students in the Education System // Internet access: <http://www.slideshare.net/Sima.Balciute/mokini-savivalda-vietimo-sistemoje-presentation>

children's rights. However, the activity of such councils very much depends on the community itself and the activity of their members. A specialist of the Division for the Protection of the Rights of the Child of one of the municipalities said: *"We have a Child Community Council [Council for the Protection of the Rights of the Child of Municipal Communities] which consists of around 15 members including health care specialists, police, and representatives of the district local authorities. This Council solves [children's rights] issues. The Council discusses general trends; the cooperation is rather active. At the beginning it used to be more effective, now it is not as active. Currently, when a problem arises, a group from responsible services is invited to solve problems."* A specialist of the Division for the Protection of the Rights of the Child of another municipality also mentioned a lack of activity as the main problem hampering the cooperation with the community in implementing children's rights. The specialist said: *"The Council for the Protection of the Rights of the Child is operating under the Local Government. It is an advisory body for the Local Government Council. It includes public prosecutors, doctors, social workers, police officers, members of the Local Government Council, representatives of the communities. However, in practice, it is not very active. The need to participate does not come from bottom up. The main function of the Council is to monitor the situation and make proposals on how to improve the protection of children's rights."*

According to specialists, cooperation with the community depends both on the openness of the local government and the activity of the community. A specialist of the Division for the Protection of the Rights of the Child of one of the municipalities said: *"The communities can make claims and proposals through local district authorities and members of the Council. The communities are rather active. In addition, there is active cooperation with the members of the Seimas. The director of the administration and the mayor are largely available"*. Thus, the cooperation with the community is only successful when both government institutions and community members are open, active and responsible.

At the local level, the children have certain opportunities to voice their opinion and participate in decision making. As mentioned previously, there are student self-government bodies operating in schools such as students' councils or councils of class elders. Students are also engaged in the school's council which consists of students, parents, teachers and other representatives of the school community. However, according to the specialists of the Division of the Education, such councils employ very different measures to ensure children the possibility to participate in decision making and to voice their opinion. A lot of things depend upon the attitude of the school's administration towards students and the students' council. Very often such councils do not have greater influence on the decisions that are being adopted. Sometimes it is even assumed that the student self-government is a club for organising events rather than a real governing body in the school which allows children and youth to contribute to the solution of the problems occurring in the school community.

The specialists of the Divisions for the Protection of the Rights of the Child mentioned that one of the most important principles in their work is taking account of the child's opinion and encouraging the child's participation in making decisions on matters affecting him or her. The child's opinion is always taken into account when visiting at-risk-families, drawing up protocols and other documents, also when making decisions on the child's care, entry of the family into the list of at-risk families as well as cases of violence, etc. The child's opinion is written in a special field of the document entitled "Child's Opinion". A specialist of the Division for the Protection of the Rights of the Child of one of the municipalities said: *"<...> at least we engage children, e. g. in determining the child's custody, in cases regarding the child's removal from the family, adoption, determination of the child's place of residence, entry of the family into the at-risk category, determination of the minimal care. They express their opinion in writing as well."*

The local government has also introduced the position of the Coordinator of Youth Affairs. The main function of this coordinator is to implement the youth policy in the municipality. In addition, various

youth organisations are rather active in municipalities: both specialists and children themselves gave a positive feedback on the activities of these organisations. It is noteworthy that the youth organisations are working with people of up to 29 years of age.

The children also mentioned that they had opportunities to visit the local government and familiarise with the work of various specialists.

The children themselves positively evaluated the activities of youth organisations. The children said: „*We have quite a lot of youth organisations. <...>. They hold singing events, days of non-traditional art, they draw up projects. They have joint events with schools*”, *“The Coordinator of Youth Affairs always helps you if you have any questions”*.

However, the children negatively assessed their possibilities to participate in decision making. The children claimed that their opinion had no weight because decisions were mostly taken by adults. In one of the municipalities, children said that even events for children and youth that are organised at the municipal level are initiated and realised by the decision of adults rather than by asking children or youth what interest them. The children also said that in their municipality, children often spend their time in streets with their friends because they have few possibilities to express their opinion on what they would like to do, what activities they would prefer. The children said that *“It is important that something would change to the better, that the youth would have more activities, that adults would take into consideration the opinion and initiatives of young people. The State should make more efforts because sometimes it only gives promises, allocates funds, but at the end you get neither results nor money. They say that they do this and that but nothing actually works”*. According to the children, they tend not to speak about their problems with adults because it does not change anything. The children in one of the municipalities said: *“If adults think that our opinion is not important and has no weight, then why should we think that their opinion is important?”*

A representative of the Division of the Education of one of the municipalities also emphasised the fact that children are often afraid to express their opinion because they fear it can make them harm. The specialist said that she had heard children saying: *“our proposals become prohibitions for us so we [children] have second thoughts before making proposals because it can bring contrary results <...> Maybe children are afraid to think in broader terms because they fear that their proposals will turn against them”*. According to the specialist, the Division of the Education of the municipality several times encouraged children to write their proposals for the Division, then their ideas were summarised and put into the proposals to the school and society. *“The children presented it in writing; we made a summary and prepared an appeal to teachers. It would be good if adults responded. The appeals are mostly made to teachers. We cannot always make influence on the family. The students usually ask to notice their bad situation, to evaluate their knowledge objectively, to help a child who is lagging behind after being absent for a longer period; not to over burden children with tests at the end of the semester; to let children be creative. Teachers should be glad to hear that children ask for the possibility to create. Children are actually able to find solutions,”* said the specialist.

Another important thing is that children themselves acknowledged that children’s participation also depend upon themselves. They said that they should not sit and wait until someone offers something to them. It is true that sometimes there are no possibilities to participate in various interesting activities but children and young people themselves could pursue such activities.

3.7.4 Conclusions

In Lithuania, the majority of NGOs working in the area of children's rights are organisations which provide direct services to children and their family members. There is a lack of organisations engaged in the child's rights advocacy and in lobbying activities; the organisations working in these fields do not have sufficient experience. However, positive things are also observed: the NGO sector in Lithuania is becoming stronger; these organisations are taking an increasingly active part in the decision making at the national level.

Another positive thing is that the State institutions increasingly consult NGOs, engage these organisations into their activities that are important in ensuring the realisation and protection of children's rights (e. g. the representatives of NGOs have participated in the preparation of the Report on the Implementation of the CRC in the country; they also participate in the Interdepartmental Council of Child Welfare, etc). The State institutions, in cooperation with NGOs, organise conferences, public events and other activities intended for the dissemination of the CRC and attracting the society's attention to the most topical issues related to children's rights in the country. However, the cooperation between the governmental institutions and non-governmental organisations should be strengthened and such a strengthening should involve two dimensions:

- ❖ The State institutions should be made aware that NGOs are partners of the governmental institutions whose experience, knowledge of children's problems, access to the public and other available resources may contribute significantly to the solution of existing problems and improvement of the situation of children in the country. More account should be taken of the NGOs proposals. Thus, the relationships should be based more on the partnership rather than on the Recipient-Provider relations.
- ❖ NGOs themselves should take more active part in advocacy work. Rather than always waiting for invitations they themselves should initiate meetings with governmental institutions and submit their proposals on various issues related to the realisation and protection of children's rights.

One of the biggest problems in Lithuania is that there is no strong civil society in the country. The participation of citizens in the country's life and governance still remains low; citizens do not trust NGOs and do not take active part in the activities of these organisations. On the other hand, although the society members are provided with opportunities to voice their opinion and to participate in decision making, they are not sufficiently informed about such opportunities or do not use them actively.

People have incorrect understanding of children's participation (which is often confused with the possibility to participate in after-school activities, clubs and so on); there are practically no possibilities for children to participate in decision making. There is a lack of positive relations between adults and children as well as young people. At present, it is observed that the relationships are based on mutual accusations rather than cooperation. Another important fact is that there are no organisations and institutions that would develop the possibilities for children to participate in decision making and prepare children for such participation.

Speaking about positive achievements, it is worth mentioning youth organisations operating at the local level which rather actively engage young people in various activities. At the national level, there are such organisations as the Parliament of Lithuanian Students and the Lithuanian School Students Union, whereas the schools have student self-government bodies. In addition, children (students) are involved in the school councils. Upon the initiative of NGOs, Children's Groups against Violence have been established in schools. The activity of these groups is based on children participation. However, the attitude still prevails in society that the child's opinion and views are not as important as those of adults.

NGOs and sometimes governmental institutions occasionally organise activities which engage children and young people and provide them with the possibility to express their opinion. However, such activities are one-off and often superficial.

The Divisions for the Protection of the Rights of the Child try to take children's opinion into account in making decisions concerning children. Documents and protocols even have a separate field where the child's opinion is recorded.

3.7.5 Recommendations

- It is necessary to ensure even closer and better cooperation and sharing of information between different national and local institutions with a view to ensuring a coordinated and sustainable implementation of the CRC.
- When implementing the CRC both at national and local levels, it is important to ensure proper conditions and opportunities for the cooperation with children and youth, to ensure a successful participation of children and youth in the decision making process; also to ensure close and ongoing cooperation with the local community as well as non-governmental organisations.

3.8 International Co-operation

3.8.1 Introduction

Article 4 of the CRC stipulates that the State Party has a responsibility to take all available measures to make sure that children's rights recognised in the Convention are fulfilled. If the country encounters some drawbacks and is not able to ensure all necessary measures and resources, it is entitled to rely on the international co-operation and support. The UN Committee on the Rights of the Child urges the countries not to forget that they have an opportunity to cooperate with the international organisations and rely on the support that they propose. What concerns the donor countries, the UN Committee on the Rights of the Child urges them to ensure that the support they give meets requirements of the CRC and financing is first of all allocated to children. In general, international funding must be oriented to the implementation of the Convention in both types of countries – giving the funds and receiving them, and the Convention must be the basic document which the countries take into consideration giving the support to the social development.

Having in mind the *Guidelines for preparation of the periodic reports* from the UN Committee on the Rights of the Child concerning the implementation of the CRC, the countries must give information which shows how “<...> the State participating in the Convention process uses the important international co-operation to promote putting the Convention into practice, including economical, social and cultural rights of children”³⁰. The additional requirement for the countries is to indicate which part of the common state budget is allocated to the international funding. The donor countries must give information on assignments for health, education and other sectors.

3.8.2 The Situation at the National Level

After the accession to the European Union in 2004, Lithuania became the donor country and undertook to assist the developing countries. The Governmental Resolution No. 10 “On the Approval of the Development Cooperation Policy Guidelines of the Republic of Lithuania for 2011-2012” of 12 January 2011 provides that concerning the issues of Development Cooperation Policy, Lithuania shall first of all cooperate with the following countries:

1. European Union Eastern Partnership States: Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Georgia, Republic of Moldova, and Ukraine.
2. Islamic Republic of Afghanistan.

30 Implementation Handbook for the Convention on the Rights of the Child. Vilnius: UAB “Efrata”, 2005. – 50 p.

It also states that under the possibility, Lithuania shall provide assistance to other developing countries.

According to the data of the Ministry of Foreign Affairs of the Republic of Lithuania, in 2010, Lithuania has bilaterally assisted the Republic of Belarus, Ukraine, Republic of Moldova, Georgia, Palestine, and the Islamic Republic of Afghanistan.

According to the data of the Ministry of Foreign Affairs of the Republic of Lithuania, in 2010, Lithuania was implementing 46 development cooperation projects (10 in Afghanistan, 8 in Georgia, 10 in Belarus, 4 in Ukraine, 3 in Moldova, 6 multinational projects, and 5 public information projects). The main areas of project implementation were health care and social security (9 projects), science, culture, and youth cooperation (14 projects), strengthening administrative capacities (8 projects), European integration (5 projects), public information (6 projects), and promotion of democracy (1 project).

Development Cooperation Policy is a constituent part of Lithuanian foreign policy. The Cooperation Policy aims at “supporting sustainable, equitable and global human as well as social development of partner countries.”³¹ Development Cooperation Policy also aims to contribute to the development of the area of democracy, security and stability in neighbouring regions; to activate the relations with the countries of the region; to enhance the role of Lithuania in shaping and implementing the policy of international organisations in the region, thus strengthening Lithuania’s national security. The main principles constituting the foundation of Cooperation Policy are the promotion of human rights, democracy, the rule of law, gender equality and good governance. The representatives of the Ministry of Foreign Affairs indicated that Lithuania when implementing the Development Cooperation Policy observes the following international documents: the European Consensus on Development (2006), Paris Declaration on Aid Effectiveness (2005), Monterrey Consensus on Financing for Development (2002), United Nations Declaration on Millennium Development Goals (2000).

The implementation of Lithuanian Development Co-operation Policy is the responsibility of the Ministry of Foreign Affairs: the Development Co-operation and Democracy Promotion Department of the Ministry of Foreign Affairs implements and coordinates the Policy. According to the Order of the Foreign Minister of 19 January 2007, the Commission for Development Co-operation and Democracy Promotion Programmes and Projects was established. The Commission adopts the decisions on the aims and tasks of co-operation with foreign countries as well as on the funding of development co-operation programmes and projects. The Ministry of Finance is responsible for coordination of Development Co-operation Policy with international finance organisations and providing for the funds in the Lithuanian budget to pay the contributions for the membership in international finance organisations. The Governmental Resolution No. 10 “On the Approval of the Development Co-operation Policy Guidelines of the Republic of Lithuania for 2011-2012” also provides that non-governmental organisations, local authorities, the cooperation of President of the State, the Seimas and the Government of the Republic of Lithuania, and public information on the implementation of the Development Co-operation Policy of the State also play an important role.

Each year the Ministry of Foreign Affairs prepares the guidelines for the year, which establish the aims of Development Co-operation Policy as well as the list of priority states and sectors.

31 Development Cooperation Policy Guidelines of the Republic of Lithuania for 2011-2012 // Valstybės žinios (Official Gazette), 2011, No. 6-220.

The Governmental Resolution No. 10 “On the Approval of the Development Co-operation Policy Guidelines of the Republic of Lithuania for 2011-2012” provides that the priority areas, where Lithuania provides assistance, are the following:

1. Strengthening of democracy, human rights, including gender equality, good governance and the rule of law
2. Health care and social security, including assistance to women as a social group
3. Strengthening administrative capacities
4. Economical and trade development
5. European integration processes
6. Assistance via culture, education, science, preservation of cultural heritage
7. Environmental protection and combat against climate change.

It is indicated that taking into account the needs and possibilities, Lithuania can also provide the assistance in other areas. Calculating by OECD³² methods, Lithuania allocated 0.11% of GDP for Development Co-operation Policy in 2009 (i.e. LTL 105 million).

Individuals as well as organizations can also submit project applications and implement the projects according to the Development Co-operation and Democracy Promotion Programme. According to the Programme, the projects contributing to the development of democracy, security and stability in neighbouring regions, activating political, cultural, economical and social relations of Lithuania with priority countries: Islamic Republic of Afghanistan (Ghor Province), Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Georgia, Republic of Moldova, Ukraine, and Russian Federation, are funded. The projects for children and their needs are also implemented according to the Development Co-operation and Democracy Promotion Programme. E.g. the projects implemented in 2010 were the following: Implementation Surveillance of the “Project of Chaghcharan Children Day-care Centre (Foster Home) in Ghor Province, Afghanistan”, “Charity and Assistance Campaign to Support the Children of Georgia War Refugees”, “Ensuring Mental Health Care for the Children Victimized by War in Georgia”, etc.

The main aims of Lithuanian Co-operation Development Policy are as follows:

1. Participate in the implementation of the Millennium Development Goals approved by the United Nations.
2. Contribute to the development of the area of democracy, security and stability in neighbouring regions and post-conflict areas or regions.
3. Strengthen political, cultural, economic and social relations with the countries of the region.

The children and child’s rights are not distinguished as a separate priority area in implementing the Development Co-operation Policy. The representatives of the Ministry of Foreign Affairs indicated that according to the Governmental Resolution “On the Approval of the Development Cooperation Policy Guidelines”, the children and child’s rights are not distinguished into a separate group receiving assistance. However, the representatives mentioned that implementing bilateral development cooperation projects in partner countries, the children receive a lot of attention: *„For instance, in Georgia the project was implemented aiming to initiate the services of mental health care in children’s clinic (for solving mental problems of the children victimized by the military conflict in Georgia); in Afghanistan, the attempts are*

32 OECD is the forum for discussing and creating world economy and development scenarios and political measures. It provides the comparison of economical policy measures of various countries, seeks for solutions to common problems, and coordinates domestic and foreign policies of the countries. The aims of OECD are strengthening the economy of member states, improvement of efficiency, developing free trade, and assistance to the economical development of developing countries. In the recent years, OECD has increased the focus on developing and transition economy countries by providing the assistance in analytical expertise and experience.

made to improve the literacy of children, to provide the conditions for the children in distant locations to obtain primary education, the schools and the children day care centre (foster home) are being built". Thus, implementing the Lithuanian Development Co-operation Policy, the children's needs are taken into account and it is attempted to improve the situation of children in developing countries. However, a lot of has to be done still to achieve full integration of the principles of child's rights and CRC in the implementation of Development Co-operation Policy. Development Co-operation Policy often promotes the initiatives and activity in the areas related to children and their needs; however, there is a lack of general analysis of the situation of children and implementation of their rights. Moreover, there is no information on what share of the total amount of funds for Development Co-operation Policy is allocated for children and their needs.

3.8.3 Conclusions

Assessing the current Lithuanian Development Co-operation Policy, it lacks special attention to the issues of child's rights; child's rights are not distinguished as a separate priority area. However, when implementing the Policy, the attention to children and children's needs is given in individual projects intended for various groups of children.

Despite of the assistance provided to children through individual projects, the attention to the issues of child's rights should be increased. There is a lack of information on what share of the total funds is allocated for implementing and ensuring child's rights.

3.8.4 Recommendations

- Child's rights and the issues related to the implementation and protection of child's rights should be included in the planning and implementation of Development Co-operation Policy by maintaining a dialogue with beneficiary countries and other partners.

3.9 Independent Human Rights Institutions

3.9.1 Introduction

The UN Committee on the Rights of the Child recommends that in order for the CRC to be implemented in a State Party it is necessary to create independent human rights institutions in those countries. In the opinion of the Committee, such institutions must be independent from the Government, and their functions include monitoring of the rights of the child and adequate protection. The State must ensure the human and financial resources which are necessary for those institutions in order for them to adequately carry out their remit.

The other important thing is that such independent human rights institutions should be open and all the children living in the country should be able to access them, and have information on those institutions, and know in what cases they can address them and in what way. At the same time, independent human rights institutions should encourage adequate understanding of the rights of the child in the society, and form respect towards the opinion and attitudes of the child.

UN Committee on the Rights of the Child welcomed Lithuania's decision in 2000 to establish the Children's Rights Ombudsman Institution. However, the Committee expressed its concern that "<...> insufficient resources have been allocated in order to enable it to effectively carry out the mandate and

monitor the implementation of the Convention throughout the country.”³³ The Committee recommended to Lithuania to further strengthen the support to Children’s Rights Ombudsman Institution and ensure sufficient human and financial resources so that the institution could fulfil its commitments successfully and efficiently.

3.9.2 The Situation at the National Level

The Children’s Rights Ombudsman Institution in Lithuania was established in 2000. This institution is established under decision of the Seimas of the Republic of Lithuania – Children’s Rights Ombudsman is appointed by the Seimas on application by the Chairman of the Seimas for a four-year non-renewable term of office; Seimas also makes the decision concerning the dismissal of the Ombudsman.

The aim of activities, powers and responsibilities of the Ombudsman are regulated by the Law on the Ombudsman for Children of the Republic of Lithuania. This law states that the main aim of the activities of the Children’s Rights Ombudsman is “<...> to improve legal protection of the rights of the child, and to defend the rights and legal interests of the child; to ensure implementation of the rights and legal interests of the child established in the international and national legislation, and to implement monitoring and control of the ensuring and protection of the children’s rights in Lithuania.”³⁴ It means that the Children’s Rights Ombudsman of the Republic of Lithuania implements the monitoring of the protection of the children’s rights in the country; makes analysis and evaluation of laws and other legal acts (related to children), how those legal acts work in practice, puts forward suggestions concerning their improvement; accepts and investigates individual complaints related to the violation of the rights and legal interests of the child; makes comments and recommendations concerning ensuring and protection of the rights and legal interests of the child; promotes changes in the area of implementation and protection of the rights of the child, and collaboration of different institutions, organisations and services working in the area of the children’s rights and well-being.

In Lithuania, the Children’s Rights Ombudsman Institution not only participates in the improvement of the system of protection of children’s rights but also accepts and investigates individual complaints about violation of the rights and legal interests of the child, i.e. the Ombudsman Institution carries into effect perspective and retro-perspective control as well. Complaints about the violation of the rights and legal interests of the child or appeals where suspicion about the violation appears may be submitted to the Children’s Rights Ombudsman Institution by individuals and institutions in written, orally or by e-mail. The Ombudsman also has the right to start investigation concerning the possible violation on his/her own initiative even if there is no complaint or information was given on the phone or by e-mail.

In 2009, the Ombudsman Institution received 407 written complaints (21 of them – anonymous; in 19 cases the Ombudsman was addressed by children themselves), and initiated 297 investigations. Also, in 2009 the Ombudsman Institution received 570 information requests via the Ombudsman Institution’s internet site (<http://vaikams.lrs.lt>) and by e-mail (vaikams@lrs.lt); and 257 phone calls considered possible violation of the child’s rights. From 2008, a free-phone number (8 800 01230) is introduced at the Ombudsman Institution, and it may be used for reporting about violation of the children’s rights and legal interests which had been noticed. Even if those who contact the Ombudsman Institution most often are family members who have ties of relationship to the child, it is obvious from evaluation of the Ombudsman Institution that the number of complaints of those who have not family ties to the child is growing as well. In the opinion of Ombudsman Institution, it shows increasing activeness of the society and growth of understanding concerning necessity of the protection of the rights of the child.

33 United Nations Committee on the Rights of the Child: Concluding observations: Lithuania, 2006

34 Law on the Ombudsman for Children of the Republic of Lithuania // Valstybės žinios (The Official Gazette), 2007, No. 140-5756

The website run by the Children's Rights Ombudsman Institution includes a special section for children (*Jums vaikai – For You, Children*) with a short description of Ombudsman's activities, contact data which can be used by children for making an appeal or request, and also for asking questions on the phone and getting answers via the internet site; and common phones of the psychological help services are given.

It is important to stress that Ombudsman Institution does not participate in the activities of the executive bodies, i. e. implementation of the concrete decisions as such participation would distort the purpose of such institution, and its independence. This aspect should be introduced into consciousness of the society as it rather often superficially and incorrectly understands the purpose of Children's Rights Ombudsman Institution (because of lack of concrete and clear information on the Ombudsman's activities), often reproaching it as "doing nothing".

The Children's Rights Ombudsman Institution also initiates investigations and analyses with a view to reveal the situation in Lithuania in the context of carrying into effect and protection rights of the child and determine the need and possibilities of improvement of the protection of those rights. For example, in 2009, the following surveys were conducted: "Concerning the Social Workers for Work with the Families at Risk and Activities of the Divisions for the Protection of the Rights of the Child"; "Problems of Implementation of the Law on Minimal and Medium Care for the Child in the *Republic of Lithuania*"; "Concerning the Integration of Children of the Lithuanian Citizens and Foreigners who Returned or Came to the Lithuanian Schools", etc.

Lithuania's Children's Rights Ombudsman participates fully in the network of the European Children's Rights Ombudsmen and seeks to participate in the active way in the international collaboration and representation of Lithuania on the international level.

The Children's Rights Ombudsman Institution also seeks to encourage children participation, and to communicate and collaborate with children. Such forms of collaboration are different – for example, the Ombudsman had a meeting with the representatives of the Lithuanian School Students Union, and discussed the possibilities of cooperation in preparing the social advertising campaign against the addiction and harmful behaviour; participated at the Summer Forum of the Union. Also, Ombudsman Institution develops relations with the Lithuanian Parliament of Students. The Ombudsman Institution organises different events and contests for children (for example, in 2009 the verse and essay contest "My and My Friends' Rights and Obligations"; event for children from the children care institutions "Fly, my dream" were organised, etc.). According to the representative of the Children's Rights Ombudsman Institution, *"Lithuanian Parliament of Students and Lithuanian School Students Union participated in the discussions for some projects (for example, the last attempt to get them involved was discussing the Code of Pupils' Behaviour), and we try to initiate their participation. Last year we invited the children to radio programmes, where the representatives of our institution participated. At the conference on sexual violence the children from children care institutions were discussing how they see and understand the problem and what amount of information they get at school."* The representative stressed that children's participation and understanding of its importance should be promoted, because in Lithuania children participation is simulated more often than really accomplished.

Children's Rights Ombudsman Institution gets financing from the State budget, and – as it already has been mentioned – the Ombudsman is appointed and dismissed by the Seimas of the Republic of Lithuania. Nevertheless, the Ombudsman Institution is an independent institution, and the Parliament only gives powers necessary for carrying out of the Ombudsman's activities. Self-dependence and independence of the Ombudsman Institution is provided in the Law on the Ombudsman for Children, where Paragraph 3.3 stipulates that the Ombudsman "shall be autonomous from State and municipal institutions, officials

and other persons and shall act independently within its competence. No political, economic, psychological or social pressure or any other illegal actions that might influence the decisions of the Ombudsman for Children may be exerted on the Ombudsman for Children.”³⁵ The principles of freedom of actions, independence and self-dependence allow monitoring the objectivity of the studies and analyses carried out, monitoring the independence of judgment investigating complaints and making decisions; acquiring the trust of society and different level institutions, organisations and services.

It is equally important that the Ombudsman Institution does not possess and use the means of constraint of the State authority, and implementation of recommendations is only ensured because of the authority of the Ombudsman. Conclusions and recommendations made by the Ombudsman are aimed not at punishment of individuals and/or institutions violating the rights and legal interests of the child but at giving support and defining what the reasons for the violation of the rights and legal interests of the child were, and what possible ways to handle those violations and prevent them are.

The Children’s Rights Ombudsman Institution is one of the institutions which most actively communicate and collaborate with the NGOs, and the communication and collaboration is of different forms, for example, common conferences, events and contests for children, common campaigns and activities devoted to the representation of the rights of the child. The Ombudsman several times expressed its support to the initiatives of NGOs which were aimed at improvement of implementation and protection of the rights of the child in Lithuania.

The Children’s Rights Ombudsman Institution also maintains constant and quite positive relations with the State institutions and local government institutions, even if there are cases when the criticism expressed by the Ombudsman and the recommendations given are accepted defensively or in a hostile way.

The Children’s Rights Ombudsman actively participates in the groups created by the Seimas, Ministries, and other institutions (for example, in 2009 the Ombudsman Institution participated in the group formed by the Seimas in order to prepare draft amendment to the Law on the Minimal and Medium Care for the Child; in the group formed by the Ministry of Social Security and Labour in order to prepare the draft of the Law on Child Welfare; in the Juvenile Justice Programme Management Committee formed by the Ministry of Justice, etc.). The Ombudsman Institution also forms the groups on its own initiative seeking to solve the problems related to the implementation and protection of the rights of the child and to encourage positive decisions in this area (for example, in 2009, under the initiative of the Ombudsman Institution inter-institutional groups in order to solve the children summer rest problems, to improve legal regulation of the childcare institution, to prepare outline of the concept of the social partnership at school, and solve some other problems were formed).

Each year, the Children’s Rights Ombudsman Institution prepares annual activities reports and presents them to the Seimas of the Republic of Lithuania. The reports of the Children’s Rights Ombudsman Institution can also be accessed by civil society via the Institution’s website.

3.9.3 The Situation at the Local Level

At the local level, in Lithuania, there are no local representatives of the rights of the child who could be called independent institutions of the human rights. Interviews with the specialists of the Divisions for the Protection of the Rights of the Child show that specialists do not see the need of such institutions. As the specialists comment, currently there already are some institutions at the local level that defend children’s interests, and the conditions for the communities to promote the initiatives concerning the implementation

³⁵ Law on the Ombudsman for Children of the Republic of Lithuania // Valstybės žinios (The Official Gazette), 2007, No. 140-5756

and protection of the rights of the child on the local level are created – at the local level the Divisions for the Protection of the Rights of the Child are developing their activities, and also there is a possibility for Councils for the Protection of the Rights of the Child of the Municipal Communities and Child Welfare Councils to perform their activities.

The participants of the survey mentioned that one of the essential changes is introduction of the social pedagogue workplaces at school. According to the representative of one of NGOs, “<...> a social pedagogue is a mediator between the NGOs and State institutions; he/she can be assumed to be the child defender, representative of the rights of the child, who is more impartial and closer to the child than, for example, the State institutions. That is a new thing at school, and it can be rated positively”. The interview with children also indicated that most of them trust the social pedagogue and often believe he/she is children’s “friend”, whom you can tell problems, consult with, and ask for advice. The assessment of the social pedagogue’s activity depends a lot on the personal qualities of the social pedagogue. In one of the municipalities, the children said that they even did not know the social pedagogue, because he/she only had time for children from social risk groups and their families.

Moreover, it can be stated that the participants of the research (specialists, working at the local level) quite positively evaluated the collaboration with the Children’s Rights Ombudsman Institution. As they pointed out, although sometimes there are misunderstandings concerning the criticism expressed or too much pressure coming from the Ombudsman Institution, the relations are becoming closer, as the Ombudsman Institution creates proper conditions to get consultation and necessary information. The closest relation has been formed between the Ombudsman Institution and Divisions for the Protection of the Rights of the Child.

3.9.4 Conclusions

Lithuania belongs to the group of countries, which have established the Children’s Rights Ombudsman Institution that participates in the improvement of the system of the protection of the children’s rights, receives and investigates individual complaints of natural and legal persons concerning the violations of the rights and legal interests of the child. The Ombudsman Institution is independent and self-dependent.

The Children’s Rights Ombudsman Institution actively communicates and collaborates with the State institutions and NGOs which work in the area of the child’s rights or child’s well-being, and does its best to promote children’s participation and communication to children. It is noteworthy that the activeness of the society in submitting complaints concerning violations of the rights and legal interests of the child is increasing, and it speaks about the activeness of the Ombudsman Institution and attempts to create conditions for all the members of the society to participate actively in the implementation of the CRC. Nevertheless, publicizing and dissemination of information on the activities of the Ombudsman Institution, its powers and limits of competence should be more active and extensive, and the presentation should be more simple and easy to understand for both adults and children.

In specialists’ opinion, at the local level there are enough institutions and services that are currently working in the area of the protection of the children’s rights. Introduction of the social pedagogue workplace at school is evaluated positively. The participants did not express the opinion that there is any need to establish or create independent institutions for human rights and/or offices of the representatives of children’s rights at the local level as the Divisions for the Protection of the Rights of the Child and social pedagogues at school are assumed as such representatives.

3.9.5 Recommendations

- It is necessary to further empower the Children's Rights Ombudsman Institution as one of the main institutions representing the rights of the child. Such empowerment must involve necessary human and financial resources in order that the institution might successfully and in the adequate way implement functions allocated to it, and promote proper implementation of the CRC in Lithuania.
- Children and young people should be given more concrete and clearer information on the Children's Rights Ombudsman Institution, promoting the right understanding of children and young people what are the functions of the Institution.

3.10 Raising Awareness of Children's Rights and the CRC

3.10.1 Introduction

In the modern world, the understanding and knowledge of child's and human rights is an indicator of a responsible society. When a child is growing and developing, special attention must be given to ensure his protection and care. The CRC helps children, parents, legal guardians, teachers, specialists, society and States create a world where children would have a happy childhood, where they can grow up healthy, active and creative, where they can have proper circumstances for their growth and development. The awareness and proper understanding of child's rights enable us to create a safe and harmonious society that would respect the dignity and rights of each child and adult regardless of their age, race, nationality, sex and other factors. In order for the society members to have a proper understanding of children's rights and the CRC and to be aware of their purpose, the State should take proper and effective measures to inform the society about child's rights and the Convention. In addition, the State should raise the society's awareness of child's rights as well as promote respect for these rights.

However, in Lithuania, as in other countries around the world, children have not been regarded as rights holders whose opinion is as important as that of adults in organising cultural, economic, social, etc. life. Although today child's rights have become a common topic of public discussions and Lithuania along with other countries have ratified the CRC, children are still often regarded as a possession of adults who must unconditionally obey the opinions and wishes of adults as long as they are in the care of parents.

Having regard to the existing situation, the UN Committee on the Rights of the Child has made a proposal in the General Comment No 5 that States Parties should prepare a comprehensive strategy that would provide for continuous dissemination of knowledge of child's rights and the CRC. One of the Committee's proposals is to incorporate learning about the Convention and human rights in general into the school curriculum at all stages. The Committee emphasises that training on children and human rights is not limited to the presentation of information. Children should have a possibility to see human rights standards implemented in practice whether at home, in school or within the community.

It is equally important to incorporate learning about child's rights and the CRC into initial and in-service training of specialists working with children or in the areas of child's welfare. Much attention is paid to the media. The Committee emphasises that the media plays "<...> a crucial role in the dissemination of the Convention and knowledge and understanding of it and the Committee encourages their voluntary engagement in the process, which may be stimulated by governments and by NGOs."³⁶ Thus, the Committee proposes that the dissemination of the information about the child's rights and the CRC and awareness-raising about this document in the States Parties should be implemented systematically by

36 UN Committee on the Rights of the Child: General Comment No. 5 // Internet access: <http://www.unhcr.org/refworld/category/LEGAL/CRC,,4538834f11,0.html>

incorporating it into regular learning (of both children and adults) as well as related to practical application in daily life.

In the concluding observations regarding the Lithuania's report on the implementation of the CRC in the country, the UN Committee on the Rights of the Child expresses agreement regarding the translation of the Implementation Handbook for the CRC into the Lithuanian language and welcomes the country's efforts in organising trainings on child's rights and the CRC for specialists working with or for children. At the same time, the Committee expresses concern that the dissemination and awareness-raising about child's rights and the CRC is not sufficient and does not encompass all society layers, in particular, rural areas and children themselves, and that the supply and availability of trainings on child's rights and the Convention is still not sufficient in the country. The Committee recommends the State to disseminate the translated Implementation Handbook for the CRC; to incorporate learning about human rights into the school curriculum (at both elementary and secondary levels). In addition, the State is encouraged to continue organising ongoing and consistent training for specialists working with children or in the area of child's welfare (including social workers, teachers, health care specialists, lawyers, representative of local governments, etc.) as well for children themselves.

3.10.2 The Situation at the National Level

It is obvious that in order for the implementation of child's rights to be successful it is necessary to have a proper understanding of child's rights and the CRC.

From the day Lithuania ratified the CRC, the country has seen the implementation of both government and NGOs initiatives for the dissemination of child's rights and the CRC. One of the most important achievements is the annual selection of the projects of the NGOs uniting and representing the interests of other NGOs working in the areas of the implementation of the UN CRC. The purpose of this call is "<...> to select projects and allocate funds for applicants with a view to implementing the provisions of Article 42 of the CRC <...>, i. e. to make the principles and provisions of the Convention widely known by appropriate and effective means."³⁷ The call allows the NGOs to submit project offers and if the project is approved the applicants are able to implement activities related to the dissemination of the CRC. Currently, it is the only such programme specifically intended for the dissemination of information on child's rights and the CRC.

Although ongoing and consistent training on child's rights is not incorporated into the school curriculum, several topics on child's rights and the CRC as well as human rights are incorporated into the General Civic Education Programme. As set out in the programme, the school must "<...> raise informed and active citizens who are aware of their rights and duties and who are able to participate in the life of ever-changing society"³⁸, whereas one of the tasks of the basic civic subject is „<...> to provide students with knowledge on the documents establishing rights, duties and freedoms of the citizen and promote general understanding of these matters."³⁹ The programme includes topics related to children and human rights. The 8th grade student textbook covers the following topics: Right-Duty Relation; Child's Rights and Documents Governing Thereof (The Declaration of the Rights of the Child, The Convention on the Rights of the Child); Organisations Protecting Children's Rights in Lithuania; Human rights; Freedom of Speech; Freedom of the Press, Freedom of Assembly; Freedom of Thought; The Universal Declaration of Human

37 Regulations on the organisation of the 2009-2012 selection contests for the projects of the NGOs uniting and representing the interests of other NGOs working in the area of the implementation of the UN Convention the Rights of the Child // Internet source: <http://www.socmin.lt/index.php?78260999>

38 General Civic Education Programme // Internet access: http://www.smm.lt/ugdymas/docs/ISAKI086_Bendroji_pilietinio_ugdymo_programa.pdf

39 Ibid

Rights; Rights and Duties of School Communities.

The 9th grade curriculum includes topics that are also related to human rights, although they do not cover issues directly related to child's rights and the CRC. 9th grade students are familiarized with the Constitution of the Republic of Lithuania, civic duties, laws and their purpose, legal system of the European Union and international institutions.

An important change in the area of the child's rights implementation was the introduction of the social pedagogue position in schools. A social pedagogue is one of the most important specialists representing child's rights, organising assistance for children, in particular, for children at risk and their family members. Social pedagogues in schools are also responsible for organising preventive as well educational activities. In the majority of schools, social pedagogues disseminate information on child's rights and the CRC and organise educational activities for children. According to social pedagogues, the teaching and methodical material provided by NGOs is very useful in their work. However, these are one-off activities. According to social pedagogues, they have to devote most of their working time to children at risk and their family members; therefore, such workloads make it impossible for them to devote more time to educational activities. An interview with children proves this fact. Some children said that they had not even got acquainted with the social pedagogue of their school because the social pedagogue mostly provides help to those children who are in need of assistance and they do not fall in this category.

Pre-school institutions experience the greatest lack of training on child's rights. Specialists of pre-school education have repeatedly expressed their concern about the lack of methodical publications on how to educate pre-school children about child's rights. Furthermore, there is a lack of textbooks and publications on child's rights and duties that could be used as a teaching material when working with young children. In addition, there is an absence of effective methodologies that would aid in organising lectures and trainings for children's parents.

Thus, learning about children and human rights is only partly incorporated into the general school curriculum. There is a lack of ongoing training and the greatest gaps are observed with regards to practical training. Although the children and adults are provided with information on child's rights and the CRC, there is a lack of training that would help understand what child's (and human) rights mean in our everyday life, what their practical implementation means.

The dissemination of the information on child's rights and the CRC is also implemented upon the initiative of NGOs. These organisations prepare and publish information material on child's rights and the CRC, organise trainings and lectures for children, parents (legal guardians), specialists, etc.; organise public events for the dissemination of the Convention. NGOs have also drawn up practical recommendations concerning trainings on child's rights and the CRC as well as on human rights.

Each year, mostly upon the initiative of NGOs, the "anniversary" of the CRC is held. It is a commemoration of the day on which the Convention was adopted by the UN General Assembly (20 November 1989). On this occasion, public events, conferences, parades and other activities are organised involving children, encouraging their participation and providing them a chance to voice their opinion. The Ministry of Social Security and Labour and the Children's Rights Ombudsman Institution also actively contribute to the organisation of these events. These institutions, in cooperation with NGOs, organise various events and contests for children that focus on child's rights and the CRC. Upon the request of the Ministry of Social Security and Labour, the Implementation Handbook for the CRC has

been translated into Lithuanian.

In general, according to research participants (in particular NGOs), the initiative to disseminate the information on child's rights and the CRC mostly comes from the non-governmental sector. However, these organisations do not receive sufficient support (both financial and organisational) from governmental institutions.

Although the State encourages the initiatives related to the dissemination of child's rights and the CRC and there occur one-off initiatives for the implementation of such activities, but the fragmented and inconsistent nature of such activities lead to inadequate knowledge of child's rights in society. In addition, the knowledge of the individual groups including children, parents (legal guardians), teachers, and specialists working with children is not comprehensive and sometimes even incorrect. This has been backed up by this research.

The specialists who participated in the interview (both working at the State institutions and non-governmental organizations) said that it is very difficult to talk about child's rights, especially with adults. Although the specialists often take the initiative to talk about child's rights and their importance, it turns out to be rather difficult: they often face the opposing attitude of adults that there are too many discussions about child's rights. *"As soon as you utter "children's rights", it immediately elicits opposition, especially in schools and <...> school teachers... there is an immediate response: "they [the children] do not know their duties" and here the discussion ends, because when a person starts opposing, there is nothing more you can tell him, as he is no longer able to hear you".* One of the representatives of the non-governmental organizations even mentioned that the term *"child's rights"* has acquired a negative and even stigmatizing meaning in Lithuania – as soon as they hear of child's rights, the adults take the defensive position and state that the majority of problems with children (disrespect for adults, challenging behaviour, violence, etc.) occur because the children have too many rights and manipulate them. All participants of the research mentioned one common issue: the public is complaining that the children are introduced to their rights but no one is speaking of their duties. It also indicates that wrong understanding of child's rights prevails in the society, and the Convention is often perceived as a child's "wishes book" and not an important legal document, implementation of which is essential for providing appropriate living conditions to children. According to the representative of a non-governmental organization, *"<...> The words "Convention on the Rights of the Child" and "child's rights" are very well known, and the people react to these terms too negatively because they confuse and do not completely understand it – they confuse it with the "child's wishes". It is confused by both adults and children. This is one thing. Another thing is that I have never met someone who knew the CRC and could name at least few articles. <...> It seems that the Convention makes life more difficult than helps adults; it elicits negative emotional response in adults."*

The representatives of the Ministry of Social Security and Labour also said that not only awareness of the society, both children and adults, is important, but also their understanding of the rights. According to the representative of the Ministry, *"It is important whether the children understand their rights correctly. The issue of perception – maybe we should emphasize that the public and the children know the rights, but interpret them differently. The children understand them one way, the parents – another way, and the elderly people having already raised their children – yet another way. Thus, misunderstandings among the three generations occur: there is no common interpreting and understanding."* It indicates that when raising awareness of child's rights, it is essential not only to provide information, but also to form the skills of adults and children for application of the rights in practice and what their practical implementation means. The representative of a non-governmental organization said that theory must be closely related to practice: *"Emphasizing of child's rights, starting [to speak of the child's rights] had to be closely related to practice – how to use it and what it means."*

3.10.3 The Situation at the Local Level

The interview with the representatives of municipalities revealed that at the local level, there is no clear strategy, which would provide for constant and consistent awareness raising about child's rights and the CRC. Usually, the initiative to promote the CRC and to raise awareness of child's rights is taken by the Divisions for the Protection of the Rights of the Child in the municipalities: the specialists of the Divisions visit schools, tell children about child's rights and the possibility to get help, if a child's rights are violated. According to a representative of the Division for the Protection of the Rights of the Child, "*<...> I believe that the children are properly informed about child's rights. The schools inform them, they organise field trips to our Division, and we visit them. The adults also have sufficient information. We are accused that we explain the child's rights, but not the duties.*" Thus, the same problem exists at the local level as at the national level: the communities have the attitude that the children are informed about their rights too much, and not enough informed about their duties. This also indicates that informing about the CRC is not comprehensive, and the Convention and child's rights are not properly understood.

Insufficient dissemination of information on the child's rights and the CRC can also be related to the fact that the Divisions for the Protection of the Rights of the Child have limited possibilities to disseminate information on child's rights and the CRC – the workload is very heavy: the specialists said that solving individual cases and representing children in court occupy the major part of their time and thus, there is no time left for additional educational activities. Due to the financial crisis, the staff has been reduced in the Divisions for the Protection of the Rights of the Child, the working week of some Divisions has been shortened (e.g., one of the Divisions that participated in the research was working for some time four days instead of five); in one of the surveyed municipalities, the position of one specialist was joined with the position of the Coordinator of Youth Affairs.

An important factor mentioned by the Divisions for the Protection of the Rights of the Child is that the dissemination of information of child's rights and the CRC is negatively influenced not only by the lack of material or human resources, but also by the absence of strong civil society in Lithuania. The specialists say that the people are interested in the child's (and human) rights as long as it is convenient for them: "*The maturity of our society is such that it only accepts the amount of information it needs. If the society was interested, the information can be accessed – computers and internet are accessible in each village. Sometimes you face the cases of strikingly good knowledge of child's rights.*" However, when one does not personally need the information, the child's rights are accepted with indifference.

It is noteworthy, that some specialists do not have proper understanding of child's rights either. When organising the interviews and agreeing on the time of meeting, a frequent reply was that only the specialists of the Divisions for the Protection of the Rights of the Child can talk about child's rights and the CRC, because these Divisions are supposed to take care of child's rights, meanwhile other Divisions – Education, Social Support, etc. - have no relation to child's rights. Moreover, the specialists of the Divisions for the Protection of the Rights of the Child said that the communities often have the attitude that the specialists of these Divisions solve absolutely all problems and issues related to child's rights. Meanwhile, proper knowledge of child's rights and the Convention is important to the specialists of any field, as the Convention implements civil, social, cultural, and other rights of children, and the knowledge and application of the Convention provisions is important when organising any type of services, aid, and support to children and their families.

A lot of information about child's rights and the CRC is provided by schools: many schools hang up the posters with child's rights and duties, organise events related to child's rights (e.g. the Tolerance Week, Anniversary of the CRC, etc.); a lot of work is done (according to the possibilities) by social pedagogues. The specialists who participated in the research positively assessed the activity of the Children Groups against Violence and indicated that these Groups also contributed greatly to the dissemination of

information on child's rights and the Convention. In some municipalities, the initiatives of the community to promote the understanding of child's rights and the Convention are seen, e.g., in Jurbarkas municipality, Jurbarkas Educational Centre carried out a research to find how much children knew about child's rights.

The specialists of the Divisions for the Protection of the Rights of the Child said that the media does not show sufficient interest in child's rights – most often they speak of child's rights when prominent incidents and scandals are concerned. The incidents that e.g. *“<...> happen in social risk families are escalated, certain incidents are taken out of context and escalated”*. However, hardly anyone writes about the good practice, successful cases, child's rights in general, the CRC, and its meaning. According to the representative of the Children's Rights Ombudsman Institution, the situation is the same at the national level, and the media should give *“<...> the comments of professionals, and not just interpretations.”*

The interviews with children indicate that the knowledge of children about child's rights and the CRC are also very superficial. The children can name just a few rights (usually, the right to education, family and health care; a little less frequently, the children mentioned the right to own opinion and receiving help), they lack knowledge on applying the rights in daily life, about the relation between the rights and the responsibilities, and the meaning of the rights. During the interview, the children said that at school they had discussed the child's rights during Civic Education classes: *“In Civic Education we have several classes related to child's rights; in the textbook there is an excerpt from the CRC and explaining notes.”* Moreover, the children said that they learn about the rights and the Convention from the social pedagogues of the school, and sometimes from the teachers of other subjects – Ethics and Civic Education.

In general, according to the children, obtaining information is fairly easy – the simplest and easiest way is the internet. For children more important is not the information itself, but teaching how to use it. The children said: *“We want to learn more about child's rights and to know them properly – to understand what we can do with them and how to use them.”* Currently it is often discussed that a certain child's right exists, but it is only a definition – there are no discussions about the contents of the rights and each individual right and its meaning in daily life. The children said that when teaching of child's rights and the Convention, *“<...> the examples and particular situations have to be given. The information provided [about children's rights] is very abstract. Sometimes you cannot even understand what it is about. It is important to know how to apply particular rights in a particular situation.”*

During the research, it was observed that children often repeated adults' attitudes related to child's rights – children said that they should not only know about their rights but also about their responsibilities. Children who participated in the survey mentioned that currently they hear more about children's duties, about the things that children are supposed to do and the way they are supposed to behave than about child's rights.

Children have a rather good knowledge as to what kind of municipal institutions are responsible for the protection of child's rights and where a child could seek help. According to children, one may often find posters in schools with contact information of institutions that provide assistance to children. However, the children who participated in the interview had only limited knowledge of the Children's Rights Ombudsman Institution (a few children mentioned that one can file complaints with this institution in the case of child's rights violation, whereas the majority of children were only aware that such an institution exists but did not know its functions). In addition, children had no knowledge of the fact that the State has to submit regular reports to the UN Committee on the Rights of the Child regarding the implementation of the CRC and that these reports must be made widely available to the public.

According to children, adults also lack knowledge of child's rights. Children indicated that adults *“<...> do*

not have sufficient knowledge [of children's rights] just like children, unless their work is related to this field. Or when something happens to their children and they start seeking for help and get to know what rights their children have."

3.10.4 Conclusions

The research shows that child's rights and the CRC receive substantial attention in Lithuania. Both the Government and NGOs organise initiatives for raising awareness of child's rights and the CRC. However, the dissemination and awareness-raising activities are one-off, inconsistent and non-systematic. Because the information provided is of general nature, the society fails to get a proper understanding of child's rights and the Convention, and this leads to a negative society's attitude towards the Convention and child's rights.

Both children and adults lack practical information on what child's rights and the CRC mean in daily life, what is the content of individual rights and how child's rights may and must be applied in practical situations.

There is a lack of publications on child's rights and the Convention of the Rights of the Child, in particular methodical and advisory publications, books that could serve as an aid in teaching children and adults about the Convention and child's rights. Pre-school educational institutions experience a particular lack of such publications.

At present, training on child's rights and the Convention the Rights of the Child in Lithuania is mostly available to specialists working with children or in the areas of child's rights or child's welfare. Very often these are social workers, social pedagogues, and specialists of child's rights protection. However, there is a lack of training for specialists of other areas, e. g. health care specialists, lawyers, police officers, etc. In addition, the organisation of training is inconsistent and irregular. There is practically no trainings on child's rights and the Convention of the Rights of the Child for children, except for a few topics discussed during civic education classes (and sometimes during other classes upon the initiative of teachers) and the initiatives of NGOs.

Furthermore, the media does not show sufficient interest in child's rights and the CRC and lacks a professional attitude towards child's rights. Child's rights are mostly covered when examining famous cases of violations of child's rights.

3.10.5 Recommendations

■ Inconsistent, one-off training is not a sufficient measure to ensure that the information on the Convention and on child's rights will reach all or at least the majority of the society members. Therefore, the education about child's rights and CRC should be integrated into the pre-school, elementary and secondary education programmes. For this integration to be successful and be effective, it is necessary to ensure that:

- Teachers, social pedagogues and other members of the school community are trained to talk about child's rights and the CRC both with children and with their parents (legal guardians). First of all, it is important to form a proper understanding of teachers and other school personnel about child's rights and about the Convention on the Right of the Child in order for them to be able to educate both children and adults about child's rights.
- The supply of and need for the methodical material on child's rights and on the CRC as well as their availability should be assessed. Specialists should provide all necessary material, in particular, practical material that would help them organise successful education about child's rights and the

Convention. Material for children should be adapted according to different age groups, paying particular attention to pre-school age.

- Ongoing, consistent and systematic training should be ensured for specialists working with children or in the areas related to child's rights or child's welfare. It is particularly important that such trainings be organised not only for social workers, social pedagogues and specialists of child's rights protection but also for all professional working with and for children such as lawyers, police officers, health care specialists, representatives of the local authority, etc.
- The education and informing of both children and adults about child's rights should be oriented to the formation of practical skills as well as to the teaching how child's rights and the regulations of the CRC may and must be applied in daily life, in practical situations and also how child's rights are related to our personal responsibility.
- In this case it is important that the society – children and adults – be properly informed about human rights and documents protecting these rights. It would help to develop awareness that not only children have rights and documents protecting these rights and that the rights do not end when a person reaches 18 year of age. The understanding and awareness of human rights would help promote respect for the person in general as well as encourage respectful relationships between children and adults.
- State institutions should consult more actively non-governmental organisations and create conditions for the non-governmental sector to implement consistent and ongoing activities related to the dissemination and publication of the information on child's rights and the CRC.
- More attention should be paid to the work with the media; to encourage a positive and proper attitude of the media representatives towards child's rights, to promote a professional attitude of the media representatives towards children's rights and the Convention.

Recommendations

- 1. The state must put in further attempts to ensure that national laws and other legal acts were completely and fully compliant to the principal provisions and requirements of the CRC. At the moment, one of the main aims is to ensure the protection of the child from all forms of violence, including physical punishment, through the use of legal instruments.
- 2. When creating the legal framework, adopting new laws and other legal acts, and revising the existing legislation, it is necessary to ensure concrete practical instruments to implement the legislation and to create the mechanisms for implementation and protection of the rights of the child, which would work in practice.
- 3. The State must periodically revise and assess the laws and other legal acts in force, which are related to the implementation and protection of the rights of the child.
- 4. When evaluating the programmes for children, the achieved results should be measured not only in terms of the quantitative parameters, but also in terms of the qualitative ones; it is necessary to define the criteria and instruments, which would allow evaluating the achieved changes.
- 5. The Strategy of State Policy on Child Welfare and the Plan of Implementing Measures have to be reviewed and it must be ensured that the Strategy and its implementation plan cover all areas relating to children and take into account all aspects of the CRC.
- 6. The Plan of Implementing Measures of the Strategy of State Policy on Child Welfare must be reviewed every two years and the measures, their suitability to the current situation in the State, efficiency, and the need for change must be assessed.
- 7. The Strategy of State Policy on Child Welfare and the Plan of Implementing Measures must provide for specific financial resources and sources for the implementation of set actions and measures, specific terms of implementing individual actions, and clearly define the areas of responsibility and functions of individual institutions.
- 8. Municipal institutions at the local level should be encouraged to create local plans/strategies, which would provide for the implementation and protection of children's rights at the local level. Such plans/strategies should also provide for specific financial resources and sources, terms, and responsible persons, institutions and services for the implementation of the plan/strategy.
- 9. Stronger and closer cooperation and sharing of information between national and local institutions must be ensured in order to ensure coordination and sustainable implementation of the CRC.
- 10. It is important to ensure suitable conditions and opportunities for cooperation with children and young people and to ensure successful participation of children and young people in decision making in implementing the CRC both at the national and local level. It is also important to ensure close and constant cooperation with the local community and non-governmental organizations.
- 11. The responsibility areas must be clearly defined especially where it is unclear, which institution has the competence to solve a particular case of implementation or violation of the child's rights.
- 12. At the local level it is necessary to promote awareness that Division for the Protection of the Rights of the Child is not the only institution responsible for implementation and protection of the rights of the child's – the municipality administration, Division of the Education, Division of the Social Support, Health Care, etc., other local institutions and offices must also actively participate in making the decisions regarding the issues of implementation and protection of child's rights. Detailed knowledge of the Convention, including practical application of its provisions must be ensured not only for the Divisions for the Protection of the Rights of the Child, but also for experts of other fields.
- 13. It is important to create a unifying system for monitoring the implementation of children's rights both at national and local levels. The monitoring must be performed regularly, consistently and systematically. At both national and local levels, specialists should receive proper training to perform

monitoring. They should be provided with practical measures and mechanisms for implementing this activity.

- 14. It is important to further develop a full and consistent system of data collection on children, to define concrete indicators meeting the requirements of the CRC. Such system must include all children (individuals who are younger than 18), and special attention must be given to the especially vulnerable children groups (for example, victims of violence, victims of trafficking in children, children with disabilities, children from minorities, refugees and asylum-seeking children, street children, missing children, etc.).
- 15. Decision-making must be based more on the collected data. The problems of children and the priorities of their solution must be set taking into account the existing clear and objective data on the current situation.
- 16. The State should create assessment mechanisms to help assess how well the allocation of the budget (both at national and local levels) meets best interests of the child and how effectively the allocation of financial resources allows to reach the most disadvantaged groups of children and reduce the differences between different regions (including those between urban and rural areas).
- 17. It is necessary to create assessment mechanisms that would assist in determining how well the present budget and allocation of finances ensure the implementation and protection of the economic, social and cultural rights of children.
- 18. The existing programmes designed for the implementation and protection of children's rights should be reviewed – some of the programmes might be joined encouraging joint initiatives and actions of larger scale rather than individual, fragmented activities.
- 19. It is necessary to ensure even closer and better cooperation and sharing of information between different national and local institutions with a view to ensuring a coordinated and sustainable implementation of the CRC.
- 20. When implementing the CRC both at national and local levels, it is important to ensure proper conditions and opportunities for the cooperation with children and youth, to ensure a successful participation of children and youth in the decision making process; also to ensure close and ongoing cooperation with the local community as well as non-governmental organisations.
- 21. Child's rights and the issues related to the implementation and protection of child's rights should be included in the planning and implementation of Development Co-operation Policy by maintaining a dialogue with beneficiary countries and other partners.
- 22. It is necessary to further empower the Children's Rights Ombudsman Institution as one of the main institutions representing the rights of the child. Such empowerment must involve necessary human and financial resources in order that the institution might successfully and in the adequate way implement functions allocated to it, and promote proper implementation of the CRC in Lithuania.
- 23. Children and young people should be given more concrete and clearer information on the Children's Rights Ombudsman Institution, promoting the right understanding of children and young people what are the functions of the Institution.
- 24. Inconsistent, one-off training is not a sufficient measure to ensure that the information on the Convention and on child's rights will reach all or at least the majority of the society members. Therefore, the education about child's rights and CRC should be integrated into the pre-school, elementary and secondary education programmes. For this integration to be successful and be effective, it is necessary to ensure that:
 - ❖ Teachers, social pedagogues and other members of the school community are trained to talk about child's rights and the CRC both with children and with their parents (legal guardians). First of all, it is important to form a proper understanding of teachers and other school personnel about child's rights and about the Convention on the Right of the Child in order for them to be able to educate both children and adults about child's rights.
 - ❖ The supply of and need for the methodical material on child's rights and on the CRC as well as

their availability should be assessed. Specialists should provide all necessary material, in particular, practical material that would help them organise successful education about child's rights and the Convention. Material for children should be adapted according to different age groups, paying particular attention to pre-school age.

- 25. Ongoing, consistent and systematic training should be ensured for specialists working with children or in the areas related to child's rights or child's welfare. It is particularly important that such trainings be organised not only for social workers, social pedagogues and specialists of child's rights protection but also for all professional working with and for children such as lawyers, police officers, health care specialists, representatives of the local authority, etc.
- 26. The education and informing of both children and adults about child's rights should be oriented to the formation of practical skills as well as to the teaching how child's rights and the regulations of the CRC may and must be applied in daily life, in practical situations and also how child's rights are related to our personal responsibility.
- 27. In this case it is important that the society – children and adults – be properly informed about human rights and documents protecting these rights. It would help to develop awareness that not only children have rights and documents protecting these rights and that the rights do not end when a person reaches 18 year of age. The understanding and awareness of human rights would help promote respect for the person in general as well as encourage respectful relationships between children and adults.
- 28. State institutions should consult more actively non-governmental organisations and create conditions for the non-governmental sector to implement consistent and ongoing activities related to the dissemination and publication of the information on child's rights and the CRC.
- 29. More attention should be paid to the work with the media; to encourage a positive and proper attitude of the media representatives towards child's rights, to promote a professional attitude of the media representatives towards children's rights and the Convention.

Appendix I

Institutions, organizations and services that participated in interviews

National bodies:

Ministry of Social Security and Labour of the Republic of Lithuania

Ministry of Foreign Affairs of the Republic of Lithuania

Children's Rights Ombudsman Institution of the Republic Of Lithuania

Bureau of the Committee on Human Rights

Non-governmental organizations:

NGO "Child's House"

The charity and support fund "SOS Children's Village"

Confederation of NGOs for Children

Municipalities

Utena Region Municipality:

Division for the Protection of the Rights of the Child of Utena Region Municipality

Division of the Education, Sport and Tourism of Utena Region Municipality

Division of the Social Support of Utena District Municipality

Utena Children's Social Care and Education Center

Šakiai Region Municipality:

Division for the Protection of the Rights of the Child of Šakiai Region Municipality

Division of the Education and Sport of Šakiai Region Municipality

Division of the Social Support of Šakiai Region Municipality

Youth Affairs Coordinator of Šakiai Region Municipality

Jurbarkas Region Municipality:

Division for the Protection of the Rights of the Child of Jurbarkas Region Municipality

Division of the Education of Jurbarkas Region Municipality

Division of the Social Support of Jurbarkas Region Municipality

Youth Affairs Coordinator of Jurbarkas District Municipality

Širvintos Region Municipality:

Division for the Protection of the Rights of the Child of Širvintos Region Municipality (interview was made with the specialist who is working 50% of the time as a Child's Rights Protection specialist, and 50% of the time as a Youth Affairs Coordinator)

Division of the Education and Sport of Širvintos Region Municipality

Appendix 2

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