

**COMMISSION FOR THE MONITORING OF THE RIGHTS OF PERSONS WITH DISABILITIES
UNDER THE OFFICE OF THE EQUAL OPPORTUNITIES OMBUDSPERSON OF THE REPUBLIC OF LITHUANIA
MONITORING THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON
THE RIGHTS OF PERSONS WITH DISABILITIES
REPORT**

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Address of the Chair of the Commission

People with disabilities are part of our community. Like everyone else, they must have equal opportunities to participate in all areas of life. The main legal instrument that protects the rights of persons with disabilities is the United Nations Convention on the Rights of Persons with Disabilities. This Convention is a legally binding international human rights instrument. By ratifying this document in 2010, Lithuania committed and assumed its responsibility to ensure accessibility to personal assistance and all other services of general use for persons with disabilities. This human rights-based approach means that no matter what disability a person has, he or she has the right to live in the same environment as any other member of the society, to enjoy the same rights as any other citizen of Lithuania, as opposed to living, studying and working in isolation from everyone. The Convention on the Rights of Persons with Disabilities has also obliged Lithuania to develop laws that support persons with disabilities by creating appropriate conditions for them to participate in education, health, culture, the labour market and other sectors of the society.

Article 33(2) of the CRPD states that States Parties shall designate one or more independent mechanisms to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities. The functions of the independent monitoring mechanism in Lithuania are carried out by the Commission for the Monitoring of the Rights of Persons with Disabilities under the Office of Equal Opportunities Ombudsperson. The Commission for the Monitoring of the Rights of Persons with Disabilities monitors the implementation of the provisions of the CRPD in various areas of the lives of persons with disabilities. A state is only as strong as its ability to care for the weakest members of its community. However, in our state, the rights of these people are the most neglected. Therefore, the Commission has focused on monitoring the rights of persons with disabilities with high support needs throughout the 4-year period, by commenting on the existing or draft legislation. The Commission not only monitored the implementation of the provisions of the Convention in Lithuania, but also made recommendations to the Seimas of the Republic of Lithuania, the state and municipal authorities and institutions.

Kristina Dūdonytė, Chairperson of the Monitoring Commission on the Rights of Persons with Disabilities

INTRODUCTION

The Commission for the Monitoring of the Rights of Persons with Disabilities (hereafter referred to as the Commission) under the Office of the Equal Opportunities Ombudsperson was established in July 2019. The members of the Commission are appointed for a term of office of four years. The Commission presents the Monitoring Report on the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as the "Monitoring Report"). As can be seen from the information provided in the Monitoring Report, the protection of the rights of persons with disabilities in Lithuania is gradually becoming one of the priority areas, but despite this, still not all provisions of the Convention are properly implemented.

The Convention is the first comprehensive human rights treaty ratified by the European Union. The Convention is an international instrument that obliges states to guarantee the rights of people with disabilities and sets clear standards. Lithuania ratified the Convention in 2010, committing itself to ensure and promote the full enjoyment of human rights and fundamental freedoms by all persons with disabilities without discrimination on the grounds of disability. By committing to implement the provisions of the Convention, our country has recognised the need to promote and protect the human rights of all persons with disabilities, including those in need of more support, while at the same time acknowledging that discrimination against any person on the basis of his or her disability undermines human dignity and value of a human being.

In 2016, after assessing Lithuania's progress in implementing the Convention, the United Nations Committee on the Rights of Persons with Disabilities (hereafter referred to as the Committee) issued its conclusions and recommendations¹ (hereafter referred to as the "2016 Recommendations"), which welcomed Lithuania's efforts to change the negative attitudes and stereotypes associated with disability, while also expressing its concern about the implementation of the Convention.

It should be noted that in 2016, the Committee made a recommendation to Lithuania to remove the Council for Persons with Disabilities from the independent monitoring system and, in consultation with the organisations of the disabled, to accelerate the establishment of an independent monitoring mechanism in line with the Paris Principles, with the necessary expertise and sufficient resources, in accordance with Article 33(2) of the Convention.

With regard to the 2016 recommendations, at the end of 2018 Amendments to the Law on Equal Treatment of the Republic of Lithuania² were adopted, they came into force in 2019. The amendments provided for the establishment of a new monitoring mechanism.

It is important to mention that in Lithuania, protection against discrimination and monitoring of the implementation of the Convention is carried out by a national equality body - the Office of the Equal Opportunities Ombudsperson (hereinafter referred to as the Office).

In July 2019, the Commission for the Monitoring of the Rights of Persons with Disabilities was established within the Office to monitor the implementation of the Convention. The Commission is

¹ Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities on the initial report of Lithuania, https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/12084_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvai-4.pdf

² <https://www.e-tar.lt/portal/legalAct.html?documentId=b52da81002c211e9a5eaf2cd290f1944>.

essentially equivalent to an independent monitoring mechanism in accordance with the provisions of Article 33(2) of the Convention and the 2016 Recommendations.

The Commission for 2019-2023 is composed of Vytautas Pivoras, Dalia Mikalauskaitė, Aidas Gudavičius, Lina Cicėnaitė.

It should be noted that the Commission has not been adequately funded by the State budget, which led to the withdrawal of the representatives of the Office from the Commission once the mechanism was established and the appointment of a new representative only on 26 April 2022, following the allocation of funding by the State for the Office. As a result, the Commission has been operating as a part-time Commission body for most of its term of office, the Office would ensure technical and economic support to the independently operating Commission.

During its work, the Commission, in monitoring the implementation of the Convention, made proposals and recommendations to various bodies, institutions and municipalities, commissioned the studies on the situation of people with disabilities. Some of the more important recommendations are: (1) the 2021 Recommendations³, which are based on a study commissioned by the Commission and carried out by a group of researchers on "The experience of people with disabilities and their families during the pandemic"⁴; 2) the 2022 conclusions and recommendations on the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in municipalities (these recommendations are the result of the monitoring meetings with representatives of 24 municipalities and local NGOs)⁵.

It should be noted that in the exercise of the function provided for in Article 49(1)(5) of the Statute of the Seimas of the Republic of Lithuania, on 13 April 2022, the Seimas Committee on Human Rights launched a parliamentary scrutiny on the implementation of the recommendations⁶ made by the Commission on the basis of the study "Experiences of people with disabilities and their families during the pandemic"⁷ commissioned by the Commission for the year 2021 (hereafter called the Study).

This monitoring report, which covers the Commission's term of office, contains the Commission's comments on the implementation of the individual relevant articles of the Convention selected for enhanced monitoring, and therefore does not analyse the implementation of all the articles of the Convention.

Comments are submitted on the following articles of the Convention: equality and non-discrimination (5), accessibility (9), emergency situations and humanitarian crises (11), equality before the law (12), independent living and inclusion in the community (19), education (24), statistics and data collection (31).

The monitoring report concludes with the Commission's recommendations.

³ <https://www.lygybe.lt/data/public/uploads/2022/12/komisijos-rekomendacijos.pdf>.

⁴ <https://lygybe.lt/data/public/uploads/2021/12/zmoniu-su-negalia-ir-ju-seimu-patirtys-pandemijos-metu.pdf>.

⁵ <https://www.lygybe.lt/data/public/uploads/2022/10/komisijos-rekomendacijos-.pdf>.

⁶ Commission Recommendations, <https://www.lygybe.lt/data/public/uploads/2022/12/komisijos-rekomendacijos.pdf>.

⁷ <https://www.lygybe.lt/data/public/uploads/2022/12/zmoniu-su-negalia-ir-ju-seimu-patirtys-pandemijos-metu-1.pdf>.

The monitoring report is based on the Commission's active monitoring, letters from various institutions and bodies in response to the Commission's enquiries, a study commissioned by the Commission on "Experiences of persons with disabilities and their families during the pandemic", studies, surveys, conclusions and other relevant information available on the implementation of the Convention.

The following are the most important national, international and EU legislation relevant to the rights of people with disabilities.

The Constitution of the Republic of Lithuania, which establishes the fundamental principle of equality of persons, is the main piece of legislation, which stipulates the normative basis for the life of the State community and sets the guidelines for all other acts (hereinafter - the Constitution, the Constitution of the Republic of Lithuania). Article 29 of the Constitution provides that all persons shall be equal before the law, the courts and other State institutions or officials.

Article 138 of the Constitution states that "International treaties ratified by the Seimas of the Republic of Lithuania shall form an integral part of the legal system of the Republic of Lithuania." The United Nations Convention on the Rights of Persons with Disabilities is thus part of the legal system of the Republic of Lithuania.

The Charter of Fundamental Rights of the European Union⁸ states that "any discrimination based on any ground such as sex, race, colour, national or social origin, or genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation shall be prohibited" (Article 21). It also provides that "the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community" (Article 26).

Strategic documents adopted at the EU level are relevant to the protection of the rights of people with disabilities. On 3 March 2021, the European Commission adopted the Strategy on the Rights of Persons with Disabilities 2021-2030, which promotes equal opportunities and non-discrimination, a decent quality of life and independent living and the enjoyment of rights by persons with disabilities.⁹

It is important to note that, in view of the need to reorganise the system of disability assessment and social inclusion, the Seimas approved a reform in 2022 to introduce a new system of assistance to and services for people with disabilities, to ensure a more appropriate financial mechanism and to implement changes in disability assessment and other aspects. The reform will change the system for determining the level of work capacity, special needs and disability, and will increase the assessment of disability based on individual capacity, with less emphasis on medical assessment, and will determine the need for specific assistance based on the individual's needs. The Commission proposed legislative amendments on the compatibility of this reform with the Convention, but not all the comments were taken into account. The positive changes are expected to affect the daily and

⁸ Charter of Fundamental Rights of the European Union (2016/C 202/02), <https://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri=CELEX:12016P/TXT&from=HU>.

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *A Union for Equality - A strategy on the rights of people with disabilities 2021-2030*. Brussels, 03.03.2021.

social life of more than 221,000 people with disabilities, guaranteeing rights and equal opportunities in all areas of life¹⁰.

It can be said that this is a major breakthrough in the field of quality of life for people with disabilities, but it is not an absolute transposition of the provisions of the Convention, but rather a step towards a goal that is not yet measurable, but which promotes respect for persons with disabilities and their rights. At the time of drafting this monitoring report, the amendments made were assessed in their entirety, as most of them had not yet entered into force.

EQUALITY AND NON-DISCRIMINATION (Article 5)

Discrimination - an act (or acts) contrary to the law which have the effect of reducing or denying a person's equal opportunity to exercise his or her rights on an equal footing with other individuals. Equal opportunities must be implemented by the state and municipal institutions and bodies, as well as educational institutions, other providers of education and institutions of science and studies, employers in all forms of ownership, sellers of goods, producers or providers of services, and workers' and employers' organisations or other organisations/associations organised on a professional basis. The Equal Opportunities Ombudsperson deals with complaints of discrimination. Disability is one of the most common grounds for discrimination in Lithuania.

The most discriminated groups in the country are persons with psychosocial disabilities, persons with physical disabilities and the elderly¹¹.

Article 5 of the Convention provides that *States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law. It is further provided that States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. Article 5 of the Convention obliges them to promote equality and to eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.*

Paragraph 23 of the Committee's 2016 Recommendation¹² notes: "The Committee is deeply concerned that the State party has been inconsistent in its application of the notion of reasonable accommodation in terms of the principle of non-discrimination". The Committee also recommended that all necessary legislative, judicial and administrative measures be taken to promote, ensure and monitor the provision of reasonable accommodation for persons with disabilities in all public and private sectors, and to recognize that the absence of reasonable accommodation constitutes a form of discrimination on the grounds of disability.

¹⁰ <https://socmin.lrv.lt/lt/naujienos/seimas-prite-Kitamet-prasides-zmonems-turintiems-negalia-svarbi-reforma?lang=lt>.

¹¹ National survey on discrimination against social groups, <https://www.ndt.lt/neigaliuju-teisiu-konvencija/tyrimai/tyrimai-2021-m/>.

¹² Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities on the initial report of Lithuania, https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/12084_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvai-4.pdf.

In Lithuania, formal equality of all persons, together with the prohibition of discrimination and privileges, is enshrined in the Constitution. The main comprehensive legal act implementing the principle of equal treatment is the Law on Equal Treatment of the Republic of Lithuania (hereinafter referred to as the Equal Treatment Law or ETL).

The purpose of the Law is to ensure the implementation of Article 29 of the Constitution, which establishes the equality of persons and the prohibition of restrictions and privileges to human rights. The Equal Treatment Law prohibits discrimination on the grounds of disability, among other grounds.

Amendments to the Equal Treatment Law to strengthen the protection of the rights of persons with disabilities

2 June 2022 On 1 January 2022, the amended Article 8 of the Law on Equal Treatment, entitled "Implementation of equal treatment in the area of consumer protection", entered into force, adding new provisions (paragraphs 2 and 3) obliging sellers of goods, manufacturers or service providers to ensure that they are not harassed, sexually harassed, or instructed to discriminate on grounds of gender, race, ethnicity, nationality or gender, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnic origin, religion, and to ensure that persons who complain about discrimination, who are involved in a discrimination case, or who report discrimination, are not subject to victimisation and are protected from hostile treatment or adverse consequences. The above-mentioned provisions enshrine the prohibition of harassment and sexual harassment in the field of consumer rights and the protection against hostile treatment and adverse consequences following a complaint of discrimination. For example, a person with a speech impediment who goes to do their shopping in a shop will not be harassed because of their unclear pronunciation, as they will be protected by the law.

It should be noted that until then, the Office had only investigated possible harassment or sexual harassment cases in the areas of labour relations and the activities of educational, scientific and study institutions.

Educational, scientific and study institutions, organisations and associations also have an obligation to ensure that persons who complain, report or otherwise report discrimination or are involved in such cases are not victimised and are protected from hostile treatment or adverse consequences.

On 2 June 2022, the amended Article 6 "Duty of educational establishments, other education providers and research and study institutions to implement equal opportunities" entered into force, which has been supplemented by paragraph 4¹³, which provides that educational establishments, other education providers and research and study institutions must take measures to ensure that pupils, students or employees who lodge a complaint of discrimination, who participate in a case of discrimination or who report discrimination or who have representatives or who testify or give explanations about discrimination are not subjected to harassment and are protected against any hostile treatment or adverse consequences. Article 9 "Prohibition of discrimination in organisations and associations" has also been supplemented with paragraphs 2 and 3, providing that organisations and associations must ensure that they are free from harassment, sexual harassment and instructions to discriminate on the grounds of sex, race, nationality, language, origin, social status,

¹³ <https://www.e-tar.lt/portal/legalAct.html?documentId=dbe0e910e1ab11ec8d9390588bf2de65> .

religion, beliefs or opinions, age, sexual orientation, disability, ethnic origin, religion , and must ensure that persons who have lodged a complaint of discrimination, are involved in a case of discrimination, or have reported discrimination, are not subject to victimisation and are protected from hostile treatment or adverse consequences.

On 1 August 2022, an amendment to the LET entered into force, adding a new paragraph 10 to Article 2(9), which provides that direct discrimination does not include the granting of benefits on the grounds of age, disability and social status, where this is justified by a legitimate aim and is pursued by appropriate means and necessary means. For example, the fact that persons with disabilities are given discounts in shops, pharmacies, museum tickets, etc. would not be considered a breach of the law.

1 August 2022 Article 7(8) of the LET entered into force and was amended to provide that, in implementing equal opportunities, an employer shall not discriminate between sex, race, nationality, citizenship, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, must "take appropriate measures to enable persons with disabilities to gain access to employment, to work, to pursue a career or to study, including the provision of reasonable accommodation, provided that such measures do not result in a disproportionate burden on the employer's obligations".

This provision extends the employer's obligation to ensure that the premises are adapted to provide suitable working conditions beyond the physical environment.

It should be noted that persons with disabilities complain to the Office because they are denied flexible work schedules, flexible working conditions, partial redistribution of functions, and the possibility to work from home.

Article 7 of the LET has also been supplemented by paragraph 9, which imposes an obligation on the employer "to take measures to ensure that an employee or civil servant is not discriminated against in the workplace with regard to the granting of paternity leave, leave to care for a child, unpaid leave to care for a sick family member or for the nursing care of a person living with the employee or a civil servant and the introduction of flexible working arrangements."

It should be noted that the Committee's recommendations on Article 5 that the lack of reasonable accommodation is a form of discrimination on the grounds of disability have also been partially implemented. Although not explicitly stated, the combined application of the provisions of the LET, which include an obligation on employers to take reasonable steps to accommodate persons with disabilities, including the provision of reasonable accommodation, would make non-compliance with this obligation as regards the discrimination on the grounds of disability in employment relations. Under the current regulation, discrimination against persons with disabilities is recognised when equal treatment is not implemented in the areas of state and municipal authorities and bodies, educational institutions, other education providers and research and study institutions, the civil service and employment relations, organisations and associations and consumer rights. In paragraph 13 of the 2016 Recommendation, the Committee expressed serious concern that the State is inconsistent in its application of the notion of reasonable accommodation in the context of the principle of non-discrimination. It therefore recommended that the lack of reasonable accommodation for persons with disabilities in all public and private sectors should be treated as discrimination on the grounds of disability, as in our country appropriate facilities are not yet available and accessible.

Investigations and enquiries received by the Office in 2019-2022 regarding violations of the rights of persons with disabilities

Pursuant to Article 17(1) of the LET, the Equal Opportunities Ombudsperson shall, in accordance with the principles of legality, impartiality and fairness shall investigate complaints in accordance with the procedure laid down in this Law, conduct investigations ex officio and provide advice on inquiries.

In 2019, the Office conducted 41 investigations into possible discrimination on the grounds of disability, followed by 36 investigations in 2020, 44 in 2021 and 48 in 2022.

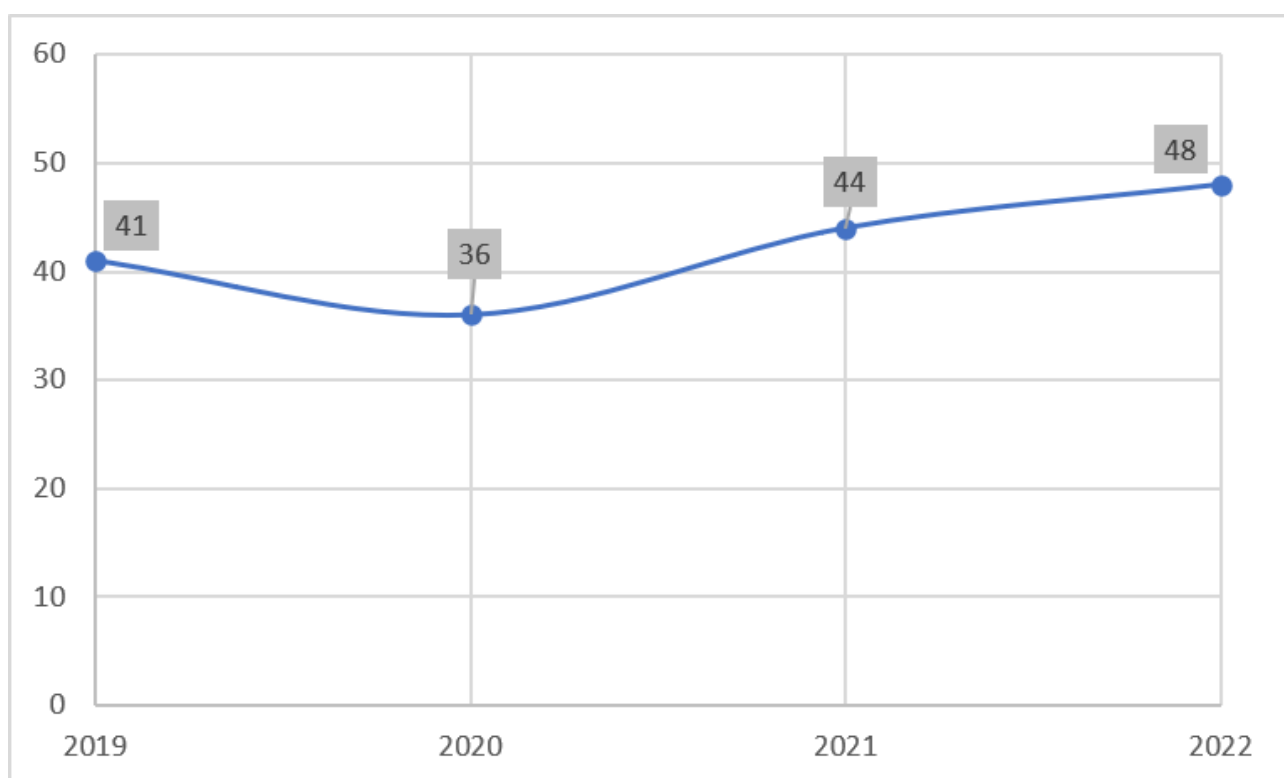


Image. Dynamics of complaints and own-initiative investigations in 2019-2022.

The Office also collects statistics on general complaints of possible discrimination on the grounds of disability. The total number of enquiries for possible disability discrimination is 126 in 2019, 123 in 2020, 125 in 2021 (it should be noted that, until 2021, advice on discrimination by phone and/or Facebook was not included) and 361 in 2022.

In 2019, the highest number of complaints (22) to the Office from persons with disabilities was on the restrictions of their rights in the field of provision of services. The Equal Opportunities Ombudsperson was contacted about restricted access to services provided by banks, insurance, post offices, restaurants, medical institutions, pharmacies. The second largest number of investigations in 2019 (10) was on discrimination in labour relations. The Office was contacted about restrictions in employment, different working conditions for persons with disabilities, failure to provide appropriate workplace, time, other working conditions. In 2019, complaints (5) were investigated regarding possible discrimination against persons with disabilities in the field of activities of state and municipal institutions. The most frequent investigations concerned legislation

of a potentially discriminatory nature. One investigation was carried out on possible discrimination in the field of educational relations¹⁴.

In 2020, the highest number of investigations (13) concerned possible infringements in the field of consumer protection. The highest number of investigations concerns restrictions on the right of persons with reduced mobility to access services due to the fact that the service provision is not adjusted to the disabled. The second highest number of complaints received in 2020 (9) was about the activities of state and municipal authorities. In 2020, the most frequent complaints and investigations were made against legislation of a potentially discriminatory nature. Investigations into discrimination in labour relations were the third most widespread (7). The Office was contacted about restrictions in the field of employment, different working conditions for persons with disabilities, failure to properly adapt the workplace, working hours and other working conditions. Three investigations were carried out on possible discrimination in educational relations¹⁵.

In 2021, the highest number of investigations (18) also concerned possible infringements in the field of consumer protection. People contacted the Office because of restricted access to services provided by supermarkets, shops, communication companies, medical institutions and tourist centres. Complaints were made about the fact that the buildings where services or goods are provided or sold are not properly accessible, as well as the courtyards of residential buildings, and the additional difficulties in accessing goods and services due to the quarantine restrictions imposed during the pandemic of Covid-19. The second largest number of investigations in 2021 (9) was on discrimination in labour relations. The Office was contacted about restrictions in employment, different working conditions for persons with disabilities, failure to provide adequate workplace, time, other working conditions and harassment on the grounds of disability. Complaints about the activities of state and municipal authorities ranked third in terms of the number of complaints received in 2021 (8). In 2021, the most frequent complaints and investigations concerned legislation of a potentially discriminatory nature, such as the procedures for regulating the provision of healthcare services, rehabilitation measures, services, social and other services, which are discriminatory in nature. It should be noted that there were also complaints about harassment on the grounds of disability in the field of the provision of services, but the provisions of the Equal Treatment Law in force at the time did not cover harassment in the field of consumer protection. One study was carried out on possible discrimination in the field of educational relations¹⁶.

In 2022, the Office also received the highest number of complaints (24) on discrimination in the field of consumer protection. Complaints related to the inaccessibility of buildings, urban infrastructure (medical facilities, parks and other facilities are still largely inaccessible to people with reduced

¹⁴Report on the activities of the Ombudsperson for Equal Opportunities of the Republic of Lithuania in 2019, 2020-03-13 NR. BR-40, Vilnius.

https://www.lygybe.lt/data/public/uploads/2020/03/lr_lygiu_galimybiu_kontrolieriaus_2019_m_veiklos_ataskaita.pdf.

¹⁵ Report on the activities of the Ombudsperson for Equal Opportunities of the Republic of Lithuania for 2020, 2021-03-12 NR. BR-35, Vilnius

https://www.lygybe.lt/data/public/uploads/2021/03/lr_lygiu_galimybiu_kontrolieriaus_2020_m_veiklos_ataskaita.pdf

¹⁶ Report on the activities of the Ombudsperson for Equal Opportunities of the Republic of Lithuania for 2021, 2022-03-14 NR. BR-31, Vilnius <https://lygybe.lt/data/public/uploads/2022/03/2021-metu-lgk-veiklos-ataskaita.pdf>

mobility), lack of access to digital services and lack of social services. Some 7 complaints were received on potential discrimination in the work of the state and municipal bodies and institutions, 6 in the area of labour relations.

In 2019, the Office was contacted 16 times by women and 21 times by men, non-governmental organisations representing the interests of persons with disabilities, and other legal entities submitted 2 complaints to the Office regarding possible violations of the rights of persons with disabilities.

In 2020, 21 complaints were submitted by women and 11 by men, non-governmental organisations representing the interests of persons with disabilities and other legal entities submitted 4 complaints to the Office regarding possible violations of the rights of persons with disabilities.

In 2021, women made 22 enquiries, men - 20, non-governmental organisations representing the interests of persons with disabilities and other legal persons submitted 1 complaint to the Office on possible discrimination of persons with disabilities. One complaint was anonymous.

In 2022, women made 25 enquiries, men - 19 and legal persons - 4.

Summary

In summary, the amendments to the Equal Treatment Law, which came into force in 2022 and which introduced a ban on harassment and sexual harassment in the field of consumer rights and consumer rights and in the field of education, research and study institutions, organisations and associations, as well as the protection against hostile treatment and negative consequences in case of a complaint of discrimination, have given persons with disabilities the possibility to ensure their rights on a broader scale and to feel safer in this respect. Employers are obliged to provide persons with disabilities with reasonable accommodation, not only in the premises but also in terms of working conditions, which widens the possibilities for persons with disabilities to work and to assert their rights. Equally important are the provisions on granting preferences on the basis of disability, which do not constitute direct discrimination (when justified by a legitimate aim and pursued by appropriate and necessary means).

2022 saw a slight increase in the number of investigations/complaints of possible discrimination on the grounds of disability at the Office compared to the previous year. It should be noted that people often report possible discrimination on the grounds of disability by e-mail, telephone or through social networks. In total, 361 enquiries were made in 2022. For several years in a row, the highest number of complaints has been received on the restrictions on the rights of persons with disabilities in the area of service provision, as well as a high number of complaints about violations in the area of labour relations. Both men and women actively contact the Office about possible discrimination, but the visibility of non-governmental organisations representing the interests of persons with disabilities is rather low.

It should be noted that one of the Committee's Recommendations 2016, which requires that the lack of appropriate facilities for persons with disabilities in all public and private sectors be considered a form of discrimination on the grounds of disability, is not implemented.

ACCESSIBILITY (Article 9)

People with disabilities are still unable to participate in the society on an equal footing with the others. Basic activities such as travelling, working, studying, relaxing, having fun, etc. are still a challenge for people with disabilities. Despite positive changes that are taking place, proper accessibility is still an aspiration rather than a reality in many areas.

One of the most important articles relating to independent living and access to public services is Article 9 of the Convention. It provides that *States Parties shall, in order to enable persons with disabilities to live independently and participate fully in all aspects of life, take appropriate measures to ensure that the physical environment, transport, information and communication, including information and communication technologies and systems, as well as other facilities or services accessible to the general public, are made accessible to persons with disabilities on an equal footing with others, in both urban and rural areas.*

Paragraph 21 of the 2016 Recommendation states: "The Committee is concerned about the limited measures taken to promote universal design principles in the physical environment and in transport. It also expressed its concern on the reported lack of progress in this regard, in particular with regard to improving accessibility in and around private and public buildings and their surroundings and in the transport chain, including car parks, train stations, platforms, intercity buses, taxis and ferries. The Committee is also concerned about the lack of effective accessibility controls in buildings.-

22 May 2014 General Comment No. 2 on Article 9 of the Convention, "Accessibility",¹⁷ (hereinafter "General Comment No. 2"), emphasises that accessibility is a prerequisite for people with disabilities to live independently and to participate fully and on equal footing with the others in the society. Without accessibility of the physical environment, transport, information and communication, including information and communication technologies and systems, as well as other facilities or services accessible to the public, persons with disabilities will not have equal opportunities to participate in the life of their society.

Paragraph 28 of General Comment No. 2 declares that States Parties are committed to adopting and publishing national accessibility standards and to monitoring their implementation, and states that, in the absence of legislation, the first step would be to adopt an appropriate legal framework. States Parties should undertake a comprehensive review of their accessibility laws to identify, monitor and address gaps in legislation and implementation. It is envisaged that "legislation should apply and be built on the principle of universal design". General Comment No. 2, paragraph 29 states: accessibility should be included in general and specific laws on equal treatment, equality and non-discrimination and participation in the context of prohibition of discrimination on the grounds of disability. Denial of accessibility should be clearly defined as prohibited discrimination. When setting accessibility standards, State Parties must take into account the diversity of people with disabilities and ensure accessibility for all genders, ages and abilities and persons with any disability.

¹⁷ 31 March - 11 April 2014 General Comment No. 2 (2014), Article 9 of the Committee's Eleventh Session, <https://www.ndt.lt/wp-content/uploads/19V266-9-str.pdf>.

The National Progress Plan 2021-2030¹⁸ (hereafter referred to as the Progress Plan), adopted on 29 September 2020 by the Order No 998 of the Government of the Republic of Lithuania established a progress objective: better adaptation of the environment for people with disabilities to meet their needs. The aim is to ensure the accessibility of the physical environment (public spaces, public buildings, housing), transport, infrastructure, services and information to people with disabilities. Annex 1 point 2.6.1 to the Progress plan ("Strategic goals, targets and objectives of the National Progress Plan 2021-2030) establishes a target for the accessibility of the physical and information environment for persons with disabilities in 2025 which is 50% and in 2030 – 70% (in 2020 it was 43.55%).

The Development Programme of a Disabled-friendly Environment in All Spheres of Life¹⁹ is managed by the Ministry of Social Security and Labour of the Republic of Lithuania and was adopted on 10 November 2021, No 933. The programme identifies that inaccessible physical infrastructure is a cause to be addressed, stating that physical infrastructure is understood as public, recreational, sports, tourism and other spaces, public buildings and residential buildings, as well as public transport and public transport infrastructure (impact on the problem - 50 %, size of the target group is about 500 000 persons). The causes to be addressed include inadequate legal regulation of accessibility and adapting of physical infrastructure for persons with disabilities; inadequate monitoring and control of accessibility of physical infrastructure for persons with disabilities, which discourages the accessibility of physical infrastructure and/or maintenance of accessible buildings; the lack of adaptation of important buildings (state and municipal authorities) to meet the needs of persons with disabilities; and the lack of action plans for adaptation. This is why in 2020 only 28% of important buildings have been adapted (*the problem is partly due to the competences of municipalities/regions*).

In assessing the implementation of point 21 of the Committee's 2016 Recommendations on "Universal design in the physical environment and accessibility of buildings", it should be noted that Article 2(109) of the Law on Construction of the Republic of Lithuania defines universal design as "a form of products and environments that can be used by children, adults, men, women, the elderly, the disabled, and people of different nationalities and other groups without any special adaptations". The Law on Construction Article 6(3) provides that "if construction works in buildings and engineering structures are carried out in accordance with a construction, reconstruction, building renovation (modernisation), major repair, simplified construction, simplified reconstruction projects, a description of major repair, a simple repair project or a description of ordinary repairs in structures, the list of which has been approved by the Government or a body authorised by the Government or there is a change of the purpose of the structures for the purposes specified in the list, it shall be necessary to adapt such buildings and engineering structures to the special needs of disabled persons in accordance with the requirements of the standard building technical documentation".

¹⁸National Progress Plan 2021-2030 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c1259440f7dd11eab72ddb4a109da1b5?jfwid=-whxwii77y>.

¹⁹ Programme for the development of an environment suitable for people with disabilities in all spheres of life, managed by the Ministry of Social Security and Labour of the Republic of Lithuania, Development Programme 2021-2030 <https://www.e-tar.lt/portal/lt/legalAct/f228ffc0438411ec992fe4cdfceb5666>.

Technical Regulation STR 2.03.01:2019 "Accessibility of Buildings", approved by Order No D1-653 of the Minister of the Environment of the Republic of Lithuania of 4 November 2019, establishes requirements for the preparation of construction, reconstruction, renovation (modernisation) of a building, major repairs, simplified construction, simplified reconstruction projects, a description of major repairs, a design of ordinary repairs or a description of ordinary repairs, or for the change of the purpose of buildings.

Article 11 of the Law on Social Integration of Persons with Disabilities of the Republic of Lithuania states, that the requirements for a physically suitable environment for persons with disabilities in all areas of life shall be implemented in the spatial planning and design of buildings and in the adaptation of public buildings, housing and their environment, public transport facilities for passenger services and their infrastructure, and the information environment to the special needs of persons with disabilities.

Draft amendment to the Law on Social Integration of Persons with Disabilities No. I-2044²⁰ (hereinafter referred to as and the Draft Law) (the new Framework Law on the Protection of the Rights of Persons with Disabilities of the Republic of Lithuania), the definition of accessible environment has been established - a physical and informational environment (public space, public and/or residential building, transport facility, cyberspace) where a person with disabilities can be present, move freely, receive services and/or goods, receive and/or transmit information on an equal footing with others. The draft law provides that a person with disabilities has the right to an accessible environment throughout the territory of the Republic of Lithuania (Article 5(1)).

Despite the above, a large proportion of public buildings and the external environment in the country are not accessible to people with disabilities. In most cases, accessibility is only developed to meet the needs of the physically disabled, whereas the rights and legitimate expectations of persons with mental and psychosocial disabilities are still being violated, although the Commission, since its creation, has been emphasising the need to guarantee the rights of persons who, due to the nature of their disability, require more assistance and support, through its legislative work and meetings with all levels of government.

According to the 2018 survey "Survey on Accessibility of Police Stations and Courts' Environment, in the light of the assessment of Provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania"²¹ : In 2018, only 13.5% of police stations and the same number of court establishments were fully adapted for persons with disabilities to move around independently within the building; more than a third of the police stations and a similar number of court establishments did not have parking spaces for persons with disabilities; and more than a third of the police stations and a similar number of court establishments had inadequate ramps.

According to the survey of 2018 on "Accessibility Survey of Social Support Departments, Social Service Centres, Elderly Municipalities, Assessing the Effectiveness of the Implementation of the

²⁰ Draft Amendment to the Law on Social Integration of Persons with Disabilities No. I- 2044, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/af327900358011edbf47f0036855e731>.

²¹ Lithuanian Association for the Adaptation of the Environment of People with Disabilities, Research Report" Survey of the Accessibility of the Environment of Police Commissariats and Courts, Assessing the Effectiveness of the Implementation of the Provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania" 2018, Vilnius, <https://www.ndt.lt/neigaliuju-teisiu-konvencija/tyrimai/tyrimai-2018-m/>.

Provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania"²² persons with disabilities had all the possibilities to move inside a building (from 90 respondents) in more than half of social support centres (65.6%); (out of 110 respondents) less than one fifth (18.3%) of the Social Assistance Departments in municipal administration buildings; (out of 90 respondents) one third (32.2%) of the buildings of disabled people's organisations; and (out of 112 respondents) less than one tenth (4.5%) of the buildings in the neighbourhood office buildings. Slightly less than three quarters (71.1%) of social service centres, more than half (58.7%) of social assistance departments, only 40% of disabled people's organisations, and only a fifth of the (18.8%) of the neighbourhood office buildings had car parking facilities for the disabled in line with all the requirements for the parking facilities.

The 2018 Lithuanian Association for the Adaptation of the Environment for People with Disabilities conducted a survey on "The adaptation of cultural facilities (theatres, cinemas, museums, etc.) and tourism objects in assessing the efficiency of implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities in Lithuania"²³. According to the survey, persons with disabilities had all the possibilities to move inside a building: (out of 505 respondents) in fewer than half of the culture institutions (46,3%), (out of 295 respondents) in more than three quarters (81,3%) of tourism objects. A bit less than one third (31.9%) of the culture institutions had car parking facilities for the disabled in line with all the requirements for the parking facilities and more than one third (36.3%) of tourist objects.

According to the survey "Analysis of the Situation of Women with Disabilities in Lithuania, Assessing the Effectiveness of the Implementation of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania" conducted by the Lithuanian Association of Persons with Disabilities in 2018²⁴: a quarter of the respondents (a total of 801 women and 150 girls) of women and girls with disabilities due to their disability (mobility, visual disabilities, etc.) had difficulties moving around in their home and public places. Around a quarter of women and around half of the girls surveyed said that public buildings, pavements, intersections and public transport were not suitable for people with disabilities. A third of women with disabilities and more than half of girls said they had experienced discrimination as a result. Around one third of women with disabilities and two thirds of girls were unable to independently access health, education, employment, cultural or sporting events. Around 40 % of women with disabilities and 50-60 % of girls did not receive a lift and escort to health, education, employment, cultural and sporting events.

²² Lithuanian Association for the Adaptation of the Environment of Persons with Disabilities, research report "Accessibility surveys of social support departments, social service centres, elders' districts, assessing the effectiveness of the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania", 2018, Vilnius, <https://www.ndt.lt/neigaliuju-teisiu-konvencija/tyrimai/tyrimai-2018-m/>.

²³ Lithuanian Association for the Adaptation of the Environment of People with Disabilities, research report "Assessment of the Accessibility of the Environment of Cultural Facilities (Theatres, Film Centres, Museums, etc.) and Tourism Facilities in Lithuania, Assessing the Effectiveness of the Implementation of the Provisions of the UN Convention on the Rights of Persons with Disabilities in Lithuania", Vilnius, 2018, <https://www.ndt.lt/neigaliuju-teisiu-konvencija/tyrimai/tyrimai-2018-m/>.

²⁴ Report on the results of the survey "Analysis of the situation of women with disabilities in assessing the effectiveness of the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in Lithuania" conducted by the Lithuanian Association of Persons with Disabilities in 2018, 2018, Vilnius, <https://www.ndt.lt/wp-content/uploads/Ne%20C4%AFgali%20C5%B3j%20C5%B3-moter%20C5%B3-ir-mergai%20C4%8Di%20C5%B3-ataskaita-Galutin%C4%97-2018.12.17-1.pdf>.

It should be noted that the obligations on States to ensure the rights of persons with disabilities to participate in political life are defined in Article 29 of the Convention. However, this section provides a brief overview of the data on the accessibility of polling stations. It should be noted that in spring 2018, the Vilnius Regional Administrative Court upheld a complaint by two applicants with disabilities. It was found that during the 2016 Parliamentary elections, the Central Electoral Commission of the Republic of Lithuania, the Vilnius City and Vilnius District municipalities did not provide adequate conditions for persons with disabilities to vote, and the polling stations were not properly adapted for this purpose. The Court awarded the applicants non-pecuniary damages. In the above case, the infrastructure of the polling station was completely inadequate for people with disabilities, there were no designated spaces in the car park, there were stairs at the entrance to the building, and there was no information or signs on how to access the building for people with disabilities.

According to the estimates of the Lithuanian Disability Organisations Forum (LDOF), based on the data provided by the polling stations, during the 2016 elections, out of 1 996 polling stations, only 699 polling stations were accessible to persons with disabilities, i.e. more than 60% of polling stations were not accessible to persons with mobility disabilities, elderly people.²⁵

On 26 November 2018, a Memorandum of Understanding on electoral cooperation was signed between the Central Electoral Commission, the Association of Lithuanian Municipalities and the LNF. It was also decided to strive to equip as many polling stations as possible with facilities suitable for persons with disabilities²⁶. It should be noted that, according to the data of the CEC, in 2019, out of 1,970 polling stations, 1,327 polling stations were accessible to persons with disabilities, i.e. 67%. In 2019, the LNF carried out a monitoring of polling stations marked as accessible to persons with disabilities (persons with reduced mobility), and 354 polling stations in 43 municipalities were assessed. The LNF found that 10 per cent of them did not meet the accessibility requirements²⁷. According to the CEC, 93% of polling stations were accessible to persons with reduced mobility during the 2020 parliamentary elections. The CEC, in cooperation with the Lithuanian Community for the Care of Persons with Intellectual Disabilities "Viltis", has drafted an *Easy to Read* information publication on the municipal council and mayor elections on 5 March 2023²⁸. In 2023, the MEC announced measures to make the elections accessible to visually impaired persons. The package of special measures for voters with visual impairments included ballot paper sleeves and Braille publications, magnifying glasses and audio-recorded key information about the elections²⁹.

The Commission notes that accessibility in the provision of services is very often not ensured in accordance with the Convention. This is also confirmed by studies carried out by the Office.

The Equal Opportunities Ombudsperson's 2021 inquiry into possible discrimination on the grounds of disability in the provision of services in a mental health centre³⁰ is worth mentioning. In this case,

²⁵ <https://www.lnf.lt/pirma-karta-neigalieji-laimejo-by-la-pries-vyriausiaja-rinkimu-komisija-ir-atsakingas-savivaldybes-del-diskriminacijos-per-rinkimus/>.

²⁶ <https://www.vrk.lt/naujienos/-/content/10180/1/67-proc-rinkimu-apylinkiu-yra-pritaikytos-asmenims-su-negalia>.

²⁷ https://www.lnf.lt/wp-content/uploads/2020/09/Rinkimu-patarimai_2020.pdf.

²⁸ <https://www.vrk.lt/documents/10180/761728/Leidinys+English+understandable+language+2023.pdf/ed52b8fb-fabe-4df1-8cd4-b43521ef2204?fbclid=IwAR1F8HF-3Fr8k92KXgVhinnlBJwDnX3xga5PLbwOllau0SydTH9KXgPiXU>.

²⁹ <https://www.vrk.lt/naujienos/-/content/10180/6/i-rinkimus-atvykstantiems-asmenims-su-regejimo-negalia-paruostas-specialiuju-priemoniu-paketas>.

³⁰ <https://lygybe.lt/data/public/uploads/2023/01/sprendimas-nr.-22sn-29sp-36.pdf>.

a person addressed the Office because people with mobility disabilities were unable to access the psychosocial rehabilitation ward on the third floor of the institution. The investigation disclosed that the accessibility of specific services was not ensured in the facility due to a non-functioning lift. It was emphasized that the situation, in which persons with reduced mobility are unable to properly use the facilities of the treatment establishment for clients, violates Article 9 of the Convention and the Law on Equal Treatment Article 8(1)(1).

In 2021, the Office carried out an investigation into possible discrimination on the grounds of disability in the provision of services by AB Lietuvos Pastas (the Lithuanian Post)³¹. A person complained that he was unable to access the post office due to an unmaintained, collapsed ramp. During the investigation, the Union of People with Disabilities of Lithuania concluded that the ramp was too steep and unsafe to use by persons using wheelchairs, walkers, walking sticks, etc., and noted that the inadequate handrails make access to the building problematic for the visually impaired. The Equal Opportunities Ombudsperson found that the failure to provide safe and independent access to the post office violated the obligations laid down in Article 8(1) of the Law on Equal Treatment and Article 9 of the Convention.

In 2022, the Office received 3 complaints about lifts not stopping on the second floor of apartment blocks. People with reduced mobility living on the second floor were unable to access their apartments.

This was seen as a systemic problem and the Equal Opportunities Ombudsperson contacted the competent authorities to suggest changes to the existing regulations. In 2024 the Law on the Framework for the Protection of the Rights of Persons with Disabilities³², which establishes the obligation to ensure that lifts in apartment buildings are operational on all floors if a person with a disability so requests, without requiring the consent of other residents, will come into force.

One of the most recent investigations carried out by the Office in 2023 is into possible discrimination on the grounds of disability in the payment for the restaurant services³³. In this case, a visually impaired person was given a card reader to pay his bill at a restaurant using a bank card with a touch screen (not buttons), on which he had to enter a PIN code himself. As a result, the person had to disclose his PIN to the restaurant staff. The investigation concluded, that the failure to allow visually impaired persons to use a bank card to pay for services independently should be considered indirect discrimination on the grounds of disability and a violation was established.

On adapting the transport

Article 11(2) of the Law on the Fundamentals of the Activities of Transport of the Republic of Lithuania³⁴ stipulates that public transport facilities intended to serve passengers must be consistently adapted for comfortable and safe use by persons with disabilities and persons with reduced mobility. According to Article 11(21): public transport vehicles carrying passengers by road and inland waterways must be accessible to persons with disabilities and persons with reduced

³¹ <https://lygybe.lt/data/public/uploads/2021/08/21sn-107sp-40.pdf>.

³² <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/af327900358011edbf47f0036855e731>.

³³ <https://lygybe.lt/data/public/uploads/2023/02/22sn-200sp-11.pdf>.

³⁴ Law on the Fundamentals of Transport Activities of the Republic of Lithuania, 28 February 2002, No 29-1034 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2971/asr>

mobility by providing them with means of informing them, ensuring their mobility and ensuring their safe passage on public transport, in accordance with the requirements for the accessibility of public transport vehicles for persons with disabilities and persons with reduced mobility, approved by the Minister of Transport. This provision does not apply to public transport vehicles used for international connections. Although the above provisions require that public transport is adapted for the safe and comfortable use of persons with disabilities, the provisions of the Convention are not properly implemented in this area.

In 2020, the National Institute for Social Integration carried out a study "Adequacy and Efficiency of Transport Services for Persons with Disabilities in Lithuania"³⁵ and published a conclusion: "Having evaluated the Lithuanian legal framework, the environment, the studies carried out, the public transport operated in the country, it can be concluded that in the field of transport accessibility, people with disabilities in Lithuania still experience direct and indirect discrimination, which not only isolates people with disabilities, but also contributes to their exclusion ." This study highlights the following important aspects: "there is no legislation in the country to address the transport accessibility problems of people with disabilities, which covers all possible solutions to improve the accessibility of transport. The analysis of the legislation shows that the regulation of buses and coaches in the country is very weak, with the vast majority of municipalities not having mandatory technical requirements for the adaptation of vehicles, so the adaptation of transport varies from one municipality to another and the funds allocated for transport are used inefficiently. There is no mechanism in place for assessing the needs of disabled people's travel on public transport. The discounts on public transport tickets for people with disabilities also apply to elderly people and families, students, etc., so it is not clear what proportion of people with disabilities use public transport".

It should be noted that trains and train stations are not adapted to the needs of people with disabilities in a way that allows them to travel in the same way as everyone else. According to data from AB Lietuvos geležinkeliai, in 2020, 23 out of 68 trains were accessible to people in a wheelchair, 62 trains had a wheelchair space and Braille information was available on board of 63 trains³⁶.

It should be noted that AB Lietuvos geležinkeliai, as well as Lithuanian airports, are members of the international initiative "Sunflower of Invisible Disability", which aims to facilitate travel for people with individual needs.³⁷

In 2019, the Lithuanian Railways Group, in cooperation with the Ministry of Transport and Communications of the Republic of Lithuania and the Lithuanian Disability Organisations Forum, signed a letter of intent, the main objective of which is to implement the provisions of the EU regulations, which oblige the adaptation of rail travel for all passengers, including, among others, people with individual needs, seniors, families with small children, etc. AB Lietuvos geležinkeliai group has initiated the project "Adaptation of railway services in line with the principles of universal

³⁵ Research report of the Public Institution "National Institute of Social Integration" "Adequacy and Efficiency of Transport Services for Persons with Disabilities in Lithuania, 2020, Vilnius, <https://www.ndt.lt/wp-content/uploads/Transporto-paslaugu%CC%A8-pakankamumo-ir-efektyvumo-studija.pdf>

³⁶ <https://www.mobilitytech.lt/accessibility/lietuvos-gelezinkeliu-paslaugos-gereja-ir-ivairias-negalias-turintiems-zmonems/>.

³⁷ <https://ltglink.lt/prisijungeme-prie-nematomos-negalios-saulegrazos-iniciatyvos>.

design", which aims to implement by 2024 the provisions of the Regulation (EC) 1371/2007 of the European Parliament and the Council on Rail passengers' rights and obligations and to develop long-term objectives and direction for the universal design of rail services for passengers³⁸.

Also, on 1 June 2021 the Memorandum of Understanding between the Ministry of Transport and other countries *on the Adaptation of Vehicles and Transport Physical and Information Infrastructure to People with Individual Needs* was signed. It aims to ensure that people with individual needs have full mobility and access to adapted transport infrastructure, vehicles and services³⁹.

On access to information

Everyone has the right to participate in the society, and this requires a wide range of information.

The importance of access to information is undeniable. Individuals come with a range of disabilities, it is therefore essential to ensure that information is as accessible as possible, so that it is available to all and understandable to people with hearing impairments, visual impairments, intellectual and psychosocial disabilities.

Nearly one in ten Lithuanians needs some form of accessibility adaptation. One of the ways to provide and receive the necessary information is in a language that is easy to understand (hereafter referred to as *Easy-to-Read*). It is estimated that in Lithuania *Easy-to-Read* would improve the accessibility of information for as many as 15% of the population. This amounts to 420,000 people. However, the main target group is people with intellectual disabilities. There are 35,000 of them in Lithuania. In 2019, the accessibility of information infrastructure and information was rated at only 5 percent. The target is to increase this indicator tenfold to 50% by 2030⁴⁰.

The concept of plain language is not currently enshrined in current legislation. However, it is enshrined in the Framework Law on the Protection of Persons with Disabilities of the Republic of Lithuania, which will enter into force on 1 January 2024⁴¹, where it is stipulated that "easily comprehensible language is a simple and clearly structured language, including symbols and signs, which is used to provide information to members of the general public, including persons with reading and perception problems, persons with intellectual disabilities as well as to children and the elderly".

The Law, which replaces the current Law on Social Integration of Persons with Disabilities, also provides for a definition of accessible environment, stating that it is "a physical and informational environment (public space, a public and/or residential building, a transport facility, cyberspace) where a person with a disability can be present, move freely, and receive services and/ or goods without restriction, receive and/or pass on the information on an equal basis with other persons".

³⁸ <https://www.mobilitytech.lt/accessibility/>.

³⁹ https://sumin.lrv.lt/uploads/sumin/documents/files/Veikla/Memorandumas_pasira%C5%A1ytas_2021-06-01.pdf.

⁴⁰ Easy-to-understand language - information accessible to people with individual needs. Overview of the current situation in Lithuania and analysis of good practices abroad. G. M. Baltrušytė, A. Župerkaitė, Ministry of Social Security and Labour of the Republic of Lithuania, April 2022, <http://kurkl.lt/wp-content/uploads/2022/03/Easy-to-read-esamos-situacijos-analize.pdf>.

⁴¹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/uDMPFYUZdA?jfwid=-z8nkf04hn>.

On 26 October 2016, Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of websites and mobile applications of public sector bodies⁴² was adopted, which made it mandatory to ensure that all websites of public authorities are accessible to people with disabilities. According to the State Audit Report "Social Integration of Persons with Disabilities" No. VAE-9⁴³ of 7 September 2020, only 3.4% of public sector websites were accessible to persons with disabilities. An analysis carried out by the Committee for the Development of the Information Society in 2021 on⁴⁴ showed that out of a sample of 131 public sector websites evaluated by the simplified monitoring method (automated tools), only 3⁴⁵ were without drawbacks.

It should be noted that in 2020, the Council for the Affairs of the Disabled under the Ministry of Social Security and Labour (hereafter also referred to as the Disability Affairs Council) organised training sessions on the application of universal design principles for representatives of ministries, municipalities and non-governmental organisations. In 2023, training is being organised for public sector staff on how to provide information in accessible ways.

Summary

In conclusion, Article 9 of the Convention has not been adequately implemented and, although progress is being made, it is slow and insufficient. Inadequate accessibility results in isolation and social exclusion for many persons with disabilities. Adaptation of the environment and infrastructure for people with disabilities is still largely understood as the removal of physical barriers and limitations, ensuring freedom of movement only for persons with physical disabilities, without ensuring accessibility for persons with other disabilities. A large number of important public buildings providing public administration, social and cultural services are still not accessible or only partially accessible to persons with disabilities, and the accessibility of the environment and public places is also insufficient. Direct and indirect discrimination against people with disabilities persists as a result of inaccessible transport, which is also an indication of the incomplete and inadequate legal framework in this area. Information accessibility is poorly developed, with only a small number of websites of public institutions being well adapted for people with disabilities.

SITUATIONS OF RISK AND HUMANITARIAN EMERGENCIES (Article 11)

Different turbulences taking place around the world inevitably affect the people of our country. The pandemic emergency declared in 2020, which lasted for almost two years, had a negative impact on most lives, but the experience of people with disabilities was one of the most painful. Before people could adapt to the conditions of the emergency situation, other threats were felt, which once again reiterates the need to be prepared for a wide range of potential hazards and disasters.

Article 11 of the Convention provides: "*States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in*

⁴² <https://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri=CELEX:32016L2102&from=IT>

⁴³ State Audit Report "Social Integration of Persons with Disabilities" No VAE-9 of 7 September 2020, persons-with-disabilities-social-integration.pdf.

⁴⁴ https://ivpk.lrv.lt/uploads/ivpk/documents/files/Veikla/Veiklos_sritys/Interneto%20svetaini%C5%B3%20prieinamumas/Ataskaitos%20dokumentas.pdf.

⁴⁵ <https://www.lygybe.lt/lt/internetas-ir-negalia-kaip-lietuvai-sekasi-uztikrinti-skaitmenini-prieinamuma-pranesimas>.

situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters."

The Committee's 2016 Recommendation⁴⁶ notes in paragraph 23: "The Committee notes with concern that the needs of persons with disabilities, in particular those who are deaf, deaf-blind or hard of hearing, are not explicitly taken into account in designing disaster response measures at national and local level, including in the GPIS112 helpline application". As a result, the Committee made the following recommendation: "Implement initiatives, in close cooperation with disabled people's organisations, to ensure that persons with disabilities, who are deaf or hard of hearing are included in disaster response and mitigation plans , and recommends that helplines be adapted to meet the needs of persons who are deaf, deaf-blind, or hard of hearing through the implementation of the Sendai Framework for Disaster Risk Reduction⁴⁷ " (Recommendation 2016, paragraph 24).

When assessing the implementation of the Committee's 2016 Recommendation 24 from the perspective of disaster response, it should be noted that the GPIS 112 application has been discontinued in Lithuania since 2017, but since July 1 2020 application 112 has been activated specifically for the hearing impaired. It allows you to contact the General Emergency Centre (EOC): by video call, text (correspondence); regular voice call⁴⁸. These methods can be used to report a planned, occurring or committed offence, a threat to life, health, safety, environment or property and call the emergency services. Using the 112 app users with hearing impairment can call the police, ambulance, fire and rescue services, and the environmental protection service in their native Lithuanian sign language and via text messages. In order to ensure the functioning of the 112 app, on 16 March 2020, the BPC requested the Ministry of Social Security and Labour (SADM), the Department of Disability Affairs and the Lithuanian Sign Language Translation Centre to provide sign language interpreters at the BPC premises. On 16 June 2020, the BPC and the Lithuanian Sign Language Translation Centre (LSGLTC) concluded a cooperation agreement No F11-21 for the deployment of sign language interpreters at the BPC premises. From 1 July. The LGKVC shall ensure that 1 sign language interpreter is on duty 24/7 at the premises of the Vilnius branch of the BPC⁴⁹.

In conclusion, the part of the Committee's 2016 Recommendation 24 on emergency response and adaptation of emergency telephones has been only partially implemented, as the Lithuanian 112 app for persons with hearing impairment active since 2020 is not properly adapted for persons with hearing and visual impairment or intellectual or psychosocial disabilities.

In assessing the inclusion of persons with disabilities in paragraph 24 of the Committee's 2016 Recommendation in disaster response and mitigation plans, it should be noted that state, municipal and economic entities/institutions' emergency management plans are prepared in Lithuania. Civil protection is ensured during a state of emergency in the same way as in an emergency situation.

⁴⁶Recommendations made by the UN Committee on the Rights of Persons with Disabilities to Lithuania in 2016, https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/12084_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvai-4.pdf.

⁴⁷ Commission Staff Working Document "Sendai Framework for Disaster Risk Reduction 2015-2030 - An informed approach to disaster risk across EU policies", SWD(2016) 205 final.

⁴⁸ General Emergency Centre, mobile app, <https://bpc.lrv.lt/lt/pagalbos-iskvietimas/mobilioji-programele>.

⁴⁹ Report on the 2020 Action Plan of the General Helpdesk, [https://bpc.lrv.lt/uploads/bpc/documents/files/Dokumentai/Planavimo%20dokumentai/Ataskaita%20BPC%20planas%202020\(1\).pdf](https://bpc.lrv.lt/uploads/bpc/documents/files/Dokumentai/Planavimo%20dokumentai/Ataskaita%20BPC%20planas%202020(1).pdf).

The Law on Civil Protection of the Republic of Lithuania stipulates that "the residents, economic entities and other agencies have the right to obtain information on occurred incidents, emergency events, actual emergency and on the actions to be taken in the event of an emergency' (Article 15(1)(1)), o receive assistance in the event of occurrence of incidents, emergency events and emergencies having regard to possibilities of entities of the civil protection system" (Article 15(1)(2)).

The National Emergency Management Plan⁵⁰ (hereafter referred to as the "NEMP") lists out the material and human resources to be mobilised and managed in the event of an imminent or emerging State-level emergency. Point 6 of the EMERCOM Plan stipulates: "The Fire Protection and Rescue Department under the Ministry of the Interior (hereinafter referred to as the "Fire Protection and Rescue Department") shall warn the population, state and municipal institutions and bodies, other institutions and economic entities of an threatening or occurring state-level emergency, the possible consequences of the emergency and the means of their elimination, and the ways of protection from the emergency in the manner prescribed by the legislation. A warning system shall be used to warn the population, state and municipal authorities and bodies, other institutions and economic entities of an imminent or occurring state-level emergency by means of an acoustic civil protection warning signal, and information on an imminent or occurring state-level emergency shall be transmitted through the programmes of the Lithuanian National Radio and Television, programmes of other national, regional and local broadcasters, as well as through any other means of public information or communication used by the public (point 8 of the ESMP). Inhabitants of residential areas where there are no sirens or the possibility to use a warning system shall be warned and informed of an imminent or occurring state-level emergency by means of available communication or other means provided for in the municipal emergency management plans (CESEE Plan, point 9).

Para 131 of the State Plan for the Protection of the Population in the Event of a Nuclear or Radiological Emergency⁵¹ provides that "The Director of the Municipal Administration, who is instructed by the State Emergency Operations Centre to evacuate the population, shall, in accordance with the Civil Protection Act, adopt a decision (order) on the evacuation of the population, and shall inform Directors of the municipal administrations that receive the evacuees of the decision and the number of vehicles required. The administration of the municipality receiving the evacuated population shall immediately dispatch the vehicles intended for the evacuation of the population to the designated intermediate assembly points and/or locations. The Evacuation and Reception Commission of the municipality shall organise the notification of the evacuation of the population. The evacuation of the population shall be carried out in accordance with the provisions of the State Plan, the Emergency Management Plans of the municipalities located within the extended planning distance of the BEO ; the provisions of the detailed evacuation plans of the municipalities of the Vilnius, Švenčionys, Ignalina and Zarasai districts, and the municipality of Visaginas, as well as the provisions of the detailed plans for the evacuation of the

⁵⁰ 20 October 2010 Resolution of the Government of the Republic of Lithuania No 1503 "On the Approval of the State Emergency Management Plan" approved the State Emergency Management Plan.

[1503 On the approval of the State Emergency Management Plan \(e-tar.lt\).](#)

⁵¹ 18 January 2012 99 of the Government of the Republic of Lithuania "On the Approval of the State Plan for the Protection of the Population in the Event of a Nuclear or Radiological Emergency" [99 On the Approval of the State Plan for the Protection of the Population in the Event of a Nuclear Accident \(e-tar.lt\).](#)

population, the Description of the Procedure for the Organisation of Evacuation of the Population, and the requirements of HN 99:2019. The Evacuation and Reception Commission of the Municipality also takes care of the evacuation of the elderly, disabled and the nursing residents."

The Commission's review of some of the municipal emergency management plans of Lithuanian cities shows that there are usually no provisions for ensuring security and providing assistance to persons with disabilities. The municipal emergency management plans that do mention persons with disabilities contain rather abstract and undefined provisions. For example, as stipulated in the Kaunas City Municipality Emergency Management Plan ⁵² 52.1: "The following persons shall be evacuated from the GSP by means of transport on a priority basis: persons with a severe or moderate level of disability, persons whose mobility is impaired, persons with a need for special permanent nursing care or special permanent care and their carers and caregivers, pregnant women who have submitted medical certificates of pregnancy or where it is evident that they are pregnant".

It should be mentioned that on the initiative of the Ministry of National Defence of the Republic of Lithuania, the Ministry of Social Security and Labour and various NGOs uniting persons with disabilities, in cooperation with the Lithuanian Library for the Blind and the Lithuanian Sign Language Centre, the publication "What we need to know about emergency and wartime preparedness: serious tips for fun" has been prepared, which is available not only in Braille but also in Lithuanian Sign Language for the hearing-impaired at:⁵³ .

It should be noted that, following the Commission's approval of the draft monitoring report, on 22 March 2023, the Ministry of the Interior of the Republic of Lithuania, the Department of Disability Affairs, in cooperation with non-governmental organisations representing people with disabilities, presented a sociological study on how people with disabilities are prepared for emergencies and presented measures to improve the awareness and preparedness for emergencies of people with disabilities and the adaptation of the website⁵⁴. This monitoring report does not assess the most recent changes made.

It should be noted that paragraph 24 of the Committee's 2016 Recommendation, which refers to the need to ensure that persons with disabilities are included in disaster response and mitigation plans, has not been adequately implemented: the main civil protection plans do not contain specific, detailed provisions on ensuring the safety of persons with disabilities in emergencies and disasters.

The lack of compliance with the standards set out in Article 11 of the Convention is confirmed by the 2021 study commissioned by the Commission on the "Experiences of people with disabilities and their families during a pandemic⁵⁵ " (hereinafter also referred to as the Study).

The investigation revealed that the protection of people with disabilities was not adequately ensured when the quarantine was declared during the pandemic. According to the results of the

⁵² Kaunas City Municipality Emergency Management Plan approved by the Order of the Director of Kaunas City Municipality Administration No. A-828 of 6 March 2012 <http://www.kaunas.lt/wp-content/uploads/sites/13/2015/07/Kauno-miesto-savivaldybes-ESVP-2017-03-01-redakcija.pdf>.

⁵³ <https://kam.lt/krasto-apsaugos-ministerijos-leidinys-pritaikytas-ir-zmonems-su-individualiais-poreikiais/>.

⁵⁴ <https://www.ndt.lt/vidaus-reikalai-ministerijoje-ivyko-civilines-saugos-informacines-kampanijos-esame-komanda-turime-plana-spaudos-konferencija/>.

⁵⁵ <https://www.lygybe.lt/data/public/uploads/2022/12/zmoniu-su-negalia-ir-ju-seimu-patirtys-pandemijos-metu-1.pdf>.

quantitative survey, 35% of the respondents indicated that their mental health had deteriorated, 27% their physical health, and 22% their ability to think. The study showed that people with intellectual disabilities and autism spectrum disorders were most affected by the quarantine. In terms of the impact of the quarantine on the employment and income of parents/guardians/relatives/family members of a person with disabilities, it was found that as many as one third (34%) of the respondents' financial situation deteriorated during the quarantine and did not return to normal after it ended. Almost a third of families (30%) reported that they did not receive any services during the quarantine (before the quarantine there were 9%). Counselling and information services were the most common. During the quarantine, employment activities either stopped altogether (50% of respondents) or people were allowed to work remotely (23%). Only one fifth of the respondents (19%) indicated that they had a plan in place for what to do during the quarantine period (where to leave a relative, how to organise meals, etc.) if they or a person with a disability living with them fell ill. Almost one third of respondents (30%) did not receive any calls offering help. It should be noted that there was no accessible and comprehensible communication to people with disabilities about the virus and the measures that were taken. This particularly affected the deaf, hard of hearing and visually and hearing impaired people who do not have access to information in national or international sign language. People with intellectual disabilities and those with autism spectrum disorders were most affected by the lack of information in understandable language and in easy to understand formats. During the pandemic and quarantine, respondents reported the greatest lack of information on how to protect themselves from illness and avoid getting sick, communication with other families caring for people with severe disabilities, and outside help in caring for a person with a disability.

Among other things, it should be mentioned that the Commission, after meeting with representatives of 24 municipalities (from all ten Lithuanian counties) and local NGOs in 2021, summarising the data obtained, presented its conclusions and recommendations to the municipalities, the Lithuanian Association of Municipalities, relevant public administration entities and other bodies in 2022⁵⁶ (hereinafter referred to as the 2022 Commission Recommendations). The analysis of the information received during the meetings has confirmed once again that municipalities do not have accurate data on persons with disabilities living in their territories, according to the nature of their disability and their individual needs, as finally confirmed by the responses received from almost all Lithuanian municipalities to the recommendations provided. The vast majority of municipalities indicated that they only have data on persons with disabilities for whom targeted compensation was awarded and for whom special needs have been identified. The State Social Insurance Fund Board under the Ministry of Social Security and Labour (SODRA) has data on persons with disabilities who have been granted social assistance benefits and have been assessed as having a level of work capacity. Social workers working in municipalities learn about persons with disabilities and their needs only when they apply to the municipality themselves and request social services. Thus, the municipal administration does not collect accurate statistics on the nature of the disability unless the person himself or herself applies to the municipality for

⁵⁶ Conclusions and recommendations on the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in municipalities, adopted by the Commission at its meeting on 3 August 2022, [komisijos-rekomendacijos-.pdf \(lygybe.lt\)](#).

benefits or services. As a result, it is not clear exactly how many people live in which place of residence, what disabilities they have and what are their assistance needs. In this situation, without accurate data on the population with disabilities and their families, there is a real risk that, in the event of an emergency or other danger, the safety of these persons may not be ensured and the necessary assistance and services may not be provided.

Summary

In conclusion, Article 11 of the Convention is still not properly implemented. Not all persons with disabilities can be sure that they will be able to call for help, receive the necessary assistance or be properly evacuated in the event of dangerous situations or humanitarian crises. Not all persons with disabilities have the means and conditions to call for emergency services in response to disasters. The 112 app, which has been available in Lithuania since 2020, is designed for people with hearing impairments, but is not suitable for people with hearing and visual disorders, or for people with intellectual or psychosocial disabilities. There are no specific, detailed provisions in the main civil protection plans to ensure the safety of people with disabilities during emergencies or disasters. As the analysis of the Commission's study "Experiences of people with disabilities and their families during a pandemic" has shown, there was no adequate protection of people with disabilities during the quarantine imposed as a result of the pandemic. During the quarantine, social services were disrupted or severely restricted, almost one third of respondents did not receive any calls offering assistance, and there was no accessible and understandable communication to people with disabilities about the virus and the measures taken. A major problem is that municipalities do not have accurate data on the number of people with disabilities living in their areas, according to the nature of their disability and their individual needs, which makes it difficult to incorporate targeted assistance or the need for services into the development of specific strategies and plans. Without accurate data on the population with disabilities and their families, there is a real risk of failing to ensure the safety of persons with disabilities and to provide them with the necessary assistance in the event of an emergency.

EQUALITY BEFORE THE LAW (Article 12)

Article 12 of the Convention provides that *States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.*

In its concluding observations on the initial report of the State party on the implementation of the provisions of the Convention, the Committee expressed serious concern about the existing legal provisions which allow the denial or limitation of the exercise of legal capacity of persons with disabilities, contrary to Article 12 of the Convention, thereby limiting the rights of persons with disabilities the right to informed consent to receive medical treatment, to marry, to have a family, to adopt and to raise children.

The Committee recommended that the Lithuanian State repeal laws, policies and practices that allow guardianship and property care for adults with disabilities and replace the procedure for making a decision on behalf of another person with a procedure for decision-making assistance.

In order to improve the system of legal incapacity and limited capacity in force until 1 January 2016 and to bring it closer to the provisions of Convention 12, on 26 March 2015 the Parliament adopted the Law on Amendments to the Civil Code of the Republic of Lithuania No XII-1566⁵⁷, the Law on Amendments to the Civil Procedure Code of the Republic of Lithuania No XII-1567⁵⁸, the Law on Guaranteed Legal Aid of the Republic of Lithuania No. VIII-1591 amending Articles 12, 13 and 22 of the Law No XII-1568⁵⁹, amending Articles 8, 9, 11 and 12 of the Law on the Prevention and Control of Communicable Diseases in Humans of the Republic of Lithuania No I-1553 and amending Article 7 of the Law on Local Self-Government of the Republic of Lithuania No I-533⁶⁰, amending Article 7 of the Law on Local Self-Government of the Republic of Lithuania No XII-1570. These amendments essentially reformed the concept of legal incapacity and limited capacity of a person and established the current legal regulation of the system. The amendments entered into force on 1 January 2016 and can be referred to as a reform of the concept of legal incapacity and limited capacity.

It was only with the reform of the legal capacity regime on 1 January 2016 that the scope of the measures limiting legal capacity changed. The most important aspects that mark a significant change in the legal framework can be identified:

- 1) Absolute incapacity replaced by absolute limitation of capacity due to mental disorder⁶¹, in certain areas;
- 2) the concept of limited capacity for alcohol and drug abuse substance abuse or toxic substances has been changed to a partial limitation of legal capacity due to mental disorder, in certain areas;
- 3) Incapacity and limited capacity are no longer limited to the disposal of one's property.

The aim of the new amendments is to allow the system of limited capacity to be extended to a wider range of persons with mental disorders, thus reducing the number of persons who would be declared incapacitated.

⁵⁷ 26 March 2015 Law on Amendments to the Civil Code of the Republic of Lithuania (document No XII-1566), <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b75c13a1d84711e49a8e8a8aa8141086>.

⁵⁸ 26 March 2015 Law on Amendments to the Civil Procedure Code of the Republic of Lithuania (document No XII-1567), <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f418c862d84711e49a8e8a8aa8141086>.

⁵⁹ The Law on State Guaranteed Legal Aid has been amended to state that free secondary legal aid is available to persons who are requested to be declared as legally incapable in a certain area in proceedings for the declaration of a natural person as legally incapable in a certain area, as well as persons who have been declared as legally incapable in a certain area in guardianship proceedings, in proceedings for the review of a court decision declaring a person as legally incapable in a certain area and for the declaration of a person declared as legally incapable in a certain area as legally capable or as having limited legal capacity, also guardians of persons declared as legally incapable in a particular field in proceedings for the review of a court decision declaring a person as legally incapable in a certain area and for the declaration of a person declared as legally incapable in a certain area as legally capable or as having limited legal capacity (Art. 12, point 13).

⁶⁰ The Law on Local Self-Government has been supplemented by an additional function for local authorities, namely to ensure the review of the condition of incapacitated persons (Article 7(37)).

⁶¹ The term "mental disorder" covers all mental and behavioural disorders as defined in the International Statistical Classification of Diseases and Related Health Problems.

In assessing the compatibility of the legal rules governing the system of legal incapacity and limited capacity that entered into force after 1 January 2016 with the provisions of the Convention, it is necessary to take into account the Committee's General Comment No. 1⁶². In the General Comment, the Committee provides guidance on how Article 12 of the Convention should be interpreted. The Committee notes that "insanity" and other labels of a discriminatory nature are not legitimate reasons for denying legal capacity (both legal status and legal representation). According to Article 12 of the Convention, perceived or actual mental disorders cannot be considered as grounds for denying legal capacity. The Committee also notes that very often in States, the concepts of mental state and legal capacity are merged into one, so that when a person is perceived as having poor decision-making skills (often due to cognitive or psychosocial disabilities), his or her legal capacity to make a specific decision is limited.

Summary

In the light of the Committee's interpretations, it can be concluded that the Lithuanian State must completely abandon the models of legal incapacity and limited capacity and replace them with effective models of decision-making assistance. The current decision-making assistance and models of advance instructions are ineffective and do not ensure the implementation of Article 12 of the Convention.

Living independently and joining the community (Article 19)

Independent living for people with disabilities means being able to be as everyone else, and living without experiencing exclusion or isolation. Social inclusion must create opportunities for all people with disabilities to live independently and to feel part of a community, so that they can lead a fully-fledged social life and benefit from all the services provided by the society.

However, experts from the Government Centre for Strategic Analysis (STRATA) state that people with disabilities in Lithuania are still at a higher risk of social, economic and digital exclusion⁶³.

Article 19 of the Convention provides *that States Parties shall recognise the equal right of all persons with disabilities to live in the community with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement; persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; community*

⁶² Committee on the Rights of Persons with Disabilities, General Comment No. 1 (2014), <https://www.ndt.lt/wp-content/uploads/19V266-12-str.pdf>.

⁶³ <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=39540>.

services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Paragraph 39 of the Committee's 2016 Recommendations⁶⁴ notes that the Committee is deeply concerned about the lack of sufficient choice and a range of appropriate support mechanisms, including independent living schemes, to ensure that people with disabilities, regardless of their gender, age or disability, are able to access housing in their local community. The Committee recommends that the State party, in close cooperation with organisations of persons with disabilities, should: implement an adequately funded de-institutionalisation strategy that provides a range of community-based services for the social inclusion of persons with disabilities, including intellectual, with the possibility of providing tailored personal support services in their own homes (Committee's 2016 Recommendations, para. 40). The Committee is concerned about the ongoing investments, financed by national and European Union funds, in the renovation of the infrastructure of existing institutions and in the construction of new institutional facilities (paragraph 41 of the Committee's 2016 Recommendations). The Committee recommends that the State party continue to give priority to investment in a social service system for independent living in the community, and immediately suspend the use of national and European Union structural funds for the renovation, maintenance or construction of residential institutions for persons with disabilities (Committee's 2016 Recommendation, para. 42).

The Law on Social Services of the Republic of Lithuania⁶⁵ stipulates that social services are provided to children with disabilities by enabling them to live in their own family, to grow up in a healthy and safe environment, and by organising assistance that is coordinated with education and training, personal health care and special assistance measures. This should help the disabled child to develop independent living skills, maintain and strengthen social ties with family, relatives and the society (Article 18(3)). It is also regulated that social services shall be provided to an adult with a disability by enabling him/her to live in his/her own home or family and by organising assistance, in coordination with education and training, employment, personal health care and special assistance measures, to develop or compensate for his/her ability to care for his/her personal (family) life and to take part in the labour market (Art. 18, para 4). The principles of the Law on Social Services ensure that these services must be provided to a person with disabilities by enabling him/her to live in his/her own home, family, community and by organising assistance to develop or compensate for his/her ability to take care of his/her personal/family life and to participate in the labour market.

14 February 2014 by Order of the Minister of Social Security and Labour of the Republic of Lithuania No A1-83 approved the Action Plan for the Transition from Institutional Care to Family and Community-Based Services for Children with Disabilities and Children Deprived of Parental Care 2014-2023⁶⁶.

⁶⁴ Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities on the initial report of Lithuania, https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/12084_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvai-4.pdf.

⁶⁵ Law on Social Services of the Republic of Lithuania, 19 January 2006. No. X-493 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.270342/asr>.

⁶⁶ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e4169490984411e3aad2c022318814db/asr>.

With regard to point 42 of the Committee's 2016 Recommendation, it is important to note that there is no established service framework and no data on the channelling of financial resources to ensure independent living for people with disabilities. EU funds continue to be used to strengthen the system of care institutions (setting up small institutions). The creation of group homes and the replacement of larger institutions by smaller ones does not ensure that people with disabilities are fully independent, living in the community and receiving appropriate and effective support services. Group homes, as one of the main transformation measures, does not allow the person to choose where and with whom to live, and therefore does not guarantee the implementation of the Convention. The Commission has repeatedly recommended to the responsible authorities to change the flawed system and to give priority to independent living in adapted accommodation with personal assistance, unless the person chooses to live in a group home by an informed consent.

It should be noted that according to the data of the Lithuanian Department of Statistics, in 2021 (end of the year) there were 5 567 adults with disabilities living in care institutions⁷⁰.

According to the Department of Disability Affairs' 2021 data: in 2020, the number of persons with disabilities leaving social care homes for the community (their own home, relatives or carers) will be 41; the number of adapted dwellings will be 491.

From 30 April 2020, the project "From Care to Opportunities: developing community-based services" ("the Project") is being implemented. The Project provides four new alternative services to institutional care for adults (of working age) with intellectual and/or psychosocial disabilities. From the start of the project to the end of the reporting period, 1,295 persons received sheltered housing, supported employment, social workshops and decision support services provided by the project partner (NGOs of people with disabilities, social service institutions), while 275 professionals participated in refresher trainings and gained qualifications. One of the objectives of the Project is to ensure that these services are available in all municipalities in Lithuania after the implementation of the Project. In addition, in 2015-2020, the ESF-supported project "Establishing the conditions for a sustainable transition from institutional care to family and community-based services in Lithuania" was implemented, which provided temporary respite, employment and support for people with disabilities and their relatives as well as assisted living, sheltered housing, case management and personal assistant services. In order to ensure the continuity of the services after the end of the project, the services are regulated by law or implementing legislation. Since 2017, 35 group homes have been set up by institutions under the SADM, accommodating 295 persons. The accreditation of the social care service *Accommodation in Sheltered Housing* was implemented at the end of 2021. The right to provide the accredited housing service has been granted to 36 institutions⁷¹.

Summary

In conclusion, Article 19 of the Convention has not been fully implemented. The transition from one-size-fits-all social services to personalised assistance needs to be improved: there is insufficient availability of personalised assistance services, a serious shortage of them is really felt. Deinstitutionalisation is not always what it should be under the Convention. There is no system to

⁷⁰ Official Statistics Portal: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=93742675-7adf-4df3-93d2-35cc262aa2da#/>.

⁷¹ <https://www.ndt.lt/wp-content/uploads/Jungtiniu-Tautu-Neigaliju-teisiu-konvencijos-stebesenos-rodikliai-uz%CC%8C-2021-m.-2.pdf>.

assess whether municipalities are ensuring the required level of access to assistance/services, no accurate information on the number of beneficiaries and the need for assistance/services.

EDUCATION (Article 24)

Change in modern society is all-encompassing. It is manifested in an increasing demand for competences driven by scientific and technological change, as well as in the increasing availability of learning opportunities. This all is shaping a learning society. A society that recognises that its success depends on the contribution of all its citizens to its progress and strives to provide equal opportunities and to remove all the barriers that prevent its members from succeeding in education, work and careers, to enable them to succeed⁷².

Increasing the inclusiveness and accessibility of education, ensuring a safe environment for everyone, is becoming ever so important. It is questionable whether special education schools can adequately prepare pupils for independent living. This is a case in point when, after leaving special education, persons with disabilities have to return to an environment that is less adapted to their needs. It could be argued that "a disintegrated environment fosters fear and anxiety about one's future prospects, which can hinder integration into society. In special school, children develop a distorted view of the world, which leads them to become detached from the realities of life"⁷³.

According to the Education Management Information System 2021, Lithuania has 43 special schools to educate 4,400 pupils, which represents about 6% of all pupils with special educational needs in general education. More than 2,800 pupils with special educational needs are educated in special classes. This represents around 4% of all pupils in the mainstream education. 492 pupils are educated at home on the basis of a medical decision. Pupils with severe and very severe special educational needs (hereafter "SUP") due to intellectual disabilities, multiple developmental disabilities, complex disabilities, or movement and positional disorders are educated in special schools and special classes.⁷⁴

In 2021, the number of pupils with special educational needs increased to 71400, representing 15.4% of all pupils, i.e. one in six pupils had special educational needs. The distribution of pupils with special educational needs by curriculum is as follows: 37% in pre-primary education, 20.6% in primary education, 16% in pre-primary education, 11% in primary education and 3.7% in secondary education. The more pupils have high special educational needs, the more efforts a school has to make to organise educational support in order to ensure quality education for pupils⁷⁵.

⁷² L. Samsonienė, Vilnius University, 2011, Vilnius, "The Phenomenon of Disability in the Integral Process of Education and Sport", 16 p.

⁷³ L. Samsonienė, Vilnius University, 2011, Vilnius, "The Phenomenon of Disability in the Integral Process of Education and Sport".

⁷⁴ Analysis of teachers' and educational support professionals' practical experiences of using universal design tools in education, National Education Agency, 2022, https://www.nsa.smm.lt/wp-content/uploads/2022/05/buf_Universalaus-dizaino-priemonės-ugdymuisi-1.pdf.

⁷⁵ Lithuania Education Review "Lithuania. Education in the country and regions 2022. Inclusive Education in [Lithuania Education-Lithuania-web.pdf \(smm.lt\)](#).

Inclusive education is a process that promotes respect for the diversity of learners and removes barriers to learning and participation, ensuring that all children have the right not to be discriminated against because of their needs. This process requires a flexible education system.

Article 24 of the Convention provides that *States Parties shall recognise the right of persons with disabilities to education.*

In its 2016 Recommendations, the Committee expressed its concern that: pupils with disabilities, especially those with visual, hearing, psychosocial and/or intellectual disabilities, in preparatory, primary and secondary education are forced to attend special schools, and that the lack of appropriate accommodation and accessibility in the mainstream education system is a consequence of the lack of appropriate adaptations and availability of special schools; the use of special education or home-based education remains too often the option of choice for the disabled children; so children with disabilities are forced to move to special schools as they progress up the educational ladder, also the enrolment rate of children with disabilities in tertiary education is low; there is a lack of accessible means of transport to meet the needs of students with disabilities and enable them to participate adequately in inclusive education.

The Committee recommended the adoption and implementation of a coherent strategy for inclusive education in the general education system, in accordance with Article 24 of the Convention and in the light of Sustainable Development Goal 4, in particular targets 4.5 and 4.8. Such a strategy entails: (a) to ensure the accessibility of the school environment, suitably adapted facilities, accessible and adapted materials and curricula, and mandatory pre-service and in-service training for all teachers on inclusive education; (b) ensure sufficient, necessary accessible means of transport to meet the needs of pupils with disabilities; c) establish clear timelines, targets, baselines and indicators to ensure timely and measurable progress; d) allocate effective and adequate financial, material and adequately trained human resources (2016 Recommendation, para. 46).

The Committee recommended "ensuring the right to an inclusive, quality and free primary and affordable secondary education on an equal footing with others" (2016 Recommendation, para. 47). The Committee also recommended that "the State party should make tertiary education and vocational training partially accessible to persons with disabilities, including the provision of accessible facilities in higher education institutions" (2016, para. 48).

Article 46 of the Constitution states that "education is compulsory for persons under the age of 16. Education in state and municipal general, vocational and higher education institutions shall be free. Higher education shall be open to all according to the abilities of each person. Citizens who show good academic results shall be guaranteed free tuition at public higher education institutions.

Article 6 of the Law on Equal Treatment para 6(1) regulates Educational institutions, other education providers as well as higher education and research institutions must ensure equal conditions for persons irrespective of sex, race, nationality, citizenship, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion when admitting to educational institutions, other education providers as well as higher education and research institutions, teaching and educating according to programmes of formal and non-formal education implemented therein, awarding scholarships or granting loans; developing and approving education programmes; and when assessing learning achievements.

Article 5(5) of the Law on Education of the Republic of Lithuania provides that one of the following one of the principles of the education system is "inclusion - the education system shall enable every person to develop his/her education, to develop his/her capacities and abilities, to receive the necessary assistance, to experience success in learning, social, cultural and/or other activities, and not to be discriminated against on the grounds of the diversity of his/her educational needs and/or the need for educational assistance".

Important changes in education

In 2021, the Seimas adopted amendments to the Law on Education of the Republic of Lithuania, which allow pupils with very severe and severe special educational needs to attend general education schools (classes) for pupils with special educational needs until the end of the school year in which they turn 21. Article 14(8) of the Education Act provides, "children from birth to 18 years of age (those with severe and very severe special educational needs) - until the end of the school year in which they turn 21, and for those who have had intermittent schooling due to illness and who have provided documentation justifying the reason for such intermittent schooling - until the end of the school year in which they turn 23, the end of the period of education (education) in pre-school, pre-primary, general education, primary vocational education programmes, and their parents (guardians, custodians) shall be provided with educational assistance, social and health care services in a coordinated manner by the Minister for Education, Science and Sport, the Minister of Social Security and Labour and the Minister for Health, in accordance with the procedure laid down by the Minister for Education and Social Affairs and the Minister for Health".

Article 14(7) of the Law on the Education System stipulates that " education of learners with special educational needs shall be implemented by all schools that provide compulsory and universally available education, other education providers and, in certain cases, by schools (classes) designated for education of learners with special educational needs".

From 2024, schools will no longer be able to refuse to admit children with disabilities. In September 2024, an amendment to Articles 5, 14, 21, 29, 30, 34 and 36 of the Education Law I-1489 and the addition of Article 45 to the Law will come into force, which stipulates that every child must be able to be educated in the nearest educational institution (kindergarten, school) together with his or her peers.⁷⁶ .

These changes to the law mean that every school in Lithuania will be obliged to accept children with disabilities and special educational needs. The previous exception to the law, which allowed the refusal to accept these children, will no longer apply.⁷⁷ .

It should be noted that until now we have had discriminatory practices, with the Education Law emphasising not the rights of children with disabilities to learn together with everyone else, but the rights of schools to select children, to refuse to admit children with disabilities⁷⁸ .

⁷⁶Implementation of Inclusive Education in General Education Schools, Recommendations [RECOMMENDATIONS-final.pdf \(vilniausppt.lt\)](#).

⁷⁷ <https://www.lygybe.lt/lt/itraukusis-ugdymas-ar-nuo-2024-uju-tikrai-bus-uzkirstas-kelias-diskriminacijai-pranesimas>.

⁷⁸ <https://www.lygybe.lt/lt/prof.-jonas-ruskus-vaikai-su-negalia-turi-teise-eiti-i-mokykla-su-visais-pranesimas>

14 October 2021 Order of the Minister of Education, Science and Sport of the Republic of Lithuania No. V-1879 approved by the Minister of Education, Science and Sport of the Republic of Lithuania on the Preparation for the implementation of the Law on Education No. I-1489, 5, 14, 21, 29, 30 and 34 and 36 and supplementing Article 45¹ of the Law with an Action Plan for 2021-2024⁷⁹ (hereafter referred to as the Action Plan), the aim of which is to remove physical, emotional, informational, social barriers and to ensure a quality education for every child, learning together with his/her peers at the nearest educational institution, with the necessary support in line with his/her educational needs. The Action Plan foresees: the share of pupils receiving educational assistance out of the total number of pupils identified as needing assistance will be 80% in 2024 and 85% in 2025; The share of pupils with disabilities in inclusive education in mainstream pre-school and mainstream schools will be 65% in 2024; 85% in 2025; 90% in 2030; the share of children with special educational needs (excluding the gifted) in non-formal education for children will be 35% in 2024; 40% in 2025; 50% in 2030.

The Progress Plan⁸⁰ sets a progress target to increase inclusion and access to education and ensure a safe environment for everyone. Paragraph 3.2.4 of the first annex to the Roadmap, "List of strategic goals, targets and indicators for the National Progress Plan 2021-2030", sets the target of 85 per cent of pupils with disabilities being educated in an inclusive way in general education institutions (mainstream classes) in 2025 and 85 per cent in 2030. 90 per cent in 2030 (48.9 per cent in 2020-2021).

The Programme for Modernisation of State Educational Institutions by Adapting Buildings to the Needs of Persons with Mobility Disabilities, approved by Order of the Minister of Education, Science and Sport of the Republic of Lithuania No V-252 of 11 February 2022⁸¹ (hereinafter referred to as the "Modernisation Programme"), is intended for state educational institutions carrying out programmes of formal education (except for tertiary education), where the Ministry of Education, Science and Sports exercises the rights and obligations of owner and (or) shareholder ("Educational institutions"). The aim of the modernisation programme is to ensure that the needs of persons with reduced mobility are met in educational establishments, and it is implemented over a period of 3 years. However, according to the data provided by 79 educational establishments to the Ministry of Education, Science and Sport, as foreseen in the Modernisation Programme, each educational establishment has a total of 499 separate buildings, of which 80 (or 16%) are fully adapted to the needs of people with reduced mobility, partially adapted 31 (or 6.2%) buildings, 388 (or 67.6%) buildings are not adapted⁸².

Article 34(3) of the Law on Education stipulates that access to education for pupils with special educational needs is the responsibility of the municipality they live in. Access to education shall be

⁷⁹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/94373a542d2511ec99bbc1b08701c7f8?jfwid=159qee7jr1>.

⁸⁰National Progress Plan 2021-2030 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c1259440f7dd11eab72ddb4a109da1b5?jfwid=-whxwii77y>.

⁸¹Programme for Modernisation of State Educational Institutions by Adapting Buildings to the Needs of People with Mobility Disabilities, approved by Order of the Minister of Education, Science and Sport of the Republic of Lithuania No V-252 of 11 February 2022, https://smsm.lrv.lt/uploads/smsm/documents/files/svietimas/kapitalo_investicijos/2022/2022-02-11-V-252.pdf.

⁸² Programme for Modernisation of State Educational Institutions by Adapting Buildings to the Needs of People with Mobility Disabilities, approved by Order of the Minister of Education, Science and Sport of the Republic of Lithuania No V-252 of 11 February 2022, https://smsm.lrv.lt/uploads/smsm/documents/files/svietimas/kapitalo_investicijos/2022/2022-02-11-V-252.pdf.

ensured by adapting the school environment, providing psychological, special pedagogical, special and social pedagogical assistance, providing technical aids for education at school and special teaching aids, and in any other manner prescribed by law.

The Millennium Schools Programme, approved on 31 January 2022, aims to create an integrated, high-quality education environment in every municipality by 2030. The programme is designed to ensure the principle of inclusion. 56 of the country's 60 municipalities have expressed their willingness to participate⁸³.

The Ministry of Education, Science and Sport of the Republic of Lithuania has prepared Guidelines for the Development of Inclusion in Education for 2022⁸⁴.

It should be noted that the above-mentioned amendments to the Law on Education contribute only to a small extent / will contribute to the educational problem faced by persons with severe disabilities when they reach the age of 21 or 23 years. Article 21(2) of the Education Act, which stipulates that special educational assistance is only provided to persons up to the age of 21 (or intermittent education due to illness) up to the age of 23), does not guarantee access to education for older persons with disabilities. In this context, education is not yet accessible to all persons with disabilities, as older persons are denied the opportunity to learn without educational adaptations taking into account individual educational needs. As Prof. Jonas Ruskus has said, "Inclusive education must be seen in the life-long perspective of a person"⁸⁵.

It is important to mention the October 2021 ruling of the Supreme Administrative Court of Lithuania (hereinafter referred to as "the Supreme Administrative Court"), in which the Supreme Administrative Court stated that the Ministry of Education, Science and Sport, when establishing the procedure for vocational training, failed to ensure that the applicant, who had individual educational needs, had the opportunity to study in vocational training institutions. The applicant could not be admitted to state and municipal vocational training establishments providing initial vocational training under formal vocational training programmes and their modules; there was no evidence that she had the possibility to acquire qualifications by other means, under modular or non-formal vocational training programmes. The Court also found that the Ministry had discriminated against the applicant on the basis of her disability and had infringed the Equal Treatment Law. In 2018, the applicant could only choose one vocational programme in the electronic system for general admission. She was invited to conclude a contract, but was not admitted to the course because the educational establishment did not provide the necessary learning conditions in accordance with the nature of the applicant's disability. The defendant in the case, the Ministry representing the State, argued that the existing legal framework did not infringe the principle of equal treatment. According to its representatives, the Law on Education stipulates that special education and special assistance is provided to persons only up to the age of 21.

⁸³ Lithuania Education Review "Lithuania. Education in the country and regions 2022. Inclusive Education <https://www.nsa.smm.lt/wp-content/uploads/2022/08/Svietimas-Lietuvoje-2022-web.pdf>.

⁸⁴ Guidelines for the Development of Inclusion in Education of the Ministry of Education, Science and Sport of the Republic of Lithuania [ltraucies svietime pletros gaires \(lrv.lt\)](https://www.traucies.svietime.pletros.gaires.lrv.lt).

⁸⁵ <https://www.lygybe.lt/lt/prof.-jonas-ruskus-vaikai-su-negalia-turi-teise-eiti-i-mokykla-su-visais-pranesimas>.

According to the Ministry, this is a sufficient reason for a vocational education institution not to ensure the learning conditions that meet the applicant's her needs.⁸⁶

The Commission notes that, under existing national legislation, failure to secure the right to a first qualification on the grounds of disability does not entitle a person to continuing vocational training and lifelong learning on an equal footing with others. This discriminatory national regulation forces a person with a disability to attend a segregated institution or to live in social exclusion.

When assessing point 46 of the 2016 Recommendation (ensure accessibility of school environments, suitably adapted facilities, accessible and adaptable materials and curricula, and mandatory in-service training as well as training before taking up the job for all teachers in inclusive education), it should be noted that accessibility of the environment of schools and other educational institutions, and the proper adaptation of facilities, is still a very big problem.

According to the study "Assessment of the effectiveness of the pre-school and primary education system and the quality of its services in compliance with the provisions of the UN Convention on the Rights of Persons with Disabilities in ensuring the quality education of children with disabilities"⁸⁷ in 2020, "the extent to which schools adapt their physical and informational environments to children with disabilities is insufficient; according to the respondents, the information environment is the least adapted for children with visual impairments. This lack of accessibility is justified by the 'unavailability' of pupils with these disabilities, but it can also be a reason for not admitting a child with a more severe visual impairment to school, citing the lack of accessibility. It should be noted that no separate areas have been identified in the assessment of environmental accessibility, but the whole school environment is assessed in a similar way. The study also identified other barriers that can hinder a child's enrolment in mainstream school: the specificities of children's disabilities and lack of human resources. Another important aspect identified in the study is that "municipal support for both enrolment and education is perceived by school leaders as partial. The schools receive the most support from the municipality in the area of teacher training. However, support for the adaptation of the physical and information environment of schools, and in particular for the provision of special teaching aids, is viewed with scepticism.

According to the data of 2021 the physical environment of the country's mainstream schools and vocational training institutions is not suitable for inclusive education. Out of 947 general education schools operating at that time only 7 schools (0.7%) were fully accessible for pupils with disabilities (3 more than in 2018), and none of the 62 VET institutions. The accessibility of the environment for pupils with disabilities on a criterion-by-criterion basis also shows a low level of accessibility of educational institutions. In 2021, around 11 out of 100 general education schools were accessible to people with reduced mobility, and only 5 out of 100 schools are accessible to people with visual impairments. Even fewer vocational training establishments are accessible to pupils with disabilities. This may be one of the reasons why people with mobility impairments do not choose vocational

⁸⁶ <https://www.lygybe.lt/lt/teismas-uz-profesini-rengima-atsakinga-ministerija-diskriminuoja-zmones-su-negalia>.

⁸⁷ Evaluation of the *effectiveness of the pre-primary and primary education system and the quality of its services in compliance with the UN Convention on the Rights of Persons with Disabilities in ensuring quality education for children with disabilities*,

Research was carried out by Dr. Violeta Gevorgianienė, Dr. Gintaras Šumskas, Dr. Eglė Šumskienė, Aidas Gudavičius, Kornelija Krutulytė, <https://www.ndt.lt/wp-content/uploads/Ataskaita.pdf>.

education and training institutions: 1 611 pupils with SUP will be enrolled in these institutions in 2021, only 10 pupils had movement and position disorders. In urban areas, the environment of mainstream schools and vocational training institutions is slightly more likely to be adapted for pupils with disabilities than in rural areas. According to the surveys, when assessing the accessibility of individual buildings and premises, only 20% (47 buildings or premises out of 237 assessed) of the buildings of HEIs and VET institutions are accessible to people with disabilities (i.e. it is possible to move around the whole building and grounds independently).⁸⁸ . These barriers to the physical environment of educational establishments are significant impediments to the implementation of inclusive education in the national education system.

According to the 2019 study "Study on the Accessibility of the Physical Environment of Higher Education and Vocational Training Institutions for Persons with Disabilities⁸⁹", 21% of the assessed institutions (49) were not accessible to persons with disabilities in 2019. Vocational schools had the highest proportion of completely inaccessible buildings at 36% (13), followed by universities (25) and colleges (8) at 20% and vocational training centres at 8% (3). Inadequate parking spaces were available at almost all training establishments: no parking spaces for disabled people or no parking spaces at all were available at 63.9% (23) of vocational training establishments, 52.8% (19) of vocational training centres, 37.6% (47) of university buildings and 32.5% (13) of colleges. Half of vocational training centres and vocational schools (18 each), 42.5% of colleges (17) and 33.6% of university buildings (42) did not provide facilities for blind and partially sighted people. None of the facilities were equipped with guidance systems for the blind. The study highlighted other problems: access to the facility (lack of proper access, ramps, doors not adapted), movement within the building (lack of lifts, lack of proper access).

It is still very difficult for the public to understand and recognise that inclusive education is primarily a human rights issue⁹⁰. The prevailing attitudes that individual needs are a personal deficiency are a major challenge for inclusive education. Society is not yet adequately prepared to accept persons with disabilities as equals with equal access to education and dignity in their future career/life plans. According to a representative survey of the Lithuanian population conducted in 2022 for the Office of the Equal Opportunities Ombudsperson, "less than half - 43% - of respondents fully or partially agreed with the statement "Children with disabilities and/or special educational needs should be educated in the same classes as children without disabilities". Less than half - 45% - of respondents say that they either completely or partially agree that their child(ren) would receive general education in mixed classes with children with disabilities and special educational needs"⁹¹.

⁸⁸ Lithuania Education Review "Lithuania. Education in the country and regions 2022. Inclusive Education in [Lithuania Education-Lithuania-web.pdf \(smm.lt\)](#).

⁸⁹ Study on the assessment of the accessibility of the physical environment of higher education and vocational training institutions for people with disabilities, Contractor Lithuanian Union of People with Disabilities, commissioned by the Department of Disability Affairs under the Ministry of Social Security and Labour, 2019, Vilnius, https://www.ndt.lt/wp-content/uploads/Auk%C5%A1t%C5%B3j%C5%B3-mokykl%C5%B3-tyrimo-ataskaita_galutin%C4%97.pdf.

⁹⁰ <https://www.lygybe.lt/lt/prof.-jonas-ruskus-vaikai-su-negalia-turi-teise-eiti-i-mokykla-su-visais-pranesimas>

⁹¹ <https://www.lygybe.lt/lt/liudinancios-nuostatos-vaikus-su-negalia-bendrose-klasese-matyti-nori-maziau-nei-puse-gyventoju>.

Human resources, especially support staff, are important in implementing inclusive education. While the number of pupils with individual support needs in educational institutions is not decreasing, there is a shortage of specialists and teaching assistants in all fields to ensure inclusive education. According to the 2019 Education Management Information System, 9% of mainstream schools did not have any student support specialist, 53% had a psychologist; 50% of pre-school education institutions did not have a special educator; and 28% of schools in the country did not have a special educator or speech and language therapist.⁹² In 2021, 7.7% of establishments do not have any educational support specialist, 65% of schools with primary education curricula have incomplete teams of educational support specialists.

The Commission's 2022 Recommendations note that often in smaller municipalities, children with hearing or visual impairments have little access to quality education due to a lack of specialists. Access to sign language interpretation services on demand is also difficult. The lack of specialists and the inadequacy of the information communication environment, together with the low number of qualified sign language interpreters, make it difficult to ensure an appropriate learning environment and service provision. It was also noted that mainstream schools are mostly attended by people with mild and/or moderate language impairments and have a relatively high number of speech and language therapists and other support professionals, while special education institutions (including pre-primary and primary education), which are attended by people with severe/complex disabilities, have a noticeably low number of support professionals. The irrational distribution of the workload of pedagogical support specialists working with pupils with different severity of disabilities (in different institutions) undermines the quality of education.

The municipalities' responses to the Commission's 2022 Recommendations record that some municipalities will not be able to respond to the Commission's 2022 Recommendations in 2022. In order to attract teachers and pupil support specialists to work in the municipality schools, the municipality encouraged people to acquire a professional qualification as a teacher, a profession, or to retrain; created new posts; approved procedures for attracting or retraining specialists; monitored and reviewed the need for specialists; or tried to consistently increase the number of support specialists.

The Ministry of Education, Science and Sport has provided information that, in order to enable the implementation of inclusive education, the salaries of all educational support specialists working in schools and pedagogical psychological/educational support services have been increased as of 2021 and 2022, and the working time of all educational support specialists has been standardised per week (up to 36 hours). In order to strengthen the provision of educational support services, additional funding was allocated to municipalities in 2021 for the creation of new posts for teaching assistants, and the allocation for educational support in the pupil's basket was increased. In 2022, funding was provided for 250 persons with teaching qualifications to study and acquire an additional specialisation: 125 special educators, 85 speech and language therapists, 20 typhlo-pedagogues and 20 sign language therapists. In 2023 and 2024, it is planned to fund the same number of students and to increase the number of places if there is a need and the capacity is available. In 2022, there

⁹²Analysis of teachers' and educational support specialists' practical experiences in applying universal design tools for education, National Education Agency, 2022, Vilnius, https://www.nsa.smm.lt/wp-content/uploads/2022/05/buf_Universalaus-dizaino-priemonės-ugdymuisi-1.pdf.

was no limit on the admission of all those meeting the accession criteria. Scholarships are available for students enrolled in study programmes training specialists in pupil support, as well as scholarships for students enrolled in study programmes in special education, speech and language therapy, sign language therapy, sign language pedagogy or typhlo-pedagogy (including for final-year students who have signed tripartite contracts with a commitment to work in the context of the qualifications they have acquired).

The Commission notes that in its recommendations to the responsible authorities, it also suggested that they should responsibly develop strategies for the transition to inclusive education, take specific measures to train or retrain pedagogical support specialists and reduce class sizes in order to achieve a quality inclusive education process.

Summary

In conclusion, it should be noted that, although accessibility and inclusion of persons with disabilities in education has been an area of recent improvement, Article 24 of the Convention has not been fully implemented. The rights of persons with disabilities in education are not sufficiently guaranteed. The physical environment of the country's general education schools and vocational training institutions is not suitable for inclusive education. Only an exceptionally small percentage of educational establishments have a properly adapted physical environment. Access to education goes beyond the adaptation of the physical environment; access to information is also important, and is also poor. Given that from 2024 it will not be possible to refuse admission to schools for children with disabilities, it is likely that there will be insufficient time to adapt school environments, infrastructure and information accessibility, which is unlikely to prevent exclusion and discrimination in the education system. In terms of people's attitudes, it should be noted that society is not yet adequately prepared to accept persons with disabilities as equals with equal access to education and to pursue their future career/life goals with dignity. It is likely that there will be a shortage of qualified education/assistance professionals in 2024, especially in smaller settlements. Amendments to the Law on Education provide for coordinated provision of educational support, social and health care services to children from birth to 18 years of age (and to their parents, guardians and carers for those with severe and very severe special educational needs until the end of the school year in which they turn 21, and to those who have interrupted their education due to illness and who have provided documentation to justify the reason for the interruption) (and to their parents, guardians and carers) until the end of the school year in which they turn 23. However, education is not accessible to all persons with disabilities, as persons with disabilities over 21 (or 23) are denied access to education, specialist and other support, taking into account individual educational needs based on the nature of the disability.

STATISTICS AND DATA COLLECTION (Article 31)

Good decision-making requires good quality and accurate statistics. Statistics are important for policy-making that affects people's daily lives. It is therefore important that statistics reflect reality as closely as possible, are sufficient and reliable.

Article 31 of the Convention provides that *States Parties undertake to collect relevant information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.*

Paragraph 63 of the Recommendation notes that the Committee is concerned: about the lack of disaggregated and reliable statistics on persons with disabilities in all sectors; that statistics on persons with disabilities collected by the State Party do not take into account the diversity of persons with disabilities, and that it is not possible to assess the impact of each policy guideline on persons with disabilities. The Committee recommends that the State party "in cooperation with organisations of persons with disabilities, systematise the collection and analysis of data and dissemination, disaggregated by sex, age, disability, place of residence, geographical location and type of support received <...>, across all sectors, to increase the availability of high quality, reliably disaggregated data relevant in the national context" (2016 Recommendations, point 64).

Important developments in statistics and data collection

As of 1 January 2023, the new version of the Official Statistics of the Republic of Lithuania entered into force ⁹³, which introduces new definitions: "State Data", "State Data Providers", "State Data Governance Programme" and provisions relating to the processing and management of state data.

From 1 January 2023 the Department of Statistics of the Republic of Lithuania is transformed into the State Data Agency. Pursuant to Article 5(1) of the Law on Official Statistics and State Data Management of the Republic of Lithuania, the State Data Agency is an agency of the Government of the Republic of Lithuania involved in the shaping of state policy not only in the field of official statistics management entrusted to the Minister of Finance, but also in the field of State Data Management.

Article 2 of the Law on Official Statistics and Public Data Management provides, official statistics - a system of statistical surveys carried out within the framework of the Official Statistics Programme, the purpose of which is to meet the needs of the public and the needs of public administration.

26 January 2023 Order of the Minister of Finance of the Republic of Lithuania No. 1K-26⁹⁴ Part I of the Programme of Official Statistics 2023, of which Article I.05 "Health Statistics" I.05.01 "Public Health", item 5 "Statistical indicators for people with disabilities", provides the objective of the statistical survey (annotation and main indicators) - "to produce statistical information on the number of children with disability, persons of working age with incapacity for work, and persons of old-age pension with special needs by sex, age and disease groups. Compiling statistical information on the number of persons the State Data Agency is responsible for conducting the statistical survey; which is annual; the statistical data are provided by the Disability and Disability Determination Service under the Ministry of Social Security and Labour (hereinafter - NDTN), and the data from the Statistical Survey on Income and Living Conditions are also used. Looking at the programmes of the

⁹³ Law on Official Statistics and State Data Management of the Republic of Lithuania, <https://www.e-tar.lt/portal/lt/legalAct/TAR.026F44E06A27/asr>.

⁹⁴ 26 January 2023 Order No 1K-26 of the Minister of Finance of the Republic of Lithuania on the Approval of Part I of the Official Statistics Programme 2023, <https://www.e-tar.lt/portal/lt/legalAct/c2ef04c09d4211ed8df094f359a60216>.

previous years of the Official Statistics Year, it should be noted that: according to Part I of the Programme of Official Statistics 2019⁹⁵: the collection of statistical data on people with disabilities was the responsibility of the Lithuanian Statistics Department; the aim of the statistical survey was: "to produce statistical information on the number of persons first recognised as having a disability, by sex, age and disease group. To compile statistical information on the health status, housing conditions, material deprivation and risk of poverty of persons with disabilities by sex, age, urban and rural areas"; the statistical data was provided by the NDNT and data from the Statistical Survey on Income and Living Conditions was used. The same data were collected on persons with disabilities as in 2019, in accordance with Part I of the Official Statistics 2020 Programme⁹⁶, Part I of the Official Statistics 2021 Programme⁹⁷ and Part I of the Official Statistics 2022 Programme⁹⁸, from the same information sources and the responsible authority was also the same - the Lithuanian Department of Statistics.

If we were to assess Part I of the Official Statistics 2023 Programme, which refers to statistical indicators related to people with disabilities, it is not clear whether information will be collected only on persons who are diagnosed with a disability for the first time, or whether information will be collected on all persons who have been previously diagnosed with a disability. It is also unclear to what extent information will be collected on the need for assistance, the nature of the disability and the place of residence, as this information has been insufficient so far. Another important aspect is the data providers, as the main data provider, NDNT, does not hold all the data relevant to persons with disabilities, even information such as place of residence may not be known accurately to the NDNT because the NDNT does not record these changes. It should also be noted that organisations of persons with disabilities are not included as data providers.

When assessing the implementation of points 63 and 64 of the 2016 Recommendations, it should be noted that there is no data source (system) in the country that provides sufficient and structured information on persons with disabilities. Different institutions have at their disposal certain data on persons with disabilities: the Ministry of Social Security and Labour, the Ministry of Health of the Republic of Lithuania, the Department for Persons with Disabilities, the Centre for Technical Assistance to Persons with Disabilities under the Ministry of Social Security and Labour, the NDNT, the Social Insurance Fund, and the Ministry of Education, Science and Sport and non-governmental organisations. Municipalities are the main data controllers, as they are responsible for the provision of social services in their territory. However, municipalities do not have accurate and sufficient data on persons with disabilities. The Social Support to Families Information System (SPIS) is used, in which data are entered by the NDNT and the municipalities, but the system does not report on

⁹⁵ 20 December 2018 Order of the Minister of Finance of the Republic of Lithuania No 1K-450 On the Approval of Part I of the Official Statistics Programme for 2019, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c06d7930056011e98a758703636ea610?jfwid=bkaxmcpz>.

⁹⁶ 20 December 2019 Order of the Minister of Finance of the Republic of Lithuania No 1K-397 On Approval of Part I of the Official Statistics Programme for 2020 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d583b35025c311ea8f0dfdc2b5879561?jfwid=92zt7si8v>.

⁹⁷ 30 December 2020 Order No 1K-451 of the Minister of Finance of the Republic of Lithuania on the Approval of Part I of the Official Statistics Programme 2021 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/47a9ee804ba811ebb394e1efb98d3e67?jfwid=32wf8muu>.

⁹⁸ Order of the Minister of Finance of the Republic of Lithuania No 1K-411 of 31 December 2021 on the approval of Part I of the Official Statistics Programme for 2022 <https://www.e-tar.lt/portal/lt/legalAct/e4db85206a3711eca9ac839120d251c4/asr>.

persons with disabilities living in the territory, nor does it provide information on the nature of the disability of persons living in the territory.

In the State Audit Report of 7 September 2020 on "Social Integration of Persons with Disabilities" No VAE-9⁹⁹ noted that "the municipalities responsible for planning and providing social services in their territory determine the need for services on the basis of the previous year's actual situation, and do not have data on all the persons with disabilities living in the territory and the nature of their disability, except for those who turn to them for support. The data is available from different bodies¹⁰⁰, but is provided to municipalities in a fragmented way. <...> To assess the level of development and accessibility of services, the Ministry of Social Security and Labour has data from several sources, which vary. The data used by municipalities on the number of recipients of social services and the need for services are not accurate, and no information is collected on the funds allocated by municipal budgets for the provision of services to persons with disabilities. As a result, not all decisions regarding the development of services are taken at state and municipal level with data on actual needs. The State Audit Report highlights that the audit carried out a case study on service provision for 416 persons with disabilities of working age. It was found that 35% of them had not applied and the municipalities did not have information about them.

As mentioned above, the Commission noted in its recommendations¹⁰¹, following meetings with representatives of 24 out of 60 municipalities in 2022, that municipalities do not have accurate data on the type of disability and individual needs of persons with disabilities living in their territory. The responses received from almost all municipalities in the country to the recommendations confirmed this (the vast majority of municipalities noted that they only have data on persons with disabilities for whom targeted compensation has been granted and for whom special needs have been identified, and that social workers in the municipalities only find out about persons with disabilities and their needs when they themselves apply (e.g. when they contact the municipality and request social services). Municipal administrations are unable to collect accurate statistics by type of disability if the person does not apply the municipality for benefits or services, it is not clear exactly how many persons with disabilities are there, with which disabilities and assistance needs, and where they live.

The lack of compliance with the standards set out in Article 31 of the Convention is confirmed by a study commissioned by the Commission in 2021 on "Experiences of people with disabilities and their families during a pandemic". After analysing the results of the Study, the Commission made recommendations¹⁰², in which it noted that the findings of the Study show that neither municipalities nor state-level institutions have taken sufficient interest in the lives of persons with disabilities and their families in the open community, and as a consequence, do not have the necessary statistics and information on the need for support for such families, and have not been/are not adequately prepared to provide them with the necessary support.

⁹⁹ State Audit Report "Social Integration of Persons with Disabilities" No VAE-9 of 7 September 2020, persons-with-disabilities-social-integration.pdf.

¹⁰⁰ Ministry of Social Security and Labour, Invalidity and Disability Determination Service, SODRA, non-governmental organisations, Lithuanian Statistics Department.

¹⁰¹ Conclusions and recommendations on the implementation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities in municipalities, adopted by the Commission at its meeting on 3 August 2022, [komisijos-rekomendacijos-.pdf \(lygybe.lt\)](#).

¹⁰² <https://www.lygybe.lt/data/public/uploads/2022/12/komisijos-rekomendacijos.pdf>.

It should be noted that in 2019, the Commission addressed the Lithuanian Statistical Department on the implementation of the Recommendations, calling for the collection of statistics according to the nature of disability.

Statistics Lithuania has carried out an annual statistical survey of social services. The Office of Statistics of the Republic of Lithuania has been preparing and publishing information on the number of persons with disabilities receiving social services in their homes, day-care centres and residential care institutions. The Official Statistics Portal provides data on the evolution of the number of recipients of services for the elderly and persons with disabilities in personal homes and cash assistance: in 2019 – 20401, in 2020 – 22100, in 2021 – 1 229¹⁰³. Data is also available on the number of adults with disabilities living in residential care (at the end of the year): 5,959 in 2019, 5,727 in 2020 and 5,567 in 2021¹⁰⁴. Information is collected and published on the number of recipients of certain services provided by municipalities (persons with disabilities): transport organisation services (13400 in 2019, 13200 in 2020, 15400 in 2021), sign language interpretation services (800 in 2019, 600 in 2020, 300 in 2021)¹⁰⁵. Data are also available on the number of children first diagnosed with a disability (1 960 in 2019, 1 906 in 2020, 1 956 in 2021) and on the number of persons of working age first diagnosed as having a reduced level of working capacity.

Statistical information on children, pupils and students with special educational needs with disabilities was compiled by the Lithuanian Department of Statistics on the basis of data provided by the Centre for Educational Information Technologies. When assessing the statistical data on the number of children educated in pre-school educational institutions in special education groups, it should be noted that the data are broken down by disorders (intellectual, visual, hearing, movement and position and neurological, speech and language, complex disorders, etc.). The place of residence is also singled out, urban and rural areas were indicated, but no data are provided on the number of children educated in rural areas¹⁰⁶. Data is also provided on: children with special educational needs, children integrated into general-purpose groups in pre-school education, on pupils with special educational needs in mainstream schools, and on pupils and students with disabilities in educational institutions.

According to the website of the Ministry of Social Security and Labour, at the end of 2021, there were about 221,000 persons with disabilities living in the country, a slight decrease compared to 2020. In 2021, the number of persons with disabilities of working age was 147,400, a slight decrease compared to 2019. The number of children with disabilities in 2021 remained the same as in 2020 and was 15200.¹⁰⁷

The State Audit Report "Social Integration of Persons with Disabilities" of 7 September 2020 states that municipalities "do not have the data necessary for the provision of services on all persons with disabilities residing in the territory, their number according to the type of disability (mobility, visual, hearing, mental, intellectual, or mixed), the level of working capacity, special needs, age, and gender".

¹⁰³ Official Statistics Portal: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=febc345d-cac7-427e-bdfb-0bce824f23c9#/>.

¹⁰⁴ Official Statistics Portal: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=93742675-7adf-4df3-93d2-35cc262aa2da#/>.

¹⁰⁵ Official Statistics Portal: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=0c0ec8f4-4441-4a3a-97cd-8f668207d725#/>.

¹⁰⁶ Official Statistics Portal: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=94d81d69-f99e-4b7d-ae26-5eb65366ad4c#/>.

¹⁰⁷ <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/neigaliuju-socialine-integracija/statistika-2?lang=lt>.

Summary

In conclusion, Article 31 of the Convention has not been fully implemented. On 1 January 2023 the Lithuanian department of Statistics was reorganised into the State Data Agency. However, this has not solved the main problems of statistical data collection. There is no data source (system) in the country that provides sufficient structured information on persons with disabilities. The main data managers are the municipalities as they are responsible for the provision of social services in their territory. However, municipalities do not have accurate and sufficient data on persons with disabilities. Information on the number of persons with disabilities by type of disability is not available. The information system used is the one in which the NDNT and municipalities enter the data, but the system does not generate a report on the number of people living in the territory with disabilities. Since the municipal administration cannot collect accurate statistics by type of disability, unless the person applies to the municipality for benefits or services, it is not clear exactly how many persons with which disabilities and support needs live in the municipality, and where they live. The main data provider, NDNT, does not have all the data relating to persons with disabilities at its disposal when providing statistical data. Organisations of persons with disabilities are not included as data providers.

CONCLUSIONS AND RECOMMENDATIONS

Discrimination experienced by people with disabilities (Article 5 "Equality and non-discrimination" of the Convention)

1. The Commission's analysis of the complaints received by the Office on the grounds of disability discrimination demonstrate that for several years in a row, the highest number of complaints has been received in relation to the restriction of the rights of persons with disabilities in the area of service provision: inaccessibility of buildings, urban infrastructure, inaccessible service delivery points, medical facilities, courtyards, inaccessible residential buildings, environment, inaccessible parks and facilities, goods, and digital services.
Given that the area of consumer rights is still the most inaccessible to individuals with disabilities, it is recommended to ensure that accessibility of services becomes a priority area and at national and municipal level.
2. Taking into account the fact that the Office receives a large number of complaints on violations in the field of labour relations, such as failure to provide suitable workplaces, working hours, and other working conditions for persons with disabilities, it is recommended that the state institutions responsible for the inclusion of persons with disabilities in the labour market and employers' organisations actively contribute to informing/motivating employers about their obligation to provide persons with disabilities with suitable working conditions.
3. Given that both men and women contact the Office to report about possible discrimination, the number of NGOs representing the interests of persons with disabilities, which are in direct contact with persons with disabilities and are able to identify violations of their rights in specific situations, is low. The Commission recommends that the state/municipalities provide more funding to NGOs to enable them to become more involved in the protection of the rights of persons with disabilities, refer them to the Office or to the courts if they suspect possible discrimination on the grounds of disability.

On accessibility of the environment and infrastructure (Article 9 "Accessibility" of the Convention)

4. A large number of important public buildings providing public administration, social and cultural services are still not or only partially accessible to people with various disabilities, and there is a lack of accessibility of the environment and public spaces. In order to reduce the likelihood of discrimination and improve the quality of life of persons with disabilities, it is recommended that the responsible authorities (the Ministry of the Environment of the Republic of Lithuania, the State Territorial Planning and Construction Inspectorate under the Ministry of the Environment, the municipalities and other owners/occupiers of buildings of public use) increase the accessibility of public buildings and public spaces, with not only objectives and targets, but also a proper control mechanism.
5. In order to target policy and provide appropriate measures, the Ministry of Social Security and Labour, the Ministry of Environment and the Ministry of Transport and Communications and their subordinate bodies, within their respective competences, should be recommended to systematically assess the accessibility of various institutions, the environment and transport in towns and districts, **collect data and assess the actual situation**, and make the data available to all persons.
6. Disabled people are still subject to direct and indirect discrimination in terms of transport accessibility. It is recommended that national and municipal legislation **include clear**

obligations to ensure mandatory accessibility in all means of public transport and mechanisms for assessing the travel needs of persons with disabilities.

7. In Lithuania, where information accessibility is extremely low, with a small percentage of public authority websites fully accessible to people with disabilities, the **Committee on the Development of the Information Society** recommends that this is considered one of the priority areas and that an effective control mechanism is established.

On Assistance in Situations of Risk and Humanitarian Emergencies (Article 11 "Situations of Risk and Humanitarian Emergencies")

8. The part of the Committee's 2016 Recommendation 24 on the adaptation of emergency response and emergency telephones has only been partially implemented, as Lithuania will have a new emergency telephone system in place from 2020. 112 app for persons with hearing impairment is available from 2020, but it is not adapted for persons with hearing disability and not for those having hearing and visual impairment or intellectual and psychosocial disabilities. In view of this, it is recommended to adapt the 112 app for persons with visual impairment and intellectual or psychosocial disabilities or to create an alternative way for persons to call/emergency services.
9. Para 24 of the Committee's 2016 Recommendations, which states that it is necessary to ensure, that persons with disabilities are included in disaster response and mitigation plans has not been fully implemented, and it is therefore recommended that civil protection master plans (at the national and municipal level) include specific detailed provisions on ensuring the safety of persons with disabilities during emergencies or disasters and to establish the modalities of the provision of assistance. It is recommended to include explicit provisions in all emergency management plans to ensure safety of persons with disabilities and the provision of assistance to them.
10. During the pandemic, when quarantine was declared, protection for people with disabilities was very low, some people with disabilities did not receive emergency calls and real help, and there was no proper communication. It is likely that the lack of accurate data on the number of persons with disabilities, the nature of their disability and their individual needs living in their municipal territories contributed to this situation. In this context, it is recommended that national and municipal legislation should explicitly regulate the procedures and methods for providing information to persons with disabilities (taking into account the nature of different disabilities) in the event of an emergency, war or other disaster. It is recommended that municipalities continuously collect statistics on the population by type of disability.

On the system of incapacity and limited capacity (Article 12 of the Convention "Equality before the law")

11. Given that the current decision-making assistance and advance instruction giving system is ineffective and does not ensure the implementation of the provisions of Article 12 of the Convention, it is recommended that the Lithuanian State should completely abandon the system of legal incapacity and limited capacity and replace them with effective decision-making assistance models.

Living independently and inclusion in the community (Article 19 of the Convention "Living independently and being included in the community")

12. Almost all municipalities do not provide enough individualised assistance to people with disabilities, which is why it is recommended that the Ministry of Social Security and Labour/municipalities increase the amount of available assistance, taking into account the individual needs of each person with disabilities.
13. Group homes are being set up, and larger institutions are being replaced by smaller ones, which does not guarantee full independence for people with disabilities. Group homes do not allow people to choose where and with whom they live, which does not guarantee the implementation of the Convention. It is therefore recommended that the responsible authorities (Ministry of Social Security and Labour, municipalities) should give priority to independent living in adapted housing with personal assistance (unless the person chooses to live in a group home by an informed consent).

On education and inclusive education (Article 24 "Education" of the Convention)

14. In terms of prevailing attitudes, society is not yet adequately prepared to accept people with disabilities as equals with equal access to education. It is therefore recommended that the Ministry of Education, Science and Sport and their subordinate bodies, within their respective competences, organise measures to change negative public attitudes on the inclusion of persons with disabilities in education.
15. When implementing inclusive education in the education system, the Ministry of Education, Science and Sport should ensure that all schools (in different areas of Lithuania) reduce the number of pupils in classrooms and employ a range of educational support specialists, and continuously assess the need for specific specialists.
16. It is recommended that the Ministry of Education, Science and Sport should enable students over 21 with disabilities to study, irrespective of the nature and age of their disability.
17. It is recommended that the Ministry of Education, Science and Sport and its subordinate bodies, within their respective competences, should carry out more research on the accessibility of educational establishments for persons with various disabilities, assessing accessibility from the point of view of various disabilities, and going beyond the assessment of the physical environment.

On data collection (Article 31 "Statistics and data collection")

18. There is no data source (system) that provides sufficient structured information on persons with disabilities, no system to assess whether municipalities are providing the required level of accessibility of services, and therefore it is recommended that the State Data Agency/Ministry of Social Security and Labour should develop a new system or improve the existing one, to structure the necessary information on persons with disabilities, ensuring that municipalities (and other public bodies in accordance with their functions) have access to information on the exact place of residence of persons with disabilities and the nature of their disability, their age, their need for assistance/services, and other relevant social aspects.