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# **Human Rights of Persons with Intellectual Disability**

Country Report

# **LITHUANIA**



VILTIS

# *Human Rights of Persons with Intellectual Disability*

Country Report  
**LITHUANIA**

May 2003

by

**Lithuanian Welfare Society for Persons with Mental Disability "Viltis"**

and

**Inclusion Europe  
The European Association of Societies of Persons  
with Intellectual Disability and their Families**

and

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# Executive Summary

People with intellectual disability are one of the most disadvantaged groups of people in Europe. In Central and Eastern European countries the care for this group is often organised in isolated and mostly inhuman closed institutions. This system of service provision is still seen by most political decision-makers as the most efficient way of supporting them. Aktion Mensch created a budget line to support essential structures in Central, Eastern and South Eastern Europe to put an end to exclusion from society and violation of human rights of persons with intellectual disability, especially in closed residential institutions.

The project “More Rights for Persons with Intellectual Disability in Lithuania” is co-financed by Aktion Mensch and carried out a survey and analysis on the present human rights situation of persons with intellectual disability in Lithuania. Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung is leading the project in close cooperation with Inclusion Europe and the Lithuanian Welfare Society for Persons with Mental Disability “Viltis”. Within the project, the support and assistance structure for persons with intellectual disability in Lithuania is profoundly analysed and documented.

This Country Report is one of the main outcomes of the project. On the basis of the research and survey conducted in the course of the project, this report reviews the social and political situation of persons with intellectual disability and their families in Lithuania. Each chapter in the report describes the legislation, government policy, views of NGOs and reactions of persons with intellectual disability and their families on the social conditions that persons with intellectual disability are facing, taking into account the *UN-Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, as well as their implementation and functioning in Lithuania.

The chapter about **awareness raising** describes the still prevalent negative attitude towards persons with intellectual disability, which mainly arises through a lack of information. Principles of ensuring integration of persons with disabilities into society, non-discrimination, full participation and equal rights and opportunities are specified in laws regulating different fields of life of persons with disabilities. Descriptions of programs carried out at national and local level and initiatives undertaken by NGOs in disseminating information, developing tolerance and awareness raising among persons with intellectual disability and society are presented. In 2002, the National Programme for the Social Integration of the Persons with Disabilities for the period of 2003-2012 was approved to ensure equal opportunities to persons with disabilities. The Action Plan of the Year of Persons

with Disabilities in Lithuania 2003 stresses the development of a positive attitude towards persons with disabilities and improving accessibility of information. However, representatives of NGOs constantly devote efforts in the information and education of persons with disabilities and society.

Testimonies of parents, guardians and representatives of NGOs and experiences of persons with intellectual disability reveal to what extend the **health care system** corresponds to the real needs of persons with intellectual disability. The chapter reviews the current legislation and introduces the new recently adopted Concept of Determining a Disability describing the procedure for evaluating and meeting the special needs of a person. Parents of intellectually disabled children are generally satisfied with the health care services provided to their children, because the quality of medical treatment advanced and qualified in the last years. More often adults with intellectual disability face problems. Due to unfavourable attitudes, insufficient attention and lack of additional social services, they are afraid of going to a doctor and feel uncomfortable in using services of general health care.

Medical measures have prevailed in conducting the **rehabilitation** of persons with intellectual disability in Lithuania. Measures of vocational training, as well as psychosocial and other rehabilitation measures are being developed to assist the social educational integration policy of disabled people. This process, however, lacks complex interdepartmental cooperation, coordination and continuation of rehabilitation measures.

Special education in Lithuania is part of the mainstream **education system** and includes all forms of services of special education in special schools and educating a child at home. Since 1992, the Lithuanian educational reform, carried out on the basis of principles of integration, education for all and equal participation in the development process, has encouraged the integration of pupils with special needs into mainstream schools. Special education has changed: children with severe and profound disability who were previously considered incapable of learning have started to be educated. Over recent years the process of establishing new schools and services devoted to the education of pupils with special needs have advanced, but the need for education of pupils with profound and complex needs is still remaining.

**Employment** still remains inaccessible for persons with intellectual disability in Lithuania. There are no vocational training programmes specially adapted to persons with intellectual disability. From laws encouraging the creation of additional jobs for disabled people only people with mild forms of disability can benefit. General employment

standards and procedures for payment of disabled people working in supported jobs or professional rehabilitation are not regulated or defined.

**Income maintenance and social security** for disabled people depend on the diagnosed Disability Group. When determining the disability of a person, medical criteria are taken as a basis of the decision without taking into account the social and individual conditions of a person. Whatever Disability Group is determined, the benefits received are minimal and do not ensure a sufficient level of living. Social insurance as well as disability and social pensions are not sufficient to ensure a normal or at least minimum standard of living. They are not enough for caring the disabled family member or paying additional expenses caused by the intellectual disability. A new *Disability determining conception* provides an evaluation for each individual about his/her ability to work, special needs and how they can be met.

**Organizations of persons with disabilities** play a crucial role in promoting the rights and interests of this group of people and their families, as well as protecting them. According to parents (guardians) who look after persons with intellectual disability these organizations are their main source of information, aid and support.

A great number of people with intellectual disability still live in **large residential institutions** (social care institutions, psychiatric hospitals) that do not correspond

to the principles of de-institutionalization and modern social care standards. Closed care institutions usually do not meet the hygienic, building adaptation requirements and standards of accommodating disabled people. Premises of many residential care institutions and psychiatric hospitals are overcrowded; the number of residents exceeds the set norm by two or three times. Large residential institutions usually provide only accommodation; social services are hardly implemented. The Requirements for In-patient Social Care Institutions and the Procedure for Sending Persons to In-patient Social Care Institutions intends to change that situation. Fundamental requirements regulate the organisation regarding the work of residential social care institutions, norms of the personnel, defines the services provided, the rights and duties of residents, requirements for the building of care institutions and environment, acceptance in and release from these institutions and the contingent of accommodated persons.

The review and documentation of the current situation of persons with intellectual disability and their family members is finalised by **conclusions and evaluations**, as well as proposing **recommendations** for the Lithuanian government, local authorities, NGOs and international organisations to intensify their efforts to recognize, ensure and realize the rights of people with intellectual disability in Lithuania.

# Introduction

In 2002, Aktion Mensch granted Bundesvereinigung Lebenshilfe financial assistance to carry out the project "More Rights for Persons with Intellectual Disability in Lithuania". Because of the expertise of Inclusion Europe in EU disability policy and the profound knowledge of the Lithuanian Welfare Society for Persons with Mental Disability „Viltis“, these two are the main implementing organizations of the project. The project is accompanied by similar measures in Belarus, the Slovak Republic and Latvia, with the intention of encouraging active cooperation among non-governmental organizations in the partner countries.

The project fights not for exclusive privileges but for equal rights of persons with intellectual disability. The project seeks mainly to inform and to raise awareness of representatives of legislative and executive authorities in Lithuania, decision-makers at European level as well as society in general about the recent situation of persons with intellectual disability in Lithuania. Political processes that would speed up the preparation and adoption of new laws which are favourable to persons with intellectual disability should be encouraged. Following the European integration ideas, which are of paramount importance to Lithuania on its way to the European Union, legal provisions and conditions of Lithuania corresponding to international requirements and standards have to be ensured.

Furthermore, the project aims to improve the organization and coordination of support for persons with intellectual disability and to create conditions for them to take part in decision-making processes that directly concern them. Countrywide and European support structures should be mobilized to strengthen the political capacity of NGOs and to support their active participation in relevant decisions. Through the knowledge of the Country Report, "Viltis" will be able to organise support services more effectively on the basis of the herein identified needs of persons with intellectual disability and their families.

The research of the current situation of persons with intellectual disability in Lithuania has been carried out in the course of the project. The data that was collated and summarized is presented in this Country Report. The

*United Nations Standard Rule on the Equalization of Opportunities for Persons with Disabilities* (UN Standard Rules) were the starting point of the report, allowing evaluation of the extent to which the disability policy carried out by the State of Lithuania corresponds to international standards.

It is very important that the report is published at the time that social reform is currently being implemented in Lithuania. It encourages optimistic changes in the lives of disabled people. Social exclusion of these people and declarative support are slowly but surely replaced by high quality social services providing disabled people with a greater number of opportunities to become equal members of society with all accompanying rights and obligations.

The year 2003 has been announced both the European Year of People with Disabilities and the Year of People with Disabilities in Lithuania. It is a great occasion for the Government of Lithuania and governing institutions, non-governmental organizations and the wider society to embrace more human European standards leaving behind the humiliating attitude towards the disabled as dependents and to coordinate actions and specific programs encouraging them to realize an optimum independence and life.

I am convinced, that the data presented in the report will help to form an impartial opinion about the current life situation of persons with intellectual disability and the difficulties they face. Furthermore, it is important to pay attention to the full and equal participation of these people and their contribution to society, especially local communities. I sincerely believe that this report will be read and scrutinized by people who can influence changes and improvements and that all concerned will consider the recommendations to be a vital step towards the full recognition and realization of the human rights of persons with intellectual disability in Lithuania.

*Dana Migaliova  
President of the Lithuanian Society  
for Persons with Mental Disability "Viltis"  
Chairwoman of the Council*

# Country Description

Lithuania is an Eastern European country situated on the Baltic Sea. In the north of the country it borders on the Republic of Latvia, in the east and the south – with Belarus and in the south-western part with the Republic of Poland and the Kaliningrad region of the Russian Federation. The territory of Lithuania covers an area of 65 303 km<sup>2</sup> and is divided into administrative units counties (10) and municipalities (60).

The population of the Republic of Lithuania is 3.48 Mio., of which 66.9 percent is urban and 33.1 percent rural population. The largest cities of Lithuania with a population of over 100 000 inhabitants are Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys. According to the latest census of the population, about 59 percent of all people reside in these cities. According to the ethnic distribution, Lithuanians account for 83.5 percent of the entire population, Polish- 6.7 percent, Russians- 6.3 percent and representatives of other nationalities- 3.5 percent.

Roman Catholicism is the main religion of Lithuania. 79 percent of the population adhere to it. According to the latest census of the population, a total of 28 different confessions were registered.

## Data Resources

The partner and one of the executors of the project, the Lithuanian Society of Persons with Mental Disability "Viltis", has collected data presented in the report. The information was collected from October 2002 to April 2003. The laws of the Republic of Lithuania and other legislation regulating the rights of persons with intellectual disability in different fields of life were reviewed and analysed and summarized in this report.

Statistical data has been received from the official publications published by the Department of Statistics of the Republic of Lithuania, which collects and manages official statistical information in Lithuania as well as from its web site [www.std.lt](http://www.std.lt)

Information about state policy and the funds allocated to persons with intellectual disability from the budget has been received from official sources, mainly state institutions. When collecting data, official letters were sent and answers received from the Social Integration Department of the Ministry of Social Security and Labour, the Ministry of Education and Science, the Ministry of Health, the Ministry of Finance, the State Commission of Medical Social Expertise and other institutions. Statistical and other data have been collected from official publications and different websites. Amounts of monthly payments in cash

Following the Constitution of the Republic of Lithuania approved by the referendum of citizens held on 25 October 1992, the State of Lithuania is an independent and democratic republic. The Parliament (the Seimas of the Republic of Lithuania), elected in direct elections by the people, the President of the Republic of Lithuania and the Government, as well as the Judiciary exercise the powers of the State.

The capital of Lithuania is Vilnius; the official language is Lithuanian. The currency of Lithuania is Litas, introduced in 1991 following the re-establishment of the independence of the State. The official exchange rate of Litas (LTL) to Euro (EUR) has been set: 3.4528 LT equals 1 EUR (January 2003).

There is no precise data on the number of persons with intellectual disability in Lithuania. On the basis of data of 2001, a total of 212 881 people, accounting for 6.1 percent of the entire population, received disability pensions. Persons with mental disability, usually persons with intellectual disability, are attributed to this group, account for 8.1 percent of all the persons with disabilities in the disability structure.

specified in the report are of the amount established at the time of preparing the report (April 2003).

Information about organisations of persons with disabilities has been received from the units of "Viltis" and institutions, as well as centres established by them, which provide different services and support to persons with intellectual disability and their families. The employees of these institutions, as well as the employees of the Public Institution Training Centre "Mes esame", where persons with intellectual disability from 18 years of age and older are trained, offered information. Persons with intellectual disability who attend these centres answered questions presented in easy to understand format.

Parents (guardians) raising, taking care and guarding persons with intellectual disability were included in the research. Surveys have been carried out in the following regions of Lithuania: in the City and region of Vilnius of the Vilnius county, in the district of Širvintai, in the town and region of Šiauliai of Šiauliai county, in the town and district of Radviliškis, in the districts and rural areas of Pakruojis and Joniškis, in the district of Alytus and in the town of Rokiškis. A total of 51 persons with intellectual disability, members of 22 non-governmental organisations and about 60 parents (guardians) of persons with intellectual disability have been interviewed.

Parents (guardians) raising, taking care and guarding persons with intellectual disability also filled out the form intended for them and answered some questions personally. Surveys have been carried out in the following regions of Lithuania: in the City and region of Vilnius of the Vilnius county, in the district of Širvintai, in the town and region of Šiauliai of Šiauliai

county, in the town and district of Radviliškis, in the districts and rural areas of Pakruojis and Joniškis, in the district of Alytus and in the town of Rokiškis. The total of 51 persons with intellectual disability, members of 22 non-governmental organisations and about 60 parents (guardians) of persons with intellectual disability have been interviewed.

## Definitions and Differentiation

The main definition used in this report – person with intellectual disability – is not precisely defined in the laws of the Republic of Lithuania. Different terms of a more general nature are used in different legal acts: invalidity (the loss of the capability to work), physical and mental disability, special needs, etc. Following the provisions of the *Law on the Social Integration of the Disabled of the Republic of Lithuania* of 1998, an individual who due to a congenital or acquired physical or mental defect is totally or partially incapable to take care of his private or social life, enjoy his rights and to fulfil his duties is considered as disabled.

*The Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work* was approved by the Joint Order of the Minister of Health and the Minister of the Social Security and Labour of the Republic of Lithuania on 28 April 2000 according to which Disability Group I, II and III are established for individuals who are 16 years of age and older in accordance with the list of conditions of the organisms listed specifically in the Order. Disability Group I is established for persons, who due to the condition of their organism are totally incapable to take care of their private or social life, and, in cases of serious illness or defects, need constant nursing, care and help from others. Disability Group II is established for persons, who due to the condition of their organism are partially incapable to take care of their private or social life and who need temporary nursing, care and help from other people; in case of medium mental retardation (IQ 35-49) together with behaviour, emotion and other disorders. Disability Group III is established for persons in cases of particular conditions of organism, e.g. anatomical disorders.

In evaluating the intellectual development of children under 16 years of age, *International Classification of Functioning, Disability and Health (ICIDH-2)* adopted by the World Health Organization is taken as a basis in which intellectual functioning is described and evaluated in accordance to the ability to understand, the rate of mental processes, knowledge, observation, etc. This is the evaluation of cognitive functions including both the intellectual development, that is the strengthening of cognitive powers of the child over the life span, and the

intellectual degradation, that is the decrease in the cognitive powers due to age or other factors. Following the Order of the Minister of Health, the Minister of Education and the Minister of Social Security and Labour of the Republic of Lithuania of 12 July 2002 *on the Procedure for the Determination of Disabilities of Persons with Special Needs and their Degree and the Attribution of Persons with Special Needs to the Group of Special Development Needs*, intellectual disability is attributed to the disability of the mental functions which according to their disability degree are divided into slight, medium, significant and highly significant mental retardation and intellectual regression:

- Slight mental retardation (IQ 50-69) – knowledge, abilities, skills are non systematic, incomplete, the level of is lowered;
- Medium mental retardation (IQ 35-49) – partial knowledge, abilities, skills, the level of educational performance is low;
- Significant mental retardation (IQ 20-34) – the level of educational achievements is very low;
- Highly significant mental retardation (IQ lower than 20) – response to the environment by unconditional and conditional reflexes;
- Intellectual regression – the acquired knowledge, abilities, skills are gradually being lost within the range of mental retardation.

Specific traits of undeveloped speech due to an intellectual disability are characteristic to all individuals attributed to this group of disabilities.

There was no possibility to provide enough data concerning only persons with intellectual disability in the report because the state statistics system collects only data about certain groups, e.g. the unemployed, urban and rural residents, the persons with disabilities. However, it does not differentiate these groups according to smaller, different categories. Therefore, the report had to limit itself in many places to the information about all persons with disabilities (physical, mental or complex disability, intellectual disability, etc.). However, wherever possible, every effort has been made to specifically highlight the situation of persons with intellectual disability.

## Awareness Raising (UN Standard Rule 1)

Awareness raising, i.e. the development of a positive attitude towards the solving of problems of persons with disability and improving access to information, is one of the priorities of 2003, the Year of Persons with Disabilities in Lithuania.

Information is one of the most important facets of the modern world, a guarantee of the development and progress of the State and society. Proper social integration and full participation of persons with disability (including persons with intellectual disability) in the life of the society and the State can be ensured first of all by constant and full provision of information to the public about the situation of persons with disabilities, their problems and rights. The main educational role in this process is played by non-governmental organisations. On one hand they continuously try to explain to persons with disabilities their rights and on the other hand they introduce these people as members of the community whose peculiar features are not a sufficient reason for discrimination. They must be ensured the same rights as everybody else, taking into account their needs and interests.

**States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.**

**Rule 1 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

On the initiative of organisations taking care of the blind, the deaf, and persons with intellectual and physical disabilities, specialised newspapers and magazines discussing their problems, lives and the fight for equal opportunities are published. The rest of the media and television, as well as the radio also give some attention to the situation of persons with disabilities. However, there is a lack of information provided by and for them. Moreover, the media are more interested in extreme stories about people with disabilities (which sell better) but this often only consolidates the negative image of persons with disabilities in the eyes of society. This enhances the perception of this group of people as dependants. Particularly negative attitudes have been formed towards persons with mental disability in Lithuania who are often identified as persons with intellectual disability.

So far no specific provisions authorising the provision of information to society about the disability and at the same time the raising of awareness in this field have been

consolidated in the Lithuanian laws. Principles of ensuring integration of persons with disabilities into society, non-discrimination, full participation and equal rights and opportunities are specified in laws which have been adopted since 1990 regulating different fields of life of persons with disabilities. However, it is only in recent years that the specific state policy and strategy concerning the provision of information to the public on the issues of disability have been formed.

In 2002 the *National Programme for the Social Integration of the Persons with Disabilities for 2003 – 2012* was approved. The main objective is to ensure equal opportunities to persons with disabilities. Planning the policy of the social integration of persons with disabilities at the state level, the principle of prevention of discrimination is taken as a basis. It is planned to protect the rights of persons with disabilities, raise public awareness, form a favourable attitude from society and encourage its public spirit. The programme indicates that while seeking to implement the major objectives of public awareness raising, it is necessary to provide information to the persons with disabilities about the state policy, programmes and services concerning their situation. On the other hand, the necessity to a wider introduction of social integration of persons with disabilities into society and forming a favourable attitude of society towards these people is emphasized.

The Seimas of the Republic of Lithuania, taking into account the Decision of the Council of the European Union of 3 December 2001 *On the Declaration of the Year 2003 the Year of Persons with Disabilities* as well as its resolution declaring the year 2003 the Year of the Persons with Disabilities of Lithuania, at the same time identified the state policy in respect of the persons with disabilities: to ensure protection of persons with disabilities from discrimination, to provide them with equal rights and possibilities to use measures aimed at strengthening their independence, social and economic integration and participation in the life of society.

On the basis of this resolution, the *Action Plan of the Year of Persons with Disabilities in Lithuania*, approved by the Government of the Republic of Lithuania, specifically provides for the main priorities of implementation of the plan. One of them is public awareness raising, that describes the development of a positive attitude, solving problems of persons with

disabilities and improving accessibility to information. It is planned (a) to inform society about the state social policy, problems of social integration of persons with disabilities, seeking for equal opportunities, services provided to persons with disabilities and programmes in Lithuania and other countries by means of various measures; (b) to inform and train representatives of media; (c) to familiarise persons with disabilities and society with the legislation regulating the situation of persons with disabilities adopted in Lithuania and the European Union and (d) to publish literature about the social integration of persons with disabilities.

Recently, in the light of awareness raising, the Ministry of Social Security and Labour has announced a competition for journalists and publishers for the best publication concerning the integration of persons with disabilities and provision of information to the public about the problems of persons with disabilities. Another initiative is the information centre-shop of persons with disabilities established with the help of Vilnius City Municipality. In there, one can acquire things made by people with disabilities, receive information about social and educational institutions meant for these persons and services provided. This continuous project, which is carried out by the Public Institution Training Centre "Mes esame", not only helps persons with disabilities to get acquainted with possible activities and trends in

Lithuania but also allows wider society to become more familiarised with persons with disabilities which contributes to the fostering of their capabilities and strengthening of self-trust.

The interviewed representatives of organisations of persons with disabilities indicated that non-governmental organisations constantly devote efforts to the information and education of persons with disabilities and society. However, often there is lack of deeper interest, initiative, support and specific programmes of state institutions in this field. For example, the education of pupils with special needs has not been included into the programmes for training the general education teachers. Specialist knowledge is provided only to the specialists of social pedagogics who started to be trained only recently, and to special educators that are trained only in one university in Lithuania – the Special Pedagogy Department of Šiauliai University.

So far educational institutions have not familiarised pupils with the problems and needs of persons with disabilities. Such a course is not included into educational programmes. However a number of parents (guardians) of persons with intellectual disability indicated that they did not notice great hostility or discrimination in respect of their children in their immediate environment and community. Children with intellectual disability face the least hostility. Meantime, adults with intellectual disability still face deep hostility in Lithuania.

## Medical Care (UN Standard Rule 2)

Due to unfavourable attitudes, insufficient attention and the lack of additional social services, persons with intellectual disability often have no opportunity to make use of general health care services.

Article 53 of the Constitution of the Republic of Lithuania specifies that the State takes care of people's health and guarantees medical aid and services in the event of sickness. The Law provides free medical aid to citizens at state medical facilities. A number of different laws and other legislation regulate the health care system. Most of them are of general nature and encompass the health care of all Lithuanian residents, including persons with disabilities. However, there are some laws, which provide the priority of medical help for persons with disabilities and additional health care. For example the *Law on Mental Health* of the Republic of Lithuania adopted in 1995 is aimed at regulating the health care of persons with mental disability (usually including intellectual disability).

The system of health care in Lithuania is organised on the basis of territorial principle (municipal, county and state level), whereas health care is carried out on three levels (primary, secondary and tertiary). According to data at the end of 2001, there were 189 state and municipal hospitals

with 32 104 beds in Lithuania. Thus, 10 000 residents were given 92.4 beds.

One of the main indicators of the country's health care is infant mortality. The indicator of the last year was 7.8 dead infants under 1 year of age per 1 000 life-born infants. If in 1995 there were 514 of such death cases, in 2001 they decreased to 250. Neonatal infant mortality (up till 28 days) in 2001 equalled 1.3 dead infants per 1000 life-born infants. There is no statistical data about the early mortality of infants with intellectual disability (5 years and under) and about the projection of the life span of persons with intellectual disability. An average future life span calculated in Lithuania in 2001 is 65.88 years for men and 77.41 years for women.

Health care of persons with disabilities, including persons with intellectual disability, is carried out according to the functioning system of determining disability regulated by the *Law on Social Integration of People with Disabilities*. Following the provisions of this law, disability is the condition

of an individual, as established by competent institution, who due to a congenital or acquired physical or mental defect, is totally or partially incapable of taking care of his private or social life, of enjoying his rights and of fulfilling his duties.

According to the degree of manifestation, disability is divided into three groups (I, II, III) and the loss of general or vocational capability to work is expressed in percentage (%). The total disability is the most serious form of Disability Group I when the physical and mental disability of an individual totally restricts the possibility to orientate oneself in the environment, move, work, integrate and be economically independent.

**States should ensure the provision of effective medical care to persons with disabilities**

**Rule 2 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The disability of children under 16 years of age is established by commissions of consulting physicians from state health institutions, whereas the disability of individuals of 16 years of age and older is established by the state commission of medical and social expertise. During recent years, the number of persons with disabilities has been increasing. According to the data of the State Commission of Medical Expertise, the number of persons with primary and general disabilities increased by 1.5 times from 1990 to 1999.

In 2001 a total of 212 881 persons with disabilities (of all types) received disability pensions. 29 673 persons were recognised as disabled for the first time in 2001, including 1 684 children under 16 years of age and 27 989 adults. According to the data of the State Mental Health Centre, mental disability became the reason of a disability of 8 202 individuals in 2001. This number encompassed 1 573 children under 16 years of age, 5 535 adults with Disability Group I and II and 1 094 individuals with Disability Group III.

The establishment of disability is currently the only regulated way to evaluate a person's disability, which is closely related not only to health care but also to the systems of pensions, privileges and rehabilitation. The disability provides the right to receive state social insurance and other pensions, benefits, privileges and social services (other chapters of the report deal with these topics in further detail).

Currently, disability is established in accordance with medical evaluation criteria not taking into account the loss of the capability to work and income and the possibility to apply rehabilitation measures. Approximately 50-60 percent of individuals are sent to the state commissions of medical and social expertise to establish the disability without giving them medical rehabilitation measures or part of them, without satisfying their special needs, offering them the necessary vocational rehabilitation measures. Meantime, it is sought to give

up this practice, therefore the *Conception on the Reform of Determining Disability and the Social Protection Measures for the Persons with Disability* was approved by the resolution of the Government of the Republic of Lithuania on 12 February 2001. The objective of the reform is to change the procedure for determining disability. Conditions for a better and more effective application of social protection measures to persons with disabilities seeking to restore their capabilities to work, their independence and integrate them into society were formed. Following the new procedure, medical criteria alone should be given up and the disability of the person must be additionally evaluated and the special needs compensated. Thus, the understanding of the disability itself and the person with disability would change.

Following the *Law on Health Insurance* of the Republic of Lithuania, persons who pay compulsory health insurance contributions or for whom compulsory health insurance contributions are paid, are considered to be covered by compulsory health insurance in accordance with the procedure set by this law. Among persons for whom compulsory health insurance contributions are paid from state funds (persons under 18 years of age, persons recognised as disabled) also other persons are supported by the State. The costs of the following individual health care services shall be covered from the compulsory health insurance fund budget through the territorial patients' funds for persons covered by compulsory health insurance: preventive medical assistance, medical assistance, medical rehabilitation, nursing, social services attributed to individual health care, and individual health examination. Depending on the health condition of a person, the established Disability Group, the costs of acquiring medicines and medicine aid, as well as medical rehabilitation and sanatoria treatment, etc. are fully or partly compensated for persons with disabilities. The interviewed parents (guardians) of persons with intellectual disability indicated that physicians who take care of their family members also look after their children with intellectual disability. The treatment is paid for by patients' funds in accordance with the general procedure. The majority of the interviewed parents are satisfied with the health care services provided to their children because children health care, which has been formed in Lithuania, is sufficiently advanced and qualified. More often adults with intellectual disability face different problems. Due to unfavourable attitudes, insufficient attention and lack of additional social services, persons with intellectual disability have no chance to use the services of general health care. Parents taking care of persons with intellectual disability of Disability Group II and III indicated that they are not always capable of buying even the most necessary medicines. Quite often 20 or 50 percent of the price of the medicine, which has to be paid by the parents, exceed by several times the amount of the benefit or disability pension received. Persons with intellectual disability said that usually they are afraid of going to the doctor (especially the dentist) and they feel uncomfortable.

## (Re)habilitation (UN Standard Rule 3)

So far, institutional rehabilitation measures, which include only a small part of persons with disabilities, exist in Lithuania.

Persons with different disabilities need a complex range of different medical, vocational and social rehabilitation measures provided for them. The *Law on the Social Integration of Persons with Disabilities* specifies that the objective of medical, professional and social rehabilitation for disabled persons is the removal, alleviation or stabilisation of disability, the development of their physical and mental abilities, and their integration into work, as well as professional and public life.

The model of medical rehabilitation has prevailed in the country. Medical rehabilitation for persons with disabilities is carried out together with other patients in multi-profiled in-patient, out-patient institutions, at home and in the rehabilitation divisions of sanatoria (a total of 35 in Lithuania). The law provides procedures and terms for the provision of prosthetic aid and the supply of orthopaedic means and other compensational facilities. Depending on the established Disability Group, the cost of medical rehabilitation or sanatoria treatment is fully compensated (or 80 percent of the cost is compensated) for persons with disabilities.

The implementation of medical and social rehabilitation for persons with disabilities shall be carried out by care and welfare institutions of local governments, social care and welfare institutions (boarding homes), institutions of development and education, the Labour Exchange, employers, public organisations of persons with disabilities and enterprises belonging to them, special institutions of professional and social rehabilitation of the persons with disabilities, as well as other institutions and organisations by drawing up individual programmes for the rehabilitation of persons with disabilities.

However, vocational rehabilitation is still practically inaccessible for persons with disabilities. They are faced with the problem of acquiring and developing vocational skills. Those who express a wish to become employed need additional vocational rehabilitation and training. Currently an insufficient amount of vocational rehabilitation measures are provided to persons with disabilities. Their vocational training is organised by the training services of the Labour Exchange and special institutions of professional training. Therefore in fact it is accessible only to persons with milder form of disability. In 2000 a total of 6238 participants of the labour market training programmes (persons with disabilities) attended employment courses, training and qualification courses, performed public and state supported works, acquired patents of different activities. There were no persons with intellectual disability among them whose

nature of disability prevented them from making use of this opportunity.

The ideas of early development of children with disabilities and support to families are relatively new in Lithuania. The first Early Rehabilitation Services in Lithuania were established in 1996 following the approval of the *State Programme for the Health of Children with Disabilities*. In many countries complex help (treatment, development, as well as psychological and social help provided to children falling within risk groups or those having intellectual disability and their families) is defined by the term of early intervention.

**States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.**

**Rule 3 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

From 1996 to 2000 two national child development centres (Vilnius Child Development Centre and Kaunas Development Centre) and 35 early rehabilitation services were established where early complex help is provided to children under three years of age and in special cases to children under 7 years of age if development disabilities are seen or the risk factors for them to appear exists. The activities of these services are regulated by the *Requirements of the Principles of Organising Services of Early Rehabilitation of Children with Development Disabilities, their Description and Provision* approved by the Order of the Minister of Health on 14 December 2000.

Early rehabilitation ensures that the early child developmental disabilities are identified and complex help is provided to these children and their parents/guardians at the right time. In such a way the primary, secondary and tertiary prevention of these disabilities and child disability, as well as the complex rehabilitation of children with development disability and their integration into society and the educational system is carried out.

In 2000 a total of 360 children were treated in the Vilnius Child Development Early Rehabilitation in-patient unit consisting of 25 beds. Disabilities that are usually diagnosed are as follows: specific mixed development disability – 95 cases, mental retardation – 57 cases, autism and other development disabilities – 44 cases. Early rehabilitation services, just as other treatment

institutions, are included into the health care system. However, the nature of assistance provided by them and its complexity clearly shows that the present model needs to be changed.

Both, specialists and beneficiaries of services regard the creation of the network of early rehabilitation services in Lithuania as an especially advanced phenomenon, which helped to meet the special needs of children more efficiently. On the other hand instruments of evaluating child development (as well as the preparation and application of methods), creation of programmes for early development which should be orientated towards the closest social environment of the child, development assistance for the child in the family and the inclusion of the latter into the educational process must be further improved and developed. The departmental problem of this system must be examined as it puts an end to ensuring the integrity of early educational and pre-school as well as school education taking into account the different subordination of these systems, regulation and purposefulness.

The formation and development of independent life skills (compensation, support and development of social functions of the persons) is especially important for persons with intellectual disability. These skills may be developed at home, in institutions and organisations of rehabilitation of different nature, social support, education, work, mutual assistance or sports applying different measures and meeting individual needs depending on the nature, degree of the disability, activity and age of the person with disabilities. This type of rehabilitation is insufficiently developed. There is a lack of methodologies of the development of independent life skills for persons with disabilities, as well as specialists and equipment.

Following the above mentioned law, the government draws up and carries out state, counties – district and municipalities – territorial medical, professional and social rehabilitation programmes for persons with disabilities. According to the interviewed representatives of non-governmental organisations, medical representatives have a lot of information about these programmes, whereas the community is insufficiently informed about them. In the opinion of parents (guardians) of persons with intellectual disability, current medical rehabilitation programmes (early rehabilitation in particular) are the easiest to access. There is a lack of information about other rehabilitation measures. Moreover, it is not easy to make use of services provided by these programmes not only because they are absolutely inaccessible to some communities but also because of the degree of the disability of persons with intellectual disability (especially when a person has complex disability or a disability of severe form). More than half of the interviewed parents (guardians) of persons with intellectual disability indicated that they do not participate or very rarely participate in different rehabilitation programmes even when they are carried out in their community.

Effective rehabilitation is possible only when all links are interconnected, when medical, vocational, social and other measures are applied individually and special needs are met. As medical rehabilitation measures still prevail, vocational and social rehabilitation measures are insufficiently developed. Due to the lack of funds, continuous rehabilitation is not ensured for persons with disabilities. Institutional rehabilitation systems in rehabilitation centres, care institutions and hospitals encompass only a small part of persons with disabilities. It is expensive and insufficiently financed, thus it has not been possible to solve the problems of social adaptation of the person with disability.

## Community-Based Support Services (UN Standard Rule 4)

About 80 percent of persons with disabilities do not use special social services provided in in-patient institutions, therefore, the system of different community-based social services must be developed.

Social services in Lithuania were legally established in the *Social Support Conception* adopted by the Government of the Republic of Lithuania in 1994. Social services were identified as one of the three social support forms. Further development of social services to different groups of individuals was set forth in the *Law on Social Services of the Republic of Lithuania*. Social Services are aimed at satisfying the needs of individuals and creating living

conditions that do not debase human dignity, when the individual himself is incapable of accomplishing this. The aim is to educate people to take care of themselves and integrate into society.

Social services may be provided to different groups of individuals, including persons with disabilities, according to their needs. The main organiser of social services is the municipal government which takes care of the

development of social infrastructure in the community, designates funds for the financing of social services, provides information about social services, evaluates the need of the persons and allocates respective social services to a person.

**States should ensure the development and supply of support services, including assistive devices for persons with disabilities to assist them to increase their level of independence in their daily living and to exercise their rights.**

**Rule 4 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

Social services are divided into general social services and special social services. General social services are provided to help persons with disabilities to live independently at home and in the community. Currently the following general social services are provided to persons with disabilities: translation into the sign language, provision with assistive devices, assistants, escorts, adaptation of the dwelling place, transport, provision of information and consultation, assistance at home, nursing homes, care funds, catering, provision with the most essential things, etc.

Though the infrastructure of social services is constantly being developed and expanded, taking into account an annual increase in the number of persons with disabilities, the need for the services is not fully satisfied. As regards indicators of the provision of general social services, according to the data of 2000, only 12 persons with different disabilities out of 1000 received assistance at home. Adults with disabilities accounted for 36 percent of all beneficiaries of services in 2000.

In analysing the general structure of social services (in accordance with the number of beneficiaries) it can be seen that the municipality paid full attention to the provision of persons with the most essential things (32 percent of services provided), free of charge catering (27 percent) and the foodstuffs (10 percent). The translation into the sign language (1 percent), transport services (9 percent) and provision with assistive devices (7 percent) form a small part of services provided. About 1000 persons with disabilities were provided with assistive devices in 2000 (only 31 percent of the total need was satisfied).

Special social services are provided to persons with disabilities when general social services are ineffective. They are provided at in-patient care, out-patient care institutions and rehabilitation institutions: day care institutions, temporary residence institutions, in-patient care and nursing institutions, institutions of mixed services.

Special in-patient social services are provided to adults with intellectual disability in county social care institutions, and to children and young people with

intellectual disability at the welfare institutions and day care centres of municipalities and non-governmental organisations. A separate chapter "Large Residential Institutions" in this report is devoted to in-patient social welfare institutions. Therefore, we will not discuss them in detail within this chapter. It is worth mentioning that 4 percent, 6.8 percent and 1.9 percent of funds were allocated from the 2001 budget respectively to care and welfare institutions, institutions of persons with disabilities and other care and welfare institutions and measures meant for persons with disabilities. That is in total 12.7 percent from 1.081.832 Lit (313.356,50 EUR) spent on social security, care and welfare. These funds accounted for 21.6 percent of all social field-financing costs.

Out-patient institutions of social services related to the satisfying of the needs of persons with disabilities are day care centres, employment or labour therapy centres, educational centres for children with disabilities, abilitation centres and rehabilitation institutions of persons with disabilities. According to data from the Ministry of Social Security and Labour, there are over 50 day care centres of different types for persons with disabilities (with all types of disabilities) in Lithuania. Services in these centres are provided on average to 1100 clients a day.

Taking into account the fact that the number of persons with disabilities is increasing every year and about 80 percent of these people do not use special social services in in-patient care institutions, the need for different types of community-based social services is constantly on the increase. A number of interviewed parents and representatives of non-governmental organisations noted that though day care centres, employment services and educational centres are already being established, there still are not enough of such centres for persons with special needs, especially for residents in rural areas. For example, in 2001, only 246 out of 860 persons with intellectual disabilities over 16 years of age from Vilnius (that is less than one-third) had an opportunity to attend different centres.

Moreover, many respondents pointed out that usually they receive assistance and support from non-governmental organisations, though the organisation and provision of social services fall directly within the competence of municipalities. According to approximate data, local governments allocate only 2-4 percent of funds from their budget to social services. Nearly all interviewed parents indicated that their children or foster-children live together with them in the family. However, seeking to integrate them into the society, it is necessary to create and provide a network of different social services in the local and the immediate community.

In conclusion, it is possible to claim that the fundamentals of the infrastructure of social services have already been created in Lithuania. However, it is still necessary to take into account the qualitative aspects of organising social services. Since 2000 the reform of the

provision of social services has begun to be implemented and is intended to be carried out in two phases till 2010. It is planned to make the functions and financial liability of local governments and counties for the organisation of the provision of social services more precise. In implementing reform, a general system of establishing the needs of the person for special services will be created. The legal basis

allowing the implementation of the model of paying for and acquiring social services, define mandatory criteria of the quality of social services, to determine the main principles of control mechanism and evaluation of social services, will be improved. A greater number of non-governmental organisations will be included into the provision of social services on the basis of co-operation.

## Accessibility (UN Standard Rule 5)

Special programmes and publications written in an understandable and adaptable language are not yet available in Lithuania. Persons with intellectual disability are unable to understand auxiliary information meant for their orientation and mobility.

Adaptation of the physical environment is necessary to restore the physical, spiritual and economic independence of a person with disability. The adapted physical environment is necessary for one third of the entire population due to the motion difficulties and limited possibilities to take care of oneself (persons with disabilities, mothers with small children, elderly people).

The adaptation of the physical environment is regulated by the art. 2.03.01:2001 *Buildings and Territories. Requirements for the Needs of Persons with Disabilities* of the Regulation of Technical Requirements of Construction approved by Order of the Minister of Environment of 14 June 2001. This Regulation sets requirements for legal entities and natural persons of the Republic of Lithuania and foreign countries in preparing construction projects. It should ensure the guarantees set forth in the laws and other legal acts of the Republic of Lithuania for persons with disabilities to integrate into society and to use the environment without any restrictions.

**States should recognise the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.**

**Rule 5 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The said requirements are applied both to the adaptation of the public environment (infrastructure of public visiting and service objects, working environment, transport and its infrastructure) and the dwelling environment (dwelling houses, apartments and their environment) seeking to reduce

the social isolation of persons with disabilities to a minimum, and to eliminating obstacles for them to fully participate in public life. According to Regulation, the mandatory list of important objects for persons with disabilities, including objects of communication infrastructure, dwelling and administrative houses, trade, services, catering buildings, science and treatment institutions, etc. is approved.

Since 1998 only newly built or reconstructed buildings, which are adapted to persons with disabilities, have been accepted. The Lithuanian National Council for the Affairs of Persons with Disabilities carries out the programme for the adaptation of dwelling houses and in the period from 1998 to 2000 a total of 682 dwelling houses were adapted to persons with disabilities. Representatives authorised by this Council consult the construction of the objects in counties and participate in the work of the state commission in accepting the objects. The adaptation of the physical environment of institutions of training, educational and social services to the special needs of the persons with disabilities is set as one of the priorities in the *Action Plan of the Year of the Persons with Disabilities in Lithuania* approved by the Resolution of the Government of the Republic of Lithuania on 3 February 2003.

Newly built buildings already correspond to the said requirements, however, many buildings of old construction, public roads, railways, air and water transport means have not been yet adapted to people with disabilities and services provided for public transport do not meet the requirements. Many parents and representatives of non-governmental organisations indicated this. According to respondents, in many public areas and their environment are not physically accessible to their children (foster-children) with intellectual disability. Moreover, any assistance needed to get orientated and remain mobile is not provided. This concerns persons with a more severe degree of disability or complex disabilities, in particular, because their movements are so restricted

In improving information technologies and communication measures, information becomes one of the most important working tools and means of communication. The Constitution of the Republic of Lithuania guarantees that the person is free to look for, receive and disseminate information and ideas. Every citizen is entitled to this right in accordance with the procedure set by law to receive information concerning him from the state institutions. This is regulated by the special *Law on the Provision of Information to the Public*, which not only ensures the freedom of information but also the specific procedure for receiving, collecting and disseminating it.

There are no special laws or provisions defining the rights of persons with intellectual disability to information and the accessibility to communication in Lithuania. General provisions, which are applied to everyone, are valid for them. Seeking to ensure free access to information for persons with disabilities, it is necessary to adapt information dissemination ways and measures taking into account their special needs.

Approximately 30.000 persons who, due to their disability, cannot accept or process information in regular ways live in Lithuania. Though in the last decade the public was being informed about the problems of persons with disabilities there were no efforts to adapt information environment to these persons. Currently, separate television programmes have subtitles; textbooks and school programmes are adapted in part. Non-governmental organisations try to provide assistive devices intended for improving the access to information.

All these measures are mainly devoted to blind or deaf persons and those with physical disability. However, so far there have been no special programmes and publications written in an easily understandable and adapted language, which would be adapted to persons with intellectual disability. According to the parents and representatives of non-governmental organisations, persons with intellectual disability (with a substantial

degree of disability, in particular) are absolutely incapable to understand auxiliary information meant for their orientation and mobility. These people are often incapable of understanding their rights and information about services and support intended for them without the help of other people.

Access to information about the diagnosis of persons and medical measures applied to them, as well as the right to information, is regulated in detail. The right of patients to receive information about their own health condition is established in the *Law on the Rights of Patients and Compensation of the Damage to their Health of the Republic of Lithuania* and the *Law on Mental Health Care of the Republic of Lithuania*. They indicate that the patient has a right to information on the condition of his health, disease diagnosis, medical examination results, treatment methods and treatment prognosis. Information must be provided to the patient in the form which is understandable to him and which clearly explains the special medical terms.

The patient has the right to get familiarised with his medical documents and separate extracts from them. This information may be provided to the patient even in cases when it would do harm to the health of the patient or even cause danger to his life. In cases when information cannot be provided to the patient, it should be provided to the representative of the patient. The representative also has the right to get familiarised with other medical documents directly related to the interests of the persons he represents. If a patient is a minor, information must be provided to their parents or guardians (custodians) as well.

According to the parents of children with intellectual disability, usually they succeed in getting information about the diagnosis of their children (foster-children), and their rights to services only when they push for this. They are always forced to ask, look for or demand. Very often non-governmental organisations have general information about different diseases and the ways to treat them. They publish and distribute different information brochures, publications, etc.

as access to education for everyone and the start of equal opportunities specified in the second phase (from 1996) of the education reform that is being implemented from 1992 encouraged such an education system, which would include the education needs of all persons.

Special education in Lithuania is part of the general education system and means all forms of the services of special education applied in general education schools (by full or partial integration), in special schools and developing the child at home. It encompasses the early and pre-school education, general education, vocational college, university education, adult education, and further education of persons with special needs. The said laws for the education field and the *Law on Social Integration of Persons with Disabilities* define the right of children with special needs to be educated in education institutions closest to their residential place according to the choice and request of parents. The new idea of reformed special education is that children with significant or medium retardation have been started to be educated (these are persons with severe and complex needs) who until 1990 were considered incapable of learning.

**States should recognise the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.**

**Rule 6 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

In carrying out educational reform in Lithuania, the system of special programmes and special assistance institutions helping pupils to acquire special pedagogical, psychological and social help has been developed. As well as special education institutions, general educational institutions' commissions on special education, pedagogical-psychological services and specialised services of health care institutions provide pedagogical, psychological and social help to persons with special needs and their parents (guardians) A system of evaluation and examination of special educational needs of persons, which is orientated towards the degree and nature of the disability, which is regulated by the law, has been created in the country.

Special educational needs of persons with disabilities are evaluated in order to establish help and service needs and provide optimum educational conditions for persons with special needs. The named institutions having evaluated special needs of a specific person allocate special education. Taking into account the conclusions and recommendations of pedagogical-psychological services, children with disabilities who are specially educated have the right with the approval of parents (guardians) to choose the form of education (full or partial integration

or education at the special education institution) and the institution. Over recent years the process of establishing new institutions devoted to the education of pupils with special needs have greatly advanced, but there still remains the unmet need for the education of pupils with profound and complex needs in their residential place. This is especially apparent in rural areas.

During the school year of 2001-2002 a total of 583.858 pupils were registered in Lithuania, including 55.109 (that is 9.4 percent of all pupils) who needed special education of different levels. During the school year of 1999-2000 these persons accounted for 8.5 percent of all pupils. Due to the constant increase in the integration of pupils with special education needs into the integrated and special classes of general education schools, the total number of pupils in special schools has decreased over recent years. In the course of the school year of 2001 – 2002 pupils with special education needs who studied at special education institutions or special municipal schools were accounted for 11.1 percent of all pupils with special needs, including 4.649 persons with intellectual disability. Currently children with significant and medium intellectual disability who live with their parents are provided with the chance to attend special education centres and the education classes established in general education schools.

In the course of the school year of 2000-2001 there were 33 training classes in the country where a total of 250 pupils studied. 15 special education centres operated in 2002. In 2001 – 2002 a total number of 36 special education schools out of 65 special schools and special education centres (57 – in urban areas and 8 in rural areas) were devoted to children with intellectual disability.

*The Law on Special Education* specifies early and pre-school education of children with special needs. For children with special needs from birth to 3 years of age, and the parents (or guardians), special educational assistance is provided at home, in families, care institutions for children and health care institutions. Children of pre-school age (from 3 to 6/7 years of age) with special needs are taught in pre-school education institutions, special pre-school and other institutions of special education or at home.

General training of children with special needs commences from the age of 6-7 years and lasts till the person turns 21. Though the laws contain the provision that special education is part of a general education system, and includes early and pre-school education, general education, vocational, college, university, adult education and supplementary education of persons with special needs, university, as well as college education of persons with disabilities over 21 years of age is not yet legally regulated. In this case only vocational training and the encouragement of employment are mentioned.

The Ministry of Education and Science is responsible for the education of all children (including children with different special needs) in Lithuania. It has prepared the *Draft of the Programme for Special Education Services* which seeks to improve the legal basis regulating the education

## Education (UN Standard Rule 6)

Education is an activity, which seeks to provide a person with the fundamentals of matured independent life and helps to improve their abilities throughout the entire life span. Every person has the right to learn.

Article 41 of the *Constitution of the Republic of Lithuania* specifies that education is compulsory for persons under the age of 16 (including persons with intellectual disability), which has to be ensured by the parents, guardians, and custodians or the State. Educational issues of for children with special needs is

regulated by the *Law on Education of the Republic of Lithuania* adopted in 1991 (the new wording was adopted in 1998) and the *Law on Special Education of the Republic of Lithuania*, the purpose of which is to specifically define the procedures and conditions of the development and education of persons with special needs. Priorities such

and learning of persons with special education needs (including intellectual disability), creating a favourable environment to their development and learning as well as ensuring training of teachers for working with persons with special needs of different ages (including intellectual disability).

According to the data of the Ministry, universities and colleges, which train teachers, give at least two credits to the issues of special education. However, the programmes must put more emphasis on training of all future teachers to educate persons with special needs. In implementing the educational reform, the *Programme for the Establishment of Positions of Social Teachers in Education Institutions in 2001 – 2005* according to which the positions of social teachers whose help is necessary to pupils, teachers, parents and local community are established in different education institutions (in special, youth, general education, vocational training and other institutions) has been prepared and is being carried out. Greater attention is being paid to the training of social workers. The named *Draft of the Programme for Special Education Services* provides an improved methodology of financing education in order to provide high quality education services to all persons with special needs (as well as intellectual disability).

*The Methodology of Calculating Pupils and Pupil's Basket* approved by the Government of the Republic of Lithuania provides for a single "pupil's basket" to all pupils of general education schools (including pupils with special needs who are taught in an integrated way) by only financing school education and teaching of children. *Methodological Recommendations Concerning Additional Funds to Pupils with Special Needs Educated in General Classes of General Education Schools* approved by the Order of the Minister of Education and Science provides certain additional funds for organising special education. However, pupils with special needs who are taught at special training classes of general education schools, as well as special schools or education centres, are not taken into consideration because no financing is planned for their occupation and continuous education after school.

The Lithuanian National Council for the Affairs of the Persons with Disabilities under the Government of the Republic of Lithuania in accordance with the *Programme for Social Integration of Persons with Disabilities* was allocated a total of 2500 thousand Litas (724,1 thousand EUR) from the state budget 2002 to educate persons with disabilities. The funds were distributed according to the needs to different non-governmental organisations to ensure the education of persons with different disabilities. The Action Plan of the Year of the Persons with Disabilities provides the improvement of opportunities for persons with disabilities to study, to be educated and to be independent as one of the priorities with the help of which it is sought to further develop and improve the education forms and programmes of persons with disabilities.

The education reform, which started to be carried out ten years ago, changed not only the education system itself but also its structure. It established new education and teaching principles: the adaptation of teaching to the abilities of a child, the education programme orientated towards the personality of a pupil, his needs, etc. The interviewed parents (guardians) of persons with intellectual disability pointed out that they were allowed to choose the education institution and the educational programme (though sometimes only one choice was available as there were no other alternatives).

Possible alternatives are usually limited by the infrastructure of social services (such as insurance of transport, a lift to education institutions for persons with special needs), which is still inadequately developed. For example, free transport to the education institution and back home for persons with special needs, who are unable to walk independently and due to very serious impairment are unsafe on the road, is regulated in the above mentioned law and approved in the Programme of the Government of the Republic of Lithuania. However, a number of pupils living in rural areas have no possibility of reaching education institutions because local governmental institutions, which are responsible for organising this service, usually do not carry out their responsibilities in this area, blaming the lack of funds, etc.

## Employment (UN Standard Rule 7)

The right of persons with disabilities to work and the payment for work will not be properly realised if they are only given the opportunity to work in state supported working places. It is necessary to ensure the possibility for persons with disabilities to join the single labour market and compete in it.

There are no special legal acts in Lithuanian legislation regulating the procedure for employing persons with intellectual disability and providing employment guarantees to them. General laws of the Republic of Lithuania establish the right to work and employment. *Article 48 of the Constitution of the Republic of Lithuania* specifies the main provision (which is applied to everybody, at the same time to persons with disabilities) that "every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment".

Specifically the guarantees of employment for persons with disabilities are defined by the *Law on Social Integration of the Persons with Disabilities*. All other national legislation regulating legal labour relations are co-ordinated with the provisions of the said law. By ratifying the *European Social Charter* (revised) by the law of 15 May 2001, the Republic of Lithuania also undertook efforts to follow European Standards in the field of placing persons with disabilities in employment. Actions were undertaken to ensure requirements specified in Article 15 of part 2 of the Charter to promote access of persons with disabilities to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible, by arranging for or creating sheltered employment according to the level of disability.

**States should recognise the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.**

**Rule 7 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

Persons with disabilities are either employed in ordinary working places or in working places furnished specially for them. The Ministry of Health and the Ministry of Social Security and Labour of the Republic of Lithuania established requirements for the working places and professions of persons with disabilities. On the recommendation of the

labour exchange, local governments establish on a yearly basis quotas for employers for the employment of persons with disabilities of Disability Group I and II or for the establishment of additional working places, which comprise no less than 2 percent of the total number of employees if the latter is not less than 50. Employers who do not fulfil the quotas pay contributions at the amount of 15 minimum monthly salaries to the Employment Fund (the set minimum monthly salary amounts to 430 Litas – 124.50 EUR) for every disabled person who has not been employed. However, the payment of such additional contributions does not exempt employers from the obligation to employ persons with disabilities.

The labour exchange may equate the employment of one person with disabilities whose integration into work requires particular efforts of the employer with the employment of no more than three disabled persons. The costs of establishment or adaptation of such working places are covered by the Employment Fund. Persons with different disabilities can be employed in jobs covered by quotas. Due to this reason, the chances of persons with intellectual disability to become employed decrease because employers usually employ persons with slight physical disabilities.

In case of unemployment social security, provided to the residents of Lithuania, this is regulated by the *Law on Support of the Unemployed of the Republic of Lithuania*, which specifies that persons with disabilities be additionally supported persons in the labour market. Their employment benefits are legalised. All services of the territorial labour exchange are provided to persons with disabilities by the right of precedence. Unemployment benefits are paid, labour market vocational training is organised and jobs, which are supported by the Employment Fund, are offered. Persons with disabilities who want to go into their own business are also supported. Additional privileges are granted to enterprises of organisations of persons with disabilities (they are exempted from movable property tax, they are granted target subsidies to pay part of the social security payments and cover energy expenses. Personal income tax, corporate tax and value added tax relieves are applied to them).

Though legislation in Lithuania establishes the principal rights to work, safe working environment, fair payment for work and guarantees social security in case of unemployment to all persons (including persons with intellectual disability), as well as provides for additional employment guarantees to persons with disabilities, these

norms are not sufficiently effective. Given the complicated economic situation, with the decrease in the demand for labour force and increase in general unemployment, the employment of persons with disabilities, as well as their integration into the labour market has become a serious problem.

If in 1990 a total of 40 percent of persons with disabilities were employed in Lithuania, in 2000 – the number decreased to only 17 percent. According to the data of the State Commission on Medical Social Expertise the number of persons with primary and general disabilities grew by 1.5 times within the period of 1990 and 1999. 66-67 percent of all persons with primary disabilities are of working age. 55 percent of them are unemployed. Meantime the unemployment level, which has been increasing for several years (from 6.4 percent in 1998 to 12.5 percent in 2001) started to slowly decrease. In 2002 an average unemployment level accounted for 11.3 percent. According to data of the last month of the year it made up 10.9 percent.

In 2001 223,500 people out of 1,745,300 residents of Lithuania of working age were registered as unemployed at the Labour Exchange. Persons with disabilities account for 1.8 – 2 percent of all persons registered at territorial labour exchanges. In 2000 a total of 4,375 persons with different disabilities registered in the named labour exchanges: Disability Group I – 178 people, Disability Group II – 432, Disability Group III – 3,765. 30 percent of these persons with disabilities expressed a wish to work actively, whereas 60 percent sought to receive unemployment benefits.

In total 1,495 persons with disabilities were employed in 2001 including 250 who were employed in new jobs whose founders were paid compensations by the state. The means of effective labour employment programmes employ usually only persons with disabilities of Disability Group III. However, problems of requalification and employment of persons with significant disabilities, that are able to work, remain unsolved. There is no statistical data on how many persons with intellectual disability are employed in jobs supported by the state. These persons are included in the general accounting of persons with different disabilities.

Day employment centres partly ensure the right of persons with disabilities to employment. Over 40 day centres (day employment centres, rehabilitation centres for youth with intellectual disability, employment centres, education and teaching centres, family support services) provide services to adults with disabilities and their families seeking to develop physical and mental abilities of persons with disabilities, and to facilitate their vocational and social integration. A total of 28 day centres for the employment of persons with intellectual disability have been established and functioning.

Persons with disabilities who wish to be employed face the problem of acquiring and updating vocational skills. They need additional vocational rehabilitation services, vocational training or requalification. Such services are organised and provided by the training services of the labour exchange or institutions of special vocational training.

Unfortunately, there is no vocational training programme adapted specifically to persons with intellectual disability. Non-governmental organisations usually express initiatives and establish day employment and training centres where not only social services but also services related to vocational skills and profession training are provided to persons with disabilities. The co-operation between non-governmental organisations and labour exchanges in the field of employment of persons with disabilities is not yet properly developed (with the exception of a few examples). Often labour exchanges do not have any data about the registered unemployed with different disabilities. For example, though Vilnius territorial labour exchange established over 200 jobs for persons with disabilities in 2002, none of the persons with intellectual disability were employed. Only 2 persons of all interviewed persons with intellectual disability said they had jobs. The rest pointed out that they wanted to have any job, but most of all they wished to work according to the profession they were taught at training centres.

The provisions of the *Programme for Increasing Employment for 2001 – 2004* of the Republic of Lithuania approved by the Government of the Republic of Lithuania regulate more effective employment measures of the persons with disabilities which are an important and inseparable part of the general national employment strategy. The objective of this programme is to support more effectively the employment of persons with disabilities by creating an accessible employment support system to all persons with disabilities who want and are able to work. This provides conditions to compete on a single labour market or get employed in special enterprises where jobs are specially adapted for them.

*The Draft of the Conception of the Law on Social Employment Enterprises*, currently being prepared by the Ministry of Social Security and Labour, provides the establishment of enterprises which would employ persons who lost vocational or general ability to work (as well as the persons with disabilities), as well as state financial support to such enterprises seeking to return the possibility for persons with limited abilities to work and join the single labour market. As the law provides only for temporary subsidies (lump sums as well as short-term subsidies up to three years), it does not apply to persons with intellectual disability who, due to insufficient abilities to work, cannot compete equally on the single labour market without a regular additional social, vocational and financial support.

## Income Maintenance and Social Security (UN Standard Rule 8)

The main guarantee of the financial welfare of a person is his/her right to work and receive the earned salary, whereas additional guarantees are social assistance in cash compensating income lost due to the disability or the loss of ability to work.

Article 52 of the *Constitution of the Republic of Lithuania* stipulates that the State guarantees the right of citizens to old age and disability pension, as well as to social assistance in case of unemployment, sickness, widowhood, loss of breadwinner, and other cases provided by law. A person who due to a health and functional condition is fully or partly incapable of working, has no equal rights to participate in the labour process, cannot hope to receive equal income as other members of the society and cannot compete on the labour market. Therefore, the state by social security measures in cash compensates income lost due to the disability.

**States are responsible for the provision of social security and income maintenance for persons with disabilities.**

**Rule 8 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The laws of the country provide the social insurance disability pensions, social (assistance) pensions, certain privileges, compensations and benefits to persons with disabilities. The laws do not indicate any specific provisions regarding additional social security or income maintenance to persons with intellectual disability. All general provisions, regulating the compensation of income lost due to the disability, are applied to them. Amounts of additional payments in cash, paid pensions and social pensions depend on the degree of the disability of a person and the disability group established. The right of persons with disabilities to receive state social insurance disability pensions is regulated by the *Law on State Social Insurance Pensions of the Republic of Lithuania* of 1994. Provisions of this law are rarely applied to persons with intellectual disability as the disability pensions according to the procedure set by this law are paid to persons who were employed, are employed or have a respective record of service.

The average annual number of state social insurance disability pensioners in 2001 was 181,1 thousand Lit (52,446 EUR), whereas an average monthly disability pension for one pensioner amounted to 277,70 Lit (80,40 EUR). Compared to 1995 when this pension equalled 139,30 Lit (40,30 EUR), it grew by two times. In general in 2000 a total of 591,411,9 thousand Lit

(171,304,6 thousand EUR) was allocated from the budget of the State Social Insurance Fund to the payment of disability pensions.

Social (assistance) pensions are provided to persons with disabilities who do not work and have no record of service, the payment of which is regulated by the *Law on Social (Assistance) Pensions of the Republic of Lithuania* adopted in 1994. The following persons are granted the right to receive social (assistance) pensions: children with disabilities; persons with Disability Group I, II and III who are disabled from childhood and persons who became disabled before reaching the age of 18; parents (foster parents), guardians and custodians nursing at home children (foster children) with disabilities; persons with Disability Group II who are disabled from childhood or who became disabled before reaching the age of 18 and other persons specified in the law.

Amounts of social (assistance) pensions paid to persons with disabilities depend on their Disability Group. Respectively persons with Disability Group I are given a social pension of 220,50 Lit (36,90 EUR), persons with Disability Group II – 147 Lit (42,60 EUR), and persons with Disability Group III – 73,50 Lit (20,80 EUR). Persons nursing disabled people at home are paid a social pension of 147 Lit (42,57 EUR) for the care of every person with disabilities. Care and welfare institutions of local governments pay these pensions from the funds of the state budget. A total of 78 478,4 thousand Lit (22,731,5 thousand EUR) was allocated to these pensions in 2000. In total in 2001 212 881 persons with disabilities received disability pensions, including 183,504 adults with disabilities, 13,797 children under 16 years of age and 15,580 children over 16 years of age, recognised as disabled from childhood.

*The Law on Social Integration of Persons with Disabilities* separately establishes social pension of an amount of 147 Lit (42,60 EUR) paid from the state budget to the most severe form of Disability Group I – persons with full disability.

Other measures of financial assistance to persons with disabilities are applied in accordance with the general privilege system when usually not the disability of a person is compensated by privileges but the needs characteristic of all people who receive low income are satisfied. Expenses on heating and other utilities are compensated

for families with low income according to the procedure set by law. Persons with disabilities who do not receive any pensions or families raising children with disabilities fall within this group. Taking into account the established Disability Group, other privileges of medicine and treatment compensation, special devices, transport expenses and other privileges, compensations and lump sums are provided to persons with disabilities (including persons with intellectual disability). State expenses on the named assistance are not high because 82.9 percent of the funds allocated to privileges (payments) provided to persons with disabilities are made up by the funds allocated for ensuring the guarantees of their economic condition (5132,40 Litās – 1486,60 EUR – on average per person with disability in 2000).

The system of pensions, social pensions and privileges is directly related to the establishment of disability. As the medical factor is involved in the process of establishing the disability, the amount of the pensions and the right to any other economic assistance depend on the Disability Group (according to certain diseases). Meanwhile the retained ability to work and the vocational factor are evaluated to a minimum. Often, when establishing the Disability Group, it is indicated that the person is incapable of working. Thus, he loses the chance to work and earn additional funds for living. Moreover, having been indicated as a person incapable to work, he cannot register

at the labour exchange. He receives its services related to vocational training and requalification, as well as unemployment benefit.

As compared to the minimum salary – 430 Litās (124,50 EUR) approved by the Government of the Republic of Lithuania, which is guaranteed to every employed resident of Lithuania, social insurance disability and social pensions paid according to the disability group to persons with disabilities are not sufficient to ensure the normal or at least minimum living standard of these persons. Moreover, all interviewed parents and guardians of persons with intellectual disability pointed out that income received from the social insurance or state budget funds is not enough to cover additional expenses, which arise due to the intellectual disability. Due to the nursing of a person with disabilities at home (nursing home) one of the members of the family loses the possibility to work and earn income, and this loss should be compensated by the state. In the opinion of the interviewed parents (guardians) of persons with disabilities that social pensions paid to them for the nursing of persons with disabilities are insufficient. Moreover, the period of time spent by an individual when nursing the person with disabilities at nursing home is not included in the service record. That means that the said time period will not have any influence on the future amount of the state social insurance old-age pensions of parents (guardians).

## Family Life and Personal Integrity (UN Standard Rule 9)

The laws of the Republic of Lithuania do not recognise that persons with disabilities can be capable to an extent to use at least some of their rights or freedoms according to their understanding and abilities, as well as act at their own discretion.

The ability of any person to acquire rights by his own actions and establish his own duties appears when a person becomes an adult that is when he reaches the age of 18. At the age of 18, the person, according to all laws of the Republic of Lithuania, becomes fully responsible for himself, and has the same rights and responsibilities as every other adult. Article 2.10 of the Civil Code specifies exceptions from this rule when a person who, due to a mental disease or retardation, cannot understand the meaning of his actions or manage them and is therefore recognised as incapable in the manner prescribed by court. Care is assigned to the person who is recognised as incapable, i.e. an appointed guardian of the person who is recognised as incapable acts on his behalf. The law indicates that if the person who is recognised as incapable recovers, or their health improves, the court may recognise him as capable.

The spouse, parents, any person over the age of 18, a care (welfare) institution and a prosecutor all has the right to submit a request to recognise a person as incapable. The person can be recognised as incapable only according to the court ruling, which has heard a psychiatric assessment regarding the mental condition of the person. Such compulsory form of judicial investigation in cases when a person is recognised as incapable by court ruling aggravates the procedure for recognising a person as incapable. A number of parents describe this procedure as unnecessary. It humiliates the dignity of them and their children, as, according to them, “one has to prove again what has been obvious from the birth of the child”.

On the other hand, the aim of this procedure is to reduce the chance of abuse or violation of the rights of the person. If a person is recognised as being incapable

then they lose all the rights and freedoms, which are enjoyed by the rest of the population. Thus, the issue of restricting/renouncing these rights must be thoroughly regulated by laws and ensured by procedural guarantees.

According to the laws, a person who is to be recognised as incapable must take part in the court hearing. If any person requested to be recognised as incapable cannot participate in the court hearing due to his health condition, and this has been approved by the opinion of an expert, the court shall examine the case without the presence of this person. In this case there is a possibility to recognise a person as incapable without his presence. This person is granted a right to appeal against the ruling. When the ruling comes into force, the person who is recognised as incapable loses the right to appeal to the court.

The laws of the Republic of Lithuania recognise some persons as capable to a limited extent. According to the laws, the ability of a person may be limited by judicial procedure in cases of alcohol, drugs, and narcotic or toxic substances abuse. Such formulation of provisions of laws does not allow for the recognition of persons with intellectual disability or any other disability (physical and mental health) as capable to a limited extent to enable them to make use of some of their rights according to their understanding and act at their own discretion.

**States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.**

**Rule 9 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

There is no precise data on how many persons are recognised as incapable due to the mental disability in Lithuania. According to the Mental Health Centre, disability due to the mental impairment has gradually increased: from 18,937 persons in 1990 to 27,640 persons in 2001. From the latter 8,202 persons had development (intellectual) disability. Children under 16 years of age (1,573 persons) are not included in the number of individuals recognised as incapable due to mental disabilities because incapability is recognised only from the age of 18. Until they reach the age of 18, all children are recognised as incapable (till 14 years of age) or capable to a limited extent (14 – 18 years) due to their age.

In 2001 the number amounted to 5,535 adults with Disability Group I and II who according to the degree of their disability could be recognised as incapable. In 2001 according to data of the State Commission on Medical Social Expertise, a total of 457 persons (including 136

persons with Disability Group I (49 with full disability), 227 persons with Disability Group II and 94 persons with Disability Group III) were recognised as disabled due to intellectual disability. A number of interviewed parents (guardians) pointed out that their children (wards) of full disability or Disability Group I of significant retardation are recognised as incapable and they are appointed to be their guardians.

The family is the first and the main source of assistance, help and service to persons with intellectual disability. Only two persons with intellectual disability from all interviewed persons said they did not live with a family. Those who live in a family indicated that they were satisfied with the living conditions and would not like to live anywhere else. A number of interviewed persons with disabilities would like to live together with their boyfriend/girlfriend if they had one. The surveys of parents (guardians) and representatives of non-governmental organisations confirm that the majority of persons with disabilities live in families. Most of them are not yet 18 years of age to be recognised as incapable. Due to a significant degree of disability (medium or significant retardation, full disability), persons who are recognised as incapable lose all civil rights, as well as the right to vote.

Often there are cases when other people take advantage of persons with disabilities. Due to the nature of disability, persons with intellectual disability are particularly vulnerable. They often become victims of violence and crime. Cases when it is sought to recognise a person as incapable, to become his/her guardian or custodian with the aim of taking advantage of his/her property, use him/her for labour happen quite often in Lithuania. Thus, the concern of parents about the future of their disabled children after the death of parents is understandable. They are also concerned about the guarantees of insuring inheritance and use of property for the benefit of persons with disabilities.

Persons with disabilities who are victims of violence are applied the same provisions of laws, related to the rights and guarantees of the victim, as other people. *The Law on the Guaranteed State Legal Assistance of the Republic of Lithuania* adopted on 28 March 2000 provides the right of low-income and socially deprived persons to receive free legal consultations and information, as well as defence and representation in the courts. Persons with disabilities or their family members can make use of legal assistance guaranteed by this law as well, because their income usually does not exceed the amount set by the Government for receiving the assistance. However, in Lithuania it is still relatively difficult to make use of these guarantees. Persons with disabilities face special difficulties in this field, because due to their condition and disability they do not know about these rights or services they could access for help. Special programmes, which would familiarise persons with disabilities with their rights and teach them to protect themselves from violence are not yet in existence.

Following the laws of Lithuania, persons who are capable and have reached the age of 18 can not only use all rights provided by laws, but also must undertake obligations and responsibilities for all consequences related to their actions. Quite often persons with disabilities (persons with intellectual, mental, disability in particular), due to their disabilities, face criminal justice. In the case of disabled person who is not recognised as incapable who commits a crime, the same provisions of laws are applied to him/her as to other people, with the exception that in certain cases these people can be recognised by the court as legally incapable.

Article 12 of the *Criminal Code of the Republic of Lithuania* regulates the issue of legal incapacity. It stipulates that a person is considered legally incapacitated if at the time of them carrying out an act that was dangerous to society he was unable to appreciate the consequences of the criminal act or to control his behavior as a result of a chronic mental disease, temporary mental disorder, mental deficiency or other pathological conditions. The court may impose on him compulsory medical treatment measures, i.e. the court commits a person to a mental hospital.

Compulsory medical treatment is continued until the person becomes better or until he no longer represents a danger to other people. At least once every six months the court must make a determination on the basis of findings of the medical institution as to whether the application of compulsory medical treatment measures should be continued or discontinued, or whether the type

of measures should be changed. The application of the provision of this law to persons with intellectual disability causes problems because the nature of the disability itself does not determine their permanent and stable condition.

In ensuring the rights of persons with disabilities in the criminal process, the *Criminal Code of the Republic of Lithuania* specifies the necessary participation of the defender in cases related to crimes done by blind people, deaf people, mute people and other persons who due to their physical and mental disability cannot make use of the right to defend themselves. Provided that suspects, prosecutors or defendants or other persons having their approval have not invited any defence, this must be appointed by an investigator, interrogator, judge or the court. The investigator, interrogator, judge or the court is not obliged to take into account the wish of a person who, due to physical or mental disability cannot make use of the right to defend themselves, and who wants to refuse the defence put in place for them.

In carrying out the planning of the everyday activities of development, education, employment and support to families, non-governmental organisations also ensure the rights of persons with disabilities. Apart from other main problems: employment, organisation of education of the community and other social services (for example, consulting families) in the community, they also identify the need to guarantee the legal protection of persons with disabilities and their family members providing full assistance to create access to legal information, consultations and to ensure legal defence.

## Culture (UN Standard Rule 10)

Persons with intellectual disability mostly take part in closed cultural events organised by the school, education centre or any other institution they attend. Participation in general cultural events are sometimes difficult in terms of accessibility, especially for persons with significant complex disabilities.

The cultural activities of persons with disabilities have been determined in general by the country's own development and economic processes. These activities have not seen much development. The *Law on Social Integration of the Persons with Disabilities* specifies that sports, cultural, and recreational events for persons with disabilities should be organised by local governments together with public and other organisations of persons with disabilities. The support of state (local self-governments) institutions in organising cultural events for persons with disabilities is usually a financial, charitable activity. Each year cultural activities, events and projects carried out by organisations of persons with disabilities

are funded by the state budget allocated to the implementation of the National programme for the social integration of persons with disabilities.

According to the Ministry of Finance of the Republic of Lithuania, given the financial possibilities of the state budget, funds are allocated from the reserve of the government to satisfy the important needs of non-governmental organisations of persons with disabilities. For example, in 2002, a total of 30 thousand Lit (8.689,60 EUR) was allocated to the partial support of the activity of Markučiai day centre where persons with intellectual disabilities are educated. Lithuanian organisations of persons with disabilities often organise concerts, theatre festivals,

exhibitions and other events. Special organisations of persons with disabilities that develop the cultural activities of the disabled persons (for example the Lithuanian Society of Special Creation "Guboja") are also in place.

**States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.**

**Rule 10 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

A number of parents of persons with intellectual disability say that their children take part in cultural activities, which are organised in schools, education centres, and in different events of various public organisations. However, the latter are usually closed events, intended for persons attending a

certain centre or institution. Often the participation of children or adults with intellectual disability in different cultural events is limited by the lack of time and availability of their parents (guardians). Persons with significant complex disabilities are faced with special circumstances, e.g. the physical environment is not adapted to their needs.

In certain municipalities there is very poor provision where no community cultural activities (music, literature, theatre, painting, sculpture, crafts) took place due to the lack of funds. In implementing the *Action Plan of the Lithuanian Year of Persons with Disabilities* approved by the Resolution of the Government in 2003 it is intended to allocate 80 thousand Lit (23.172,30 EUR) to cultural programmes of 2003. These funds are intended to be used together with the organisations of persons with disabilities in organising different concerts, exhibitions which would be accessible not only to urban residents but also to rural residents. Some funds will also be allocated to the publication of the creative works of persons with disabilities.

## Recreation and Sports (UN Standard Rule 11)

Sports and recreation events such as social rehabilitation camps for persons with disabilities are organized mostly by special NGOs and often intended for persons with certain disabilities. Therefore, there is a lack of both, general sports and recreation events for persons with various disabilities and the participation of persons with disabilities in general sports event together with other society members.

Sport is one of the most important parts of the process of integration and rehabilitation of persons with disabilities. Sports surveys from European countries show that as little as 3 percent of persons with disabilities take part in sports activities. They have fewer possibilities to do sports and very rarely take up any kind of sporting activity. However, the same rights as to other members of the society to exercise sports must be ensured to persons with disabilities. Sports activities of persons with disabilities are various: sport to improve health (due to medical reasons or health condition), recreation sports (for pleasure), regular participation in the organised sports activity (level of clubs) and high-level sports for the sportsmen/sportswomen of professional ability (representation level).

**States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.**

**Rule 11 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The *Law on Social Integration of Persons with Disabilities and the Law on Physical Culture and Sport of the Republic of Lithuania* (Official Gazette, 1996, No. 9-215) stipulate that local government institutions are obliged to create conditions for the development of the physical culture and sport of persons with disabilities in municipalities. Each year a respective share of funds allocated to the National Programme for the Social Integration of Persons with Disabilities is planned to finance the organisation of sport and recreation activities of persons with disabilities.

Local governments allocate on average about 0.53 percent of the funds of the gross budget of physical culture and sport of the town or district to the sport of persons with disabilities in municipalities (where sport clubs of persons with disabilities are established), whereas the minimum need is 4 percent. Financial possibilities to satisfy the most important needs of non-governmental organisations of persons with disabilities are taken out of the state budget and allocated from the reserve of the Government. For example, in 2002 a total of 42.000 Lit (12.165,45 EUR) was allocated to the Federation of the Sports of Persons with Disabilities of Lithuania to

acquire basketball wheelchairs for persons with disabilities. Another 25,000 Litai (7,241,30 EUR) were used to support persons with disabilities who participated in the rally "Around Lithuania – 2002".

There are about 40 sport clubs for persons with disabilities in Lithuania comprising over 4300 members. According to data from the Paralympic Committee of Lithuania, approximately 2600 persons with disabilities take part in some form of organised sporting activity, that is 1.2 percent of all persons with disabilities. The federation of the sport of the blind, the disabled and the deaf of Lithuania and the Special Olympic Committee of Lithuania practice 20 branches of sports organising more than 60 different sports events for persons with disabilities every year (championships, games, cups and international contests, healthiness events, etc). The Paralympic movement is developed and co-ordinated by the Paralympic Committee of Lithuania, the sports of persons with mental disabilities – by the Special Olympic Committee of Lithuania.

It is complicated to organise an active sport of persons with disabilities, because the physical environment is not adapted and there are no interested specialised organisations, which would know how to provide such services, which would take into account the special needs of these people. Recreation, education camps and active social rehabilitation camps for the persons with disabilities are organised by non-governmental organisations of persons with disabilities. However, such events are often intended for persons with certain disabilities. Therefore, there is a lack of both, general sports and recreation events

for persons with disabilities and the participation of persons with disabilities in general sports event together with other society members. According to parents and guardians of persons with intellectual disability their children often take part in the sports or recreation organisation activities in the education institution they attend. However, these activities are accessible only to children with slight or moderate intellectual disability. Children with significant or complex disabilities usually do not participate in the sports activities.

Each year Society "Viltis" organises summer recreation social – rehabilitation camp for members of the society at the seashore where volunteers usually help persons with disabilities. During the last two years summer camps were organised together with a special course, APPLE, for the improvement of the qualification of educators. In 2001 a total of 100 persons with disabilities, 90 members of their families, 63 volunteers and 25 special educators spent their holiday there. Recreation for persons with disabilities and their family members was organised also in the recreation house "Akimirka" which is specially adapted and equipped by the Society "Viltis" for special needs of persons with disabilities. 398 persons with intellectual disabilities and their family members have used these facilities. These recreation camps provide the possibility to families caring for children with intellectual disability to have a break from their normal environment at least once a year, to receive emotional and psychological support, to communicate with other families, and for persons with intellectual disabilities to acquire new life skills and learn to live in a social environment.

## Religion (UN Standard Rule 12)

Persons with intellectual disability have the possibility to participate in religious activities mainly through education institutions, NGOs or religious community initiatives. However, these activities are of temporary and not integrative character.

Article 43 of the *Constitution of the Republic of Lithuania* stipulates that the State recognises traditional Lithuanian churches and religious organisations, as well as other churches and religious organisations, provided that they have a basis in society and that their teaching and rituals do not contradict morality or the law. However, there is no State religion in Lithuania. Every person has the right to choose any religion or confession, to profess it alone or together with other persons, privately or publicly, to perform religious rites, to practise his faith and to provide instruction thereof. Parents and guardians take care of

religious and moral education of their children or foster children with disabilities according to their own faith.

*The Law on Religious Communities and Associations of the Republic of Lithuania* stipulates the right and freedom of persons to choose any religion, profess it, practise and propagate it. The law establishes that religious instruction may be provided in houses of prayer, state and other education and training institutions as well as other premises and education locations. Religion of traditional and other state-recognised religious communities and associations may be taught in state education institutions on the request of parents (guardians, care-takers).

**States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.**

**Rule 12 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

Students who are wards of the state are provided religious instruction according to the religion professed by their family or relatives. These provisions are significant for persons with intellectual disability, because many parents (guardians), as well as employees of public organisations pointed out that when studying in integrated classes of general education schools, persons with

intellectual disability take part in religious activities through education institutions which co-operate with religious communities. However, most parents said that usually their children have no chance to participate in religious activities and understand them due to the degree of their disability (significant, highly significant retardation or full disability) and due to the lack of the initiative of parents. Insufficient development of social services also limits the chance for persons with disabilities to join general activities of religious communities or associations. Religious communities and associations also undertake initiatives and organise events, special rites intended for children, persons with disabilities or other socially deprived persons. However these are only one-off, occasional events.

## Organisations of Persons with Disabilities (UN Standard Rule 18)

State (local self-government) institutions recognise the competence of non-governmental organisations and their role as social partners insufficiently.

*The Law on Public Organisations of the Republic of Lithuania* regulates the issues of establishment and activity of public organisations as well as their legal status. It stipulates that a public organisation is a voluntary association of the citizens of the Republic of Lithuania or foreigners permanently residing in the Republic of Lithuania and is formed in order to satisfy and implement the common needs and goals of members that do not contradict the Constitution and laws of the Republic of Lithuania.

**States should recognise the right of the organisations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognise the advisory role of organisations of persons with disabilities in decision-making on disability matters.**

**Rule 18 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The goal of such public organisations is to represent the needs and interests of different public groups rather than to seek profit. Article 25 of the *Law on Social Integration of Persons with Disabilities* outlines the main goals of organisations of persons with disabilities: to represent and defend rights and legitimate interests of persons with disabilities, their parents and guardians, and to integrate persons with disabilities into work and public

life. Following an international practice and the recommendations of the international community, seeking to achieve a more effective co-operation between the state governing institutions and groups representing the interests of persons with disabilities, the National Council for the Affairs of Persons with Disabilities was established in 1992 in Lithuania.

The named Council is a collegiate body accountable to the Government of the Republic of Lithuania which co-ordinates medical, vocational and social rehabilitation of persons with disabilities, as well as their integration. The Council is formed on the basis of parity from representatives of national public organisations of persons with disabilities and state institutions. Among others, the main goal of the Council is:

- to assist the Government of the Republic of Lithuania in forming social policy corresponding to the needs of persons with disabilities,
- to implement legislation regulating public relations of persons with disabilities,
- to draft and implement state programmes for rehabilitation and education of persons with disabilities and other programmes,
- to manage funds intended for the implementation of the *Law on Social Integration of Persons with Disabilities*,
- to ensure the integration of persons with disabilities into society.

According to the procedure set by the Government of the Republic of Lithuania, programmes of national

public organisations for the integration and rehabilitation of persons with disabilities are financed from the state budget of the Republic of Lithuania. According to the procedure set by the municipal councils, territorial rehabilitation programmes of organisations of persons with disabilities are financed from the municipal budgets.

In accordance with the *Law on Social Integration of Persons with Disabilities and the National Programme for the Social Integration of Persons with Disabilities* approved by the Government of the Republic of Lithuania each year funds from the state budget are planned for the implementation of this programme. The Council for the Affairs of Persons with Disabilities of Lithuania distributes them to different organisations of persons with disabilities to finance education, employment, rehabilitation, and adaptation of environment, access to information, development of independent life and other programmes as well as to formulate the social integration policy throughout the country.

As it can be seen from the finance indicators, the programme for social integration of persons with disabilities of the last three years, finance allocated to the state programme for social integration of persons with disabilities (together with investment projects) was constantly decreasing. In 2000 it equalled 28.071,06 thousand Lit (8.130,80 thousand EUR), whereas in 2002 – 21.211,00 thousand Lit (6.143,80 thousand EUR). Funds specifically intended for medical rehabilitation and social programme of persons with intellectual disability account for about 11 – 15 percent of all funds allocated to the programme for the social integration of persons with disabilities. According to the draft of the indicators of 2003 state budget presented by the Ministry of Finance, the budget of 22.873,00 thousand Lit (6.625,24 thousand EUR) is planned to be allocated in 2003 to the National Programme for Social Integration of Persons with Disabilities co-ordinated by the Council for the Affairs of the Persons with Disabilities of Lithuania.

Financing of organisations of persons with disabilities from the funds of local government institutions is a more complicated issue. This financing was not ensured or guaranteed by legislation. Therefore it depends only on the initiative of public organisations and the goodwill of local government institutions if there are spare funds in the municipal funds. Article 34 of the *Law on Income Tax of Natural Persons of the Republic of Lithuania* adopted on 2 July 2002 consolidated a new provision stipulating that every permanent resident of Lithuania will be able to allocate each year up to two percent of his/her paid income tax to support any registered non-governmental or budget organisation at the end of the tax year. This will enable members of non-governmental organisations to contribute to the financing

of their chosen non-governmental organisations; expand the potential financial sources of organisations and the possibility to carry out different activities.

The number of national public organisations of persons with disabilities of all types (the executors of the rehabilitation and integration programmes) grew from 14 in 1997 to 30 in 2002. Currently they comprise 91.300 members. Some of these organisations represent only persons with a specific disability. Others defend and represent all persons with disabilities. In 2002 the Lithuanian Disability Forum was established. It unites organisations of persons with disabilities and represents them on an international level. Currently the forum incorporates over 84.000 members.

In Lithuania interests of persons with intellectual disability, their parents, guardians and family members are represented and defended by only one national public organisation – Society “Viltis”. It currently has 54 branches on the entire territory of Lithuania and unites 11.741 members, including 4.705 persons with intellectual disability. Other members are parents, family members and guardians (6.782 members) and sponsors.

Public organisations representing persons with disabilities usually know the real needs and the situation of disabled people in society the best and can precisely evaluate what services are most needed for the persons with disabilities they represent. Therefore, in forming and carrying out the social integration policy of persons with disabilities, co-operation must be maintained with these public organisations. Their opinion must be taken into account. The six largest public organisations of persons with disabilities have their representatives in the Council for the Affairs of the Persons with Disabilities of Lithuania by the Government of the Republic of Lithuania which advises the Government of the Republic of Lithuania by assisting it in forming a social policy which corresponds to the needs of persons with disabilities.

Representatives of many public organisations have pointed out that the co-operation between their organisations and the state institutions (local self-governments in particular) is still insufficient. There is a lack of interest and initiative of state institutions in ensuring the needs and interests of persons with disabilities (persons with intellectual disabilities as well) as a separate society group. A number of interviewed parents indicated that they were members of some public organisations and received help and support from this organisation rather than from the state institutions. This support is especially necessary in raising and caring for children or family members with intellectual disability.

## Large Residential Institutions (Psychiatric Hospitals)

A system in-patient social care institution still prevails in Lithuania. Special boarding schools, in-patient care institutions and psychiatric hospitals where persons with intellectual disability are treated and which usually become their permanent residential place, are considered as large residential institutions.

The legal basis of the organisation and functioning of psychiatric hospitals consists of laws and other legislation regulating the health care system. Psychiatric hospitals like all other health care institutions have the right, in accordance with the procedure set by laws and other legislation, to provide health care services only when they have received their licence and have registered with the State Health Care Institutions Register. The Ministry of Health of the Republic of Lithuania establishes the licensing of institutions and carries out the establishment and management of the register. Apart from the laws of the country and international standards, different medical and hygienic norms, health care methodologies, etc. approved by the Ministry of Health of the Republic of Lithuania regulate the activity of these institutions.

The *Law on Mental Health care of the Republic of Lithuania* of 1995 is the most important legislation, which establishes the procedure and control of mental health care, the rights of persons making use of mental health care. In Lithuania persons with intellectual disability do not form a separate group and are often identified as having a mental disability. In-patient health care institutions intended for the treatment of these persons are called psychiatric hospitals. According to the Lithuanian Health Information Centre data, currently a total of ten psychiatric hospitals (including one psychiatric hospital intended for children) and nine psychosomatic divisions are currently functioning in Lithuania.

In-patient assistance to psychiatric patients still prevails in the country. Currently there are 3.986 beds in in-patient institutions, that is 11.5 beds per 10.000 residents. The reform of the entire health care system, including the system of mental health, which began in 1996, encouraged the establishment of mental health centres under the primary health care institutions in municipalities and the decrease in the indicators of in-patient mental care. Currently 59 mental health centres are functioning in Lithuania. They are accredited by the State to provide mental health care and social support to patients with mental health problems and other persons.

The *Law on Mental Health Care* provides for the insurance of all political, economic, social and cultural rights to mentally ill patients and non-discrimination on

the grounds of mental illness. The State must provide mentally ill persons with conditions for development, help them acquire work skills, change their qualifications, rehabilitate and return them into life in the community. This law also establishes the rights of hospitalised patients: to communicate with other persons (including other patients), have freedom of access to all means of communications, receive, in private, regular visits from their representatives and other visitors, study and expand their knowledge, take part in activities suited to their social and cultural background which are aimed at promoting rehabilitation and reintegration in the community, etc.

Set patients' rights may be restricted on the psychiatrist's decision only in the event of a real threat to the patient himself or to others and in other cases established by laws of the Republic of Lithuania. The administration of a psychiatric hospital is responsible for the implementation of the rights of its patients. Patients have the right to receive appropriate, accessible and suitable health care. The conditions of a patient's mental health care at the time of their hospitalisation must not be inferior to the treatment and nursing conditions of any person being treated.

In ensuring the rights of the patient to receive medical information related to them, the psychiatrist must inform the patient about their state of health in a comprehensible way explaining special terms, diagnosis of the disease, possible treatments, prognosis of treatment and other circumstances which can have an effect on the decision of the patient to agree to undergo treatment or to refuse the proposed treatment. The patient must also be informed about the consequences if they refuse to undergo treatment. The patient has the right to access their medical documents. No treatment shall be given to a patient without his consent (to the minor – without the consent of one of the parents or guardians), except when he is involuntary hospitalised.

A person who has a severe mental illness and refuses hospitalisation may be admitted involuntarily to the custody of the hospital only if there is real danger that by his actions he is likely to commit serious harm to his health or life or to the health or lives of others. The patient or his representative shall have the right to appeal to the

administration of the psychiatric institution, the Ministry of Health or the court against the conditions of health care. They shall have the right to be present and to be heard by the administration of the psychiatric institution, the Ministry of Health and court when the issues concerning his involuntary hospitalisation, treatment, etc. are being decided. The separate requirements and procedure for the provision of psychiatric and psychotherapy services to children, teenagers and adults, and the tariffs of payment for services are approved by orders of the Minister of Health of the Republic of Lithuania. The average treatment period (in days) of services of secondary and tertiary levels, the cost of one day at the hospital (secondary level is 63,00 Litās – 18,20 EUR), tertiary level is 78,00 Litās, – 22,50 EUR) and the basic treatment price depending on the profile of the treatment of the illness) are separately approved. Each in-patient psychiatric institution is financed in accordance with these norms depending on the profile of the hospital (the number of beds, patients accepted and treatment services provided).

Special in-patient services are provided to persons with intellectual disability in social care institutions intended for adults or children and young people with intellectual disability. At the beginning of 2002 a total of 22 social care institutions for adults with intellectual disability and four care institutions for children, as well as children and young people with intellectual disability was under the subordination of counties. Municipalities and non-governmental organisations have established three independent dwelling houses for adults with disabilities and two care institutions for children with disabilities. At the beginning of 2002 the total number of persons with intellectual disability residing in adult institutions amounted to 5,230. The number of persons living in institutions for children and young people (including those with disabilities) came to 893. The organisation and supervision of these institutions are the responsibility of the Ministry of Social Security and Labour of the Republic of Lithuania. The Requirements for In-patient Social Care Institutions and the Procedure for Sending Persons to In-patient Social Care Institutions (hereinafter referred to as the Order) were approved by the Order of the Minister of Social Security and Labour on 9 July 2002.

The Order regulates the organisation regarding the work of in-patient social care institutions, norms of the personnel, defines the services provided, the rights and duties of residents, requirements for the building of care institutions and environment, acceptance and departure from these institutions and the contingent of accommodated persons. These requirements are applied to care institutions for children, young people, adults and older people with intellectual disability and are mandatory for the in-patient social care institutions established by county governors and local governments. They are recommended to in-patient social care institutions established by non-governmental organisations, religious communities and communities.

The Order states that care institutions under the subordination of counties for children (4 – 21 years of age) – including children and young people with intellectual disability are intended for persons who due to intellectual disability cannot live at home, make use of other community services and who need constant care. Disabled children (with highly significant, significant and medium mental retardation) and persons who due to intellectual disability have Disability Group I and II are accommodated in these care institutions. Care institutions under the subordination of counties of persons with intellectual disability are intended for those adults who due to intellectual disability cannot live independently, make use of other community services and who need constant care. Persons who due to intellectual disability have Disability Group I and II are accommodated in these care institutions. They are sent to the in-patient care institution only with the recommendation of the founder if according to the type and degree of the disability, as well as age and other criteria correspond to the profile of the institution.

When accepting a capable person to the care institution, an agreement is signed between the person and the administration of care institution (a person authorised by it). The care institution must provide the newly arrived person with detailed information about its activities, services, rights of residents, responsibilities and duties, to make him/her familiarised with the rules of internal procedures. Persons are accepted into the care institutions on a voluntary basis. The resident can leave the care institution for a short period of time (up to three months per year) or for good if he is recognised as capable and willing to do so. In the event when a person leaves the institution for longer than three days, the term of departure and conditions is legalised in writing. When releasing a resident, it must be ensured that services will be ensured for him in the community, he will have proper living conditions and will be able to live independently. The resident who is recognised as incompetent or capable to a limited extent may only leave the institution permanently if they are going to live with a custodian or a guardian assigned to him by the court.

The Order provides the procedure of the removal from the care institution, when the resident consistently contravenes the rules. A special commission is formed for carrying out this procedure. The resident himself must be present when issues regarding his removal are being discussed by the commission.

The Order consolidates the provision stipulating that the residents of care institutions must be provided with housing, catering, utilities, and personal hygiene, social work, communication and consultation services. Minimum housing adaptations, catering, etc. requirements are identified. The residents have the right to address the administration of the institution regarding different issues. The procedure for filing complaints and tabling proposals, which would help solve problems arising in the institution, must be established in the care

institution. The residents must be provided with the possibility to safely keep their personal belongings and money and enjoy their privacy. To manage money and other valuables of dependent persons, the head of the institution must form a commission to ensure the fair keeping, use and accounting of money and other valuables (if the persons is recognised as capable but he cannot independently dispose the money, it is necessary to receive his/her consent). The resident has the right to become familiarised with all documents related to him/her, which are kept at the care institution.

Though over the recent decade the condition of in-patient care institutions and living conditions have greatly changed, a number of problems still prevail. Buildings and premises of care institutions of old construction usually do not meet the hygienic, building adaptation requirements and the standards of accommodating people. Premises of many in-patients care institutions and psychiatric hospitals

are overcrowded: the number of residents exceeds the set norm by 2 or 3 times. Apart from financial problems, large in-patient institutions usually provide only accommodation, and other social services are hardly implemented. Many interviewed representatives of non-governmental organisations negatively viewed the so called 'old type' care institutions which are still functioning and stated a preference to small community type houses or small care institutions intended for persons with intellectual disabilities where social skills could be developed, the independence encouraged and other social rehabilitation programmes carried out. The interviewed parents (guardians) of children with intellectual disabilities who raise their children at home, had little information (with the exception of data provided in the media) about the conditions within in-patient institutions, however they were apt to raise their children themselves or send them to such institutions, which would resemble home environment.

## Conclusions and Evaluation

Having carried out an analysis of the situation of persons with intellectual disability in Lithuania, "Viltis" together with Bundesvereinigung Lebenshilfe and Inclusion Europe can present the following main conclusions and evaluations of this report:

1. A range of legislation regulating different aspects of the life of people with disabilities has been adopted in Lithuania since 1991. This legislation has formed the basis for the human rights of people with disability. Non-governmental organizations of persons with disabilities, which by their intense activities initiated the adoption of the necessary laws and the amendment of unsuitable and inefficient legislation (or their abolishment), have substantially contributed to the creation of such a legal foundation.

When improving the legal protection of disabled people, the consolidation of their social, health, educational and other interests legal acts are adopted, state programs are created and developed. The National Program for the Social Integration of Persons with Disabilities for 2003 – 2012 adopted in 2002 described the current situation, as well as the projected state strategy seeking the insurance of equal opportunities to persons with disabilities and planned action to assist with their social integration corresponding to the international and internal policy objectives and obligations.

The announcement of the year 2003 as the Lithuanian Year of People with Disabilities also means that the State must give priority to address

problems in every aspect of the life of people with disabilities. The Action Plan of the Lithuanian Year of People with Disabilities approved in 2003 provides State action to ensure the protection of disabled people from discrimination, upholding equal rights and possibilities to make use of measures aiming at strengthening their independence, social and economic integration and participation in society. Despite laws corresponding to international standards, their provisions are often of declarative nature and difficult to implement as only a few adopted legal acts are based on specific state financed programs.

2. In the field of the provision of information to the public, the negative public attitude towards disabled people is still evident. Such attitudes have been formed over many years due to the earlier isolation of these people, impartial information about persons with intellectual disability, as well as misleading information about their supposed "danger". Non-governmental organizations of persons with disabilities actively prepare and disseminate information both, to disabled people and to the wider society. However, the principal opinion concerning disabled people as full members of society has not been formed yet in the country and state institutions.
3. In Lithuania, the disability of a person is assessed on the basis of the medical factor without taking into account the condition determined by the disability and environmental factors. Such evaluation is closely related to the receipt of

pensions and privileges. Therefore, persons with disabilities are not encouraged to make use of rehabilitation measures and work. In 2001 *the Conception on the Reform of the Determination of Disability and Social Security Measures for the Disabled* was approved by the Resolution of the Government of the Republic of Lithuania. In reforming the system, it is planned to evaluate and meet special needs which arose due to the lack of functions, activities, participation and circumstances in presenting in-depth recommendations of specialists concerning the complex rehabilitation measures applicable to a person, their continuation seeking his/her full integration into society.

4. With an increasing number of disabled persons, the need for services is constantly growing and the system of social services implemented in Lithuania is not yet sufficiently developed. The model of financing social services and the ways of organizing and providing services are ineffective. The model of education, employment, independent life, and social services has been created for persons with intellectual disability. However, it prevails in major cities and districts, but not in rural areas. There, social assistance and support services for the family raising a person with intellectual disability are not developed at all. Centres of temporary care, recreation, holiday organizing and other activity centres, which would help the family to look after a child at home and plan one's life, are not established.
5. In carrying out an education reform, more attention is devoted to the integrated education and the development of disabled people in Lithuania that is mainly carried out in mainstream schools. However, throughout the general reforming process it has become clear that programs and methodology of vocational, high and higher education are not well adapted to the disabled people. A lack of special measures, services, technology and support of specialists is to be noted. The education of adults with disabilities is not regulated.
6. The system of financial support and privileges to disabled people and their family members does not ensure a sufficient level of living, and does not properly compensate income which is lost by the family members who cannot get employed due to the care of a disabled relative. An inefficient

procedure for encouraging employment and working is implemented in the country. Unregulated payment for work of disabled people makes it difficult to realize the right of persons with intellectual disability to work and the opportunity to join the mainstream job market and compete in it. This develops the impression of disabled people as dependants.

7. A person incapable of understanding the meaning of his/her actions or managing them due to some intellectual incapacity may be recognized as incapable in accordance with court procedures and loses all rights to represent his/her own interests. A person is recognized as capable to limited extent only due to the abuse of alcohol, drugs or narcotic and toxic substances. Such formulation of the provisions of laws does not recognise persons with disabilities as having limited capacity; at the same time depriving them of the possibility to make use by his/her own understanding and capabilities of at least some rights and freedoms, as well as act at his/her own discretion.
8. Since 1998 the policy of social integration of persons with intellectual disability has developed along the same lines as a social-educational model. Therefore, the prevailing practice of in-patient social care in large care institutions does not fit to the modern concept of social care.
9. A number of non-governmental organizations of persons with disabilities fighting for their social integration are being established and function in Lithuania. So far, the state (municipal) organisations have not fully co-operated and have not recognized the competence of non-governmental organizations and disabled persons represented by them as social partners.
10. The cooperation of institutions of all fields (health care, social security and employment, education and science, communications, environment, culture, sports, etc.) is insufficient in the state sectors. Better communication between these agencies would ensure complex and continuous support to satisfy the needs and interests of persons with disabilities. The limits of functions, competencies and responsibilities of different institutions organizing social services and other support to disabled people are not precisely defined by legislation. Local self-government institutions pay too little attention to the problems of persons with disabilities.

## Recommendations

On the basis of the analysis and research on the current human rights situation of persons with intellectual disability in Lithuania and the formulated conclusions and evaluations presented in the Country Report, the authors would like to put forward some recommendations on how to combine the efforts of state institutions and non-governmental organizations, and on how to reach full integration of persons with intellectual disability at regional, national, European and international level.

1. In developing a model of a policy of social-education integration of disabled persons, the State should make a clear political decision on the decentralization of social care and health care measures while putting an end to the care of disabled people (including people with intellectual disability) in large social and health care institutions.
2. State programs providing financing means, specific actions and responsibility of different state institutions should be created to ensure and implement the laws and legal acts adopted by the State consolidating rights and interests of persons with disabilities.
3. Children, young people and adults with intellectual disability should receive support which best meets their individual needs in small institutions and community based centres. In order to establish these centres and to further their development, funds, which are currently used for the maintenance of large social care institutions, must be redistributed. Currently, services such as crisis intervention, consultations of outpatients, employment therapy, mutual support groups and rehabilitation services need to be developed.
4. In order to satisfy a gradually increasing need for social services, it is necessary to expand and standardize the infrastructure of services, by determining minimum requirements for institutions of social services, as well as the quality

of social services provided by them. To achieve this, the training and qualifications of specialists and professionals providing social services must be improved. Social support to persons with disabilities of high quality must be ensured.

5. It is recommended that integration into mainstream education services for people with disabilities must take place in mainstream schools, vocational training schools and higher education institutions. The system of providing disabled persons with compensation technology and special learning measures should be created. Social services as auxiliary measures to ensure the development process and its quality must be developed. This means that the network of specialists providing special pedagogical and psychological assistance must be extended. Transportation, translation and other services necessary for pupils who have special developmental needs must be guaranteed, especially in rural places.
6. In evaluating the person and determining his/her disability, not only medical indications should be examined. People's individual special needs and the degree to which they can overcome them should also be looked at. Possible rehabilitation measures should be evaluated by taking into account the condition of a person determined by the disability as well as social and environmental factors. Having prepared special methodologies for the establishment of the scale of the loss of the person's ability to work, it is possible to solve the problems of the disabled in a more effective way and improve the system of granting pensions and benefits to the disabled.
7. It is necessary to encourage state (local self-government) institutions to recognize the competence of non-governmental organizations, users of services – disabled persons, and to develop principles of mutual and social partnership.

# Appendixes

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# Lithuania



## **Lithuanian Welfare Society for People with Mental Disability - Viltis**

The Lithuanian Welfare Society for People with Intellectual Disability "Viltis" is a non-governmental organisation representing children, teenagers and young people with intellectual disability and their family members as well as service providers and professionals. "Viltis" was founded in November 1989. At present the organisation comprises 54 regional branches located throughout Lithuania and has more than 11 000 members. "Viltis" vision is to be the main force fighting for the universal integration of persons with intellectual disability in society by acting in their and their families' interests and protecting their rights. In seeking to realize the basic objectives to protect the rights, freedoms and dignity of persons with intellectual disability and to assist them in satisfying their social, cultural and other needs, "Viltis" created and has expanded a network of community medical, educational and occupational rehabilitation services for persons with intellectual disability to further promote their social integration into society.



## **Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung e.V.**

The federal association Lebenshilfe is the umbrella organisation of more than 130 000 persons with an intellectual disability, their parents and families, friends and professionals, being united in 540 local and regional member associations all over Germany. Lebenshilfe is fighting for welfare, equal opportunities, a non-discriminative society as well as adequate protection and support of persons with intellectual disability and their families.



## **Inclusion Europe - The European Association of Societies of Persons with Intellectual Disability and their Families**

Inclusion Europe is a non-profit organisation defending the rights and interests of people with intellectual disability, their families and their organisations at European level. Inclusion Europe is committed to fight for the human rights of people with intellectual disability in the European Union and is especially concerned with the human rights in the countries in Central and Eastern Europe.



## **Deutsche Behindertenhilfe – Aktion Mensch e.V.**

Aktion Mensch is the largest social lottery in Germany and supports with its proceeds among other activities projects in the area of disability and self-help. With a special funding programme for the creation of basic structures in Central, Eastern and South-eastern Europe, Aktion Mensch supports the co-operation between German NGOs and initiatives in that region. All initiatives have one thing in common: the joint engagement in creating human living and support structures for persons with disabilities or persons with special needs.