



Convention on the Rights of Persons with Disabilities

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Summary record of the 246th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 6 April 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Lithuania (CRPD/C/LTU/1; CRPD/C/LTU/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.*

2. **Ms. Pabedinskienė** (Lithuania), introducing her country's initial report (CRPD/C/LTU/1), said that the Government remained firmly committed to implementing the provisions of the Convention and upholding the rights of the 250,000 persons with disabilities living in Lithuania. It had launched a human-rights based model of disability assessment for children and had promoted a comprehensive evaluation of the work capability of persons with disabilities. Numerous legislative measures had also been introduced with the aim of guaranteeing the rights of children with disabilities, including the adoption of a national action plan to provide comprehensive services to families and the drafting of a child protection bill. The Government had recognized the particularly vulnerable situation facing women with disabilities and had conducted a national survey to gain a better understanding of the multiple forms of discrimination they experienced, taking into account issues such as access to education, employment, housing, and social and legal assistance. It had also included special provisions in the National Programme on Equal Opportunities for Women and Men so as to tackle the low participation rate of women with disabilities in the labour market.

3. In the area of education, significant efforts had been made to include children with disabilities in mainstream schools. The Government had recently repealed the Law on Special Education and had made provisions for children with disabilities in the Law on Education. It had also drafted an inter-institutional action plan aimed at improving the quality of specialist assistance provided by special education schools and children's socialization centres to children with disabilities and their families.

4. Regarding the employment of persons with disabilities, reforms had been undertaken in the fields of social insurance and labour relations with a view to reducing social exclusion and poverty and increasing integration in the labour market. Special measures for persons with disabilities had been incorporated into the Law on Social Enterprises, and vocational rehabilitation services had been made readily available. Reforms of provisions relating to personal legal capacity had been carried out and measures to uphold the right of persons with disabilities to live independently had been adopted.

5. With the financial assistance of the European Structural and Investment Funds, the Government had taken steps to improve the national care system and reduce the number of persons with disabilities living in institutions. However, closer inter-institutional cooperation between the social, health and education sectors and a greater understanding of the human-rights based approach to disability would be required in order to significantly increase the number of persons with disabilities living in the community. National awareness-raising activities had been undertaken in that connection, including the recent launch of a State-funded national disability campaign, conducted in partnership with organizations of persons with disabilities.

6. The Government had adopted measures to make the national transport network and public buildings more accessible, notably by incorporating the concept of universal design into the Law on Construction and by purchasing, in the context of the National Programme for the Social Integration of Persons with Disabilities, 20 specially adapted vehicles for use by NGOs working in the community. Steps had also been taken to upgrade hospital buildings and provide equal access to health-care institutions and other facilities. Further

efforts and greater financial resources would, however, be required to build an entirely barrier-free environment for persons with disabilities.

7. **Mr. Langvad** (Country Rapporteur) said that he valued the information provided by the State party and welcomed its positive approach to implementing the Convention. He expressed concern that the Convention had not yet been fully incorporated into the legal framework for disability policy and said that there did not appear to be a clear and comprehensive strategy for its implementation. More needed to be done to move away from the charity or medical approach and to adopt a human rights-based approach to disabilities. The country's legislation should be brought into line with the scope and understanding of disability under the Convention. Legislation and regulations must reflect the human rights dimension and ensure protection against discrimination on the grounds of disability. Noting that the national legislation still provided for the possibility of depriving persons with disabilities of their legal capacity, he asked what measures were planned to replace substituted decision-making regimes with supported decision-making.

8. Representatives of organizations of persons with disabilities must be fully supported and included in all decision-making on matters that affected their memberships. Further efforts needed to be made to promote universal design principles and create accessible physical, transport and communication environments. He expressed concern that the State party was not providing sufficient support to fulfil its obligations under article 19. Too many pupils with disabilities were denied access to inclusive education because of a lack of recognition and support. Among other things, there was a lack of qualified teachers, accessible schools and materials and high-quality sign language resources. Too many adults with disabilities were being medically assessed as unsuitable for unemployment; the high unemployment rate must be reduced. It was unacceptable in a modern democracy to deprive anyone of their right to vote or stand for election. There was a need for a strong coordination mechanism, with a central and influential focal point, to help the State party achieve full implementation of the Convention.

Articles 1-10

9. **Ms. Degener** asked what plans were in place to ensure that denial of reasonable accommodation in all spheres of life was defined as a form of discrimination in the State party's legislation. How did children with disabilities, especially those with intellectual and cognitive impairments and a reduced ability to express themselves vocally, take part in decisions that affected them? She would be interested to hear details of any initiatives aimed at increasing access to quality, sustainable infrastructure, especially for persons who were deaf, deaf-blind or hard of hearing.

10. **Mr. You Liang** invited the delegation to comment further on how the State party was making the shift away from the traditional medical model of disability to a human rights-based model. He would be interested to know how organizations representing persons with disabilities had been involved in developing initiatives to improve accessibility in local communities.

11. **Mr. Lovász** asked what measures were taken and what amounts were allocated by the State party to ensure the full enjoyment by children with disabilities of all rights on an equal basis with other children. What steps had been taken, and how much money had been spent, to provide early identification and intervention services? Had any measures been taken to avoid the use of derogatory language when reference was made to persons with disabilities in legislation, regulations and data collection? He wished to know whether there had been any campaigns to raise the general public's awareness of the Convention and how NGOs had been consulted during those efforts. Had the Committee's general comments been translated into Lithuanian and Lithuanian Sign Language and distributed among the relevant professionals and officials?

12. **Ms. Peláez Narváez**, noting that there were plans to carry out research on the social status of transsexuals residing in Lithuania and to implement certain activities aimed at ensuring non-discrimination on the grounds of sexual orientation, asked how the State party took into account disability when it intersected with issues of sexual orientation and gender identity. She wished to know how the representation of women with disabilities was guaranteed for example on the Council for the Affairs of the Disabled and the Commission on Equal Opportunities of Women and Men. What specific measures for women with disabilities had been included in the National Programme on Equal Opportunities for Women and Men?

13. **Ms. Quan-Chang** requested clarification of the statement in the State party report that the concept of “sexual and reproductive health” did not include the “sponsorship, promotion or advertising of termination of pregnancy, sterilization or medical treatment of persons with disabilities that could lead to discrimination based on genetic characteristics”. How had that interpretation developed, and did it have discriminatory effects in denying access to sexual and reproductive health services for persons with disabilities? She requested details of the number and outcome of complaints by persons with disabilities for disability-based discrimination and whether the law covered multiple, intersectional discrimination.

14. **Mr. Tatić**, noting that the State party was using international cooperation funding and financing from the European Structural and Investment Funds to develop services for persons with disabilities, asked what plans were in place to ensure the sustainability of those services once the external funding had come to an end. He would be interested to hear of any cases of intersectional or multiple discrimination faced by persons with disabilities who were members of ethnic or religious minorities. Were there any plans to provide training on universal design principles to professionals in fields related to the built environment, transportation and information and communication technology? What support services were available for wheelchair users at airports, in public transport to the city centre and at hotels, tourist attractions and government buildings?

15. **Mr. Kim Hyung Shik**, noting that the State party had a Law on Social Integration of Persons with Disabilities and had made repeated references to “integration”, recalled that the language of the Convention addressed “inclusion” rather than “integration”. He asked whether funding had been allocated to the National Programme for the Social Integration of Persons with Disabilities during the period of austerity, how the performance of that programme was monitored, and how organizations of persons with disabilities had been involved in its development and that of the National Anti-Discrimination Programme and the Inter-Institutional Non-Discrimination Action Plan. What official policies were in place to strengthen the work of organizations of persons with disabilities? To what extent were the principles of reasonable accommodation implemented in the Law on Equal Treatment? He asked what was being done to address the negative legacy of Soviet times and to change public attitudes towards persons with disabilities.

16. **Mr. Buntan** invited the delegation to comment on the level of government commitment to promoting participation by persons with disabilities and their representative organizations in the formulation, implementation and monitoring of legislation and policy. Financial support to those organizations had decreased following ratification of the Convention, partly due to austerity measures. In theory, all public websites had been adjusted to be accessible to persons with disabilities. However, not all were fully accessible, especially for persons who were blind or visually impaired. Was there a lack of technical expertise to ensure accessibility? He asked whether there were any measures in place to deal with the lack of accessibility of private websites. Were any innovative arrangements in the area of direct participatory democracy accessible to all persons with disabilities?

17. **Mr. Parra Dussan** invited the delegation to comment on the State party's progress in transitioning to a social model of disability from the medical model, which apparently remained prevalent. Was discrimination on the grounds of disability a criminal offence under anti-discrimination legislation?

18. **Mr. Pyaneandee** asked whether there had been any judicial pronouncement elevating the Convention to constitutional status. He would be grateful for information on the legal remedies available to persons with disabilities who faced discrimination, such as children with autism who were denied access to inclusive education. What support was provided for them by the State, and at what cost?

19. **Mr. Langvad** invited the delegation to comment on the State party's understanding of the concept of disability and how it was applied. He would be interested to hear examples of actions taken to ensure that persons with disabilities had not been disproportionately affected as a result of the financial crisis. The delegation should provide information on initiatives to protect children against sexual abuse or corporal punishment in all settings.

20. **The Chair** asked what steps had been taken in response to the 2013 recommendation issued by the Committee on the Rights of the Child on the adoption of measures to prevent discrimination against children in marginalized and disadvantaged situations, including children with disabilities, as part of its concluding observations (CRC/C/LTU/CO/3-4).

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

21. **Ms. Čaplikienė** (Lithuania) said that the concept of disability was defined in the Law on Social Integration of Persons with Disabilities and that the definition was in line with that set out in the Convention. The law had introduced a new model for assessing levels of disability, which had been adapted over time to take account of international standards in that area. In the case of children with disabilities, their ability to participate in society and public life, as well as their state of health, was assessed. In an effort to promote the social inclusion of persons with disabilities, the Government planned to modify its approach to assessing the ability of those persons to work and to abolish the rating system currently used for that purpose.

22. The principles of equality and non-discrimination were enshrined in the Law on Equal Treatment, the implementation of which was guided by the Inter-Institutional Non-Discrimination Action Plan. The Office of the Equal Opportunities Ombudsman was responsible for involving NGOs in discussions and activities related to equal opportunities. The Equal Opportunities Ombudsman handled complaints concerning discrimination. Only a small proportion of the complaints received in 2015 concerned discrimination on grounds of disability, and the majority of those complaints had been lodged by women with disabilities who had suffered multiple forms of discrimination, particularly in the workplace. The action plan included measures to safeguard the rights of the lesbian, gay, bisexual and transgender community. The Government planned to take part in a project run by the European Union aimed at increasing the participation of lesbian, gay, bisexual and transgender persons, including those with disabilities, in public life. The action plan also provided for awareness-raising activities, including seminars aimed at eradicating stereotypes of persons with disabilities in the media.

23. **Ms. Milašiūtė** (Lithuania) said that under Lithuanian criminal law, the disability of a victim was considered an aggravating circumstance when crimes were prosecuted. However, the Criminal Code did not expressly include disability-based discrimination as grounds for prosecution of acts of discrimination. Amendments were currently being drafted to address that inconsistency. Once adopted, they would ensure that acts of discrimination on grounds of disability could be punished without restriction.

24. **Ms. Kandravičienė** (Lithuania) said that the Office of the Equal Opportunities Ombudsman was the independent mechanism responsible for the implementation of the Convention. The Council for the Affairs of the Disabled represented the interests of persons with disabilities and their organizations, monitored the implementation of the Convention and put forward proposals that would help achieve implementation. Municipal authorities and NGOs assisted organizations of persons with disabilities in conducting awareness-raising activities and providing social rehabilitation services. NGOs also provided input into the work of the commissions responsible for overseeing the adaptation of buildings at the municipal and central levels.

25. **Ms. Urbonaitienė** (Lithuania) said that a new law on NGOs had come into force in 2014. The law provided that NGOs must be included in any decision-making processes concerning their fields of activity. A council composed of representatives of both NGOs and State and municipal bodies had been created under the auspices of the Ministry of Social Security and Labour to meet that requirement.

26. **Ms. Žukauskaitė** (Lithuania) said that the Ministry of Education and Science had launched a new initiative aimed at improving the teaching and support provided to children with disabilities at primary schools and that the initiative had thus far yielded positive results.

27. **Ms. Pabedinskienė** (Lithuania) said that the funding allocated to NGOs, which had been cut during the financial crisis, had significantly increased over the previous two years.

28. **Ms. Meškauskienė** (Lithuania) said that the Law on Social Integration of Persons with Disabilities required new and renovated buildings to be accessible and adapted. Persons with disabilities played a role in assessing whether completed buildings met their needs in terms of accessibility. The Government was in the process of devising a national architectural strategy that would be centred around the principles of universal design. It had initiated a dialogue with NGOs on the procedure for adapting existing public buildings.

29. **Mr. Šniuolis** (Lithuania) said that a number of steps had been taken to make airports in Lithuania more accessible. Dedicated parking spaces that were specially marked and located close to terminal buildings and airport exits had been reserved, and information to help persons with disabilities navigate airport buildings was now available in Braille and audio format. Airport buildings had been fitted with toilet facilities that were accessible to persons with disabilities, and the buses travelling to and from airports were accessible. In 2015, the Ministry of Transport and Communications had adopted a guide for the improvement of public transport services for persons with disabilities. In cities, buses had been fitted with loudspeakers to notify passengers of their arrival and departure and their route numbers. The Information Society Development Committee was responsible for adapting websites to the needs of persons with disabilities. Following a review, the websites of many public institutions had been overhauled to ensure accessibility and ease of use.

30. **Ms. Kandravičienė** (Lithuania) said that the Ministry of Social Security and Labour had taken a number of steps to ensure that new buildings were adapted to the needs of persons with disabilities, including activities to raise the awareness of builders and designers of the need to comply with accessibility requirements. Persons with disabilities also had the opportunity to provide input into construction and renovation projects. Training on the principles of universal design had been provided to design specialists and municipal representatives.

31. **Ms. Toleikienė** (Lithuania) said that all municipal projects involving the construction of social residences were underpinned by the principles of universal design and that funds could be allocated to such projects to assist designers and builders in applying those principles. Persons with disabilities and their families could apply for social assistance through their local municipal authority, which then assessed their eligibility for

such assistance, including through means testing. Many more social services, including day centres, were available to persons with disabilities than ever before, and the corresponding infrastructure was sustainable. It would remain even if support from the European Social and Investment Funds declined. Persons with disabilities could also avail themselves of in-house support services.

32. **Mr. Šniulis** (Lithuania) said that the Government, with the assistance of organizations of persons with disabilities, had devised a plan to promote sustainable mobility in Lithuanian cities. Under the plan, municipal authorities and NGOs had received training intended to improve their understanding and awareness of the needs of persons with disabilities in the public transport system.

33. **Ms. Meškauskienė** (Lithuania) said that the principles of universal design were already being taught to students of design and architecture at universities and higher education establishments. Construction and renovation projects that did not comply with those principles could not go ahead under any circumstances.

34. **Ms. Zinkevičiūtė** (Lithuania) said that, to her knowledge, the Ministry of Health had never received any complaints of discrimination against persons with disabilities in relation to the provision of sexual and reproductive health services. The Ministry was aware of the need to build trust between persons with disabilities and their treating physicians and to act upon the former's concerns and complaints. Doctors and other medical personnel were given training on how to provide persons with disabilities with appropriate care. All persons with disabilities were provided with consultations on their sexual and reproductive health, and all consultations were documented for future reference. Any wishes expressed during the consultations were taken into account. All reproductive health facilities were adapted to their needs. Their right to privacy and respect and to make their own decisions regarding their sexual and reproductive health was respected. The doctors and other medical personnel at reproductive health facilities also consulted the guardians of persons with disabilities on issues relating to their sexual and reproductive health, and information was made available in a number of formats and was constantly updated.

35. **Ms. Toleikienė** (Lithuania), describing the various preventive health-care programmes implemented by the Government, said that all persons with disabilities were provided with information on sexual and reproductive health and that all couples, both married and unmarried, had the right to choose whether they wished to start a family.

36. **Ms. Žukauskaitė** (Lithuania) said that it was compulsory for all schools to have a health development programme, although it was for the schools to decide whether to incorporate it into the curriculum or to teach it more informally.

37. **Ms. Urbonaitienė** (Lithuania) said that a child welfare council comprising representatives of NGOs and organizations representing children was working to facilitate participation by all children in decision-making and policy formulation and to ensure that their opinions could be heard. The amended Law on the Fundamentals of the Protection of the Rights of the Child defined forms of violence and discrimination against children with disabilities and contained provisions to prevent convicted perpetrators of sexual abuse from working with children. A new centre for children victims of violence was soon to be opened. It would provide support and a safe environment in which pretrial testimony could be given and medical examinations could be conducted. It would make it possible for children to testify in court proceedings via video link.

38. **Ms. Žukauskaitė** (Lithuania) said that, while all schools had measures in place to aid children's participation in the decision-making process, improvements could be made to ensure that children's concerns were consistently taken into account. The schools had child welfare commissions that were tasked with ensuring high-quality, accessible education and also included children in their decision-making processes. As to bullying and violence in

schools, there was a range of prevention programmes available, which schools could implement according to their needs. A large proportion of schools had already launched anti-bullying projects, and a mechanism was being developed to roll out accredited programmes at the remaining schools. While inclusive education was compulsory in schools, if the required specialist support was not available, then a child could temporarily be placed in a segregated school. If the issue remained unresolved, the parents could file a complaint with the municipality and, if necessary, take their case to the courts.

39. **Ms. Kandratavičienė** (Lithuania) said that activities to defend the legal interests of children with disabilities and their families often were carried out within the framework of the social rehabilitation services, which also provided additional support to organizations of persons with disabilities and organized sporting and cultural activities. Such activities were required to be accessible and open to children of all ages. Organizations of persons with disabilities also conducted similar activities.

40. **Ms. Toleikienė** (Lithuania) said that a range of State benefits and allowances were available to assist children in marginalized and disadvantaged situations, which included children with disabilities, Roma children and children living in poverty. Such assistance was not contingent upon the children's belonging to an ethnic minority or the presence of a disability. All children of schooling age who were living in poverty were entitled to receive additional assistance in the form of free school meals and grants to buy learning tools.

41. **Ms. Pabedinskienė** (Lithuania) said that, while it was difficult to change societal attitudes, concerted efforts were being made to update information and raise public awareness about disabilities.

Articles 11-20

42. **Mr. Buntan** said that it was unclear whether the new law on NGOs ensured that persons with disabilities and their representative organizations were involved in shaping the laws and policies that affected them. The current legislation on website accessibility apparently did not cover private companies providing information to the public. Lastly, in the light of the Sendai Framework for Disaster Risk Reduction adopted in 2015, he asked what measures had been taken to ensure that any disaster reduction programmes, plans and activities were truly inclusive and accessible for persons with disabilities.

43. **Mr. Basharu** said that the needs of persons with disabilities in situations of risk and humanitarian emergencies were not to be conflated with those of non-disabled persons. He therefore wished to know what effective measures had been put in place to provide the relevant information in Braille and audio formats to blind, deaf and blind-deaf persons. He would also welcome information on the accessibility of court buildings, police stations and other such public premises, especially for wheelchair users, and the measures taken to provide information to blind and deaf persons in accessible formats, including sign language.

44. **Mr. Tatić** asked why the number of complaints of disability-based discrimination was so low. There might be a need for further awareness-raising among persons with disabilities and the judiciary. Was reasonable accommodation provided so as to enable such complaints to be filed? He would welcome specific information on the funding allocated to the development of community-based support services compared with institution-based services. How did the Government ensure that European Union Structural and Investment Funds were used solely to promote independent living and support local communities? What contingencies was the Government making to ensure the long-term sustainability of community-based services once such funding sources were depleted? Could the delegation provide information on the provision, training and monitoring of personal assistants for persons with disabilities?

45. **Ms. Quan-Chang** noted that the deprivation of liberty of persons with disabilities, particularly those with psychosocial or intellectual disabilities, was still permitted in the State party, and asked whether new laws or other measures were envisaged to put an end to that practice. She noted with concern that some countries in the region had used European Union funding to refurbish institutions rather than for the deinstitutionalization of persons with disabilities. Information on precisely how those funds were being used in Lithuania would therefore be appreciated.

46. **Ms. Degener** said that, despite the introduction of the new Civil Code in January 2016, she had received reports that it was still possible for persons with disabilities to be placed under guardianship. She wished to know whether there were plans to amend the law on guardianship to bring it into line with article 12 of the Convention. Under what circumstances could a court authorize medical or surgical interventions for persons with disabilities who were subject to guardianship arrangements?

47. **Ms. Kingston** said that the Committee was concerned about reports of cases of the sexual exploitation of children in care institutions; the trafficking and sale of women and children with disabilities for the purposes of sexual exploitation, including via cyber trafficking; and the use of corporal punishment at institutions and segregated schools. She would like to hear about any protection and reporting mechanisms in place, particularly for institutionalized children with disabilities.

48. **Mr. You Liang** said that he would welcome information on the concrete steps taken in the State party to accommodate the needs of persons with disabilities, particularly deaf, deaf-blind or hard-of-hearing persons, in national and local disaster response mechanisms. He also wished to know what was being done to address the flaws identified in the accessibility of the GPIS 112 emergency services application.

49. **Mr. Pyaneandee** asked what mechanisms were in place to ensure that persons with disabilities, particularly children with disabilities who had been unable to gain entry to mainstream education, could obtain swift remedies when their rights had been violated. He also asked what support or legal assistance was provided to children and persons with disabilities; what kind of specific training was envisaged for members of the judiciary and prison service staff; and whether there were any plans in the pipeline to promote the participation of persons with disabilities in the legal professions and as jurors.

50. **Mr. Langvad** asked what had been done to ensure that incidents of violence and the unwarranted use of restriction of freedom of movement as a form of punishment, including isolation, did not occur at social care institutions and psychiatric hospitals. What support mechanisms, independent living schemes and individualized personal and financial assistance programmes were available so that persons with disabilities had the opportunity to choose their place of residence and where and with whom they lived on an equal basis with others? Information should also be provided on measures to facilitate the establishment of an independent residential social care system, as well as details of how it was to be funded.

51. **The Chair** asked what action had been taken to implement the recommendations contained in the concluding observations issued in 2014 by the Committee on the Elimination of Discrimination against Women (CEDAW/C/LTU/CO/5) to take measures to end the practices of forced sterilizations and abortions. How many investigations into such offences had been carried out, and how many perpetrators had been punished? She noted that Lithuania had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. Had a national preventive mechanism been established in accordance with the Optional Protocol and, if so, how did it operate? What powers did it have to act in the event of human rights violations, and how did it deal with complaints? Lastly, she asked how the criminal justice system dealt with

persons with intellectual or psychosocial disabilities who were declared unfit for trial, what safeguards were in place for such persons and for how long they were applicable.

The meeting rose at 6 p.m.