



MENTAL
HEALTH
PERSPECTIVES

ALTERNATIVE REPORT

Submitted by the Human Rights Monitoring Institute and Mental Health Perspectives

to the UN CRPD 17th Pre-sessional Working Group

on the occasion of the review of Lithuania's combined second and third report under the UN Convention on the Rights of People with Disabilities

Authors: Mėta Aduvavičiūtė, Ugnė Grigaitė, Karilė Levickaitė

FEBRUARY 2023

I. Introduction

1. Human Rights Monitoring Institute (HRMI) together with NGO Mental Health Perspectives (PSP) respectfully submits written comments to the UN CRPD 17th Pre-sessional Working Group on the occasion of the review of Lithuania's second and third combined reports under the UN Convention on the Rights of People with Disabilities.
2. HRMI is non-governmental, non-profit Lithuania-based human rights organisation. Since its establishment in 2003, HRMI has been advocating for full compliance of national laws and policies with international human rights obligations and working to ensure that rights are effective in practice. HRMI conducts research, monitoring, evidence-based advocacy and awareness raising in various human rights areas, including the rights of people with disabilities.
3. PSP is a non-governmental, non-profit organisation established in the year 2000, working in the fields of mental health, disability, and human rights. PSP has successfully implemented more than 60 national and international projects. PSP conducts research and analyses, carries out trainings, runs advocacy campaigns and monitors human rights, participates in policy making and educating the public about mental health and disability from a biopsychosocial, person-centred, and human rights-based perspective.
4. This report is structured in the following way: 1) analysis and recommendations for the Law on the Fundamentals of Protection of the Rights of Person with Disability; 2) equality and non-discrimination; 3) accessibility; 4) equality before the law and legal capacity; 5) the right to liberty and security of the person; 6) the right to freedom from violence; 7) independent living and inclusion in the community; 8) inclusive education; 9) work and employment; 10) monitoring of the implementation of the Convention.

II. Comments on the Law on the Fundamentals of Protection of the Rights of Person with Disability of the Republic of Lithuania

5. On the 20th December 2022, the Parliament of the Republic of Lithuania adopted the Law on the Fundamentals of Protection of the Rights of Person with Disability which will come into force on the 1st of January 2024.¹ The Law aims to implement a reform in the area of the rights of people with disabilities with a more individualized, human rights based and support oriented approach. It enshrines some of the Convention rights, includes measures aimed at physical and informational accessibility, independent living, inclusive education, employment support measures and individualized integrated support. However, certain

¹ Republic of Lithuania, Law on the Amendment of the Law on Social Integration of People with Disabilities No. XIV-1722, 20 December 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b891853285db11edbdcebd68a7a0df7e?positionInSearchResults=1&searchModelUUID=3065a531-0beb-4439-8395-5f765012f077>

aspects of the new law, in our view, are not entirely aligned with the provisions of the Convention and could be improved.

Definitions

6. The Law defines a person with disability as a person to whom, under the procedure provided for by the Law, a disability level or participation level of 55 percent or less is established. Such definition is based mostly on the bio-medical and individual model of disability, which is too narrow, and this definition is dependent on the official recognition of the status of a person with disability which is to be granted by relevant institutions. The guiding definition provided for by the Convention is much broader and is based on a factual situation and disability as a social construct, that is, the interaction of certain long-term impairments with physical, informational, attitudinal, environmental or other barriers, that might hinder a person's full and effective participation in the society on an equal basis with others.
7. The Law also defines the concept of disability as a long-term functional disorder of a person's organism (the characteristics with which a person has been born or has acquired), which, because of environmental factors, hinders the person from full and effective participation in the society equally with others. Such definition of disability is still too medically focused and includes the word "disorder" which does not comply with the human rights-based approach of the Convention and the 2016 Committee's recommendations to the State Party.
8. In its 2016 Concluding Observations for Lithuania, the Committee recommended to amend the legal definition of disability in accordance with the criteria and principles provided in articles 1 to 3 of the Convention; it also expressed concern at the frequent use of derogatory language such as, *inter alia*, "disorder" when referring to people with disabilities, and recommended to "ensure that all existing and new laws and regulations, and the definitions used therein, comply with the human rights-based model of disability, in accordance with the Convention."
9. Taking the above into account, HRMI and PSP would like to propose to the Committee to recommend to the State Party:

To abolish the narrow definition of a person with disability as well as the medically oriented definition of disability in the Law on the Fundamentals of Protection of the Rights of Person with Disability and provide for the definitions that are compliant with the provisions of the Convention and the 2016 Committee's Concluding Observations.

Scope of the law

10. Article 1(2) of the Law provides for a list of subjects who are included into the remit of the application of this law. It does not, however, include asylum seekers, foreigners with a temporary leave of residence or foreigners without a legal status or leave of residence. The

rights and guarantees for persons with disabilities provided for in the Convention, as has been clarified by the Committee in its General Comment No. 6, are applicable to all persons with disabilities in a given jurisdiction. According to the Committee, the recognition that all persons with disabilities are equal under the law means that there should be no laws that allow for specific denial, restriction or limitation of the rights of persons with disabilities [...]. The principle of equality before the law and non-discrimination on all grounds, according to the Committee, means that all possible grounds of discrimination and their intersections must be taken into account, whereas possible grounds, *inter alia*, include migrant, refugee or asylum status. It is also important to note that the purpose of the Law is to ensure the protection and implementation of the rights of a person with disability; Art. 3 point 2 enshrines the principle of equality before the law, whereas Art. 3 point 3 prohibits any form of discrimination of people with disabilities. Taking the above into account, we respectfully propose to the Committee to recommend to the State Party:

Not to restrict the whole scope of the law in such a way, which completely excludes from its application entire categories of persons with disabilities that are in the State Party's jurisdiction as such complete exclusion would contradict the Convention as well as the principles of equality and prohibition of any form of discrimination of people with disabilities.

The principle of reasonable accommodation and its implementation

11. Art. 3 point 11 of the Law establishes the principle of reasonable accommodation, defined as appropriate changes and adjustment because of which a disproportionate or unfounded burden is not experienced, and which are necessary in a specific case to ensure people with disabilities the opportunity to enjoy all human rights and fundamental freedoms equally with other persons or an opportunity to implement these rights and freedoms. The establishment of this principle in the law is commendable, however, we would like to note, that the law itself does not contain any provisions related to the implementation of this principle and relevant rights and obligations for the subjects of this law. It is important to note, that, under the current national regulation, the obligation of reasonable accommodation is applicable only to employers; it does not extend to social services, education, health, the justice system, and other sectors. Furthermore, the laws as well as the Law under discussion does not provide that the lack of provision of reasonable accommodations is a form of discrimination. Without providing for the rights and obligations related with this principle in the Law, this principle might remain only declarative in nature, therefore, taking into account the 2016 Committee's Concluding Observations, we respectfully propose to the Committee to reiterate the recommendation to take all the legislative, juridical and administrative measures necessary to:

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

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

In line with the Committee’s recommendations, we propose that the above obligations be enshrined in the Law on the Fundamentals of Protection of the Rights of Person with Disability and Law on Equal Opportunities, including the necessary amendments to other relevant legislation and policies.

III. Equality and non-discrimination

12. According to the Equal Opportunities Ombudsperson’s activity report, in 2021, 44 investigations were carried out regarding potential discrimination on the ground of disability.² 294 persons received phone consultations from the Office concerning potential rights’ restrictions on this same ground. The Ombudsperson notes that complaints and consultations on the potential discrimination because of disability were the most frequent in the reported year compared with the other common grounds (age and gender). People most often complained regarding the restriction of their rights in the consumer sector, lack of reasonable accommodation by providers of services or sellers of products for persons with visual impairments or psychosocial disability, lack of physical accessibility, limited opportunities to acquire education, as well as discrimination whilst seeking employment.³
13. In November 2020, the Department on the Affairs of People with Disabilities commissioned a public opinion survey on discrimination of social groups, which revealed that, according to the public opinion, the most discriminated social groups in Lithuania are people with intellectual and/or psychosocial disabilities (average of 6,1 on the scale of 1 to 10, where 1 is “the least discriminated” and 10 – “the most discriminated”) and people with physical disability (average of 5,57).⁴ The survey also showed that, according to the public opinion, people with disabilities are most frequently discriminated against in the labour market (81 percent) and public spaces (49 percent). 27 percent of the respondents would not want to work with a person with an intellectual and/or psychosocial disability, whilst 24 percent would not want their child to study in the same class with a child with an intellectual and/or psychosocial disability.

² Republic of Lithuania, Equal Opportunities Ombudsperson’s Annual Activity Report 2021, <https://www.lygybe.lt/data/public/uploads/2022/09/2021-metu-lgk-veiklos-ataskaita.pdf>

³ Republic of Lithuania, Equal Opportunities Ombudsperson’s Annual Activity Report 2021, <https://www.lygybe.lt/data/public/uploads/2022/09/2021-metu-lgk-veiklos-ataskaita.pdf>

⁴ Republic of Lithuania, Department for the Affairs of People with Disabilities, Survey Report, November 2020, <https://www.ndt.lt/wp-content/uploads/Ataskaita-Neigalieji-202011.pdf>

14. In 2020, the 2021-2023 Action Plan for Promotion of Non-Discrimination has been adopted by the order of the Minister of Social Affairs and Labour⁵; however, there is only one measure which separately mentions people with disabilities, that is, trainings for social workers. Apart from this measure, the plan provides for measures aimed at various grounds of discrimination regulated by the Law on Equal Opportunities, which includes the ground of disability.
15. Taking into account the above, we propose to the Committee to recommend to the State Party to:
- a) **amend relevant legislation in order to ensure that all forms of discrimination of people with disabilities are prohibited, including the lack of provisions of reasonable accommodation;**
 - b) **provide for strategic anti-discrimination policy measures to address the discrimination on the ground of disability as well discrimination of people with disabilities on all grounds, and carry out wide and regular public awareness raising campaigns to address the negative attitudes of part of the society towards people with disabilities.**

IV. Accessibility

16. Art. 9 of the Convention provides that States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas.
17. In its Concluding Observations for Lithuania in 2016, the CRPD Committee expressed concern at the limited scope of measures taken and the reportedly insufficient progress made to promote the application of universal design principles in the physical environment and in transport, especially to improve accessibility within and around private and public buildings and throughout the chain of transport, including in parking spaces, in train stations, on platforms and in intercity buses, taxis and ferries. Moreover, the Committee was also concerned at the lack of an effective and independent mechanism for monitoring the accessibility of buildings.
18. On 29th September 2020, in the “National Progress Plan 2021-2030”, the Lithuanian Government adopted objective No. 2.6 “To develop an environment suitable for persons

⁵ Republic of Lithuania, Order No. A1-1256 of the Minister of Social Security and Labour on the Approval of 2021-2023 Non-Discrimination Action Plan, 10 December 2020, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d18f32643b2a11eb8c97e01ffe050e1c/asr>

with disabilities in all areas of life”⁶. Accordingly, the Ministry of Social Security and Labour developed the “Programme for the development of the environment suitable for persons with disabilities in all areas of life”⁷. The programme envisages that the level of accessibility of the physical and informational environment for persons with disabilities will reach 50 percent by 2025, and 70 percent by 2030. Thus far, the programme indicates that the existing level of availability of physical infrastructure is approximately 30 percent, and the level of informational infrastructure and information adaptation is only around 5 percent.

Physical Accessibility

19. On 20th May 2021, amendments to the Law on Construction were adopted.⁸ It was established in Part 1 of Article 34, that for any “special buildings” (in accordance with Part 3 of Article 6 of this Law), which must be adapted to the needs of persons with disabilities, the specialised project expertise of such a structure, its design and/or construction, which is financed by the budget funds of the Republic of Lithuania and/or the European Union, is mandatory. With these amendments, the Construction Law was supplemented with Article 52 “Construction-related public interest”¹, point 7 which states that the construction-related public interest consists of “accessibility of the environment, including compliance of the environment with the needs of persons with disabilities”. Moreover, the details on ensuring the physical accessibility of buildings and structures is regulated by construction technical regulations. On 1st January 2020, the Order of the Minister of the Environment of the Republic of Lithuania of 4th November 2019 (D1-653) On the approval of the construction technical regulation STR 2.03.01:2019 “Accessibility of structures” entered into force.⁹
20. It is important to note that the Construction Law contains the definition of universal design and the requirement for buildings to adhere to the principles of universal design. However, these requirements are not clearly established in normative technical documents for construction, normative documents of the safety and purpose of buildings, and therefore, it is still needed for it to be legally enshrined in clear guidelines for implementing the

⁶ Republic of Lithuania, Government Resolution No. 998 on the Approval of 2021 National Progress Plan, 9 September 2020 <https://www.e-tar.lt/portal/lt/legalAct/d492e050f7dd11eaa12ad7c04a383ca0>

⁷ Republic of Lithuania, Ministry of Social Security and Labour, Development Programmes, <https://socmin.lrv.lt/lt/administracine-informacija/planavimo-dokumentai/pletros-programos>

⁸ Republic of Lithuania, Law No. XIV-340 on Amendment of Articles 2, 3, 8, 10, 12, 19, 22, 24, 27, 28, 33, 34, 39, 42, 46, 49, 53, Annex 1 and supplementation with Articles 27¹, 52¹ of the Law on Construction, 20 May 2021, <https://www.e-tar.lt/portal/lt/legalAct/f3ae15b0c52b11eba2bad9a0748ee64d>

⁹ Republic of Lithuania, Minister for Environment, Order No. D1-653 on the Approval of Construction technical regulation STR 2.03.01:2019 „Accessibility of buildings“, 4 November 2019, <https://www.e-tar.lt/portal/lt/legalAct/103022d0ffbe11e99681cd81dcdca52c>

principles of universal design in this field in order to avoid any uncertainties in the application of these principles.¹⁰

Accessibility of Transport

21. In 2020, a study was conducted on “Sufficiency and efficiency of transport services for persons with disabilities in Lithuania”¹¹. After evaluating the Lithuanian legal base, physical environment, various conducted research studies, and the public transport operated in the country, the authors concluded that in the field of transport accessibility, people with disabilities in Lithuania still experience direct and indirect discrimination, which not only isolates people with disabilities, but also increases their social exclusion.

Accessibility of Products and Services

22. While transposing the EU Accessibility Act¹², on 8th December 2022 a new “Law on Requirements for Accessibility of Products and Services of the Republic of Lithuania”¹³ was adopted; it will enter into force in 2025. Thus, Lithuania has transposed the directive, however, as the European Disability Forum observes, despite the strengths of the European Accessibility Act, it is regrettable that the Act does not regulate a number of important services, such as healthcare, education, transport, housing, and adaptation of household appliances, among others.¹⁴ These shortcomings also remain in the newly adopted Lithuanian law.

Informational Accessibility

23. Regarding the accessibility of information, it should be noted that in the National Plan for the Implementation of the Social Integration Program for Persons with Disabilities, most of the measures are focused only and mostly on persons with visual and/or hearing disabilities. Taking into account the measures provided in national legal acts aiming to increase the informational accessibility, it can be stated that the accessibility of information

¹⁰ Grigaitė, U., Jurevičiūtė, G. ir Laugalytė, I. “Monitoring report on the results of social integration of persons with disabilities and the implementation of the UN CRPD and its Optional Protocol in 2020”, 2021: <https://www.ndt.lt/wp-content/uploads/ZTSI-Stebešenos-Ataskaita-9.pdf>

¹¹ National institute for social integration, Study on sufficiency and effectiveness of transport services for people with disabilities in Lithuania, 2020, <http://www.ndt.lt/wp-content/uploads/Transporto-paslaugu%CC%A8-pakankamumo-ir-efektyvumo-studija.pdf>

¹² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, <https://eur-lex.europa.eu/legal-content/LT/TXT/?uri=CELEX:32019L0882>

¹³ Republic of Lithuania, Law No. XIV-1633 on Accessibility Requirements for Products and Services, 8 December 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/41fe50327d1e11edbcbcebd68a7a0df7e?positionInSearchResults=0&searchModelUID=0fb131bf-5e7a-4263-b36a-25b63af441bf>

¹⁴ European Disability Forum, “Our Analysis of The European Accessibility Act”, 7 June 2019, <http://www.edf-feph.org/newsroom/news/our-analysis-european-accessibility-act?fbclid=IwAR3egs9adVfBX1et22nyhhnjrPD9giWeMEYgoktUuadvkDcFffApkfta2zc>

is not adequately and comprehensively ensured for persons with other various types of disabilities, for example, intellectual and/or psychosocial disabilities. Therefore, it can be asserted that the measures are insufficient in relation to respective points under Article 9 of the Convention.

24. Taking all the information outlined above into consideration, we respectfully propose to the Committee to reiterate the recommendations for Lithuania to take all the legislative, juridical and administrative measures (in close collaboration with organisations representing persons with disabilities) that are necessary to:

a) practically implement a comprehensive plan of action with a clear timeframe, measurable baselines and indicators, regulations and standards to guarantee the progressive application of universal design principles to the physical environment, including in construction of accessible buildings and transport, and in all products and provision of services, in both urban and rural areas, with a view to ensuring accessibility for all persons with disabilities;

b) ensure that such a plan of action, regulations and standards encompass the physical, environmental, informational and communications aspects of accessibility for all persons with all types of disabilities;

c) ensure corresponding dissuasive sanctions, independent monitoring and enforcement mechanisms, and halt the use of European Union and any other funds for the development of inaccessible constructions, websites, and other infrastructure.

V. Legal capacity

25. Art. 12(2) of the Convention provides that State Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, whereas Article 12(3) obliges State Parties to take appropriate measures to provide access by persons with disabilities to support they may require in exercising their legal capacity. However, despite these imperative provisions of the Convention and the recommendations contained in the 2016 Committee's Concluding Observations to abolish legal incapacity and replace it with the model of supported decision making, national legal regulation still allows for complete or partial legal incapacity in certain areas for people with disabilities.

26. In 2015, the amendments to the Civil Code were passed, which replaced the complete legal incapacity with an institute of legal incapacity or limited legal capacity in a certain area or areas, which are listed by the court in its decision.¹⁵ The concept of supported decision

¹⁵ Republic of Lithuania, Law on the Amendment of the Civil Code No. XII-1556, 26 March 2015, <https://www.e-tar.lt/portal/legalAct.html?documentId=e91c2ee0df7a11e48b678a6bad30f55f>

making has been established in the Code, however, a person can enter into the contract for supported decision making only if they are legally capable or only in the area or areas in which they are legally capable.¹⁶ In 2019, other amendments to the Civil Code expanded the definition of a person whose legal capacity might be restricted by including not only mental health diagnoses, but also behavioural “disorders”.¹⁷

27. It is important to note that such regulation is not compliant with Article 12 of the Convention and the principles of respect for inherent human dignity, independence and equal recognition before the law.
28. In 2021, the courts received 1512 cases regarding a natural person’s recognition as having no legal capacity in a certain area (areas), and adjudicated 1538 such cases; 79 cases were received and 86 adjudicated on a natural person’s recognition as having limited capacity in certain area (areas). However, only 6 cases were received and 8 cases examined on the natural person’s, who has been recognised as having limited capacity, recognition as having full capacity; only 31 cases received and 27 adjudicated on the recognition of a natural person, who had legal incapacity in certain areas, as having full capacity or limited capacity.¹⁸
29. As of 10th of January 2023, there were a total of 9096 persons registered with no legal capacity in a certain area (areas) and 1513 persons with limited capacity in a certain area (areas).¹⁹ The areas where the persons have been recognised as having no or limited legal capacity include management of personal income and expenses, related with leasing, contracts for buying-selling things by instalments, contracts on loans, consumer credits, and similar; management of income and expenses related with small household contracts (buying food products, paying utility bills and similar); disposal of movable and (or) immovable property, family relations (e.g. entering into marriage, parenting rights), legal questions of inheritance, participation in economic activity, voting rights, employment rights, and others.²⁰
30. The table below shows the dynamics of the statistics from the Register of persons having no legal capacity or limited legal capacity from 2016 until 2022:²¹

¹⁶ Republic of Lithuania, Law on the Amendment of the Civil Code No. XII-1556, 26 March 2015, <https://www.e-tar.lt/portal/legalAct.html?documentId=e91c2ee0df7a11e48b678a6bad30f55f>

¹⁷ Republic of Lithuania, Law on the Amendment of Articles 1.84, 1.85, 2.10, 2.11, 2.26, 3.14, 3.210, 3.269, 3.279-1, 6.268 and 6.729 of the Civil Code No. XIII-1923, 11 January 2019, <https://www.e-tar.lt/portal/legalAct.html?documentId=e124d1701d4b11e9875cdc20105dd260>

¹⁸ National Courts Administration, statistics of court cases in 2021, <https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/statistika/106>

¹⁹ The register of persons having no legal capacity or limited legal capacity, <https://www.registrucentras.lt/p/1597>

²⁰ The register of persons having no legal capacity or limited legal capacity, <https://www.registrucentras.lt/p/1597>

²¹ The register of persons having no legal capacity or limited legal capacity, <https://www.registrucentras.lt/p/1597>

Year	2016	2017	2018	2019	2020	2021	2022
Number of persons registered with no legal capacity in certain area (areas)	262	2055	1440	1109	1218	1242	1709
Number of persons registered with limited legal capacity in certain area (areas)		251	312	243	217	223	210
Concluded and registered agreements on supported decision making		5	11	18	22	22	*

Table No. 1. Number of persons registered with no legal capacity or limited legal capacity in a certain area (areas) and concluded and registered agreements on supported decision making.

31. Given that there still exists the institute of complete or limited legal capacity, whereas supported decision making mechanism is not accessible to people in the areas in which they have been recognised as having no or limited legal capacity, we propose to the Committee to recommend to the State Party to:

- a) **entirely abolish the institute of complete legal incapacity or limited capacity in certain area (areas);**
- b) **provide for an accessible to all mechanism and practical measures of supported decision making, raise awareness of such mechanism, and monitor its implementation.**

VI. Liberty and security of person

32. On 11th January 2019, the new version of the Law on Mental Health Care was adopted²², in which the institute of involuntary hospitalization was expanded by including among other grounds the damage to property. Also, the time for applying to court was extended from 48 hours to 3 working days. For the first time the law provides for national monitoring of involuntary hospitalization cases and application of physical restraint measures during the involuntary hospitalisation.

²² Republic of Lithuania, Law on Mental Health Care No. I-1924, 6 June 1995, consolidated version from 1 January 2023, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.18311/asr>

33. Moreover, the procedure on the use of coercive measures has been developed. According to the monitoring data of the Ministry of Health, in 2020, there were 608 cases of compulsory hospitalization, and in 2021 (for the first 11 months of the year) - 504 persons accordingly. However, this data does not include cases where patients were involuntarily hospitalized for up to 3 working days without applying to the court for involuntary hospitalization, meaning, that the data provided considers only cases when court decision was obtained. Therefore, these figures do not reflect the true extent of compulsory hospitalization.
34. Expanding the conditions of compulsory hospitalization and regulating the use of coercive measures on a national level is contrary to the Convention and the 2016 recommendations of the UN Committee on the Rights of Persons with Disabilities for Lithuania.
35. In Article 98 of the Criminal Code, it is stipulated that compulsory medical measures can be applied by the court “to persons recognized by the court as not guilty or only partially guilty, as well as to persons who are mentally disturbed after the commission of a criminal act or the imposition of punishment and, as a result, they cannot understand the essence of their actions or control them”. According to the Ministry of Health, until December of 2021, 329 persons were hospitalized on this basis.
36. In September 2020, Parliamentary Ombudsperson’s Office (POO), as part of its mandate of prevention of torture and human rights monitoring, visited Skemai social care home.²³ The monitors found that in the care home, the liberty of a person with a serious disability had been unlawfully restricted by placing him in a locked room with iron bars. According to the employees of the care home, these bars were used for approximately two weeks. The report also found that the residents of the care home were being regularly locked in their rooms or placed and locked in the rooms of the, so called, intensive supervision.²⁴ A pre-trial investigation was launched into the unlawful deprivation of liberty in the care home; however, in August 2021, the investigation was discontinued on the ground that no criminal activity had been committed.²⁵
37. Another POO visit was conducted to the Aknysta social care home, where the monitors found that the residents of one of the parts of this care home were regularly locked in their

²³ Republic of Lithuania, Office of the Parliamentary Ombudspersons, Report on Human Rights Situation in Skemai Social Care Home No. 2020/1-5, 30 September 2020, https://www.lrski.lt/wp-content/uploads/2020/11/NKP-2020-1-5_2020-09-30.pdf

²⁴ Republic of Lithuania, Office of the Parliamentary Ombudspersons, Report on Human Rights Situation in Skemai Social Care Home No. 2020/1-5, 30 September 2020, https://www.lrski.lt/wp-content/uploads/2020/11/NKP-2020-1-5_2020-09-30.pdf

²⁵ Republic of Lithuania, Office of the Parliamentary Ombudspersons, Report on Human Rights Situation in Skemai Social Care Home No. 2020/1-5, 30 September 2020, https://www.lrski.lt/wp-content/uploads/2020/11/NKP-2020-1-5_2020-09-30.pdf

living quarters and could not freely move within the institution; also, there were other sections of the care home discovered, which were being locked and people could potentially leave only with the help of the staff.²⁶ The monitors also found two people locked in their rooms, who were not allowed to go outside at all, with employees claiming that instead of that, the windows of the rooms get opened as an alternative. The monitors also found that people were regularly locked in the intensive supervision rooms in inhuman and degrading conditions, without allowing them to use the outside bathroom. They were not allowed to leave the rooms for meals, therefore, had to eat and use a steel container instead of a toilet in the same room. The report concluded that the restriction of liberty of the residents of the care home was applied contrary to human rights standards, and as an unjustified and disproportionate measure.

38. In 2022, the Office of the Equal Opportunities Ombudsperson carried out an assessment and published a report on the implementation of equal opportunities of persons in migrant detention centres who have crossed the Lithuanian-Belarus border.²⁷ In the report, the Ombudsperson stressed that asylum seekers with long-term physical, mental, intellectual and (or) sensory impairments should not be detained at all; whereas, in case of detention, it is imperative to provide reasonable accommodation or amend the policies and practices of detention in such a way as to meet the individual needs of the people with disabilities.²⁸ The report also concluded that mainly more visible physical or psychosocial disabilities have been identified in the detention places, whereas the less visible disabilities might have remained unrecorded, and, therefore, the needs of these asylum seekers have not been addressed.
39. Taking into account the above restrictions and violations of the right of people with disabilities to liberty and security of person, we propose to the Committee to recommend to the State Party to:
- a) take all necessary measures to prevent unlawful deprivation of liberty of people with mental health conditions and disabilities in psychiatric hospitals and social care institutions as well as conduct full and effective investigations of instances of such deprivation of liberty;**

²⁶ Republic of Lithuania, Office of the Parliamentary Ombudspersons, Report on Human Rights Situation in Aknysta Social Care Home No. 2020/1-3, 22 September 2020, https://www.lrski.lt/wp-content/uploads/2020/11/NKP-2020-1-3_2020-09-22.pdf

²⁷ Republic of Lithuania, Office of the Equal Opportunities Ombudsperson, Report on implementation of equal opportunities of persons in detention sites, who crossed Lithuania-Belarus border, No. 21(NA)-1)-1, 30 December, 2022, https://www.lygybe.lt/data/public/uploads/2023/01/2022-12-30_nepriklausomos-stebesenos-ataskaita.pdf

²⁸ Republic of Lithuania, Office of the Equal Opportunities Ombudsperson, Report on implementation of equal opportunities of persons in detention sites, who crossed Lithuania-Belarus border, No. 21(NA)-1)-1, 30 December, 2022, https://www.lygybe.lt/data/public/uploads/2023/01/2022-12-30_nepriklausomos-stebesenos-ataskaita.pdf

- b) abstain from detaining migrants and asylum seekers with disabilities, improve the identification of disability in migration and asylum systems, and provide for reasonable accommodation of reception conditions to meet the individual needs of migrants and asylum seekers.**

VII. Freedom from violence

40. In January 2021, the Law on Support to Victims of Crime was adopted, which provides for integrated individualized support to all victims of crime.²⁹ The law does not specifically mention people with disabilities; however, it foresees that the support is provided taking into account individual needs and personal characteristics of each victim. It also provides for the principle of equality before the law, stating that each person has the right to receive support under this law irrespective of, *inter alia*, their disability or other circumstances. To implement the law, 26 support organizations have been accredited by the order of the Minister of Social Security and Labour, and informational material on the available support has been prepared by the Ministry of Justice, including an easy-to-read version as well as versions for people with visual and hearing impairments.³⁰
41. According to the information from the Ministry of Social Security and Labour, in 2022, EUR 500 000 was allocated for the 26 organisations providing generic support services to victims of crime.³¹ During January-June 2022, 1191 persons received support from these services: 762 women, 388 men, 41 children. 49 of those who received the support were persons with disabilities.
42. Despite these positive developments, the issue of awareness of the rights under this law as well as available support remains, that is, people are still relatively unaware of the free support available in case they had become victims of crime and do not always recognise that they became victims of crime. Therefore, it is important to conduct wide public awareness raising campaigns, including those aimed for people with various disabilities, of their rights in case of experiencing crime as well as the available support and ways to access it.
43. In 2022, a new edition of the Law on Protection from Domestic Violence was adopted, which will come into force on 1 July 2023.³² One of the main and most significant novelties of the law is the provision of a barring protection order which might be imposed by a police

²⁹ Republic of Lithuania, Law on Support to Victims of Crime No. XIV-169, 14 January 2021, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ce7d8910571711eba1f8b445a2cb2bc7>

³⁰ Republic of Lithuania, Ministry of Justice, 'On the European Day for Victims of Crime, the Ministry introduces an informational publication', last accessed 20 January 2022; [leaflets for people with disabilities](#).

³¹ Republic of Lithuania, Ministry of Social Security and Labour, written communication with HRMI, 14 October 2022.

³² Republic of Lithuania, Law on the Amendment of the Law on Protection from Domestic Violence No. XIV-934, 15 March 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d8457e12a5fb11ecaf79c2120caf5094>

officer for up to 15 days in cases where there is a risk of violence but not enough data to commence a pre-trial investigation. The law also provides for the principle of equality before the law, including on the ground of disability, and the principle of accessibility and individualisation, which means that protection from domestic violence and specialized integrated support are organised in a way which ensures their accessibility in the whole territory of the Republic of Lithuania, taking into account individual and special needs of persons experiencing risk of domestic violence or having experienced domestic violence, including, *inter alia*, disability. Art. 16(1) point 1 also provides that the right to provide specialized integrated support is granted to a legal person, which meets certain requirements; among the requirements is an obligation to “ensure provision of specialized integrated support in a manner appropriate to people with disabilities, irrespective of the nature of disability”.

44. Given the changes that the law brings to the area of protection from domestic violence, it is important to conduct specialist training on the implementation of the law, including with a focus on the rights and interests of people with disabilities. It is also important to implement wide awareness raising campaigns to inform the public, including people with disabilities, of their rights under this law and available free specialized integrated support as well as means of accessing it.
45. We also draw the Committee’s attention to the circumstance that official crime statistics as well as statistics on domestic violence, although includes such demographic data as age, gender or nationality, does not include any disaggregated data on disability, therefore, it is difficult to assess how many people with disabilities become victims of crime, including domestic violence, in a given year.
46. In 2017, the Criminal Code was supplemented, by including the ground of disability into the definition of hate speech.³³ The Code also provides for an aggravated circumstance for the crimes such as homicide or health impairment, motivated by hatred towards, *inter alia*, people with disabilities. However, the 2021-2022 public statistics in the official crime register does not include among the grounds the ground of disability, that is, the data is aggregated according to race, nationality, sexual orientation, beliefs and *other features*, which might or might not include disability. There are concerns expressed by NGOs that hate crimes and hate speech against people with disabilities remain unidentified and are not investigated.³⁴

³³ Republic of Lithuania, Criminal Code, consolidated version from 1 January 2023, <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43>

³⁴ Lithuanian Disability Forum, “Why it is important to recognize hate crimes against people with disabilities”, 3 March 2021, <https://www.inf.lt/kodel-svarbuatpazinti-neapykantos-nusikaltimus-pries-zmones-su-negalia/>

47. Taking the above into account, we propose to the Committee to recommend the State Party to:

- a) **Increase awareness raising efforts in relation with the new legislation and the rights contained therein as well as generic and specialized integrated support available to victims of crime, including victims of domestic violence, and to ensure this information is available and accessible to people with disabilities;**
- b) **Improve collection of statistical data on the number of people with disabilities, including types of disabilities, who had become victims of crime, including domestic violence, hate speech and hate crimes;**
- c) **Provide for specialist training on the new legislation as well as the rights and needs of people with disabilities who had become victims of crime, including domestic violence, hate speech and hate crime;**
- d) **Provide for specialist training and methodological guidance for law enforcement officers on recognition, identification and investigation of hatred motivated crimes against people with disabilities.**

VIII. Living independently and being included in the community

48. We note as a very positive development the inclusion of Art. 11 in the Law on the Fundamentals of Protection of the Rights of Person with Disability, providing for one of the fundamental rights of persons with disabilities, that is, the right to live independently, and the support from the state in implementing this right, including the right to supported housing. Under Art. 19 of the Convention, State Parties shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community [...]; moreover, Art. 19(b) provides that such measures / services are to prevent “isolation or segregation from the community”. Taking this into account, we would like to draw the Committee’s attention to the fact that approx. 6000 persons with disabilities currently still live in large segregated long-term social care institutions, whereas the process of de-institutionalisation, which started in 2014, is stagnating, that is, there is an essential lack of community-based services which would ensure the right of persons with disabilities to live in the community, in their chosen place of residence rather than in segregated institutionalized settings. Living in such facilities fails to ensure such basic human rights as the right to liberty, privacy, right to choose one’s own place of residence, right to make decisions pertaining to one’s everyday life, and others.

49. HRMI’s independent monitoring report on the implementation of the Convention in 2020, commissioned by the Department for the Affairs of People with Disabilities, confirms that

the essential reason why people with disabilities are placed in institutional care settings is the lack of necessary, diverse and accessible community-based services for people with various disabilities and their close relatives / carers.³⁵ Furthermore, the report found that whilst setting up group homes for people with disabilities, which are being founded by the large care institutions themselves, the larger institutions are being replaced with smaller ones, without effectively ensuring the right of people with disabilities to be able to choose where and with whom to live, the right to be included in the community and receive needed individualised support.³⁶ In the international context, it is being noted, that whilst replacing large institutions with the smaller ones, people with disabilities cannot choose where and with whom to live, and institutional culture and features are being transferred to these new type of settings; therefore, instead of deinstitutionalisation, *de facto* transinstitutionalization is performed.³⁷

50. In 2020, the State Audit Office issued a report on social integration of people with disabilities, where it concluded that institutional care reform and creation of community-based services was still at the initial stage; that there was insufficient orientation towards the needs of people with disabilities and the provision of integrated support to live independently.³⁸ The report, *inter alia*, concluded, that services were being provided to people with disabilities without comprehensive assessment of all of their individual needs and without the monitoring of whether the support provided enables them to live independently.³⁹
51. The table below shows the statistics of the number of places in social care institutions and the number of adult people with disabilities living in institutional care-homes from 2017 to 2021:

³⁵ Human Rights Monitoring Institute, Independent Report on the Implementation of the UN CRPD in 2020, commissioned by the Department of Affairs of People with Disabilities, 2021, p. 78, <https://www.ndt.lt/wp-content/uploads/ZTSI-Stebesenos-Ataskaita-9.pdf>

³⁶ Human Rights Monitoring Institute, Independent Report on the Implementation of the UN CRPD in 2020, commissioned by the Department of Affairs of People with Disabilities, 2021, p. 80, <https://www.ndt.lt/wp-content/uploads/ZTSI-Stebesenos-Ataskaita-9.pdf>

³⁷ U. Grigaitė in “Human Rights Overview 2020-2021”, http://hrmi.lt/wp-content/uploads/2022/12/Human-Rights-Overview_2020-2021_HRMI.pdf

³⁸ Republic of Lithuania, State Audit Report on Social Integration of People with Disabilities, 2020, p. 7, <https://www.lrs.lt/sip/getfile?guid=3ae6e696-9a98-4e82-af09-0f0d4fd0adfd>

³⁹ Republic of Lithuania, State Audit Report on Social Integration of People with Disabilities, 2020, p. 8, <https://www.lrs.lt/sip/getfile?guid=3ae6e696-9a98-4e82-af09-0f0d4fd0adfd>

Year	2017	2018	2019	2020	2021
Number of places in care institutions for adult people with disabilities	6567	6562	6301	6225	5940
Number of people living in state social care institutions	6213	6220	5959	5727	5567
Number of people in municipal care institutions	107	125	165	160	126
Number of people in care homes operated privately ⁴⁰	58	125	143	121	131

Table 2. Number of people living in social care institutions. Data from the Statistics Department.

52. The other table below shows the number and type of institutions / care homes for people with disabilities from 2017 to 2021:

	Number of care institutions for people with disabilities at the end of each year				
	2017	2018	2019	2020	2021
Total according to the type of institution	39	38	68	72	71
State (district) social care institutions	30	30	30	30	30
Municipal care institutions	6	5	8	7	5
Privately operated care institutions	3	3	1	2	2
Group homes for adult people with disabilities	5	19	29	33	35

Table No. 3. Number and type of institutions for people with disabilities in 2017-2021. Data from the Statistics Department.

⁴⁰ Care homes operated by civil society organizations, parishes and private entities.

53. In 2021, the Government approved the Social Cohesion Development Programme 2021-2030⁴¹ which provides for two important goals / measures concerning inclusion of people with disabilities and a necessary support system: 1) develop an integrated system of social inclusion of people with disabilities; 2) create a sustainable non-institutional long-term care system. However, the programme provides for general measures and does not specify more concrete measures, such as development of specific community-based services. For example, among the indicators for the second measure there is the following: “part of recipients of integrated support who positively evaluate the quality of the services received”. However, the programme does not discuss what kind of services this integrated support consists of, therefore, it is not clear if (and how) such integrated support will ensure the prevention of placements in the segregated and institutionalised settings.
54. More specific measures are foreseen in the 2021-2023 Action Plan for Social Integration of People with Disabilities⁴², one of the purposes of which is to ensure meeting individual needs of people with various disabilities by comprehensively providing community services (in the fields of social protection, health, education) and measures for social integration. The plan provides for specific indicators such as the number of people who are to receive the services, however, it does not provide for such indicators as recipients’ assessment of the quality of the services, or indicators which would show how the support and relevant services contribute to the prevention of segregation and isolation of people with disabilities. Also, some indicators could be more consistent, for example, it is foreseen that in 2021, 80 persons with intellectual and/or psychosocial disabilities would receive services in the community, however, there are no indicators of this measure foreseen for 2022 and 2023.
55. The table below shows the number of people with disabilities who in 2021 received new types of social services⁴³:

Number of people with disabilities who received new types of social services in 2021:	
Protected housing	194
Personal assistance	568
Temporary respite	233

⁴¹ Republic of Lithuania, Government Resolution No. 931 on the Approval of Social Cohesion Development Programme, 10 November 2021, <https://www.e-tar.lt/portal/lt/legalAct/dd582180438311ec992fe4cdfceb5666>

⁴² Republic of Lithuania, Order of the Minister of Social Security and Labour No. A1-817 on the Approval of 2021-2023 Action Plan for Social Integration of People with Disabilities, 8 September 2020, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f4373e32f20911eab72ddb4a109da1b5?ifwid=hxewtp8sj>

⁴³ U. Grigaitė in “Human Rights Overview 2020-2021”, http://hrmi.lt/wp-content/uploads/2022/12/Human-Rights-Overview_2020-2021_HRMI.pdf

Case management	25
Group homes (35 institutions)	295
Social workshops	533
Employment support	312 (from these, 73 received employment)
Supported decision making	392

Table No. 4. Data from the Ministry of Social Security and Labour and the Department for the Affairs of People with Disabilities.

56. It is evident from the statistics of the number of places in institutional care homes and the number of new types of community-based services provided, that the number of the former is still disproportionately high.⁴⁴

57. Therefore, taking into account that a large number of people with disabilities (around 6000 persons) still live in segregated large social care institutions, that the de-institutionalisation process is stagnating, and there is a lack of community-based services for people with disabilities and their close relatives / carers, we propose to the Committee to recommend to the State Party to:

- a) **enhance the efforts to create and develop a wide and diverse spectrum of individualized community-based services for people with disabilities and ensure for people with disabilities access to community services and facilities for the general population, which should be responsive to their needs (Art. 19(c) of the Convention);**
- b) **provide in strategic policy documents for more specific measures and consistent indicators for ensuring the right of people with disabilities to live independently and be included in the community.**

IX. Inclusive education

58. New provisions of the Law on Education⁴⁵ were adopted in 2020, which envisage implementation of inclusive education as of 2024. It should prevent schools from refusing to admit children with disabilities to the general education institutions of their choice, which still exists in practice in Lithuania according to the current regulations in the Law on Education.

⁴⁴ U. Grigaitė in “Human Rights Overview 2020-2021”, http://hrmi.lt/wp-content/uploads/2022/12/Human-Rights-Overview_2020-2021_HRMI.pdf

⁴⁵ Republic of Lithuania, Law on Education, consolidated version from 1 February 2023 to 28 February 2023, <https://www.e-tar.lt/portal/lt/legalAct/TAR.9A3AD08EA5D0/asr>

59. Currently, around 90 percent of children with disabilities or so-called “special needs” study in the mainstream general schools⁴⁶. There are few good practices of inclusive education developed in some schools, but the quality of inclusive education in general is usually assessed as poor. General education schools lack remedies, methodologies and human resources to provide quality education services for children with different disabilities, thus, children with disabilities who are taught inclusively do not always receive quality educational services.
60. Special schools for children with disabilities still exist. There are about 40 special schools operating in Lithuania.⁴⁷ By 2021 there were only 7 general schools in the country that were fully physically accessible out of 947 operating schools in Lithuania⁴⁸.
61. Another form of educational exclusion often exists among children with disabilities in the form of home-schooling: 66% of home-educated students in the general education system where those with so-called determined “special education needs”.⁴⁹
62. Negative attitudes towards inclusive education still prevail in society. A public opinion survey was carried out by the Office of the Equal Opportunities Ombudsperson in 2022. Results show that less than half (43 percent) of respondents fully or partially agreed with the statement that “Children with disabilities and/or those with special educational needs should study together with children without disabilities in the same classes.” Moreover, 32 percent have completely or partially disagreed with the statement. Also, 25 percent of respondents did not have a clear opinion on this issue. Less than half (45 percent) of respondents report they would fully or partially agree that their child would receive general education in mixed classes together with children with disabilities and “special educational needs”. Finally, 31 percent of those interviewed would completely or partially disagree, and 24 percent were undecided.⁵⁰
63. Having all the points outlined above in mind, we propose to the Committee to recommend to the State Party to:

⁴⁶ Education News, “Inclusive education for schools: value as well as a challenge”, 27 June 2022, <https://www.svietimonaujienos.lt/itraukusis-ugdymas-mokykloms-ir-vertybe-ir-issukis/>

⁴⁷ National Education Agency, contacts for special education centres, <https://www.nsa.smm.lt/wp-content/uploads/2020/07/Spec-mokyklu-ir-spec.-ugdymo-centru-kontaktai.pdf>

⁴⁸ Republic of Lithuania, Ministry of Education, Science and Sports, “Lithuania. Education in the country and in the regions. Inclusive education”, 2022, <https://www.nsa.smm.lt/wp-content/uploads/2022/08/Svietimas-Lietuvoje-2022-web.pdf>

⁴⁹ Republic of Lithuania, Ministry of Education, Science and Sports, Overview of the situation of education in Lithuania, Infographic, <https://smsm.lrv.lt/uploads/smsm/documents/files/Infografikai-ir-zemelapis.pdf>

⁵⁰ Republic of Lithuania, Office of the Equal Opportunities Ombudsperson, “Inclusive education from 2024: will the discrimination be really prevented”, 14 October 2022, <https://www.lygybe.lt/itraukusis-ugdymas-ar-nuo-2024-ujutikrai-bus-uzkirstas-kelias-diskriminacijai>

- a) guarantee the full physical and informational accessibility of school environments across the country, and ensure the provision of reasonable accommodation, accessible and adapted, easy to understand materials and curricula, and the compulsory pre-service and in-service training of all teachers on inclusive education;**
- b) secure and provide a sufficient number of accessible means of transportation to accommodate the needs of students with disabilities when traveling to/from school;**
- c) set clear timelines, targets, baselines and indicators to secure time-bound and measurable progress;**
- d) increase and allocate effective and appropriately trained human resources, financial, and needed material means.**

X. Work and employment

64. We note as a very positive development the inclusion of Art. 10 in the Law on the Fundamentals of Protection of the Rights of Person with Disabilities, regulating the right of persons with disabilities to employment and professional rehabilitation, support to employers employing people with disabilities and support with services and other measures for people with disabilities whilst seeking employment. However, we would like to draw the Committee's attention that there still exist segregated working environments, whereas the number of people with disabilities working in an open labour market is insufficient.
65. In 2020, the State Audit Office concluded in their report on the Social Integration of People with Disabilities that the inclusion of people with disabilities into an open labour market was not increasing, whereas the employment support services and measures were insufficient.⁵¹ At the time of the Audit report, the support of the State was mainly being oriented towards the segregated labour market: in 2019, 82 percent of funds from the EUR 40 million, aimed at employment support for people with disabilities, were allocated to the so-called "social enterprises", which employ mainly only people with disabilities and are considered segregated working environments.
66. In July 2022, the Parliament adopted a law abolishing the status of social enterprises;⁵² at the same time, amendments to the Law on Employment have been passed that reformed the employment support for people with disabilities by providing various measures of

⁵¹ Republic of Lithuania, Law No. XIV-139 on the Amendment of Articles 2, 16, 20, 24, 25, 30-2, 35, 38, 41, 42, 43, 44, 45 and 47 of the Law on Employment, 19 July 2022, <https://www.e-tar.lt/portal/legalAct.html?documentId=a9f055a00c1511edb4cae1b158f98ea5>

⁵² Republic of Lithuania, Law No. XIV-1391 on the Abolishment of the Law on Social Enterprises, 19 July 2022, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d83b5fc2080211edbf9c72e552dd5bd?jfwid=-sdbw74kmb>

employment support such as work assistants, who are to assist an employee with a disability with their functions in the workplace; active labour market measures such as support to education, mobility, supported employment and support for setting up and accommodating the places of work.⁵³ The law provides for financial support to employers to implement some of these measures (such as employment support or accommodation of the place of work) or integrated combination of the said measures; it also provides for subsidies for employers under the scheme of supported employment, which includes employment with the subsidy and subsidy for the work assistant. These two measures are provided for employers hiring people with disabilities and may cover from 50 to 75 percent of work pay expenses.

67. In 2021, the Government approved the 2021-2030 Programme for the Development of an Inclusive Labour Market.⁵⁴ According to the Programme, only 29 percent of people with disabilities of a working age are employed (48 thousand). The programme aims to address this issue by increasing: 1) the opportunities for employment for persons who seek employment and 2) the effectiveness of the system of employment support. By 2030, the programme seeks to increase the percentage of working people with disabilities from 28,4 percent (2020) to 47 percent.

68. Although we note all these positive developments over the last two years and the general positive direction of the employment reform, in our view, even more explicit emphasis in the legislation and strategic policy documents could be placed on people with disabilities' employment in the open labour market. Although a complex of various measures is foreseen in the Law on Employment to increase the number of employed people with disabilities, employers who hire mainly only people with disabilities (the so called "social enterprises", which will not have a special status under the law anymore, however, are allowed to continue to operate) and create segregated working environments, would still be eligible for the support measures foreseen in the updated Law on Employment. Therefore, we propose to the Committee to recommend to the State Party to:

- a) **fully commit to eliminating segregated working environments for people with disabilities and abstain from any form of financing and supporting such working environments;**

⁵³ Republic of Lithuania, Law No. XIV-139 on the Amendment of Articles 2, 16, 20, 24, 25, 30-2, 35, 38, 41, 42, 43, 44, 45 and 47 of the Law on Employment, 19 July 2022, <https://www.e-tar.lt/portal/legalAct.html?documentId=a9f055a00c1511edb4cae1b158f98ea5>

⁵⁴ Republic of Lithuania, Government Resolution No. 929 on the Approval of the Inclusive Labour Market Development Programme, 10 November 2021, <https://www.e-tar.lt/portal/lt/legalAct/2333b210438311ec992fe4cdfceb5666>

- b) provide all people with disabilities, including those who still work in segregated working environments, with all the necessary individualised support to be employed in the open and inclusive labour market.**

XI. Monitoring of the Convention

69. In 2018, amendments to the Law of Equal Opportunities were passed, establishing an independent monitoring mechanism for the implementation of the Convention – the Independent Commission on Monitoring of the Rights of People with Disabilities. The Commission started its work on the 1st of July 2019. It is composed of 5 members – 4 NGO representatives and 1 representative of the Equal Opportunities Ombudsperson’s Office.
70. In 2021 and 2022, the Commission was allocated 22 thousand euros of funding annually, which is to cover the activities of the Commission, such as monitoring, commissioning of studies and research in the area of the rights of people with disabilities as well as work pay expenses for the members of the Commission. In 2020, due to the lack of funding, and taking into account that at the time the work pay expenses of the Commission could not be covered, the Commission was left with 3 members, all from NGOs.⁵⁵
71. Currently the Commission has 5 members – 4 NGO representatives and 1 representative from the Office of the Equal Opportunities Ombudsperson. Given the wide mandate and a number of functions that the Commission has to carry out, such as, for example, provide opinions on the draft laws concerning people with disabilities, prepare monitoring reports, provide recommendations on the implementation of the Convention and others, the number of the members of the Commission as well as annually allocated funding for its activities seems insufficient.
72. Taking into account the above, we respectfully propose to the Committee to recommend the State party to:
- a) amend the Law on Equal Opportunities by increasing the number of members of the Commission;**
 - b) ensure adequate funding and resources for the Commission to carry out its monitoring and other functions.**

⁵⁵ Human Rights Monitoring Institute, Independent Report on the Implementation of the UN CRPD in 2020, commissioned by the Department of Affairs of People with Disabilities, 2021, p. 167, <https://www.ndt.lt/wp-content/uploads/ZTSI-Stebešenos-Ataskaita-9.pdf>