



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE JUNGTINIŲ TAUTŲ BIURO
IR KITŲ TARPTAUTINIŲ ORGANIZACIJŲ ŽENEVOJE**

**PERMANENT MISSION OF THE REPUBLIC OF LITHUANIA
TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**

No. (80.1.6.1)SN80-87

The Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to its Note Verbale of 16 February 2022, has the honor to submit the input of the Government of Lithuania to the thematic report of the Independent Expert on the enjoyment of all human rights by older persons in the field of cultural rights.

The Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

ENCLOSURE. 4 pages.



Geneva, 23 May 2022

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Geneva

Information provided by the Republic of Lithuania to the Independent Expert on the enjoyment of all human rights by older persons for the 2022 Human Rights Council thematic report on older persons deprived of their liberty:

1. What are the key human rights risks and violations affecting older persons deprived of their liberty, considering different intersectional factors?

In general, any key risks start in the community and are caused and compounded by negative stereotypes around older persons, barriers and discrimination in access to key services, and public infrastructure that does not meet their specific needs.

It is our understanding that older persons deprived of their liberty may be in vulnerable situations because of possible health issues, such as suffering from physical and mental health conditions, having sensory impairments such as vision or hearing loss. Also, there might be difficulties engaging them into activities and rehabilitation programmes.

2. Please provide figures and data on older persons deprived of their liberty. Has the number of older persons deprived of their liberty increased or decreased over the past decade?

The number of older persons deprived of their liberty in penitentiary institutions has increased from 158 convicted persons older than 60 years old (148 men and 10 women) in 2011 to 221 (209 men and 12 women) in 2020. It should be noted, that because of the significant reduction in overall numbers of incarcerated persons in Lithuania, in 2020 older persons constituted 4,66 percent of total inmate population, compared to 1,84 percent in 2011.

As of April 2022, 13.6 thousand people have been cared for in social care institutions all over Lithuania. Social care services are currently provided by 207 institutions. There are employed over 8.4 thousand employees. The need for integrated care, nursing and care services for the elderly is growing every year.

3. What kind of specific measures have been taken and implemented concerning older persons deprived of their liberty in the context of the COVID-19 pandemic?

No specific measures concerning older persons deprived of their liberty had been taken, however, all national prevention of COVID-19 measures were applied for inmates and detainees in the same terms and conditions as for the other elder citizens of Lithuania. In accordance with the national vaccination programme, as a group of priority, persons of 65 years old or older had an earlier access to COVID-19 vaccines. Thereby, older inmates and detainees also had an opportunity to be vaccinated earlier.

4. Could you give us an overview on the national and local legal frameworks which prevent and protect older persons deprived of their liberty from human rights violations? Are there effective and available national monitoring and accountability mechanisms? Please provide a detailed answer with supporting information/documents.

Older persons deprived of their liberty in places of detention have all the rights as any other persons deprived of their liberty. Among other things, they can: receive legal aid, make phone calls; possess personal things; purchase food, necessities and other items; receive visitors and parcels as well receive and send money transfers; receive and send letters; submit suggestions, motions, petitions and

complains to the officials of national and local institutions, public organisations and international institutions; enter into marriage; practice their religion; take a daily walk outside; etc¹.

Moreover, personal health care services for persons, serving sentences in correctional institutions, are guaranteed and are provided either in correctional institutions, prison hospitals or in national or local health care institutions².

Furthermore, older persons are exempted from mandatory work activities in all stages of imprisonment³ and have the right to participate in general education and vocational training⁴.

In addition, if a sentence of community service is imposed on the older person, they are exempted from this punishment and the sentence is replaced by one of the penal sanctions⁵.

In accordance to the Law on the Legal Status of Foreigners of the Republic of Lithuania⁶, a person over the age of 75 is a vulnerable person, i.e., a person with special needs. Foreigners that are vulnerable persons may be detained only in exceptional cases having regard to the best their interest. Foreigners that are vulnerable persons and are detained or accommodated in the facilities designated by institutions of Lithuania have the right to access reception conditions designed to meet their special needs. Special needs of each vulnerable person are assessed individually and are met through the provision of special services or other assistance tailored to his situation.

Social care services are defined and their provision is detailed in the *Description of Social Care Standards*, approved by the Order of the Minister of Social Security and Labour of the Republic of Lithuania (2007, No. A1-46, consolidated version in force from 01.01.2021)⁷, which states that social care is provided on the basis of comprehensive personal social care needs assessment, taking into account the individual characteristics and peculiarities of the person. Social care is organized on the basis of an individual social care plan which sets out the measures that will aim to meet the challenges of care. *The Description of Social Care Standards (2007)* is directly related to the European Quality Framework for Social Services (hereinafter – EQUASS): ensuring individual participation, participation and cooperation; the appropriateness of choice and social care; personal independence development and social inclusion; non-discrimination. The formulation of care standards for the elderly is based on fundamental principles: dignity privacy, participation, freedom of choice, security and supply.

The Description of Social Care Standards (2007) is one of the more comprehensive documents that is legally available and regulates social care for the elderly and other groups. It establishes mandatory quality requirements for long-term, short-term and daily social care. It quite broadly covers the qualitative dimensions of structure, process, and outcome. Recipients of services number limits, environmental conditions, staff qualification requirements, mandatory documentation lists, etc. Development of individual social care plans principles and requirements, ensuring policies and

¹ Articles 92-110 of the Code for the Execution of Criminal Penalties of the Republic of Lithuania (text in Lithuanian available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.171368/asr>)

² Article 174 of the Code for the Execution of Criminal Penalties of the Republic of Lithuania.

³ Article 56 para 3 and Article 130 para 2 of the Code for the Execution of Criminal Penalties of the Republic of Lithuania.

⁴ Article 147 para 2 and Article 148 para 2 of the Code for the Execution of Criminal Penalties of the Republic of Lithuania.

⁵ Article 178 para 1 of the Code for the Execution of Criminal Penalties of the Republic of Lithuania.

⁶ in English available at [https://e-](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ac2cfa50b06f11ecaf79c2120caf5094?jfwid=gdayz2srs)

[seimas.lrs.lt/portal/legalAct/lt/TAD/ac2cfa50b06f11ecaf79c2120caf5094?jfwid=gdayz2srs](https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ac2cfa50b06f11ecaf79c2120caf5094?jfwid=gdayz2srs)

⁷ in Lithuanian available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.292682/asr>

procedures, planning activities, provider involvement processes are the quality of the process. Finally, there are plenty of references to the quality of the result - what and how to be achieved, how the impact of activities is assessed, self-assessment procedures, clients achieving independence, and so on.

The Description of the Procedures for Improving the Professional Competence of Employees in the Field of Social Services, approved by the Order of the Minister of Social Security and Labour (2006)⁸ emphasizes the professional competencies of social workers links between improvement and quality assurance in a social service institution, organization. Competence improvement is associated with the quality of service throughout the institution and organization improvement. It is recommended that social service providers carry out internal work performance and quality assessments in line with the quality of EQUASS. With the help of this system is possible to evaluate the efficiency and results of the institution's activities, to set goals for the improvement of activities, thus ensuring the professional competence of employees to provide quality social services and at the same time customer satisfaction with the services.

The Catalogue of Social Services approved by the Order of the Minister of Social Security and Labour (2006, No. A1-93, current consolidated version from 2020- 12-01)⁹ defines social services and their content according to the types of social services. This catalogue indicates the composition of the services, i.e. information, counseling, mediation and representation, accommodation, social skills development, support and recovery, development, maintenance and recovery of daily life skills, leisure, catering, personal hygiene and health care services' organization and provision.

Social services for the elderly are provided on the basis of *the Law of Social Services of the Republic of Lithuania* (2006, No. X-493)¹⁰, the *Social Services Catalogue* (2006, No. A1-93) and *the Concept of Social Services Support* approved by the Decree of the Government of the Republic of Lithuania (1994, No. 360)¹¹. The concept of social support assesses the state of support, outlines its development strategy and tactics, and suggests more effective enforcement on social support issues, to prepare theoretical conditions to improve the existing ones and to prepare new ones. *The Law on Social Services* (2006, No. X-493) is the basic law governing the management, provision and provision of social services for the elderly, defines the concept, objectives and types of social services. The main goals of social services are: to meet the vital needs of individuals when they are unable to achieve it on their own the ability to function independently in society, to solve emerging social problems, organizing the provision of the necessary services and ensuring the constant supervision of the population of the establishments, and safe environment. However, insufficient regulation of the quality of social services is observed.

Guidelines for the Deinstitutionalisation of Social Care Homes for the Disabled, Children Deprived of Parental Care and Adult Disabled Persons approved by the Order of the Minister of Social Security and Labour (2012)¹² provide the direction for a transition from institutional social care to community services by 2030. Other initiatives are highlighted in such documents as the *Action Plan for Increasing*

⁸ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.274447/asr>

⁹ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.274453/asr>

¹⁰ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.270342/asr>

¹¹ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.12831?jfwid=mmceorf4p>

¹² text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.437781?jfwid=>

*Social Inclusion 2014-2020*¹³, approved by the Order of the Minister of Social Security and Labour, and stresses the inclusion of the NGO sector in the provision of social services, the introduction of new social services and priority for the development of community-based services. Meanwhile *the National Strategy for Tackling the Consequences of an Aging of the Population* approved by the Decree of the Government of the Republic of Lithuania (2004)¹⁴ outlined the national objectives required to promote positive ageing, ensure quality of life for the elderly, the quality of services, etc. In 2014, the *Action Plan for Ensuring Healthy Ageing in Lithuania 2014-2023*¹⁵, approved by the Order of the Minister of Health of the Republic of Lithuania, which provides directions for the integrated care and geriatric healthcare services network.

¹³ text in Lithuanian is available at https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/11482_socialines-itraukties-veiksmu-planas-2014-2020-redakcija2016.pdf

¹⁴ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.235511>

¹⁵ text in Lithuanian is available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/4ae918500cbf11e48595a3375edcc8a3/asr>