



**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. SN 80-181

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 United Nations High Commissioner for Human Rights, and has the honour to submit the Report by the Government of the Republic of Lithuania to the High Commissioner on protecting the rights of the child in humanitarian situations.

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 United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 28 September 2017



The Office of the United Nations High Commissioner for Human Rights  
Geneva

## REPORT OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA TO THE HIGH COMMISSIONER ON PROTECTING THE RIGHTS OF THE CHILD IN HUMANITARIAN SITUATIONS

*2. Please indicate the current status of your country's legal framework with regard to the protection of the rights of the child in humanitarian situations. Please include information on legal provisions (including Constitutional provisions) which explicitly deal with regard to their physical and mental health, protection from exploitation, and education.*

Lithuania follows the universally recognized principles and norms of the international law. Lithuania is a State Party to all major instruments of the **international humanitarian law (hereinafter – IHL)**.

On 2 May 2000 Seimas of the Republic of Lithuania ratified the Geneva Conventions for the Protection of War Victims (1949) and two Additional Protocols to these Conventions which contain special norms defining particular status of children in armed conflicts and establishing additional safeguards and guarantees for them. Lithuania has also ratified the Rome statute of International Criminal Court.

Lithuania is a state party to the **1951 Convention relating to the Status of Refugees** and the **1967 Protocol relating to Refugee Status** as well as the **1950 European Convention for the Protection of Human Rights and Fundamental Freedoms** and implements the provisions of the above-mentioned instruments and related EU acquis. Hence, national law provides a feasible possibility for the child to apply for and be granted asylum according to the established procedure.

**Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts (1989)** (hereinafter referred to as the Protocol) was ratified by Seimas of the Republic of Lithuania on 12 November 2002. Upon ratification of the Protocol, Seimas of the Republic of Lithuania, in observance of Par. 2, Article 3 of the Protocol, established that recruitment into the national armed forces is limited to citizens of the Republic of Lithuania aged below 18 years; citizens of the Republic of Lithuania no younger than 18 years of age may be recruited into active military service, whereas the obligation of the mandatory military service (or alternative national defence service) applies to citizens of the Republic of Lithuania from 19 years of age. By virtue of laws of the Republic of Lithuania forced or coercive recruitment for military service of children aged below 18 years incurs criminal liability. (**Article 105** of the **Criminal Code** of the Republic of Lithuania stipulates that:

1. A person who, in time of war, during an armed conflict, aggression, occupation or annexation and in violation of international humanitarian law, forces civilians or prisoners of war to serve in the armed forces of their enemy, uses them as a human shield in a military operation, conscripts or recruits children under the age of 18 years into the armed forces or uses them in a military operation shall be punished by a custodial sentence for a term of three up to ten years.

2. A person who conscripts or recruits children under the age of 18 years into military service in the military groups not belonging to the armed forces of the State or uses them in a military operation shall be punished by a custodial sentence for a term of three up to twelve years.)

**Constitution of the Republic of Lithuania and the Law on the International Treaties** establish that all international treaties ratified by Seimas of the Republic of Lithuania are a constituent element of the legal system of the State. If the ratified international treaty establishes the norms different from those promulgated by the Lithuanian laws, the provisions of the international treaty prevail. This principle guarantees the most favourable conditions for the implementation of the international humanitarian law.

**Law on the Legal Status of Aliens** stipulates the right for the unaccompanied minor aliens, regardless of the legitimacy of their stay in the territory of Lithuania, to stay in the territory of Lithuania until decision on their legal status is taken. Additionally, unaccompanied minor aliens, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, must be taken into temporary guardianship/curatorship in accordance with the procedure laid down by legal acts of the Republic of Lithuania for the period of a child's stay in the Republic of Lithuania. The temporary guardian/curator of an unaccompanied minor alien shall represent the interests of the unaccompanied minor alien.

Unaccompanied minor aliens, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, shall have the following rights:

- 1) to be provided with free accommodation and be supported in accordance with the procedure laid down by the Minister of Social Security and Labour of the Republic of Lithuania;
- 2) to study according to a general education programme/programmes or a vocational training programme/programmes in accordance with the procedure established by the Minister of Education and Science;
- 3) to receive free basic medical aid in accordance with the procedure established by the Minister of Health;
- 4) to be provided with free social services in accordance with the procedure established by the Minister of Social Security and Labour;
- 5) to receive state-guaranteed legal aid unless the laws of the Republic of Lithuania provide otherwise;
- 6) to contact the representatives of non-governmental organisations or international organisations of the Republic of Lithuania.

**Law on Civil Protection of the Republic of Lithuania** (hereinafter – the LCP) shall establish the legal and organisational framework for the organisation and functioning of the civil protection system, the competence of state and municipal institutions and agencies, the rights and duties of other agencies, economic entities and residents in the sphere of civil protection, which means the activities comprising the preparedness of state and municipal institutions and agencies, other agencies, economic entities and residents for an emergency, actions in the event of an imminent threat or occurrence thereof and emergency response and mitigation of its consequences.

According to the LCP, one of the major goals of the Civil Protection System is to assist residents, state and municipal institutions and agencies, other agencies and economic entities in avoiding or minimising the damage incurred, keeping order, preserving the life, health, property of the residents and protecting the environment in the event of an imminent or actual emergency.

***3. Please provide information on national policies, strategies and plans of action relating to the rights of children in humanitarian situations.***

IHL application and exercise. The courses on international humanitarian law are integrated into the Training Programmes of the Armed Forces of Lithuania and the General Jonas Žemaitis Military Academy of Lithuania.

**The State Emergency Management Plan**, which was approved by Resolution No. 1503 on 20 of October 2010 by the Government of the Republic of Lithuania, identifies the mobilization of material and human resources and the management of them in the event of an imminent or actual state level emergency. This Plan sets the following: Ministry of Social Security and Labour shall organize social aid to evacuated and affected residents, Ministry of Social Security and Labour, Ministry of Health, Ministry of Education and Science and Director of Administration of Municipality shall organize within their competence providing of psychological aid in case of state level emergency, while Ministry of Education and Science shall organize education and teaching of evacuated school-age children.

**The State Plan of Public Protection in Case of Nuclear Accident**, approved by Resolution No. 99 on 18 of January 2012 by the Government of the Republic of Lithuania, establishes a similar regulation. At state level, Ministry of Social Security and Labour shall coordinate social support and social aid to residents who were evacuated and affected by a nuclear and (or) radiological accident. Psychological assistance shall be coordinated by Ministry of Health, while Ministry of Education and Science shall organize and coordinate general education, professional training, vocational training, and pre-school education for children and students who were evacuated and affected by nuclear and (or) radiological accident.

**The Description of the Procedure of Organization of Evacuation of Residents**, which was approved by Resolution No. 1502 on 20 October 2010 by the Government of the Republic of Lithuania (recast by Resolution No. 1171 on 11 November 2015 by the Government of the Republic of Lithuania), regulates organization of evacuation of residents in the event of an imminent or actual emergency and in state of war. This document establishes that families possessing young children shall be evacuated from residents' collection points in order of preference.

Taking into account children's needs, **Recommendations on Mass Shelter Preparation for Protecting Evacuated Residents**, approved by Order No. 1-406 of 31 on December 2015 by the Director of the Fire and Rescue Department under the Ministry of the Interior of the Republic of Lithuania, provide other guidelines on selection and installation of premises as well as supply of food and necessary material resources. These recommendations were prepared on the basis of provisions of the SPHERE Project – Humanitarian Charter and Minimum Standards in Disaster Response (developed by Red Cross and Red Crescent Societies) as well as provisions of Collective Centre

Guidelines (developed by the United Nations High Commissioner for Refugees (UNHCR) and International Organisation for Migration (IOM)).

***4. Please provide examples of good practices undertaken by your Government to protect the rights of the child in humanitarian situations, both within your State and internationally.***

Children who are displaced to Lithuania from areas of humanitarian crises (who, together with their families, are moved to our country according to an agreement with the European Commission) are guaranteed the right to education according to the legislation adopted in the Republic of Lithuania.

With the adopted amendments to the Law on the Legal Status of Aliens (adopted by the Seimas of the Republic of Lithuania on 25 May 2017 and effective as of 1 September 2017), Article 71(2) has been expanded to include the right to pre-school and pre-primary education (pre-primary education has been mandatory in Lithuania since 1 September 2016). The current wording of Article 71(2) is as follows: “Minor asylum seekers have the right to study under a pre-school, pre-primary, general education or vocational training programme(s) in accordance with the procedure established by the Minister of Education and Science. The right to study under a pre-school, pre-primary, general education or vocational training programme(s) shall be guaranteed forthwith and no later than within three months of the day the application for asylum is filed. An asylum seeker who began to study as a minor has the right to complete the general education or vocational training programme(s), even if he or she comes of age while studying.”

The organisation of education for minor asylum seekers is outlined in more detail in the Description of the Procedure for Granting State Aid for the Integration of Asylum Seekers adopted by the Government of the Republic of Lithuania on 5 October 2016, which specifies that the learning outcomes shall be established and the child shall begin to attend a school of general education during the first month (or on 1 September for those who arrive in summer). Children shall be integrated into the class according to their age, and shall be provided with educational aid (the purpose of which is to increase the effectiveness of education; said is provided to each student who needs it). Upon arrival, the Lithuanian language is taught intensively (the children receive additional Lithuanian lessons or attend compensatory classes). This document provides for children to be enrolled in pre-school curricula according to the wishes of their parents/guardians, while pre-primary education is compulsory.

Documents approved by the Ministry of Education and Science (the Description of the Procedure for Coherent Learning in General Education Curricula and the Primary, Basic and Secondary Education General Education Plans) contain provisions related to the specifics of educating children who have come from another country, emphasising the importance of providing individual assistance, the selection and use of appropriate learning tasks and methods during the lesson, the allocation of short-term or long-term consultation, and recruiting other students to help.

The methodology for calculating and allocating per-pupil funding provides for 30 per cent more funding for migrant children. Amendments were made in 2015 to allow municipalities to allocate funds to schools where refugees are enrolled to meet educational needs.