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**Reply of Lithuania to the questions on the role of public service as an essential component of good governance in the promotion and protection of human rights**

1. In Lithuania there are decentralized civil servants training system and in accordance with the Civil Service Law Article 47.2, persons, admitting civil servants to positions, are responsible for their training.

According to the requirements for the content of training programmes, approved in 2009 July 20 by the order of Minister of the Interior, 18-20 category of civil servants and lower than 18 categories of the heads of the institutions, during the training among other skills they have to have abilities to develop skills in equal opportunities. Also all civil servants have an opportunity to improve their qualification in various skills. It should be noted the fact that state and local government institutions and agencies may initiate the preparation of the relevant training programmes.

7. In Lithuania recruitment to the position of civil servant is regulated by: 1. The Law on Civil Service; 2. Procedure for the organizing competition to a civil servant's position, approved by the Government; 3. Other legal acts.

Persons are recruited for civil service only to the already existing and approved positions. Recruitment to the position of a civil servant is made: 1. by competition; 2. without a competition. The procedure of recruitment in civil service depends on what group of civil service positions a person is recruited for: 1. career civil servant's; 2. head's of institution; 3. civil servant's of political (personal) confidence position.

Without competition persons are recruited to the positions: 1. acting civil servants; 2. former career civil servants, whose positions were cancelled; 3. persons who re-establish the status of a civil servant; 4. civil servants of political (personal) confidence. If there are no persons who can be recruited to a civil servant position without competition, Civil Service Department (CSD) announces about this Competition in The Supplement to the Official Gazette and web page of CSD.

By competition persons are recruited to the positions: 1. career civil servant's; 2. head's of institution.

The procedure of civil service recruitment on a competitive basis covers the following: 1. competition notice; 2. acceptance of documents to be submitted for competition; 3. formation of a recruitment commission; 4. competition; 5. adoption of a recruitment decision by a recruiting person or a collegial public or municipal institution.

All these stages are regulated in great detail with a view to ensuring transparency thereof and that the best applicant would be recruited:

1. A notice of a competition for a head of institution position or a career civil servant position must be published in the official gazette "Informaciniai pranešimai" and on the Civil Service Department website [www.vtd.lt](http://www.vtd.lt)

2. The applicant must submit: an application for participation in the competition, a personal identification document, a document certifying education, work experience, primary military service, alternative defense policy or basic military training, citizenship and age, a state social insurance certificate and copies thereof, curriculum vitae, declaration of requirements of flaw-less reputation.

3. Formation of a recruitment commission: It is constituted from no less than 5 no later than within 3 working days prior to the competition the recruiting person adopts a decision by which a competition commission for recruitment of applicants for civil service positions is formed. The list of the commission members must include the head of the personnel department of the recruiting

institution and the immediate superior of the civil servant to be recruited as well as a representative of the trade union if such an organization exists within the institution.

4. The competition must be held within 30 calendar days following the deadline for the submission of documents. The competition consists of two parts: written examination (test) and oral test (interview). The written test consists of 100 multiple-choice questions: 50 to 70 questions are randomly chosen by computer. Other 30 to 50 test questions are prepared by the recruiting institution. During the oral examination each member of the Commission: 1.gives identical questions to all the applicants in order to check the applicant's capabilities to perform functions of a civil servant and command of foreign languages set out in the relevant job description; 2.evaluates knowledge of the applicants individually using a scale of points from 1 to 10. The interview is used to reveal the person's ability to perform the functions set out in the description of the civil servant position. To ensure transparency of competitions and candidates right to protect their rights in court, regulated by the Constitution, the oral test (interview) is fixed by doing phonogram. The competition is won by the best scoring applicant. The decision of the competition commission is obligatory to admitting person. The winner of competition is announced in the web page of Civil service department.

5. The successful applicant is appointed for the position no earlier than in 3 working days and no later than within 14 calendar days following the end of the competition, but this period may be extended subject to agreement between the successful applicant and the recruiting person.

Any actions, inactivity and/or decisions that violate the provisions of the Procedure may be appealed against, not later than within 3 working days, to the head of the institution organizing the competition as well as to the court. The acting procedure of recruitment is unanimous.

The Law on Civil Service regulates all cases how civil servant could be dismissed from office. Frequent cases of dismissal from office: a civil servant resigns; the term of the appointment of an acting civil servant to the office expires; civil servant reaches 65 years or the term of the extension of his service expires; the mandate of the state politician or collegial state authority, which has admitted a civil servant of political (personal) confidence to office, expires; the position of a civil servant is being cancelled.

Disciplinary sanction – dismissal from office could be imposed in two cases: 1. For an outrage misconduct in office. 2. For the other misconduct in office if a disciplinary sanction - a severe reprimand was imposed on a civil servant before at least once within the last 12 months.

To sum up, civil servant is dismissed from office if: 1.the admitting person makes a decision that civil servant doesn't satisfy the requirements of flaw-less reputation set in The Law on Civil Service and is not able to hold his position; 2. the admitting person doesn't apply to law enforcement, control and other institutions that it present information about civil servants to check whether they satisfy the requirements of flaw-less reputation. The admitting person is responsible that all recruited civil servants will satisfy the requirements of flaw-less reputation in the institution.

Pregnant woman, a civil servant living with a child (children) under three years and a civil servant during sick time and holiday can not be dismissed from office, except some cases set in Civil Service Law.

According to the Law on Civil Service principle of career development is implemented through performance evaluation of civil servants and mobility (only career civil servants, heads of institutions and acting civil servants).Procedures implementing performance evaluation and mobility is regulated by the Government.

During civil servant's performance evaluation procedure, civil servant could be promoted to a higher civil servant position. There are two types of civil servants performance evaluation: regular annual and extraordinary evaluation. Regular evaluation can be organized if civil servant works in the specific institution for 6 months per calendar year and this evaluation is obligatory.

Extraordinary evaluation can be organized not earlier than 6 months after regular evaluation or if person worked as a civil servant worked in that institution not less than 6 month per calendar year. Extraordinary evaluation isn't obligatory.

The regular evaluation procedure consist of the assessment interview with direct supervisor (analysis of the results of performance, qualification and performance of the functions specified in job description; setting tasks and measuring criteria for the year), evaluation (excellent, good, satisfactory or unsatisfactory) and proposals depending of evaluation for the developments in terms of career and pay written by direct superior (civil servant must sign the conclusions). If the performance is evaluated as excellent, satisfactory or unsatisfactory, civil servant has to be assessed in an assessment commission. The interview in an assessment commission is fixed by doing phonogram. After the interview depending on the evaluation of the civil servant, the assessment commission can propose developments in terms of career and pay (promotion, qualification class, bonus, training, or otherwise downgrading or dismissal). Final decision according to the promotion of civil servant is made by the admitting person. Decision not to implement the proposal has to be motivated.

Civil servant temporary could be transferred to other (higher, same or lower) civil servant position, but not longer than 1 year during 5 years or until other civil servant, who is unable to work at that moment, gets back to work.

It is also provided civil servants mobility. According to the Law on Civil Service, civil servant could be transferred to other same of lower's grade civil servant position at the same or other state or municipal institution or agency. The positions of two career civil servants of the same grade may be interchanged upon their request.

8. Pursuant to the 33 article of Constitution of the Republic of Lithuania, citizens shall have the right to participate in the governance of their State both directly and through their democratically elected representatives as well as the right to enter on equal terms in the State service of the Republic of Lithuania. This article emphasizes a right for citizens to participate in country management, but not the guaranty for a job. State isn't obligated to take every person for working in civil service.

Pursuant to the Law on Civil Service, persons entering public service must comply with the following general requirements:

- 1) to hold the citizenship of the Republic of Lithuania;
- 2) to have proficiency in the Lithuanian language;
- 3) to be not less than 18 years of age and not more than 65 years (the requirements to be no older than 65 years of age does not apply to civil servants of political (personal) confidence and acting public servants);
- 4) to have education necessary for discharging the duties of a public servant of an appropriate category: A (university degree), B (not lower than higher non-university education or equivalent education) and C (not lower than secondary education and an appropriate professional qualification).

The requirements of flaw-less reputation are set in The Law on Civil Service.

The applicant also has to comply with the special requirements set in a particular job description for ensuring efficient and effective performance of the functions specified in that job description.