



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

**MISSION PERMANENTE DE LA LITUANIE  
AUPRÈS DE L'OFFICE DES NATIONS UNIES ET  
DES AUTRES ORGANISATIONS INTERNATIONALES À GENÈVE**

No. SN-80-58

The Permanent Mission of the Republic of Lithuania to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the letter of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination Mrs. Leilani Farha, of the 11<sup>th</sup> May 2016, has the honour to transmit the answer of the Government of Lithuania to the questionnaire in relation to Human Rights Council resolutions 25/17 and 31/09 on the right to life and the right to adequate housing.

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



Geneva, 28 June 2016

Office of the United Nations  
High Commissioner for Human Rights  
GENEVA

**Reply of Lithuania to the questions of the Special Rapporteur  
on the right to adequate housing**

**1. Please provide any statistical indicators regarding the health, mortality and morbidity consequences of inadequate housing and homelessness in your country, disaggregated by sex, race, immigration status, age and disability, or other grounds, if and where possible.**

According to the data provided by the Statistics Department of Lithuania (Table 1), in 2011 there were 330 persons living in **unconventional dwellings**. Unconventional dwelling (other premises) refers to accommodation (a garden house, a trailer, etc.) not meant for habitation all year round, which at the time of the Census (1 March 2011) was a place of usual residence for at least one person. In 2011 women constituted 45 % of persons living in unconventional dwellings.

Age	Total	Males	Females
<b>Total</b>	<b>330</b>	<b>180</b>	<b>150</b>
0-24	55	29	26
25-64	208	132	76
64 >	67	19	48

Table 1. Unconventional dwellings (other premises). Results of the 2011 Population and Housing Census of Lithuania

According to the data provided by the Statistics Department of Lithuania (Table 2), in 2011 there were 857 **homeless persons** in Lithuania. A homeless person is defined as a person who had no dwelling at the time of the Census (1 March 2011) and who spent nights in incidental basements, staircases, heating rooms, abandoned buildings, in dumps etc. In 2011, men constituted 81 % of homeless persons.

Age	Total	Males	Females
<b>Total</b>	<b>857</b>	<b>695</b>	<b>162</b>
0-24	33	20	13
25-64	777	641	136
64 >	47	34	13

Table 2. Homeless. Results of the 2011 Population and Housing Census of Lithuania

It is important to note that the number of homeless people in the country counted during the Population and Housing Census in 2011 is likely to be an underestimation of actual homelessness levels, given that the only people defined as homeless by the Census were those who were rough sleeping or had no temporary shelter. The Census therefore included only one category of homelessness – **rooflessness**. The definition applied by the Statistics Department of Lithuania also does not include people living in public institutions or those who live in extremely poor conditions.<sup>1</sup>

By the end of 2013, there were 25 **hostels for homeless people** in Lithuania, accommodating 2 600 residents (women constituted 21 % of inhabitants of hostels for homeless people). One third of service

<sup>1</sup> Dalija Snieškienė and Inga Dulinskienė, *Homelessness in Lithuania: Policy and Research*, European Journal of Homelessness, Volume 8, No. 2, December 2014, p. 212, <http://www.feantsaresearch.org/IMG/pdf/profiling-homelessness-1.pdf>

users had been residing in the hostels for more than six months.<sup>2</sup> On average, another 128 people were being provided with **temporary accommodation on a night-by-night basis**. Crisis centres and institutions for the **temporary accommodation of mothers and children** held 2 200 people in 2013.<sup>3</sup>

According to the Statistics Department of Lithuania, 32 815 individuals and families entitled to **social housing**, requested to rent social housing in 2014. 29 % of persons entitled to social housing were young families, 15 % disabled persons or families with disabled persons, 9 % orphans or persons without parental care; 7 % families with 3 or more children. 40 % of requests for social housing were recorded in 3 biggest towns of Lithuania (21 % in Vilnius, 11 % in Kaunas, 8 % in Klaipėda).<sup>4</sup>

**2. Please refer to the provisions of your state's constitution or human rights legislation which guarantee the right to life and explain whether these apply to circumstances where homelessness or inadequate housing place health, security or life at risk and whether positive obligations of governments have been recognized in this context. Please provide references to any relevant cases or other examples, if available.**

*Article 19 of the Constitution of the Republic of Lithuania* (hereinafter – the Constitution)<sup>5</sup> establishes that the right to life of a human being shall be protected by law. *Article 21* of the Constitution establishes that human dignity shall be protected by law. The Constitution does not stipulate the right to housing, although *Article 24* of the Constitution establishes that the home of a human being shall be inviolable. *Article 52* of the Constitution establishes that the State shall guarantee its citizens the right to social assistance in the event of unemployment, sickness, widowhood, the loss of the breadwinner, and in other cases provided for by law.

**The development of social housing stock** is financed from target appropriations of the state budget and municipal funds. The funds from the state budget, allocated for the development of social housing stock, meet as few as 0.8 per cent of the demand for social housing in 2013.<sup>6</sup> In 2014, the functioning of the system of State assistance for the acquisition or rent of housing was analysed. The decision was made that the effective legal regulation concerning State assistance for the acquisition or rent of housing does not adequately ensure efficient exercise of a person's right to housing.<sup>7</sup>

Aiming for a more efficient assistance in the acquisition or rent of housing, the Seimas of the Republic of Lithuania adopted the *Law on State Assistance for the Acquisition or Rent of Housing* on 9 October 2014, effective from 1 January 2015 (hereinafter – the Law). The Law established following forms of assistance for the individuals and families who are entitled to such State support for the acquisition or rent of housing:

- **Assistance for the acquisition of housing** is provided through **subsidising a part (10 % - 20 %) of the housing loan**, covering of the loan interest. This measure seeks to enable low-income individuals and families (as defined by the Law) to acquire housing in the market by themselves. According to the Law, assistance for the acquisition of housing through partially

---

<sup>2</sup> Lietuvos Statistikos departamentas, *Socialinės paslaugos 2013*, 30 06 2014, <http://osp.stat.gov.lt/services-portlet/pub-edition-file?id=3230>

<sup>3</sup> *Ibid.*

<sup>4</sup> Lietuvos Statistikos departamentas, 31 12 2014, <http://osp.stat.gov.lt/informaciniai-pranesimai?eventId=62927>

<sup>5</sup> *The Constitution of the Republic of Lithuania*, adopted by the citizens of the Republic of Lithuania in the Referendum of 25 October 1992, <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>

<sup>6</sup> *National Social Report Lithuania, 2014.*

<sup>7</sup> *Ibid.*

subsidising the housing loan is provided to 1) orphans or persons without parental care until they turn 35 years old; 2) families with 3 or more children; 3) disabled persons or families with disabled persons; 4) young families with 1 or more children; 5) families where one of the parents deceased.

- **Assistance for the rent of housing** is provided through **renting social housing** to low-income families and individuals or **by partially compensating the rent fee or lease payment**. This measure seeks to ensure that low-income individuals and families who have no dwelling or live in unsuitable dwellings would be able to afford housing. Compensation of part of the rental payment not only increases the possibilities for providing families and individuals with housing, but also creates a possibility to rent a dwelling meeting their needs. Individuals and families are deprived of the right to receive support for rent if their declared property or income exceeds the amounts established by the Law by more than 20 percent.

Other legislative acts regulating social housing are enacted at municipal level. The following individuals and families have the priority to receive social housing: a) families with 5 or more children; b) families in which 3 or more children born at the same time; c) disabled persons.

Ministry of Social Security and Labour prepared the *Programme of the Development of Subsidised Housing Stock 2014–2020*. For the implementation of the programme, 49 million EUR have been envisaged from the European Regional Development Fund and a further 8 million EUR from the budgets of the municipalities. These funds are planned to be used to acquire or equip 1 150 units of social housing.<sup>8</sup>

Since 2015 the Ministry of Social Affairs and Labour is responsible for collecting the data on assistance for acquisition or rent of housing. According to the latest data provided by the Ministry of Social Affairs and Labour, in 2016 there have been recorded 26 094 requests for State assistance for the acquisition or rent of housing so far. The requests of 10 025 applicants (individuals or families) have been already satisfied by granting them access to social housing, with further 16 069 applicants (individuals or families) included on the waiting list for State assistance for the acquisition or rent of housing.

### **3. Please explain if and in what ways courts or human rights bodies in your state have recognized the disproportionate effect of homelessness and inadequate housing on particular groups as an issue of discrimination.**

On 26 May 2015 the Constitutional Court of the Republic of Lithuania adopted *the Ruling No. KT16-N10/2015 “On the Right to Social Housing”*<sup>9</sup> (hereinafter – the Ruling of the Constitutional Court) in which it was noted that:

---

<sup>8</sup> *National Social Report Lithuania, 2014.*

<sup>9</sup> The Ruling of the Constitutional Court of the Republic of Lithuania, 26 May 2015, No. KT16-N10/2015 „*On the compliance of the provisions of the Republic of Lithuania’s Law On State assistance for the acquisition or rent of residential properties and for the renovation (modernisation) of blocs of flats” and the provisions of the Resolution of the Government of the Republic of Lithuania (no. 670) “On the establishment of the sizes of annual income and property according to which the right to municipal social housing or to the improvement of the existing social housing conditions is established” of 28 May 2003 with the Constitution of the Republic of Lithuania*”, <http://www.lrkt.lt/en/court-acts/search/170/ta1486/content>

- under the Constitution, the state must create a system of social maintenance that would enable one to maintain living conditions that are in line with the dignity of a person, and, in case of need, it would render the necessary social assistance for the person;
- a socially oriented state is under a constitutional obligation to assume (and it must assume) the burden of fulfilling certain obligations;
- the legal regulation of social security should be such so as to create preconditions and incentives for every member of the society to take care of one's own welfare, but not to rely solely on the social security guaranteed by the state;
- in order to implement the constitutional principle of justice, a certain balance of interests must be ensured;
- when defining the level of property or income of persons (families) upon reaching which the rendering of state assistance in providing access to housing is discontinued, heed should be paid to the norms and principles of the Constitution, *inter alia*, to the state obligation to protect and defend human dignity as consolidated in Article 21 thereof and the constitutional principle of a state under the rule of law (*inter alia*, heed should be paid to the constitutional requirements for justice and proportionality);
- the social orientation of the state also implies the duty of the legislature, when it regulates the social assistance in helping persons lacking access to housing to obtain such access, to create the preconditions for taking into consideration the needs of certain **groups of socially most sensitive persons who need specific social assistance.**

The Ruling of the Constitutional Court also established that the legal regulation consolidated in Paragraph 4 of Article 11 (wording of 12 October 2010) of the *Law on State Assistance for the Acquisition or Rent of Residential Properties and for the Renovation (Modernisation) of Blocs of Flats* violated both the right to social assistance guaranteed in Article 52 of the Constitution and the constitutional imperatives of justice and proportionality insofar as the aforesaid paragraph prescribed that a social housing property lease agreement is also terminated in situations where, even though the property held or income received by the tenant (his/her family) exceeds the maximum sizes of property or income established by the Government, however, the level of exceeding the sizes of property or income established by the Government does not make it possible to rent a home meeting socially acceptable minimum needs of the person (his/her family).<sup>10</sup>

---

<sup>10</sup> The Ruling of the Constitutional Court of the Republic of Lithuania, 26 May 2015, No. KT16-N10/2015.