**Information provided by the Republic of Lithuania to the Special Rapporteur on the right to education thematic report pursuant to Human Rights Council resolution 44/3**

# Assessing the achievements made by the mandate of the Special Rapporteur

 **on the right to education over the last 25 years**

1. In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

The Constitution of the Republic of Lithuania defines two key principles of the compulsory education system in Lithuania: 1. Education at state and municipal schools of general education, vocational schools, and schools of further education is free; 2. Education shall be compulsory for persons under the age of 16 (Article No. 41). Therefore, education is accessible to everyone by the law. Article No. 5 of the Education Law of the Republic of Lithuania regulates the principles applied in the Lithuanian education system. The first principle can be noted as the principle of equal opportunities. According to this principle, the education system is socially just, it ensures the realization of individual rights, guarantees access to education for every person, the acquisition of general education and the first qualification, and provides conditions for improving the existing qualification or acquiring a new one.

The Research Council of Lithuania provides information on the topic of gender equality in Horizon Europe. It covers GEPs, integration of the gender aspect in R&I content, and gender balance in research teams.

All individuals despite their race, gender, and age are provided with equal opportunities to participate in the Lithuanian educational system. Accountable to the Parliament of Lithuania (*Seimas*), the Office of the Ombudsman for the Protection of the Rights of the Child and other institutions such as the Ombudsperson for Equal Opportunities implements the Law on Equal Opportunities for Women and Men and the Law on Equal Opportunities serve as institutions to reinforce these human rights and protect them. It investigates individuals’ complaints of violation of equal rights and equal treatment in the labour market, education and provision of goods and services.

The added value of the guarantee of the human right to education is a high degree of literacy in society as well as a high percentage of those who have higher education, resulting in a more tolerant society of Lithuania.

1. How do you assess the 4 A’s framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?

The realization of a person’s right to education depends on the individual’s age and ability to learn according to the desired programme. As already mentioned, the right to education is enshrined in the Constitution of the Republic of Lithuania and the provisions of the Law on Education. In order to ensure access to the education system for individuals, the resolution has been approved as well as the rules for creating a network of schools implementing formal education programs. An integrative system of schools where individuals from socially sensitive groups and individuals with special educational needs can study, get an education and receive assistance during the learning process. In order to better respond to the needs of individuals and ensure the right to education, educational departments, classes for adults, special education (special classes), youth, sanatoriums, hospitals, juvenile detention centres and correctional institutions could be established.

1. The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?

The availability of general education programmes is ensured for all citizens of the Republic of Lithuania and foreigners who have the right to live permanently or temporarily in the Republic of Lithuania; the need for students to learn in the state language, the language of a national minority or the language of a national minority are met; ensuring the continuity of foreign languages, advanced subject learning, in the presence of a sufficient network of general education schools, educational traditions and unique school culture, education based on a unique pedagogical system, purposeful artistic education, the satisfaction of students’ self-expression needs and other interests when they transfer to another general education school in accordance with the higher-level general education program. In order to ensure the continuity of meeting the needs of students, schools of different types and purposes may conclude cooperation or joint activity (association) agreements in accordance with the procedure established by legal acts. These obligations are identified in the Constitution of the Republic of Lithuania and the provisions of the Law on Education.

1. Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child? If yes, please provide examples. If not, please explain why not.

The right to free education has been progressively implemented at all levels of education in Lithuania. The pre-primary age pupils are not obligated to learn in the kindergartens. Pre-primary education is compulsory only for children from socially risk families. Pre-school education, primary and basic education are compulsory and available for everyone without any charge. Secondary education is available in different formats: including technical and vocational secondary education, which are generally available and accessible to all pupils. Higher education is equally accessible and free for those, whose achievements in secondary education are considered “good” and “very good”. The individuals who have not received or completed the whole period of their primary education have the possibility to enrol into schools in which they can finish primary, basic and secondary education.

1. Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.

According to Article 30 of the Constitution of the Republic of Lithuania, a person whose constitutional rights and freedoms are violated has the right to appeal to the court. Quasi-judicial institutions, such as the Administrative Disputes Commission, are equivalent to a court. A person has the right to apply to them if he/she/they believes that his/her/their rights are being violated by a person performing administrative functions. Ombudsman institutions (e.g. the Office of the Ombudsman for the Protection of the Rights of the Child, the Office of the Seimas Ombudsman) may also take action to protect the rights of individuals, either by complaint or on their own. As part of the monitoring of children’s rights, the Ombudsman for the Protection of the Rights of the Child carried out an own-initiative inquiry into the situation of children of migrant foreigners in accommodation centres, which included issues related to children’s education. It also gave individuals the right to apply to the courts on an individual basis. An example of such an appeal is a case concerning inadequate quality assurance of studies at Klaipėda University. The plaintiff, in this case, was a student from India (<https://eteismai.lt/byla/34477785991854/e2-1536-676/2019>).

1. To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?

As mentioned above, the principles of non-discrimination and equality are enshrined in the Law on Education, and their implementation is universal. As mentioned in question 5, its implementation is monitored by the Ombudsman’s authorities, either on their own initiative or following reports of possible violations of rights. An example of such an investigation and decision could be the investigation carried out by the Office of the Equal Opportunities Ombudsman into discrimination on grounds of religion and belief in education (available in Lithuanian: <https://lygybe.lt/data/public/uploads/2015/11/pazyma-del-diskriminacijos-religijos-ir-isitikinimu-pagrindu-svietimo-srityje.pdf>).

# Main challenges and crucial issues for the future

1. In your view, what are the main challenges in your country in implementing the right to education?

There are no major challenges or obstacles to the development of education in Lithuania.

1. What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?

Education in Lithuania is compulsory, with independent bodies guaranteeing the protection of people’s rights, which can launch independent investigations, either on their own initiative or following a report of a possible violation of rights.