



OPEN SOCIETY INSTITUTE  
EU MONITORING AND ADVOCACY PROGRAM



OPEN SOCIETY INSTITUTE  
MENTAL HEALTH INITIATIVE

# Rights of People with Intellectual Disabilities

## Access to Education and Employment

LITHUANIA

Monitoring Report

LIETUVA

## Sutrikusio intelekto asmenų teisės

### Teisės į mokslą ir darbą įgyvendinimas

Ataskaita

2005

*Published by*

OPEN SOCIETY INSTITUTE

Október 6. u. 12.  
H-1051 Budapest  
Hungary

400 West 59th Street  
New York, NY 10019  
USA

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Copies of the book can be ordered from the EU Monitoring and Advocacy Program  
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*Printed in Gyoma, Hungary, 2005*  
*Design & Layout by Q.E.D. Publishing*

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## Acknowledgements

The EU Monitoring and Advocacy Program of the Open Society Institute and the Open Society Mental Health Initiative would like to acknowledge the primary role of the following individuals in researching and drafting these monitoring reports. Final responsibility for the content of the reports rests with EUMAP.

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<b>United Kingdom</b>	Stephen Beyer	<i>Welsh Centre for Learning Disabilities, Cardiff University</i>
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	Edyth Dunlop	<i>Northern Ireland Union of Supported Employment</i>
	Hazel Morgan	<i>Foundation for People with Learning Disabilities</i>

We would also like to thank the following organisations for their invaluable contribution to the reports through their partnership throughout the process of developing the reports:

Bulgarian Association of People with Intellectual Disabilities, Open Society Foundation – Sofia (Bulgaria); Association for Promoting Inclusion (Croatia); Inclusion Czech Republic (Czech Republic); Open Estonia Foundation, EVPIT – Estonian Mentally Disabled People Support Organization; (Estonia); Association for the Psychosocial Health of Children and Adolescents (Greece); Salva Vita Foundation (Hungary); Latvian Centre for Human Rights and Ethnic Studies, Soros Foundation – Latvia (Latvia); Lithuanian Welfare Society for People with Intellectual Disability – Viltis (Lithuania); Federation of Parents Organisations (Netherlands); Polish Association for Persons with Mental Handicap (Poland); Association Pentru Voi (Romania); YHD – Association for Theory & Culture of Handicap (Slovenia); League for Mental Health, Inclusion Slovakia (Slovakia); Foundation for People with Learning Disabilities (UK).

For this report on Lithuania, we would like to also particularly acknowledge the following people who provided data, made suggestions, and commented on the report in its draft stage:

Dana Migaliova, chairwomen of Society “Viltis”, Laima Mikulėnaitė, Albinas Jakubauskas, Elvyra Galkienė, Augienė Vilūnienė, Virginijus Molis (Council members of Society “Viltis”), Janina Butkuvienė and all associates of Society “Viltis”, parents of people with intellectual disabilities who agreed to share their experiences, Daiva Buivydytė and Jolanta Šliužienė (Ministry of Social Security and Labor), Regina Labinienė, Jolanta Stasiūnaitė (Ministry of Education), Vilija Zakšauskaitė (Labor Exchange office), Arūnas Germanavičius (Vilnius University, the Faculty of Medicine, Institute of Public Health), Vitas Pupeikis (Vasaros psychiatric hospital), Svetlana Kulpina (advisor of the children’s rights Ombudsman), all participants of the roundtable, organised for discussion of the draft report.

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## Preface

The **EU Monitoring and Advocacy Program (EUMAP)** of the Open Society Institute monitors human rights and rule of law issues throughout Europe, jointly with local NGOs and civil society organisations. EUMAP reports emphasise the importance of civil society monitoring and encourage a direct dialogue between governmental and non-governmental actors on issues related to human rights and the rule of law. In addition to its reports on the Rights of People with Intellectual Disabilities, EUMAP has released monitoring reports focusing on Minority Protection, Judicial Independence and Capacity, Corruption and Anti-corruption Policy, and Equal Opportunities for Women and Men. Reports on the Regulation and Independence of the Broadcast Media are also forthcoming in 2005. EUMAP is currently preparing reports on Equal Access to Quality Education for Roma; publication is expected in 2006.

EUMAP reports are elaborated by independent experts from the countries being monitored. They are intended to highlight the significance of human rights issues and the key role of civil society in promoting governmental compliance with human rights standards throughout an expanding Europe. All EUMAP reports include detailed recommendations targeted at the national and international levels. Directed at Governments, international organizations and other stakeholders, the recommendations aim to ensure that the report findings directly impact on policy in the areas being monitored.

The present reports have been prepared in collaboration with the **Open Society Mental Health Initiative (MHI)**, part of OSI's Public Health Programs. MHI seeks to ensure that people with mental disabilities (mental health problems and/or intellectual disabilities) are able to live as equal citizens in the community and to participate in society with full respect for their human rights. MHI promotes the social inclusion of people with mental disabilities by supporting the development of community-based alternatives to institutionalisation and by actively engaging in policy-based advocacy.

Throughout Europe people with intellectual disabilities still face serious stigma, prejudice and significant barriers to realising their fundamental human rights. Discrimination against people with intellectual disabilities is deeply rooted and widespread, standing in the way of positive change. Providing real access to education and employment for people with intellectual disabilities is key to ensuring their social inclusion, and enabling them to live and work in the community as equal citizens. The EUMAP reports focus specifically on these two areas because of their importance to people with intellectual disabilities and because of the existence of international standards, and national law and policy, relating to these areas.

Monitoring of the rights of people with intellectual disabilities was based on a detailed methodology (available at [www.eumap.org](http://www.eumap.org)), intended to ensure a comparative approach across the countries monitored. The reports cover the eight Central and Eastern European (CEE) countries that joined the EU in May 2004 (the Czech Republic,

Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia), Bulgaria and Romania, expected to join in 2007, one candidate country (Croatia), and three older EU member States (Greece, the Netherlands, and the United Kingdom).

The preparation of reports on both member and non-member States highlights the fact that international human rights standards apply equally, and provides an opportunity to comment on general trends in the development and the policy application of these standards. The States selected represent a geographical spread and illustrate a spectrum of policy, practice and implementation.

Reports on each of the 14 countries monitored, plus an overview report resuming the main findings across all the countries, will be published separately. First drafts of each of the country reports were reviewed at national roundtable meetings. These were organised in order to invite comments on the draft from Government officials, civil society organisations, self-advocates, parents, and international organisations. The final report reproduced in this volume underwent significant revision based on the comments and critique received during this process. EUMAP assumes full responsibility for its final content.

## Foreword

This report is one of a series of 14 country reports prepared by the Open Society Institute's EU Monitoring and Advocacy Program and the Open Society Mental Health Initiative. The report presents an overview of the opportunities and challenges facing people with intellectual disabilities in accessing education and employment. It provides an important contribution to research on this group, one of the most vulnerable groups throughout Europe.

The initiative of producing this report fulfils important objectives. There is a clear need for comprehensive studies based on reliable research about the situation of people with intellectual disabilities in Europe. Without reliable information, the strategies and policies targeting this particular group of people are often inadequate in terms of meeting their real needs. The monitoring underlying the reports also aims to provide a comparative overview on the countries analysed. The present report goes far beyond previous reports that have brought this issue to the attention of European and national decision-makers.

Presenting a wider picture, this series of reports provides a thorough analysis of the situation of people with intellectual disabilities in their access to education and employment in eight new EU Member States (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia), two accession countries (Bulgaria and Romania) and one candidate country (Croatia). To give a broader view of practice across Europe, Greece, the Netherlands and the United Kingdom have also been studied. The conclusions of the series of reports indicate that people with intellectual disabilities in Europe continue to face significant barriers as far as real access to education and employment is concerned. Discrimination also remains a major issue, despite measures taken at the national level and within a larger European context.

The reports also stand for the importance of civil society monitoring and the overall involvement of different stakeholders in dialogue regarding the human rights of people with intellectual disabilities. A local expert in each country prepared the monitoring report, while local NGOs were involved throughout the monitoring process, providing the basis for broad consultation wherever possible. A central goal of this monitoring is to promote greater awareness and discussion of the issues at stake for people with intellectual disabilities at the local, national, and international levels.

Across the countries monitored, common problems continue to block access to education and employment for people with intellectual disabilities. In many countries, data on the situation of this group is extremely limited or insufficiently disaggregated, making it difficult for Governments to develop policy tailored to their needs. What data there is, shows that while integration of children with intellectual disabilities in mainstream schools is generally increasing, a more fundamental process towards

inclusion, as presented in the 1994 Salamanca Declaration on Special Needs Education, has made little headway. Many children throughout the region are still segregated in special schools or denied an education altogether, leaving little hope that they will be able to find jobs as adults. In most countries monitored, there is only the most basic support for the transition from education to employment.

Existing incentive schemes in many countries, particularly hiring quotas, have not been successful in increasing the number of people with intellectual disabilities who have entered the work force. More specifically targeted programmes must be developed to meet the needs of this group. Throughout Europe, NGOs have piloted effective projects offering supported employment to people with intellectual disabilities, providing assistance such as job coaches, specialised job training and individually tailored supervision. However, this approach has not yet been adopted as Government policy and therefore the opportunities it offers cannot be extended to a much larger group of people.

The reports highlight numerous obstacles that people with intellectual disabilities face in accessing education and employment in various countries across Europe. Improved legislation still needs to be adopted and implemented nationally as well as at the EU level. Existing models of good practice in inclusive education and supported employment should be replicated on a more extensive scale. These reports should help domestic and European decision-makers to develop effective policies ensuring the inclusion of people with intellectual disabilities into society.

From the perspective of Inclusion Europe, the European Association of People with Intellectual Disabilities and their Families, this report makes a very important contribution to the present discussion on access to education and employment for people with intellectual disabilities. We only can encourage local, national and European decision-makers, service providers and disability and social NGOs to consider and follow the recommendations developed in this report.

*Geert Freyhoff*

Director  
Inclusion Europe

# I. Executive Summary and Recommendations

## 1. EXECUTIVE SUMMARY

Throughout Europe, people with intellectual disabilities<sup>1</sup> face major stigma and prejudice and are confronted with significant barriers to realising their fundamental human rights. Discrimination against people with intellectual disabilities is deeply rooted and widespread, standing in the way of positive change. Providing real access to education and employment for people with intellectual disabilities is critical to ensuring that they can live and work in the community as equal citizens. There is a strong link between education and employment: without access to adequate education, people with intellectual disabilities cannot secure meaningful employment. This denial of access leads to life-long dependency, poverty and social exclusion, adding to the stigma of intellectual disability. This monitoring report<sup>2</sup> focuses specifically on the areas of education and employment, because of their importance to people with intellectual disabilities and because of the existence of both international standards and national legislation that specifically address them.

In Lithuania, the access of children and young people to education in a mainstream environment has improved significantly over recent years, and nearly 8,000 children with intellectual disabilities are now integrated into mainstream schools. The opportunities for young people with intellectual disabilities to receive vocational training have also improved, though those with more severe intellectual disabilities are still unable to access the training they require. However, in contrast to the many promising developments concerning the education of people with intellectual disabilities, their access to employment is extremely limited; almost none have any form of employment or work. Government policies have been ineffective in promoting any employment opportunities for this group of people, and in particular there is no framework for supported employment<sup>3</sup> in Lithuania.

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<sup>1</sup> The term “intellectual disability” (also described as “learning disability” or “mental retardation”) here refers to a lifelong condition, usually present from birth or which develops before the age of 18. It is a permanent condition that is characterised by significantly lower than average intellectual ability and results in significant functional limitations in intellectual functioning and in adaptive behaviour as expressed in conceptual, social and practical adaptive skills.

<sup>2</sup> Monitoring for this report was carried out during the period November 2003 – February 2005. Any changes to legislation and policy after this period have not been addressed. At the time of publishing, 1 July 2005, new legislation regulating the social integration of people with disabilities in all areas of life will enter into force, but these are not addressed in this report.

<sup>3</sup> Supported employment is an employment option that facilitates competitive work in integrated work settings for people with disabilities. It provides assistance such as job coaches, transportation, assistive technology, specialised job training and individually tailored supervision.

### *Background*

Lithuania has ratified most major international human rights instruments, including those with provisions relating specifically to the rights of people with disabilities, though it has yet to sign or ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Lithuanian Constitution provides equality before the law for all, but there is no specific prohibition against discrimination on the grounds of disability. In line with the EU Race Equality Directive and the Employment Directive, the legislative framework for anti-discrimination has recently been significantly strengthened with the adoption of the new Law on Equal Opportunities 2003. This law entered into force on 1 January 2005 and includes a specific prohibition against discrimination on the grounds of disability. The mandate of the Equal Opportunities Ombudsman has been broadened in line with this new law, and in the future, the office will be able to address complaints of direct or indirect discrimination on the grounds of disability. The Law on Social Integration of People with Disabilities 1998 is currently the main legislative basis for Lithuanian disability policy. However, a new version of this law – to enter into force on 1 July 2005 – aims to improve the opportunities for, and attitudes towards, people with disabilities in Lithuania, and to promote their social integration. It establishes the principles of equal rights and equal opportunities for people with disabilities and improves their protection from discrimination, including discrimination in access to education and employment. Lithuania has an officially recognised disability policy. Adopted in 2002, the “National Programme for the Social Integration of People with Disabilities 2003–2012”, seeks to promote equal opportunities for people with disabilities, including in education and employment.

There are different procedures for the assessment and diagnosis of people with intellectual disabilities, one for education, which is aimed at children and young people, and one for employment purposes and access to social welfare benefits, which is aimed at people age 18 and over. Intellectual disability is diagnosed and defined in line with the World Health Organization’s International Classification of Diseases, Tenth Revision, according to four levels of intellectual disability: *mild*, *moderate*, *severe* and *profound*. For adults, the individual’s assessed level of intellectual disabilities is used as a basis for assigning one of three disability groups: I, II or III, where group III is the least severe degree of disability. For educational purposes, the child or young person’s level of intellectual disabilities is used as a basis for determining his or her special educational needs.

At present, there is a lack of comprehensive and consistent data that covers people with disabilities and is disaggregated by type of disability. In 2001, the Population and Housing Census included questions on people with disabilities for the first time, but data on people with intellectual disabilities was subsumed within the broader category of people with mental disabilities. Because this category also includes people with mental health problems, the results are difficult to interpret. According to the census, approximately 6,000 people with mental disabilities, or just over one quarter of all



people in Lithuania with mental disabilities, live in residential institutions. The census revealed that the majority of adults with mental disabilities are assessed in disability groups I or II. These assessments have significant consequences because, when people with intellectual disabilities in disability groups I and II – which include people with *moderate, severe* or *profound* intellectual disabilities – attain the age of 18, they are usually declared legally incapable by the courts and placed under a level of guardianship that is equivalent to *plenary* guardianship. They thereby lose all their civil and economic rights. As these rights include the right to sign an employment contract and the right to work, an assessment of disability group I or II represents a significant barrier to employment. Although the law also foresees the possibility of limiting, rather than fully removing, an individual's civil capacity and placing him or her under curatorship, which is equivalent to *partial* guardianship, this is not applicable to people with intellectual disabilities.

### *Access to education*

Lithuanian legislation establishes the right to education for all children, and the Law on Equal Opportunities 2003 strengthens protection against discrimination in education on the grounds of disability. The Law on Education 2003 and the Law on Special Education 1998 are the main laws regulating the education system in Lithuania. Importantly, the Law on Education 2003 specifically provides for the right of children with special needs to be educated in a mainstream school close to their place of residence. The Law on Special Education 1998 regulates the education of children and young people with special educational needs, and it also regulates the structure and administration of special education. Although this law established the basis for inclusive education and is considered by experts to be both progressive and innovative, there have nonetheless been calls for it to be replaced by a unified act on education. Many people concerned with the education of people with intellectual disabilities believe that maintaining a separate law on special education only serves to reinforce segregation within the educational system and increase the stigmatisation of children with intellectual disabilities. Another concern is that in many cases, the secondary legislation necessary to implement the existing laws on education is not yet in place, which means that the rights established under the Law on Education 1998 are not always implemented in practice.

In Lithuania, there is a well-organised and comprehensive system of early intervention, or “early rehabilitation”, services for children with intellectual disabilities. These services are available at three levels, depending on the degree of the child's disabilities, but there is an increasing emphasis on provision of services at the community level. There are already signs that early intervention services have produced good results and helped to improve the level of education that children with intellectual disabilities can later acquire. The assessment procedures used to assign special education for children of school age are also effective. Parents are generally satisfied and feel that they and their children are adequately consulted, and that parental choice is reflected. The

parents of a child with intellectual disabilities have the right to choose the type of school that they wish their child to attend.

The educational options for children with intellectual disabilities are: mainstreaming, either with complete integration in a mainstream class or partial integration, in which some classes are in a special class; education in a special school, an option that can involve partial integration if the child has some classes in a mainstream school; or home schooling. Assessment of intellectual disability for educational purposes is carried out by Special Education Commissions and the Pedagogical Psychological Services. These assessment bodies recommend the most appropriate form of education for a child with intellectual disabilities, and the educational programme the child should follow. The curriculum the child follows can be adapted accordingly, or an individualised curriculum can be prepared. These bodies also recommend the type of support and assistance the child will require. However, although children with special needs have the right to pedagogical support and compensatory equipment, this right is in fact not always realised. In practice, the form of education a child with intellectual disabilities receives still depends to a large extent on the decisions of the child's parents or guardians and the decision of the local municipality. In smaller towns, the available options for children with intellectual disabilities can be very limited, and the only choice may be attendance at a special boarding school.

The EU accession process has played a key role in the development of Lithuanian education policy over recent years and, as a Member State, Lithuania is now eligible for funding from the EU Structural Funds. A portion of these funds will be used for promoting equal opportunities and the full integration of people with disabilities, a task that includes the improvement of education and vocational training services and lifelong learning. The most important reference for national education policy is the "National Educational Strategy for 2003–2012". This introduces significant reforms in the education system, including the decentralisation of the education system and the introduction of a new system of education financing, based on the principle that the "funds follow the student", which should increase funding for special education. The Government has put in place a number of programmes to support the implementation of these reforms, several of which are particularly relevant to the education of children with intellectual disabilities. However, one of the most important elements of the strategy, the reform of the system of education financing, has not yet been successfully implemented. A main problem that has been identified is that a significant proportion of the necessary secondary legislation has either not yet been created or has not been implemented.

There has been a highly significant increase in the number of children and young people with intellectual disabilities who are fully integrated into mainstream schools in Lithuania, up from 1,085 students in 1995–1996, to 7,095 in 2002–2003. In addition, in 2002–2003, nearly 800 children with intellectual disabilities attended mainstream schools through partial integration. Although the Law on Special Education 1998 established the foundation for inclusive education, this increase must also be attributed to a number of more recent positive developments. These include the

adjustment of educational programmes to the individual needs and competencies of the child; a flexible system of transfer to a more demanding educational programme; the possibility of transferring a child from a special school to a mainstream school; and improved access to pre-school education. In practice, though, parents of children with intellectual disabilities still tend to accept integration as a “favour” rather than a right, and their choice of school is often limited by the availability of social and education services. In addition, some teachers, and also the parents of children without disabilities, still resist the inclusion of children with disabilities in mainstream classes. The most significant remaining barriers to integration, though, are a lack of suitably qualified teachers, transportation problems particularly in rural areas, and a lack of support services for parents of children with intellectual disabilities.

The increasing integration of children with intellectual disabilities into mainstream schools has led to a corresponding decline in the numbers attending special schools, down from 5,845 in 1994 to less than 3,488 in 2004. Most children with intellectual disabilities who attend a special school have *moderate* intellectual disabilities. Children with more severe intellectual disabilities are usually placed in boarding homes or do not attend school. Special schools can be day schools or boarding schools. Education in special boarding schools remains a necessary option for a few children with intellectual disabilities, particularly those from the remoter areas of the country. However, the Children’s Rights Ombudsman has expressed concern that there are many children with *mild* intellectual disabilities or behavioural challenges who have been placed in such schools, even though they should be integrated into mainstream schools. Specialists advise that, in the future, only children with *severe* or *profound* intellectual disabilities should attend the special boarding schools.

Home schooling is intended for children with an acute medical condition, rather than those with permanent disabilities, such as intellectual disabilities. Home schooling should not exceed 12 months. However, in Lithuania, a relatively high number of children do not attend school and, due to inconsistent methods of data collection, it is not possible to assess the number of children with intellectual disabilities who either do not attend school or who receive home schooling. Better assessments should be possible in the future, as the Ministry of Education and Science has decided to collect such information starting from 2004. In Lithuania, few children with intellectual disabilities live in residential institutions other than special boarding schools. In 2002, there were approximately 650 children with intellectual disabilities living in the three boarding homes intended for young people who have intellectual disabilities and are under age 21. These children, many of whom need intensive care, receive no education of any kind. This is mainly due to the fact that these homes are part of the social care system, rather than the education system, and they lack adequate resources.

### *Transition from education to employment*

Although Lithuanian legislation provides for the right of people with intellectual disabilities to access vocational training, at present most are not able to realise this right

in practice. Specialists and parents cite intolerance against people with intellectual disabilities, particularly in rural areas, as a main contributing factor. In addition, although vocational education and training courses have become more accessible to young people with intellectual disabilities over recent years, at present only those with *mild* intellectual disabilities are able to acquire professional vocational qualifications. Young people with *mild* intellectual disabilities can receive vocational training in state vocational schools, vocational training departments of special boarding schools and three specialised vocational training schools. The Labour Exchange also provides vocational training services, and other employment services, intended for young people with disabilities, but these are not well adapted to the specific needs of people with intellectual disabilities. In any case, most people with intellectual disabilities cannot access these services, as they are assessed as having no working capacity. NGOs play a vital role in providing training and day occupancy for young people with more severe intellectual disabilities after they leave school. A draft strategy for reforming the vocational rehabilitation system in Lithuania has been prepared. This strategy aims to facilitate the vocational integration of people with disabilities and specifically includes recommendations on improving vocational training and rehabilitation services for people with intellectual disabilities.

### *Access to employment*

Lithuanian law guarantees the right to work and to choose a profession. Lithuania has transposed the provisions of the European Union's Council Directive 2000/78/EC (the Employment Directive) into national legislation and strengthened protection against discrimination in employment for people with disabilities. The Law on Equal Opportunities 2003 prohibits discrimination on the grounds of disability in the area of employment. The Law on Social Integration of People with Disabilities 1998 defines employment guarantees for people with disabilities. It also regulates the quota system and additional State subsidies available for the employment of people with disabilities. The new version of this law – to enter into force in June 2005 – will lead to a number of important changes, including improved disability assessment procedures. The Law on Social Enterprises 2004 introduces new forms of support and employment for people with disabilities, including State subsidies for social enterprises for people with disabilities. Although this should lead to the creation of new employment opportunities for people with disabilities, there are two important barriers to the employment of people with intellectual disabilities in social enterprises: first, employees must have some assessed working capacity, and, second, they must also have legal capacity.

For people aged 18 years old and above, assessments of disability for employment purposes and access to social benefits are carried out by the State Medical and Social Examination Commissions, which establish each individual's disability group and degree of working capacity, expressed as a percentage. The commissions can also recommend rehabilitation or training. However, at present, assessments are over-medicalised, inconsistent and time-consuming. Most people with intellectual disabilities have to repeat the assessment every two years, even though their condition

will not change and they will not receive any additional support. Furthermore, most people with intellectual disabilities are assessed as having no working capacity, which is a very important barrier to employment. Such an assessment also excludes them from registering at a Labour Exchange and accessing the employment services offered to people with disabilities. In line with the Law on Social Integration of People with Disabilities 2004, the Government has committed itself to reforming disability assessment procedures. New regulations are presently being prepared, and NGOs representing people with disabilities have been consulted in the preparation of these draft regulations. The overwhelming majority of people with intellectual disabilities are fully reliant on state benefits. In most cases, this means the social pension, because most people with intellectual disabilities have no working capacity and little or no work experience, and thus they are not eligible for a disability pension or an unemployment benefit. The level of the benefits they receive depends mainly on their disability group. However, despite an important increase in the level of the social pension in 2004, it still does not cover the basic living costs of people with disabilities. In most cases, therefore, families must support a family member with intellectual disabilities.

Lithuania's accession to the European Union has resulted in a number of positive changes in employment policy, including policy for people with disabilities. A number of documents prepared during Lithuania's accession process highlighted the challenges faced by people with disabilities in accessing employment. The documents made recommendations aimed at increasing these people's integration into the labour market. Over the next few years, EU Structural Funds will be used for projects directly promoting equal opportunities and full integration of people with disabilities. As yet, though, the extent to which these projects will benefit people with intellectual disabilities is difficult to assess. At present, the main means by which the State encourages the employment of people with disabilities on the open market is through a quota system, which applies to employers with more than 50 employees, and through state occupancy support subsidies for any employers who engage workers with disabilities outside the quota system. Additional employment guarantees are also available to people with disabilities, including priority for active employment measures, such as public works. However, none of these measures have been effective in enabling people with intellectual disabilities to access employment. A particular barrier is that only people with some working capacity are eligible for these benefits, so the majority of people with intellectual disabilities are excluded. In addition, these measures are not well adapted to the specific employment needs of people with intellectual disabilities.

Although Lithuanian law guarantees the right to employment for all, in practice it is not effective enough in encouraging the employment of people with disabilities – whose employment opportunities are in fact decreasing. Moreover, the employment situation of people with intellectual disabilities is particularly grave; almost none are thought to have any kind of employment. Official statistics underestimate the unemployment rates of people with disabilities, as those with no working capacity, including most people with intellectual disabilities, cannot register as unemployed.

They also cannot access employment through the quota system, which is one of the reasons why there are no known cases of a person with intellectual disabilities finding employment in this way. People with intellectual disabilities face many barriers, including the negative attitude of employers to their type of disability. In any case, those with more severe intellectual disabilities are usually placed under guardianship, and thereby lose the right to work. There is no framework for supported employment in Lithuania and almost no instances of people with intellectual disabilities finding employment in sheltered work places. The Law on Social Enterprises 2004 introduces a number of important changes to available State support for the employment of people with disabilities. In particular, it establishes for the first time legislation on the post of job coach, which should permit some people with intellectual disabilities to access employment on the open market through supported employment. In the future, employment in social enterprises may prove a better alternative to the quota system for people with intellectual disabilities. As yet, however, it is still too early to assess the impact of the newly introduced social enterprises on the employment opportunities for people with intellectual disabilities.

## 2. RECOMMENDATIONS

### General recommendations

#### *International Standards*

1. Lithuania should sign and ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

#### *Data collection*

2. The Government should ensure the regular collection and public dissemination of comprehensive statistical data on people with disabilities, disaggregated by type of disability. In order to develop effective policy, data on people with intellectual disabilities, including through National Population and Housing censuses, should be collected discretely, rather than included in the broader category of people with mental disabilities. In particular:
  - The Ministry of Education and Science should collect and maintain data on the number of children with intellectual disabilities who do not receive schooling of any kind or who receive home schooling.
  - The Ministry of Social Security and Labour should ensure that data on the employment situation of people with intellectual disabilities is collected.

*Guardianship*

3. The Government should ensure that people with disabilities who are placed under guardianship are able, to the fullest extent possible, to exercise their civil rights, particularly their right to employment.
4. The Government should, as a priority, amend existing legislation, to establish the right of courts to be able to *limit* the active capacity of a person with intellectual disabilities, so that the individual can be placed under curatorship. This could offer an alternative to the current existing option of declaring people *incapable* and placing them under guardianship.

**Recommendations on education***Legislation*

5. The Government should prepare a united legal act on education in Lithuania. The fact that there is a separate law on special education (the Law on Special Education 1998) tends to reinforce the segregation of students with special needs and increase their stigmatisation.
6. The Government should, as a priority, prepare additional secondary legislation on the financing of the integral educational system, for all types of schools. In particular, funding for after-school and other extra-curricular activities for children with special needs, including intellectual disabilities, should be increased.

*Policy*

7. The Government should monitor and regularly review progress on its policy to integrate children and young people with disabilities into mainstream schools, vocational training schools and higher education institutions. It should be evaluated as a failure if a child with intellectual disabilities decides to transfer back from a mainstream school to a special school, or if a child's parents decide such a transfer is necessary.

*Pre-school education*

8. The Government should undertake a review of the pre-school education system and consider making pre-school education obligatory for children with special needs, including children with intellectual disabilities.

*Home Schooling*

9. The Ministry of Education and Science should monitor the number of children and young people with intellectual disabilities who receive home schooling, which should be considered the schooling option of last resort for these children. The ministry should also carry out an evaluation of the quality

of education these home-schooled children receive in practice, with the aim of assessing whether their educational needs are being met.

### *Support services*

10. The Government should ensure that municipalities have a special budget line for the provision of support and assistance that meets the needs of children with intellectual disabilities integrated in mainstream schools. In particular, their transportation to school should be covered, especially in rural areas and in winter. This budget line should be protected from reallocation to other needs and programmes.
11. The Ministry of Education and Science should extend its network of specialists for special pedagogical and psychological assistance, to ensure that these services are accessible throughout the country.
12. The Ministry of Education and Science should ensure that the right of children and young people to compensation technology and special support – such as an assistant teacher, reader, attendant or sign-language interpreter – is ensured in practice.

### *Teacher training*

13. The Government should improve the qualifications and training of all teachers working with children with special needs, including children with intellectual disabilities.

## **Recommendations on transition from education to employment**

### *Legislation*

14. The Government should, as a priority, prepare and draft secondary legislation on the integration of children with special needs in vocational schools. In particular, legislation is needed to regulate the adaptation of the educational programmes of mainstream vocational schools, to ensure that they are accessible to people with intellectual disabilities who wish to gain professional skills or seek a professional qualification.

### *Policy*

15. The Government should review the “National Programme for the Social Integration of People with Disabilities 2003–2012” with the aim of developing a concrete strategy for improving vocational rehabilitation services for people with intellectual disabilities.



*Employment Services*

16. The Government should ensure that the employment services offered by the Labour Exchange, including vocational training services, are made available to young people with intellectual disabilities and are adapted to their special needs.

**Recommendations on employment***Legislation*

17. The Government should ensure the full implementation of the Law on Social Enterprises 2004 and the Law on Social Integration of People with Disabilities 2004, through the timely adoption of comprehensive secondary legislation.
18. The Government should introduce legislation and policy to promote the introduction of the supported employment methodology to Lithuania. It should then take steps to make supported employment available to people with intellectual disabilities throughout the country.

*Disability assessment procedures*

19. The Government, in coordination with the Ministry of Social Security and Labour and the Ministry of Health Care, should, as a priority, ensure that the ongoing review of disability assessment procedures leads to concrete improvements in the quality of assessments for people with intellectual disabilities. In particular:
  - Disability assessment procedures for children and adults with intellectual disabilities should not only be based on medical evaluations, but should also take into account social and environmental factors and each individual's special needs, including measures for rehabilitation and educational support and assistance. Disability assessments should therefore be multidisciplinary, and should not be carried out only by medical specialists.
  - Special methodologies should be developed for the evaluation of working capacity, in order to better establish each individual's abilities and capacity for work. The evaluation of working capacity for people with intellectual disabilities should aim to facilitate their access to employment, vocational training and occupational programmes provided by the Labour Exchange, as well as to State employment guarantees and pensions and benefits available to people with disabilities. The evaluations should, as far as possible, permit people with intellectual disabilities to gain or retain *some* working capacity.
  - The number of reassessments of people with intellectual disabilities should be reduced as far as possible, unless the reassessments lead to improved support for the individual being assessed. Exceptions should, however, be

made in any case where a person with intellectual disabilities specifically requests a reassessment.

#### *Access to employment*

20. The Government should review the accessibility of employment guarantees and employment through the quota system for people with more severe disabilities, to ensure that more opportunities are created for them to exercise their fundamental right to work. In particular, the Government should ensure that, not only people with *mild* intellectual disabilities, but also people with more severe intellectual disabilities, are able to access employment in social enterprises.
21. The Government should investigate measures to counter the reluctance of employers to employ people with more severe disabilities and people with mental disabilities, including intellectual disabilities. These measures should include State funding for the provision of more appropriate support, including job coaches.

#### *Social welfare*

22. The Government should review the social support available to people with intellectual disabilities, including the level of their social benefits and allowances, in order to better address the specific needs of people with intellectual disabilities and their families, and to ensure that their basic living costs are met.

## II. Country Overview and Background

### 1. LEGAL FRAMEWORK

*Lithuania has ratified most major international human rights instruments, including those with provisions relating specifically to the rights of people with disabilities, although it has yet to sign or ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Lithuanian Constitution provides equality before the law for all, but there is no specific prohibition against discrimination on the grounds of disability. In line with the EU Race Equality Directive and the Employment Directive, the legislative framework for anti-discrimination has recently been significantly strengthened with the adoption of the new Law on Equal Opportunities 2003. This law entered into force on 1 January 2005 and includes a specific prohibition against discrimination on the grounds of disability. The mandate of the Equal Opportunities Ombudsman has been broadened in line with this new law, and in the future, the office will be able to address complaints of direct or indirect discrimination on the grounds of disability. The Law on Social Integration of People with Disabilities 1998 is currently the main legislative basis for Lithuanian disability policy. However, a new version of this law – to enter into force on 1 July 2005 – aims to improve the opportunities for, and attitudes towards, people with disabilities in Lithuania, and to promote their social integration. It establishes the principles of equal rights and equal opportunities for people with disabilities and improves their protection from discrimination, including discrimination in access to education and employment. Lithuania has an officially recognised disability policy. Adopted in 2002, the “National Programme for the Social Integration of People with Disabilities 2003–2012”, seeks to promote equal opportunities for people with disabilities, including in education and employment.*

#### 1.1 International obligations

Lithuania has ratified most major international human rights instruments, including those with provisions relating specifically to the rights of people with disabilities. International treaties take precedence over national legislation.<sup>4</sup> Lithuania acceded to the International Covenant on Economic, Social and Cultural Rights<sup>5</sup> (CESCR) and

<sup>4</sup> The Constitution (Article 138) and the Law on International Treaties 1999 define the main principles concerning the effect of international conventions, treaties and agreements. International treaties ratified by the *Seimas* become constituent parts of the legal system of Lithuania. If the standards defined by international treaties ratified by Lithuania differ from the ones set in its legislation, the standards of those international treaties must take precedence over Lithuanian legislation. Legislation and other legal acts of Lithuania must be coordinated with the norms set in these treaties. K. Jovaišo, *Commentary of the Lithuanian Constitution (Part 1)*, (in Lithuanian), Law Institute, Vilnius, 2000 (hereafter, Jovaiša, *Commentary*).

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights (CESCR), 3 January 1976, 993 U.N.T.S. 3, available on the UNHCR website at [http://www.unhcr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhcr.ch/html/menu3/b/a_cescr.htm) (accessed 5 May 2004).

the International Covenant on Civil and Political Rights<sup>6</sup> (CCPR) in 1992. Lithuania ratified the Convention on the Rights of the Child<sup>7</sup> in 1992 and is a signatory to the Salamanca Statement and Framework of Action for Special Needs Education.<sup>8</sup> Lithuania ratified the ECHR in 1995, but has not signed or ratified Protocol No.12 to the ECHR. Lithuania ratified the Revised European Social Charter<sup>9</sup> of 1996 in 2001, and is bound by Article 15 on the right of persons with disabilities to independence, social integration and participation in the life of the community. Lithuania has ratified all of the eight fundamental conventions of the International Labour Organization (ILO)<sup>10</sup> and has also ratified the ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159) and the ILO Convention concerning Vocational Guidance and Vocational Training in the Development of Human Resources, 1975 (No. 142).

## 1.2 Domestic legislation and policy

The act that re-established Lithuanian independence was passed on 11 March 1990 and provides the legal basis for the Lithuanian State.<sup>11</sup> There are four branches of the State: the Parliament (*Seimas*); the Executive, the President, who is directly elected in national elections; the Government; and the Judiciary. The first Constitution of the Republic of Lithuania (hereafter, Constitution) was approved by national referendum

<sup>6</sup> International Covenant on Civil and Political Rights, 23 March 1976, 999 U.N.T.S. 171, available on the UNHCR website at [http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm) (accessed 5 May 2004).

<sup>7</sup> International Convention on the Rights of the Child, 2 September 1990, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), available at <http://www.unicef.org/crc/crc.htm> (accessed 26 November 2004).

<sup>8</sup> UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education, adopted by the World Conference on Special Needs Education: Access and Quality, Salamanca, Spain, 7-10 June 1994, organised by UNESCO and the Government of Spain.

<sup>9</sup> Revised European Social Charter, 1 July 1999, C.E.T.S. 163, available at <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm> (accessed 22 October 2004).

<sup>10</sup> The International Labour Organization has identified the Organization's eight fundamental Conventions: Convention concerning Forced or Compulsory Labour, 1930 (No. 29); Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87); Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949 (No. 98); Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100); Convention concerning the Abolition of Forced Labour, 1957 (No. 105); Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111); Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138); Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182).

<sup>11</sup> The Act on the Re-establishment of Lithuanian Independence 1990, No. I-12//*State News*, 1990, No. 9-222.

on 25 October 1992.<sup>12</sup> The Constitution is the fundamental law of the State.<sup>13</sup> It includes the principle of equality of all people before the law, the courts and other State institutions and their officers.<sup>14</sup> According to Article 29, “a person may not have his rights restricted in any way, or be granted any privileges, on the basis of his sex, race, nationality, language, origin, social status, religion, convictions, or opinions.” However, protection from restriction of rights and non-discrimination on the grounds of disability is not directly mentioned in the Constitution.

In Lithuania, there is an officially recognised disability policy that is expressed in national legislation and Government policy and programmes. The emphasis, in descending order, is on prevention, rehabilitation, individual support and measures promoting accessibility.<sup>15</sup> The United Nations Standard Rules on Equalization of Opportunities for People with Disabilities<sup>16</sup> were translated into Lithuanian and served as a source of reference for the preparation and adoption, in 2002, of the “National Programme for the Social Integration of People with Disabilities 2003–2012”. The main purpose of this programme is to seek equal opportunities for people with disabilities; to plan activities for their social integration that correspond to the State’s international and national policy aims and obligations; and to foresee a strategy for the implementation of these activities. The programme, and its corresponding action plan adopted in 2003, presents concrete actions and means that should be undertaken, and details the institutions responsible for implementation. It covers all areas of social integration for people with disabilities, including education and employment. In 2003, Lithuania marked the Year of People with Disabilities.<sup>17</sup>

<sup>12</sup> The Constitution of the Republic of Lithuania 1992, 25 October 1992//*State News*, 1992, No. 33-1014 (hereafter, Constitution).

<sup>13</sup> The Constitution is an integral and directly applicable legal act of the nation. It defines the main principles of the existence and operation of the State, the main functions and competencies of the authorities and governing institutions and principles of human rights and legal protection. Its provisions and principles are further detailed by other legal acts in the form of laws, resolutions and amendments to legal acts. There is no law or other legal act contrary to the Constitution. Jovaišo, *Commentary*.

<sup>14</sup> Constitution, art. 29.

<sup>15</sup> Government Resolution of 7 June 2002 on approval of The National Programme for the Social Integration of People with Disabilities 2003-2012, No. 850//*State News*, 2002, No. 57-2335, (hereafter, National Programme for Social Integration).

<sup>16</sup> United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, A/RES/48/96, 20 December 1993.

<sup>17</sup> This placed the State under the obligation to prioritise issues that concern people with disabilities in all aspects of their life; ensure their protection from discrimination; and grant them equal rights and opportunities. The Action Plan for the Year of People with Disabilities, adopted in 2003, established the main policies of the State to ensure the rights of people with disabilities. Seimas Decision announcing 2003 as the Year of People with Disabilities in Lithuania, No. IX-850//*State News*, 2002, No. 42-1562. Government Decision on the Action Plan for the Year of People with Disabilities, No. 159//*State News*, 2003, No. 14-558 (hereafter, Action Plan for the Year of People with Disabilities).

The most important general legislation creating the basis for disability policy in Lithuania is:

- the Law on Equal Opportunities 2003;<sup>18</sup>
- the Law on the Social Integration of People with Disabilities 2004 (hereafter, Law on Social Integration 2004)<sup>19</sup> (*enters into force 1 July 2005*);
- the Law on Social Integration 1998;<sup>20</sup>
- the Law on Mental Health Care 1995.<sup>21</sup>

The Law on Equal Opportunities 2003 entered into force on 1 January 2005. The law complements the Law on Equal Opportunities for Women and Men 1998,<sup>22</sup> which addresses discrimination on the grounds of sex, but the new law extends the scope of protection from discrimination to also cover disability, age, sexual orientation, racial or ethnic origin, religion or personal convictions.<sup>23</sup> It was adopted in compliance with the provisions of the Race Equality Directive and the European Union's Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (hereafter, the Employment Directive); and Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin (hereafter, the Race Equality Directive). According to the European Commission's *Annual Report on Equality and Non-discrimination 2004*, the entry into force of the Law on Equal Opportunities 2003 will bring Lithuanian legislation in line with the provisions of both EU directives.<sup>24</sup>

The Law on Equal Opportunities 2003 states that it strives to “ensure the realisation of equal rights established by the Constitution of the Republic of Lithuania, as well as to

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<sup>18</sup> The Law on Equal Opportunities 2003, No. IX-1826//*State News*, 2003, No. 114-5115. The Law on Equal Opportunities 2003 was adopted on 18 November and entered into force on 1 January 2005.

<sup>19</sup> The Law on the Social Integration of People with Disabilities, No. IX-2228//*State News*, 2004, No. 83-2983, (hereafter, Law on Social Integration 2004). The Law on Social Integration 2004 was passed on 11 May 2004 and will enter into force on 1 July 2005.

<sup>20</sup> The Law on the Social Integration of People with Disabilities 1998, No. VIII-904 of 22 October 1998, (hereafter Law on Social Integration 1998).

<sup>21</sup> The Law on Mental Health Care 1995, No. I-924 // *State News*, 1995, No. 53-1290.

<sup>22</sup> The Law on Equal Opportunities for Women and Men 1998, No. VIII-947// *State News*, 1998, No. 112-3100.

<sup>23</sup> Law on Equal Opportunities 2003, art. 1.

<sup>24</sup> European Commission, *Annual Report on Equality and Non-discrimination 2004*, DG Employment and Social Affairs, European Commission, Brussels, 2004, available on the European Commission website at [http://europa.eu.int/comm/employment\\_social/news/2004/jul/annualrep2004\\_en.pdf](http://europa.eu.int/comm/employment_social/news/2004/jul/annualrep2004_en.pdf), (accessed 6 December 2004), p. 14, (hereafter, European Commission, *Annual Report on Equality and Non-discrimination 2004*).

prohibit any direct or indirect discrimination on the grounds of age, sexual orientation, disability, racial or ethnic origin, religion or convictions”.<sup>25</sup> It establishes and regulates the duty – of State institutions; education, science and training institutions; providers of goods and services; and employers – to ensure equal opportunities, irrespective of a person’s age, disability, sexual orientation, racial or ethnic origin, religion or beliefs.<sup>26</sup> This law is particularly important given that, according to data of the Parliamentary Human Rights Committee, most discrimination cases are brought on the grounds of either age or disability.<sup>27</sup>

The Office of the Ombudsman for Equal Opportunities oversees the implementation of the Law on Equal Opportunities 2003.<sup>28</sup> The office had been responsible for investigating complaints concerning direct and indirect discrimination and sexual harassment, at work or in other aspects of life, under the Law on Equal Opportunities for Women and Men 1998. However, after the Law on Equal Opportunities 2003 entered into force, the mandate of the Office was broadened to also investigate complaints concerning direct and indirect discrimination on the grounds set out in the law, including grounds of disability.<sup>29</sup>

<sup>25</sup> Law on Equal Opportunities 2003, art. 1.

<sup>26</sup> Law on Equal Opportunities 2003, art. 3-6.

<sup>27</sup> Information from the Parliamentary Human Rights Committee, accessed on the Lithuanian Parliament website at <http://www3.lrs.lt> (accessed 20 January 2005).

<sup>28</sup> The first Office of the Ombudsman for Equal Opportunities for Women and Men was established – and the first Ombudsman appointed – in 1999 by a decision of the *Seimas*. In 2003, the Ombudsman was reappointed for a second four-year period, but the name of the Office of the Ombudsman for Equal Opportunities for Women and Men was changed to the Office of the Ombudsman for Equal Opportunities. *Seimas Decision of 18 November 2003 on Changing the name of the Office of Ombudsman for Equal Opportunities for Women and Men and approving the regulations of the Office of the Ombudsman for Equal opportunities No. IX-1827//State News, 2003, No. 111-4930.*

<sup>29</sup> The Office of the Ombudsman for Equal Opportunities is an independent public institution accountable to the *Seimas*. Men and women who think that discriminatory acts in the fields of employment, education and service provision have been directed against them, or those who think that they have been the subject of sexual harassment, have a right to appeal to the Office. The Ombudsman for Equal Opportunities investigates both direct and indirect discrimination. From 1 January 2005, the Office also investigates complaints from people that suffered from direct or indirect discrimination on the grounds of age, sexual orientation, disability, racial or ethnic origin, religion or convictions, in work, education institutions or in the sphere of services provision. State, government and administration institutions are obliged to draw up and implement programmes aimed at ensuring equal opportunities for women and men, and realisation of principle of equality irrespective of age, sexual orientation, disability, racial or ethnic origin, religion or convictions. Office of Ombudsman for Equal Opportunities, *Report for the year 2003*, (in Lithuanian), available on the Lithuanian Parliament website at <http://www3.lrs.lt/owa-bin/owarepl/inter/owa/U0121552.doc> (accessed 31 January 2005). Also, information available on the Lithuanian Parliament website at [http://www3.lrs.lt/pls/inter/dba\\_intra.W3\\_VIEWER.ViewDoc?p\\_int\\_tekst\\_id=20554&p\\_int\\_tv\\_id=1961&p\\_org=0](http://www3.lrs.lt/pls/inter/dba_intra.W3_VIEWER.ViewDoc?p_int_tekst_id=20554&p_int_tv_id=1961&p_org=0) (accessed 7 July 2005).

The Law on the Social Integration 1998 is the most important legislation covering people with disabilities.<sup>30</sup> It applies to people with disabilities of any level or type, including intellectual disabilities, although this specific term is not used in the law. Article 2 of the law states that “disabled people, regardless of the cause, character and degree of the manifestation of their disability, shall be entitled to the same rights as other residents of the Republic of Lithuania. [...] People with disabilities shall be protected from all types of exploitation, discrimination and abusive or scornful behaviour”.<sup>31</sup>

A new version of the law (Law on the Social Integration 2004<sup>32</sup>) was adopted on 11 May 2004 and will enter into force on 1 July 2005. This follows effective advocacy by disability NGOs on the rights and status of people with disabilities.<sup>33</sup> The new law aims to change the concept of, and attitude towards, people with disabilities in Lithuania, and is likely to lead to significant further changes. In particular, the Law on Social Integration 2004 directly establishes the principles of equal rights and equal opportunities for people with disabilities, as well as their protection from discrimination and exploitation.<sup>34</sup> Outdated terminology, such as “invalidity” or “handicap”, are changed to internationally accepted terms such as “people with disabilities” or “people with special needs”. The law will also lead to significant changes in disability assessment procedures for employment purposes and access to social benefits.<sup>35</sup> At present, the Ministry of Social Security and Labour, in consultation with NGOs representing people with disabilities and their families, is preparing the secondary legislation required to implement the new law.<sup>36</sup>

The Law on Mental Health Care 1995 prohibits discrimination based on an individual’s former or existing mental disabilities.<sup>37</sup> It also guarantees all political,

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<sup>30</sup> The stated objective of the law is to: “[...] regulate the establishment of disability, medical, vocational and social rehabilitation for disabled persons, the adjustment of conditions for the disabled, as well as the development and education of the disabled, and shall establish legal, economic and organisational guarantees for the occupational, vocational and social rehabilitation of the disabled”. Law on Social Integration 1998, art. 1(1).

<sup>31</sup> Law on Social Integration 1998, art. 2.

<sup>32</sup> Although the English language, the title of the new law (Law on the Social Integration of People with Disabilities) remains unchanged, in Lithuanian language the title of the new law differs in that it uses the term “people with invalids” rather than “invalids”.

<sup>33</sup> Information from numerous meetings, seminars and round table discussions organised following the adoption of the new law. Also from: meetings with V. Blinkevičiūtė, Minister of Social Security and Labour; and interviews with E. Čaplikienė and with other responsible persons within the Ministry of Social Security and Labour.

<sup>34</sup> Law On Social Integration 2004, art. 3.

<sup>35</sup> See section IV.1.2.

<sup>36</sup> Drafts of the new regulations have been prepared and presented to disability NGOs for comment. See section: IV.1.2.

<sup>37</sup> Law on Mental Health Care 1995, art. 3.



economic, social and cultural rights to patients with mental disabilities. Since, in most legislation, people with intellectual disabilities are usually included in the broader category of people with mental disabilities, a category that also includes people with mental health problems, it follows that discrimination against people with intellectual disabilities should be equally prohibited under this Law on Mental Health Care.<sup>38</sup> However, in most cases adults with intellectual disabilities are declared as having full legal incapacity and are placed under guardianship, so all those rights – including political rights, such as the right to vote – are in any case suspended.

## 2. GENERAL SITUATION OF PEOPLE WITH INTELLECTUAL DISABILITIES

*There are different procedures for the assessment and diagnosis of people with intellectual disabilities, one for education, which is aimed at children and young people; and one for employment purposes and access to social welfare benefits, which is aimed at people age 18 and over. Intellectual disability is diagnosed and defined in line with the World Health Organization's International Classification of Diseases, Tenth Revision (hereafter, ICD-10), according to four levels of intellectual disability: mild, moderate, severe and profound. For adults, the individual's assessed level of intellectual disabilities is used as a basis for assigning one of three disability groups: I, II or III, where group III is the least severe degree of disability. For educational purposes, the child or young person's level of intellectual disabilities is used as a basis for determining his or her special educational needs. At present, there is a lack of comprehensive and consistent data that covers people with disabilities and is disaggregated by type of disability. In 2001, the Population and Housing Census included questions on people with disabilities for the first time, but data on people with intellectual disabilities was subsumed within the broader category of people with mental disabilities. Because this broad category also includes people with mental health problems, the results are difficult to interpret. According to the census, approximately 6,000 people, or just over one quarter of all people in Lithuania with mental disabilities, live in residential institutions. The census revealed that the majority of adults with mental disabilities are assessed in disability groups I or II. These assessments have significant consequences, because when people with intellectual disabilities in disability groups I and II – which include people with moderate, severe or profound intellectual disabilities – attain the age of 18, they are usually declared legally incapable by the courts and placed under a level of guardianship that is equivalent to plenary guardianship. They thereby lose all their civil and economic rights. As these rights include the right to sign an employment contract and the right to work, an assessment of disability group I or II represents a significant barrier to employment. Although the law also foresees the possibility of limiting, rather than fully removing, an individual's civil capacity, and placing him or her under curatorship, which is equivalent to partial guardianship, this is not applicable to people with intellectual disabilities.*

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<sup>38</sup> However, so far this has not been interpreted in this sense or supported by a court decision.

## 2.1 Definitions

The terms used in this report – “person with intellectual disabilities” and “person with disabilities” – do not correspond to those used in Lithuanian legislation. Different terms of a more general nature are used, including “invalidity”, which refers to the loss of the capability to work;<sup>39</sup> “person with mental disabilities”;<sup>40</sup> and, for educational purposes, “person with special education needs”.<sup>41</sup> However, the offensive term “imbecility” is still used in the Civil Code 2002. It has recently been recommended that, in Lithuanian, the term “child in the situation of disability” (*vaikas, esantis negalios situacijoje*) be used rather than “child with disability” (*vaikas su negalia*), as this is considered less stigmatising.<sup>42</sup> The English translation of the most common term used in Lithuania specifically for “intellectual disability” is “mental retardation”. The NGO Viltis recommends and uses the term “child with a development disorder”.

The Law on Social Integration 1991 defines disability as “the condition of an individual, as established by competent institutions, which due to a congenital or acquired physical or mental defect, totally or partially incapacitates the individual from taking care of his private or social life, from enjoying his rights and from fulfilling his duties.”<sup>43</sup> The term “as established by competent institutions” is an important distinction, in that it means that only those with disability status can be considered to have disabilities. Amendments to this law, introduced in 1998, include a new provision, which in addition defines a “person with disabilities” as: “an individual of any age who, due to a congenital or acquired physical or mental deficiency, is totally or partially incapable of taking care of his or her private or social life, enjoying his or her rights and fulfilling his or her duties”.<sup>44</sup>

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<sup>39</sup> The term “invalidity” is still used in the Law on Social Integration 1998. However, the new Law On Social Integration 2004 no longer uses this outdated term.

<sup>40</sup> Law on Mental Health Care 1995.

<sup>41</sup> The Law on Special Education 1998, in Article 3, defines “people with special needs” as “children and adults who, because of congenital or acquired impairments, have limited opportunities for participating in the educational process and social life”.

<sup>42</sup> This suggestion was made during the OSI Roundtable, Vilnius, June 2004. *Explanatory Note: OSI held a roundtable meeting in Lithuania in June 2004 to invite critique of the present report in draft form. Experts present included representatives of the government, parents and non-governmental organisations.*

<sup>43</sup> Law on Social Integration 1991, art. 3(1). The same definition is also used in the Joint Order of the Minister of Health and the Minister of the Social Security and Labour of 28 April 2000 on the Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work, No. 226/49//*State News*, 2000, No. 36-1011, 2000, No. 40 (readjusted), (hereafter, *Procedure 2000*).

<sup>44</sup> Law on Social Integration 1998, art. 3.

## 2.2 Diagnosis and assessment

There are different procedures used in the assessment of children with disabilities, for educational purposes; and in the assessment of adults with disabilities, for disability status and access to social benefits.<sup>45</sup> For adults, age 18 and over, disability assessments are carried out by the State Medical and Social Examination Commission (hereafter, SMSE Commission) of the Ministry of Social Security and Labour (see section IV. 1.2). For educational purposes, assessments are made by Special Education Commissions and the Pedagogical Psychological Services (see section III. 1.4).

People with disabilities are assessed according to four main criteria:

- their type of disability;
- the level of their disabilities, and for people age 18 and over, the corresponding disability group – I, II or III;
- their degree of working capacity, if they are 18 and over; and
- their special education needs, if they are children or under 18.

Government regulations describe intellectual disability as a separate type of “disorder” and establish three levels of disability, including intellectual disability, for children: *slight*, *moderate* and *severe*.<sup>46</sup> In assessing the special educational needs of children or young people, four groups of special educational needs may be established, *mild*, *moderate*, *severe* or *profound*,<sup>47</sup> and the appropriate form of special education assigned.<sup>48</sup>

<sup>45</sup> The Ministry of Social Security and Labour and the Ministry of Health Care are jointly responsible for disability assessment procedures related to health care, employment, social welfare entitlements, exemptions and rehabilitation. For the purpose of disability assessment, the health condition of a person with disabilities is evaluated according to a methodology designed by the Ministry of Health Care. The Ministry of Education and Science is responsible for assessing the special educational needs of children and young people with intellectual disabilities.

<sup>46</sup> Joint Order of the Ministry of Health and the Ministry of Social Security and Labour of 22 March 2004, on the List of Ailments and Conditions for Determining the Level of Disability (severe, moderate and slight) for Disabled Children, approved by, No. V-144/A1-69//*State News*, 2004, No. 44-1464; 2004, No. 47 (readjusted), para. 2, (hereafter, *Order on determining disability level for children*).

<sup>47</sup> Law on Special Education 1998, art. 6.

<sup>48</sup> The four degrees of intellectual disability (or intellectual regression) are defined as follows: *Mild* intellectual disabilities (IQ 50-69): knowledge, abilities and skills are non-systematic and incomplete; low level of educational performance. *Moderate* intellectual disabilities (IQ 35-49): knowledge, abilities and skills are partial; the level of educational performance is low. *Severe* intellectual disabilities (IQ 20-34): the level of educational achievement is very low. *Profound* intellectual disabilities (IQ lower than 20): response to the environment by unconditional and conditional reflexes. Joint Order of the Ministry of Education and Science, the Ministry of Health Care, and the Ministry of Social Security and Labour of 12 July 2002 on the Assessment of Disability and Disability Level of Individuals with Special Needs and Respective Assignment of Individuals with Special Needs to a Group of Individuals with Special Development Needs 2002, No. 1329/368/98//*State News*, 2002, No. 84-3672, item 5, Appendix 1 (hereafter, *Order on the Assessment of Disability and Disability Level*).

These correspond to the four levels of intellectual disability defined in the World Health Organization's *International Statistical Classification of Diseases and Related Health Problems*, Tenth Revision, (hereafter, ICD-10).<sup>49</sup>

The disability assessment procedures for adults establish an individual's disability according to one of three disability groups, I, II or III.<sup>50</sup> For adults with intellectual disabilities, the correspondence between the individual's diagnosed level of intellectual disability and his or her disability groups is defined as follows:<sup>51</sup>

- Disability group I, *significant* and *highly significant* intellectual disabilities: This group includes people who have intellectual disabilities corresponding to an IQ of 34 or lower, together with behavioural, emotional or other challenges. Within this group, people who are established as having intellectual disabilities corresponding to an IQ of less than 20, in combination with behavioural, emotional or other problems, are declared as having "total disability," which is equivalent to *profound* intellectual disability. People with total disability are considered to have the highest level of disability; their physical or intellectual disabilities totally restrict their possibilities for orientation into the environment, movement, work, integration and financial independence.
- Disability group II, *medium* intellectual disabilities: This group includes people who, due to their condition, are partially incapable of taking care of their private or social lives and who need temporary nursing, care and support from others. In some cases, the need for constant support and attendance may be established. For people with intellectual disabilities, this group corresponds to an IQ of between 35 and 49, often in combination with behavioural and emotional problems, and other challenges.
- Disability group III, *slight* intellectual disabilities: This group includes people with intellectual disabilities corresponding to an IQ of between 50 and 59; or people with an IQ of between 60 and 69 in combination with behavioural challenges and a lack of working skills.

<sup>49</sup> World Health Organization (WHO), *International Statistical Classification of Diseases and Related Health Problems*, Tenth Revision, Geneva, 1992, (hereafter, ICD-10). The definitions of the four levels of intellectual disability defined by the WHO (*mild*, *moderate*, *severe* and *profound*) are outlined in the WHO's *ICD-10 Guide for Mental Retardation*, available on the website of the WHO at [http://www.who.int/mental\\_health/media/en/69.pdf](http://www.who.int/mental_health/media/en/69.pdf) (accessed 23 September 2004).

<sup>50</sup> Law on Social Integration 1991, art. 3(2). Following the entry into force of the Law on Social Integration 2004 (I July 2005), the individual's disability group will no longer be assessed. Instead, the individual's working capacity (expressed as a percentage of remaining working capacity) will be established: no working capacity (0-25 per cent); partial working capacity (30-55 per cent); and full working capacity (60-100 per cent). Law on Social Integration 2004 art. 20.

<sup>51</sup> Joint Order of the Minister of Health and the Minister of Social Security and Labour of 25 May 2004 on Amendments to the Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work 2004, No. V-387/A1-145//*State News* 2004, No. 87-3184, (entered into force on 2 June 2004), Items 28.12, 29.5, 31.18, 33.30-3, (hereafter, *Procedure 2004*).

As of 1 April 2004, when assessing the eligibility of children between the ages of 16 and 18, the SMSE Commission may also assign a disability group, either I, II or III, if the child is insured by State social insurance.<sup>52</sup> Children with *severe* or *profound* special education needs are generally assessed in disability group I and may have “total disability”, which means they need 24-hour care. Children with *moderate* or *mild* special education needs are assessed as being in disability group II or III, respectively.

### 2.3 Guardianship

In Lithuania, a person who has attained the age of 18 acquires full active civil capacity<sup>53</sup> and has the same rights and responsibilities as other adults.<sup>54</sup> However, in accordance with the Civil Code 2000, the courts<sup>55</sup> can declare a person who “as a result of mental illness or imbecility<sup>56</sup> is not able to understand the meaning of his actions or control them”<sup>57</sup> to be legally incapable and *remove* the individual’s active capacity; the individual is then placed under guardianship.<sup>58</sup> The courts can also *limit* the active capacity of individuals who “abuse alcohol, drugs or other toxic substances”,<sup>59</sup> and place them under curatorship.<sup>60</sup> Importantly, however, in the case of individuals with mental disabilities, including intellectual disabilities, the courts do not have this option and can only fully remove the individual’s active capacity.

As defined in Lithuanian legislation, there is a very important distinction between the rights of a ward who is under curatorship, which is equivalent to what other countries refer to as “*partial* guardianship”, and the rights of a ward who is under guardianship, which is equivalent to *plenary* guardianship. A ward under curatorship retains some of his or her civil rights.<sup>61</sup> In particular, the ward can enter into contracts “to meet his

<sup>52</sup> *Order on determining disability level for children*, para. 2.

<sup>53</sup> Until they reach the age of 18, all children are recognised as having *full* legal incapacity up to the age of 14 and *limited* capacity from the age of 14 to 18. The Civil Code 2000, No. VIII-1864// *State News*, 2000, No. 74-2262, No. 77 (readjusted), 2000, No. 80 (readjusted), 2000, No. 82 (readjusted), art. 2.7 and 2.8.

<sup>54</sup> This section draws on information from: V. Mikelėnas and others, *Commentary of the Civil Code. Book III, Family law*, Justitia, Vilnius, 2002.

<sup>55</sup> Only the courts can restrict or remove an individual’s civil capacity. Civil Code 2000, art. 2.6(1).

<sup>56</sup> Although this term is extremely stigmatising, it is still used in the Civil Code, along with the terms “weak-mindedness” and “feeble-mindedness”.

<sup>57</sup> Civil Code 2000, art. 2.10(1).

<sup>58</sup> Civil Code 2000, art. 3.277(1).

<sup>59</sup> Civil Code 2000, art. 2.11(1).

<sup>60</sup> Civil Code 2000, art. 3.277(2). A person with *full* active capacity can also be placed under curatorship, if the person “cannot carry out his or her rights or duties due to their state of health”. However, this is only for individuals with physical or other medical disabilities, not people with intellectual disabilities. Civil Code 2000, art. 3.279.

<sup>61</sup> Civil Code 2000, art. 2.10(2)

ordinary and usual needs” without the guardian’s consent.<sup>62</sup> The curator can also consent to the ward carrying out some transactions independently.<sup>63</sup>

By contrast, a ward who is under guardianship loses all civil and political rights usually enjoyed by adults. The guardian represents the ward under law and is entitled to “enter into all the necessary transactions in the interests and on the behalf of” the ward.<sup>64</sup> Only the guardian can enter into contracts on behalf of the ward, and the ward loses the right to sign an employment contract. Importantly, the ward also loses the right to work or to receive a salary.<sup>65</sup> Guardianship, therefore, represents an important barrier to employment for the ward.

There is no precise data on how many people are declared incapable by the courts due to intellectual or mental disabilities. According to data from the SMSE Commission, in 2001 there were 5,535 adults with various disabilities who were in disability groups I and II and were recognised as being fully, legally incapable. In most cases, adults who have a more severe level of intellectual disability – in other words moderate, severe and profound intellectual disabilities that place them in groups I or II – are declared fully incapable by the courts at age 18 and placed under guardianship.

A request to declare a person with intellectual disabilities incapable can be initiated by the spouse, parents or children over 18 of the person concerned; or it can be initiated by a care institution or a public prosecutor.<sup>66</sup> The Code of Civil Procedure 2002 regulates the process by which the courts can place a person under guardianship. In particular, it states that, when reviewing such a case, the court must designate psychiatric expertise and examine other relevant medical documents.<sup>67</sup>

In making a decision on an individual’s legal capacity, the court usually takes documentation into account. If the individual has been assessed by the SMSE Commission as having no working capacity, this may be an additional argument. However, usually working capacity is not the primary consideration in guardianship cases; the courts give greater importance to aspects such as the individual’s ability to take care of himself or to handle his or her personal finances.

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<sup>62</sup> Civil Code 2000, art. 2.11(2).

<sup>63</sup> Civil Code 2000, art. 3.240 (3).

<sup>64</sup> Civil Code 2000, art. 3.240(1) and (2).

<sup>65</sup> Although the Labour Code does not specifically mention people under guardianship, this conclusion can be drawn from the concept of the employee defined in the Labour Code 2002, art. 15: “An employee is a natural person possessing legal capacity in labour relations according to Article 13 of this Code, employed under employment contract for remuneration”. Article 13(2) states that: “a person shall acquire full legal capacity in labour relations and ability to acquire labour rights and undertake labour duties when he reaches the age of 16 years. Cases of exception shall be established by this Code and other labour laws.”

<sup>66</sup> Civil Code 2000, art. 2.10(4).

<sup>67</sup> The Code of Civil Procedure 2002, No. IX-743//*State News*, 2002, No. 36-1340, art. 466.

The court decision on incapacity can be appealed by the ward, or by other persons involved in the case, within 30 days of the court's decision. However, wards do not have the right to appeal the court's *final* decision that determines their incapacity and places them under guardianship.<sup>68</sup> After 30 days, when the decision comes into force, the ward cannot even appeal to the court, as such an individual can no longer represent himself or herself under law. The Code of Civil Procedure 2002 does stipulate that the court can certify an individual as no longer requiring a guardian if the condition requiring guardianship no longer exists, or if the health condition improves,<sup>69</sup> but for people with intellectual disabilities, this almost never happens in practice.

In accordance with the Civil Code 2000, a guardian is assigned to exercise and protect the rights and interests of the ward, including the care of property. An administrator for property issues may be nominated, if necessary.<sup>70</sup> Only a legally competent person can be designated as a guardian. When a guardian is appointed, the guardian's moral and other values, their ability to carry out the duties of a guardian, and their relationship with the person in question must be taken into consideration. The wishes of the guardian and other relevant circumstances also must be considered, and the guardian must give his or her written consent.<sup>71</sup>

Guardianship institutions are responsible for the continuous supervision of designated guardians in matters relating to the proper performance of their duties.<sup>72</sup> If a guardian is not fulfilling their guardianship duties properly, if they do not ensure the protection of the rights and interests of the ward or if they abuse the rights of the ward, they can be relieved of guardianship. If the guardian's actions have inflicted harm on the ward, the ward must be compensated for this.<sup>73</sup> The procedure for going to court to request removal of a guardian is undertaken by the authorities at a care institution or by the prosecutor.

There are cases where people with disabilities are humiliated and/or abused by others, and people with intellectual disabilities are particularly vulnerable to such abuse. There are cases in which individuals attempt to place a person with intellectual disabilities under guardianship in order to take advantage of the person's property, or to use him or her in some way.<sup>74</sup> Although abuses by guardians in social care institutions are more

<sup>68</sup> Code of Civil Procedure 2002, art. 469. See: E. Laužikas, V. Mikelėnas and V. Nekrošius, *Civil procedure law (Vol. 1)*, (in Lithuanian), Justitia, Vilnius 2003.

<sup>69</sup> Code of Civil Procedure 2002, art. 469.

<sup>70</sup> Civil Code 2000, art. 3.238.

<sup>71</sup> Code of Civil Procedure 2002, art. 3.242(3)

<sup>72</sup> The guardianship institutions are "municipal or regional institutions concerned with the supervision and control of the actions of guardians", according to Civil Code 2000, art. 3.241(1). These institutions are responsible for supervising and controlling the activity of those appointed as carers and guardians.

<sup>73</sup> Civil Code 2000, art. 3.246(3).

<sup>74</sup> Information from: interviews with chairpersons of VILTIS regional branches, and employees at day care centres and residential centres for persons with intellectual disabilities, March-June 2004; data from court cases on legal incapacity declaration; and numerous phone calls, personal contacts and daily consultations provided by VILTIS secretariat personnel.

likely to be investigated and publicised,<sup>75</sup> the largest area for potential problems is that of parental guardianship, or guardianship by other family members, which is more difficult to scrutinise. There have been no official investigations of abuse in parental guardianship arrangements, although some cases have been publicised by the media.

## 2.4 Statistical data

In accordance with the Law on Social Integration 1998, statistics on people with disabilities should be collected regularly.<sup>76</sup> However, most of the data collected and published by Government agencies and institutions concerning people with disabilities is not comprehensive, and it does not contain specific information on people with intellectual disabilities. The most comprehensive official data on people with disabilities comes from the 2001 Population and Housing Census.<sup>77</sup> Other main sources of data are the Ministry of Social Security and Labour and the State Mental Health Centre.

### *Data from the 2001 Census*

In 2001, the Population and Housing Census specifically included questions on disability for the first time. Data was collected on people with disabilities according to their placement in disability group I, II or III; the cause of their disability, for example, a congenital condition or an accident; and the type of disability. This data allows for a differentiation of people with disabilities according to various demographic criteria, such as their socio-economic group or living conditions.

However, within the present system of disability classification, people with intellectual disabilities are not separated as a distinct group. They are included in the larger group of “people with mental disabilities”, which also includes people with mental health problems and behavioural problems. As a result, it is still not possible to extract precise data on people with intellectual disabilities from the census figures. Furthermore, because the census data is gathered on the basis of self-declaration, it may not be very precise in the case of people with intellectual disabilities, so some caution is required in interpreting these statistics. Many people with intellectual disabilities may be “missing” because they did not declare themselves for various reasons, including shame on the part of their families, or because they are in institutions.

According to the 2001 Census, there were 22,121 people with mental disabilities in Lithuania,<sup>78</sup> including people with intellectual disabilities.<sup>79</sup> As is shown in Table 1, a

<sup>75</sup> This subject received TV and press coverage in Lithuania throughout 2004.

<sup>76</sup> Law on Social Integration 1998, art. 7.

<sup>77</sup> Department of Statistics, results of the 2001 Population and Housing Census, available in English and Lithuanian on the website of the Department of Statistics at <http://www.std.lt> (accessed 23 September 2004), (hereafter, *2001 Census*).

<sup>78</sup> Department of Statistics, *Information circular No. 2*, 20 November 2003 (hereafter, Department of Statistics, *Information circular No. 2*).

<sup>79</sup> According to the 2001 census, Lithuania’s population in 2000 was 3,620,756 people.



total of approximately 19,584 adults, or 7.4 per cent of all adults with disabilities, indicated mental disabilities as the main cause of their disabilities. The majority of these, 67.5 per cent, were diagnosed as being in disability group II. A total of 2,537 children, or 18.6 per cent of all children with disabilities, indicated that they had mental disabilities. Census takers only began seeking data on the specific disability groups for children under age 15 in 2004.

**Table 1. People with mental disabilities in Lithuania (2001)**

		Adults (age 16 and over)				Children	
		with disabilities		with mental disabilities		with disabilities	with mental disabilities
		Number of people	Per cent	Number of people	Per cent	Number of people	Number of people
Disability group	I	32,760	13	4,245	21,6	NA	NA
	II	160,522	65	13,229	67.5	NA	NA
	III	55,289	22	1,824	10.9	NA	NA
Total (with an identified disability group)		250,306	100	19,584	100	12,594	2,537

Source: 2001 Population and Housing Census<sup>80</sup>

In Lithuania, the majority of people with intellectual disabilities live at home with their parents, other family members or guardians. According to the 2001 Census, a total of 6,095 people with mental disabilities, or approximately 27.5 per cent of the 22,121 people who declared themselves as having mental disabilities, were living in social care institutions. This group includes 5,217 adults living in social care institutions and 878 children living in social care institutions for children and young people with disabilities.<sup>81</sup>

Whereas the distribution of children with disabilities living in urban and rural areas is even, at 17 children with disabilities per 1,000 children, the proportion of adults with disabilities was significantly higher in rural areas (102 per 1,000) than in urban areas (86 per 1,000).<sup>82</sup>

<sup>80</sup> 2001 Census; and Department of Statistics, *Information circular* No. 2.

<sup>81</sup> Interview with D. Buivydaite, head of the sub-department of Social Work and Social Services, Ministry of Social Security and Labour, Vilnius, 26 January 2004.

<sup>82</sup> Information from the website of the Department of Statistics, available at <http://www.std.lt> (last accessed 20 January 2005). The proportion of children with disabilities in the population was highest in the districts of Tauragė and Utena, and the proportion of people with disabilities age 16 and above was highest in the districts of Alytus and Panevėžys.

The demand for day care services for people with all kinds of disabilities remains very high, and this is one of Lithuania's greatest social needs. The distribution of day centres is not even throughout the country, and the need for such centres is especially serious in rural areas. According to the census data, a relatively higher number of children with disabilities reside in those municipalities that have established day care services for people with disabilities.<sup>83</sup>

### *Other data sources*

Statistics from the State Mental Health Centre indicate a higher number of people with mental disabilities in Lithuania than was indicated in the 2001 Census. According to the centre, the number of people of all ages with established mental disabilities has gradually increased over the last decade, from 18,937 in 1990 to 28,697 in 2003.<sup>84</sup> The centre's statistics are useful, because they also provide data specifically on people with intellectual disabilities. In 2001, of the 27,640 people with mental disabilities, 8,202, or 30 per cent, were people with intellectual disabilities; and in 2003, 8,436 people, again 30 per cent of the total, were people with intellectual disabilities.

The Ministry of Social Security and Labour does maintain disaggregated statistics on people with disabilities. However, as with the census, these statistics group people with intellectual disabilities in the broader category of people with mental disabilities. According to the Ministry, in 2002, 31,351 people were designated as having a disability for the first time. Out of this group, approximately 2,540 people, or 8.1 per cent of the total, had mental disabilities as their primary disability.<sup>85</sup> The Ministry also collects and publishes information on the number of people with disabilities receiving disability pensions. However, it is important to note that most people with intellectual disabilities do not receive disability pensions, because they have never worked. People with intellectual disabilities in Lithuania are more likely to receive social pensions than disability pensions, so they are not included in the Ministry's statistics on pensions.<sup>86</sup>

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<sup>83</sup> Department of Statistics, *Information circular No. 2*.

<sup>84</sup> Information from the website of the State Mental Health Centre, available at <http://www.vpsc.lt>. The State Mental Health Centre was established in 1999 by the Ministry of Health Care. The Centre organises the implementation of mental health care policy and strategy.

<sup>85</sup> Ministry of Social Security and Labour, *Social Report 2002*, Vilnius, 2003.

<sup>86</sup> In 2002, there were 221,577 people receiving disability pensions, an increase of 4.1 per cent over 2001. This included 13,824 children with disabilities under the age of 16 (an increase of 0.2 per cent from 2001). According to this data, in 2002 there were 28,000 people with mental disabilities, including people with intellectual disabilities. There were more than 70,000 people with physical disabilities; 15,000 with visual impairments; 5,000 with auditory impairments; and 95,000 with malfunctions of internal organs or other disabilities.

### III. Education

#### 1. LEGAL AND ADMINISTRATIVE FRAMEWORK

*Lithuanian legislation establishes the right to education for all children, and the Law on Equal Opportunities 2003 strengthens protection against discrimination in education on the grounds of disability. The Law on Education 2003 and the Law on Special Education 1998 are the main laws regulating the education system in Lithuania. Importantly, the Law on Education 2003 specifically provides for the right of children with special needs to be educated in a mainstream school close to their place of residence. The Law on Special Education 1998 regulates the education of children and young people with special educational needs, and it also regulates the structure and administration of special education. Although this law established the basis for inclusive education, and it is considered by experts to be both progressive and innovative, there have nonetheless been calls for it to be replaced by a unified act on education. Many people concerned with the education of people with intellectual disabilities believe that maintaining a separate law on special education only serves to reinforce segregation within the educational system and increase the stigmatisation of children with intellectual disabilities. Another important concern is that in many cases, the secondary legislation necessary to implement the existing laws on education is not yet in place, which means that the rights established under the Law on Education 1998 are not always implemented in practice.*

*In Lithuania, there is a well-organised and comprehensive system of early intervention, or “early rehabilitation”, services for children with intellectual disabilities. These services are available at three levels, depending on the degree of the child’s disabilities, but there is an increasing emphasis on provision of services at the community level. There are already signs that early intervention services have produced good results and helped to improve the level of education that children with intellectual disabilities can later acquire. The assessment procedures used to assign special education for children of school age are also effective. Parents are generally satisfied and feel that they and their children are adequately consulted, and that parental choice is reflected. The parents, or guardians, of a child with intellectual disabilities have the right to choose the type of school that they wish their child to attend. The educational options for children with intellectual disabilities are: mainstreaming – either with complete integration in a mainstream class or partial integration, in which some classes are in a special class; education in a special school, an option that can involve partial integration if the child has some classes in a mainstream school; or home schooling. Assessment of intellectual disability for educational purposes is carried out by Special Education Commissions and the Pedagogical Psychological Services. These assessment bodies recommend the most appropriate form of education for a child with intellectual disabilities, and the educational programme the child should follow. The curriculum the child follows can be adapted accordingly, or an individualised curriculum can be prepared. These bodies also recommend the type of support and assistance the child will require. However, although children with special needs have the right to pedagogical support and compensatory equipment, this right is in fact not always realised. In practice, the form of education a child with intellectual disabilities receives still depends to a large extent on the decisions of the child’s parents or guardians, as well as the decision of the local municipality. In smaller towns, the available options for children with intellectual disabilities can be very limited, and the only choice may be attendance at a special boarding school.*

## 1.1 The right to education

The Constitution establishes that education is mandatory for all individuals under the age of 16.<sup>87</sup> The Law on Equal Opportunities 2003, which entered into force on 1 January 2005, strengthens protection against direct or indirect discrimination in education on the grounds of disability. In accordance with the law, educational establishments must, in particular, guarantee: equal conditions regarding admission to vocational educational institutions, colleges and institutions of higher education; the awarding of grants and provision of loans for students; selection of curricula; and assessment of knowledge.<sup>88</sup> In addition, educational institutions must ensure that curricula and textbooks do not propagate discriminatory attitudes on the basis of a person's age, disability, sexual orientation, racial or ethnic origin, religion, or beliefs.<sup>89</sup>

The two main laws on education are the Law on Education 2003<sup>90</sup> and the Law on Special Education 1998.<sup>91</sup> The Law on Education 2003 entered into force on 28 June 2003, after long debates between the Government and NGOs. It establishes the principle of equal opportunities in education for all individuals, regardless of their sex, race, nationality, speech, origin, social standing, religion, beliefs or creed. However, it does not include any direct provision concerning non-discrimination on the grounds of disability.<sup>92</sup> The law also regulates special education.<sup>93</sup> It defines the concept of special education as part of the general education system. It states that the purpose of special education is to "aid an individual with special needs in his or her education; to allow study, in accordance with the person's capabilities; to receive an education and a qualification; and to overcome social exclusion."<sup>94</sup>

The Law on Education 2003 establishes the right and obligation of Lithuanian residents to study, to obtain an education and to receive a qualification.<sup>95</sup> It also establishes the provision that every child in Lithuania must study according to primary, general or special education curricula.<sup>96</sup> The standard curriculum used for formal education

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<sup>87</sup> The general term "individual" is used instead of citizen, indicating that all people under 16 who reside in Lithuania, not only Lithuanian citizens, are guaranteed education. The age limit of 16 is applied to all school children, including students with intellectual disabilities, according to the Constitution, art. 41.

<sup>88</sup> Law on Equal Opportunities 2003, art. 4.

<sup>89</sup> Law on Equal Opportunities 2003, art. 4.

<sup>90</sup> The Law on Education 2003, No. IX-1630//*State News*, 2003, No. 63-2853 (adopted on 17 June 2003).

<sup>91</sup> The Law on Special Education 1998, No. VIII-969//*State News*, 1998, No. 115-3228.

<sup>92</sup> Law on Education 2003, art. 5.

<sup>93</sup> Law on Education 2003, art. 15.

<sup>94</sup> Law on Education 2003, art. 15.

<sup>95</sup> Law on Education 2003, art. 3.

<sup>96</sup> "Formal education" is defined as education carried out in accordance with curricula approved by the Government or an institution authorised by the Government. Law on Education 2003, art. 2.

programmes is also applied to special education, but it is adapted to the needs of the child. Article 34 is especially important in guaranteeing the right to education for people with intellectual disabilities. It states that a child or young person with special needs shall, upon the request of his or her parent or guardian, be provided with the opportunity to study through partial or full integration<sup>97</sup> in a pre-school or general school located as close as possible to the child's place of residence, or in a school implementing a special education programme.<sup>98</sup> This article also guarantees access to education for people with intellectual disabilities through the provision of suitable adjustments to the school environment; through psychological, pedagogical or other specialised support; through compensatory equipment for educational needs; through specialised educational measures; and through other means established by the law.<sup>99</sup>

The Law on Special Education 1998 provides a definition of the term “people with special needs”<sup>100</sup> and regulates (in more detail than the Law on Education 2003) the standards for their education and training.<sup>101</sup> Special education is defined as “the education and training of children with special needs, as well as the development of their values,<sup>102</sup> taking full account of their abilities and potential.”<sup>103</sup> The law also details the main tasks of special education, including preparing people with special needs for an independent life.<sup>104</sup>

The Law on Special Education 1998 establishes the structure, administration and management of all levels of the special educational system. It establishes that special education is a constituent part of the general educational system and includes early intervention (“early rehabilitation”) services and pre-school education; general education; vocational, college and university education; adult education; and supplementary education, which includes “informal”<sup>105</sup> after-school education, such as

<sup>97</sup> See Section III. 1.4.2.

<sup>98</sup> Law on Education 2003, art. 34(1).

<sup>99</sup> Law on Education 2003, art. 34(3).

<sup>100</sup> People with special needs are defined as “children and adults who, because of congenital or acquired impairments, have limited opportunities for participating in the educational process and social life.” Law on Special Education 1998, art. 3.

<sup>101</sup> Law on Special Education 1998, art. 1.

<sup>102</sup> The law declares that the implementation of values of humanity, tolerance and equality is an integral part of the education system.

<sup>103</sup> Law on Special Education 1998, art. 3.

<sup>104</sup> Special education should also: provide people with disabilities with qualified educational and psychological assistance; create equal educational and professional opportunities that acknowledge the talents and possibilities of children and young people with disabilities; and create possibilities for continuing education and the conditions for integrated development in institutions of general education. Law on Special Education 1998, art. 5 and 6.

<sup>105</sup> “Informal” education is not special education, but is available to all children (and also adults) who wish to receive additional training, to express themselves through different activities, to enjoy leisure time or to develop new skills. The Law on Education 2003 defines informal education as “training the additional faculties, capacities, special aptitudes”. Law on Education 2003, art. 16.

art or music. However, special education provision only applies up to the age of 21. According to the law, people with special needs may be educated at State, municipal and non-State institutions for all types of general and special education; in care facilities; and in special day centres for adults.<sup>106</sup> Those unable to attend educational institutions are eligible for home schooling.

The Law on Special Education 1998 guarantees that children with special needs are on equal educational terms with those without special needs.<sup>107</sup> It establishes that, for educational purposes, a child or young person with special needs is evaluated according to the level of his or her special needs, whether *mild, moderate, severe* or *profound*,<sup>108</sup> and that special education is assigned after this assessment has been made. The law also provides positive measures for people with special needs. This includes, for example, a right of priority for people with disabilities who apply to post-secondary or higher education schools, provided they meet all admission criteria.<sup>109</sup>

The law on Special Education 1998 established the foundation for inclusive education, and it reflects many positive developments concerning the integration of people with disabilities into the mainstream educational system. However, representatives of VILTIS,<sup>110</sup> an NGO advocating for the rights of people with intellectual disabilities, take the view that the very fact that there is a separate law on special education in itself demonstrates continued segregation within the educational system. Moreover, VILTIS considers it indicative of the general position of the State towards children with intellectual disabilities that such children should be separated from other children, and that their education is more problematic.<sup>111</sup> The Children's Rights Ombudsman has also expressed the official position that there should be a single Law on Education, which would emphasise that every child in Lithuania has equal opportunities and

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<sup>106</sup> Law on Special Education 1998, art. 9.

<sup>107</sup> Law on Special Education 1998, art. 4.

<sup>108</sup> Law on Special Education 1998, art. 6.

<sup>109</sup> Law on Special Education 1998, art. 13(2).

<sup>110</sup> The Lithuanian Welfare Society for Persons with Intellectual Disability (VILTIS) was founded in 1989. At present there are 54 regional branches of VILTIS throughout Lithuania, with more than 11,000 members, including children and young people with intellectual and complex disabilities, their families, care givers and specialists. On the initiative of VILTIS, new day care groups for children and young people with intellectual disabilities are being established in kindergartens, secondary schools and special education centres. VILTIS also makes every effort to establish occupation centres and groups for young people with disabilities. In order to provide people with disabilities and their families with a network of accessible services, family-support services for the whole family are situated throughout Lithuania. VILTIS is an associate member of Inclusion Europe and Inclusion International.

<sup>111</sup> This is the official position of VILTIS.

rights in education.<sup>112</sup> Representatives of mainstream schools also support this position, emphasising that at present the Law on Special Education 1998 is only seen to be relevant for the parents of children with special needs and education specialists.<sup>113</sup> The many positive provisions of the law are therefore unknown to the broader sections of society, a situation which only contributes to the stigmatisation of people with intellectual disabilities that is still prevalent in Lithuania today.

At the beginning of 2004, several meetings were held to discuss the theme of a unified education law. The meetings were attended by representatives of NGOs, representatives of the Ministry of Education and Science and human rights specialists.<sup>114</sup> Another important concern raised in these meetings was that, although experts consider the existing laws on education to be progressive and innovative, secondary legislation necessary for the implementation of these laws is not yet in place. For example, the Law on Special Education 1998 states that people with special needs have the right to acquire a profession.<sup>115</sup> However, the laws regulating the specific spheres of the education system have no detailed provisions concerning the education of people with disabilities in the various educational establishments that offer vocational training and education.<sup>116</sup> People with special needs, therefore, do not get the support guaranteed by law, because secondary legislation does not detail the obligations of the different institutions in the education system. The Ministry of Education and Science is responsible for preparing such legislation, but there is also a need for parents and experts to be more active in initiating this process.

## 1.2 Structure and administration of schools

The Ministry of Education and Science is responsible for the education of all children, including children with special educational needs. The Ministry is responsible for

<sup>112</sup> The Office of the Children's Rights Ombudsman was established on 1 September 2000, and Gražina Imbrasienė was appointed as the first Children's Rights Ombudsman. This position concerning a united Law on Education was expressed during a meeting of representatives of VILTIS with Imbrasienė and her advisors in March 2004. It was repeated by Svetlana Kulpina, advisor for the Children's Rights Ombudsman, during the OSI Roundtable in June 2004.

<sup>113</sup> OSI Roundtable, Vilnius, June 2004.

<sup>114</sup> During several meetings initiated by VILTIS, NGO representatives had the opportunity to put forward their views on a range of important issues relating to education and disability to (among others) the Children's Rights Ombudsman, the Equal Opportunities Ombudsman, the Minister of Social Affairs, the Chair of the Department of Special Education of the Ministry of Education and Science. Interview with representatives of VILTIS, Vilnius, 12 January 2004.

<sup>115</sup> "Persons with special needs may acquire a profession at: vocational schools; vocational instruction centres and courses; special schools of vocational training designed for persons with special needs; special schools vocational training departments; college-level schools; and universities". Law on Special Education 1998, art. 13(1).

<sup>116</sup> These include: The Law on Higher Education 2000, No. VIII-1586//*State News*, 2000, No. 27-715; The Law on Vocational Training 1997, No. VIII-450//*State News*, 1997, No. 98-2478; and The Law on Non-formal Adult Education 1998, No. VIII-822//*State News*, 1998, No. 66-1909.

determining the main requirements of general and vocational education at the national level. It is also responsible for ensuring quality, access and social justice in the educational system, as well as assessing the quality of education and providing information to the public on these assessments.<sup>117</sup> However, most of the responsibility for general education, vocational training, special education and continuing adult education is delegated to the municipal and district levels.<sup>118</sup>

The Constitution establishes that education is mandatory for all children under the age of 16.<sup>119</sup> General education, post-secondary education, and higher and university education is regulated for children and young people under the age of 21. The Law on Special Education 1998 guarantees equal educational terms for people with special needs.<sup>120</sup> It also establishes that the term of education for children who are studying in special schools or other special education facilities, including special classes in mainstream secondary schools, can be prolonged by up to two years beyond the term length for other children in general classes of the same secondary schools.<sup>121</sup> Thus, the education of children receiving special education starts when they are between six and seven years old and can be prolonged up to the age of 21.<sup>122</sup> For children up to the age of 21, the Law on Education 2003 guarantees special pedagogical support and also guarantees services associated with education, including transport, for pupils with special needs.

The Law on Higher Education does not define the ages of students covered; it only states that every person who has completed secondary school has the right to seek higher education. In Lithuania, this is usually young people between the ages of 17 and 18.<sup>123</sup> However, as Lithuanian legislation does not regulate the education of people age 21 or over who have not been able to complete their general education by this age – which is usually the case for young people with intellectual disabilities – people over 21 have no legal guarantee of further education. This is particularly problematic for young people with intellectual disabilities, given the lack of life-long learning opportunities.

<sup>117</sup> Government Decision of 21 July 1998 Concerning Enactment of the Regulation (rulebook) of the Ministry of Education and Science, No. 914//*State News*, 1998, No. 67-1952.

<sup>118</sup> The Law on Local Municipalities 1994, No. I-533//*State News*, 1994, No. 55-1049; The Law on District Administration 1994, No. I-707//*State News*, 1994, No. 101-2015.

<sup>119</sup> Constitution, art. 41.

<sup>120</sup> Law on Special Education 1998, art. 4.

<sup>121</sup> Law on Special Education 1998, art. 12(6).

<sup>122</sup> Pupils with *severe* and *profound* special educational needs have the right to learn up to the age of 21 in special classes in mainstream schools, special schools or other special educational institutions. Law on Special Education 1998, art. 32(1.8).

<sup>123</sup> The Law on Higher Education 2000 states that every person who has completed secondary school has the right to seek higher education. However, children with intellectual disabilities do not usually complete secondary school (or they complete special, adapted or modified programmes which do not provide the right to enter higher education) and so are “out” of the higher education system. The Law on Higher Education 2000, No. VIII-1586//*State News*, 2000, No. 27.



The Law on Education 2003 regulates various aspects of the educational system and establishes the fundamental principles on which it is based.<sup>124</sup> It also regulates the structure of the educational system; the basic provisions for educational planning; and the principles of operation and administration of educational facilities, with the exception of institutes of higher education. The law establishes that the educational system comprises four components.<sup>125</sup> These are: formal education, which is education following the standard curriculum;<sup>126</sup> informal education, which follows an adapted, modified or special curriculum; student support;<sup>127</sup> and support for teachers and schools.

The Law on Education 2003 regulates a network of education providers that should guarantee access to general education and the possibility of life-long education. These include schools, pre-schools, and educational centres for children with *profound* special needs. In accordance with this law, every individual residing in Lithuania has the right to choose between a State, municipal or private (independent) school and the right to change schools if they so wish.<sup>128</sup> The choice of school is guaranteed in the Law on District Administration 1994, according to which a student with special needs should have the opportunity to choose which school he or she wishes to attend – for example a special school, a secondary school with special classes, a mainstream school or an educational centre.<sup>129</sup> The Law on Education 2003 further mandates that the District Administrator must guarantee that there are sufficient educational facilities in the district, including special schools and mainstream schools, with an accessible environment for pupils with special needs, and that these educational facilities meet the special needs of pupils.<sup>130</sup>

Each municipality must have a network of primary, general, secondary and non-formal education programme providers that guarantee the education of children and young

<sup>124</sup> These include the principles of equal opportunity, access, effectiveness and continuity. According to Article 5 of the Law on Education 2003: “the education system is socially just and guarantees equality of individuals regardless of their sex, race, nationality, language, origin, social status, religion or beliefs. Every individual is guaranteed access to education and the acquisition of a general education and a primary qualification. In addition, the individual must be supported in the improvement of his or her current qualification or in the acquisition of a new one. The education system is flexible, open-ended and based on the interaction of various forms and institutions. It should allow every individual to study continuously throughout life”.

<sup>125</sup> Law on Education 2003, art. 6.

<sup>126</sup> Formal education consists of basic education; secondary level education; vocational training; post-secondary and higher education studies. The first stage of basic education is referred to as “initial education” (classes 1-4; for children age six to ten).

<sup>127</sup> Student support includes informational, psychological, social pedagogical, special pedagogical, and special support and health care at school.

<sup>128</sup> Law on Education 2003, art. 29(1).

<sup>129</sup> The Law on District Administration 1994 only states that the District Administrator is responsible to establish schools in the district and to supervise the network of educational facilities, to meet the needs of the society of the district.

<sup>130</sup> Law on Education 2003, art. 28(5).

people and their right to learn in their national language.<sup>131</sup> The municipality must administer a register of all children resident in the area and coordinate the distribution of children among the schools in the municipality. The head of the district administration must ensure that there are enough special and general education schools at the district level.

The schools have responsibility for the quality of education provided to all students. They sign an agreement with their students and/or parents establishing the mutual responsibilities of the school and the parents or guardians.<sup>132</sup>

The administration of a school or other educational institution is responsible for establishing admission procedures, in accordance with general admission criteria validated and approved by the Ministry of Education and Science.<sup>133</sup> Pedagogical programmes and procedures for student admission into specific educational facilities include detailed definitions of admission criteria. For children with special needs, the type and level of their disabilities, and their corresponding special educational needs, are considered in detail. The assessment of the special educational needs of a child or young person includes a recommendation on the support and assistance they will require.

### 1.3 Early intervention services

In Lithuania, early intervention is referred to as “early rehabilitation”. Early rehabilitation specialists are responsible for determining the special needs of children from birth to age

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<sup>131</sup> The municipality can take into consideration the request of children and/or parents who are national minorities by validating teaching of several disciplines or the entire programme in the child’s national language. In these schools, the Lithuanian language is an integrated part of the educational programme. Law on Education, art. 30.

<sup>132</sup> This is more often required when the educational programme diverges substantially from the standard educational programme. Parents of children with *mild* intellectual disabilities who are able to follow the basic plan with minor adjustments, do not have to sign an agreement, as the child is educated according to the approved basic plan. Parents are also introduced to any changes in the programme. Interview with parents, Vilnius, 26 July 2004.

<sup>133</sup> Government Resolution of 5 February 2004 Concerning Ratification of Common Regulations of Educational Departments under the control of Regional Governors and Municipal Administrations 2004, No. 128//*State News*, 2004, 21-643. In accordance with the Law on Special Education 1998, the Regulation on the Admission of Individuals with Special Needs into an Institution of Special Education governs the admission of children and young people under the age of 21 with great and very great special educational needs into special schools, and special groups and classes in mainstream schools. This Regulation also defines which disabilities, including intellectual disabilities, are regarded as having great and very great special educational needs. Order of the Ministry of Education and Science of 22 February 2000 on the Regulation of the Admission of Individuals with Special Needs into Institutions of Special Education, No. 158//*State News*, 2000, No. 17-421, amended on April 17, 2000, No. 429//*State News*, 2000, No. 33-940.

three.<sup>134</sup> This is in line with the requirements for early rehabilitation services for children with developmental problems approved by the Ministry of Health Care.<sup>135</sup> In accordance with legislation regulating early rehabilitation services,<sup>136</sup> early rehabilitation of a child with developmental disabilities is defined as a health-care service that ensures early diagnosis of a child's developmental disabilities and provides comprehensive support for the child and his or her parents. Early rehabilitation services provide a combination of measures for the comprehensive rehabilitation of children with developmental disabilities, to facilitate their integration into society and into the educational system.

Early rehabilitation services are provided as close as possible to the child's home, in health care facilities and inpatient institutions such as general hospitals and paediatric departments. However, as the network of early rehabilitation services develops, efforts are being made to establish more services at the community level. Both early rehabilitation specialists and parents believe this to be a more effective system. It is also consistent with international standards, which prioritise family support.<sup>137</sup> Parents usually go for consultations and do not have to admit their children as inpatients. Children are only admitted in difficult cases, when observation is necessary for establishing the rehabilitation plan.<sup>138</sup>

Early rehabilitation services are provided at three levels, primary, secondary and tertiary. The characteristics of these services are as follows:

*Primary* level early rehabilitation services are generally provided at health care facilities. They are usually initiated by a paediatrician who, after visiting the child at home,

<sup>134</sup> Joint Order of the Minister of Education and Science, the Minister of Health Care and the Minister of Social Security and Labour of 4 October 2000, Concerning the Assessment of the Special Education Needs of an Individual 2000, No. 1221/527/83//*State News*, 2000, No. 85-2608.

<sup>135</sup> Joint Order of the Minister of Education and Science, Minister of Health Care, and Minister of Social Security and Labour Order of 14 December 2000 Concerning the Organisation Principles of Early Rehabilitation Services of the Secondary and Tertiary levels for Children with Development Problems, as well as Application for and Rendering thereof, 2000, No. 728 // *State News*, 2000, No. 109-3488, readjusted on 9 September 2004, No. V-631//*State News* 2004, No. 139-5075.

<sup>136</sup> Early rehabilitation services are planned and organised in accordance with: the Law on Mental Health Care 1995; the Law on Social Integration 2004; the Law on Health Insurance 1996, No. I-1343 // *State News*, 1996, No. 55-1287; and the "National Programme on the Health Care of Children With Development Problems". Government Decision of 10 May 1996 Concerning the National Program on Health Care of Children with Development Problems 1996, No. 559//*State News*, 1996, No. 46-1122.

<sup>137</sup> Interview with Laima Mikulėnaitė, Neurologist, Centre for Child Development, Vilnius, 27 February 2004.

<sup>138</sup> Children with complex developmental disabilities are referred to inpatient care if the course of their development is impaired by additional mental, visual, auditory or physical problems and the outpatient care provided over a period of three months has not produced the expected results. Inpatient care provides the child with comprehensive developmental and psychological diagnostics, followed by an intensive rehabilitation programme.

requests a consultation with a primary level early rehabilitation specialist team.<sup>139</sup> The specialist team is lead by a paediatrician, who is responsible for the coordination and quality of the team's work. Primary level early rehabilitation services are basically a medical service, and parents can receive information or a psychological consultation. "Parents' support groups" are also organised at the primary level, as well as at other levels. These are basically experience-sharing seminars, which are not held at the health care facilities but rather at an NGO, where there is a possibility of leaving the child under the care of a social worker or volunteer.<sup>140</sup>

*Secondary* level early rehabilitation services are recommended if primary level services prove insufficient and the GP, paediatrician or other specialist suspects that the child has psychological or social developmental problems. The child is then referred for a more extensive consultation, which is carried out by a commission of specialists. Secondary level early rehabilitation services are available in 32 licensed clinics in larger cities and towns. The aim of the consultation is to evaluate the child's psychomotor development, to determine the degree of the child's developmental disabilities and to establish a preliminary plan of early rehabilitation. Although children under the age of four have priority for secondary-level early rehabilitation services, children up to the age of seven who do not attend a school are eligible to receive comprehensive inpatient services. Not all the services of the secondary level are inpatient, and children are only admitted in cases when an observation or intensive course of rehabilitation is necessary.

*Tertiary* level services are provided for children with the most severe disabilities. The main centre providing tertiary-level early rehabilitation services in Lithuania is the Centre for Child Development at the University Hospital in Vilnius.<sup>141</sup> The only other centre providing such services is the Early Rehabilitation Service of Kaunas Medical

<sup>139</sup> The specialist team includes the following members: a paediatrician; a child neurologist (for physical care); a rehabilitation doctor (a specialist in the rehabilitation of disturbed functions using physical exercises, with a social paediatrician's certificate); a clinical psychologist; a speech therapist; a physiotherapist; a special education teacher; an occupational therapist; a caregiver who is a nurse (the junior medical personnel of the specialist team); and a social worker.

<sup>140</sup> These "parents' support groups" are very popular at the tertiary level (at the Centre for Child Development) where they are held professionally. Usually a psychologist or psychotherapist initiates these seminars and this becomes a part of group therapy.

<sup>141</sup> The Centre for Child Development at the University Hospital in Vilnius provides early intervention services, both outpatient and inpatient, for children from the entire country who have developmental and psychiatric disturbances. Special attention is given to the mother or other guardian, who takes part in the rehabilitation programme as an equal partner. The outpatient section of the Centre for Child Development provides consultations for about 1,500 children per year. Inpatient services are oriented towards children up to age three, but are also available for children up to six years old who have complex developmental problems. Most children have intellectual disabilities, cerebral paralysis or autism. After assessment, the child is admitted to the inpatient section for an intensive course of rehabilitation for two to three weeks. The inpatient section provides services for 25 children and mothers or other guardians simultaneously. Information from the website of the Centre for Child Development, available at <http://www.vrc.vu.lt/Organizations/VRC> (accessed 23 September 2004).

University.<sup>142</sup> Tertiary level services review the need for inpatient care and prepare or adjust the child's individual rehabilitation programme. They also provide access to new diagnostic and rehabilitation services, provide support for rehabilitation services being established at the municipal and district levels, and conduct scientific research on new methods of rehabilitation. All children under the age of seven with developmental disabilities are eligible for tertiary level early rehabilitation services.<sup>143</sup> Although it is not a great problem to access tertiary level services, parents often have to wait several months to get an appointment at the Centre for Child Development. However, parents report that every child is then consulted and examined thoroughly, and that services in the inpatient section are of a particularly high quality.

## 1.4 Assessment of intellectual disability for educational purposes

### 1.4.1 Assessment procedures

In general, parents are satisfied with the assessment procedures for assigning special education for children with special needs, including children with intellectual disabilities, and they report that assessments adequately take into account parental choice. In assessing a child with intellectual disabilities, the main responsibilities of the assessment bodies are to:

- establish the child's level of special needs, either *mild*, *moderate*, *severe* or *profound*;
- recommend the form of education, including the type of school or class the child should attend;
- recommend the educational programme and curriculum the child should follow;
- prepare an individualised curriculum for the child;
- recommend the type of support and assistance they will require.

<sup>142</sup> However, as the Kaunas Medical University began its activities only recently and has no clear status as yet, the Centre for Child Development at the University Hospital in Vilnius remains the main centre for tertiary level early intervention services.

<sup>143</sup> The Order Concerning the Organisation Principles of Early Rehabilitation Services does not indicate that these services are for children with severe development disorders and just states "children with developmental disorders". These can be severe disorders, moderate or even mild disorders, when the diagnosis seems not precise enough or the rehabilitation plan gives no results. Order of the Ministry of Health Care of 14 December 2000, Concerning the Organisation Principles of Early Rehabilitation Services of the Secondary and Tertiary levels for Children with Development Problems, as well as Application for and Rendering thereof 2000, No. 728//*State News*, 2000, No. 109-3488, readjusted on 9 September 2004, No. V-631//*State News* 2004, No. 139-5075.

*Assessment bodies*

Early rehabilitation specialists are responsible for the assessment and diagnosis of children with intellectual disabilities from birth to age three. Several different bodies are responsible for the assessment of special education needs for children and young people between the ages of three and 21 – and also for children aged under three who do not receive early rehabilitation services. In accordance with the Law on Special Education 1998, the role of each assessment body is as follows:<sup>144</sup>

- Special Education Commission: performs *initial* evaluations of children or young people studying in educational institutions. There is a commission in almost every educational institution, including mainstream and special schools and pre-schools,<sup>145</sup> to evaluate any child who requires it. The commissions can also refer children to the Municipal Educational Psychological Service for a comprehensive evaluation.
- Municipal Educational Psychological Service: carries out *comprehensive* evaluations of children and young people who are studying in educational institutions. It also evaluates children who do not attend an educational institution or are being schooled at home.
- District Educational Psychological Service: carries out *comprehensive* evaluations of children and young people studying in special schools, in cases where there is no local Municipal Educational Psychological Service. In addition, it deals with cases of appeals against the assessment decision of the Municipal Educational Psychological Service.
- Educational Psychological Centre of the Ministry of Education and Science: carries out *comprehensive* evaluations in cases of disagreements with the findings of the District Educational Psychological Service.

In general, parents of children with intellectual disabilities agree that these assessment bodies form a logical, graduated system. Cases where the parents do not agree with the decision of these institutions concerning special education are rare, although some parents may overestimate the abilities of their child and others underestimate them. There is an opportunity for parents to participate in the assessment procedure and to express their opinion. Problems more commonly arise in the assessment of the degree of the child's disability, which is made separately, by the SMSE Commission. This is mainly because the assessed level of disability in turn determines the social allowances received by the family to care for their child with disabilities.<sup>146</sup> In such situations,

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<sup>144</sup> Law on Special Education 1998, art. 8.

<sup>145</sup> Law on Special Education 1998, art. 7(2).

<sup>146</sup> See also: section IV.3.4.

where a higher assessed level of disabilities means they will receive a higher level of allowances, parents often disagree with the decision of the responsible bodies.<sup>147</sup>

Special education is recommended with the consent and approval of the child's parents and takes into account the wishes of the child. Parents note that children are asked if they are able to understand and can express an opinion. Although this is more usual for children with *mild* or *moderate* special educational needs, there are also examples of good practice in respecting the wishes of children with *profound* intellectual disabilities.<sup>148</sup> Only after such an agreement has been obtained in writing can the Special Education Commission that carried out the initial assessment of the child apply for placement of the child in the appropriate school and carry out a detailed assessment of the child's special education needs.

The Law on Special Education 1998 establishes that the Special Education Commission of the school or other educational institution and/or the Municipal or District Educational Psychological Services are responsible for making decisions on special education. These decisions must be made "taking into account the person's wishes and upon agreement by the child's parents (or the child's guardians)".<sup>149</sup> The Educational Psychological Centre of the Ministry of Education and Science is the upper stage of the system and deals with appeals. The body responsible for carrying out an assessment depends on the difficulty of the case and on whether parents choose to appeal the decision.

On the request of a Special Education Commission, and with the consent of a child's parents or guardians,<sup>150</sup> the Municipal Educational Psychological Service carries out a comprehensive evaluation of the special educational needs of the child. This evaluation takes into consideration pedagogical, psychological, medical and social factors. The service then produces a report on the child's special educational needs. This assessment is then discussed with the child's parents and educators, and a conclusion is reached

<sup>147</sup> Interviews with: Janina Butkuvienė, mother of a child with *profound* intellectual disabilities, member of VILTIS and a staff member at VILTIS; Dana Migaliova, chair of the Board, VILTIS, Vilnius, 26 July 2004.

<sup>148</sup> Children's wishes are also taken into account in implementing the recommended educational programme. For example, if a child with very great special needs expresses anxiety, an occupational plan for that day can be changed; or, in another example, sensory exercises can be substituted with athletic exercises in the school grounds. Interview with the specialist and a parent of a child with *profound* intellectual disabilities, Vilnius, 28 July 2004; Law on Special Education 1998, art. 8.

<sup>149</sup> Law on Special Education 1998, art. 8.

<sup>150</sup> "The parents or (the child's guardians) as well as the Special Education Commission, upon obtaining written consent by the child's parents or guardians, may contact the Educational Psychology Service". Law on Special Education 1998, art. 7(4).

concerning the special education needs of the individual.<sup>151</sup> Parents have the opportunity to express their opinion, provide information for the assessors and emphasise certain features of the capacities of their child. There are some cases when parents do not agree with the evaluation, but they are rare. In case of disagreement, the parents can apply for a repeated evaluation at a higher level of the system.

The Municipal Educational Psychological Service may carry out a repeated or secondary assessment of the individual's education needs, if this is recommended after the first assessment or if the child is referred for a secondary assessment by the Special Education Commission of the school he or she attends. In cases where the parents of a child with special needs disagree with the findings of the Municipal Educational Psychological Service, they can request a review of the assessment by the District Educational Psychological service. As a final step, in case of disagreement with the findings of the District Educational Psychological Department, the Educational Psychological Centre of the Ministry of Education and Science carries out a new evaluation.

At the beginning of the inclusion process in Lithuania, when parents had little opportunity to choose which school their child with special needs should attend and Lithuanian specialists had no experience in dealing with the integrated education system, there were some cases of disagreement. However, now parents say they are mostly satisfied with the decisions made, and any disagreements are resolved at the first level. Appeals are very rare.<sup>152</sup>

#### *Assessment procedures*

The Special Education Commission and/or the relevant Educational Psychological Service assess the level of the child's disabilities and his or her special education needs, taking into consideration pedagogical, psychological, medical and social factors. The assessment determines the requirements for assistance and support that can provide optimal conditions for the development of the child. The assessment procedures are regulated by a Government Order.<sup>153</sup>

In accordance with the Law on Special Education 1998, children are assessed in terms of their needs for special education, whether *mild, moderate, severe* or *profound*,<sup>154</sup> and the form of special education is assigned accordingly. The Special Education

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<sup>151</sup> "The Special Education Commission of an educational institution or (and) the Educational Psychology Service, taking into account the person's wishes and upon agreement by the child's parents (or the child's guardians), shall take the decision for Special Education according to the procedure established by the Ministry of Education and Science". Law on Special Education 1998, art. 8.

<sup>152</sup> Interview with parents, Vilnius, 28 July 2004.

<sup>153</sup> *Order on the Assessment of Disability and Disability Level*.

<sup>154</sup> Law on Special Education 1998, art. 6.



Assignment Procedure 2000 regulates the procedure of assigning special education to a child or young person.<sup>155</sup>

After the special education needs of the child have been evaluated, the educational programme the child will follow is determined and an individualised curriculum is assigned. Special education can be provided on a permanent or temporary basis, with periodic assessments made based on changes in the child's level of performance. It may be discontinued with the consent of the parents or guardian if the child makes considerable progress and if the Special Education Commission of the child's school concludes that the child no longer requires special education.

There are several cases where a child with special needs has made progress and has been reassessed and placed on a more advanced educational programme. Such cases occurred more often at the beginning of the integration process in Lithuania, when a significant number of children with *mild* or *moderate* special needs first entered integrated schools. This process can also be observed among younger children with intellectual disabilities. Early intervention often produces good results, and children make progress and are able to master more difficult programmes.<sup>156</sup> Parents of children with intellectual disabilities, however, often feel that repeated special needs assessments are awkward, as their children are put under stress by having to go through the evaluation procedures several times.<sup>157</sup>

#### 1.4.2 Choice of school

Children who have been assessed as having special educational needs have the opportunity, with the consent of their parents, to choose the form of education they will follow.<sup>158</sup> The opinions of those children who are able to choose are, in general, welcomed and taken into account.<sup>159</sup>

The Law on Special Education 1998 establishes the following forms of education for children with special needs, including intellectual disabilities:<sup>160</sup>

- Mainstreaming with *complete* integration: education of the child with special needs in a mainstream class or group in a mainstream school.

<sup>155</sup> Order of the Minister of Education and Science of 17 August 2000 on the Special Education Assignment Procedure 2000, No. 1056//*State News*, 2000, No. 71-2214.

<sup>156</sup> Interviews with parents, Vilnius, 26 July 2004.

<sup>157</sup> Interviews with parents in meetings and by telephone, Vilnius 12-16 January 2004 and 10-13 February 2004.

<sup>158</sup> "Persons with special needs shall have the right to [...] select a form of education commensurate with one's abilities and an institution, with the consent of the child's parents or guardian". Law on Special Education 1998, art. 32(1).

<sup>159</sup> Interview with Janina Butkuvienė, Vilnius, 28 July 2004.

<sup>160</sup> Law on Special Education 1998, art. 16.

- Mainstreaming with *partial* integration: the combination of education and training of the child with special needs in: (1) a mainstream class of a mainstream school and a special class of a mainstream school; or (2) a mainstream school and a special school.
- Special schools: education in a school only for children with special educational needs.
- Home schooling.

At present, however, despite the outcome of the assessment, the selection of the form of education for children with intellectual disabilities still depends to a large extent on the decisions of the child's parents and of the local municipality.

In some cases, parents decide to keep their children at home, and the child receives no education. There can be many reasons for this. In some cases, parents wish to keep the social allowances of the child. They also may not be able to cover the additional costs related to schooling. Inadequate social services associated with education, especially transportation, constitute the main barrier to education, but other payable services do play a role. Although the education of children under age 21 is free of charge, due to lack of resources, parents must pay for a number of after-school activities, and these activities are necessary if parents work full-time. There is also an additional fee for lunch and costs associated with ensuring the child's hygiene. Although these costs may not be significant, they nonetheless play a role if the family is poor.

In other cases, there are no appropriate schools in the municipality, or social services may be inadequate. The situation in smaller towns, where the social service infrastructure is less developed, can be particularly difficult, and the choices for children with intellectual disabilities more limited. If special classes in a secondary school are cancelled because there are too few children and it is not economical to pay for a teacher, especially if the municipality has a small budget, the only remaining choice is a special boarding school.

Some parents of children with special needs ask the rhetorical question, "if every parent seeks the most favourable educational facility for their non-disabled child, why do parents of children with intellectual disabilities not have such possibility?"<sup>161</sup> Parents of children with intellectual disabilities still tend to accept integration as a "favour", not as a right. Furthermore, teachers, and also the parents of children without disabilities, often do not want to have a child with intellectual disabilities in the class. However, there are encouraging signs with respect to how the situation was a few years ago, and many parents now see that it is useful for their child without disabilities to be educated together with children with disabilities.

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<sup>161</sup> Interview with Janina Butkuvienė, and other mothers who did not wish to be identified, Vilnius, 28 July 2004.

## 2. GOVERNMENT EDUCATIONAL POLICY

*The EU accession process has played a key role in the development of Lithuanian education policy over recent years, and, as a Member State, Lithuania is now eligible for funding from the EU Structural Funds. A portion of these funds will be used for promoting equal opportunities and the full integration of people with disabilities, a task that includes the improvement of education and vocational training services and lifelong learning. The most important reference for national education policy is the “National Educational Strategy for 2003–2012”. This introduces significant reforms in the education system, including the decentralisation of the education system and the introduction of a new system of education financing, based on the principle that the “funds follow the student”, which should increase funding for special education. The Government has put in place a number of programmes to support the implementation of these reforms, several of which are particularly relevant to the education of children with intellectual disabilities. However, one of the most important elements of the strategy, the reform of the system of education financing, has not yet been successfully implemented. A main problem that has been identified is that a significant proportion of the necessary secondary legislation has either not yet been created or has not been implemented.*

### 2.1 The EU and government education policy

#### *EU funds*

Lithuania acceded to the EU on 1 May 2005 and is now eligible to receive EU Structural Funds. EU funds may in future amount to up to four per cent of Lithuania’s annual GDP, in the form of non-repayable financial subsidies. A total of LTL 10.3 billion (Lithuanian Litas, approximately €2.9 billion)<sup>162</sup> will be allocated to Lithuania from the EU budget for the budget period 2004–2006.<sup>163</sup>

As is the case for the other new EU Member States, Lithuania has prepared a Single Programming Document for the period 2004–2006<sup>164</sup> (hereafter, SPD 2004–2006). This document establishes the priorities and measures under which projects in Lithuania will be selected to receive funding from the EU Structural Funds. The SPD 2004–2006 includes various important measures aimed at promoting equal opportunities and the full integration of people with disabilities in general. However, it does not explicitly refer to people with intellectual disabilities. The Ministry of Education and Science is responsible for the administration of two measures established in the SPD 2004–2006 that are particularly relevant to access to education for people with disabilities in general. These main goals of these measures are: (1) the

<sup>162</sup> The exchange rate is calculated at LTL 3.55 = €1.

<sup>163</sup> These figures are obtained from the Single Programming Document for 2004–2006. Government Resolution of 24 December 2003 Concerning the Approval of the Project on Single Programming Document for 2004–2006, Coordinated with the European Commission, No. 1679//*State News*, 2003, No.123-5609 (hereafter, SPD 2004–2006), also available on the Ministry of Finance website (in Lithuanian) at <http://www.finmin.lt> (accessed 15 September 2004).

<sup>164</sup> SPD 2004–2006.

development of the infrastructure of the labour market, education, vocational training, research institutions and social services;<sup>165</sup> and (2) the development of the conditions for life-long learning.<sup>166</sup>

## 2.2 Government education policy

The EU accession process has played an important role in the development of Lithuanian education policy over recent years. The most important reference for Government education policy is the “National Educational Strategy for 2003–2012” (hereafter, Education Strategy). The strategy was approved on 4 July 2003<sup>167</sup> and aims to ensure that every student is guaranteed equal opportunities from the beginning of their studies, and that possibilities are created to more effectively improve the education of children with varying capabilities and needs. The right to study, which is defined as an activity meant to “provide every individual with the basis for an independent adult life and to help improve his or her skills”, is acknowledged for all children without exception.<sup>168</sup>

A number of important reforms, designed to achieve the goals of the Education Strategy, are ongoing. These include the establishment of an accountable administrative system based on the principles of individual student subsidies, in which the “funds follow the student”, and the decentralisation of the educational system. These reforms should improve the financing of rural and peripheral educational and training establishments. There are also plans for a system of programme-based

<sup>165</sup> Under Priority 1 (Development of Social and Economic Infrastructure), the goals of this measure are to reduce area-specific differences; to develop and upgrade infrastructure in the education, scientific research and development, vocational guidance and vocational training sectors; and to improve the quality of these services. Activities financed under this measure include the development of a lifelong learning infrastructure, with an emphasis on the reduction of territorial differences and increasing access to services; the upgrading of basic equipment required for vocational training, studying, and science; the development of beneficiary conditions for lifelong learning through implementing modern information technologies; the creation of infrastructure to prevent students from dropping out of the general education system; the reform of vocational orientation and consultancy services; the development of the infrastructure of science and educational institutions; and the adaptation of the lifelong learning environment to the needs of individuals with disabilities. In 2004, €14 million has been allocated to educational, science, and vocational training institutions to carry out this measure. SPD 2004–2004, Priority 1, Measure 5.

<sup>166</sup> The main goals of Priority 2 (Human Resource Development) of the SPD 2004–2006 are to reduce unemployment levels, to promote targeted social integration, and to increase the accessibility of vocational training and employment. It will focus on providing more opportunities to groups at social risk, to encourage their integration into the labour market and so reduce social exclusion. In 2004, €10 million will be available for Measure 4 (Development of the conditions for lifelong learning) under this Priority. SPD 2004–2006, Priority 2, Measure 4.

<sup>167</sup> Seimas Decision of 4 July 2003 on the National Education Strategy for 2003–2012, No. IX-1700//*State News*, 2003, No. 71-3216 (hereafter, Education Strategy).

<sup>168</sup> Education Strategy, Points 3 and 4.

education financing, whereby all education funds are allocated in accordance with confirmed priorities and principles at the national, regional and local levels. Education programmes will be based on the expected revenues of municipalities and also on available EU Structural Funds. At the national level, finances allocated for educational purposes should not be less than six per cent of GDP. Financial resources from EU Structural Funds, as well as from private capital, will be used, together with the State budget, for educational reform.

In accordance with the Education Strategy, as a way to improve the efficiency of the education system in the future, all training and education services will be planned, reviewed and evaluated with the involvement of all elements of the educational system, including the State, municipalities, schools, teachers and students. The management of the education system will be based on yearly assessments, carried out by the Ministry of Education and Science, at all levels of the system. These assessments will focus on improving the quality of education, the dissemination of information to the public and the promotion of public participation in all aspects of education.<sup>169</sup>

The educational reforms put forward in the Education Strategy will, however, take some time to implement in full. Under the “Project on the Special Education Services Programme”, the Ministry of Education and Science has evaluated the progress to date on the planned reforms of the principles for education financing developed in the strategy.<sup>170</sup> This evaluation has revealed that many of the main elements of the reforms have not yet been carried out. In particular, a significant proportion of the necessary secondary legislation has not yet been created, and a proportion of the adopted secondary legislation has not been implemented. The timely adoption and implementation of such legislation are considered important steps towards ensuring the optimal education of children and young people with intellectual disabilities and improved training for teachers who work with them.<sup>171</sup>

The principle that the “funds follow the student” is gradually being implemented in all spheres of education. However, although the formula for calculating the funds per student, based on a calculation of a student’s “basket” of funding, was approved by the Government in 2001, this did not fully take into account all the funding requirements of students with special needs.<sup>172</sup> The formula did provide additional funding for

<sup>169</sup> Education Strategy, Point 11.

<sup>170</sup> This programme aims to provide high quality educational services for all children with disabilities, including those with intellectual disabilities. Order of the Ministry of Education and Science of 21 May 2002 Concerning the Reform of Educational System, No. 906//*State News*, 2002, No. 89-3817.

<sup>171</sup> Comments submitted to EUMAP on the draft report presented at the OSI roundtable meeting, Vilnius, June 2004.

<sup>172</sup> Government Order of 27 June 2001 Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students with Special Needs Studying in General Classes of General Education Schools, No. 785//*State News*, 2001, No. 57-2040.

special education, but was only applicable to children with special needs who are integrated into mainstream education, through full or partial integration. Students with special needs who were studying in special classes of mainstream schools, special schools or educational centres were not taken into consideration at all. Amended legislation was introduced on 3 December 2004,<sup>173</sup> under which the formula is now applicable to special schools, special classes in a mainstream school and educational centres, as well as home schooling. However, financing for extra-curricular activities for students with special needs is still not provided for, despite the fact that after-school training and personal support services are both necessary and expensive.

In addition, funding problems have meant that the formula has not been implemented as planned. According to the methodology, resources should first be allocated equally for all students, with and without special educational needs. Above this “standard basket”, a student with special needs, whether in a mainstream school, special school or educational centre, or receiving home-schooling, receives additional funds to cover his or her special education. These additional funds should be calculated on the basis of the “standard basket”, using a multiplication coefficient of between 0.7 to 4, and even above 4 for children with very great special needs. However, in practice, in order to cover the needs of students with special educational needs, municipal education authorities have been forced to reallocate funds, by reducing the funds available to students without special needs. This has, unsurprisingly, caused some resentment on the part of some parents of children without special needs and from teachers in schools where integrated education is not implemented.<sup>174</sup>

The Government has introduced a number of programmes to support the education reforms introduced in the Education Strategy. Several of these reforms are particularly relevant to the education of children with intellectual disabilities, including the “Education Modernisation Programme” and the “Programme on the Establishment of Social Pedagogue Shifts in Education Facilities during 2001–2005”<sup>175</sup> (hereafter, Programme on Social Pedagogue Shifts).

The “Education Modernisation Programme” is intended to promote positive changes in the education system and is particularly relevant to the integration of children with special needs. Its main goals are to establish a school system that can meet the educational needs of all individuals, to develop complementarity in formal education

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<sup>173</sup> Amendment of Government Order of 27 June 2001 Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students with Special Needs Studying in General Classes of General Education Schools, introduced on 3 December 2004, No. 785///*State News*, 2001, No. 57-2040.

<sup>174</sup> Comments submitted to EUMAP in June 2004 on the present report in its draft form.

<sup>175</sup> Government Decision of Lithuania of 24 April 2001 Concerning the Programme on the Establishment of Social Pedagogue Shifts in Education Facilities During 2001–2005, No. 471///*Social News*, 2001, No. 36-1220.

and to improve the training of teachers who work with children with disabilities.<sup>176</sup> Under this programme, the Government plans to assign approximately LTL 70,000 (approximately €20,000) annually to improving the qualifications of teachers, a goal which is considered particularly important for the integration of children with intellectual disabilities in mainstream schools.<sup>177</sup> In addition, approximately LTL 300,000 (approximately €87,000) is foreseen for the establishment of new educational centres for children with severe disabilities<sup>178</sup> and for adapting schools to the special needs of children with disabilities.

The Programme on Social Pedagogue Shifts has the specific aim of increasing the number of social pedagogues,<sup>179</sup> who will, in effect, be support teachers to help teachers in mainstream schools work with children with special needs. In accordance with this programme, over 800 additional social pedagogues will be engaged by the year 2005. These teachers will support the parents of schoolchildren with special needs, children who are considered to be at social risk<sup>180</sup> and the local community in general. There is an enormous need for these services. In 2001–2003 there were only 246 social pedagogues working in all Lithuanian schools, including mainstream schools, of which 194 worked in urban areas and 52 in rural schools.<sup>181</sup>

<sup>176</sup> More specifically, the programme aims to alleviate the social segregation of students with disabilities, to reduce the differences between the urban and rural education systems, to improve teachers' qualifications and readiness to work with children and young people with special educational needs, and to ensure that the role of social pedagogues and psychologists working in educational facilities is formalised and their functions are more specifically defined. Government Resolution of 9 June 1999 Concerning the Modernisation of Social and Pedagogical Conditions for Children in Educational Facilities, No.764//*State News*, 1999, No. 52-1696.

<sup>177</sup> Information obtained at the OSI Roundtable, Vilnius, June 2004.

<sup>178</sup> These are special schools for children with very severe disabilities, for whom educational programs (even modified and simplified) are too difficult. Here, children are taught according to individualised programmes, which are approved every year by the Ministry of Education and are developed in cooperation with specialists and with the consent of parents.

<sup>179</sup> Social pedagogy was developed as a branch of general pedagogy. The objects of social pedagogy are the same as of general pedagogy, but taken from a different perspective. Social pedagogy explores child training and education methods, content, means, and capability of application under specific social circumstances. It is an applied discipline, examining the way the organisation of education and nurturing depends on social circumstances in the process of forming an individual as a subject of interpersonal relationships. The objective of social pedagogues or social teachers is to convey social experience to students. Social pedagogy, compared with general pedagogy, examines the life preparation problems of an individual in a specific social setting that is related to the specific social group the individual belongs to. For example, it can deal with the problems of disabled individuals, orphans, addicts to various substances and so on. Irena Leliūgienė, *Socialinė pedagogika (Social Pedagogy)*, Kaunas, 2003, pp. 8–9.

<sup>180</sup> This includes, for example, children who have suffered abuse by their families; who have been harassed by their classmates; or who are abusing illegal substances, such as drugs.

<sup>181</sup> Information from the website of the Ministry of Education and Science, available at <http://www.smm.lt/> (accessed 23 September 2004).

### 3. EDUCATION IN PRACTICE

*There has been a highly significant increase in the number of children and young people with intellectual disabilities who are fully integrated into mainstream schools in Lithuania, up from 1,085 students in 1995–1996 to 7,095 in 2002–2003. In addition, in 2002–2003, nearly 800 children with intellectual disabilities attended mainstream schools through partial integration. Although the Law on Special Education 1998 established the foundation for inclusive education, this increase must also be attributed to a number of more recent positive developments. These include the adjustment of educational programmes to the individual needs and competencies of the child; a flexible system of transfer to a more demanding educational programme; the possibility of transferring a child from a special school to a mainstream school; and improved access to pre-school education. In practice, though, parents of children with intellectual disabilities still tend to accept integration as a “favour” rather than a right, and their choice of school is often limited by the availability of social and education services. In addition, some teachers, and also the parents of children without disabilities, still resist the inclusion of children with disabilities in mainstream classes. The most significant remaining barriers to integration, though, are a lack of suitably qualified teachers, transportation problems, particularly in rural areas, and a lack of support services for parents of children with intellectual disabilities.*

*The increasing integration of children with intellectual disabilities into mainstream schools has led to a corresponding decline in the numbers attending special schools, down from 5,845 in 1994 to less than 3,488 in 2004. Most children with intellectual disabilities who attend a special school have moderate intellectual disabilities. Children with more severe intellectual disabilities are usually placed in boarding homes or do not attend school. Special schools can be day schools or boarding schools. Education in special boarding schools remains a necessary option for a few children with intellectual disabilities, particularly those from the remoter areas of the country. However, the Children’s Rights Ombudsman has expressed concern that there are many children with mild intellectual disabilities or behavioural challenges who have been placed in such schools, even though they should be integrated into mainstream schools. Specialists advise that, in the future, only children with severe or profound intellectual disabilities should attend the special boarding schools. Home schooling is intended for children with an acute medical condition, rather than those with permanent disabilities, such as intellectual disabilities. It should not exceed 12 months. However, in Lithuania, a relatively high number of children do not attend school and, due to inconsistent methods of data collection, it is not possible to assess the number of children with intellectual disabilities who either do not attend school or who receive home schooling. Better assessments should be possible in the future, as the Ministry of Education and Science has decided to collect such information from 2004. In Lithuania, few children with intellectual disabilities live in residential institutions other than special boarding schools. In 2002, there were approximately 650 children with intellectual disabilities living in the three boarding homes intended for young people who have intellectual disabilities and are age 21. These children, many of whom need intensive care, receive no education of any kind. This is mainly due to the fact that these homes are part of the social care system, rather than the education system, and they lack adequate resources.*



### 3.1 Resources and support

Parents of children with intellectual disabilities report they are in general satisfied that school curricula are well adjusted to the needs of their children. Children with intellectual disabilities can follow four types of educational programme:<sup>182</sup>

- *Modified* programme: The programme of general education is modified to the requirements of the child with special needs, but it is in conformity with national education standards.
- *Adapted* programme: The programme of general education is adapted to the abilities and actual academic level of the child with special needs. It does not conform to national education standards.
- *Special* programme: This can be a programme within the general subject matter, but for a specific group of children with special needs. It can also be programme of training and stimulation. The special programme aims to improve the general abilities of children with special needs and their ability to adapt to their environment. It also facilitates the teaching of social skills. It does not conform to national education standards.
- *Individualised* programme: This programme is created to meet the individual needs of a child with very great special needs.

The curricula studied by children are prepared and confirmed by the Ministry of Education and Science and adapted in accordance with these four types of educational programme. The same methodology is used for the preparation of curricula for students with special needs as for other students.<sup>183</sup> The educational programme is adapted to each school child individually, based on the conclusions drawn by the municipal psychological-pedagogic service, which serves the educational facilities in the territory of the municipality. The curricula used for children with intellectual disabilities, offered in both mainstream and special schools, can be a simplified curriculum or a standard curriculum taught for a longer period of time. With their parents' consent, students with special needs may study according to the curriculum of the appropriate class or according to an individual study programme coordinated with the curriculum of the appropriate class in the special school.

Special pedagogical and psychological support is particularly important in special education to increase the effectiveness of education for children with special needs. Psychologists, teachers and specialists from the Educational Psychological Services provide special pedagogical support for children and young people under the age of 21

<sup>182</sup> Order of the Ministry of Education and Science of 18 August 2000 Concerning the Special Education Application Procedure, 2000, No. 1056// *State News*, 2000, No. 71-2214.

<sup>183</sup> In accordance with the Order of the Minister of Education, 31 March 2003 Concerning General Education Plans in General Education Schools for 2003–2005, No. 408// *State News*, 2003, No. 44-2005.

who need such support.<sup>184</sup> A student with special needs also has the right to compensatory equipment, if required, and an interpreter, reader, attendant or teacher's assistant.<sup>185</sup> However, at present this right is not realised in practice. Specialists in the educational system believe that this is due to a lack of financial resources.<sup>186</sup>

### 3.2 Inclusive education

There has been a significant increase in the number of children with intellectual disabilities integrated into mainstream schools and kindergartens over the last decade. An essential principle of inclusive education is the teaching of children with disabilities together with children who do not have disabilities. The law on Special Education 1998 established the foundation for inclusive education. In accordance with the principles of equal opportunities and integration established in this law, the education of children with intellectual disabilities should primarily be carried out by their inclusion in mainstream schools. Special schools and home schooling should therefore only be a choice of last resort in specific instances. These options are mainly intended for children with *severe* or *profound* special educational needs, but even for these children, education should be directed towards preparing the child for study in a mainstream school.<sup>187</sup>

The Children's Rights Ombudsman has acknowledged that Lithuania's education system reforms, which began in 1992, have established the principles of integration and of accessible and equal participation of all in the education process.<sup>188</sup> Reforms of special education have already encouraged the integration of students with special needs into mainstream schools and encouraged the education of children with *moderate* and *profound* intellectual disabilities, who were previously considered not able to be taught. However, the Children's Rights Ombudsman also noted in 2003 that the process of integration is still not rapid enough and is insufficiently coordinated, and

<sup>184</sup> Draft Government Resolution Concerning the Rendering of Assistant Pedagogue, Reader, Attendant, Sign-language Interpreter Services for Individuals with Special Needs in Education Facilities, available on the website of the Ministry of Education and Science, available at <http://www.smm.lt> (accessed 23 September 2004).

<sup>185</sup> "Special pedagogical, psychological and social assistance shall be rendered to persons with special needs and their parents (or a child's guardians) by: (1) Special Education commissions of general education institutions; (2) Pedagogical Psychological services; (3) specialised services of health care institutions; and (4) Special Education institutions". Law on Special Education 1998, art. 23(1).

<sup>186</sup> Interview with Regina Labinienė, head, Department of Special Education, Ministry of Education and Science, Vilnius, 19 February 2004.

<sup>187</sup> Article 5(2) of the Law on Special Education 1998 states that the purpose of special education is to prepare a child with special needs for independent life in society.

<sup>188</sup> Office of the Children's Rights Ombudsman, *Report on the Activities of the Children's Rights Ombudsman (1 January – 31 December 2003)*, (in Lithuanian), available on the website of the Children's Rights Ombudsman at <http://vaikams.lrs.lt> (accessed 25 January 2005), p. 21, (hereafter, Children's Rights Ombudsman, *Report 2003*).

that the integration of children with combined special needs into the education process is generally slack.<sup>189</sup>

### 3.2.1 Pre-school education

Children with disabilities who are of pre-school age (three to six or seven years old) can attend either a mainstream kindergarten, a special unit in a mainstream kindergarten or a special kindergarten for children with intellectual disabilities.

Statistics are not available on the numbers of children with intellectual disabilities attending the various types of pre-schools<sup>190</sup> or kindergartens in Lithuania. Usually children with *mild* or *moderate* special needs are able to attend a kindergarten. However, those with *severe* and *profound* special needs usually do not do so, due to the lack of special kindergartens for this group of children. The lack of appropriate pre-school opportunities for this group of children represents a very important barrier to their chance of later attending integrated education and, more generally, to their social inclusion.

In 2002, there were 95 kindergartens with special education groups, which are mainstream kindergartens with a special unit. These were attended by 4,427 children with special needs, including 259 children with intellectual disabilities.<sup>191</sup> In 2002, 10,800 children with special needs, including intellectual disabilities, attended mainstream kindergartens with special education programmes – those with an integrated class in a mainstream kindergarten.<sup>192</sup> The number of children with special needs, including intellectual disabilities, attending mainstream kindergartens has increased by a factor of 2.8 since 1995.<sup>193</sup>

Children with special needs who cannot attend any of these kindergartens, and their parents or guardians, receive special home assistance. Special home assistance is assigned by the Municipal Educational Psychological Service and aims to guarantee the effective development of a child with disabilities at home. It is assigned for a period of one year to children who would otherwise have no possibility of pre-school education. If necessary, the period can be extended beyond a year by a decision of the Municipal Educational Psychological Service. Special home assistance is mainly intended to prepare children for placement in a residential institution. Officially, home assistance

<sup>189</sup> Children's Rights Ombudsman, *Report 2003*, p. 21.

<sup>190</sup> In Lithuania, the terms pre-school and kindergarten have the same meaning, but sometimes pre-school is used to define a special preparatory class or group (children five to six years of age) for those who are about to start school.

<sup>191</sup> Department of Statistics, *Information circular No. 2*.

<sup>192</sup> This figure refers to children with "developmental abnormalities", including children with disarthria, mild vision impairment, and physical disabilities or *mild* intellectual disabilities. Department of Statistics, *Information circular No. 2*.

<sup>193</sup> Department of Statistics, *Information circular No. 2*.

should only be assigned in cases where a child's health condition prevents him or her from attending a kindergarten – such as children with *profound* disabilities, whose health condition makes it dangerous for them to attend a kindergarten – or where a child may pose a threat to other children, for example, through aggressive behaviour. However, in practice, even children with *moderate* or even *mild* disabilities are not welcomed in kindergartens. In many cases, kindergartens are simply not ready to accept a child with special needs, because teachers do not have the necessary training to deal with them or because a head teacher has no interest in accepting children with special needs.<sup>194</sup>

### 3.2.2 Mainstreaming

Over recent years there has been a very significant increase in the number of children and young people with intellectual disabilities who are fully integrated into mainstream schools. According to data from the Ministry of Education and Science, at the beginning of the school year 2003–2004, there were 54,240 children with special needs in the general education system. This does not include special schools and vocational schools.<sup>195</sup> Of these, 4,834, or 8.9 per cent, had intellectual disabilities. However, education specialists believe that, due to the ineffective collection of statistics, in reality there may be more children with intellectual disabilities in mainstream education than this number indicates.<sup>196</sup>

Information from the Department of Statistics indicates an increase in the number of children with intellectual disabilities who are fully integrated into general education. According to this data, during the school year 2002–2003, there were 49,989 children and young people with special needs studying in general classes of mainstream schools.<sup>197</sup> Of this group, 7,095, or 14.1 per cent, had intellectual disabilities. The number of students with special needs in these classes has increased dramatically, by 250 per cent, from the school year 1995–1996, when there were only 19,643 children and young people with special needs who were fully integrated in general classes of mainstream schools. At that time, only 1,085 children with intellectual disabilities were fully integrated.

A smaller number of children with intellectual disabilities are also able to attend mainstream schools through partial integration. In 2002–2003, there were 791

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<sup>194</sup> Special home assistance is regulated by: Joint Order of the Ministry of Education and Science and the Ministry of Health Care of 5 July 2000, on Special Pedagogical Assistance for Children of Pre-school age with Special Needs At Home, No. 916/385//*State News*, 2000, No. 66-2004.

<sup>195</sup> Ministry of Education and Science, *Statistical report MS-7. School year 2003–2004*, (in Lithuanian), Vilnius, 2004.

<sup>196</sup> Interview with Regina Labinienė, Vilnius, 19 February 2004.

<sup>197</sup> Department of Statistics, *Information circular No. 2*.

children attending 102 “special”, “levelling” and “developmental” classes organised in mainstream schools. The characteristics of these three types of classes are as follows:

- Special classes are classes for children with particular types of disabilities, including children with *mild*, and sometimes more complex, intellectual disabilities.
- Levelling classes are intended to enable a child with special needs to gain the necessary skills to transfer into mainstream education from a special school, or from a mainstream school levelling class into full integration. Children recommended by the Educational Psychological Service, or the Educational Psychological Centre, are eligible to study in these classes. Usually these children have specific complex learning disabilities, including chronic disease, somatic and neurological disabilities or injury. Children with *mild* or *moderate* intellectual disabilities who want to enter an integrated class can also attend such classes. The Law on Special Education 1998 regulates the admission of children with special needs into levelling classes in mainstream schools.
- Developmental classes are classes for children with *severe* intellectual disabilities, who are usually educated according to an individualised educational programme in a mainstream school.

The clear increase in the number of children with intellectual disabilities who are fully integrated into mainstream schools can be attributed to positive results from the better differentiation of children, through more individualised assessments, and the adjustment of the educational programmes to their individual competencies and needs. A flexible system of transfer to a more difficult education programme has also had a positive impact. An innovation welcomed by both specialists and parents is the possibility, since September 2004, of transferring a child who has been taught in a special school according to the adapted programme to a mainstream school.<sup>198</sup>

For children with intellectual disabilities who are integrated into mainstream schools, one area that could still benefit from improvement is the evaluation of what the child has learned. Common evaluations are not suitable for students with intellectual disabilities. At present, children with intellectual disabilities receive a “certificate concerning achievements” at the end of their studies, but this certificate is not recognised for entry to vocational/secondary schools. Both parents and specialists think that it would be useful to unify the system of evaluation and to ensure uniform documents testifying to the student’s completion of a certain programme. This would help young people with intellectual disabilities in their further studies or vocational training.<sup>199</sup>

<sup>198</sup> Information obtained during the OSI Roundtable, Vilnius, June 2004.

<sup>199</sup> Information obtained during the OSI Roundtable, Vilnius, June 2004.

*Barriers to mainstreaming*

Parents of children with special needs are obliged by law to ensure their child's education up to age 16. They are also required to participate in the selection of the type of school their child will attend and the educational programme.<sup>200</sup> In accordance with the Law on Education 2003, a child with special needs must be referred to a school that is as close as possible to the place of residence of his or her parents.<sup>201</sup> However, although the process of mainstreaming children with special needs has accelerated recently, the demand for places in mainstream schools in a child's area of residence is still not satisfied. According to a survey of the parents of children with special needs, including parents of children with intellectual disabilities, two main problems are a lack of teachers with the required qualifications in mainstream schools and the absence of transportation services.<sup>202</sup> Similar conclusions were revealed in a survey carried out by Šiauliai University, which revealed that special education specialists did not have the required competencies. The survey also found the processes of integration to be much slower in rural areas than in the larger towns and cities.<sup>203</sup>

To guarantee equal opportunities and access to education for all children, the Law on Special Education 1998 includes a special provision concerning transportation to school for children with disabilities.<sup>204</sup> In accordance with this provision, the school administration is required to organise free transportation to and from the school for students with disabilities who are under the age of 21 and who have difficulty in coming to school. Despite this obligation, many students with disabilities, especially those living in rural areas, still do not have the possibility of getting to local schools. This is mainly because the local authorities responsible for the organisation of free transportation services are unable to provide the services, due to insufficient financial resources.

To ensure that this provision on transportation is implemented in practice, in 2002 the Government approved the "Yellow Bus" Programme.<sup>205</sup> Under this programme, the

<sup>200</sup> Law on Education 2003, art. 47; and Law on Special Education, art. 33.

<sup>201</sup> Law on Education 2003, art. 34.

<sup>202</sup> The aim of this survey was mainly to create a psychosocial portrait of the family life and experiences of people with disabilities and to evaluate their possibilities for enjoying a normal lifestyle. However, the survey also revealed the above-mentioned barriers to integration. VILTIS and Šiauliai University, *Families raising a child with disabilities in Lithuania: a Psycho-social portrait*, (in Lithuanian), VILTIS and Šiauliai University, Centre of Social Surveys, 2002. The survey was headed by Professor Jonas Ruškus.

<sup>203</sup> Survey ordered in 2004 by the Ministry of Education and Science: "Pedagogų profesinės kompetencijos vertinimas specialiųjų poreikių vaikų (ugdymo plėtros) aspektu", ("Evaluation of the competence of specialists in the aspect of education of children with special needs").

<sup>204</sup> This provision only applies to secondary education facilities, not to vocational, post-secondary or higher education facilities. Law on Education 2003, art. 27.

<sup>205</sup> Order of the Ministry of Education of 24 April 2002 Concerning the Transport Programme "Yellow Bus" for General Education System Schools for school year 2002, No. 751//*State News*, 2002, No. 46-1774.

school or contracted transport companies organise the free transportation of people with disabilities. In its early stage, this programme is financed from the State budget to facilitate the purchase of necessary transportation equipment and the organisation of the services. However, this programme is not effective enough. The main problem indicated by the municipalities is a lack of resources. Representatives of VILTIS have suggested changes to the method of planning the budget, so that a concrete sum, which could not be reduced or used in any other way, would be set aside each year for transportation.<sup>206</sup>

In addition to the barriers posed by lack of transportation and suitably qualified teachers, another problem faced by many parents is that often, in small towns and villages, the activities provided for their children with special needs are guaranteed for only half the day. This is particularly true for extra-curricular activities. The lack of full-day services makes it difficult for parents to work full-time. Children with intellectual disabilities are often excluded from after-school activities, and parents are often advised to hire a nanny for the rest of the day. However, as parents of children with special needs already pay for sports activities, groups and other after-school activities for their children, it should not be too much to ask that some free after-school activities be provided for their children.<sup>207</sup> In some regions, particularly in rural areas, small towns and tiny communities, parents often do not feel confident in applying for help, as they fear conflict with specialists of the education section of the local municipality. Therefore, in many cases parents have no option but to apply for home education services or to send their child away to a specialised boarding school.<sup>208</sup>

There are also still cases when the parents of children with intellectual disabilities who wish for their child to be integrated meet with opposition from children without disabilities and their parents. To address this problem, experience has shown that children should be integrated at as early an age as possible, giving both sides the opportunity to accept a child's disabilities. The right of non-disabled children to receive a good quality education must also be guaranteed. In such cases, experience has shown that the best way of solving problems is through open discussion.<sup>209</sup>

### 3.2.3 Special schools

In 2002–2003, there were 66 special schools attended by 5,990 children. Of these, 35 schools are intended for children with intellectual disabilities, who make up 80 per

<sup>206</sup> This solution was suggested by VILTIS during meetings with governmental institutions.

<sup>207</sup> These two problems were especially emphasised by parents from distant regions and rural areas during the OSI Roundtable, Vilnius, June 2004.

<sup>208</sup> Interviews with parents during meetings and by telephone, Vilnius, Mazeikiai 12 January 2004 and 10-13 February 2004.

<sup>209</sup> Conclusions drawn by participants at the OSI Roundtable, Vilnius, June 2004.

cent of all pupils in special schools (4,046 children).<sup>210</sup> The increasing inclusion of children with intellectual disabilities into mainstream schools in recent years is evidenced by the fact that the total number of children attending special schools has been decreasing each year. As shown in Table 2, the most noticeable decrease was in 1993–1994.<sup>211</sup> This coincided with the beginning of the integration process in Lithuania and the creation of the legal basis for regulating special education.

**Table 2. Numbers of students with intellectual disabilities in special schools (1990 to 2004)**

	School Year							
	1990	1993	1994	1999	2000	2001	2003	2004
Number of students	8,933	5,837	4,845	4,677	4,659	4,353	4,046	3,488

Source: Centre of Informational Technologies for Education<sup>212</sup>

Special schools may be day schools or boarding schools.<sup>213</sup> There is no clear statistical data on how many of the 66 special schools in Lithuania are boarding schools; estimates indicate approximately one-third.<sup>214</sup> However, 32 of the 35 special schools for children with intellectual disabilities are boarding schools, while the other three are day schools, attended by 262 children with intellectual disabilities. Some of the children in special boarding schools return home in the evenings and at weekends if the school is close to where they live, but these cases are rare.<sup>215</sup> In most cases, though, those children in the special boarding schools who have parents return to their families during weekends and holidays.<sup>216</sup>

<sup>210</sup> The stated figures are for the beginning of the school year 2002–2003. Department of Statistics, *Information circular No. 2*.

<sup>211</sup> Interview with Jolanta Stasiūnaitė, speech therapy expert of the Pedagogical Psychological Centre and specialist of the Department of Special Education, Ministry of Education and Science, 10 August 2004.

<sup>212</sup> Information from the website of the Centre of Informational Technologies for Education, available at <http://www.itc.smm.lt> (accessed 20 January 2004).

<sup>213</sup> Special day schools are under the jurisdiction of the municipality, while special boarding schools are under the jurisdiction of the district authorities.

<sup>214</sup> Interview with Jolanta Stasiūnaitė, Vilnius, 10 August 2004.

<sup>215</sup> Data obtained during in an interview with a statistics specialist who wishes to remain anonymous at the Centre of Informational Technologies, Vilnius, 17 December 2004. The Centre of Informational Technologies for Education is a governmental organisation funded by the Ministry of Education and Science. The new national centre was established on 31 August 1999, when the Centre of Informatics and Forecasting was reorganised.

<sup>216</sup> Interview with parents, Vilnius, 26 July 2004.



In special schools, both day schools and boarding schools, children with intellectual disabilities receive training under modified or adapted educational programmes. Those students with intellectual disabilities who attend special schools usually have a *moderate* level of intellectual disabilities. If they do not live with their families, children with *profound* intellectual disabilities are usually placed in boarding homes. Parents who have made a decision to enrol their children in a special school, whether day school or boarding school, are generally satisfied with the quality of education. In many cases, a special school becomes a solution to the problem of where to settle their child. Nevertheless, a significant number of children in special schools could be integrated into a mainstream school.

In 2003, the Children's Rights Ombudsman expressed concern at the organisation of special boarding schools,<sup>217</sup> stating that the majority of students have only *mild* intellectual disabilities and should be integrated into mainstream schools.<sup>218</sup> In addition, the Ombudsman found many cases in which children with behavioural challenges, rather than intellectual disabilities, had been placed in special boarding schools. Sometimes schools took the initiative to "get rid" of children who caused problems in this way. However, such an irresponsible approach often deprives such children of chances for future social integration, such as receiving a higher education, qualifying for a job or even planning their personal life.

The Children's Rights Ombudsman has indicated that one of the most urgent issues is the integration of children with disabilities into the general education system and the provision of adequate social services for them.<sup>219</sup> The Ombudsman has developed a number of proposals aimed at promoting the integration of children with special needs into the mainstream education system from early childhood.<sup>220</sup> These include reforming the network of special boarding-schools, by orientating their activities towards the provision of special education services for children with *severe* and *profound* disabilities, and improving support and assistance for parents and tutors.<sup>221</sup> The Ombudsman has initiated an inter-departmental working group, made up of representatives of the Ministry of Social Care and Labour and the Ministry of Education and Science, to assess the activities of child guardianship and education institutions, including special boarding schools. The Ministry of Education and

<sup>217</sup> The Child's Rights Ombudsman goes on planned and unplanned visits to assess municipal services for the protection of the rights of the child. Places visited include guardianship institutions, families, pre-school education and training institutions, and specialised education institutions. These visits are carried out in accordance with the Law on the Ombudsman for the Protection of the Rights of the Child of May 25, No VIII-1708//*State News*, 2000, No. 50-1432.

<sup>218</sup> Children's Rights Ombudsman, *Report 2003* pp. 21–24; p. 44.

<sup>219</sup> Children's Rights Ombudsman, *Report 2003*, p. 54.

<sup>220</sup> Children's Rights Ombudsman, *Report 2003*, p. 21.

<sup>221</sup> Children's Rights Ombudsman, *Report 2003*, p. 53.

Science has committed itself to reviewing the regulation of special boarding schools and developing new legislation.<sup>222</sup>

At present, special boarding schools are still necessary in Lithuania for some children. Some families living in distant rural areas are unable to bring their child to other types of school, especially if the parents are elderly and particularly during the winter season. Another problem is that, when a person with intellectual disabilities is orphaned, a special boarding school often remains the only possibility by which they can obtain an education. It is difficult to find foster parents who are interested in the quality of their education. However, the present situation creates a huge social problem. After being isolated in special schools, children lose their natural communication skills and do not develop their social skills; they lose the ability to live in society independently or with minimum assistance.<sup>223</sup> This situation obviously impacts on their ability to later access employment or work, and it inhibits their social inclusion.

### 3.3 Education outside the school system

#### 3.3.1 Home schooling

Due to different methods of data collection, various institutions provide different data concerning the number of children who do not fulfil the compulsory education requirement. According to the Department of Statistics, in 2000–2001, more than 5,200 children under the age of 16 did not attend school; about one third of these children are thought to have disabilities.<sup>224</sup> The same data indicates that only 684 children did not attend school in 2001, but this only includes children who left school and not those who have never attended school. Most of these are thought to be children at social risk.

There is no specific data on the number of children with disabilities, including intellectual disabilities, who either do not attend school or who receive home schooling. However, in response to requests from NGOs advocating for the rights of people with disabilities, the Ministry of Education has taken the decision to collect such data from the beginning of the 2004–2005 school year.<sup>225</sup>

Home schooling for children who have no possibility of attending school because of their health condition is regulated by a joint order of the Ministry of Education and the

<sup>222</sup> Children's Rights Ombudsman, *Report 2003*, p. 44.

<sup>223</sup> Information obtained at OSI Roundtable, Vilnius, June 2004.

<sup>224</sup> Information from the website of the Department of Statistics, available at <http://www.lsd.lt/> (accessed 10 January 2005); and Ministry of Education and Science, *Švietimo ir mokslo ministerija, Nesėkmingo mokymosi mastai ir priežastys*, *The Extent and Reasons of Unsuccessful (ineffectual) Learning*, report, Vilnius, 2003, available on the website of Ministry of Education at [http://www.smm.lt/svietimo\\_bukle/docs/NMMP\\_ataskaita.doc](http://www.smm.lt/svietimo_bukle/docs/NMMP_ataskaita.doc) (accessed 10 January 2005).

<sup>225</sup> Interview with Jolanta Stasiūnaitė, Vilnius, 10 August 2004.

Ministry of Health.<sup>226</sup> In cases where a child requires home schooling due to an acute disease or other medical condition, a Doctors' Consultation Commission (DCC) from the medical care institution where the child is treated is responsible for assigning home teaching.<sup>227</sup> For children with intellectual disabilities, home schooling is assigned by the Education Department of the municipality, in accordance with the Educational Psychological Service. However, a child's intellectual disabilities, which are permanent, should not be sufficient grounds for home schooling. Home schooling is intended as a temporary solution, for example for a child recovering after an operation or illness.<sup>228</sup> The period of home schooling should not exceed 12 months and can only be prolonged in special cases.

### 3.3.2 Education in residential institutions

In Lithuania, most children with intellectual disabilities live at home with their families. Apart from those attending special boarding schools, only a small number live in the three special boarding homes (residential institutions) for children and young people with intellectual disabilities under age 21.

There are two main types of social services available for people with disabilities in Lithuania: general social services and special social services.<sup>229</sup> General social services are provided to help people with disabilities live independently at home and in the community. Special social services are provided for people with disabilities in inpatient and outpatient care institutions and rehabilitation institutions – for example, day centres, temporary residences with inpatient care and nursing homes. The establishment and supervision of inpatient social care institutions is under the authority of the Ministry of Social Security and Labour and is regulated by Government requirements for inpatient social care institutions.<sup>230</sup> These requirements cover all

<sup>226</sup> The Joint Order of the Ministry of Education and Science and the Ministry of Health, Concerning the Regulation of the Teaching of Children at Home Care, No. 259/153//*State News*, 2000, No. 25-654, point 1.

<sup>227</sup> See section IV.1.2 for further details on the Doctors' Consultation Commissions (DCCs).

<sup>228</sup> Grounds for home schooling could be severe illness, when the recovery period is more than one month, or when the school is inaccessible for example for a student in a wheelchair.

<sup>229</sup> Social services in Lithuania were legally established in 1994 and are identified as one of the three forms of social support, along with social benefits and allowances and other non-financial forms of support. A further extension of social services to different groups of individuals was established in the Law on Social Services 1996, No. I-1579//*State News*, 1996, No. 104-2367.

<sup>230</sup> These requirements regulate the organisation of the work of inpatient social care institutions and outline standards for staff. They also define the types of services provided; the rights and duties of residents; requirements for buildings and the environment; the maximum number of residents who can be accommodated; and procedures for acceptance to, and departure from, these institutions. Order of the Ministry of Social Security and Labour of 9 July 2002 on the Requirements for Inpatient Social Care Institutions and the Procedure for Sending Persons to Inpatient Social Care Institutions, No. 97//*State News*, 2002, No. 76-3274.

institutions for people with mental disabilities and are mandatory for public inpatient social care institutions, which fall under the responsibility of county or local authorities.<sup>231</sup> The requirements are recommended, but not binding, for inpatient social care institutions provided by NGOs and other private organisations.<sup>232</sup> According to these requirements, inpatient care institutions under the authority of the county authorities are intended for children and young people between the ages of four and 29 who, due to their intellectual disabilities, cannot live at home or make use of community services and need constant care.<sup>233</sup>

Boarding homes are intended for people with severe disabilities, but they also house people with *moderate* disabilities who do not have a guardian, or whose guardian is either unable or unwilling to take care of them. In 2002, there was a total of 654 children, 371 boys and 283 girls, in the three special boarding homes for children and young people with intellectual disabilities under age 21.<sup>234</sup> This group of children, which includes 242 children who require intensive care 24 hours a day, have no access to any kind of education in these boarding homes. Children with *profound* intellectual disabilities who attend educational centres get some kind of “education”, or rather stimulation of their sensory system. Yet because social care institutions belong to the social care system rather than the education system, it is not mandatory to provide educational services for a child with severe disabilities. Lack of adequate resources to provide such services remains the main problem.

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<sup>231</sup> County governors and local municipalities implement legislation in the social policy area. They are responsible for providing social services, including inpatient social care, to all beneficiaries within their territories.

<sup>232</sup> In the field of intellectual disability, only the NGO VILTIS has established public institutions for providing social services for people with intellectual disabilities. These provide services such as day centres and support in nursing in cases of severe disabilities (help in hygiene procedures, help in acquiring compensatory techniques). A significant part of the service provided by these public institutions is transport. Examples of good practice are Mazeikiai, Jurbarkas, Radviliskis, and other regional branches of VILTIS, which work with the local municipalities to provide contractual transport services for people with intellectual disabilities. According to their contracts (with VILTIS), municipalities buy transport services from the branches of VILTIS and pay a certain price per kilometre. Municipalities also have a commitment to maintain the cars and hire the driver. These contracts are positive examples of collaboration between municipalities and NGOs and benefit both parties. Interview with a representative of Mazeikiai branch during the OSI Roundtable, Vilnius, June 2004; and by telephone, 27 July 2004.

<sup>233</sup> These are usually children with *moderate*, *severe* or *profound* intellectual disabilities (disability groups I and II). Adults with intellectual disabilities who cannot live independently or make use of other community services and who need constant care are usually diagnosed as being in disability groups I or II.

<sup>234</sup> Boarding homes are under the jurisdiction of district administrations. There are also 22 special boarding homes for adults with intellectual disabilities in Lithuania. The Supervision and Audit Department provides information for 2004 on their website, available at <http://www.sipad.lt/> (accessed 20 January 2004).

## 4. TRANSITION FROM EDUCATION TO EMPLOYMENT

*Although Lithuanian legislation provides for the right of people with intellectual disabilities to access vocational training, at present most are not able to realise this right in practice. Specialists and parents cite intolerance against people with intellectual disabilities, particularly in rural areas, as a main contributing factor. In addition, although vocational education and training courses have become more accessible to young people with intellectual disabilities over recent years, at present, only those with mild intellectual disabilities are able to acquire professional vocational qualifications. Young people with mild intellectual disabilities can receive vocational training in State vocational schools, vocational training departments of special boarding schools and three specialised vocational training schools. The Labour Exchange also provides vocational training services, and other employment services, intended for young people with disabilities, but these are not well adapted to the specific needs of people with intellectual disabilities. In any event, most people with intellectual disabilities cannot access these services, as they are assessed as having no working capacity. NGOs play a vital role in providing training and day occupancy for young people with more severe intellectual disabilities after they leave school. A draft strategy for reforming the vocational rehabilitation system in Lithuania has been prepared. This strategy aims to facilitate the vocational integration of people with disabilities and specifically includes recommendations on improving vocational training and rehabilitation services for people with intellectual disabilities.*

### 4.1 Vocational training

The demands of the new “information society” place an increasing emphasis on educational attainment and tend to push people with special educational needs outside the labour market.<sup>235</sup> People with intellectual disabilities who are seeking employment require additional services of vocational training or retraining, and professional rehabilitation. However, specialists working in the field of social integration of people with intellectual disabilities believe that the opportunities for this group to gain a professional qualification and access employment depend, in essence, on the conditions created by others without disabilities. Specialists, and also the parents and guardians of people with disabilities, report that although current legislation declares the right of people with intellectual disabilities to access education and vocational training, in practice they are not able to realise this right. This is often because of an intolerant environment, especially in rural areas.<sup>236</sup> In addition, the options for people with intellectual disabilities to access vocational training programmes are quite restricted. In practice, at present only young people with *mild* intellectual disabilities can acquire professional qualifications in the various schools offering vocational education and training. It is paradoxical that, while Vilnius is famous for its large number of educational facilities, young people with intellectual disabilities are left with a very

<sup>235</sup> Ingrida Baranauskienė, “Professional training of people with disabilities” in *Fundamentals of Special Education*, Šiauliai University, 2003, p. 196–209.

<sup>236</sup> A. Galkienė and B. Šapolienė, “Teisė į darbą ir kompensaciją”, (“The Right To Work and Compensation”), in *Viltis*, 2003, No. 3.

limited choice after completing school. In many cases, they are forced to leave their families and study in vocational training centres located on the outskirts of the city.

A reform of vocational training and rehabilitation services for people with disabilities is presently under way. In accordance the Law on Social Integration 2003, which is to enter into force on 1 July 2005, the vocational and social rehabilitation of people with disabilities includes assistance in acquiring a profession, speciality or trade; the creation and protection of a work place; and retraining.<sup>237</sup> The Council for the Affairs of People with Disabilities<sup>238</sup> has also prepared a draft “Strategy for the Development of Vocational Rehabilitation”, which has yet to be adopted. This strategy outlines the direction of vocational rehabilitation for people with disabilities until the end of the decade.<sup>239</sup> The main aim of the strategy is to create a united legal, economic and organisational system, which will facilitate the vocational integration of people with disabilities. It would be applied to all vocational integration programmes of people with disabilities and to all organisations providing vocational rehabilitation services for people with more severe disabilities. For each type of disability, including intellectual disability, the strategy describes the content of vocational rehabilitation services and the places where they should be provided. According to the strategy, vocational rehabilitation services for people with intellectual disabilities should, in the future, be provided in training establishments, day centres, vocational training and rehabilitation institutions, and social enterprises.<sup>240</sup> After completing such vocational rehabilitation programmes, people with intellectual disabilities should be employed either in social enterprises or in the open labour market.

#### *Vocational training opportunities for people with mild intellectual disabilities*

In general, young people with *mild* intellectual disabilities have the following options for vocational training:

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<sup>237</sup> Law on Social Integration 2003, art. 8.

<sup>238</sup> The Council for the Affairs of People with Disabilities is a special State institution, formed (on the principle of parity) from the six major NGOs representing people with disabilities and their families, and six ministries. The council acts in accordance with the Law on Social Integration and contributes to formulating Government policy on people with disabilities. It prepares recommendations to the Government, ministries and other institutions, for addressing the problems faced by people with disabilities, and it coordinates social integration programmes. Information from the website of the Council of the Affairs of the Disabled, available at <http://www.lirt.lt> (accessed 20 January 2004).

<sup>239</sup> Council for the Affairs of the Disabled, “Strategy for the Development of Vocational Rehabilitation for 2004–2010” (hereafter, Strategy for the Development of Vocational Rehabilitation). The Council approved this strategy to the Ministry of Social Security and Labour on 31 March 2004 (Protocol No.2), but it has not yet been certified by an appropriate Government authority. Information from the website of the Council of the Affairs of the Disabled, available at <http://www.lirt.lt> (accessed 20 January 2004).

<sup>240</sup> Social enterprises were introduced under the Law on Social Enterprises 2004. See section: IV.1.1.

- mainstream State vocational training schools providing first level training, in special or mainstream groups, for young people who have not completed the general education programme;
- three State vocational training schools specialised in training young people with special needs;
- special vocational training departments of special boarding schools;
- vocational training services offered by the Labour Exchange offices; and
- informal vocational training at the Archdiocese of Vilnius; this involves classes in restoration and various fine crafts.<sup>241</sup>

In Lithuania, vocational education is organised on four levels,<sup>242</sup> of which levels 1 and 2 are accessible for people with *mild* intellectual disabilities.<sup>243</sup> Level 1 vocational training programmes provide the possibility to acquire the simplest professions, while level 2 extends the spectrum of choice. Vocational training programmes have become increasingly flexible and adapted to the needs of students, so that the formerly prevalent approach that required a child to conform to the established educational programme has much improved. Young people with intellectual disabilities also gain access more readily to the vocational training facility of their choice now that the terms of admission have been simplified for them. Recently introduced legislation provides that even those who have not completed specialised or adapted courses in mainstream secondary schools can now be admitted to level 2 vocational training programmes.<sup>244</sup> Before these innovative changes, those who had not completed mainstream schools only had the possibility of attending level 1 vocational training programmes, so that they had a much narrower choice of profession.

<sup>241</sup> Ingrida Baranauskienė, “Neįgaliųjų profesinis rengimas”, (“Professional training of people with disabilities”), in *Specialiojo ugdymo pagrindai, (Fundamentals of Special Education)*, Šiauliai University, 2003, pp. 196–209; Euroguidance – Lithuania, *Profession Guide 2004* published on the website of Euroguidance Lithuania (in Lithuanian), available at <http://www.nrcg.lt/profesijosvadovas> (accessed 20 January 2005).

<sup>242</sup> Level 1: students no younger than age 14 who have *not* completed a primary mainstream school or a special boarding school and are seeking to gain a professional qualification. Level 2: students who have completed a primary mainstream school and are seeking to gain a professional qualification. Level 3: students who have completed a primary mainstream school and are seeking to gain a professional qualification and secondary education diploma. Level 4: students who have a secondary education diploma or have completed a general secondary education course and are seeking to gain a professional qualification.

<sup>243</sup> The Ministry of Education and Science establishes the duration of vocational training programmes, which last a minimum of one year, taking into account the educational level and the complexity of different professions.

<sup>244</sup> Order of the Ministry of Education of 16 July 2004 Concerning General Provisions of National and Municipal Educational Facilities, No. ISAK-1162//*State News*, 2004, No. 124-4495.

Approximately 60 State vocational training schools offer training in professions such as decoration, shoe repair, masonry, laying concrete, woodwork, metalwork and cooking. Young people who do not have a general education diploma are eligible for admission to State vocational schools. People with intellectual disabilities may be integrated into the mainstream study groups, or special groups may be created for them. There are also currently three specialised State vocational training schools in Lithuania: the Rehabilitation Centre of Vocational Training in Radviliškis, the School of Construction Workers in Kaunas and the Žemaičiai Polytechnic school in Naujamiestis. These schools only train young people to become carpenters, tailors, decorators, landscapers or cooks. They admit young people above age 16 who have completed the course in a special school, or who have studied in a mainstream secondary school according to a special or adapted programme. Young people without intellectual disabilities can also attend these schools, but people with intellectual disabilities make up the bulk of the student body.<sup>245</sup>

The Rehabilitation Centre of Vocational Training in Radviliškis<sup>246</sup> is considered a model of good practice for the organisation of vocational training and counselling. Vocational counselling<sup>247</sup> for people with disabilities, especially for people with *mild* intellectual disabilities, requires the evaluation and support of a specialist team.<sup>248</sup> People with various types of disabilities are counselled at the centre, including people with auditory, visual, motor and motional disabilities, and people with intellectual disabilities. Young people who have not decided whether to study in the centre can also receive counselling. In addition to vocational training, the centre also focuses on the social training of young people by means of after-school hobby groups and psychosocial rehabilitation. The young people undergoing psychosocial rehabilitation are observed by experts, and their adaptation and orientation to a new environment is evaluated. Their motivation for acquiring professional skills is determined, and their

<sup>245</sup> There are no available statistics on this. However, the management of statistical information of the Ministry of Education and the Department of Statistics will be changed as of the school year 2004–2005, and in the future, it should be able to provide more detailed information.

<sup>246</sup> The centre was founded in 1993 with support of the Government of the Federal Republic of Germany.

<sup>247</sup> Only a specialist who is familiar with the nature and cause of a young person's specific disabilities should provide career counselling. This specialisation is very important given that people with intellectual disabilities, especially young people, are often not capable of realistically evaluating their own capabilities. It is essential to consider each person's individual level of development and the "mix" of characteristics pertaining to each person, as well as thoroughly evaluating psychological, pedagogical and physiological factors. See: Lithuanian Rehabilitation Centre of Vocational Training, *Socialisation of the Curriculum Content of Vocational Training of Disabled Young People*, available (in English) on the website of the Leonardo da Vinci Programme at <http://lrpc.su.lt> (accessed 20 January 2004), (hereafter, LRCVT, *Socialisation*).

<sup>248</sup> Euroguidance – Lithuania, *Profession Guide 2003*, (in Lithuanian), Euroguidance – Lithuania, in association with the Ministry of Education and Science, 2003, (hereafter, *Euroguidance – Lithuania 2003*).



ability to participate in group work and their individual social competence is also developed.<sup>249</sup>

Parents and teachers of children with disabilities who cannot come to Radviliškis may instead consult specialists from the pedagogic-psychological services established in every town or region. These services carry out tests to evaluate a young person's abilities and interests. They can also evaluate the competencies of a person with special needs and suggest a programme of vocational training, taking into consideration the nature of the individual's disabilities. These specialists are qualified to work with people with all types of disabilities. However, vocational consultations are not enough for a young person choosing a profession. It is equally important for the young person to actually gain some work experience in practice, to become familiar with the actual work environment. This can be done directly, by contacting employers, or through a vocational training school. Unfortunately, however, in practice few people with intellectual disabilities have this opportunity. Employers are restricted by high accident and health insurance costs and rarely allow such work experience trials.<sup>250</sup>

Young people who have completed a special school, or studied in a mainstream secondary school according to adapted or specialised programmes, can also receive training, in a segregated environment, in the vocational training departments of special boarding schools.<sup>251</sup> These schools offer courses with professional qualifications and, in addition, prepare young people for independent living. Students at these schools can be trained in a slightly broader choice of professions, but the range of training is still very narrow: landscaper, home aid worker, decorator or cook. There are no statistics on how many students with intellectual disabilities are studying in these schools.

The Labour Exchange,<sup>252</sup> together with the Lithuanian Labour Market Training Authority, is responsible for organising vocational training and rehabilitation for adults, aged 18 or over, with disabilities.<sup>253</sup> The Labour Exchange offices provide vocational training services for young people who have difficulties in accessing employment on the open labour market, including people with disabilities, and who

<sup>249</sup> LRCVT, *Socialisation*.

<sup>250</sup> Euroguidance – Lithuania (2003).

<sup>251</sup> These include the specialised boarding school in Gelgaudiškis, the Ringuva specialised training centre in Šiauliai and the specialised boarding school No.1 in Klaipėda.

<sup>252</sup> The Labour Exchange is under the Ministry of Social Security and Labour. It was established in 1991 to implement State-provided employment guarantees on the labour market. There are 46 local Labour Exchange offices throughout Lithuania, providing assistance for both job seekers and employers. One of their main functions is to provide employment services for the unemployed, taking into consideration the registered jobs available, the qualifications of those seeking employment and the professional requirements of the employers. They also administer the payment of unemployment benefits. Information from the website of the Labour Exchange, available at <http://www.ldb.lt> (accessed 10 January 2004).

<sup>253</sup> The Ministry of Education is responsible for preparing and adopting training programmes for children with intellectual disabilities.

have registered as unemployed.<sup>254</sup> However, most people with intellectual disabilities are ineligible for these vocational training services, as they are assessed as having no working capacity.<sup>255</sup> Only some young people with *mild* intellectual disabilities are eligible. Furthermore, none of the vocational training courses are adapted specifically for people with intellectual disabilities. The Labour Exchange aims to achieve an employment rate of up to 70 per cent for people who complete a vocational training course, which means that people with intellectual disabilities are rarely accepted into such courses, as this would mean the Labour Exchange would not meet its goals. These concise vocational training programmes<sup>256</sup> are also oriented explicitly towards vocational training and do not help students to establish themselves in the labour market. Better results are achieved when young people with intellectual disabilities who have already gained a professional qualification are able to improve and build on their knowledge, or acquire a new profession related to the one they have already gained, in a vocational training centre.

#### *Vocational training and rehabilitation services provided by NGOs*

Vocational training and rehabilitation services for people with disabilities are also provided by a range of other organisations, including NGOs.<sup>257</sup> The vocational training, career counselling and day occupancy services provided by NGOs perform a very important role, in that they are the only ones offering vocational training for people with more severe intellectual disabilities. NGOs provide people with intellectual disabilities with the chance to improve their social and professional skills and to receive specialised training services, in day occupancy and training centres. For example, the NGO VILTIS has established family support centres alongside almost all of its regional branches. These are popular and considered useful. The VILTIS family support centres provide daytime occupation and activities for people with intellectual disabilities, who

<sup>254</sup> In 2002, 257 people with disabilities participated in vocational training or retraining programmes offered by the Labour Exchange offices. In 2003, 328 people with disabilities were referred to vocational training; of these, 11 people were in disability group I; 83 in group II; and 234 (71 per cent) in group III; there is no available data on their type of disabilities. Data provided during a meeting with a Lithuanian Labour Exchange representative (who wishes to remain anonymous), Vilnius, 17 May 2004.

<sup>255</sup> See: Section IV. 1.2.

<sup>256</sup> The local office of the Labour Exchange covers the expenses of people referred for vocational training. This includes transportation to the training facility, housing and a medical check-up. In addition, they pay monthly training compensation for the unemployed when they receive an attendance certificate from the training facility or enterprise. Labour Exchange vocational training is organised for a period of no longer than six months, although if acquisition of a profession requires a longer period of time, training can be prolonged to up to 10 months. However, these training periods are too short for people with intellectual disabilities.

<sup>257</sup> These include the social security services of local authorities; social care and welfare homes (boarding homes); educational institutions; employers; public organisations of people with disabilities and enterprises belonging to them; and special institutions of professional and social rehabilitation for people with disabilities.

are taught social skills, such as making coffee or going shopping, and also participate in professional training programmes, such as needlework, ceramics or gardening.

The educational centre *Mes esame* (“We are”) offers an example of good practice in providing vocational training, day occupation services and job placement for young people with intellectual disabilities. The centre operates within the social services of the municipality of Vilnius. Training programmes specially adapted for people with intellectual disabilities are approved by the Ministry of Social Security and Labour and the Ministry of Education and Sciences.<sup>258</sup> The centre admits people over age 18 with intellectual disabilities. It gives priority to those who have not attended any educational facility and have not been educated at home.<sup>259</sup> At present, there are eight different three-year training programmes. After successfully concluding a programme, the person receives a certificate that is equivalent to a certificate from a professional training school. The centre focuses on providing vocational training for people with *moderate* and *severe* intellectual disabilities.<sup>260</sup> Since 1998, the centre has trained two courses of students and issued 51 certificates for people with intellectual disabilities. There are not many examples of successful job placement after completion of these programmes, but there are a few. Since the centre opened in November 1998, 21 young people with intellectual disabilities have been integrated into the open labour market with the support of the Vilnius Labour Exchange and the centre itself. Currently, nine people are working in supported working places that receive subsidies from the State but are not necessarily required to adhere to the quota system.

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<sup>258</sup> The educational centre *Mes esame* was founded in 1998 by the Municipality of Vilnius and is supported by the municipality.

<sup>259</sup> *Euroguidance – Lithuania 2003*.

<sup>260</sup> Among the more than 100 people with intellectual disabilities participating in the centre’s activities and programmes, only three are in disability group III. Approximately 60 are in disability group II and the rest in disability group I.

## IV. Access to Employment

*Lithuanian law guarantees the right to work and to choose a profession. Lithuania has transposed the provisions of the European Union's Council Directive 2000/78/EC (the Employment Directive) into national legislation and strengthened protection against discrimination in employment for people with disabilities. The Law on Equal Opportunities 2003 prohibits discrimination on the grounds of disability in the area of employment. The Law on Social Integration of People with Disabilities 1998 defines employment guarantees for people with disabilities. It also regulates the quota system and additional State subsidies available for the employment of people with disabilities. The new version of this law – to enter into force in June 2005 – will lead to a number of important changes, including improved disability assessment procedures. The Law on Social Enterprises 2004 introduces new forms of support and employment for people with disabilities, including State subsidies for social enterprises for people with disabilities. Although this should lead to the creation of new employment opportunities for people with disabilities, there are two important barriers to the employment of people with intellectual disabilities in social enterprises: first, employees must have some assessed working capacity, and, second, they must also have legal capacity.*

*For people aged 18 years old and over, assessments of disability for employment purposes and access to social benefits are carried out by the State Medical and Social Examination Commissions, which establish each individual's disability group and degree of working capacity, expressed as a percentage. The commissions can also recommend rehabilitation or training. However, at present, assessments are over-medicalised, inconsistent and time-consuming. Most people with intellectual disabilities have to repeat the assessment every two years, even though their condition will not change and they will not receive any additional support. Furthermore, most people with intellectual disabilities are assessed as having no working capacity, which is a very important barrier to employment. Such an assessment also excludes them from registering at a Labour Exchange and accessing the employment services offered to people with disabilities. In line with the Law on Social Integration 2004, the Government has committed itself to reforming disability assessment procedures. New regulations are presently being prepared, and NGOs representing people with disabilities have been consulted in the preparation of these draft regulations. The overwhelming majority of people with intellectual disabilities are fully reliant on State benefits. In most cases, this means the social pension, because most people with intellectual disabilities have no working capacity and little or no work experience, and thus they are not eligible for a disability pension or an unemployment benefit. The level of benefits a person receives depends mainly on their disability group. However, despite an important increase in the level of the social pension in 2004, it still does not cover the basic living costs of people with disabilities. In most cases, therefore, families must support a family member with intellectual disabilities.*

### 1. LEGAL AND ADMINISTRATIVE FRAMEWORK

#### 1.1 National employment legislation

Article 48 of the Constitution establishes that “every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment”.

The most relevant national legislation for the employment of people with disabilities is:

- The Law on Social Enterprises 2004<sup>261</sup>
- The Law on Equal Opportunities 2003
- The Labour Code 2002<sup>262</sup>
- The Law on Social Integration 2004 (*not yet in force*)
- The Law on Social Integration 1998

There have been a number of important changes in Lithuanian employment legislation over the last few years. Amendments to the Labour Code that are designed to address the provisions of the EU Employment Directive<sup>263</sup> entered into force on 1 January 2003, while the new Law on Equal Opportunities entered into force on 1 January 2005. The European Commission's *2004 Annual Report on Equality and Non-discrimination*<sup>264</sup> states that "amendments to bring existing laws into line with the Employment Directive [...] are due to enter into force January 2005". This suggests that the Commission considers that the Law on Equal Opportunities 2003 should bring Lithuanian legislation in line with the provisions of the Employment Directive. Nonetheless, there have been concerns among NGOs that some elements of the directive may not be fully addressed, including provisions on "reasonable accommodation", burden of proof and dissemination of information.

The Law on Social Integration 1998 specifically defines employment guarantees for people with disabilities while also regulating the quota system and State occupancy support subsidies. The law applies to all individuals with disabilities, irrespective of the type or level of their disabilities. It establishes one of the main principles concerning the social integration of people with disabilities, namely that "people with disabilities shall be developed and educated; they shall gain a profession, shall work, engage in useful activities according to their ability, interests and opportunities".<sup>265</sup> Several of the articles of this law are particularly relevant for the employment of people with disabilities:

Article 17 supports the labour integration of people with disabilities and articulates the right of people with disabilities to choose work according to their physical and mental

<sup>261</sup> The Law on Social Enterprises 2004, No. IX-2251//*State News*, 2004, No. 96-3519, (adopted 1 June 2004; entered into force on 19 June 2004).

<sup>262</sup> The Labour Code 2002, No. IX-926//*State News*, 2002, No. 64-2569, (last amended 4 June 2002; entered into force 1 January 2003).

<sup>263</sup> See: *Annual Report on Equality and Non-discrimination 2004*, p. 13.

<sup>264</sup> See: *Annual Report on Equality and Non-discrimination 2004*, p. 14.

<sup>265</sup> Law on Social Integration 1998, art. 2.

condition, professional skills and interests.<sup>266</sup> Article 18 states that “people with disabilities shall either be employed in their regular working places or in working places furnished especially for them. Requirements for the working places of disabled persons shall be established by the Ministry of Health and the Ministry of Social Security.”<sup>267</sup> This article also provides for the employment of people with disabilities through the quota system.<sup>268</sup> Article 19 establishes employment guarantees for people with disabilities.<sup>269</sup> It also reiterates the provisions of the Labour Code on vacation entitlement for people with disabilities and their carers.<sup>270</sup>

Article 20 states that specific working conditions can be created for people with disabilities by the State Medical and Social Examination Commissions, which establish working capacity.<sup>271</sup> In accordance with a commission’s findings, people with disabilities may, at their own request, be exempted from working overtime, on holidays, rest days or at night; they may also work a shorter day.<sup>272</sup> Article 30 establishes that disputes which arise between people with disabilities, their parents or guardians, and employers, local government social security services and other institutions and organisations shall be settled in court, if the law does not provide otherwise. People with disabilities can make use of the same legal protection as the rest of the population, defending their right to employment in the open labour market.<sup>273</sup>

The new Law on Social Integration 2004 will only enter into force on 1 July 2005. This new law is intended to guarantee equal rights and opportunities for people with disabilities while establishing principles for the social integration of people with

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<sup>266</sup> Article 17 of the Law on Social Integration 1998 states that, “people with disabilities shall choose jobs which take their physical and mental condition, professional skills and interests into account [...]. If a person with disabilities has the necessary qualifications, an employer may not refuse to employ them or discriminate against him or her in any other way for the sole reason of invalidity”.

<sup>267</sup> Law on Social Integration 1998, art. 18(1).

<sup>268</sup> See: Section IV.2.2.

<sup>269</sup> Article 19 of the Law on Social Integration 1998 states that, “employers may only dismiss an employee with disabilities on their own initiative upon receiving consent from the local government social security service and sending the employee with disabilities a written notice four months before the anticipated dismissal”.

<sup>270</sup> The Labour Code 2002 establishes that “a person with disabilities shall be granted 35 calendar days of annual vacation; and that a person with disabilities (or persons or guardians caring for a person with disabilities who has been determined to be in need of permanent nursing care) shall be granted 30 calendar days of unpaid vacation at any time they wish”. Labour Code 2002, art. 166 and 170.

<sup>271</sup> Law on Social Integration 1998, art. 20(1).

<sup>272</sup> Law on Social Integration 1998, art. 20(2).

<sup>273</sup> In accordance with Article 286 of the Labour Code, all labour disputes must be resolved by Labour Dispute Commissions. In addition, people with disabilities can make use of legal protection guaranteed by the state. Law on Legal Protection Guaranteed by the State 2005//State News No. 18-572, art. 3.

disabilities. Importantly, it also defines the system of social integration, including those institutions responsible for its implementation. The new law sets out rules for determination of disability and working capacity, provision of rehabilitation services, and principles for assessing and meeting the special needs of people with disabilities.<sup>274</sup>

The Labour Code regulates the realisation and protection of the right to work and occupancy, legal labour relations, and labour rights and obligations arising from them. It establishes the fundamental principles and requirements of labour law, which is addressed in more detail in other legislation covering specific areas of labour relations. Although the Labour Code 2002 provides for equality on a number of grounds, this does not include disability.<sup>275</sup> However, Article 92 provides for additional guarantees in the labour market for people with disabilities, and several articles contain special provisions for people with disabilities.

The new Law on Social Enterprises entered into force on 19 June 2004. It establishes the status of social enterprises as legal entities and sets out the requirements for obtaining social enterprise status. It also defines their basis of functioning, and their rights and obligations.<sup>276</sup> The main purpose of social enterprises is to employ people who have lost their working capacity, are not economically active and cannot compete on an equal basis in the labour market. Social enterprises should promote these people's social integration and enable them to return to the labour market.<sup>277</sup> The law stipulates that at least 40 per cent of the employees in social enterprises must be from one of the special target groups, which include people with disabilities, the long-term unemployed and people returning from prison.<sup>278</sup> It also provides for a special kind of social enterprise specifically for people with disabilities in disability groups I, II or III.<sup>279</sup> In such an enterprise, people with disabilities must comprise at least 50 per cent of the annual average number of employees, and those in disability groups I and II at least 40 per cent of this total.

State support for social enterprises will include partial compensation of the employee's salary and social insurance; subsidies for the establishment of working places and the adaptation of working places for people with disabilities; and subsidies for training of special focus groups.<sup>280</sup> State support for social enterprises of people with disabilities will include subsidies for adapting the working environment; working and leisure

<sup>274</sup> Law on Social Integration 2004, art.1(1).

<sup>275</sup> The listed grounds are: "gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, and factors unrelated to the employee's professional qualities". Labour Code 2002, art. 2.1(4).

<sup>276</sup> Law on Social Enterprises 2004, art. 1.

<sup>277</sup> Law on Social Enterprises 2004, art. 2.

<sup>278</sup> Law on Social Enterprises 2004, art. 4.

<sup>279</sup> Law on Social Enterprises 2004, art. 3.

<sup>280</sup> Law on Social Enterprises 2004, art. 13.

premises for people with disabilities; subsidies to compensate additional administration and transportation expenses; and subsidies to compensate the costs of employing assistants, for example, a job coach or sign language translator.<sup>281</sup>

It is still too soon to assess what kind of impact the Law on Social Enterprises 2004 will have on the creation of new employment opportunities for people with intellectual disabilities.<sup>282</sup> However, there are two important barriers to the employment of people with intellectual disabilities in social enterprises. First, although employees with disabilities in social enterprises do not have to be registered with the Labour Exchange, they must have *some* assessed working capacity. At present, most people with intellectual disabilities are assessed as having no working capacity. The second barrier is the stipulation that employees must also have legal capacity.<sup>283</sup> This means that the significant number of people with intellectual disabilities who are under guardianship are in any case excluded from employment in social enterprises.

## 1.2 Assessment of disability for employment purposes and for access to social benefits

### 1.2.1 Assessment Procedures

The SMSE Commission of the Ministry of Social Security and Labour<sup>284</sup> is responsible for determining the disability group and assessing the loss of working capacity of people age 18 or over<sup>285</sup> who have a medical condition listed in the “Procedure for Determining the Loss (Disability) of Long Term and Constant Capability to Work”<sup>286</sup>

<sup>281</sup> Law on Social Enterprises 2004, art. 13.

<sup>282</sup> As of January 2005, 26 enterprises (employing 1,000 people) have obtained the status of social enterprises, but there is no information as to whether any of these enterprises employ people with intellectual disabilities. Information from the website of the Ministry of Social Security and Labour, available at <http://www.socmin.lt/> (accessed 10 January 2005).

<sup>283</sup> This conclusion can be reached, given that all working relationships in social enterprises are regulated by the Labour Code 2002 and other employment legislation. Labour Code 2002, art. 5(1).

<sup>284</sup> The SMSE Commission (State Commission on Medical Social Examination) is a State institution established under the authority of the Ministry of Social Security and Labour. Its main task is to determine the fact, nature, reason, time of origin, disability group and term of the person's disability, as well as to assess their level of loss of general and professional working capacity.

<sup>285</sup> In accordance with the Law on Social Integration 1991, art. 4(1). Following the entry into force of the Law on Social Integration 2004 (1 July 2005), disability group will no longer be assessed. Instead, for people between the ages of 18 and retirement, the individual's loss of working capacity will be established. For senior citizens who, due to long-term health changes or their consequences, have totally or partially lost their independence and are not able to care for their personal and social life, the individual's special needs are established. Law on Social Integration 2004, art. 20, 24.

<sup>286</sup> The Procedure 2004 entered into force on 1 April 2004. Prior to this date, assessments were carried out according to Procedure 2000. The changes are mainly related to the age of people assessed; previously the SMSE Commission assessed people from age 16, now it is from age 18.



(hereafter, Procedure 2004). The SMSE Commission can only make assessments of children under age 18 who are covered by State social insurance or have been covered by this insurance.

The main body for establishing the level of disability of children under age 18 are DCCs. These commissions can be established in outpatient or inpatient health care institutions. Children's disability assessment is carried out on the basis of a list of conditions specified in "The List of Ailments and Conditions for Determining the Level of Disability (severe, moderate and slight) for Disabled Children"<sup>287</sup> (hereafter, Order on Determining Disability Level for Children), which includes intellectual disability.

Current disability assessment procedures for adults are primarily based on inadequate and predominantly medical criteria, with little or no consideration given to the person's actual capacity for work or the possibility of rehabilitation. The Procedure 2004 only indicates medical criteria and does not take into account psychological, psychosocial, social or working skills in the individual's evaluation.<sup>288</sup> However, the assessment procedures are presently under review and are to be totally reformed when the Law on Social Integration 2004 enters into force on 1 July 2005.

The "2001 Reform Concept on Disability Assessment and Social Security Measures for People with Disabilities"<sup>289</sup> (hereafter, Reform Concept) aims to improve disability assessment procedures for both children and adults. The main goal of the concept is to facilitate a more just and effective implementation of social security measures for people with disabilities, in order to provide them with some working capacity and independence, and to encourage their social inclusion to the fullest extent possible.<sup>290</sup> In addition to explicitly medical criteria, assessments should also evaluate the loss of working capacity, loss of working income, loss of means of rehabilitation, the person's disability, and the special needs to compensate for this disability. These criteria are meant to effect a change in the very concept of a person with disabilities, by providing a human rights approach with full social integration.

<sup>287</sup> Order on determining disability level for children.

<sup>288</sup> Interview with a previous head of the State-level psychiatric medical social expertise commission of the SMSE Commission (who wishes to remain anonymous). Also, interviews with parents of people with intellectual disabilities, doctors and other mental health system specialists, and ministerial representatives. Also: private discussions and phone calls with parents that took place in the VILTIS offices on a daily basis; interviews with mental health system specialists and ministerial representatives in various meetings at the Council for the Affairs of the Disabled, on 13 and 26 January; 6, 19 and 24 February; 5 and 15 March; and 9 April 2004.

<sup>289</sup> Government Decision of 12 February 2001 on the Reform Concept on Disability Assessment and Social Security Measures for People With Disabilities 2001, No. 160//*State News*, 2001, No. 15-452, (hereafter, Reform Concept).

<sup>290</sup> Reform Concept, para. 3.

In line with the aims and objectives established in the Reform Concept, the new Order on Determining Disability Level for Children entered into force on 1 April 2004. In accordance with the Law on Social Integration 2004, the Ministry of Social Security and Labour is currently updating the assessment procedures for adults, through revision of the Procedure 2004. Although the Procedure 2004 is in line with the Law on Social Integration 1998 and the Order on Determining Disability Level for Children, the ministry is currently preparing new secondary legislation necessary to implement the Law on Social Integration 2004. NGOs and civil society have been able to contribute to this process, through consultations on drafts of the regulations.<sup>291</sup>

### 1.2.2 Assessment bodies

#### *The State Medical and Social Examination Commission (SMSE Commission)*<sup>292</sup>

For people aged 18 years old and above, the SMSE Commission is responsible for determining the fact, nature, reason, time of origin, disability group and term of an individual's disabilities – as well as assessing the individual's loss of general and professional working capacity.<sup>293</sup> It can only make assessments based on the list of conditions specified in the Procedure 2004, which is prepared in accordance with the ICD-10.

The SMSE Commission is under the authority of the Ministry of Social Security and Labour and directed by the Chief Medical Expert. It is regulated by the "Provisional Regulations of the State Medical and Social Examination".<sup>294</sup> There are State-level and

<sup>291</sup> The drafts presented to NGOs include: "Description and Rules on determining special needs and conditions for meeting these needs" (hereafter, *Rules*) and "Lists of body functions, structures, activities and conditions, according to which the evaluators identify spheres of special needs". When adopted, the *Rules* will define groups of persons with special needs and also regulate: the principles, criteria and procedures for determining a person's special needs; the bodies responsible for determination of special needs; the rights of people within the determination procedure; and appeals procedures.

<sup>292</sup> In accordance with the Order of the Minister of Social Security and Labour of 22 February 2005, the SMSE Commission has now been reorganised and split into two separate bodies: the Disability and Working Capacity Evaluation Office, at the Ministry of Social Security, and the Labour and Dispute Commission, at the Ministry of Social Security and Labour. The Disability and Working Capacity Evaluation Office will only evaluate people with disabilities. Three groups of people are evaluated: children under 18; people under 18, covered by State social insurance; and people from age 18 to retirement age. The Office is responsible to establish the disability level for children under age 18, and the working capacity of people above the age of 18 who are covered by State social insurance, including people with disabilities. Order of the Minister of Social security and Labour on the Reorganisation of the State Medical and Social Examination Commission at the Ministry of Social Security and Labour, No. A1-50//State News 2005, No. 26- 846, (hereafter, Order on Reorganisation of the SMSE Commission).

<sup>293</sup> Law on Social Integration 1998, art. 4(2,3).

<sup>294</sup> Government Decision of 25 February 1992, on The Provisional Regulations of the State Medical and Social Examination Commission, No. 123//State News, 1992, No. 13-368 (hereafter, *SMSE Commission Regulations*).

local-level commissions. A local commission is established for every 110,000 adult residents and is made up of three doctors. A State-level commission is established for every five local commissions. At present there are six state-level commissions, each of which includes four people: either four doctors or three doctors and a psychologist, sociologist or other type of specialist. The personal doctor of the person with disabilities can also take part, and so can representatives of a relevant employer; a training institution or educational facility; a social care institution; local government social services; or organisations, such as an NGO, representing people with disabilities.

The level of an individual's disabilities and his or her corresponding disability group (I, II or III) is determined in accordance with the Procedure 2004. At the same time, the commission assesses loss of working capacity. The Procedure 2004 distinguishes between general working capacity and professional working capacity. It defines an individual's general working capacity as "a person's ability to perform work duties that do not require any special knowledge, qualification, or skills".<sup>295</sup> An individual's professional working capacity is defined as "a person's ability and possibility to perform the work of his profession, that requires special knowledge, qualifications or skills".

The Procedure 2004 only grades as a percentage the loss of professional working capacity, for example, in the case of an accident at work, which is not necessarily combined with a disability group. An individual with disabilities may be assessed as having *partial* working capacity, which means a loss of professional working capacity of over 30 per cent but less than 100 per cent, or *no* working capacity, which means 100 per cent loss of professional working capacity.<sup>296</sup> If the percentage loss of professional working capacity is less than 30 per cent, no disability group is established.

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<sup>295</sup> Procedure 2004, item 15.

<sup>296</sup> According to Item 26.2 of the Procedure 2004: "For disability group I, the loss of professional working capacity is between 90 and 100 per cent; for disability group II, between 65 and 100 per cent; and for disability group III, between 30 and 60 per cent. If the Commission deems that a person with disability group I has no possibility of employment, the person is assessed as having 100 per cent working incapacity and is deemed 'unemployable'".

**Table 3. Disability group and working capacity – for adults**

Disability Group	Level of intellectual disabilities	Loss of professional working capacity	
		per cent	Partial or Total
I	<i>significant or highly significant</i>	90 to 100	Total (for 100 per cent loss of working capacity); otherwise Partial
II	<i>medium</i>	65 to 100	Total (for 100 per cent loss of working capacity); otherwise Partial
III	<i>slight</i>	30 to 60	Partial

**Source:** Joint Order of the Minister of Health and the Minister of Social Security and Labour of 25 May 2004 on Amendments to the Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work 2004.

Each individual's professional and general working capacity are determined on an individual basis. The SMSE Commission takes into consideration the progress of the disability, the prognosis for re-establishment of working capacity, possible employment opportunities and other social factors. The commission also establishes whether there is a possibility of employing the person with disabilities by readjusting the work place, furnishing the work place with compensatory equipment, designating an assistant, or implementing various employment and occupational therapy measures.

There is no available data on the degree of working capacity assigned to people with intellectual disabilities. However, of the 457 adults with intellectual disabilities who were assessed and placed in one of the disability groups by the SMSE Commission in 2001, 80 per cent were assessed in disability groups I or II.<sup>297</sup> Most people with intellectual disabilities in disability groups I and II are assessed as having *no* working capacity.<sup>298</sup>

<sup>297</sup> In 2001, the SMSE Commission evaluated 457 adults with intellectual disabilities as their primary disability. They were placed in the following disability groups: A total of 136 people, or 30 per cent, in disability group I, including 49 with "total disability"; 227 people, or 50 per cent, in disability group II; and 94 people, or 20 per cent, in disability group III. Telephone interview with a representative from the SMSE Commission. Also: Inclusion Europe and Viltis, *Human rights of persons with Intellectual Disability, Country Report Lithuania*, Inclusion Europe, Brussels, May 2003, available on the Inclusion Europe website at <http://www.inclusion-europe.org/documents/1193.pdf> (accessed 15 April 2005), (hereafter, Inclusion Europe, *Lithuania report*).

<sup>298</sup> Information received during a meeting with A. Jakubauskas, director, educational centre *Mes esame*, 6 February 2004. Also: interviews during joint meetings with parents of people with intellectual disabilities, representatives of disability NGOs, a representative of the SMSE Commission and representatives of the Ministry of Social Security and Labour that took place at the Ministry of Social Security and Labour on 13 January and 5 March 2004. Also: interviews with the Council for the Affairs of the Disabled to the Government on 6 and 24 February, 15 March and 9 April 2004. Also: private interviews with parents of people with intellectual disabilities at the VILTIS office.

Following its evaluation, the SMSE Commission issues a disability certificate.<sup>299</sup> This indicates the disability group and degree of working capacity, and also the disability terms applied in determining the disability group. The disability group may be with or without a time limit. The determination of a disability group *with* a time limit – of six months or one year – is made on an individual basis in cases where effective rehabilitation is expected. If rehabilitation is not expected, the disability group is usually established for a period of two years, and it is then reviewed every second year.<sup>300</sup> The disability group can be established *without* a time limit in the course of a primary examination in cases of acute illness or injury, or anatomical or mental conditions when the clinical or occupational prognosis is evident. The Procedure 2004 now also includes a provision on the establishment of a disability group without time limit for some categories of people with intellectual disabilities.<sup>301</sup> However, in most cases, people with intellectual disabilities, except those with “total disability”, are given a two-year time limit.<sup>302</sup>

In addition to issuing disability certificates, the SMSE Commission also decides on the application of medical and social rehabilitation measures; training and education opportunities; and suitable working environments and type of work. Decisions of the commissions are binding for all institutions and organisations providing services or carrying out other activities related to people with disabilities, including adult education, education or employment.

People with disabilities, their family members, representatives of disability NGOs and specialists, are often dissatisfied and critical of the SMSE Commission’s conclusions, particularly concerning working capacity and the terms of disability. Quite often the

<sup>299</sup> Law on Social Integration 1998, art. 6.

<sup>300</sup> The Commission can review its decision concerning the disability terms either on its own initiative or at the request of the interested party, if the medical or social conditions of the person with disabilities change or if the disability term was established incorrectly.

<sup>301</sup> For a person with an IQ lower than 34, together with behavioural and other disorders, the disability group can now also be established without a time limit. For a person with an IQ of between 35 and 40, together with behavioural and other disorders, disability group II may be established without a time limit after the state of the person with disabilities has been observed for a period of two years. For people with an IQ of between 41 and 49, together with behavioural and other disorders, disability group II may be established without a time limit after the state of the person with disabilities has been observed for a period of four years. In other cases of changeable processes, the disability group can also be established without a time limit when the person with disabilities has been observed for a period of no less than four years and has shown permanent, non-recoverable morphologic and functional alterations, after medical, professional and social rehabilitation measures have been applied. Procedure 2004, item 37.1.

<sup>302</sup> Interviews with parents of people with intellectual disabilities and specialists at day care centres, through phone interviews and various meetings between March and July 2004.

disability certificate states that the person “is incapacitated, but can work” or “can study”, or other contradictory or meaningless evaluations of the person’s working capacity.<sup>303</sup>

Both people with disabilities and their family members consider the current procedure for establishing the terms of disability as inadequate.<sup>304</sup> In most cases, every two years, people with intellectual disabilities are forced, yet again, to go through the procedure of establishing their disability group and working capacity. Every subsequent medical examination, carried out by general practitioners and specialists, often at inpatient establishments, produces additional negative feelings and experiences, both for the person with intellectual disabilities and for the family. Such tests and examinations are also expensive and require an investment of considerable financial resources from the State, as well as considerable time. In most cases, this periodical revision of the status of people with intellectual disabilities is considered irrational and not constructive given that, due to the nature of their disabilities, their condition usually remains constant, and the assessments do not lead to much additional support.

If the person being examined does not agree with the decision of the local-level SMSE Commission, he or she has the right to appeal by presenting a written statement to the Chief Medical Expert within two months of the Commission’s decision.<sup>305</sup> A State-level commission then repeats the examination of the person with disabilities and issues a second decision, which must be prepared no later than one month after receipt of the appeal. Decisions made by State level Commissions can be appealed to a Dispute Commission, formed by the Chief Medical Expert. The Chief Medical Expert makes an initial decision on the legitimacy of the appeal, forms the Dispute Commission and informs the applicant. The Dispute Commission is formed of highly qualified medical experts and other specialists, along with representatives of NGOs for people with disabilities. It must resolve all disputes within one month, and its decisions, taken by majority vote, are final.

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<sup>303</sup> Interviews during a joint meeting with parents of people with intellectual disabilities, representatives of disability NGOs, a representative of the SMSE Commission, and representatives of the Ministry of Social Security and Labour, that took place at the Ministry of Social Security and Labour on 5 March 2004.

<sup>304</sup> Interviews with parents (and guardians) of people with intellectual disabilities attending the “*Mes esame*” education centre for adults with intellectual disabilities, January 2004.

<sup>305</sup> *SMSE Commission Regulations*, Item 27.

*Doctors' Consultation Commissions (DCCs)*<sup>306</sup>

DCCs are responsible for assessing children under age 18 and adults who do not have a listed medical condition. The DCCs refer to the SMSE only those children younger than 18 who are insured under the State social insurance and who require a disability group and working capacity evaluation.<sup>307</sup> A DCC can be formed in any health care institution. An adult who does not have a listed condition, but who may nonetheless have reduced working capacity, is evaluated by a DCC established in the individual's treating institution. For children, a DCC can be established in outpatient or inpatient health care institutions providing services for them.<sup>308</sup> Each DCC comprises a chairperson, who is a head or deputy of the treating institution and has an advanced medical degree, and two or three other members, such as the head of the department or medical specialist, or the treating doctor.

The expertise of the members of the DCC is used to determine time-limited work incapacity and disputable treatment and examination issues. DCCs also certify the health status of the person being examined. However, such medical specialists are not prepared to provide comprehensive evaluations of all the issues related to the working capacity of the person with disabilities.<sup>309</sup> There is no consistent methodology for evaluating a person's working capacity and the DCCs do not use the Procedure 2004 for assessing temporary loss of working capacity for adults. In evaluating the intellectual development of children under the age of 18 years old, however, an internationally recognised standard, the World Health Organization's International Classification of Functioning, Disability and Health (ICF), is used as a basis for

<sup>306</sup> Since February 2005, the SMSE Commission has been reorganised and split into two separate bodies. The new Disability and Working Capacity Evaluation Office, at the Ministry of Social Security and Labour, is responsible to establish disability level for children (See: Order on Reorganisation of the SMSE Commission). After reviewing all necessary documents, the DCCs will in future refer people to this Office. Order of the Minister of Health Care, Minister of Social Security and Labor and Minister of Education and Science of 23 March 2005 on the Disability Level Establishment Order and Criteria No. V-188/A1-84/ISAK-487//State News 2005, No. 39-1277 (to enter into force on 1 July 2005).

<sup>307</sup> For people assessed as having disabilities from birth, referral to the SMSE Commission, for assessment of work capacity, is automatic when they reach adulthood. For these people, referral to the SMSE Commission is also automatic after expiration of the disability term, in cases where disability status was determined with a time limit. Order of the Ministry of Health Care of 31 March 2004 on Approval of the Regulations of the Doctor's Consultation Commissions within the Health Care Institutions of the Lithuanian national health system, No. V-172//State News 2004, No. 51-1702, Item 10.2.

<sup>308</sup> If the parents or legal representatives of the child do not agree with the decisions of the DCC, they have the right to appeal the decision by presenting a written statement to the DCC of the upper level health care institution within 60 days of receiving the decision. The respective DCC must then issue a final decision on the appeal, no later than 30 days after receipt of the request for appeal.

<sup>309</sup> Interview with a previous head of a State-level psychiatric medical social expertise commission of the SMSE Commission who wishes to remain anonymous, Vilnius City Psychiatric Hospital, 25 February 2004.

assessment by the DCCs.<sup>310</sup> In accordance with the ICF, intellectual functioning is described and evaluated according to the individual's ability to understand, their rate of mental processes, their level of knowledge and their degree of observation. The evaluation of cognitive functions covers both intellectual development, which is the strengthening of cognitive powers of a child throughout their life, and intellectual regression, which is the decrease in cognitive powers, due to age or other factors.

### 1.3 The role of the social welfare system

Due to their low employment rate, the financial situation of people with disabilities very much depends on the social benefits they receive.<sup>311</sup> The vast majority of people with intellectual disabilities is not employed and is fully reliant on State disability pensions and social pensions. However, the levels of the disability pensions and social pensions paid to people with disabilities constitute only up to 60 per cent<sup>312</sup> of the minimum monthly salary of LTL 500 (approximately €144.80).<sup>313</sup> In addition, disability pensions and social pensions are paid according to disability group, but do not take into consideration the specific needs of people with different types of disabilities, such as intellectual disabilities.

In 2004, a survey was carried out to evaluate the financial support provided for people with intellectual disabilities, as compared to the expenses they incurred due to their special needs.<sup>314</sup> This survey found that the respondents' average income, from social pensions and other compensations available to people with intellectual disabilities, amounted to LTL 293 (€85) per month, whereas their average expenses were LTL 478 (€138.50) per month. State financial support for people with intellectual disabilities is therefore not sufficient to ensure a minimum living standard, and it covers only approximately 60 per cent of the recipients' expenses in the community. The rest of

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<sup>310</sup> World Health Organization (WHO), *The International Classification of Functioning, Disability and Health (ICF)*, Geneva, 2001.

<sup>311</sup> "The State shall guarantee the right of citizens to receive old age and disability pensions, as well as social assistance in the event of unemployment, sickness, widowhood, loss of breadwinner, and other cases provided for in laws". Constitution, art. 52.

<sup>312</sup> Information from a survey carried out by VILTIS in February-May, 2004. VILTIS brought together 4,677 people with intellectual disabilities. Out of 2000 questionnaires distributed to families nurturing children with intellectual disabilities, 516 questionnaires were returned, constituting 11 per cent of all individuals from the focus group, (hereafter, VILTIS survey).

<sup>313</sup> The minimum wage is guaranteed to every employed resident of Lithuania working under an employment contract. The level of the minimum wage was increased to LTL 500, as of 1 May 2004, from LTL 450 (€130). Government Resolution of 24 March 2004 on the Increase of Minimum Working Salary 2004, No. 316//State News, 2004, No. 46-1511.

<sup>314</sup> VILTIS survey.



their expenses are a significant financial burden for their family members, guardians and caretakers.<sup>315</sup>

The Ministry of Social Security and Labour is responsible for the preparation, implementation and supervision of social security benefits. It is also responsible for employment and social rehabilitation measures available on the basis of disability status. Common social security provisions for all people with disabilities, including those with intellectual disabilities, regulate their compensation for loss of income due to their disabilities.<sup>316</sup> However, the evaluation of disability group and working capability made by the SMSE Commissions plays an integral part in establishing social security entitlements.

People with disabilities who are assessed as belonging in one of the three disability groups (I, II or III) are entitled to one, or more, of the following main social benefits:<sup>317</sup>

- a social pension, for people with no working experience;
- a disability pension, for people who have some working experience; and/or
- unemployment insurance benefits, for people who have some working experience.

The level of the allowance, pension or other welfare benefit received by an individual with disabilities depends on the extent of his or her disabilities, as certified by the disability group.<sup>318</sup> However, eligibility for some social security entitlements depends, indirectly, on whether the SMSE Commission has assessed the individual with disabilities as having *total* (100 per cent) or *partial* (between 30 and 100 per cent) working incapacity. Importantly, most people with intellectual disabilities are in disability groups I and II and are assessed as not having *any* working capacity. This means that they cannot work and so, in turn, cannot accumulate the necessary social

<sup>315</sup> VILTIS is trying to improve this situation by initiating dialogue with Government authorities. Members of the VILTIS board regularly take part in commissions and coalitions working in the field of the integration of people with disabilities and have initiated a number of progressive amendments to legislation. This includes amendments to the Law on the State Social Security Pensions 1994 and the Law on State Law on Allowances (Social Pensions) 1994, which entered into force in 2004 and increased the levels of social pensions and disability pensions, respectively.

<sup>316</sup> D. Juodkaitė and A. Jasiūnas, *Rights and social guaranties of persons with disabilities and their family members*, (in Lithuanian), Progretus, Vilnius, 2003.

<sup>317</sup> People with disabilities who do not receive a social pension, and families caring for children with disabilities, may also be entitled to other benefits or allowances for low-income families, such as compensation for heating expenses and other utilities. In accordance with the disability group, lump sums may also be provided for other costs, such as medical treatment and medicines, transport expenses and purchase of special devices. Inclusion Europe, *Lithuania report*, p. 23.

<sup>318</sup> In future, disability group will no longer be assessed and eligibility will instead be based on the assessed working capacity. From 1 July 2005, various social benefits will be available to persons for whom (in accordance with the Law on Social Integration 2004) the disability level has been established and who are assessed as having no or partial working capacity.

pension insurance for eligibility for a disability pension or an unemployment insurance benefit.<sup>319</sup> They must therefore rely on the social pension.

### *Social pension*

Unemployed people with disabilities who do not have sufficient work experience to be entitled to a disability pension are entitled to a social pension. For many of the adults receiving social pensions, State financial support represents their only source of income.<sup>320</sup>

Since 1 April 2004, the Law on State Benefit Allowances 2004 regulates the payment of social pensions.<sup>321</sup> This new law broadens the list of recipients, and the following groups now have the right to receive social pensions: children with disabilities in disability group I; adults in disability groups I, II and III, with disabilities identified before the age of 18; parents, step-parents, guardians or other care providers, caring for children with disabilities at home; and other individuals defined by the law.<sup>322</sup> Most claimants, however, are either children with disabilities or adults who have been identified as having disabilities since childhood and therefore cannot work and gain the work experience necessary to obtain a disability pension.

Changes introduced under the Law on State Benefit Allowances 2004 meant that, for the first time in 10 years, there was an increase of State benefit allowances for this most disadvantaged group of people. In accordance with this law, State benefit allowances increased for all people in disability groups I, II and III who were identified as having disabilities before the age of 24.<sup>323</sup> Table 4 shows the new levels of social pension for each disability group.

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<sup>319</sup> The Law on State Social Security Pensions 2004 states that, in order to obtain the disability pension, people must have accumulated the necessary social insurance. The Law on State Social Security Pensions 2004, No. IX-2017//*State News*, 2004, No. 32-1008, art. 27. The Law on Unemployment Social Insurance indicates that the unemployment insurance benefit is given if a person have accumulated the necessary unemployment social insurance. Law on Unemployment Social Insurance 2004//*State News*, 2004, No. 4-26, (entered into force on 1 January 2005), art. 5.

<sup>320</sup> Minister of Social Security and Labour, statement of the Minister of Social Security and Labour, accessed on the website of the Ministry at <http://www.socmin.lt> (accessed 10 December 2004).

<sup>321</sup> The Law on State Benefit Allowances 2004, No. IX-1966//*State News*, 2004, No. 21-619 (adopted on 20 January 2004 and entered into force on 1 April 2004). This law replaced the Law on Allowances (Social Pensions) 1994, No.I-675//*State News*, 1994, No. 96-1873.

<sup>322</sup> Law on State Benefit Allowances 2004, art. 5. Following the entry into force of the Law on Social Integration 2004, from 1 July 2005 the following groups of people will be entitled to receive social pensions: children with disabilities; persons assessed as having no or partial working capacity before the age of 24; and the parents, step-parents, guardians or other care providers of persons with disabilities, for whom the need for constant nursing or constant care (support) has been established.

<sup>323</sup> Law on State Benefit Allowances 2004, art. 5.

**Table 4. Social pension levels (2002 and 2004)**

Disability Group	2002	2004 (*as of 1 April)
I	LTL 228 (€66)	LTL 344 (€99.6)
II	LTL 152 (€44)	LTL 258 (€74.7)
III	LTL 76 (€22)	LTL 129 (€37.3)

Source: Law on Allowances (Social Pensions) 1994;  
and Law on State Benefits Allowances 2004

According to the Law on State Benefit Allowances 2004, a separate, additional benefit is paid to people who are entitled to receive nursing care.<sup>324</sup> Children with *medium* and *severe* levels of disabilities, and people in disability group I and II who became disabled before the age of 24, are eligible for this allowance. For children with a *severe* level of disabilities and adults in disability group I, the amount granted is a base pension (LTL 152, or €74.70); and for children with a *medium* level of disabilities and adults in disability group II, the amount granted is 50 per cent of the base pension.<sup>325</sup>

### *Disability pension*

As of 1 July 2005, people with disabilities will be eligible to receive a new benefit – the State social insurance working capacity loss pension – rather than a disability pension.<sup>326</sup>

Prior to this, from 1 March 2004, the Law on State Social Insurance Pensions regulated the right of people with disabilities to receive a State social insurance disability pension.<sup>327</sup> The provisions of this law were rarely applied to individuals with intellectual disabilities. However, some people with intellectual disabilities (most of whom are in disability group III), who are able to work and have the required work experience, do receive a disability pension.

<sup>324</sup> According to the previous law, this allowance was paid directly to the carer, not the person receiving care. Law on Allowances (Social Pensions) 1994, art. 30.

<sup>325</sup> Amendments to the Law on State Social Insurance Pensions, 16 January 2003//State News no. 12-437, art. 32.

<sup>326</sup> From 1 July 2005, instead of receiving a disability pension, people with disabilities will instead receive a “State social insurance working capacity loss pension”. Persons eligible for this pension will be those who – in accordance with the Law on Social Integration 2004 – have been assessed as having no working capacity or partial working capacity, and who have accumulated the minimal necessary State social pension insurance. (However, most people with intellectual disabilities will not have this insurance, so will still not be eligible.) Law on Amendments to the Law on State Social insurance, No. X-209//State News 2005, No. 71-2555, (adopted on 19 May 2005, to enter into force on 1 July 2005).

<sup>327</sup> Amendments to the Law on State Social Insurance Pensions were adopted on 28 February 2004 and entered into force on 1 March 2004. The law replaced provisions of the Law on the State Social Insurance Pensions 1994, No. I-549//State News, 1994, No. 59-1153, (hereafter, Law on State Social Insurance Pensions 2004).

In 2002, there were 188,000 people receiving disability pensions, and in 2003, this figure increased slightly, to 196,321 people.<sup>328</sup> The level of the disability pension is dependent on disability group. Table 5 shows the level of disability pension for each disability group, in 2002.<sup>329</sup>

**Table 5. Disability pension levels (2002)**

		Disability pension level
Disability Group	I	LTL 371 (€107.40)
	II	LTL 316 (€91.50)
	III	LTL 155 (€44.90)
Average		LTL 282.2 (€81.70)

Source: State Social Insurance Fund, Sodra.<sup>330</sup>

The Law on State Social Insurance Pensions 2004 provided for an average increase of LTL 20 (€5.70) in the disability pension of recipients whose pension, or total amount of combined pensions, did not exceed LTL 325 (€94).<sup>331</sup> The new law also reduced the requirements for the necessary work experience period for people with disabilities after the age of 24<sup>332</sup> and established the possibility of revising the work experience of the person and accordingly recalculating his or her disability pension every two years.<sup>333</sup> In addition to these increases, as of 1 April 2004, there was also an increase in the basic pension that is used to calculate all other pensions and benefit allowances, from LTL 152 (€44) to LTL 172 (€49).<sup>334</sup> As a result, those who have the necessary amount of work experience and have paid insurance received corresponding increases to their disability pension.

A person with disabilities who is entitled to receive a disability pension continues to receive it whether they are receiving income from work or not. Currently, there is no cut-off point above which the disability pension is stopped or reduced in case a person is working.<sup>335</sup> A person with disabilities who is working makes payments from their

<sup>328</sup> Information from the website of the State Social Insurance Fund (Sodra), available at <http://www.sodra.lt> (accessed 10 December 2004).

<sup>329</sup> For 2003, information is only available on the average disability pension received by people with disabilities: LTL 296.80 (or approximately €85.90).

<sup>330</sup> Information from the website of the State Social Insurance Fund (Sodra), available at <http://www.sodra.lt> (accessed 10 December 2004).

<sup>331</sup> Ministry of Social Security and Labour, announcement of 26 February 2004, on the website of the ministry at <http://www.socmin.lt> (accessed 10 December 2004).

<sup>332</sup> Law on State Social Insurance Pensions 2004, art. 28.

<sup>333</sup> Law on State Social Insurance Pensions 2004, art. 40.

<sup>334</sup> Government Resolution of 24 March 2004 on the Increase of State Social Insurance Basic Pension 2004, No. 325//*State News*, 2004, Nr. 46-1520 (entered into force 1 April 2004).

<sup>335</sup> Amendments to the Law on the State Social Insurance Pensions 16 January 2003//*State News* no. 12-437, art. 32.

salary into the social insurance fund and receives work experience accordingly. When they have acquired the minimal required work experience established by law, a larger disability pension may be recalculated.

After registering at the Labour Exchange as unemployed, if the amount that an individual is entitled to receive as a disability pension (in accordance with the accumulated social pension insurance) is lower than the unemployment insurance benefit,<sup>336</sup> he or she is paid the difference between two benefits.<sup>337</sup>

### *Unemployment insurance benefits*

In most cases, people with intellectual disabilities do not have the right to receive unemployment insurance benefits.<sup>338</sup> The Law on Unemployment Social Insurance 2004 establishes that only those individuals who have *some* working capacity can be considered as unemployed.<sup>339</sup> The other conditions are that they must also be of working age, be out of work, not be full-time students, and be registered with the local Labour Exchange as seeking employment and ready to participate in active employment measures.<sup>340</sup> Only in this case does the State guarantee an unemployment benefit and access to the other employment services provided by the Labour Exchange.

## **2. GOVERNMENT EMPLOYMENT POLICY**

*Lithuania's accession to the European Union has resulted in a number of positive changes in employment policy, including policy for people with disabilities. A number of documents prepared during Lithuania's accession process highlighted the challenges faced by people with disabilities in accessing employment. The documents made recommendations aimed at increasing these people's integration into the labour market. Over the next few years, EU Structural Funds will be used for projects directly promoting equal opportunities and full integration of people with disabilities. As yet, though, the extent to which these projects will benefit people with intellectual disabilities is difficult to assess. At present, the main means by which the State encourages the employment of people with disabilities on the open market is through a quota system, which applies to employers with more than 50 employees, and through State occupancy support subsidies for any employers who engage workers with disabilities outside the quota system. Additional employment guarantees are also available to people with disabilities, including priority for active employment measures, such as public works.*

<sup>336</sup> Since 1 January 2005, the unemployed receive "unemployment insurance benefits" that replaced unemployment benefits previously paid according to the Law on Support of the Unemployed 1996//State News 1996, No. 18-457.

<sup>337</sup> Law on Unemployment Social Insurance 2004, art. 15.

<sup>338</sup> The Law on Unemployment Social Insurance entered into force on 1 January 2005. This law introduced to Lithuania a new type of social insurance – unemployment insurance. In cases established by this law, people who have been insured are now compensated for all or part of the income which they have lost due to unemployment.

<sup>339</sup> The Law on Unemployment Social Insurance, art. 3.

<sup>340</sup> The Law on Unemployment Social Insurance, art. 3.

However, none of these measures has been effective in enabling people with intellectual disabilities to access employment. A particular barrier is that only people with some working capacity are eligible for these benefits, so the majority of people with intellectual disabilities are excluded. In addition, these measures are not well adapted to the specific employment needs of people with intellectual disabilities.

## 2.1 The EU and Government employment policy

In the context of EU accession, Lithuanian employment policy is directly related to social policy development.<sup>341</sup> There have been a number of positive developments in the social security system over recent years: the general unemployment rate is falling; reports from the State Social Insurance Fund (*Sodra*) indicate that the fund is in a better state than ever before; and people, including people with disabilities, are receiving higher pensions and other social benefits.<sup>342</sup> The gradual recovery of the Lithuanian economy, as well as the improving situation of the social security system, are generally considered to have been associated with Lithuania's accession to the EU, which has had a major impact on the national labour market and social policy.<sup>343</sup>

Lithuania's "Joint Assessment of Employment Policy Priorities in Lithuania",<sup>344</sup> signed on 12 February 2002, does not mention the employment needs of people with disabilities in any detail. However, the "Joint Memorandum on Social Inclusion of

<sup>341</sup> During Lithuania's membership negotiation process, the Ministry of Social Security and Labour was responsible for negotiations on social policy and employment. In carrying out the "Plan on Lithuanian EU Membership Preparation Measures" (LPNP-NAPP), the Ministry of Social Security and Labour prepared and confirmed legislation, programmes and plans on the measures and strategies relating to social policy and employment. Government Decision of 5 March 2003 on the Plan on Lithuanian EU Membership Preparation Measures (LPNP-NAPP), No. 292//State News 2003, No. 25-1019.

<sup>342</sup> Statement by the Minister of Social Security and Labour, on the website of the Ministry at <http://www.socmin.lt> (accessed 10 December 2004).

<sup>343</sup> The legal basis for social and employment programmes has been reformed and the social and labour market structures strengthened. However, the most significant improvement has been in the quality of services offered by the *Sodra* and other State institutions, such as the Ministry of Social Security and Labour, and in the provision of vocational training services. Funds provided by the EU's PHARE Programme have played a significant role in these reforms. The PHARE programme allocated €328 million for Lithuania in the period between 1992 and 1999; €87 million in 2000; and over €100 million in 2001. Indicative allotments from the PHARE budget of 2002–2003 amount to €70 million for several short-term projects. See: European Commission, *2001 Regular Report on Lithuania's progress towards accession*, European Commission, SEC (2001) 1750, Brussels, 13 November 2001, available on the European Commission website at [http://europa.eu.int/comm/enlargement/report2001/lt\\_en.pdf](http://europa.eu.int/comm/enlargement/report2001/lt_en.pdf) (accessed 10 December 2004).

<sup>344</sup> European Commission, *Joint Assessment of Employment Policy Priorities in Lithuania*, Ministry of Social Security and Labour and European Commission, DG Employment and Social Affairs, European Commission, Brussels, 12 February 2002, available on the European Commission website at [http://europa.eu.int/comm/employment\\_social/employment\\_analysis/japs/lithuania\\_en.pdf](http://europa.eu.int/comm/employment_social/employment_analysis/japs/lithuania_en.pdf) (accessed 2 December 2004).

Lithuania”, signed on 18 December 2003, makes a number of recommendations aimed at increasing the access to employment of people with disabilities, and these recommendations are relevant to people with intellectual disabilities.<sup>345</sup> These concepts are also reflected in Lithuania’s “National Action Plan Against Poverty and Social Exclusion in 2004–2006”, which includes a number of goals aimed at better integrating people with disabilities into the labour market.<sup>346</sup>

### *EU Structural Funds*

Following Lithuania’s accession to the EU, more significant improvements and changes are expected, now that funding through the EU Structural Funds has become available.<sup>347</sup> In particular, social infrastructure will be strengthened through the €147 million to be allocated from 2004 to 2006 from the European Social Fund. These funds will be used to reduce the unemployment rate; to address social exclusion; to invest in human resources; to strengthen the country’s ability to adjust to market changes; to create a system of lifelong learning; and to invest in education and innovation.<sup>348</sup>

The EU has made creation of equal employment opportunities for all a special priority, and in particular the promotion of opportunities for people with disabilities to become independent and full members of society is in focus.<sup>349</sup> The EU Structural Funds will be used to finance a number of measures targeted specifically at people with disabilities in Lithuania.<sup>350</sup> The Ministry of Social Security and Labour is responsible for the administration of these measures. The SPD 2004–2006, which sets out plans for Structural Funds, includes two measures that are particularly relevant to people with

<sup>345</sup> European Commission, *Joint Memorandum on Social Inclusion of Lithuania*, Ministry of Social Security and Labour and European Commission, DG Employment and Social Affairs, European Commission, Brussels, 18 December 2003, available on the European Commission website at [http://europa.eu.int/comm/employment\\_social/soc-prot/soc-incl/lt\\_jim\\_en.pdf](http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/lt_jim_en.pdf) (accessed 2 December 2004), pp. 20–22, (hereafter, *Lithuania JIM*).

<sup>346</sup> Government of Lithuania, *Republic of Lithuania National Action Plan Against Poverty and Social Exclusion in 2004–2006*, Vilnius, July 2004, available on the European Commission website at [http://europa.eu.int/comm/employment\\_social/soc-prot/soc-incl/nap\\_incl\\_2004\\_lt\\_en\\_version.pdf](http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/nap_incl_2004_lt_en_version.pdf) (accessed 2 December 2004), pp. 29–31.

<sup>347</sup> See: Section III. 2.2.

<sup>348</sup> Information from the Ministry of Social Security and Labour website, available at <http://www.socmin.lt> (accessed 10 December 2004).

<sup>349</sup> Ministry of Social Security and Labour, *Neįgalieji Europos Sąjungoje – savarankiški ir pilnateisiai visuomenės nariai*, (*The Disabled in the European Union – as independent and full members of society*), special informational leaflet, available on the ministry website, at <http://www.socmin.lt> (accessed 10 December 2004).

<sup>350</sup> In particular, these funds will be used to increase the social integration of people with disabilities, to improve the professional and vocational rehabilitation of people with disabilities, to adjust work environments, to create various educational programmes adapted to people with disabilities, to provide more services for people with disabilities and their families, and to expand the infrastructure of non-stationary social services for individuals with disabilities.

disabilities' access to employment. These measures do not specifically refer to people with intellectual disabilities, but they aim at the development of the infrastructure of: the labour market; education, vocational training, research and study institutions; and social services.<sup>351</sup> The measures also aim at the prevention of social exclusion and the promotion of social integration.<sup>352</sup>

The "Programme of Increasing Employment in the Republic of Lithuania for 2001–2004",<sup>353</sup> passed in 2001, defines national policy for reducing unemployment in Lithuania. The Programme establishes five main priority areas, one of which is increasing equal opportunities in the labour market, including for people with disabilities.

## 2.2 Government incentives for the employment of people with disabilities

At present, the most important means by which the Government promotes the employment of people with disabilities is through the quota system. The Government also encourages employers to create additional new job openings for people with disabilities by providing occupancy support subsidies and additional employment guarantees, including active employment measures funded by the Occupancy Fund.<sup>354</sup> However, none of these measures have been effective in enabling people with intellectual disabilities to access employment. In the future, the employment opportunities established in the Law on Social Enterprises 2004 may offer better alternatives to the existing quota system for people with intellectual disabilities.<sup>355</sup>

<sup>351</sup> SPD 2004–2006, Priority 1 (Development of social and economic infrastructure), Measure 8.

<sup>352</sup> The main objective of these measures is to help prevent and reduce levels of social exclusion and to help promote equal opportunities in the labour market for all groups that are socially at risk, including people with disabilities. Under these measures, support for people with disabilities will be provided in the form of vocational training; adaptation of educational programmes and curricula; consultation and training for people with disabilities to develop their own businesses; further development of a vocational rehabilitation system; and training and improvement of qualifications for specialists working with people with disabilities. *SPD 2004–2006*, Priority 2 (Human resource development).

<sup>353</sup> Government Decision of 8 May 2001 on the Programme of Increasing Employment of the Republic of Lithuania for 2001–2004, No. 529//*State News*, 2001, No. 40-1404.

<sup>354</sup> The Occupancy Fund was created to finance various occupational means for Lithuanian residents and is administered by the Ministry of Social Security and Labour. Occupancy Fund resources are used to finance vocational training, occupational programmes, occupation support subsidies, supported work, public works and other occupational guarantees provided by the Labour Exchange. Occupation support subsidies are monetary compensations provided for employers for the period of employment of persons additionally supported in the labour market, including people with disabilities, for covering expenses for the establishment or adapting of their working places.

<sup>355</sup> The new law provides that for all the special target groups, including people with intellectual disabilities, lower working norms may be applied, but the working salary will not be decreased and the additional expenses of the employers will be covered by the State. Law on Social Enterprises 2004, art. 5.



The establishment of working place quotas for people with disabilities is presently one of the main strategies employed by EU countries to protect people with disabilities from discrimination.<sup>356</sup> However, in general, the ability of people with disabilities to earn a living on the open market is not realistic if their only options are State-subsidised work places or work places subject to the quota system.<sup>357</sup> The EU Employment Directive does not specifically call for the introduction of quotas for the employment of people with disabilities, although the quota system may be considered positive support for people with disabilities.<sup>358</sup> Instead, the Directive gives greater priority to integrating people with disabilities into the mainstream labour force, rather than making separate provisions for their employment.<sup>359</sup>

### *The quota system*

The quota system applies to employers with 50 or more employees. Its main purpose is to assist people who have trouble integrating into the labour market, in particular people in disability groups I and II.<sup>360</sup> The quota system was introduced under the Law on Social Integration 1991. The Law on Support for the Unemployed 1996 establishes the legal basis for employment in work places within the quota system.<sup>361</sup> People in disability groups I and II are eligible to take up work spaces provided through the quota system if they cannot obtain other employment within three months of registering at the Labour Exchange and there are no plans for their participation in active labour market programmes. However, only people registered with the Labour Exchange – that is, people who have been assessed as having *some* working capacity – are eligible for work through the quota system.

<sup>356</sup> European Commission, *Equality, Diversity and Enlargement. Report on measures to combat discrimination in acceding and candidate countries*, DG Employment and Social affairs, European Commission, Brussels 2003, available on the European Commission website at [http://www.stop-discrimination.info/fileadmin/pdfs/EqualDivEnlarge\\_en.pdf](http://www.stop-discrimination.info/fileadmin/pdfs/EqualDivEnlarge_en.pdf) (accessed 6 December 2004), p. 23, (hereafter, European Commission, *Equality, Diversity and Enlargement*).

<sup>357</sup> United Nations Office for the High Commissioner for Human Rights, *Persons with disabilities: CESCR General comment 509/12/94*, point 21, available on the website of the UNHCR at <http://www.unhchr.ch/tbs/doc.nsf/0/4b0c449a9ab4ff72c12563ed0054f17d?Opendocument> (accessed 23 September 2004).

<sup>358</sup> EU Employment Directive, Art. 7 (Positive Action).

<sup>359</sup> *Equality, Diversity and Enlargement*, p. 23.

<sup>360</sup> The quota is set at no less than two per cent of the total number of employees, for employers with 50 or more workers. Law on Social Integration 1998, art. 18(2).

<sup>361</sup> Law on Support for the Unemployed 1996, art. 8. On the recommendation of the Labour Exchange, the municipal authorities are responsible for establishing (on a yearly basis) quotas for employers for the employment of people with disabilities or for the establishment of additional working places. For further detail on the implementation of the quota system, see: Order of the Ministry of Social Security and Labour of 28 January 2002, on the Occupancy Support Procedure for Unemployed Individuals Additionally Supported in the Labour Market, No. 14//*State News*, 2002, No. 15-591, (hereafter, *Occupancy Support Procedure*).

The work places established through the quota system are registered and coordinated by the Labour Exchange. The quotas are obligatory for employers, who are required to employ people with disabilities in disability groups I and II, but not in disability group III, which includes people with a *mild* degree of disability.<sup>362</sup> Employers are themselves responsible for setting the number of reserved work spaces (new or adjusted). They also determine the professional requirements, including qualifications and working capacity, for these positions and register them at the Labour Exchange. A work contract with no fixed term is signed between the employer and the employee. The employee receives compensation for work as stipulated in the contract, as well as all social benefits guaranteed by law.

Those employers who fulfil their quota may receive occupancy support subsidies from the Occupancy Fund for the related expenses of establishing, furnishing and adapting the working place for people with disabilities. This support consists of monthly subsidies equal to one minimum monthly wage for the first 12 months and half the minimum monthly wage for the next six months.<sup>363</sup> Employers who do not fulfil their quota for the employment of people with disabilities, or for the establishment of additional working spaces, must pay additional contributions to the Occupancy Fund.<sup>364</sup> However, payment of the additional contributions does not exempt employers from the obligation to employ people with disabilities.

### *Occupancy support subsidies*

The Law on Support for the Unemployed 1996 also provides for occupancy support subsidies for employers who employ people with disabilities outside the quota system.<sup>365</sup> These are usually people in disability groups I and II who are employed in enterprises employing less than 50 people (who are not subject to the quota system). Additional subsidies are provided to employers who, upon referral of the Labour Exchange office, employ people in disability group III who were not offered a job by the Labour Exchange office over a period of three months. The employers are paid a monthly subsidy to cover the establishment and adaptation of the working place.<sup>366</sup>

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<sup>362</sup> To encourage the employment of people with more severe disabilities, the Law on Social Integration also includes the provision that: "The Labour Exchange may equate the employment of one person with disabilities whose integration into work requires a particular effort on the part of the employer with the employment of three people with disabilities". Law on Social Integration 1998, art. 18(3).

<sup>363</sup> Law on Support for the Unemployed 1996, art. 8.

<sup>364</sup> These are set at 15 minimum monthly wages for every person with disabilities who was not employed. See: Law on the Employment of the Population, art. 7; Law on the Support of the Unemployed 1996, art. 7.; and Law on Support for the Unemployed 1996, art. 8.

<sup>365</sup> Law on Support of the Unemployed 1996, art. 8.

<sup>366</sup> One minimum monthly wage for the first six months and half the minimum monthly wage for the subsequent six months. Law on Support of the Unemployed 1996, art. 8.

For supported groups of the unemployed,<sup>367</sup> including people with disabilities, the establishment of new work spaces, or the adaptation of existing ones, by providing subsidies from the Occupancy Fund, can be organised in companies, institutions or organisations of all types, provided that no market economy principles are broken. These institutions or organisations must, however, conform to all requirements established by the law.<sup>368</sup> Employers receiving occupancy support subsidies must retain employees in the agreed positions for at least a year after payment of the subsidies has ended.<sup>369</sup> Employers who do not conform to these provisions must pay back 50 per cent of the occupancy subsidies they have received. If an employer dismisses a worker hired under this procedure through the worker's own fault, or if the work contract is terminated by mutual agreement, the employer must notify the Labour Exchange and hire another unemployed person referred by the Exchange. In this case, payment of the agreed level of occupancy support subsidies continues from the subsidies already paid for the initial hire.

### *Additional employment guarantees*

In addition to helping registered job seekers access new jobs, the Labour Exchange offices offer a range of other services, including assisting job seekers in entering vocational training and retraining courses;<sup>370</sup> employment programmes; and public works programmes and other works financed from the Occupancy Fund. These offices can also help the unemployed establish small businesses or provide access to job clubs. If there are no immediate openings available, the Labour Exchange must prepare an "Employment Plan" for people with disabilities who have registered with the Labour Exchange;<sup>371</sup> this should establish active employment measures to facilitate their integration into the labour market. People with disabilities also receive priority for State employment guarantees, including jobs provided through the Occupancy

<sup>367</sup> In accordance with Article 8 of the Law on Support of the Unemployed, unemployed people who have, or may have, difficulties in finding a job, due to insufficient qualifications or work experience, long term unemployment or loss of working capacity may be additionally supported in the labour market. One such group of people is people with disabilities.

<sup>368</sup> For example, they must have been operational and declaring income, and not decreasing the number of work spaces, for the preceding three months. *Occupancy Support Procedure*, Item 5.

<sup>369</sup> They cannot cancel these positions without the consent of the Labour Exchange or terminate work contracts with the employee on their own initiative if there is no fault on the part of the worker, except in cases when the enterprise is placed in liquidation. Expiration of the payment of occupancy support subsidies cannot be given as a reason to lay off workers hired under this measure. Information from the website of the Labour Exchange, available at <http://www.ldb.lt> (accessed 10 December 2004); see also: *Occupancy Support Procedure*, Item 20.

<sup>370</sup> See section: III.4.1

<sup>371</sup> The Employment Plan is prepared in accordance with the *Occupancy Support Procedure*.

Fund.<sup>372</sup> However, in practice, people with intellectual disabilities have difficulty accessing those guarantees, as most of these people are assessed as having no working capacity and so cannot register with the Labour Exchange. Furthermore, even those who do have working capacity very often cannot fulfil the legal requirements necessary to benefit from employment guarantee projects, such as public works, because they have not worked, and so have no State social insurance employment record.<sup>373</sup>

### 3. EMPLOYMENT IN PRACTICE AND POLICY IMPLEMENTATION

*Although Lithuanian law guarantees the right to employment for all, in practice it is not effective enough in encouraging the employment of people with disabilities – whose employment opportunities are in fact, decreasing. Moreover, the employment situation of people with intellectual disabilities is particularly grave; almost none are thought to have any kind of employment. Official statistics underestimate the unemployment rates of people with disabilities, as those with no working capacity, including most people with intellectual disabilities, cannot register as unemployed. They also cannot access employment through the quota system, which is one of the reasons why there are no known cases of a person with intellectual disabilities finding employment in this way. People with intellectual disabilities face many barriers, including the negative attitude of employers to their type of disability. In any case, those with more severe intellectual disabilities are usually placed under guardianship, and thereby lose the right to work. There is no framework for supported employment in Lithuania and almost no instances of people with intellectual disabilities finding employment in sheltered work places. The Law on Social Enterprises 2004 introduces a number of significant changes to available State support for the employment of people with disabilities. In particular, it establishes, for the first time, legislation on the post of job coach, which should permit some people with intellectual disabilities to access employment on the open market through supported employment. In the future, employment in social enterprises may prove a better alternative to the quota system for people with intellectual disabilities. As yet, however, it is still too early to assess the impact of the newly introduced social enterprises on the employment opportunities for people with intellectual disabilities.*

#### 3.1 Statistical data

There is no specific information on the employment situation of people with intellectual disabilities, but it is likely that almost none are in employment.<sup>374</sup> The Labour Exchange offices do maintain statistics, disaggregated according to type of disability, on the number of people with disabilities seeking employment or

<sup>372</sup> Law on Support of the Unemployed 1996, art. 7. People with disabilities receive additional support if they wish to set up their own business. Municipalities are also encouraged to set a lower tax rate for all people with disabilities working with a business certificate. Government Decision of 19 November 2002 on the Issuing of a Business Certificate for Residents, No. 1797//*State News*, 2002, No. 112-4992.

<sup>373</sup> Law on Support of the Unemployed 1996, art. 15.

<sup>374</sup> Information from VILTIS.

participating in various occupational programmes. However, information on people with intellectual disabilities is included within the broader category of people with mental disabilities, which also includes people with mental health problems.<sup>375</sup> Moreover, these statistics only include people with disabilities who are registered as unemployed at a Labour Exchange office. As most people with intellectual disabilities are assessed as having no working capacity, they cannot register as unemployed and are therefore excluded from the Labour Exchange statistics.

The number of people with any types of disabilities in employment is in fact constantly decreasing, despite the fact that the overall unemployment rate in Lithuania has actually slowly fallen over recent years.<sup>376</sup> The percentage of people with disabilities in employment has fallen from 40 per cent in 1990 to 17 per cent in 2000 and just ten per cent in 2001.<sup>377</sup> As shown in Table 6, information from the 2001 Census reveals that in 2001, the majority of people with disabilities, 86 per cent, were “unoccupied”, while only ten per cent were employed. It should be noted however, that this figure does not take into account the fact that only 52.2 per cent of all people with disabilities are of working age; taking this into consideration, the employment rate among people with disabilities has been estimated at 22 per cent.<sup>378</sup>

<sup>375</sup> According to the Labour Exchange data, in 2002, people with mental disabilities made up 5.5 per cent of the total number of people with disabilities registered as unemployed at the Labour Exchange. In 2003, this figure increased to 8 per cent, or approximately 630 people. Data provided during a meeting with a Labour Exchange representative who wishes to remain anonymous, Vilnius, 17 May 2004.

<sup>376</sup> In 2001, the overall average yearly unemployment rate was 12.5 per cent (223,500 people), but this decreased to 11.3 per cent in 2002; and 10.9 per (191,100 people) by January 2003. Lithuanian Labour Exchange, *Indexes of the labour market*, available on the Labour Exchange website at <http://www.ldb.lt> (accessed 10 December 2004).

<sup>377</sup> *National Programme for Social Integration*, Item 12.

<sup>378</sup> The working age limit is 60 years for women and 62 years and 6 months for men. Law of State Social Insurance Pensions 2004, art 18. In 2001, in total there were 250,300 people with disabilities age 16 and over, including 130,808 – or 52.3 per cent of the total – who were of working age. Strategy for the Development of Vocational Rehabilitation.

**Table 6. Levels of employment of people with disabilities – age 15 years old and over (2001)**

	Population without disabilities			Population with disabilities		
	Per cent	Number of people		Per cent	Number of people	
		Total	Of which, male (per cent)		Total	Of which, male (per cent)
Employed	49	1,248,376	50	10	25,444	47
Unemployed	12	298,367	56	4	10,010	55
Unoccupied	38	973,683	37	86	215,549	46
Did not indicate	1	32,128	58	1	431	74
<b>Total</b>		<b>2,552,554</b>	<b>46</b>		<b>251,434</b>	<b>47</b>

Source: Data from the 2001 Population and Housing Census (people age 15 years old and over)<sup>379</sup>

As shown in Table 7, the number of people with disabilities registering as unemployed with the Labour Exchange has increased significantly over recent years. In 1995, there were only 430 people with various types of disabilities registered as unemployed,<sup>380</sup> but by 2002 this number had increased to 5,880 people.<sup>381</sup> In 2002, people with disabilities represented 2.4 per cent of the total number of people registered as unemployed with the Labour Exchange. However, it should be noted that this percentage is, in fact, deceptively low, given that many people with disabilities cannot actually register as unemployed, as they have full (100 per cent) working incapacity.<sup>382</sup>

<sup>379</sup> 2001 Census.

<sup>380</sup> Of these, approximately four per cent were in disability group I; nine per cent in disability group II; and 87 per cent in disability group III. Information from written data provided by the Labour Exchange offices; and data provided during a meeting with a Lithuanian Labour Exchange representative who wishes to remain anonymous, 17 May 2004.

<sup>381</sup> Of these, 30 per cent were willing to work actively and 60 per cent were seeking a disability pension. Information from written data provided by the Labour Exchange offices, March 2004.

<sup>382</sup> This is reflected by the fact that in 2003, of the 7,897 people with disabilities registered as unemployed, 86 per cent were in disability group III, 1 per cent were in disability group I, and 13 per cent in disability group II. Data provided during a meeting with a Labour Exchange representative who wishes to remain anonymous, Vilnius, 17 May 2004.

**Table 7. Employment and vocational training for people with disabilities  
(1995 to 2003)**

	Year				
	1995	2000	2001	2002	2003
Annual number of registered unemployed people with disabilities	430	4,294	4,408	5,880	7,897
– As compared to the total number of unemployed people (per cent)	0.2	1.7	1.8	2.4	–
Number of people with disabilities who participated in vocational training and retraining programs	–	166	197	257	–
Total number of people with disabilities who were employed Through the labour exchange	136	1,536	2,033	1,924	2,046
– As compared to total number of people employed people (per cent)	0.3	1.5	1.5	1.4	–

Source: Lithuanian Labour Exchange data

### 3.2 Employment on the open market

At present, the vast majority of people with disabilities, including people with intellectual disabilities, do not have any kind of employment. Opportunities for the employment of people with disabilities have been decreasing over recent years. As the demand for non-skilled workers decreases, the integration of people with disabilities into the labour market has become increasingly problematic. Lithuanian legislation has established the fundamental right to employment, a safe working environment and just compensation for work. It guarantees social security in case of unemployment for all people.<sup>383</sup> It has also provided for additional employment guarantees for people with disabilities, including the establishment of a quota system. However, in practice these provisions are not sufficiently effective in enabling people with disabilities to access employment. At present, the social welfare system is unable to address the problems faced by young people with intellectual disabilities regarding their quality of life and dignity. Even simple but meaningful work would provide an important boost to the self-confidence of these young people.<sup>384</sup>

Four main barriers to the employment of people with intellectual disabilities on the open market can be identified:

<sup>383</sup> Constitution, art. 48.

<sup>384</sup> A. Galkienė and B. Šapolienė, “Teisė į darbą ir kompensaciją”, (“The Right To Work and Compensation”), in *Vilnis*, 2003, No. 3.

First, people with intellectual disabilities who have been declared legally incapable and placed under guardianship lose the right to work. In most cases, people who have a more severe level of intellectual disabilities, as a rule those in disability groups I or II, are declared fully incapable by the courts at age 18 and placed under guardianship.<sup>385</sup> They are thereby legally excluded from employment, even in a social enterprise.

Second, the quota system – which is the main way in which the Government encourages the employment of people with disabilities – is not accessible to the majority of people with intellectual disabilities. Although, in principle, if people with intellectual disabilities register at the Labour Exchange they should be able to access the same services as all other job seekers, only people with *some* working capacity are permitted to register. Yet, in accordance with current assessment procedures, most people with intellectual disabilities are assessed as having no working capacity, so they cannot access the services offered by the Labour Exchange offices, including employment through the quota system.<sup>386</sup> In fact, there is no available information as to whether *any* people with intellectual disabilities were employed in State-sponsored work places, as data on people with intellectual disabilities are included in the broader category of people with mental disabilities. However, according to information from the Labour Exchange, in 2002 only seven new working spaces were established for people with mental disabilities.<sup>387</sup> Present Government policy does not, therefore, conform to international requirements concerning professional rehabilitation and access to occupational measures for *all* categories of people with disabilities.<sup>388</sup>

Third, there is no framework for supported employment in Lithuania. Supported employment is the most effective means by which people with intellectual disabilities can receive the assistance they require to access work in integrated employment settings on the open labour market. However, to date, there have been few projects on supported employment for people with intellectual disabilities in Lithuania. In addition, in the past there was no State funding for job coaches, which are particularly

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<sup>385</sup> See section: II. 1.3.

<sup>386</sup> In 2000, 246 people with disabilities were employed in work places receiving State subsidies; and in 2001, this figure was 452 people. In 2002, a total of 394 new work spaces were established, including 197 for people in disability groups I and II. In 2003, there were 411 people with disabilities employed in State subsidised positions and 67 employed through the quota system. Written data provided by the Labour Exchange to the Ministry of Social Security and Labour for the year 2002, during a meeting with a representative of the Department of Labour Market and Equal Opportunities of the Ministry of Social Security and Labour. Also: information from the website of the Labour Exchange, available at <http://www.ldb.lt> (accessed 10 January 2004).

<sup>387</sup> Written data provided by the Lithuanian Labour Exchange to the Ministry of Social Security and Labour for the year 2002, during a meeting with a representative of the Department of Labour Market and Equal Opportunities of the Ministry of Social Security and Labour. Also: information from the website of the Labour Exchange, available at <http://www.ldb.lt> (accessed 10 January 2004).

<sup>388</sup> In particular, these provisions do not conform to ILO Convention No.142 or ILO Convention No.159.



important for people with intellectual disabilities, for open positions established through the quota system or employment subsidies.<sup>389</sup> The position of job coach has only recently been established, under the new Law on Social Enterprises 2004.<sup>390</sup>

Finally, employers are resistant to employing people with anything more than a *mild* degree of disabilities, in general, and they are also resistant to employing people with mental disabilities, including intellectual disabilities. The chances of a person with disabilities accessing employment on the open market depend to a large extent on the individual's type of disabilities and his or her assessed degree of disabilities. In most cases, only people in disability group III, with *mild* disabilities, are employed. This group is considered the easiest for employers to accept.<sup>391</sup> In 2003, of the 2,046 people who found employment through the Labour Exchange offices,<sup>392</sup> only 20, or 1 per cent, were in disability group I, and 367, or 18 per cent, were in disability group II.<sup>393</sup> This tendency is also illustrated by a survey carried out by the Labour Exchange, which found that more than half of the employers who responded were negative about the possibility of employing people with severe disabilities – those in disability groups I and II.<sup>394</sup> Similar results were found in another small-scale survey of Vilnius City employers in 2003. Respondents were asked: "If you could choose the type of disability, what kind of disabled persons would you prefer to employ?" None of the employers indicated persons with mental disabilities.<sup>395</sup>

<sup>389</sup> According to the provisions of the Law on Support of the Unemployed 1996, the subsidies are paid for establishing or adapting work places; job coaches are mentioned.

<sup>390</sup> The Law on Social Enterprises provides for the partial compensation of the expenses of assistants or sign language translators by the State. Law on Social Enterprises, art. 19.

<sup>391</sup> This tendency is highlighted in the *Lithuania JIM*: "Although employment has been established for Group I and Group II disabled persons, employing disabled individual's [...] is complicated by employers often being reluctant to engage th[is] population group or lacking incentives to do so". *Lithuania JIM*, p. 8.

<sup>392</sup> Ministry of Social Security and Labour, *Report on the Lithuanian social security system*, Ministry of Social Security and Labour, Vilnius, 2003, available on the ministry website at <http://www.socmin.lt> (accessed 10 January 2004), p. 85.

<sup>393</sup> Information received from written data provided by the Labour Exchange offices; and data provided during a meeting with a Lithuanian Labour Exchange representative on 17 May 2004.

<sup>394</sup> Over 60 per cent specifically indicated that few persons with severe disabilities could be employed. Small-scale sociological survey on the question of employment possibilities for people with severe disabilities, carried out in 2003 by the Institute of Labour and Social Research, at the request of the Labour Exchange. The survey included 35 people with severe disabilities (disability groups I and II), eight Labour Exchange experts and 25 employers. Also: written data provided by an expert, who wishes to remain anonymous, from the Institute of Labour and Social Research.

<sup>395</sup> A small-scale survey was performed in 2003 by the Vilnius Psycho-social Rehabilitation Centre, in which 100 employers were interviewed by telephone.

### 3.3 Sheltered employment

There is a serious gap in Lithuanian legislation concerning sheltered employment. This concerns both the functioning of sheltered workshops and the payment of people with intellectual disabilities in sheltered work places. The main factor that has prevented the establishment of sheltered employment for people with intellectual disabilities is the fact that the law obliges any person working on an employment contract to be paid the minimum wage. However, the real output or production of a person with intellectual disabilities might be much less than that of the minimum salary,<sup>396</sup> and this gap was not addressed by Lithuanian legislation for a long time. The recently introduced Law on Social Enterprises 2004 does now address this question, and has provisions on State subsidies for employers employing people with disabilities.<sup>397</sup>

At present, in Lithuania there is no sheltered employment practice as the concept is commonly understood for people with intellectual disabilities. There are some examples of sheltered employment being provided for people with intellectual disabilities in day centres, but these are due to the goodwill and initiative of the founders.<sup>398</sup> For example, in addition to providing vocational training programmes, the educational centre *Mes esame* also offers daytime occupation services, where young people with intellectual disabilities can develop their social, working and other skills. The disabilities of these young people are too severe to allow them to complete a training programme. Although they are able to do some kind of work, this day occupancy service cannot be termed a sheltered work place, given that the young people do not receive payment for their work or the goods they produce.

In Lithuania, additional economic privileges are granted to enterprises established by NGOs representing people with disabilities.<sup>399</sup> These “enterprises of disability organisations”,<sup>400</sup> defined as enterprises in which over 50 per cent of the employees are people with disabilities, have been functioning for some time. However, although such enterprises have been established, for example, by NGOs representing people with

<sup>396</sup> Interview with A. Jakabauskas, director, educational centre *Mes esame*, Vilnius, 6 February 2004.

<sup>397</sup> Law on Social Enterprises 2004, art. 5.

<sup>398</sup> Information obtained at the OSI Roundtable, Vilnius, June 2004.

<sup>399</sup> Among these are: release from immovable property tax (the Law on Immovable Property Tax 1994, No. I-565//*State News*, 1994, No. 59-1156); targeted subsidies to cover State social insurance payments and energy costs; reduction of profit tax for employers of individuals with restricted working capacity (the Law on Profit Tax 2001, No. IX-675//*State News*, 2001, No. 110-3992); relief from value added tax (the Law on Value Added Tax 2002, No. IX-751//*State News*, 2002, No. 35-1271. NB. This law was repealed after 1 May 2004 in line with EU requirements. Interview with J. Šliužienė, Chief Specialist of the Department of Labour Market and Equal Opportunities in the Ministry of Social Security and Labour); tax exemptions for residents with a designated disability group (the Law on Income Tax for Residents 2002, No. IX-1007//*State News*, 2002, No. 73-3085); and opportunities to carry out summary public purchases (Law on Public Purchases No. Nr. I-1491//*State News*, 1996, No. 84-2000).

<sup>400</sup> Law on Social Integration 1998, art. 21.

sensory disabilities, there are none for people with intellectual disabilities. With the adoption of the Law on Social Enterprises 2004, all such enterprises will be now reregistered as “social enterprises for people with disabilities”. As yet, though, it is still too early to evaluate the impact of the new law.

## V. Conclusions

### *General*

Lithuania has created a strong legislative basis for the protection of the rights of people with disabilities, and this foundation has been further strengthened in recent years, in particular through the transposition into national legislation of the EU Employment and Race Equality Directives. Despite these positive changes, the lack of comprehensive and consistent data on people with disabilities, across all relevant sectors, makes it difficult to assess the real situation of people with intellectual disabilities in Lithuania, so that it is hard to translate the solid legislative base into effective policy. Hence, although the 2001 population census did include for the first time questions on disability, data on people with intellectual disabilities is subsumed within the broader category of people with mental disabilities. This makes it very difficult to identify the specific problems faced by people with intellectual disabilities. It is important, therefore, that the Government establish an effective system for the comprehensive and regular collection of data on people with disabilities, so that the data is disaggregated by type of disability, including intellectual disability.

Adults and children with disabilities face a number of different assessments throughout their life. Available data indicates that most adults with intellectual disabilities are assessed as having a more severe level of disability, either disability group I or II, which has some important consequences. One of these is that most people with intellectual disabilities are declared legally incapable by the courts at age 18. They are placed under guardianship and lose all their civil and economic rights, including the right to work. This loss represents an important barrier, not only to their access to employment but also to their social integration. Although curatorship, under which the civil capacity of a person is limited, rather than fully removed, does exist in Lithuania, it is not permitted in the case of people with intellectual disabilities. To encourage the fuller social inclusion of people with disabilities, the Government should, as a priority, look into ways in which people with intellectual disabilities could, on an individual basis, exercise their rights to the fullest possible extent, according to their abilities. As a first step, existing legislation should be amended to also permit the limitation of civil capacity for people with intellectual disabilities, as an alternative to declaring them fully legally incapable.

### *Access to education*

Over recent years, there have been several encouraging developments concerning access to education by children and young people with intellectual disabilities in Lithuania. This is evidenced by the significant increase in the number of children with intellectual disabilities who are fully integrated into mainstream schools. The Law on Special Education 1998 established the basis for the inclusive education of children with intellectual disabilities, and the legislative basis for special education has since been

strengthened through amendments to the Law on Education. However, although the Law on Special Education is both progressive and innovative, the very fact of maintaining a separate law on special education serves only to reinforce the perception that children with special needs, including children with intellectual disabilities, are “different”. In this way, the separate law indirectly increases the stigmatisation of children with intellectual disabilities. It would send a strong message of support for inclusive education if the Government would prepare a united legal act on education in Lithuania, by bringing all the provisions on special education and education together under a common legislative basis.

Government policy on education is also progressive. The ongoing reform of the education system, in line with “National Educational Strategy for 2003–2012”, will benefit children and young people with intellectual disabilities and improve the funding of special education. However, many important measures, in particular the introduction of the new system of education financing, have not yet been fully implemented. Lack of adequate funding at the municipal level has been one problem. Another is that necessary secondary legislation has either not yet been created or has not been implemented. To ensure that this reform process moves ahead as swiftly as possible, the Ministry of Education and Science should make it a priority to see that all necessary secondary legislation is drafted and implemented. In addition, the ministry should regularly review progress on its overall policy on the integration of children and young people with disabilities into mainstream schools, to ensure the successful translation of policy into improved educational opportunities for children with intellectual disabilities.

The general problem of lack of specific data on people with intellectual disabilities is also apparent when assessing their access to education. Although detailed statistics are available on the number of children with intellectual disabilities attending mainstream schools, these are not yet available in the case of children who either do not receive any education at all or who receive home schooling. It is important that the Ministry of Education and Science monitor closely the situation of children with intellectual disabilities who are outside of the education system. To this end, the ministry should as a first step, seek to improve the collection of data on children receiving home education, or no education at all, as the basis for encouraging their entry into the education system. For those children for whom home schooling is the best available option, in particular, in cases where it enables children to remain with their families rather than being placed in a special boarding school, the ministry should monitor the quality of education these children receive in practice.

The comprehensive system of early intervention, or “early rehabilitation”, services in Lithuania has already produced good results. Yet many children with intellectual disabilities, in particular those with more severe disabilities living in smaller towns and villages, are still not able to attend a kindergarten. For integration to be effective, it is important that it occurs at a young age. The Ministry of Education and Science should therefore undertake a review, to seek ways to improve the access to mainstream pre-

school education for children with intellectual disabilities. At the same time, the ministry should also review the education of children with intellectual disabilities in special boarding schools. Wherever possible, children in these schools should have the chance to attend a mainstream school.

Parents, teachers, education specialists and NGOs have all played an important role in the successful integration of increasing numbers of children with intellectual disabilities into mainstream schools. However, although parents of children with intellectual disabilities have the right to choose which school they wish their child to attend, in practice, their choice is often limited by the availability of social and education services. To further strengthen the integration process, there still remain a number of areas on which the Government and the Ministry of Education and Science should focus. First, the qualification and training of all teachers working with children with intellectual disabilities should be improved. Second, support to children with intellectual disabilities, including special pedagogical and psychological assistance, compensation technology and special learning measures, should be made more readily available. Third, municipalities should be provided with sufficient funding to ensure the transportation to school of children with intellectual disabilities, especially in rural areas and in winter.

### *Access to employment*

In contrast to the promising situation with regards to the access to education of people with intellectual disabilities, much remains to be done to ensure that people with intellectual disabilities in Lithuania have any access to employment, or can even find an occupation of any kind. At present most people with disabilities are not employed, and over recent years, the opportunities for their employment have actually been decreasing. The situation for people with intellectual disabilities is even more difficult. The majority rely on State benefits, in most cases the social pension. However, although there has been a recent increase in the level of the social pension, it still does not cover basic living costs, and families of people with intellectual disabilities must cover the shortfall.

In addition to addressing the exclusion from employment of people under guardianship, three main barriers to the employment of people with intellectual disabilities must be tackled in order to improve this discouraging situation.

First, there needs to be an effective and timely implementation of existing legislation and policy on the employment of people with disabilities. Lithuanian legislation guarantees fundamental employment rights for all people, including those with disabilities, and it also provides for additional employment guarantees and a quota system for the employment of people with disabilities. In recent years, there have been important changes to Lithuanian employment legislation, in particular with the transposition of the EU Employment Directive and the entry into force of the Law on Social Enterprises 2004. The Law on Social Integration 2004 will also lead to positive changes. However, the Government needs to see to it that secondary legislation is in

place, to ensure the full and timely implementation of this body of legislation and, in particular, to ensure that people with more severe disabilities, including those with intellectual disabilities, are also able to access the new employment opportunities, such as employment in social enterprises.

Second, at present, disability assessment procedures effectively exclude people with intellectual disabilities from any chance of accessing employment. Most adults with intellectual disabilities are assessed in disability groups I or II, with full working incapacity. This means that they cannot work, register as unemployed, or access the employment services offered by the Labour Exchanges. Most importantly, they cannot access employment through the quota system. At present, disability assessments are primarily based on medical assessments, with little or no consideration given to the individual's actual capacity for work or the possibility of rehabilitation. Since having improved disability assessment procedures for children, the Government is presently reviewing such procedures for adults, and the Law on Social Integration 2004 will introduce important changes to disability assessment procedures. A main priority for the Government should therefore be to ensure that these reforms lead to a complete overhaul of disability assessment procedures for adults with intellectual disabilities. In the future, adults with intellectual disabilities must be able to exercise their right to work to the fullest possible extent, and they must not be excluded from employment guarantees.

Third, to date it has been almost impossible for adults with intellectual disabilities to gain the skills they need to access employment on the open market, even if suitable opportunities were to be made open to them. The most important way in which the Government has encouraged the employment of people with disabilities has been through the quota system and additional occupancy support subsidies for employers. However, although these have been effective in creating some new work places on the open labour market for people with disabilities, there are very few, if any, instances of people with intellectual disabilities being employed in this way. Inadequate disability assessment procedures are certainly an important factor in this problem, but for many years there was also a serious gap in the Lithuanian laws concerning sheltered employment. This lack, coupled with the fact that no supported employment services were available, has meant that people with intellectual disabilities have not been able to gain the work experience and social skills they need to eventually be able to access employment on the open market. The provisions of the Law on Social Enterprises 2004, which introduces the position of job assistant, are of particular importance for people with intellectual disabilities. Furthermore, the law paves the way for additional State subsidies to employers employing people with disabilities. The Government, in collaboration with NGOs providing services and support to people with intellectual disabilities, should therefore ensure that social enterprises are established for people with intellectual disabilities as soon as possible. The Government should also ensure that in the future, people with more severe intellectual disabilities receive the support they need to gain the necessary skills to access employment.

## ANNEX 1. Legislation cited in the report

### Constitution

The Act on the Lithuanian Constitution 1992, 25 October 1992// *State News*, 1992, No. 33-1014. (*Constitution*)

### Laws and Acts

The Act on the Re-establishment of Lithuanian Independence 1990, No. I-12// *State News*, 1990, No. 9-222

The Civil Code 2000, July 18, 2000, No. VIII-1864// *State News*, 2000, No. 74-2262, No. 77 (readjusted), 2000, No. 80 (readjusted), 2000, No. 82 (readjusted)

The Code of Civil Procedure 2002, No. IX-743// *State News*, 2002, No. 36-1340.

The Labour Code 2002, No. IX-926// *State News*, 2002, No. 64-2569

The Law on Allowances (Social Pensions) 1994, No. I-675// *State News*, 1994, No. 96-1873

The Law on District Administration 1994, No. I-707// *State News*, 1994, No. 101-2015

The Law on Equal Opportunities 2003, No. IX-1826// *State News*, 2003, No. 114-5115, (adopted 18 November; entry into force 1 January 2005)

The Law on Equal Opportunities for Women and Men 1998, No. VIII-947// *State News*, 1998, No. 112-3100

The Law on Health Insurance 1996, No. I-1343// *State News*, 1996, No. 55-1287

The Law on Higher Education 2000, No. VIII-1586// *State News*, 2000, No. 27-715

The Law on Legal Protection Guaranteed by the State 2000, No. VIII-1591// *State News*, 2000, No. 30-827

The Law on Local Municipalities 1994, No. I-533// *State News*, 1994, No. 55-1049

The Law on Mental Health Care 1995, No. I-924// *State News*, 1995, No. 53-1290

The Law on Non-formal Adult Education 1998, No. VIII-822// *State News*, 1998, No. 66-1909

The Law on Social Enterprises 2004, No. IX-2251// *State News*, 2004, No. 96-3519

The Law on Social Services 1996, No. I-1579// *State News*, 1996, No. 104-2367

The Law on Special Education 1998, No. VIII-969// *State News*, 1998, No. 115-3228

The Law on State Benefit Allowances 2004, No. IX-1966// *State News*, 2004, No. 21-619 (adopted on 20 January 2004 and entered into force on 1 April 2004). Replaced the Law on Allowances (Social Pensions) 1994, No. I-675// *State News*, 1994, No. 96-1873



- The Law on State Social Security Pensions 2004, No. IX-2017//*State News*, 2004, No. 32-1008 (adopted 12 February 2004, entered into force on 1 March 2004). Replaced the Law on the State Social Security Pensions 1994 No. I-549//*State News*, 1994, No. 59-1153
- The Law on Support of the Unemployed 1996, No. I-1191//*State News*, 1996, No. 18-457
- The Law on the Education 2003, No. IX-1630//*State News*, 2003, No. 63-2853
- The Law on the Ombudsman for the Protection of the Rights of the Child of May 25, No VIII-1708//*State News*, 2000, No. 50-1432
- The Law on the Social Integration of People with Disabilities 1991, No. I-2044//*State News*, 1991, No. 36-969 (*Law on Social Integration 1991*)
- The Law on the Social Integration of People with Disabilities 1998, No. VIII-904 of 22 October 1998. (*Law on Social Integration 1998*)
- The Law on the Social Integration of People with Disabilities 2004, No. IX-2228//*State News*, 2004, No. 83-2983, (adopted 11 May 2004, entry into force 1 July 2005). (*Law on Social Integration 2004*)
- The Law on State Social Security Pensions 2004, No. IX-2017//*State News*, 2004, No. 32-1008.
- The Law on Unemployment Social Insurance 2004//*State News*, 2004, No. 4-26, (entered into force 1 January 2005).
- The Law on Vocational Training 1997, No. VIII-450//*State News*, 1997, No. 98-2478

## Decisions

- Seimas Decision of 18 November 2003 on Changing the name of the Office of Ombudsman for Equal Opportunities for Women and Men and Approving the regulations of the Office of the Ombudsman for Equal opportunities No. IX-1827//*State News*, 2003, No. 111-4930
- Seimas Decision of 4 July 2003 on the National Education Strategy for 2003-2012, No. IX-1700//*State News*, 2003, No. 71-3216 (*Education Strategy*)
- Government Decision of 3 February 2003, on the Action Plan of the Year of People With Disabilities in Lithuania, No. 159//*State News*, 2003, No. 14-558. Government Decision of 19 November 2002, on the Issuing of a Business Certificate for Residents, No. 1797//*State News*, 2002, No. 112-4992. (*Action Plan for the National Programme on Social Integration*)
- Government Decision of 7 June 2002 on approval of The National Programme for the Social Integration of People with Disabilities 2003–2012, No. 850//*State News*, 2002, No. 57-2335 (*National Programme for Social Integration*)

Government Decision of 27 June 2001, Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students with Special Needs Studying in General Classes of General Education Schools, No. 785//*State News*, 2001, No. 57-2040

Government Decision of 24 April 2001 Concerning the Programme on the Establishment of Social Pedagogue Shifts in Education Facilities During 2001–2005, No. 471//*Social News*, 2001, No. 36-1220

Government Decision of 8 May 2001 Programme of Increasing Employment of the Republic of Lithuania for 2001–2004, No. 529//*State News*, 2001, No. 40-1404

Government Decision of 10 May 1996 Concerning the National Programme on Health Care of Children with Development Problems 1996, No. 559//*State News*, 1996, No. 46-1122

Government Decision of 25 February 1992, on The Provisional Regulations of the State Medical and Social Examination Commission, No. 123//*State News*, 1992, No. 13-368 (*SMSE Commission Regulations*)

## Resolutions

Government Resolution of 24 March 2004 on the Increase of Minimum Working Salary, No. 316//*State News*, 2004, No. 46-1511

Government Resolution of 24 March 2004 on the Increase of State Social Insurance Basic Pension, No. 325//*State News*, 2004, No. 46-1520 (entered into force 1 April 2004)

Government Resolution of 5 February 2004 Concerning Ratification of Common Regulations of Educational Departments under the control of Regional Governors and Municipal Administrations 2004, No. 128//*State News*, 2004, 21-643

Government Resolution of 24 December 2003 Concerning the Approval of the Project on Single Programming Document for 2004–2006, Coordinated with the European Commission, No. 1679//*State News*, 2003, No.123-5609. (*SPD 2004–2006*)

Government Resolution of 3 February 2003, on the Action Plan of the Year of People With Disabilities in Lithuania, No. 159//*State News*, 2003, No. 14-558. Government Decision of 19 November 2002, on the Issuing of a Business Certificate for Residents, No. 1797//*State News*, 2002, No. 112-4992.

Government Resolution of 7 June 2002 on approval of The National Programme for the Social Integration of People with Disabilities 2003-2012, No. 850//*State News*, 2002, No. 57-2335 (*National Programme for Social Integration*).

Government Resolution of 27 June 2001, Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students

with Special Needs Studying in General Classes of General Education Schools, No. 785//*State News*, 2001, No. 57-2040.

Government Resolution of 24 April 2001 Concerning the Programme on the Establishment of Social Pedagogue Shifts in Education Facilities During 2001-2005, No. 471//*Social News*, 2001, No. 36-1220.

Government Resolution of 8 May 2001 Programme of Increasing Employment of the Republic of Lithuania for 2001–2004, No. 529//*State News*, 2001, No. 40-1404.

Government Resolution of 9 June 1999 Concerning the Modernisation of Social and Pedagogical Conditions for Children in Educational Facilities, No.764//*State News*, 1999, No. 52-1696

Amendment of the Government Resolution of 27 June 2001 Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students with Special Needs Studying in General Classes of General Education Schools, introduced on 3 December 2004, No. 785//*State News*, 2001, No. 57-2040.

Government Decision of 10 May 1996 Concerning the National Programme on Health Care of Children with Development Problems 1996, No. 559//*State News*, 1996, No. 46-1122.

Government Resolution of 25 February 1992, on The Provisional Regulations of the State Medical and Social Examination Commission, No. 123//*State News*, 1992, No. 13-368. (*SMSE Commission Regulations*).

## Orders

Joint Order of the Minister of Health Care, Minister of Social Security and Labour and Minister of Education and Science of 23 March 2005 on the Disability Level Establishment Order and Criteria No. V-188/A1-84/ISAK-487//*State News*, 2005, No. 39-1277 (to enter into force on 1 July 2005).

Amendment of Government Order of 27 June 2001 Concerning the Financing of General Education Facilities, on Methodological Recommendations Concerning the Implementation Measures of General Education Financing Reform and Additional Funding of Students with Special Needs Studying in General Classes of General Education Schools, introduced on 3 December 2004, No. 785//*State News*, 2001, No. 57-2040

Joint Order of the Ministry of Education and Science, the Ministry of Health Care, and the Ministry of Social Security and Labour of 12 July 2002, on the Assessment of Disability and Disability Level of Individuals with Special Needs and Respective Assignment of Individuals with Special Needs to a Group of Individuals with Special Development Needs 2002, No. 1329/368/98//*State News*, 2002, No. 84-3672. (*Order on the assessment of disability and Disability Level*)

Joint Order of the Minister of Education and Science, the Ministry of Health Care and the Ministry of Social Security and Labour Order of 14 December 2000, Concerning the Organisation Principles of Early Rehabilitation Services of the Secondary and Tertiary levels for Children with Development Problems, as well as Application for and Rendering thereof, 2000, No. 728//*State News*, 2000, No. 109-3488, readjusted on 9 September 2004, No. V-631//*State News* 2004, No. 139-5075

Joint Order of the Minister of Education and Science, the Ministry of Health Care, and the Ministry of Social Security and Labour of 4 October 2000, Concerning the Assessment of the Special Education Needs of an Individual 2000, confirmed by the, No. 1221/527/83//*State News*, 2000, No. 85-2608 (*Order Concerning the Assessment of the Special Education Needs*)

Joint Order of the Ministry of Education and Science and the Ministry of Health of 2000, Concerning the Regulation of the Teaching of Children at Home Care, No. 259/153//*State News*, 2000, No. 25-654

Joint Order of the Ministry of Education and Science and the Ministry of Health Care of 5 July 2000, on Special Pedagogical Assistance for Children of Preschool age with Special Needs at Home, No. 916/385//*State News*, 2000, No. 66-2004

Joint Order of the Ministry of Health and the Ministry of Social Security and Labour of 25 May 2004, on Amendments to the Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work 2004, No. V-387/A1-145//*State News* 2004, No. 87-3184 (*Procedure 2004*)

Joint Order of the Ministry of Health and the Ministry of Social Security and Labour of 22 March 2004, on the List of Ailments and Conditions for Determining the Level of Disability (severe, moderate and slight) for Disabled Children, No. V-144/A1-69//*State News* 2004, No. 44-1464 (*Order on determining disability level for children*)

Joint Order of the Ministry of Health and the Ministry of Social Security and Labour of 28 April 2000, on the Procedure for Determining the Loss (Disability) of Long-Term and Constant Capability to Work, No. 226/49//*State News*, 2000, No. 36-1011, 2000, No. 40 (readjusted)

Order of the Ministry of Education and Science of 16 July 2004 Concerning General Provisions of National and Municipal Educational facilities, No. ISAK-1162//*State News*, 2004, No. 124-4495.

Order of the Ministry of Education and Science of 31 March 2003 Concerning General Education Plans in General Education Schools for 2003–2005, No. 408// *State News*, 2003, No. 44-2005

Order of the Ministry of Education and Science of 21 May 2002 Concerning the Reform of Educational System, No. 906//*State News*, 2002, No. 89-3817

- Order of the Ministry of Education and Science of 24 April 2002 Concerning the Transport Programme “Yellow Bus” for General Education System Schools for school year 2002, No. 751//*State News*, 2002, No. 46-1774
- Order of the Ministry of Education and Science of 18 August 2000 Concerning the Special Education Application Procedure, 2000, No. 1056//*State News*, 2000, No. 71-2214
- Order of the Ministry of Education and Science of 17 April 2000 on the Amendments to Regulation of the Admission of Individuals with Special Needs into Institutions of Special Education 2000, No. 429//*State News*, 2000, No. 33-940
- Order of the Ministry of Education and Science of 22 February 2000 on the Regulation of the Admission of Individuals with Special Needs into Institutions of Special Education, No. 158//*State News*, 2000, No. 17-421, amended on April 17, 2000, No. 429//*State News*, 2000, No. 33-940
- Order of the Ministry of Health Care of 31 March 2004 on Approval of the Regulations of the Doctor’s Consultation Commissions within the Health Care Institutions of the Lithuanian national health system, No. V-172//*State News* 2004, No. 51-1702
- Order of the Ministry of Health Care of 14 December 2000, Concerning the Organisation Principles of Early Rehabilitation Services of the Secondary and Tertiary levels for Children with Development Problems, as well as Application for and Rendering thereof, 2000, No. 728 // *State News*, 2000, No. 109-3488
- Order of the Minister of Social Security and Labour on the Reorganisation of the State Medical and Social Examination Commission at the Ministry of Social Security and Labour, No. A1-50//*State News*, 2005, No. 26-846. (*Order on Reorganisation of the SMSE Commission*)
- Order of the Ministry of Social Security and Labour of 9 July 2002 on the Requirements for Inpatient Social Care Institutions and the Procedure for Sending Persons to Inpatient Social Care Institutions), No. 97//*State News*, 2002, No. 76-3274)
- Order of the Ministry of Social Security and Labour of 28 January 2002, on the Occupancy Support Procedure for Unemployed Individuals Additionally Supported in the Labour Market, No. 14//*State News*, 2002, No. 15-591. (*Occupancy Support Procedure*)

## ANNEX 2. Bibliography

### *In English*

- European Commission, Annual Report on Equality and Non-discrimination 2004, European Commission, DG Employment and Social Affairs (Brussels: European Commission, 2004)
- European Commission, Equality, Diversity and Enlargement. Report on measures to combat discrimination in acceding and candidate countries, DG Employment and Social Affairs (Brussels: European Commission, 2003)
- European Commission, Joint Assessment of Employment Policy Priorities in Lithuania, Ministry of Social Security and Labour and European Commission, DG Employment and Social Affairs (Brussels: European Commission, 12 February 2002)
- European Commission, Joint Memorandum on Social Inclusion of Lithuania, Ministry of Social Security and Labour and European Commission, DG Employment and Social Affairs (Brussels: European Commission, 18 December 2003)
- European Commission, 2001 Regular Report on Lithuania's progress towards accession, European Commission, SEC(2001) 1750 (Brussels: European Commission, 13 November 2001)
- Government of Lithuania, Republic of Lithuania National Action Plan Against Poverty and Social Exclusion in 2004–2006 (Vilnius: July 2004)
- Inclusion Europe and Viltis, Human rights of persons with Intellectual Disability, Country Report Lithuania (Brussels: Inclusion Europe, 2003)
- World Health Organization (WHO), International Statistical Classification of Diseases and Related Health Problems, Tenth Revision (Geneva: WHO, 1992)

### *In Lithuanian*

- Euroguidance – Lithuania, *Profesijos vadovas. 2004, (Profession Guide 2004)* (Vilnius: Euroguidance Lithuania, 2003)
- Government of Lithuania, *Lietuvos 2004–2006 metų bendrasis programavimo dokumentas, (Single Programming Document for 2004–2006)*, (Vilnius: December 2003)
- Jovaiša, K., *Lietuvos Respublikos Konstitucijos komentaras (1 dalis), (Commentary on the Lithuanian Constitution. Part 1)* (Vilnius: Law Institute, 2000)
- Juodkaitė, D. and Jasiūnas, A., *Neigaliųjų ir jų šeimos narių teisės ir socialinės garantijos. Informacinė apžvalga, (Rights and social guarantees of persons with disabilities and their family members)* (Vilnius: Progretus, 2003)
- Laužikas, E., Mikelėnas V and Nekrošius V., *Civilinio proceso teisė. T. 1. (Civil procedure law. Vol. 1)* (Vilnius: Justitia, 2003)

- Leliūgienė, Irena, *Socialinė pedagogika, (Social Pedagogy)* (Kaunas: Technologija, 2003)
- Mikelėnas V. et al, *Civilinio kodekso Komentarai. Trečioji knyga, Šeimos teisė, (Commentary of the Civil Code. Book III, Family law)* (Vilnius: Justitia, 2002)
- Ministry of Education and Science, *Specialiųjų poreikių moksleivių mokymas bendrojo ugdymo klasėse. Suvestinė ataskaita MS-7. 2003/2004 mokslo metai, (Statistical report MS-7. School year 2003–2004)* (Vilnius: Ministry of Education and Science, 2004)
- Ministry of Education and Science, *Nesėkmingo mokymosi mastai ir priežastys. Tiriamojo darbo ataskaita, 2003 (The Extent and Reasons of Unsuccessful (ineffectual) Learning)* (Vilnius: Ministry of Education and Science, 2003)
- Office of the Children's Rights Ombudsman, *Lietuvos Respublikos vaiko teisių apsaugos kontrolieriaus veiklos ataskaita 2003 01 01 – 2003 12 31, (Report on the Activities of the Children's Rights Ombudsman, 1 January – 31 December 2003)* (Vilnius: Office of the Children's Rights Ombudsman, 2004)
- Office of the Ombudsman for Equal Opportunities, *2003 m. Lygių galimybių kontrolieriaus tarnybos veiklos ataskaita, (Report for the year 2003),* (Vilnius: Office of the Ombudsman for Equal Opportunities, 2004)
- VILTIS and Šiauliai University, *Šeima, auginanti neįgalų vaiką, Lietuvoje: psichosocialinis portretas, (Families raising a child with disabilities in Lithuania: a Psycho-social portrait)* (Vilnius: VILTIS and Šiauliai University, Centre of Social Surveys, 2002)