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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

LITHUANIA

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Lithuania on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.55) at its 3rd, 4th and 5th meetings, held on 27 and 28 April 2004 (see E/C.12/2004/SR.3-5), and adopted, at its 29th meeting, held on 14 May 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report of the State party, which was prepared in conformity with the Committee's guidelines and the comprehensive written replies to the list of issues. The Committee also welcomes the frank and constructive dialogue with the high-level delegation of the State party, which included experts in the different areas covered by the Covenant.

B. Positive aspects

3. The Committee welcomes the ongoing reform of the legal system in the State party, and notes with appreciation the entry into force in the last years of a number of new laws to bring it into conformity with international human rights standards: the Civil Code of July 2001, the

Code on Civil Procedure of January 2003, the Labour Code of January 2003, and the entry into force in May 2003 of the new Criminal Code, the Code on Criminal Procedure and the Code of the Enforcement of Punishments.

4. The Committee notes with appreciation that various national programmes have been adopted to strengthen the protection of human rights, notably the development of a National Action Plan for the Protection and Promotion of Human Rights, which covers a wide range of human rights, including economic, social and cultural rights.

5. The Committee welcomes the establishment of the Parliamentary Ombudsperson (1994), the Ombudsperson on Equal Opportunities (1999) and the Children's Rights Ombudsperson (2000). It also welcomes the Law on State-Guaranteed Legal Aid of March 2000, which entitles disadvantaged persons to free legal aid in criminal, civil and administrative cases.

6. The Committee welcomes the recent decision by the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Lithuania.

D. Principal subjects of concern

8. Despite the constitutional provision (Part 3, article 138) stipulating the primacy of international law and that the Covenant may be invoked before domestic courts, the Committee regrets the lack of information on specific decisions of domestic courts where reference has been made to the Covenant and its provisions, which indicates a lack of knowledge among the population about the Covenant and the possibility of invoking it directly before the courts.

9. While noting the ongoing efforts to improve the living situation of the Roma community under "The Programme of Integration of the Roma into the Lithuanian society for 2000-2004", the Committee remains concerned that the Roma community continues to suffer from problems of integration and discriminatory practices in the fields of housing, health, employment and education.

10. The Committee expresses its concern that, despite the various measures taken to improve the situation of women, including the "National Programme for Equal Opportunities for Men and Women 2003-2004", women continue to be in a disadvantaged position in society, notably with regard to employment and equal pay for work of equal value and participation in decision-making.

11. The Committee is concerned that unemployment rates remain high, with significant regional disparities. It also notes with concern the rise in long-term unemployment and the large share of young people below 25 among the unemployed.

12. The Committee regrets the lack of information on the integration of people with disabilities in the labour market and expresses its concern that the incentives for employing people with disabilities are limited.
13. The Committee notes with concern the low level of the minimum wage, which is inadequate to provide workers with a decent living for themselves and their families, and the lack of a system of indexation and regular adjustment of the minimum wage to the cost of living.
14. The Committee is deeply concerned about the increase since 2001 in the number of occupational accidents in the State party.
15. While noting that the Labour Code of 1 January 2003 has addressed some of the weaknesses of previous legislation regulating the right to strike, the Committee is concerned that the definition of “essential services” for which strikes are prohibited is too broad.
16. The Committee expresses its concern that basic pensions are insufficient to ensure an adequate standard of living. The absence of a system of indexing basic pensions to the consumer price index and to the minimum subsistence level is also a cause of concern.
17. The Committee notes with concern the low level of unemployment benefits and that these benefits were granted only to 11.5 per cent of all unemployed persons in 2002 owing to strict eligibility conditions.
18. The Committee is concerned about the unequal distribution of social benefits and social services depending on the place of residence.
19. The Committee notes with concern that trafficking in women and children continues to be a problem in the State party, which is a country of origin and transit, in spite of the existence of the “Programme on control and prevention of prostitution and commercial trade in people for 2002-2004” and that the new Criminal Code provides for criminal liability for a number of trafficking-related crimes, including trade in people (art. 147), profiting from another person’s prostitution (art. 307), and procuring to prostitution (art. 308). Moreover, the Committee regrets that the lack of information on the number of people trafficked does not give an accurate picture of the extent of the problem.
20. The Committee is concerned about the high number of persons who are reported missing in the State party.
21. The Committee is concerned about the high incidence of domestic violence and the lack of shelters for battered women. The Committee is also concerned that victims of domestic violence are not adequately protected under existing legislation.
22. The Committee is concerned about the problem of street children in the State party as well as the lack of information about children placed in institutions.
23. The Committee is concerned about the situation in rural areas of the State party where, as reported in the State party’s written replies to the list of issues, lack of agricultural reforms “has left nearly a quarter of the Lithuanian population with no economic prospects or hope”.

24. The Committee is concerned about the problem of homelessness in the State party and regrets that no official data on the number of homeless people in Lithuania are available.
25. The Committee is concerned about the lack of sufficient and suitable housing in the State party as well as the acute shortage of social housing.
26. The Committee is concerned about the high suicide rate in the State party, particularly among the rural population.
27. The Committee is concerned about the high mortality rate due to alcohol and tobacco abuse, particularly among men.
28. The Committee is concerned that the number of young women (aged 19 years and under) who have abortions is increasing, and regrets that the State party has not furnished any information on reproductive health.
29. The Committee is concerned about the dropout rates among schoolchildren.

E. Suggestions and recommendations

30. The Committee recommends that the State party take measures to raise awareness of the Covenant and of the possibility of invoking its provisions before the courts among the public at large and the judiciary.
31. The Committee requests the State party to provide it in its second periodic report, with detailed information on the enjoyment of economic, social and cultural rights of the Roma, including an assessment, with the participation of representatives of the Roma community, of the impact of “The Programme of Integration of the Roma into the Lithuanian society for 2000-2004”, as well as with information on measures taken under the second phase of the programme for the period 2005-2010.
32. The Committee recommends that the State party continue to strengthen its efforts to enhance the status of women, including through extending the National Programme for Equal Opportunities for Men and Women and other adequate measures, and report, in its next periodic report, on the progress made in this regard.
33. The Committee urges the State party to continue and strengthen its efforts to combat unemployment in the context of the Programme of increasing Employment in the Republic of Lithuania for 2001-2004, targeting, on a priority basis, the most affected regions and the disadvantaged and marginalized groups.
34. The Committee recommends that the State party take effective measures under the “National programme for social integration of people with disabilities for 2003-2012” to promote the integration of people with disabilities into the labour market, including through providing incentives to employers and strengthening the system of job quotas for people with disabilities.

35. The Committee urges the State party to work towards ensuring that the minimum wage is sufficient to provide workers and their families with a decent standard of living. Moreover, the State party should introduce a mechanism to regularly index and adjust the minimum wage to the cost of living.

36. The Committee urges the State party to take effective measures to prevent occupational accidents, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.

37. The Committee requests the State party to provide detailed information on the restrictions placed on the right to strike under the Labour Code and on the functioning of the Tripartite Councils in the collective bargaining process, including with regard to those “essential services” for which strikes are prohibited.

38. The Committee urges the State party to put in place a system of indexing the level of basic pensions reflecting changes in the cost of living, and to ensure that basic pensions are sufficient to provide for an adequate standard of living. The Committee encourages the State party to proceed with its plans to ratify ILO Convention No. 102 concerning Minimum Standards of Social Security and to consider ratifying ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

39. The Committee recommends that the State party increase the coverage and amount of unemployment benefits, so as to ensure that they are sufficient to secure an adequate standard of living and further loosen the eligibility conditions.

40. The Committee urges the State party to promote equal access to social benefits and social services by striving to correct regional imbalances.

41. The Committee recommends that the State party reinforce measures under the “Programme on control and prevention of prostitution and commercial trade in people for 2002-2004”, including by strengthening international cooperation in these areas. The State party should also ensure that victims of trafficking have access to crisis centres where they can receive assistance. The Committee also recommends that the State party provide in its second periodic report detailed information on the measures taken to combat trafficking and commercial sexual exploitation of women and children as well as comparative statistical data indicating the extent of the problem.

42. The Committee recommends that the State party provide in its next periodic report information on action taken to address the problem of missing persons.

43. The Committee calls upon the State party to intensify its efforts to combat domestic violence. In particular, the Committee encourages the State party to consider enacting specific legislation criminalizing domestic violence and affording effective protection to victims. The State party should also take effective measures to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

44. The Committee urges the State party to combat the phenomenon of street children as a matter of priority. In this regard, the State party should take effective measures to address the root causes of neglect, abuse and abandonment, particularly through increased assistance to families with children. It also requests the State party to provide in its second periodic report detailed information and up-to-date comparative statistics on this issue.
45. The Committee calls upon the State party to strengthen programmes aimed at improving living conditions in rural areas. It also recommends that the State party develop a mechanism to measure and monitor levels of poverty and provide in its second periodic report disaggregated and comparative data on the number of people living below the poverty line. In this respect, the Committee refers the State party to its Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10).
46. The Committee also encourages the State party to undertake a study of the problem of homelessness so that it may acquire a more accurate picture of the problem and its root causes.
47. The Committee urges the State party to adopt nationwide policies in order to ensure that families have adequate housing facilities and amenities and that adequate resources are allocated for social housing, particularly for low-income families and the disadvantaged and marginalized groups. In this regard, the Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.
48. The Committee recommends that the State party undertake a study of the root causes of suicide in the State party and strengthen its efforts under the National Suicide Prevention Programme to reduce the suicide rate.
49. The Committee recommends that the State party ensure the effective implementation of programmes to combat tobacco smoking and alcoholism, and to report back to the Committee on this issue in its next periodic report.
50. The Committee calls upon the State party to strengthen its efforts to promote awareness of sexual and reproductive health, safe contraceptive methods and the health risk of using abortion as a method of birth control, and to report on measures taken in this regard and the results thereof in its next periodic report.
51. The Committee requests the State party to provide in its next periodic report disaggregated and comparative data on enrolment and dropout rates among schoolchildren. It refers the State party to its general comment No. 13 (1999) for guidance on how to prepare the information on the right to education in this report.
52. The Committee encourages the State party to give consideration to the establishment of an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex) with a mandate covering economic, social and cultural rights.

53. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, and in particular among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion of the report at the national level prior to the submission of its second periodic report.

54. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2009.
