



**LIETUVOS RESPUBLIKOS NUOLATINĖ MISIJA JUNGTINĖSE TAUTOSE  
PERMANENT MISSION OF LITHUANIA TO THE UNITED NATIONS**

No. SN78- 73

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Secretariat of the Open-ended Working Group on Ageing and, with reference to the Note ENAUN 463/2017, dated 30 March 2017, has the honour to transmit herewith the information provided by the relevant national authorities of the Republic of Lithuania, on 2 cluster issues that will be discussed during the VIII session of the Open-ended Working Group on Ageing, namely “Equality and Non-discrimination” and “Neglect, violence and abuse”.

The Permanent Mission of the Republic of Lithuania to the United Nations avails itself of this opportunity to renew to the Secretariat of the Open-ended Working Group on Ageing the assurances of its highest consideration.

Enclosure: 4 pages.



New York, 5 May 2017

The Secretariat of the Open-ended Working Group on Ageing  
New York

## **Equality and non-discrimination**

**Question 1.** The Constitution of the Republic of Lithuania doesn't mention explicitly age as one of the possible grounds of discrimination. However, Article 38 of the Constitution states, that "The duty of children shall be to respect their parents, to take care of them in their old age, and to preserve their heritage.", Article 52 states, that "The State shall guarantee its citizens the right to receive old-age and disability pensions, as well as social assistance in the event of unemployment, sickness, widowhood, the loss of the breadwinner, and in other cases provided for by law."

The latest edition of the republic of Lithuania Law on Equal Treatment (hereinafter – the Law) which entered into force on 1 January 2017 ensures the Article 29 of the Constitution of the Republic of Lithuania "All persons shall be equal before the law, courts, and other state institutions and officials. Human rights may not be restricted; no one may be granted any privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions, or views." As well it ensures the implementation of the Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

'Equal treatment' according to the Law means implementation of the human rights, which are laid down in international documents on human and citizens' rights and in the laws of the Republic of Lithuania, regardless of the **age**, sexual orientation, disability, racial or ethnic origin, religion, beliefs and other grounds established in the international agreements or laws of the Republic of Lithuania.

According to the Law governmental and municipal institutions are responsible for ensuring that in all legal acts, drafted and passed by them, equal rights and treatment shall be laid down without regard of **age**, sexual orientation, disability, racial or ethnic origin religion or beliefs; as well as preparation, approval and implementation of measures for ensuring equal opportunities.

There is also a duty of educational institutions, science and academic institutions to ensure equal conditions in admitting to all kind of educational institutions, awarding study grants and providing loans for studies, assessing knowledge for persons regardless of their **age**, sexual orientation, disability, racial or ethnic origin, religion or beliefs. There is also a duty for them to observe and prohibit discrimination which could appear at the material for studying.

The regulations regarding discrimination on employment as stated in the Law is duty of employer that all job applicants and already employed must be treated equally and given the same set of opportunities regardless of their **age**.

Moreover the Law regulates equal treatment at consumer protection sphere. According to the norms when implementing equal treatment, the salesperson, manufacturer of goods, or service provider shall create equal conditions for all consumers, regardless of their **age**, sexual orientation, disability, racial or ethnic origin, religion or belief to obtain the same products, goods and services, including the provision of housing and applying equal pay terms and guarantees for the same products, goods and services and those of equal value. In addition, when providing information on products, goods and services or advertising them it ensures, that there would be no humiliation, scorn, restriction of rights or granting of privileges based upon **age**, sexual orientation, disability, racial or ethnic origin, religion or beliefs and no formation of public opinion about the superiority or inferiority of a person due to the latter grounds.



Unequal treatment or other legal restrictions on grounds of **age** could be justified only by legitimate aim which is achieved by appropriate and indispensable measures as it is stated at the article 2 point 4 and point 7 of the Law on Equal Treatment.

**Question 2.** The Office of Equal Opportunities Ombudsperson of the Republic of Lithuania is dealing with complains regarding possible discrimination on various grounds, including age based discrimination. According to Equal Opportunities Office data, in 2016 it has received 38 complaints, 97 inquiries launched 23 initiatives and provided 27 consultations over the phone because of possible **age discrimination, which accounts for 16 percent of all complaints received.**

Discrimination against old age persons is investigated in the areas of activities of state and local authorities, education and science, employment, goods and services, activities of organizations and associations. It includes all the areas mentioned in the provided questionnaire.

**Question 3.** Social services are to be provided according to the principle of non-discrimination. Social care norms approved by the Minister of Social security and Labour, which regulates the requirements and quality of social care for persons (including older persons). Social care norms declare that social care must be organized according to the principle mentioned above. The principle of non-discrimination states that social care must be organized and provided according to the assessed needs and assessment doesn't depend on age, race, disability, nationality, origins, social status, beliefs, religion, sexual orientation or other circumstances.

It is stated in the Social care norms that for persons, who are recipients of social care, must be protected form violence, exploitation, discrimination and other issues which affect dignity of a person. If some of mentioned issues occur, they must by registered, analyzed what caused the occurrence and what should be made to avoid mentioned issues in the future.

What is more, all persons who are recipients of social care must be informed how and where they should address their complaints about violence, exploitation, discrimination and other issues which affect their dignity.

Social care norms also states that all money, asset, documents and other property of the recipients of social care must be accounted, used and safeguarded according to approved regulations and this must be done in the best interest of a person.

In addition to this, in order to implement UN Convention on the Rights of Persons with Disabilities the Seimas (Parliament of Republic of Lithuania) approved amendments of Civil Code of Republic of Lithuania and Code of Civil Procedure of Republic of Lithuania (hereinafter-Civil Code). Since 2016 courts are guided not only by medical documents but also the municipal social worker's inference on the person (including older persons) ability to care for themselves in a certain area.

According to Civil Code changes, the Person's Abilities to Care for Themselves and Make Daily Decisions Assessment Procedure was approved. This legal act prescribes the basic principles of person's abilities assessment, requirements for social workers and details the assessment process and etc. Social worker evaluates a person's ability to make daily decisions independently or with assistance. This assessment should be combined with the evaluation of person's needs to receive social help. Mentioned changes also help to ensure that assessments are made according to the

principle of best interests of persons and they have equal rights to get help based on their individual needs and abilities.

**Question 4.** According to the Law governmental and municipal institutions are responsible for ensuring that in all legal acts, drafted and passed by them, equal rights and treatment shall be laid down without regard of age, sexual orientation, disability, racial or ethnic origin religion or beliefs; as well as preparation, approval and implementation of measures for ensuring equal opportunities.

There is also a duty of educational institutions, science and academic institutions to ensure equal conditions in admitting to all kind of educational institutions, awarding study grants and providing loans for studies, assessing knowledge for persons regardless of their age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. There is also a duty for them to observe and prohibit discrimination which could appear at the material for studying.

The regulations regarding discrimination on employment as stated in the Law is duty of employer that all job applicants and already employed must be treated equally and given the same set of opportunities regardless of their age.

Moreover the Law regulates equal treatment at consumer protection sphere. According to the norms when implementing equal treatment, the salesperson, manufacturer of goods, or service provider shall create equal conditions for all consumers, regardless of their age, sexual orientation, disability, racial or ethnic origin, religion or belief to obtain the same products, goods and services, including the provision of housing and applying equal pay terms and guarantees for the same products, goods and services and those of equal value. In addition, when providing information on products, goods and services or advertising them it ensures, that there would be no humiliation, scorn, restriction of rights or granting of privileges based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs and no formation of public opinion about the superiority or inferiority of a person due to the latter grounds.

Unequal treatment or other legal restrictions on grounds of age could be justified only by legitimate aim which is achieved by appropriate and indispensable measures as it is stated at the article 2 point 4 and point 7 of the Law on Equal Treatment.



## **Neglect, violence and abuse**

**Questions 1-2.** In Lithuania the Office of the Equal Opportunities Ombudsperson investigates complaints, carries out investigations on personal initiative and provides consultations regarding submitted inquiries, performs independent researches, related to discrimination and independent surveys on the discrimination state, releases independent reports, provides conclusions and recommendations on any issue related to discrimination with regard to the implementation of both mentioned laws, also provides proposals to the state institutions of the Republic of Lithuania, as well as municipality institutions and offices on further development of legal acts and priorities of equal opportunities policy implementation, carries out preventive and educational activity, including propagation of equal opportunities assurance. The Office also exchanges the possessed information with institutions of the European Union and international organisations with analogical functions.

Equal Opportunities Ombudsperson publishes annual reports on the investigations carried out by the Office on different grounds of discrimination, including age. In 2015 the Office investigated 48 cases of discrimination on the ground of age, in 2016 – 81 cases.

In 2014 the Office launch a research on the possibilities of older people integration into labour market (social inclusion).

**Question 3.** It is to mention that the Law on Protection against Domestic Violence also provides protection to the older persons living in domestic environment, as it defines domestic environment as an environment comprising the persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household. In Lithuania there is a network of specialised assistance centres, which provides assistance to the victims of domestic violence, including older persons. A regular analysis of data about the activities of specialized assistance centres including the age of the victims of domestic violence is carried out.

**Question 4.** Lithuanian legislation explicitly doesn't address the issues of violence abuse and neglect against the older persons. However, according to the Lithuanian Criminal Code, action against person in helpless condition caused by the age of the person, belongs to the aggravating circumstances.