

– Lithuania and the European Social Charter –

Ratifications

Lithuania ratified the Revised European Social Charter on 29/06/2001, accepting 86 of the 98 paragraphs of the Charter.

Lithuania has not yet signed the Additional Protocol providing for a system of collective complaints.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3						Grey = Accepted provisions				

The Charter in domestic law

Automatic incorporation into domestic law and superiority of International treaties ratified by the Seimas (Parliament) over national legislation (Article 138 of the Constitution and Article 11 of the Law on Treaties).

Reports *

Between 2003 and 2015, Lithuania submitted 11 reports on the application of the Charter.

The 11th report submitted on 4 June 2014, covers the accepted provisions related to Thematic Group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29). Conclusions in respect of these provisions were published in January 2015.

The 12th report, which should have been submitted by 31 October 2014, should cover the accepted provisions related to Thematic Group 4 "Children, family, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

In addition, the report concerns the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions in respect of these provisions will be adopted in December 2015.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. As from 2014 State Parties having accepted the complaints procedure have to provide a national report every two years only.

The situation of Lithuania with respect to the application of the Revised Charter

Examples of progress achieved in the implementation of social rights under the European Social Charter¹

Children

► Extension of the number of child allowance beneficiaries (Child Allowances Act, entry into force 1 July 2004).

Social and legal protection

► A draft Act on Protection from Domestic Violence was submitted to the Government on 12 May 2010. The purpose of the draft legislation is to respond quickly to violations, impose sanctions, provide appropriate support and take preventive measures to protect people from domestic violence. In addition, Government Resolution No. 853 of 19 August 2009 approved the Plan of Measures Implementing the National Strategy on Combating Violence against Women, 2010-2012. With a view to enhancing the legal framework in this area, there are plans to improve access to legal assistance for victims of domestic violence.

Non-Discrimination (Employment)

► The Law amending the Law on Equal Treatment (No. X-1602 of 17 June 2008 requires employers to make reasonable accommodation for persons with disabilities. Article 7 of the Law states that when applying equal treatment employers must "take appropriate measures to provide conditions for disabled people to obtain work, to work, to pursue a career or to study, including adapting premises, provided that the employer would not be disproportionately burdened with duties as a result

Employment

► Repeal of the the Act on the evaluation of the USSR State Security Committee (NKVD, NKGB, MGB, KGB) and the present activities of former permanent employees of the organisation entailed restrictions which restricted the professional activities of former employees..

Cases of non-compliance

Thematic group 1 "Employment, training and equal opportunities"- Conclusions 2012

► *Article 25 - Right of workers to protection of their claims in the event of the insolvency of their employer*
The average time to satisfy workers' claim in case of insolvency of their employer is excessive.
([Conclusions 2012](#))

Thematic group 2 : "Health, social security and social protection"- Conclusions 2013

► *Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*
Measures to reduce the excessive rate of fatal accidents are inadequate.
([Conclusions 2013](#))

► *Article 11§2 - Right to protection of health - Advisory and educational facilities*
It has not been established that prevention through screening is used as a contribution to the health of the population.
([Conclusions 2013](#))

► *Article 12§1 - Right to social security - Existence of a social security system*

- the minimum level of unemployment benefit is inadequate;
- the minimum level of old-age benefit is inadequate;
- the minimum level of sickness benefit is inadequate.

¹ « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

[\(Conclusions 2013\)](#)

► *Article 12§4 – Right to social security - Social security of persons moving between states*
- entitlement to State social insurance pensions is subject to a residence requirement;
- the retention of accrued benefits related to work accidents, occupational disease, sickness or maternity is not guaranteed to nationals of all other State Parties;
- it has not been established that the right to maintenance of accruing rights is guaranteed to nationals of all other States Parties.

[\(Conclusions 2013\)](#)

► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*
The level of social assistance paid to single person, including the elderly, is manifestly inadequate and the granting of social assistance benefits to nationals of other States Parties is subject to an excessive length of residence requirement.

[\(Conclusions 2013\)](#)

Thematic group 3: "Labour rights"- Conclusions 2014

► *Article 2§1- Right to just conditions of work - Reasonable working time*

For some categories of workers a working day may be allowed of up to 24 hours.

(Conclusions 2014)

► *Article 4§1 – Right to a fair remuneration – Decent remuneration*

The minimum wage applied to private sector workers does not ensure a decent standard of living.

(Conclusions 2014)

► *Article 4§2–Right to a fair remuneration - Increased remuneration for overtime work*

It has not been established that the exception to the right to increased remuneration applies only to senior officials and management executives.

(Conclusions 2014)

► *Article 4§4–Right to a fair remuneration-Reasonable notice of termination of employment*

No notice is given in case of termination of employment based on a judicial decision which prevents the performance of work; the withdrawal of administrative licences required for the performance of work; the request from bodies or officials authorised by the law; and the unfitness for work certified by authorised bodies.

(Conclusions 2014)

► *Article 4§5 – Right to a fair remuneration - Limits to deduction from wages*

After all authorised deductions, the wages of workers with the lowest pay do not allow for them to provide for themselves or their dependants.

(Conclusions 20104)

► *Article 6§2 - Right to bargain collectively - Negotiation procedures*

It has not been established that the machinery for voluntary negotiations has been efficiently promoted.

(Conclusions 2014)

► *Article 26§2 –Right to dignity in the workplace - Moral harassment*

It has not been established that employees are given appropriate and effective protection against moral harassment in the workplace or in relation to work.

(Conclusions 2014)

► *Article 28 -Right of workers' representatives to protection in the undertaking and facilities to be accorded to them.*

The protection afforded to workers' representatives does not extend to a period after the mandate.

(Conclusions 2014)

Thematic group 4: "Children, families and migrants"- conclusions 2011

▶ *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

Legal framework does not limit the period of work during summer holidays for children subject to compulsory education.

([Conclusions 2011](#))

▶ *Article 7§5 – Right of children and young persons to protection – Fair pay*

1. The minimum wage for young workers is not fair;
2. Minimum allowance for apprentices is not fair

([Conclusions 2011](#))

▶ *Article 16 – Right of the family to social, legal and economic protection*

There is no equal treatment of nationals of other States Parties in respect of the payment of family benefits because of an excessive residence requirement.

([Conclusions 2011](#))

▶ *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

Corporal punishment of children is not prohibited in the home, in schools and in institutions..

([Conclusions 2011](#))

▶ *Article 31§1 – Right to housing – Adequate housing*

1. It has not been established that the right to adequate housing is effectively guaranteed;
2. Insufficient measures were taken by public authorities to improve the substandard housing conditions of most Roma in Lithuania

([Conclusions 2011](#))

▶ *Article 31§2 – Right to housing – Reduction of homelessness*

It has not been established that progress in reducing homelessness was achieved.

([Conclusions 2011](#))

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Lithuanian Government to provide more information in the next report in respect of the following provisions:

Thematic group 1 "Employment, training and equal opportunities"

(Report to be submitted by 31 October 2015)

▶ Article 1§1 – Conclusions 2012

Thematic group 2 : "Health, social security and social protection"

(Report to be submitted by 31 October 2016)

▶ Article 3§4 – Conclusions 2013

▶ Article 11§1 – Conclusions 2013

Thematic group 3: "Labour rights"

(Report to be examined in 2017)

▶ Article 4§3 – Conclusions 2014

▶ Article 26§1 - Conclusions 2010

Thematic group 4: "Children, families and migrants"

(Report to be submitted before 31 October 2014)

▶ Article 8§§1 and 2 – Conclusions 2011

- ▶ Article 17§2 – Conclusions 2011
- ▶ Article 19§§1 and 3 – Conclusions 2011