

REPUBLIC OF LITHUANIA
LAW
ON FUNDAMENTALS OF PROTECTION OF THE RIGHTS OF THE CHILD

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Vilnius

CHAPTER I
GENERAL PROVISIONS

ARTICLE 1. Purpose of the Law

1. The purpose of this Law is improvement of legal protection of children within the country, through establishment of principles in defence of the rights and freedoms of the child, co-ordinated with the Constitution of the Republic of Lithuania and international law norms and principles.

2. Within this Law are established the fundamental rights, freedoms and obligations of the child, and the most important guarantees of protection and defence of these rights and freedoms, based upon the Constitution of the Republic of Lithuania, the 1959 United Nations Declaration On the Rights of the Child, the 1989 Convention On the Rights of the Child, and other norms and principles of international law, while taking into account the specific situation of the child within family and society and national law traditions, fundamental rights, freedoms and obligations of the child and the most important guarantees for the defence thereof. This Law also, shall regulate the fundamental conditions in child behaviour control and liability thereof, establish parental liability and that of other natural and legal persons for violations of the provisions of the general rights of the child, the system of institutions for the protection of rights of the child and the legal principles of activity thereof.

ARTICLE 2. Concept of the Child

A child is a human being below the age of 18 years, unless otherwise established by laws.

ARTICLE 3. Legal Representatives of the Child

Legal representatives of the child shall be parents, foster parents, guardians, custodians and other persons, who in accordance with the law or other legal act, must care for the child, educate him, support him, represent him and defend his rights and rightful interests.

ARTICLE 4. General Provisions in Defence of the Rights of the Child

Parents, other legal representatives of the child, state, municipal government and public institutions and other natural and legal persons must abide by the following provisions and principles:

- 1) legal interests of the child must always and everywhere be given priority consideration;
- 2.) a child shall have the right to avail himself of all the child rights and freedoms established by the Constitution of the Republic of Lithuania, this Law and other laws and legal acts;
- 3) every child shall enjoy equal rights with other children and can not be discriminated against for reasons of his parents' or other legal child representatives' gender, age, nationality, race, language, religion, convictions, social, monetary and family position, state of health or any other circumstances;
- 4) every child shall be given an opportunity to be healthy and develop normally physically and mentally, prior to his birth as much as afterwards, and upon birth, a child must be guaranteed an opportunity to also, develop morally and to participate in life within society;
- 5) no child must be left without a home, minimum funds of subsistence and care or guardianship.
- 6) transactions drawn up in violation of the rights of a child (leaving child without a home, minimal means of subsistence, care, guardianship), other acts that shall limit or otherwise restrict a child's personal, property and other rights and freedoms, shall be considered invalid;
- 7) parents and other legal representatives of a child must first safeguard the rights of a child.

ARTICLE 5. Laws and Other Legal Acts Establishing the Child's Rights and Their Protection

1. The Constitution of the Republic of Lithuania, this and other laws and legal acts establish child rights and freedoms and the protection thereof.

2. In resolving the disputes arising, whenever the laws or other legal acts regulate relations linked with the rights, freedoms and protection thereof, of a child, differently from this Law, or in cases whereby these relations are not regulated by laws, appropriate provisions of this Law shall be applied.

ARTICLE 6. Basic Guarantees of the Rights of Child Protection

Rights of the child shall be protected and guaranteed as follows:

- 1) Parents or other legal representatives of a child must create conditions suitable for a child to live and grow up within a family and to take care of him;
- 2) laws and other legal acts shall be adopted and implemented;
- 3) appropriate state and municipal institutions shall be created and tasked with implementation of protection of rights of the child;
- 4) special programmes and measures shall be prepared and implemented;
- 5) preventive educative measures shall be applied: way shall be barred for criminal activity and other violations of law;
- 6) state and municipal institutions shall allot funds to prepare and implement protection measures for protection of the rights of the child;
- 7) funds and other material valuables derived for children, through charity sources, would be utilised expediently;
- 8) appropriate social activity, in public organisations, traditional and state-recognised religious communities, relevant to protection of rights and freedoms of the child, shall be encouraged and supported.

CHAPTER II

FUNDAMENTAL RIGHTS AND FREEDOMS OF THE CHILD

ARTICLE 7. Right of the Child to Life and Growth

1. Every child shall have the inalienable right to life and growth.
2. All types of scientific experimentation or other experimentation involving a child, which may be detrimental to his life, health, or normal personal development, shall be prohibited. This prohibition shall also apply even in the presence of an agreement by the child, his parents or other legal representatives of the child.

ARTICLE 8. Right of the Child to Good Health

The right of the child to good health shall be guaranteed by:

- 1) measures allowing creation of a healthy and safe environment for the child;
- 2) health care for children and their mothers (fathers);

- 3) prophylaxis of children's diseases and qualified medical assistance;
- 4) production of food products suitable in quality for children;
- 5) promotion of healthy life style (information, education etc.);
- 6) other guarantees and privileges of child health protection established by laws.

ARTICLE 9. Right of the Child to Individual Identity and its Preservation

1. From birth the child shall have the right to a name, surname, nationality and citizenship, a right to family and other ties linked to his individual identity and their preservation.

2. The rights of the child and their guarantees, listed in the first part of this article, shall be established by the Code on Marriage and Family, the Law on Citizenship and other laws and legal acts.

ARTICLE 10. Right of the Child to Personal Life, Personal Inviolability and Freedom

1 The child shall have a right to personal life, associations, privacy in correspondence, personal inviolability and freedom. These freedoms shall be protected and defended by the Constitution of the Republic of Lithuania, this Law and other laws and legal acts.

2. A child shall not be tortured and injured, his honour and dignity be degraded and be subjected to cruel treatment.

ARTICLE 11. Right of the Child to Living Conditions

The right of the child to living conditions is vital for his physical, intellectual, spiritual and moral development and shall be ensured by parents, other legal representatives of the child and municipal institutions.

ARTICLE 12. Property Rights of the Child

1. The child shall have the right to property, which is guarded and defended by the Constitution of the Republic of Lithuania, this Law and other laws.

2. The child's property rights, their acquisition and implementation shall be regulated by Civil, Marriage and Family Codes, and other laws and legal acts.

3. Upon due consideration as to his capability, a child shall have the right either himself or through his legal representatives, to draw up transactions, maintain deposits in institutions of credit and dispose of it for income or stipends, to implement other ownership rights, which shall be established through corresponding laws and legal acts.

4. Parents or other legal representatives of the child may dispose of the property belonging to the child through right of ownership, only upon securing findings issued by an institution for protection of the rights of the child that such transactions shall not be contrary to the interests of the child.

5. In dividing property, which is the joint property of the marriage partners (parents), the rights of ownership of the children must be considered in every regard.

ARTICLE 13. Right of the Child to a Home

1. This and other laws and legal acts shall defend the right of the child to a home.

2. An orphan (child whose parents are deceased) or a child who has been left without parental care or guardianship, and has been remanded to a home for children, relatives, and the care of other individuals, regardless of whether or not care (guardianship) had been established for him, shall maintain a right to the home, where he lived previously, or another home of equal quality shall be assigned him according to procedure established by laws.

3. An orphan left without parental care and guardianship and without a home to live in, shall be provided one according to procedure established by laws.

4. An orphan left without parental care and guardianship, may not be moved from his home without being provided a home of equal quality.

5. When parents or other legal representatives of the child shall implement inadequately or fail to implement, the requirements set forth in Article 11 of this Law, the findings by an institution for protection of the rights of the child shall be required in the mortgaging, sale or giving away of the home where the child resides, to demonstrate that such transactions are not contrary to interests of the child.

ARTICLE 14. Social Rights of the Child

1. The child shall have the right to an education, right to acquire a profession, to choose a job and also, the freedom of thought, conscience, religion and speech and the right to use of various humanitarian information and dissemination thereof, to participation in public life, peaceful assemblies and organisations, and the right to freedom of expression of his opinions.

2. The child shall have author's right to his creation, invention or discovery.

3. Social rights of the child indicated in this article shall be established, protected and defended by this Law, other laws and legal acts.

ARTICLE 15. Right of the Child to State Assistance And Maintenance

1. Every child who does not receive sufficient maintenance from his parents or legal representatives, shall be rendered state assistance, the size, provision procedure and conditions whereof, shall be established by laws and other legal acts.

2. An orphan or child left without parental care and guardianship shall be supported by the state, according to procedure established by laws. Every such child, regardless of the form of care (state, private, social, family, personal), must be ensured equal material conditions by the state and local municipal institutions.

ARTICLE 16. Right of the Child to Rest and Leisure

1. A child shall have the right to rest and leisure, appropriate for his age, health and needs.

2. A child must be ensured an opportunity and conditions for play.

3. State and municipal institutions establish and support children's sport, creative endeavour, leisure and health clubs, camps, family leisure homes and sanatoriums and create conditions for children to take advantage of privileges granted through social insurance.

4. The laws shall guarantee rest and leisure of children.

ARTICLE 17. Rights of Children Belonging to Ethnic Communities (minorities) of the Republic of Lithuania

Children belonging to ethnic communities (minorities) of the Republic of Lithuania shall have the right to develop their own language, culture, customs and traditions. This right shall be ensured by the Constitution of the Republic of Lithuania, laws and other legal acts.

ARTICLE 18. Rights of the Refugee Child

1. A child, who shall be recognised as a refugee in accordance with the laws, shall have the right to assistance and protection. If necessary, a search shall be conducted for the parents and relatives of the child or other persons or institutions. to whom he may be turned over.

2. A child refugee shall be applied provisions of the Law "On The Status of Refugees Within The Republic of Lithuania."

ARTICLE 19. Right of the Child to Participate in Child Protection Programmes

A child shall have the right to take part, either on his own or through his legal representatives, in the preparation and implementation of child right protection programmes.

CHAPTER III

THE CHILD AND THE FAMILY

ARTICLE 20. Establishment of the Rights of the Child Within the Family

The rights of the child within the family shall be defined by the Constitution of the Republic of Lithuania, this Law, the Marriage and Family Code, other laws and legal acts.

ARTICLE 21. Obligation of Parents or Other Legal Representatives of the Child to Bring up, Care For and Support the Child

1. Parents or other legal representatives of the child shall be obliged to create conditions for the child to grow, develop and improve and to bring up their children as humanely moral individuals.

2. Both parents must be equally involved in the child's upbringing, provide suitable care, material support and ensure availability of a home for him.

3. In the event of a dispute in establishing paternity (maternity), all possible proofs must be considered, which would attest to the fact that the respondent is indeed the father (mother) of the child.

ARTICLE 22. State Assistance for Families Raising and Bringing up Children

The state shall assist families (especially large ones) who are raising and bringing up children by designating according to the procedure established by laws the child benefits, providing parents with special-purpose leaves and rendering them assistance and privileges.

ARTICLE 23. Right of the Child to Live With Parents or Persons Representing Them

1. A child shall have the right to live with his parents or other legal representatives.

2. To separate a child from his parents or his other legal representatives against the will of the child, as well as that of his parents (legal representatives), shall be permitted only under extraordinary circumstances, provided for by laws and according to the established procedure, based upon a court decision (verdict) and when such a separation becomes necessary for the child (striving to avoid danger to the life and health of the child, and it becomes necessary to become concerned about his care and upbringing and to protect other important interests of the child).

3. In the event of danger being posed to life or health of a child, he may be immediately separated from his parents, or other legal representatives, in accordance with the norms established by the Marriage and Family Code.

4. Disputes arising over the child's place of residence, in cases wherein the parents live separately, shall be resolved by the court, guided by the Marriage and Family Code norms. In the resolution of such disputes, priority consideration must be accorded to interests and desires of a child, capable of expressing his own opinion, as to which one of his parents he would desire to live with.

ARTICLE 24. Right of the Child to Associate With Separated Parents

1. A child shall have the right to receive information about the mother or father, who does not live with him, with the exception of instances wherein this could prove to be of detriment to the child.

2. The opportunity to associate with mother, father and close relatives, who do not live with him, should be ensured for the child, with the exception of instances established by law, wherein such association could prove to be of detriment to the child.

3. The court shall resolve disputes regarding implementation (or restriction) of rights of the child, set forth in parts one and two of this article.

ARTICLE 25. Care and Guardianship

1. Care (guardianship) shall be established, according to procedure established by laws, for a child left without parents or their care.

2. In establishing the care (guardianship), an attempt must be made to create conditions enabling him to live within a family, along with his brothers and sisters.

ARTICLE 26. Foster Care

1. In order to ensure that a child left without his parents, may be provided an opportunity of growing up in family surroundings, he may be placed in foster care.

2. The Marriage and Family Code and other legal acts establish conditions regarding foster care and dissolution thereof, and the procedure and legal consequences of such.

CHAPTER IV THE DISABLED CHILD

ARTICLE 27. Concept of the Disabled Child and Regulation of His Rights

1. A disabled child is a child, having some congenital or acquired physical or mental disabilities, which have been determined by a child health care institution and which interfere with his ability to develop normally and his adaptation and integration into society.

2. This Law, the Law on Social Integration of the Disabled, other laws and legal acts shall establish the rights of disabled children and guarantees thereof.

ARTICLE 28. Right of the Disabled Child to Experience a Full - Valued Life

A disabled child shall have equal rights with normal children to lead an active life, develop and acquire an education befitting his physical and mental potential and desires, to be engaged in work that suits him and to participate in creative and social activity.

ARTICLE 29. Special Care of the Disabled Child

Recognising his special needs, a disabled child shall have the right to obtain special (extraordinary) care. The person, who cares for him, shall be rendered social, medical and other assistance.

2. A disabled child shall have the right to privileged services by treatment providing institutions, sanatoriums and resorts, as provided by laws and other legal acts. He shall be given qualified medical assistance based on early diagnosis, and provided appropriate corrective and rehabilitative treatment methods. This assistance shall be provided by physician specialists, prosthetics experts, rehabilitation experts and other medical specialists and, when dictated by necessity, treatment will be scheduled in institutions of specialised medicine.

ARTICLE 30. Adaptation of Environment for the Disabled Child

1. Public buildings, streets and transportation means, which are to be used by a disabled child, shall be adapted to the special needs of a disabled child.

2. Specially adapted accommodations shall be installed within institutions intended for these children.

3. State and municipal executive institutions shall ensure according to their competence and potential that requirements indicated in parts one and two of this article, would be implemented.

ARTICLE 31. Funds for Disabled Children

1. Parents and other legal representatives of the child, who are raising and caring for a disabled child at home, shall have the right to obtain required assistance from the state budget.

2. The laws and other legal acts shall establish the amount of assistance, procedure of payment and other conditions.

ARTICLE 32. Guarantees of Social Activity (employment) of the Disabled Child

1. State and municipal institutions must create the necessary conditions for education of the disabled child, his professional preparedness and, in accordance to work opportunities and also, by taking into account the health, special needs and talents of such a child.

2. Allowances and privileges established by laws and other legal acts shall be applied to people, institutions and organisations, employing a disabled child.

ARTICLE 33. Preparation of Teachers, Educators and Social Workers for Work With Physically or Mentally Disabled Children

Teachers, educators and social workers shall receive special training for work with children having physical and mental disabilities. The Ministry of Education and Science along with the Ministry of Social Security and Labour shall be responsible for special purpose programmes intended for this type of work.

CHAPTER V CHILD AND THE SCHOOL

ARTICLE 34. General Provisions of Rights of the Child to Education

1. The child shall have the right to an education, which would develop his general cultural knowledge, intellect, abilities, views, moral and social responsibility, and would create conditions for development of his personality.

2. Every child must be assured the opportunities of learning to respect his parents, educators, teachers, other people, his native language, the state language and culture and other languages and cultures and nature, of preparing for an independent existence and work and of becoming a useful member of society.

ARTICLE 35. Guarantees of Right of the Child to Education

1. The Constitution of the Republic of Lithuania, the Law on Education, this Law and other laws and legal acts, shall guarantee the right of the child to an education.

2. The following fundamental guarantees of this right of the child to an education shall be implemented within the Republic of Lithuania:

1) education shall be compulsory for children under the age of 16;

2) taking under advisement the age of the child and his level of education, the parents or other legal representatives of the child shall have the right to select an educational institution, form and methods of learning in accordance with the child's mental capacity, convictions and talents. The child's opinion shall also be considered in resolving this question;

3) every child shall have the right to a free education at state and municipal general education and professional training schools as well as universities;

4) university education shall be accessible to every child according to his abilities. Free education shall be guaranteed at state universities to those children who excel in their studies and are citizens of the Republic of Lithuania;

5) an orphan and also, a child who has been deprived of parental care (guardianship) or a child who does not have sufficient material support, studying at an institution, college or university of general and professional education, shall be granted additional state and municipal institution support (free meals, hostel, special or increased stipends, etc.), established by laws or other legal acts. Admission privileges into professional school, college and also, university, established by laws or other legal acts, may be applied for this type of child;

6) parents and other legal representatives of the child must create conditions enabling the child to acquire the compulsory education or a possibility of study until the age of 16. Individuals who shall fail to implement this requirement shall be held liable according to procedure established by laws.

3. Education and science system of the Republic of Lithuania shall be regulated by laws.

ARTICLE 36. Development of Talent and Abilities of the Child

Every child shall have the right to the support of educational and other state institutions in unfolding and developing his talents and abilities. For this purpose the State and its corresponding institutions shall:

1) create the necessary conditions and grant all children equal opportunities to unfold and develop their talents;

- 2) establish personal and increased grants for very gifted (talented) children and encourage and support them by other means;
- 3) encourage international co-operation within this realm.

ARTICLE 37. Supervision of Children Who Avoid Compulsory Education

Educational institutions must inform the children, other legal representatives of child, institutions of child right protection and other institutions, about children who avoid compulsory education, and concurrently, must employ measures that would encourage children to attend school constantly, and reduce the number of pupils who have dropped out of school.

ARTICLE 38. Right to Education of the Child, Whose Freedom Has Been Deprived or Limited

Conditions must be created for compulsory education of a child who has been deprived of freedom for a specified length of time, in instances established by law, as a result of committing a crime or another violation of law.

CHAPTER VI THE CHILD AND LABOUR

ARTICLE 39. General Provisions in Child Labour Activity

1. Child labour activity shall be regulated by the Code of Labour Laws, this Law and other laws.
2. The child shall have the right to work commensurate with his age, state of health, general education level and professional expertise. Work shall be chosen freely.
3. Having attained 16 years of age and unwilling or incapable of continuing the studies, he may work.
4. The Law on Labour Contracts and other laws shall regulate employment, of children under 16, their dismissal from work and the conditions of their labour.

ARTICLE 40. Safety of Children at Work

1. Employers must guarantee safe work for children.
2. In instances established by laws, working children must undergo a health examination prior to being employed.

3. Children shall have the right to shortened work time and longer vacation time than that of adults and other guarantees and privileges established by laws.

ARTICLE 41. Reserving of Work Places for Orphans and Other Children, Tax Reliefs for Employers

1. Additional employment guarantees, established by laws, shall be applied to orphans, left without parental care (guardianship) or to children lacking in vital material support.

2. Privileges shall be applied according to procedure established by laws, to employees who shall reserve work places for children listed in part one of this article and employ them.

ARTICLE 42. Protection of the Child from Exploitation at Work

1. State and municipal institutions prohibit natural and legal persons from exploitation of, or other discrimination against a working child. A child may not be entrusted with a job or occupation, detrimental to health or education or one that would interfere with his physical, intellectual or moral maturity.

2. The state shall protect the child from all forms of exploitation at work through use of social, legal, economic, medical and upbringing measures.

**CHAPTER VII
CHILD AND SOCIAL ENVIRONMENT**

ARTICLE 43. General Provisions of Child Protection from Influence of Negative Social Environment

1. State and municipal institutions and other natural and legal persons must protect the child from negative social environment influence. Propagation of a healthy lifestyle and law-based education of children constitute fundamental directions of state social policy and activity.

2. Administrative or criminal liability shall be applied for demonstration of physical and mental violence to children and their inclusion into criminal or other illegal acts.

3. Necessary assistance should be rendered to a child victim of criminal act, violence or other improper behaviour, in order that he may regain his health following the physical or mental trauma he has experienced and reintegrate into the social environment.

4. Upon becoming aware of a child in need of assistance, a natural or legal person must report this to the police, institution for the protection of the rights of the child or another competent institution.

ARTICLE 44. Protection of the Child from Alcoholic Beverages and Smoking

1. An attitude against smoking and use of alcoholic beverages should be fostered in children. Children shall not be allowed to work in jobs linked with production or sales of tobacco products or alcoholic beverages.

2. Administrative or criminal liability shall be incurred, as provided by laws, for getting a child intoxicated and involving him in drinking.

ARTICLE 45. Protection of the Child from the Use of Narcotic, Toxic and Other Strong Substances and Materials

1. Child must be protected from the use of illegal narcotic, toxic and other substance and material types that have a strong effect on the organism, production of such substances and materials, their sales or other types of dissemination.

2. Administrative or criminal liability, in accordance with laws, shall be applied for involving a child in the use of narcotic, toxic or other substances and materials that have a strong effect on the organism.

ARTICLE 46. The Child and Games, Films and Media

The demonstration, sale, gifts and propagation and rentals to children of toys, movies, audio and video recordings, literature, newspapers, magazines and other publications, which directly promote and propagate war, cruel behaviour, violence, and pornography, or otherwise harm the spiritual and moral development of the child, shall be prohibited. Administrative or criminal liability, established by laws, shall be applied for these activities.

ARTICLE 47. Protection of the Child from Sexual Exploitation

1. Administrative or criminal liability, in accordance with the laws, shall be applied for encouraging or coercing a child to take part in sexual activity, using him for prostitution or involving him in prostitution, using him for pornography, as well as in production or dissemination of pornographic publications, or other materials of a pornographic or erotic nature.

2. Children must be taught to avoid sexual coercion and exploitation.

CHAPTER VIII
FUNDAMENTAL RIGHTS OF THE CHILD, SPECIFIC CHARACTERISTICS
OF HIS RESPONSIBILITY AND BEHAVIOURAL CONTROL

ARTICLE 48. Fundamental Duties of the Child and Development of His Responsibility

1. A child is a member of society and in availing himself of his rights he must observe the established norms of behaviour, the Constitution of the Republic of Lithuania, this Law and other laws and provisions of legal acts and respect the rights of other people.

2. The child must:

1) respect his parents, and other family members, care for them in their old age, instances of illness or other disability and help his parents and other family members in need of assistance;

2) respect his educators, other adults and children, not violate their rights and rightful interests;

3) observe the dictates of adopted norms of behaviour, within learning and educational institutions, public places, at work and in everyday surroundings;

4) respect and preserve cultural and historical values, nature, and public and private property.

3. The child must be brought up to fulfil his obligations and himself be responsible for his behaviour within the family, educational and training institutions, public places, at work and within social environment.

ARTICLE 49. Application of Discipline and Reformative Sanctions to Child

1. Parents and other legal representatives of the child may appropriately, according to their judgement, discipline the child, for avoiding carrying out his duties and for disciplinary infractions, with the exception of physical and mental torture, other cruel behaviour and the humiliation of the child's honour and dignity.

2. Disciplinary and educative enforcement measures: criticism, reprimand, severe reprimand, appropriate evaluation of behaviour and other enforcement means, established by laws, may be applied to a child for violations of internal order regulations of teaching and educative (care) institutions.

3. For constant and malignant violations of law and order, and also for perpetration of dangerous (criminal) acts, if for reasons of his age, state of health or other circumstances,

administrative or criminal liability cannot be applied, the following reformative (disciplinary) sanctions may be applied:

- 1) warning;
- 2) obligation of a public or other type of apology to the victim;
- 3) release upon guarantee, in custody of parents or other persons;
- 4) home supervision (leisure limitation);
- 5) placement in a special educative and disciplinary institution;
- 6) other measures provided for by laws (considering the age of the child, the type of violation committed by him and other circumstances).

4. Laws and other legal acts establish the specific types of measures listed in part three of this article, the duration and procedure of application and implementation thereof is established by laws and other legal acts.

5. To turn the child over to a special educative and disciplinary institution shall only be possible per recommendation of institutions which have been authorised by court.

6. The behavioural, personal hygiene, and cultural interaction habits of the child should be formed at the special educative and disciplinary institutions, and conditions should be afforded for acquisition of compulsory and general secondary education, professional preparedness for work and life within society.

ARTICLE 50. General Provisions of Legal Liability of the Child

1. Having committed a violation of the law, the child shall personally be held liable for his own actions, excepting in instances, whereby the laws shall establish otherwise.

2. In instances established by law, the child shall be held liable for material damage caused.

3. Children over the age of 16 shall be held liable according to the procedure established by laws, for administrative violations of law.

4. A child suspected of a criminal law violation, shall be presumed innocent, until his guilt is established according to procedure established by law and the coming into effect of the court sentence.

5. Those children who had attained the age of 16, prior to perpetration of the criminal act, shall be held liable in accordance with criminal laws. In exceptional cases, for criminal acts provided for in the Criminal Code, criminal liability may be applied also to younger children, however not to those below the age of 14.

ARTICLE 51. Limitation of Penalties and Types and Sizes of Sentences Given to Children

1. The laws shall limit the types and size of administrative penalties given to children.
2. The size of penalty or sentence given a child must be smaller than that given to an adult, while in nature (kind), it should be in keeping with the child's age.
3. Capital punishment or life imprisonment of children shall be prohibited.

ARTICLE 52. Designation of Enforcement Measures for the Child Offender which are Alternative to Sentencing

A child who has for the first time committed a crime through negligence or a minor or less serious premeditated crime may be relieved of criminal liability, provided the conditions have been established in the Criminal Code. Reformatory sanctions provided for in the Criminal Code shall be imposed on such a person and a child who has committed a misdemeanour.

ARTICLE 53. Specific Characteristics of Child Process Rights and Their Guarantees

1. Criminal process cases, wherein a child is suspected to have committed a criminal act, must be conducted in the presence of a defence attorney. Parents or other legal representatives of the child, an educator and a representative of an institution protecting the rights of the child must also be present, in circumstances specified by law.

2. A child shall not be subjected to any physical or mental coercion. A child shall not be forced to testify against himself, his parents and other family members and to admit his own guilt.

3. In examining cases of violations of rights of the child, the court must observe all process regulations and specifics relevant to the child. While setting sentence or penalty for the child, it is important to take into account his age, personality characteristics, living and educative conditions and other circumstances specified by laws.

4. Administrative or other liability established by laws shall be applied for publication in the press or other media of the information identifying the person (name, surname) of a child who is suspected of having committed a criminal act, being tried or sentenced for a criminal act.

ARTICLE 54. Rights of the Child Whose Liberty has been Restricted or Deprived and Their Guarantees

1. Arrest or deprivation of liberty of a child in instances provided by laws, shall only be possible per court (judge) sentence (ruling, decision, verdict). Arrest, deprivation of liberty, or any

other restriction of liberty of a child, must be substantiated, as brief as possible and applied only in exceptional circumstances.

2. Parents or other legal representatives of the child and in their absence, the institution for Protection of the Rights of the Child, must be informed at once, about the child's detention, arrest, another form of restriction or deprivation of liberty.

3. A child who has been detained or arrested shall have the right to immediate legal or another type of required assistance, and shall also, have the right to dispute in court, the legality of restriction or deprivation of his liberty.

4. A child, whose liberty is restricted or deprived, must be held separately from adults, with the exception of instances that are cited by laws, whence this shall not be appropriate in consideration of the child's interests.

5. Upon restriction or deprivation of a child's liberty, his other rights (right to education, and physical, mental, spiritual and moral development) that are not directly linked with the restriction or deprivation of liberty, may not be restricted. This type of child shall have the right to maintain ties with his parents (legal representatives), other family members, relatives and those close to him, through correspondence and encounters with them, excepting in extraordinary instances cited by law, when all this may exert a detrimental influence on the child.

6. The Penal Code and other laws shall establish the procedure and conditions of serving of the sentence by a child.

CHAPTER IX

LIABILITY FOR VIOLATIONS OF RIGHTS OF THE CHILD

ARTICLE 55. General Provisions

Individuals, who have been in violation of the rights of the child, established in the Constitution of the Republic of Lithuania, this Law and other laws and legal acts regulating the protection of the rights of the child, shall be liable according to the procedure established by laws.

ARTICLE 56. Liability of Parents and Other Legal Representatives of the Child

Civil, administrative and criminal liability, established by laws, shall be applied for parents and other legal representatives of the child, who shall be in violation of the child's rights, avoid or fail to fulfil their obligation to educate, teach, supervise, support the child, subject child to cruel treatment, or otherwise abuse their rights and obligations.

2. In the event a father (mother) or another legal representative of the child, shall be in violation of the rights of the child, inflict cruel treatment upon him or abuse his own rights (obligations) in another fashion, the child himself and other individuals, shall have the right to seek assistance from the institution of child rights protection, law protection or another institution which must employ measures provided by law.

3. When parents (father, mother) or any other legal representative of a child abuses the parental authority by committing acts of violence or otherwise causing danger to the child and therefore there is a real threat to the child's health or life, the state institution for the protection of the rights of the child or a state institution for the protection of the rights of the child together with the police shall immediately take the child away from the parents or any other legal representatives of the child and transfer him for guardianship (curatorship) in accordance with the procedure laid down by the Civil Code. In this case a police officer shall have the rights provided for in subparagraph 3 of paragraph 1 of Article 18 of the Law of the Republic of Lithuania on Police Activities. Having taken away the child, the state institution for the protection of the rights of the child shall immediately notify the child's parents or other representatives of the child about this fact.

ARTICLE 57. Liability of Other Natural and Legal Persons

1. Natural and legal persons, who shall unlawfully interfere with a child availing himself of his rights and freedoms, or who shall otherwise violate the rights of the child, shall be held liable according to the procedure established by laws.

2. Authorities of instructional, educative, treatment and other institutions, educators or individuals equivalent to them, and the administration of these institutions shall be held responsible for the education of the children under their supervision. In the event these persons fail to fulfil their obligations or fulfil them inadequately and harm their charges physically or mentally or otherwise violate the rights of the child, they shall be held liable according to procedure established by laws.

3. State and municipality employees, who are responsible for the education and supervision of the child, must at once inform competent institutions concerning violations of the rights of the child, which have come to their attention.

4. State and municipality officers and other employees, who fulfil the functions of educating children, may be dismissed from their positions, according to procedure established by laws, when their behaviour becomes amoral, even if this occurs outside work.

CHAPTER X

SYSTEM OF INSTITUTIONS FOR PROTECTION OF RIGHTS OF THE CHILD

Article 58. Institutions for Protection of Rights of the Child and Organisation of Their Activity

1. In the Republic of Lithuania, protection of the rights of the child is ensured by:
 - 1) the state and its institutions;
 - 2) municipal institutions;
 - 3) public organisations, whose activity is linked to protection of the rights of the child.
2. The state and municipal institutions shall encourage and support voluntary activity by public organisations and also by traditional and state - recognised religious communities, in the sphere of protection of rights of the child.
3. The state and municipal institutions shall establish and fund institutions (services) for protection of the rights of the child, and organise their activity.

ARTICLE 59. State Institutions and Protection of the Rights of the Child

1. The Seimas, the Government, ministries, the Prosecutor's Office and other state institutions of the Republic of Lithuania shall, within the scope of their competence which is established by the Constitution of the Republic of Lithuania, this Law as well as other laws and legal acts, prepare and implement the measures in the sphere of the protection of the rights of the child and the defence thereof.
2. In the sphere of the protection of the rights of the child and the defence thereof the Government of the Republic of Lithuania shall:
 - 1) prepare and submit to the Seimas for consideration drafts of laws and other legal acts, approve programmes;
 - 2) enforce this Law as well as other laws and legal acts;
 - 3) in the prescribed manner assign the field of the administration of the protection of the rights of the child to the competence of one ministry;
 - 4) establish the competence of other ministries.
3. The competence of the ministry in the sphere of the protection of the rights of the child:
 - 1) to shape and implement a policy of the protection of the rights of the child and to ensure the adequate protection of the rights of the child together with other state and municipal institutions;
 - 2) to provide methodological assistance to municipal institutions and establishments;
 - 3) to perform other functions laid down by laws, legal acts and regulations of the ministry.

4. The Children's Rights Ombudsman shall, within the scope of his competence, be responsible for the control and supervision of the enforcement of the laws and other legal acts regulating the protection of the rights of the child.

ARTICLE 60. Municipal Institutions and Protection of Rights of the Child

1. Protection of rights of the child shall be guaranteed by the appropriate municipal board, municipal executive institutions, protection of rights of the child institutions (services), police inspectors in charge of minors' (youth) affairs, and also, schools and other institutions, which prepare and implement measures for protection of rights of the child, and prevention of violations of children's rights.

2. Corresponding laws and other legal acts shall establish the activity and competence of the institutions cited in part one of this article.

ARTICLE 61. Public Protection of the Rights of the Child

1. Public protection of the rights of the child shall be implemented through the co-operation of public organisations with state and municipal institutions while observing the provisions of this Law as well as of other legal acts which regulate the protection of the rights of the child.

2. Councils for the protection of the rights of the child of municipal communities shall function under the municipal councils. They shall be set up and their regulations shall be approved by the municipal councils. The councils for the protection of the rights of the child of municipal communities shall consist of representatives of municipal institutions, institutions (services) of the protection of the rights of the child, juvenile (youth) police inspectors, educational, childcare establishments; a council may also include representatives of children (youth) organizations or/and schoolchildren councils, public organizations active in the field of the protection of the rights of the child or/and religious communities which are traditional and recognized by the State as well as other establishments and organizations.

3. Within the municipal territory the councils for the protection of the rights of the child of municipal communities shall, within the scope of their competence, present proposals to municipal institutions concerning the formation of a policy of and a strategy for the protection of the rights of the child of the municipal communities as well as the setting of their priorities, concerning the preparation and implementation of the measures designed to protect the rights of the child and to prevent violations of the rights of the child; the abovementioned councils shall also perform other functions provided for in their regulations.

4. The councils for the protection of the rights of the child of municipal communities shall enjoy the right to obtain from state and municipal institutions and municipal establishments the information for the fulfilment of the functions laid down in this Law and their regulations.

CHAPTER XI

FINAL PROVISIONS

Article 62. Coming Into Effect and Implementation of Law

The Republic of Lithuania Law on Procedure for Implementation of Principles of Protection of Rights of the Child shall establish the coming into force of paragraph one of Article 10, paragraph three of Article 13, paragraph three of Article 21, Articles 23 and 25, paragraph two of Article 35, Article 37, paragraph two of Article 44, paragraph two of Article 45, Articles 46, 47, 49, and 53, and paragraph three of Article 59 and the procedure for implementation of this Law.