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NATIONAL LEGAL INNOVATION STRATEGY FOR LITHUANIA: THE RIGHT OF EVERY CHILD TO INCLUSIVE EDUCATION

Authors: Ugnė Grigaitė,
Jūratė Guzevičiūtė,
Aurelija Auškalnytė

NGO Mental Health Perspectives
(VšĮ “Psichikos sveikatos perspektyvos”)

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1. Introduction

According to official statistics the number of children with disabilities in Lithuania was as high as 17.7 thousands in the beginning of the year 2016.¹ As far as the legislation goes, Lithuania is considered to have a comprehensive legal base, in which fundamental rights of children with disabilities, are enshrined.² United Nations (UN) Convention on the Rights of the Child (CRC) and UN Convention on the Rights of Persons with Disabilities (CRPD) have been ratified in 1995 and 2010 respectively and thus form an integral part of the country's legal system. Despite that, the CRPD Committee emphasised in 2016 that Lithuania's national laws and regulations do neglect the social and relational dimensions of disability and include derogatory language; thus, a re-definition of disability moving away from the bio-medical model towards the social model is urgently needed.³ As important would also be a reduction of the widespread stigma and negative portrayal of children with disabilities, in the media. Additionally, major problems arise when considering the practical implementation of the existing laws and regulations.

With regards to the **right to live in the community** in Lithuania, violations of rights are caused by the lack of accessibility to physical environment, as well as to other aspects of life, which leave a lot of children with disabilities, at least partially segregated from the community. To make matters worse, a large number of children in general are still living in residential social care institutions. Amongst them there are almost 700 children with disabilities.⁴ The UN CRPD Committee recently criticised Lithuania for continuous placing of children with disabilities, who are under 3 years of age, into residential care institutions⁵; these are called "Homes for Infants with Disturbed Development" (*Sutrikusio vystymosi vaikų namai*). Reportedly most of the children placed into these homes do not in fact have any disabilities upon their arrival, nevertheless, they are assigned a diagnosis anyway. Sadly, this becomes a self-fulfilling prophecy: according to research, even a short period of time spent in an institution negatively affects the development of the brain.⁶ Even though the programme of deinstitutionalisation was introduced by the Ministry of Social Security and Labour in 2014, the implementation of it is still at its very initial stages of *preparation* for the reform now in the year 2017. Non-governmental organisations (NGOs) frequently express alarming concerns about the implementation's effectiveness and quality, and repeatedly ask for more transparency and information to be made publicly available by the responsible authorities.⁷ The UN CRPD Committee backs-up NGOs' concerns, especially with regards to questionable distribution of European Union (EU) funds intended for these reforms.⁸

The implementation of the **right of children to health** is partially denied as a result of the lack of holistic community-based support, including the alternative services for families and carers of children with disabilities, especially in rural areas.⁹ Access to psychosocial rehabilitation is usually untimely and the quality of it is far from satisfactory: there are long queues, underdeveloped infrastructure, lack of

¹ The report of the National Audit Office of Lithuania (*Ar ankstyvosios reabilitacijos paslaugos ir įtraukusis ugdymas atitinka neįgaliųjų vaikų poreikius ir užtikrina jų socialinę integraciją*), 2016, Nr. VA-P-10-4-27.

² Grigaitė U. 'Country report on Lithuania for the Study on Member States' Policies for Children with Disabilities', European Parliament, Brussels, 2014.

³ Concluding observations of the UN CRPD Committee (CRPD/C/LTU/CO/1, 2016)

⁴ Data gathered by NGO Mental Health Perspectives communicating with Ministry of Social Security and Labour, 2016.

⁵ Concluding observations of the CRPD Committee (CRPD/C/LTU/CO/1, 2016)

⁶ 'Common European Guidelines on the Transition from Institutional to Community-based Care' (2012) available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumentai_pdf/sociala/CEG.pdf, p. 10, 21, 47 and 49.

⁷ Example of these statements: https://drive.google.com/file/d/0B_XlSdy-T1jNbTBOaGkyZ2ZWRkk/view

⁸ Concluding observations of the CRPD Committee (CRPD/C/LTU/CO/1, 2016)

⁹ Grigaitė U. 'Country report on Lithuania for the Study on Member States' Policies for Children with Disabilities', European Parliament, Brussels, 2014.

specialists, as well as of diagnostic tools and standards for treatment.¹⁰ NGOs have been continuously urging the Ministry of Health to take action towards changing the existing situation, especially to address the lack of quality, timely and holistic support for children with intellectual and/or psychosocial disabilities.¹¹

There is also a lack of comprehensive **access to justice** for children with disabilities. Children are not fully involved in decision making processes,¹² there is also a lack of individual assessment, which is needed in order to ensure every child's best interests in courts; moreover, these interests are often considered at the very basic level of physical needs only.¹³ The juvenile justice system is based on short-term punishment measures and not on re-socialisation or empowerment.¹⁴ There is a lack of independent monitoring mechanisms and statistical information In general, which could allow evaluating the situation of children with disabilities in the judicial proceedings more effectively.

The major challenge to ensure **freedom from ill-treatment** is based on the Law of Fundamentals of Protections of the Rights of a Child, in which up until February 2017 the right of parents to discipline the child was stated, with an exception of using physical and mental torture or other cruel acts and humiliation of the child's honour and dignity. Despite the UN CRC Committee's recommendations, corporal punishment was not banned and different forms of violence including psychological/emotional violence were not defined by law in Lithuania up until the early 2017. Children in institutions are believed to be in an even higher risk of experiencing all types of violence.¹⁵ The UN CRPD Committee urges Lithuania to implement a plan of action to eliminate all forms of sexual abuse and violence against children with disabilities, in and outside of residential care institutions.¹⁶

The exercising of the **right to inclusive education** in Lithuania is too hindered by a number of problems, some of which were mentioned above: access to physical environment, societal stigma and lack of specialist tools for educators and individual assistance, amongst others. All of these problems reflect in the fact that the proportion of children with disabilities, attending fully or partially integrated classes is continuously shrinking. These specific issues related to the **right of children to Inclusive education** will be discussed in more detail further in this strategy. This specific right has been singled out for addressing in the strategy due to the current political climate in Lithuania, which is for the first time rather favourable for efforts in this specific field.

¹⁰ The report of the National Audit Office of Lithuania (*Ar ankstyvosios reabilitacijos paslaugos ir įtraukusis ugdymas atitinka neįgaliųjų vaikų poreikius ir užtikrina jų socialinę integraciją*), 2016, Nr. VA-P-10-4-27.

¹¹ NGO Mental Health Perspectives, Alternative Plan (2016-2018) for the Lithuanian Mental Health and Suicide Prevention Strategy.

¹² Concluding observations of the CRPD Committee (CRPD/C/LTU/CO/1, 2016)

¹³ Grigaitė, U. 'Access to Justice for Children with Psychosocial or Intellectual Disabilities in Administrative, Civil and Criminal Law in Lithuania' (*Vaikų, turinčių psichikos sveikatos sutrikimų ar negalią, teisė į teisingą teismą administracinėje, civilinėje ir baudžiamojoje teisėje Lietuvoje, VŠĮ „Psichikos sveikatos perspektyvos“*, Vilnius, 2014).

¹⁴ Grigaitė U. 'Country report on Lithuania for the Study on Member States' Policies for Children with Disabilities', European Parliament, Brussels, 2014.

¹⁵ Ibid.

¹⁶ Concluding observations of the CRPD Committee (CRPD/C/LTU/CO/1, 2016)

2. Key Stakeholders

		Level of interest	
		Low	High
<i>Mendelow power-interest matrix</i>			
Level of power	Low	A) Minimal effort: <i>Special Schools;</i> <i>Mainstream Schools</i>	B) Keep informed: <i>Ombudsperson for Children’s Rights;</i> <i>Ombudsperson for Equal Opportunities;</i> <i>Academia</i>
	High	C) Keep satisfied: <i>Municipalities</i>	D) Key players: <i>NGOs, children and families;</i> <i>Ministry of Education and Science</i>



All of the **key stakeholders** outlined in the table above have been in regular contact and cooperation for several years, whilst working towards a more effective implementation of the right of every child to inclusive education in Lithuania. Multi-sectoral working groups at the **Ministry of Education and Science** have been established on numerous occasions, consultations were held and meetings organised. Unfortunately, most of these measures often ended up being ineffective and with no real changes following on the ground. However, with the **new Government** formed in the country, the year 2017 has started with more **political will** by the new Minister of Education and Science being demonstrated in this particular area than ever before. Additionally, during the Strategy Day-Discussion titled “Safeguarding Children’s Right to Inclusive Education in Lithuania” on 30th November 2016, the representatives of the Ministry of Education and Science proclaimed that reducing the number of children with disabilities, attending special schools, and implementation and ensuring of inclusive education in Lithuania is now the official position and goal of the Ministry. They also raised their concerns that the current Law on Education needs reviewing in order to make it in line with the UN CRC and CRPD, and based on the global evidence base and best practice examples from around the world.¹⁷ The Ministry organised a meeting with representatives of NGOs on 20th

¹⁷ NGO Mental Health Perspectives, Minutes of the Strategy Day-Discussion, 30th November 2016.

February 2017 and confirmed that they are working on developing the concept and Action Plan in order to ensure access to inclusive education for children.¹⁸

However, there is a different situation with regards to **Municipalities**, where there is a lack of systemic approach, lack of specific knowledge on the topic and no specific direction towards ensuring inclusive education for all children.¹⁹ This is a significant issue, due to Municipalities playing an important and semi-independent role in making related choices and decisions, allocating funding and organizing education and services for children with disabilities at the local level. Additionally, there are major problems with regards to collection of clear, reliable and consistent statistical data, as well as the lack of records of individual cases. The main positive potential for change is the fact that as of 1st September 2017 a **new specialist position** will be introduced in Municipalities: the Coordinator of Inter-sectoral Collaboration, who will be responsible for coordination of education, social and health services for children with disabilities and their families up until the child reaches the age of 18.²⁰

3. The Right to Inclusive Education

Legal Obligations

Lithuania ratified the **UN CRC** in 1995, and the **UN CRPD** in 2010. Article 24 of the Convention provides that States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunities, State Parties must ensure an inclusive education system at all levels, as well as the life-long learning. As indicated by the UN CRPD Committee in its General Comment No. 4, State Parties must ensure the realization of the right of persons with disabilities to education through an inclusive education system at all levels, including pre-school, primary, secondary and tertiary education, vocational training and life-long learning, extra-curricular and social activities.

Lithuanian **Law on Integration of People with Disabilities** establishes that persons with disabilities, have the same rights as other members of society; thus, they have the same opportunities as other members of society regarding education (Article 3). The **Law on Education** provides for the right to study, acquire education and qualifications. The State is obliged to take measures in order to ensure that every child has an opportunity to study in the pre-school, elementary, primary, and secondary education programmes, according to Article 24 of this Law.

¹⁸ NGO Mental Health Perspectives, Minutes of the meeting at the Ministry of Education and Science, 20th February 2017.

¹⁹ NGO Mental Health Perspectives, Minutes of the Startegy Day-Discussion, 30th November 2016.

²⁰ Amendment to the Law on Education: <https://www.e-tar.lt/portal/lt/legalAct/b69129c04a7311e6b5d09300a16a686c>

Factual Background

There is an alarming tendency of children with disabilities, not to attend mainstream schools in Lithuania. The numbers have actually shrunk from **6,142** children in mainstream schools in the year 2013 to **5,673** children in the year 2016. This is slightly more than 60 % of the total number of children with disabilities, in educational programmes (**9,123** children in total). The remaining number of children either attend schools dedicated to special education, or are home-schooled.²¹ Unfortunately, the future perspectives are grim even for those children, who do attend inclusive or integrated classes: only 1 % of people going into higher education are ones with a disability.²²

There are numerous **reasons** for the low number of children with disabilities in mainstream education. Most commonly, schools are simply not prepared to accept children with disabilities. This includes there being a lack of appropriate support and means that are necessary for the children with disabilities, in order to participate; physical inaccessibility of schools; lack of qualified staff; lack of resources; or mere unwillingness. In 2016 National Audit Office reported a lack of physical accessibility (half of evaluated schools were inaccessible; in one of the districts only 26% of schools were accessible), the lack of specialists qualified to work with children with disabilities and the tools needed (half of evaluated school were short of specialists and/or tools). Also, there are no related **awareness raising** programmes on disability and education on either the municipal or the national levels, and only one third of professionals, who work in the education system, develop their skills with regards to working with children with disabilities on trainings. Another cross-cutting issue reported by the National Audit was that pre-school education for children growing up in **families on the 'Families at Risk' register** is not ensured and this is not supervised at all at Municipalities.²³

The Specific Goal of the Strategy

Lithuania was criticised by the UN CRC Committee for not implementing the **non-discrimination principle** with regards to access to education for all children back in 2006; however, the situation has not changed much since.²⁴ In addition to the negative practices, Lithuania also does have legislation that discriminates in place. For example, in 2011, the Minister of Education and Science adopted **an Order** on the Organizing of Education for Children with Special Educational Needs No. V-1795²⁵, which basically prevents children with intellectual disabilities, from graduating from schools and thus obtaining mainstream secondary education.

²¹ The report of the National Audit Office of Lithuania (*Ar ankstyvosios reabilitacijos paslaugos ir įtraukusis ugdymas atitinka neįgaliųjų vaikų poreikius ir užtikrina jų socialinę integraciją*), 2016, Nr. VA-P-10-4-27.

²² Data from NGO Lithuanian Disability Forum: <http://www.liberties.eu/en/news/lithuania-lack-of-inclusive-education>

²³ The report of the National Audit Office of Lithuania (*Ar ankstyvosios reabilitacijos paslaugos ir įtraukusis ugdymas atitinka neįgaliųjų vaikų poreikius ir užtikrina jų socialinę integraciją*), 2016, Nr. VA-P-10-4-27.

²⁴ Concluding Observations of the CRC Committee (CRC/C/LTU/CU/2, 2006)

²⁵ The Order by the Minister of Education and Science on the Organizing of Education for Children, who have Special Educational Needs (2011 m. rugsėjo 30 d. Švietimo ir mokslo ministro įsakymas Nr. V-1795 „Dėl mokinių, turinčių specialiųjų ugdymosi poreikių, ugdymo organizavimo tvarkos aprašo patvirtinimo“): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.408141?positionInSearchResults=0&searchModelUUID=578d7fc4-ed8e-4b12-a423-43aa26e27eea>

LIETUVOS RESPUBLIKOS
ŠVIETIMO IR MOKSLO MINISTRO
ĮSAKYMAS

DĖL MOKINIŲ, TURINČIŲ SPECIALIŲJŲ UGDYMO SI POREIKIŲ, UGDYMO
ORGANIZAVIMO TVARKOS APRAŠO PATVIRTINIMO

2011 m. rugsejo 30 d. Nr. V-1795
Vilnius

Vadovaudamasis Lietuvos Respublikos švietimo įstatymo (Žin., 1991, Nr. 23-593; 2011, Nr. 38-1804) 14 straipsnio 1 dalimi:

1. T v i r t i n u Mokinių, turinčių specialiųjų ugdymosi poreikių, ugdymo organizavimo tvarkos aprašą (toliau – aprašas) (pridedama).

2. N u s t a t a u, kad mokiniai, turintys specialiųjų ugdymosi poreikių dėl intelekto sutrikimo:

2.1. ugdyti pagal adaptuotą pradinio ugdymo programą ar specialiąją pradinio ugdymo programą, ugdomi pagal pradinio ugdymo individualizuotą programą;

2.2. ugdyti pagal adaptuotą pagrindinio ugdymo programą ar specialiąją pagrindinio ugdymo programą, ugdomi pagal pagrindinio ugdymo individualizuotą programą;

2.3. priimti į adaptuotą vidurinio ugdymo programą iki 2011 m. liepos 1 d., ugdomi pagal adaptuotą vidurinio ugdymo programą;

2.4. nuo 2012 m. rugsejo 1 d. baigę pagrindinio ugdymo individualizuotą programą, gali tęsti mokymąsi pagal profesinio mokymo programą arba ugdytis pagal socialinių įgūdžių ugdymo programą.

3. N u s t a t a u, kad mokiniai, vieno ar kelių dalykų mokėsi pagal adaptuotą pradinio ugdymo programą ar adaptuotą pagrindinio ugdymo programą, teisės aktų nustatyta tvarka pakartotinai įvertinus jų specialiuosius ugdymosi poreikius, ugdomi atitinkamai pagal pradinio ugdymo programą ar pagrindinio ugdymo programą, jas pritaikius vadovaujantis šio įsakymo 1 punkte nurodyto aprašo 10 punktu arba – pagal pradinio ugdymo individualizuotą programą ar pagrindinio ugdymo individualizuotą programą.

ŠVIETIMO IR MOKSLO MINISTRAS

GINTARAS STEPONAVIČIUS

The Order provides that children with special educational needs due to having an intellectual disability, as of 1st September 2012 may only continue onto a **vocational training programme** or a **social skills development programme**, following the completion of their individualised programme of basic education. In practice this means that children with intellectual disabilities, as well as autistic spectrum conditions, are **denied access** to the mainstream secondary education (i.e. the final 11th and 12th grades, following the first 10 grades of **basic education**).²⁶ As long as this Order of the Minister is in force, the schools use it as a justification for preventing children with intellectual disabilities, from entering 11th and 12th grades, and consequently obtaining and completing **secondary education**. The ‘alternatives’ of vocational training and/or social skills development programmes presented to these children not only are inadequate solutions for the children and their families, but they also violate Lithuania’s legal obligation to ensure the right to education to all children. Furthermore, it should be noted that as practice has revealed, the vocational training and social skills development programmes are not in fact available anywhere in the country, also the types of vocations available for studying are limited to very few and are impractical, and the chances for employment following the completion of these programmes are extremely slim.

Back in 2014 the Institution of the Ombudsperson for Children’s Rights (IOCR) investigated a complaint by the Lithuanian Welfare Society for People with Intellectual Disabilities *Viltis* and concluded that the Order is **discriminatory** in its nature and has to be reviewed.²⁷ The Order must be amended in such a way as to ensure equal access to education for all children, as well as to guarantee inclusive education. During the Strategy Day-Discussion in November 2016, the representatives of the Ministry of Education and Science

²⁶ Grigaitė U. ‘Country report on Lithuania for the Study on Member States’ Policies for Children with Disabilities’, European Parliament, Brussels, 2014.

²⁷ Report by IOCR of Lithuania in response to the complaint by Lithuanian Welfare Society for People with Intellectual Disabilities ‘Viltis’, 25/02/2014 No. (6.1.-2013-254)PR-34.

agreed that the Order was outdated and did not meet the international obligations of Lithuania.²⁸ As this Strategy seeks to ensure **inclusive education** for all children with disabilities, in Lithuania, the above outlined provisions of the Order must be **revoked**, thus ensuring that each child has a full right to (secondary) education. Additionally, it is necessary to **review** the Law on Education and put in place the **overall system** and measures that would ensure that each child has access to **adequate support** and **reasonable accommodations**, whenever these are needed.

4. Overview of the Legal Remedies

In order to address the issues described in Section 3 of this Strategy above, i.e. to ensure access to secondary education (11th and 12th grade) for children with intellectual disabilities, several legal remedies are at disposal. The specific choice for one highly depends on (1) the preferences of the **complainant** (e.g. the majority of parents are often not willing to get into litigation processes with the school, which their children attend or are supposed to attend; they would rather litigate with the Municipal or State institutions); (2) **time** available to the complainant (i.e. how long is it before the new academic year starts); (3) **objectives and impact**, which are to be achieved; (4) **resources** available for the litigation, and other circumstances.

- ❖ If a child is refused access to a **public school**, the decision of the school might be challenged as an individual administrative act before the **administrative court**;
- ❖ If a child is refused access to a **private school**, the decision of the school might be challenged as a discriminatory action/inaction before the **civil court**.
- ❖ If the schools are acting upon the order/decision of a particular **Municipality**, the decision of the Municipality might be challenged before the **administrative court**.
- ❖ There is also an option to challenge the **Order of the Minister** of Education and Science by bringing a discrimination case before the **civil court**; or to claim for a compensation of damages based on discrimination before the civil court.

For the purpose of **strategic litigation**, the best way to proceed would be initiating a **discrimination** case. It should be noted, however, that the discrimination case can be initiated only by the victim herself/himself (or his/her legal representatives) rather than any interested person (e.g. NGO) arguing discrimination per se.

However, if the lawfulness of the legal acts is to be challenged, national legislation provides for other possibilities. To be exact, Article 112 of the Law on Administrative Proceedings provides for an abstract application to examine lawfulness of a normative administrative act. It states that Members of Parliament, Parliamentary Ombudspersons, Child's Rights Ombudsperson, Equal Opportunities Ombudsperson, State Audit officers, courts, prosecutors, vocational associations established to carry out public functions have the right to address the administrative court with an application to examine if the normative administrative act is not in contradiction with the law. This litigation option could be considered if no victim herself/himself is willing to initiate and pursue the case.

²⁸ NGO Mental Health Perspectives, Minutes of the Strategy Day-Discussion, 30th November 2016.

5. Case Selection

Relevance

Implementation of the right to inclusive education is of significant importance and urgency in Lithuania. The segregation of children with disabilities is widespread and discriminatory practices persist in the country, despite it having had ratified the UN CRC in 1995, and UN CRPD in 2010. Lithuania had its first review at the UN CRPD Committee in 2016, and one of the Concluding Observations was clearly urging Lithuania to “**adopt and implement a coherent strategy on inclusive education in the mainstream educational system in accordance with article 24 of the Convention**”²⁹. Litigating this issue would therefore tackle one of the fundamental principles of UN CRPD, which affects a large number of children in Lithuania.

Strength

A strong case presents many advantages for litigation. The following qualities, when met in a case, make it stronger and safer, and hence, ensure that litigation is beneficial for the wider target group and the individual client:

- ❖ The client is motivated, i.e. the client not only is seeking primary solution to his/her particular problem, but also wishes to seek systemic changes and advance the rights of children with disabilities;
- ❖ The client is not currently facing any substantial risks or potentially problematic situations regarding their personal, work or family life, which could potentially be further negatively affected by litigation;
- ❖ The client has a good circle of support, be it a network of other parents of children with disabilities or support from NGOs, and/or other service providers;
- ❖ It is feasible to collect quality evidence related to the case, which is convincing to the court.

Ethical Considerations

- ❖ The risks are considered and addressed with regards to whether the child and their family are going to end up in an unfavourable situation, when the child has to continue attending his/her current school, whilst the litigation is ongoing;
- ❖ Can the pressure of long-term litigation be handled by the family;
- ❖ Is all other potential and available support accessible to the family, whilst litigation is ongoing;
- ❖ Is the child provided with all needed support, when required to integrate into a mainstream school, where they may be subjected to bullying.

6. Litigation plan

Litigation Route to Follow

- ❖ Since the Order of the Minister of Education and Science is not only violating the right to education of children with disabilities, but is also discriminatory in its nature, the litigation should focus on establishing the **case of discrimination**. For this purpose, involvement of the **Equal Opportunities**

²⁹ Concluding observations of the UN CRPD Committee (CRPD/C/LTU/CO/1, 2016).

Ombudsperson would be a very valuable asset and would likely give some extra weight to the case once it reaches court.

- ❖ If the victim of discrimination (or his/her legal representative) is willing to initiate the litigation process, and the time is not an issue, one way to proceed would be addressing the Equal Opportunities Ombudsperson with a request to establish a discriminatory case under relevant legislation. Though the decision of the Equal Opportunities Ombudsperson is not binding and only of a recommendatory nature, it will nevertheless serve as a strong piece of evidence once the case is brought before the court.
- ❖ The case should then be brought before the **civil court** arguing both discrimination and the violation of the right to education. In addition, if the victim so chooses and necessary evidence is available, a request for compensation of damages might be included.
- ❖ If there is no victim identified, who is willing to pursue the litigation herself/himself, Article 112 of the **Law on Administrative Proceedings** should be invoked.
- ❖ Since this is a discrimination issue, the Equal Opportunities Ombudsperson is best placed to address the court to solve this matter. In addition, since the Institution of the Ombudsperson for Children’s Rights did already look at this matter in the past (the investigation into the complaint by the Lithuanian Welfare Society for People with Intellectual Disabilities *Viltis*), the application to the court by the Equal Opportunities Ombudsperson’s Office would only be the next logical step to follow.

<u>Potential Risks</u>	<u>Potential Mitigation of Risks</u>
<ul style="list-style-type: none"> ❖ Difficulties identifying the client; ❖ The potential cases being time-barred; ❖ The pressure of the litigation being too great for the client to handle; ❖ The litigation negatively affecting children and their families, their access to education and other services, them being subjected to bullying, stigma and discriminatory practices, as a result of pursuing the litigation; ❖ Litigation being ended prematurely due to any external or internal factors; ❖ Evidence being insufficient for the court; ❖ Negative and stigmatizing media coverage; 	<ul style="list-style-type: none"> ❖ Close cooperating with other NGOs, schools, municipalities, Ombudsperson for Children’s Rights and/or Ombudsperson for Equal Opportunities will help identify the client. ❖ Adequate support will be ensured for the client by partner and other organizations, also such services as psychologist support will be sought, as and when necessary to support the child and their family through the high-pressure activities. ❖ Such clients will be sought, whose motivation is to reach an important systemic decision with potential impact for all children with disabilities. If possible, two cases will be litigated to mitigate the risk of early drop-out or premature end to litigation. ❖ Child/family protection policy will be developed and implemented with various relevant partners and support services, as well as appropriate partners in the media, if necessary.

<ul style="list-style-type: none"> ❖ Lack of financial and human resources to pursue the litigation until the end; ❖ Positive decision not being implemented in practice due to a lack of resources. 	<ul style="list-style-type: none"> ❖ The chosen case will have strong background evidence. If possible, two cases will be litigated with different requirements as to the evidence, to mitigate the risk of lack of quality evidence. ❖ A media strategy will be developed and implemented in order to cover the case from a human rights based, positive, confidential, and anonymous perspective, if needed. ❖ The decision implementation monitoring strategy will be developed and adopted in order to make sure that a positive decision contributes to the desired outcome in practice.
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7. Follow-up Activities

❖ Advocacy:

1. The Ministry of Education and Science, with close consultation with children, their families, NGOs, and other experts in the field, to develop and adopt a Strategy for Transition from Segregated to Inclusive Education in Lithuania, as well as a more specific Action Plan, with allocated adequate financial and human resources, and guidelines for practical implementation;
2. Municipalities to follow the lead by the Ministry and adhere to the new policies, when implementing the Action Plan, organizing the new systems and services on the ground.

❖ Media/ Public Relations:

1. Continuous work with media representatives with the aim to help spread awareness and appropriate information about the rights of children with disabilities and their families, their lives, inclusive education, and support needed, available and accessible;
2. Coverage of litigation processes, outcomes, implementation of decisions, and longer-term impact.

❖ Education/ Awareness Raising:

Continuous work and project implementation in the areas of societal education and awareness raising about children with disabilities and their rights, negative effects of segregation, best practices and alternative models and approaches, existing available and accessible services, as well as vision for the future.

8. Resources

A. Human Resources

- a. Local non-governmental organizations, associations of families of children with disabilities, Ombudspersons' Offices.
 - i. Informing on the lives of children with disabilities and families, challenges they face, and the existing segregation in the education system.
 - ii. Searching for and identifying the clients.
 - iii. Supporting the clients, cooperating with the lawyers and families of children with disabilities.
 - iv. Supporting and organizing education, communications and media related activities.

- v. Organizing advocacy activities.
- b. Municipalities and related services.
 - i. Informing of the type of services, known good practices of cooperation between schools, social services, and families.
 - ii. Providing specific information, such as statistics or evidence on the more specific details of the case.
- c. Local lawyers.
 - i. Accepting clients in cooperation with the NGOs.
 - ii. Conducting domestic litigation.
 - iii. Cooperating on advocacy and other follow-up activities.
- d. International NGOs.
 - i. Supporting advocacy and communications activities.
 - ii. Supporting litigation on the domestic level.
 - iii. Supporting litigation on the international level.
 - iv. Help to wider disseminate the outcomes of the research, litigation, and of advocacy efforts.

B. Financial Resources

- a. Court fees
 - i. These activities will be carried out on the capacity of NGOs.
 - b. Related cost of litigation (lawyers' fees, postal costs, transport costs to get to the trial, printing, research, etc.)
 - i. Funds can be raised by a public campaign, or on a project basis;
 - ii. Funds can be raised by targeted fundraising, e.g. targeting concrete entrepreneurs, private companies, charities;
 - iii. Pro-bono lawyers can and will be involved in litigation, as well as volunteers and law-faculty students.
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