

ŠIAULIAI UNIVERSITY

Dalė Kabašinskaitė

**CHILD'S RIGHTS AND POLICY: *THE CONTEXTS OF
SOCIAL- EDUCATIONAL RECONSTRUCTIONS***

Doctoral dissertation

Social Science, Education (07 S)

Šiauliai, 2006

Doctoral dissertation was prepared 2001 09-2002 06 and 1999 02- 1999 05 at Gotheborg University,
The dissertation was supported by the Swedish Institute and Lietuvių Tautos fondas.

Academic supervisor:

assoc. prof. dr. **Maren Bak** (Gotheborg University, Social Science, Social Work and Sociology – 05),
2001 09-2002 06 and 1999 02- 1999 05

Academic advisor:

prof. habil. dr. **Audronė Juodaitytė** (Šiauliai University, social science, educology – 07)

Acknowledgments

During my work on this study, many people supported me in one way or another by giving me an academic advice or just a little smile or serving with a cup of coffee. Many friends and colleagues will not be named here but will know that their support has meant a lot. I wish to express my words of gratitude to the following persons, in particular:

Maren Bak, Ph.D. Assoc. Prof. (Department of Social Work, Gotheborg University) - for her devout my work's supervision during the whole process of writing. This thesis would not have been possible without her academic competence and personal commitment. She has always seemed to be there when I needed support and was not only an academic supervisor but a friend as well. I was happy to work with her and also to have dinner at her home, enjoy her garden and have a little rest.

Audronė Juodaitytė, Prof. Habil. Dr. (Research Centre of Educational Science, Šiauliai University) - for her consultations to strengthen the socio-educational perspective in my dissertation; support, understanding and provision of a floor for defence of the dissertation at *Šiauliai University*.

Ilse Hakvoort, Ph.D. (Department of Education, Gotheborg University) - for reading and commenting on earlier drafts of the manuscript, for helping with translations from Swedish and for being a companion during walks in the parks of Gotheborg.

Kristina Bartley, Ph.D. (Department of Sociology, Gotheborg University) - for the consultations how to apply her model of analysis in my dissertation.

Solveig Hägglund, Ph.D. Prof. (Department of Education, Gotheborg University) - for the seminars on children's rights and discussions on my dissertation.

Marie-Louise Sandén, Ph.D. Prof. (Deptment of Behavioural Sciences, Linköping University) for discussions and comments on some chapters of the dissertation.

The colleagues and friends *Arnas Zdanevičius, Ph.D., Jolanta Reingardienė, Ph.D. and Irmina Matonytė, Ph.D.* - for discussions and comments on some chapters of the dissertation.

I would like to say the special word of gratitude to the *Swedish Institute*, which has funded my studies at Gotheborg University and made it possible to produce the dissertation and meet all the people who supported my work.

Gotheborg University - for a supportive academic atmosphere and provision of excellent conditions to do my work: library resources, a room and a computer.

Lietuvių Tautos fondas - for covering a part of expenses of the dissertation's defence.

The members of the Family and Child Commission at the Parliament of Lithuania, who despite their overcrowded schedule have found time for the interviews.

Indrė Butautytė - for correcting English in the manuscript, for her hospitality and for all days spent at her home.

Birutė Kabašinskienė - for editing the summary of my dissertation.

Dalija Snieškienė, Ph.D. and Snieguolė Povilaikaitė - for inviting me to work at their computers at their places.

Finally, I would like to thank my friend *Philippe*, who was with me during the happy hours and minutes of disappointment and who always was writing me letters of encouragement. I thank my sister *Rita* for her understanding and listening to me and my nephews *Martynas* and *Ignas* who sacrificed a lot by not listening to a loud music during my working hours.

Dalė Kabašinskaitė

June 2006

CONTENT

Introduction	5
1. SOCIAL-EDUCATIONAL THEORIES OF THE RIGHTS OF THE CHILD AND SOCIAL POLICY, AND METHODS	14
1.1. Childhood, Child's Rights and Policy	14
1.1.1. Understanding of Childhood in a Historical Perspective	15
1.1.2. Social-Educational Context of Traditional Theories in a Paradigm: Child as Future Adult	18
1.1.3. The new Paradigm: Childhood as a Social-Educational Construction	20
1.1.4. Construction of a Child as an Individual: the Perspective of the Rights of the Child	27
1.1.5. Construction of Children's Policy in the Context of Child Protection, Provision and Participation	30
1.2. Social Policy, Welfare State and Welfare Regimes as a Background for Social-Educational Reconstruction	36
1.2.1 Social Policy of the Socialist System	39
1.2.2 Typology of Welfare States According to Welfare Regimes	41
1.2.3 Typology of Post-communist Countries	47
1.2.4 Research on Children's Policy	49
1.3. Social-Educational Research Methods of Children's Policy	52
1.3.1. Framework of Lithuanian Children's Policy Analyses	52
1.3.2. Research Methodology	54
1.3.3. Research Methods	60
2. SOCIAL-EDUCATIONAL UNDERSTANDING OF CHILD'S RIGHTS AND SITUATION OF THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN LITHUANIA AND OTHER COUNTRIES (COMPARATIVE ANALYSIS)	60
2.1. The Social-Educational Understanding and Conventionality of the Rights of the Child	60
2.1.1. The UN Convention on the Rights of the Child	60
2.1.2. Lithuania and the Convention	62
2.1.3. Lithuania and the six OECD Countries	67
2.2. Social-Educational Context of Child Protection	70
2.2.1. The Right of the Child to Physical and Mental Integrity	70
2.2.2. The Right of the Child to Parental Upbringing	75
2.2.3. The Right of the Child to Suitable Alternative Care	78
2.2.4. Child Protection and Welfare Regimes	84
2.3. Social-Educational Context of Child Provision	88
2.3.1. The Right of the Child to Acceptable Standard of Living	88
2.3.2. The Right of the Child to Day Care	94
2.3.3. The Right of the Child to Both Parents	99
2.3.4. Child Provision and Welfare Regimes	103
2.4. Social-Educational Context of Child Participation	107
2.4.1. The Right of the Child to Participate in the Family Life	107

2.4.2. The Right of the Child to Participate in the Society	112
2.4.3. Child Participation and the Welfare Regimes	113
2.5 Children's Policy from the Politicians Point of View	115
2.5.1. Children's Issues as Political Priority	116
2.5.2. Child Protection	119
2.5.3. Child Provision	120
2.5.4. Child Participation	121
2.5.5. The Politicians' Point of View and the Convention on the Rights of the Child	128
CONCLUSIONS	130
DISCUSSION	133
<i>References</i>	136
Appendices	143
A. The List of the Laws	
B. The UN Convention on the Rights of the Child	
C. Interviews	

Introduction

Background and relevance of the subject. The 1989 UN Convention on the Rights of the Child (CRC) has added new contexts of understanding of childhood not only at micro but at macro level as well. The knowledge which construct understanding about children as subjects of rights and citizens of welfare state has also become more urgent and necessary both for professionals involved in direct work with children: pedagogues, educators, social workers, psychologist, and politicians who make decisions about delivery of societal resources for children. According to Verhellen (2000:18) “educators traditionally target their work mainly at the micro level...However, it is history itself which teaches us that this sort of work always has to be carried out in the knowledge that our relationships with children has its roots not so much at the individual but at the structural level. Because of the lessons taught to us by history, educators should urgently and intensely start tackling this level”.

The CRC provides both the framework and the obligation for action to promote the rights of children and to develop children's policy. The CRC highlights that *children's issues are political* and should be held high on the political agenda (Hammarberg, 1990, Italics mine). It means that children are a central subject in formulation of policy. All of this is changing traditional perception of children as dependent and subordinated to adults and reveals the importance of understanding of social educational contexts ant macro level.

The actions of educators at macro level require elucidation of social educational context of children's rights and policy. It is important to understand what it means to accept children as autonomous individuals and equal participants in distributions of societal resources. Since children are spending more and more time outside the family it is important to perceive a child not only as a family member but to understand her/him in a position of service receiver. There is a number of other questions: *To what extend do children are able to represent their interests? How the role of the state, family and market is reflected in a new understanding of childhood as a social construction? How the developing model of Lithuanian welfare state conforms interests of the child in comparison with countries of old democracies? How the knowledge of children's rights has to be constructed in odder to prepare educational programs based on social educational context of the CRC? This study attempts to find answers to the above-mentioned questions.*

The principals of the CRC have induced the revision of social educational knowledge of childhood and a search for a new paradigm. The first steps in the search of new constructions of childhood have appeared at micro level. Juodaityte (2003), Gaižutis (1989), Šliogeris (1996) are constructing childhood in the perspective of phenomenology. According to them this approach allows to understand the reconstruction of childhood in social science when there is a move to relationships between adults and children based on partnership and children are participants in the process of education. Jonyniene's (2000) study is the very first study in Lithuania which analyses the implementation of children's rights in a family and school from social-educational perspective. Furthermore this is a comparative study that allows to asses international and specific Lithuanian problems in the area of implementation of children's rights.

The second step in the construction of new knowledge of childhood has taken place at macro level. Thus children's policy in a welfare state as a new subject of scientific inquiry, emerged only by the end of 20th century. The studies on children's policy, where models of welfare states are reviewed from the perspective of children's policy, are not numerous. In my research I have found only one study, which attempts to identify the pattern of welfare regime in Eastern European countries from the perspective of children's policy (see Pringle, 1998). The analysis concerns changes in distribution of societal resources brought by the introduction of the free market economy. There is a need to revise the role of the state, the family and the market in providing children with resources and services as a group and as autonomous individuals, when children are conventionally perceived as dependent family members. All of this new knowledge is important for educators since it makes wider the understanding of childhood not only at micro, but at mezzo and macro levels.

Furthermore the enlargement of European Union makes knowledge of welfare state particularly important. All of this has been stressed by the European Commission in the conclusions of the meeting in Lisbon in 2000 by making a statement that the main goal of the EU is the establishment of an active and dynamic welfare state. The strategy of education in Lithuania for 2003-2012 takes into consideration this request and is formulating the aim of the strategy as granting the quality of education which meets holistic needs of the individual who nowadays acts in the open civil society and market economy.

The research problem is related to the understanding of social educational contexts of children's rights and children's policy in the development of Lithuanian welfare state. The concern of this dissertation is clarification of reconstructions of children's policy formulation when conceptual autonomy is given to childhood. That means children and adults are perceived as "equal" members of the society.

The problem of research is the expression of the understanding of the role of the state, family and market in the formulation of children's policy which is determined by the formation of a certain model of the welfare state.

A turn of Lithuania from planned to market economy makes extremely problematic to understand the role of the market as provider of services for children, since they do not participate in the labour market and consequently do not have resources to buy services. Thus a matter of concern is to understand to what extent *social-educational reconstructions of children's rights and policy are child-oriented*. In this situation it is important to understand that children's rights is the reality which depends not only on wishes and intentions of the educator but is an issue of political aim, realization of which depends on a certain model of a welfare state.

Research subject – the contexts of social-educational reconstructions in the understanding of the rights of the child and children's policy.

Research aim – to ground theoretically and to assess empirically the meaning of the social-educational contexts of children's rights and children's policy in development of understanding of Lithuanian welfare state and to demonstrate it as a paradigm of new knowledge.

Research objectives:

- to describe social-educational reconstructions of the rights of the child from a theoretical historical point of view;
- to analyse legal and institutional issues of the implementation of the Convention on the Rights of the Child in Lithuania in relation to understanding of welfare state;
- to make a comparative empirical research of social-educational reconstructions in the child's right to protection, provision and participation.

Theoretical background. The dissertation analyses the implementation of the CRC in Lithuania from four theoretical perspectives: *social-education, modern*

childhood sociology, rights theory and welfare state theory. Social-education, modern childhood sociology and rights theories are used to understand how childhood is constructed in the child-adult relationship and to identify how this relationship is reflected in the formulation of social policy. Welfare state theory is used to explore the relationship between the market, the state and the family in comparative perspective to Western European countries, and to identify the model of Lithuanian welfare state from the perspective of children's policy.

The methodology has integrative interdisciplinary approach and is based on a postmodern paradigm of phenomenology which states that knowledge is a social construction, which relates science to peoples' life. This perspective suits to analyse social educational contexts of children's policy and children's rights in the first decade of Independence 1990-2001 in the development of Lithuanian welfare state, and allows making comparison with six OECD countries: Sweden, Norway, Denmark, Germany and the United Kingdom.

The aim of the phenomenology is to explain and interpret experience of people and construct socially meaningful texts. The research which constructs and identifies new knowledge according to their social, cultural and educational meaning is a qualitative study. Thus both a researcher and a reader are solving a puzzle of the meaning of new knowledge. According to Morse (1994:221) "the theory or concept of interest at best may be considered a conceptual template with which to compare and contrast results, rather than to use as a priori categories into which to force the analysis". This differs from quantitative study which "consists of a concise presentation of the method and the results of the study". Presentation of the results of qualitative study is a convincing argumentation "systematically presenting data to support the researcher's case and to refute alternative explanations" (Morse, 1994:231). Consequently the results of the study present a summary of the major finding which has a meaning for the construction of new knowledge which is important for educators and politicians.

Research methods used in this study are the following: comparative policy analysis, content analysis, statistical data and interviews.

Using *comparative policy analysis* this dissertation examines Lithuanian children's policy at a policy planning level, which is compared to the policies of six OECD countries according to the principles of the Convention.

The comparative analysis is based on a model developed by Kristina Bartley (1998), who compared children's policy in six European countries to the background of the UN Convention on the Rights of the Child. Those countries are Sweden, Norway, Denmark, France, Germany and Great Britain. The model reflects a distinction between child-oriented and adult-oriented policies in order to assess children's policy on policy planning level in the process of implementation of the CRC. The criteria of what is considered to be a child-oriented policy are based on the articles in the CRC according to the area being studied. Bartley's analysis is drawn from the initial reports of the State Parties, the comments of the UN Committee on those reports and alternative reports from non-governmental organizations. In my comparison I use Bartley's documentation as a secondary source.

Content analysis provides a major research data for this study. Following Bartley's model, I analyse the initial report of Lithuania to the UN Committee, the comments of the UN Committee on this report and the Alternative Report. In addition, relevant Lithuanian laws, which concern the implementation of the CRC, are examined.

Statistical data are used to study changes in children's living conditions during the period of analysis 1990-2001, and to compare Lithuanian children's policy in child protection, child provision and child participation to the children's policy in the same three areas of six OECD countries. The sources of data are the reports of Children's Rights Agency under the Ministry of Social Security and Labour, the UNICEF databases and Social Reports issued by the UNDP.

Interviews with politicians are used for understanding how politician's points of view relate to the principles of the CRC and whether children's policy is a priority in Lithuania. The semi-structured interviews have been held with 16 Parliamentarians, the members of the first and the second Family and Child Commission at the Parliament of Lithuanian Republic. This choice was made, because politicians in this Commission participate in the formulation of children's policy at a policy planning level. Furthermore, the implementation of the Convention on the Rights of the Child is amongst the aims of this Commission.

Scientific novelty. This is the first study in Lithuania which relates the CRC with development of children's policy and identifies the welfare state model of Lithuania from the perspective of children's policy. The analysis of child's rights and children's policy in the welfare state from the child's perspective gives theoretical and

practical bases for new social-educational background, which are contextual-situational in their nature. The analysis of contexts is important for educators and politicians to understand the CRC and to obtain the knowledge about the child as a member of welfare state.

The perspective of children's policy based on the principles of the CRC and reconstructed social-educational understanding of childhood could serve as an indicator for analyses, which aims at showing how children as a group participate in the distribution of societal resources. Child-oriented approach is important in reconstruction of social-educational contexts of child's rights and children's policy.

This dissertation assesses how the state is building the relationships with the child as an individual who has rights. It obtains knowledge how children as a social group and as individuals with their own rights are supported by Lithuanian social policy. The study reveals the construction of one of the main contexts of humanistic pedagogies, when *in the analysis of relationships between children and adults children are in the centre*.

The development of welfare state is related to the institutionalisation of social services for children and families, which are crucial in making children's rights the reality, on the bases of which the child-oriented context is being constructed.

The welfare state theory is solely adult-oriented. Therefore, the analysis of welfare state regimes from children's policy perspective will contribute to the welfare state theory. The interpretation of children's policy from the perspective of the theory of welfare state will help to develop child-oriented theory and practice in education, based on reconstructed contexts of the CRC.

The articles of the CRC as indicators of child-oriented policy used for the comparative analyses of the countries of old democracies have been adopted for Lithuania.

Practical relevance of the study is related to the mission of the Strategy of Education of Lithuania which seeks to help the individual to understand nowadays world, obtain cultural and social competence, and to be a self confident, active and responsible person, who wants and is able to study all life long.

This study provides with new knowledge professionals especially pedagogues, educators and social workers for advocating of children's rights. Since children are the group in society, which is determined to a large extent by other

societal structures and by themselves have little or no influence over these structures (Prout et al., 1999).

The research data are important for service providers and planners providing them with understanding of services as the means for the implementation of children's rights.

The methodology used in the dissertation reveals significance of political decisions for social-educational reconstructions and demonstrates the trends for document analysis aimed at child-oriented social-educational reconstructions.

Data of comparative policy analysis are important for development of international co-operation in searching of good practice of implementation of the CRC and carrying out research.

The principles of the right of the child to protection, provision and participation used in this dissertation have been applied to the State Policy Conception for Child Welfare by the suggestion of the author of this study.

The results of dissertation have been interesting for children as well. Pupil used them for debates at Debate Club in Lithuania.

The results of the dissertation could serve as a basis for further political debates and policy planning, and for education of teachers, parents and children.

Approbation of the research findings.

Publications:

1. Kabašinskaitė, D. ir Bak, M. (June of 2005 accepted for publication)
Lithuania's Children's Policy in the Period of Transition. *International Journal of Social Welfare*

2 Kabašinskaitė, D.(2003) Children's Policy and Children's Rights. J. Kugelmas and D. J Ritchie (eds.) *Advocating for Children and Families in an emerging Democracy. Global Volume in Research in Child Advocacy.* Greenwich, CT: Information Age Publishing

3. Kabašinskaitė, D. (2002) Vaikystės sociologija, vaikų teisės ir vaikų politika.[Sociology of Childhood, Children's Rights and Children's Policy], *Filosofija ir sociologija*, Nr. 3, 42-48

Other Publications:

1.Kabašinskaitė, D ir Povilėnaitė, S. (2004) *Vaiko teisės ir pareigos: vaikams apie Jungtinių tautų Vaiko teisių konvenciją*, Švietimo ir mokslo ministerijos Švietimo aprūpinimo centras

2. Kabašinskaitė, D. (1999) "Families at Risk", *The Role of Social Science in the Development of Education, Business and Government entering the 21-st Century*, Kaunas: Technologija

3. Kabašinskaitė, D. (1999) "Daugiaproblemės šeimos ar šeimos, kurioms reikia socialinių paslaugų", *Tradicija ir pokyčiai: filosofinė ir sociologinė perspektyva*, Vilnius: Lietuvos filosofijos ir sociologijos institutas

4. Kabašinskaitė, D. (1997) Vaikus Globojančių šeimų poreikių tyrimas Kauno mieste, Sociologija: praeitis ir dabartis, Kaunas: Technologija

Presentations at the International Conferencies:

1. „Child Poverty and Social Exclusion in EU“, *Child Poverty: Who is responsible?*, Vilnius, 2005 01 28

2. „New Attitudes to Childhood“, *Training of Pedagogues in XXI century: Changes and Perspectives, Third International Conference*, Šiauliai, 2004 12 07

3. „Children’s Policy: the Implementation of the Convention on the Rights of the Child in Lithuania“, *Anti-discrimination in the EU: Child Protection*, Vilnius, 2004 10 07

4. “Welfare Regimes from the Perspective of Children’s Policy” *The 8th International Symposium on the Contributions of Psychology to Peace*, Sunne, Sweden, 23-29 06 2003

5. Kabašinskaitė, D. “Children’s Rights and Development of Social Services in Lithuania”, *International Conference: Social Work Development and Perspectives*, Kaunas, Lithuania 11-12.10.2002.

6. Kabašinskaitė, D. “Lithuanian Children’s Policy”, *13th Annual Meeting on Socio-Economics*, Amsterdam, Holland, 26-28.06.2001.

The structure of the dissertation. Chapter 1 is the theoretical and methodological background of the study. In chapter 1.1 the social educational understanding of childhood and children's policy from the perspective of the CRC is analysed. I start the discussion by exploring the historical context of childhood in Lithuania and Western societies. Further, I will discuss the social educational construction of childhood, which emphasises the visibility of children as an age group and analyses childhood as a structural form in society. I will analyse the child as an autonomous individual from the perspective of the Convention on the Rights of the Child, which questions the conventional social order and power structure in society

and enhance the role of children as social actors. I will discuss children's policy in the three following areas: the child's right to protection, provision and participation.

Chapter 1.2 is mainly dedicated to the theory of the welfare state. The start of discussion is an introduction of the concepts of *social policy*, *welfare state* and *welfare regimes*. Here I will discuss the social policy of the socialist system and the typology of welfare states elaborated by Esping-Andersen. In order to get a deeper understanding about children's policy in a welfare state, Bartley's and Pringle's analyses of children's policies in European countries are presented. Those authors are reviewing the relevance of Esping-Andersen's typology from the perspective of children. I will discuss the studies done to identify the patterns of the welfare regimes in post-communist countries. At the very end, the research on children's policy and the frame of analyses of the present study are discussed.

Chapter 2 presents the results. The discussion of results I will start in chapter 2.1 by presenting the actual status of the Convention in Lithuania. Further, in chapters 2.2, 2.3 and 2.4 I will discuss Lithuanian children's policy in a comparative perspective following the three areas of the policy defined in the theoretical part: child protection, child provision and participation. Here my analysis is based on documents, laws and statistics. In chapter 2.5 analysis of the interviews with the politicians in the same three areas of children's policy is presented. Finally the conclusions contains the final discussion of results and the conclusions of the dissertation.

1. SOCIAL-EDUCATIONAL THEORIES OF THE CHILD'S RIGHTS AND SOCIAL POLICY, AND METHODS

1.1. CHILDHOOD, THE RIGHTS OF THE CHILD AND CHILDREN'S POLICY

The 20th century is described as a child-oriented century, which has established the social educational bases for presenting child interests in judicial and social welfare institutions. Historical, anthropological and psychological studies and development and socialization theories have dominated in childhood studies for the most of the century. The last two decades of the 20th century opened the gates for reviewing children's position in the society. Childhood has been identified as social phenomena in sociology, children's rights have been specified as a political issue by the UN Convention on the Rights of the Child, childhood policy has emerged as separate from family and youth policies. However, the position of childhood in society and in social sciences is still rather invisible and marginalized since the presentation of children's issues is adult-oriented (Qvortrup et al., 1994).

The European countries, which followed different ideologies after the war, are now a part of the European integration process. The East European countries are in transition from planned economies to market economies. Consequently, the entrance of the market has affected the relations between the state and the family, and has brought changes to the lives of children.

The Convention on the Rights of the Child recognized children as individuals who have their own interests, and that the voice of children must be heard. This brings a new perspective to child-adult relations and demands reviewing the power relation between childhood and adulthood. My concern in this chapter is the construction of childhood in Lithuania, visibility of children as a group and individuals in the family and the society; and how a child-oriented approach is formulated in children's policy. Those issues construct a theoretical framework of the current study.

The focus of my analysis is Lithuania as a former republic of the Soviet Union, and now as an independent state participating in the European integration. I will discuss the key moments of historical construction of childhood, traditional child development and child socialization theories, and the new paradigm of modern childhood; then I will relate the Convention with the recognition of children as the

holders of the specific body of identifiable rights and discuss children's policy as a part of social policy.

1.1.1. Understanding of Childhood in a Historical Perspective

I will discuss two worlds of childhood: the Lithuanian and the Western childhood, how they were constructed in the 19th century, i.e. the period when the concept of Western modern childhood was constructed. I argue that this distinction is important since Lithuanian and Western societies were developing under different social, political and economical conditions. The different situation of Lithuania brought different societal groups to construct childhood.

The history of Lithuania was a continuous fight for independence, and was marked by several foreign occupations. During the 17th and the 18th centuries Lithuania was one state with Poland. In the 19th century Lithuania was under the occupation of the Russian Czar. In 1918 Lithuania gained independence, but was occupied by Soviet Russia in 1940. The occupation ended in 1990 when Lithuania, together with the other Baltic States, declared its independence from the Soviet Union.

The industrialization and formation of national state were in delay in Lithuania, and the middle class was missing to compare with the Western European countries. It remained agricultural country in the 19th century. It could be said that Lithuanian childhood, was rural childhood until the middle of the 20th century and children were expected to contribute to their families' economic well-being side by side with adults from early age (Vasiliauskas, 2000).

With the development of national state the framing of childhood in Lithuania emerged. The intelligentsia of that period, the leaders of the national movement, writers and artists (the origin of their families usually was peasant families) were the main actors in constructing the Lithuanian childhood. It flourished after the First World War, when Lithuania proclaimed its independence in 1918. During this period the *ethnic Lithuanian childhood* was constructed (Vasiliauskas, 2000). It presented a rural peasant family as a corner stone of Lithuanian national state, which has resisted polonization and russification during centuries. The family environment and community were seen as child's protection against the ideologies of occupational regimes. Family was a unit of opposition to occupational cultures and policies, and

children were seen as reproduces of national culture. Reproducing of ethnicity was seen as the main function of children and families. Maceina (1934/1991:102) the eminent philosopher of that period described a family as “the bases, which propagates the nationality of individuals, and which prepare the basic principles for the being of the nation” (translated into English by the author).

In the West the development was different and the concept of Western childhood was related to the process of industrialization. It was constructed in 19th century by the middle class. Zinnecker (1995) labels it as *'bourgeois childhood'*. Childhood was explained as situated 'inside': inside the society, inside the family, inside the private house (Franklin, 1995:8). It was referred to as the 'domestic ideal', which helped to present the family as the dominant institution in the society (Hendric, 1990:35). Children were excluded of economic participation in national and domestic economy. The intensifying industrialization brought children from factories to schools (Wintersberger, 1994).

After the Soviet occupation in 1940, Lithuanian ethnic childhood was challenged by the concept of *the universal soviet childhood* constructed by the Communist ideology and applied to different cultures and nationalities of Soviet Republics. The social reality was replaced by an ideological reality, which people had to believe. Children and families were the objects of ideological goals of the state. The family was seen as the creator of the communist society. The Soviet Family and Matrimony Code in Lithuania defined the base of the soviet family as being formed by the principles of communist morality with an aim to rear children for active participation in the communist society. However, the state did not fully trust the family to be successful in introducing communist morality to children, and high value was given to collective upbringing. A universal day-care system was introduced, which on the one hand aimed to support women's employment but on the other hand controlled children's rearing and education.

In the West the 20th century is characterized by the construction of universal Western childhood. “Since the middle of the 20th century – 'bourgeois childhood' has become the typical, generalised pattern of childhood, in that it has spread to or been imitated by other family groups” (Zinnecker, 1995:85). Professional middle class constructed the universal pattern of childhood, which was implicated to childhood in general, without consideration that different childhood could exist in different societies and within different groups within society. Hendric (1990:56) describes this

childhood as “the ‘natural’ childhood in terms of education, socialization and dependency”.

Soviet Childhood as well as Western childhood was constructed as universal childhoods. Both societies have been speaking of childhood in singular and have been presenting adult perspectives for a desirable state of childhood. Both societies have presented childhood as dependency and immaturity, where in the West that was related to child’s protection and care within the family in a welfare state, while in the East it was related to being a member of a collective body in the Communist state.

After restoring independence in 1990, the Lithuanian society was concerned with the building of the national state. This process is marked by efforts to get rid of soviet inheritance and to introduce the market economy. The family was expected to be an independent and strong unit both ideologically and economically. Once again it shifted to the ethnical childhood and underlining the family as creator of national identity:

The primary source of continuity of ethos is the family. The ethical, moral and spiritual springs of child’s rearing lay in the layers of ethnic culture of Lithuanian nation (as well as in other nations). This is very important now when based on ethos, the family can contribute to the unification and vivification of Lithuanian nation, since the people’s spiritual closeness with the past generations was weakened during the period of Stalinism and stagnation.

Bajoriūnas, 1994:38 (Translated by the author)

Ethnical childhood and soviet childhood now are faced with the market economy in the process of creating a democratic state. The market has been perceived as a guaranty for the family’s independence. The family was expected to rely on the market:

Under market conditions, work becomes the principal means of guaranteeing an individual’s social security. An individual must rely oneself to determine his or her social status, as well as that of his or her family.

Families and Children in Lithuania, 1996:39

In new circumstances new actors from the academic world have entered the arena of the construction of childhood. Juodaitytė (1998, 1999, 2003a, 2003b) is discussing traditional and modern understanding of childhood and points for the need of new methodologies for the interpretation of Lithuanian childhood nowadays.

1.1.2. Traditional Theories and their Social - Educational Context in a Paradigm Child as Future Adult

In spite of all the differences between the Eastern and Western childhoods, there were also important similarities. It was agreed in both societies upon children's subordinate role to the adults, and adults' right to exercise power and control over children. Children were seen as future adults and rarely viewed in their literal role as children.

Traditional theory of child development in psychology and socialization theory in sociology explained children as not complete beings yet, who through their own developmental attempts and the leading role of adults have to become adults, i.e. to overcome their immaturity and become "full human beings" and "real members" of society. Prout and James (1990:11) reviewed the psychological discourse on childhood through three concepts: 'naturalness', 'universality' and 'rationality'. Accordingly, child's immaturity was perceived as natural and universal. "The child's development into an adult represents a progression from simplicity to complexity of thought, from irrational to rational behaviour" (Prout and James 1990:11).

The prevailing childhood paradigm in social sciences has been developmental psychology. It created a "*psychological child*" i.e. child - a traveller, who went through defined developmental stages. Jean Piaget's and Vygotsky's human development theories in psychology are perhaps the best known both in the West and the East. Piaget's theory of intellectual development is the classical example of child development paradigm. It presents a child as an immature creature, who progressively moves through distinct biologically determined stages of cognitive development to adult's logical competence. Here the child's relationships with the social environment operate in one direction. She/he is a receiver in the interaction with the adult. The focus on individual development has brought children into laboratories, where their cognitive capacities have been studied through experiments.

Differently from Piaget, who stressed the individual, a Russian psychologist Vygotsky explained children's development as the result of the child participation in a group. He related Marx's and Engel's theories with psychology. Thus for Vygotsky human development was rooted in society and culture in the tradition of those theories. He proposed the concept of the zone of proximal development, which means that child's psychological and social skills first are used at the interpersonal level and later are internalised at the individual level (Vygotsky, 1978). Although Vygotsky

saw the child in the context of cultural history, the child's development was divided into stages with emphasis on the endpoint of development.

Sociologists have criticized this perception of child development. The focus of criticism was, that child development was understood as a process with a defined goal, or "the child's movement from immaturity to adult competence" (Corsaro, 1997:17). The other point of criticism was that the child was not seen as a part of interpersonal relations. Little account was given to children's creative participation in the social world. They were seen as not being capable of contributing to adult-child relations or even to be creators of their own cultures.

The psychological discourse of childhood was transferred to sociology during 1950s and became a base for the development of the theory of socialization. The theory of socialization has been widely spread both in the Eastern and the Western societies. Here the immaturity of the child was explained as a goal for the adults to fit the child into society, i.e. to direct the process of transformation of "asocial child" to "social adult" (Prout et al., 1990).

In the West, the socialization theory developed during the period when structural functionalism dominated sociology. The major proponent of this perspective was Talcott Parsons. His focus of analyses was the American nuclear family. In his view children were expected to reproduce social order as passive recipients of social norms defined by the societal structures. According to Parsons parents were the "socializing agents" of the child in the nuclear American family. The family was expected to transfer society's norms and values to the child since "the nuclear family is never, most certainly not in the American case, an independent society, but a small and highly differentiated subsystem of a society" (Parsons, 1955:35).

The ideas of Parsons did not contradict the communist ideology of Soviet Union where the authoritarian state was thought to control their citizens. Makarenko, the major spokesman in Soviet pedagogy who developed the theory of collective upbringing and practise, defined the family as "an organic part of Soviet society", which did not function "independently of the moral demands of society". The Soviet state according to Makarenko, hands "a certain measure of social authority" to the family and demands "correct upbringing of future citizens" (Makarenko, quoted from Bronfenbrenner 1970:3). Despite heavy demands on the family the Soviet state placed much emphasis on the collective upbringing of children at school and the communist

organisation of children and youth. Bronfenbrenner (1970), who conducted a comparative study of socialization of children in the United States of America and in the Soviet Union in 1960-1967, revealed the contrast between the family versus the group-centred system of child rearing. In the Soviet Union the active participation of the collective in the conduct of child's behaviour and the orientation of children's activities to the super-ordinate common goal of the collective were stressed.

The transfer of norms and values of the society are the focus of child socialization theories both in the West and in the East. In the Western case the nuclear family is transferring norms to the child, in the Soviet case the Soviet family and the state do it. In both cases families need to fulfil the expectations of society.

The theory of socialization has been criticised for representing children as future adults and for neglecting the contribution of children and childhood in the society (James et al., 1990; Qvortrup et al., 1994; Corsaro, 1997). According to Qvortrup "socialization **looks forward** in terms of **individual** development - away from childhood; it does indeed reflect the idea of childhood as the early development of adult culture" (Qvortrup, 1995:13) (Bold is done by Qvortrup). The other concern of critics was the emphasis placed upon the outcome in the process of socialization. It raised the issue of deviation as a failure to be harmoniously socialized into society. Prout and James (1990:14) claimed that on this account all children who seemed to fail to fulfil society's expectations were "potentially included in the new set of categories of 'child': school failures, deviants and neglected children".

Summing up it can be said that the socialization theory lacked a social educational approach to children, and did not make children's contribution to society visible. There was a need for the development of new approaches. Juodaitytė (1998, 1999, 2003), Gaižutis (1989), Šliogeris (1996) are suggesting integrative interdisciplinary approach, which by their nature is social humanitarian.

1.1.3. The new Paradigm: Childhood as a Social-Educational Construction

Childhood has been a neglected area in sociology for most of the 20th century. Qvortrup (1994:x) claims, that "until the beginning of eighties it was difficult to find a sociological approach to childhood, ... no sociology of childhood was institutionalised and practically nowhere... the sociology of childhood being taught at universities".

The search for a new paradigm of childhood in social science was influenced by a number of social changes in the late modernity. The changes in industrial society in the area of family formation and functions, child rearing, gender roles, public services and etc. have modified the life conditions for children (Näsman, 1994). The representations by sociologists of subordinated groups such as minorities and women put into arena the neglect of children's issues (Corsaro, 1997). Interpretive perspectives in social sciences, especially symbolic interactionism and social phenomenology have found an interest in childhood as a particular kind of social reality (Prout et al., 1990).

From mid-1980s a boom of interest in childhood sociological research emerged. Books about childhood and articles in journals appeared; large international projects were conducted. In 1990, for the first time at the World Congress of Sociology the thematic group on "Sociology of Childhood" was established. Within psychology, psychiatry, and education such groups were formed more than a century earlier (Qvortrup, 1995).

The new trend in understanding children was marked by the international research project "Childhood as a Social Phenomenon – Implications for Social Policies" (Childhood Project), which included 16 countries and was conducted 1987-1992. The aim of the project was to search for a new paradigm of childhood and to provide children with "sociological visibility" (Qvortrup, 1994:xiii). The starting point for the new paradigm has been the assumption that childhood is a social construction. That means that childhood is an integral part of society, and a "part of culture and as such transforms through time and space" (Solberg, 1990:118). The major focus of this project was "to deal with children as 'human beings' rather than as 'human be-comings', and to analyse children as one among other structural forms, which continuously 'interact' with other structural forms in society" (Qvortrup, 1994:4).

Here children were placed in the centre and were the unit of observation. Childhood was provided with "conceptual autonomy". The perception of children as "dependents" was rejected to the extent that they were provided with conceptual "equity" in regard to other groups or categories in society (Qvortrup, 1994:20).

The Childhood Project has revealed two groups of concepts and theories: one group deals with the relationship of childhood and adulthood, and the other with childhood as the creative participation of children in their own cultures.

The perspectives towards children presented in the Childhood Project form the theoretical frame of this dissertation. Since policy and rights are the focus of my study I concentrate on the concepts and theories, which focus on child-adult relations. Those relationships are of key importance in understanding the distribution of societal resources by policy decisions and by legislation, when power, resources and rights are unequally distributed between children and adults.

Childhood as Structural Form

Children as the centre of analyses raise the issue of the concept of childhood. How can we deal with singularity and plurality of this concept: with the childhood and childhoods. The existence of several childhoods seems obvious. Children have been part of different societies in different historical periods; they are a part of different societal groups in the same society. We can talk about medieval and modern childhoods about rural and urban childhoods etc.

In the Childhood Project, childhood has been conceptualised on the assumption that it is possible to talk about childhood in general, since children's lives have a number characteristics in common. This assumption according to Qvortrup (1994:6) allows to perceive childhood as a structural form or category, which can be compared with other structural forms or categories in society and to describe both childhood and the society in which this childhood is placed:

moreover it allows us to compare childhood thus characterized with other groups in the same country, perhaps most notably other age groups like youth, adulthood and old age, because they in principle are influenced by the same characterizing and formative societal parameters, although in different ways; it also permits us to ask to which extent childhood within a given area has changes historically...and finally, it becomes possible, when the concept of childhood is used, to compare childhoods internationally and interculturally, because we are availing ourselves of the same types of parameters - e.g. economic, political, social, environmental parameters.

(Qvortrup 1994:5-6)

The concept of childhood as structural category enables us to analyse childhood in Lithuania, and the relationships between children and adults in the light of the Convention on the Rights of the Child. The particular area for the construction of the relationships between childhood and adulthood is their low age and dependency on the family.

Children as an Age Group

I argue that children as an age group is a relevant perspective to analyse: how children are incorporated among other structural forms in a society. Age is a dominant way to identify the position of children as a social group in the distribution of resources among different age groups in the population and to place children in the power structure of society (Frønes, 1994). According to the Convention on the Rights of the Child, childhood starts by birth and ends by the age of 18. During this age period children are in a state of dependency with regard to their economical and political life. In economic sense they are dependent on family resources and public services. Their political rights are restricted; the right to vote they obtain at the age of 18.

Age is on the one hand a life span defined biologically and on the other - a social construction, and can be differently defined in regard to socio-political and cultural context. Dependency as a consequence of child's low age is an indispensable characteristic of childhood when children are perceived as dependent on adults. It places children in a special relationship with other societal structures. Their degree of dependency can vary in accordance with social, economical and legal structure in society.

Age is a base for defining target groups in policy decisions of how to allocate resources. The findings of studies in OECD countries show the fact that welfare state transfers do not favour children in distributing resources among generations. "The aid for families with children constitutes only a limited quota in per capita terms of direct spending for the elderly" (Sgritta, 1994:346). Moreover, a higher number of children than of adults of working age live in poverty (Council of Europe CDPS CP (96) 1). Further Sgritta (1994) claims that the criteria of age hardly can be found in sociological studies and research. The usual criteria of analyses for judging equity are: economic and social status, race and sex. According to Sgritta (1994), since age is a distinguishing feature of children, excluding age as criteria means children are excluded as well.

The age of children deprives them the right to control their lives, since the definition of the child, as not yet adult is universally accepted at a given moment as well as in history. Consequently childhood in any particular society has been under higher degree of control by other societal structures (Shamgar-Handelman, 1994). According to Shamgar-Handelman (1994:264) childhood is a social-adult

construction and children being “excluded from the power game, control childhood the least”.

The asymmetrical child-adult power relations are the bases for different treatment of children compared to the treatment of adults. Several boundaries between children and other citizens are defined in the laws in regard to the age. According to Näsman (1994) the treatment of children with regards to their age in legislation is a part of the social construction of childhood. Children are presented in the laws as a special category of citizens discriminated from adults. Freeman (1992:34) describes the different position of children and adults as “the double standard, which is deeply embedded in our social practices and well-established in our laws, with one set of rights for adults ... and another for children”. The boundaries between children and adults defined in the laws vary among the countries. The age of children can limit their right to freedom of religion, to decide with whom they want to live, to have a job, to buy alcohol or cigarettes etc.

The age of children is the obstacle for their political participation. Children do not have right to vote or to be elected. They do not have their representatives in the Parliament. Children’s political position in a society depends on other groups, which can speak for children. Parents are one group, which can represent children’s issues. However their voice is not strong enough in the power structure of a society since families now have a small number of children and the period with small children is relatively short (Frønes, 1994:156). Old people to compare with children have a stronger position, they are better organized, and they have a right to vote.

Familialization of Childhood

A family is a particular area for the construction of child-adult relationships. A family as a safe and most suitable environment for child’s development, welfare and protection is a structural form of childhood. The family culture based on child-adult power relations places a child in a position of subordination and makes child’s issues a private family issue. Consequently, children become invisible in the family and society.

Makrinioti suggested the concept of *familialization* to analyse the social conceptualisation of childhood:

The term familialization refers to the fusion of childhood into the family institution to such an extent that it becomes an inseparable unit, which obstructs the social visibility of its weaker part as a separate entity ...The fusion of childhood into the family institution becomes the main frame of reference when dealing with children, both formally and informally. Official statistics, legal clauses, welfare policies, education institutions, and everyday conversation confirm the perception of children through the family.

Makrinioti 1994:268

Familialization is a way to describe how children's issues are presented in social statistics. Children are embedded in the family, when statistical data concerns children. Usually a family or a household is the unit of statistical data. Consequently there is information about the family as a unit, but for example we cannot know how many children live in divorced families or with unemployed parents.

The concept of familialization raises the question of family as ideology (Makrinioti, 1994). This concept as a tool for sociological analyses is faced now with the plurality of family forms, which did not exist in earlier times. The phenomenon of new family forms is observed both in the West and in Lithuania. Consequently the conventional perception of the institution of family now is faced with childhood in different family environments. The question is how childhood will be perceived in a new family context, when there is growth in cohabitation, divorce, reconstituted families, and single mother families. Children are treated as dependent family members, and the definition of the family can affect children's lives through family policies and eligibility to state support.

While employment of women and the dual earner families becomes a norm in the West, it is questioned in Lithuania after the fall of the Soviet regime. The debate includes the discussion about sex roles and responsibilities for childcare within the family and between the family and the state. In the case of dual earner family, the state is challenged to share the responsibility for childcare since this family is more dependant on public services and welfare transfers in reconciling parenthood and work (Frønes, 1994).

Female employment is confronted with traditional construction of motherhood and housewifery, which is based on mother's exclusive role especially in early childhood, and woman's domesticity. Day care services for the family challenged both in the West and the East Europe one of the basic tasks of the family since the state was involved in sharing the responsibility for child care with a family. However, the state is trying to present the child's right to day care as parental responsibility

(Makrinioti 1994). Parents have to find solutions for day care looking for resources in the family or buying services in the market. Whether the child is placed or not in daycare depends on the economical status of parents and is “related to the circumstances of parents rather than to those of the child” (Näsman, 1994:174).

Children can lose visibility through over represented motherhood and in the meantime missing fatherhood in the society. According to Jensen (1994:74) “the woman-child axis” marginalized childhood in industrial society, since children “no longer play the vital role in the generational flow of the family’s wealth” and men are less interested in legitimate marriage. Changing family patterns, marked by divorce, cohabitation and single motherhood are the reasons to look closer to the relationship between the father and the child i.e. the father’s legal position and financial responsibilities, since the number of mother headed families is increasing and they are in economically weaker position.

The support, which is allocated by the state to children, is channelled through the family and depends on the characteristics of parents. Consequently the reality of many children is overlooked and children from deprived families are deprived from equal share of resources as well.

The conditions of children’s lives depend on how the state and the families share the responsibility for child rearing. The way of sharing depends on the degree of children’s visibility in the family and society. Oldman (1994:44) suggests freeing children from familialization, since “the experiences of childhood are becoming less dominated by the private world of the family”. Qvortrup (1994:13) claims that children in reality are individualized and defamilialized, “because they are more and more often either on their own or under the guardianship of other adults than their parents”.

Drawing the conclusion out of the assumptions mentioned above I could say, the visibility of children, both as a group and autonomous individuals, is related with construction of child-adult relations in the family, i.e. with the degree of familialization or defamilialization.

The degree of familialization is high in Lithuania, since there is lack of understanding of a child an individual and a partner in a process of education. (Juodaitytė, 2003a, 2003b; Lepeškienė, 1996; Pocevičienė, 2004).

1.1.4. Construction of Child as an Individual in the Perspective of the Convention on the Rights of the Child

The Convention on the Rights of the Child is the first international legal instrument, which gives independent human rights to children, and recognizes the child as an autonomous individual. The idea of human rights is that each person has to be treated with the same degree of concern and respect. The rights paradigm calls attention to making a social space for the child as a social actor. A shift has to be made from the development paradigm where the child is seen as a goal of adults' expectation to the child as a citizen. Thus the status of children as dependent and being in subordinate position has been questioned by the Convention. The child's rights to protection and provision, which were the concern of earlier international documents (see The Declaration on children's rights of the League of Nations in 1924 and of the United Nations in 1959) was extended to the child's right to participation. The innovation of the Convention is that it has granted children the civil and political rights¹ in addition to cultural, social and economical rights.

The recognition of children's rights alters the conventional social order and power structure in society. The relationships between the child, the family and the state have to be studied and analysed in a new way i.e. enhance the role of children as social actors. A new relationship regards children "as citizens worthy of respect rather than potentially victims or villains. ... It does involve recognition of children's claims on both parents and the state" (Clifton et al., 1997:49). The perception of children as actors rather than objects of protection and care "calls for arenas in which there is a shift in adult domination from hegemony to social partnership" (Bardy, 1994:315)

Näsman (1994:167) claims that "children are historically at the beginning of a process towards individualization" and compares the children's situation with the women's situation, since their position has been debated in regard to men's position in the 19th century, and have achieved significant changes during the 20th century.

Children have been brought into the process of individualization and institutionalisation. Parental control of children decreased in favour of increased professional and adult control. This process reduces the child's ties with the family and increases her/his dependency on the state (Nasmän, 1994). The visibility of a

¹ Civil and political rights enclose wide range of rights, which deal with self-determination and participation in political decisions. See International Convention on Civil and Political Rights.

child as an individual in those relations is important from the perspective of the Convention.

Consequently the Convention requires the state to build the relationship with the child as an individual citizen and to bear the child's position in mind when making political decisions.

Article 3 of the Convention introduces the concept of the '*best interest*', which directs decisions in the way that in all actions concerning children the best interest of the child shall be the primary consideration. Wolf (1992:132) points, that the basic structure of the Convention incorporates two related elements: "the rights of the child and the 'best interest' standard". The standard requires that obligations on state parties for the child have to be seen from the point of view of children. This concept is opposed to the conventional concept of 'children's needs', which is a part of the vocabulary of professionals, policy-makers and parents. Woodhead (1990:60) states that the concept of 'needs' is more related with "cultural location and personal values of the user" rather than the "nature of childhood". The Convention opens a way for the new developments: from the emphases on 'needs' to 'interests', in legislation and policy formulation.

The conventional understanding in society prevails, that the child is to be protected by parents, teachers, social workers and other professionals. They are supposed to decide what is the best interest of the child (Wintersberger, document: CDPS III.8 (94) 9). The Convention points out to a shift from deciding 'for' the child to deciding 'with' the child, i.e. listening to the child's opinion. Article 12 of the Convention requires State Parties assure to the child, who is capable of forming his/her own views, the right to express those views freely in all matters affecting the child. In particular, the child is to be provided the opportunity to be heard in any judicial and administrative proceedings, which affect the child, either directly or through a representative or an appropriate body. This right recognises children as autonomous individuals and does not restrict their participation with regards to their age. This means, that children should be consulted and listened to in questions of custody, adoption, placement in state care or termination of such placement. There is a shift in approach of protecting children to protecting children's rights (Farson, quoted by Freeman 1983:40).

The interest of the child can be in conflict with the interest of adults. Nevertheless the Convention recognizes that parents "have the primary responsibility

for the upbringing and developing of the child” and that “the best interest of the child will be their basic concern” (Article 18). In some circumstances the state has to interfere and protect the interest of the child. “The Convention desegregates the rights of children from the rights of ‘families, to constitute children as independent actors with rights vis-à-vis their parents and vis-à-vis the state” (Cass, 1992:142).

Children’s rights perspective can contribute to the reassessment of a welfare policy, which is constructed on the understanding of the child as dependent, i.e. the state benefits are transferred to the family and only adults can apply for it. The article 26 of the Convention spells out, that the child as well can apply for the benefits. Moreover if the child is treated as individual, all children in a family have to be entitled to receive an equal amount regardless their rank in the family (Björnberg, document: CDPS III.8 (94) 9).

The process of child’s individualization affects the relationship between children and parents within the family. The emphasis on children’s rights asks for a new way of parental control and authority. Frønes claims (1994:154), that “the modern family is characterized by negotiations, through which decision-making and social control take place”. Negotiation ensures children’s participation, emphasizes the position of an individual actor, and at the same time, underlines the democratic authority of parents. The concepts of ‘parental authority’ or ‘parental rights’ have been replaced by the concept of ‘parental responsibility’ (Beck-Gersheim, 1992) in the legislation of several Western European countries.

Child’s rights question the ‘right’ of parents to use physical punishment towards a child as a measure of discipline. Adults are protected from all forms of inter-personal violence by law, but only in some countries does the law forbid physical punishment for children. As the consequences of that “pain and injury are inflicted daily on children in the name of punishment” (Newell, 1995:215).

Paradigm of children’s rights is a base for new explorations in educational science. It helps to develop in practice an idea of individualized education. This idea is important for reconstruction of education, which implements the right of the child to development as autonomous citizen.

1.1.5. Understanding of Children's Policy in a context of Protection, Provision and Participation and Paradigm of Reconstruction of this Policy

The main message of the Convention has been that children's issues are political, and new sociology of childhood has emphasised the need of increased visibility of children as an age group in society. Consequently the end of this decade is marked by studies done in children's policy as the implementation of the principles of the Convention (Bartley 1998; Dickens, 1999; Ruxton 1999; Sünker 1995; Woll 2000; Hestbæk 2001).

There are two concepts, children's policy and childhood policy used alternately in the literature. Since this study contains two perspectives: sociological and rights perspectives I have chosen to use a term children's policy. Plurality means children as group in the society, which corresponds to the sociological perspective and group of individuals, which corresponds to the rights' perspective.

The questions are what share of resources do children get and what are their needs as recipients of services. Freeman claims that "rights without services are meaningless" (1992:41), since services are the means for the state to build relationships with the child as an individual. Social services are of key importance (see chapter 2). They have been designed to support parents in caring for their children or to provide alternative care for children outside home when parents are unable to do so, temporarily or permanently. They are programs or measures employing social workers or related professionals and are directed at bringing about change (Johnson 1995), since in today's complex society family is not always able to assist the child adequately.

The discussion above reveals that social structures have to produce the space for social practise i.e. to define legally the involvement of professionals as mediators between the state and the child. Those are policy issues, which direct social policy towards child-oriented approach, and stimulate the development of children's policy, as a separate area of social policy. Although family, gender and youth policies include children's issues, none of them "have children's 'best interest' as a central objective" (Ruxton, 1999:21).

The recent development of children's policy is oriented to children's rights. The implications of this are that children are seen as individuals, "whose being can no longer be simply nested into the family or the institution" (James et al.,1998: 7). The

three principles of children's policy are articulated by the Convention and are generally used in analysis of children's policy¹: the child's right to protection, provision and participation²:

Protection (apsauga): the right to family upbringing and professional help; the right to be protected from social and individual abuse;

Provision (aprūpinimas): the right to resources and services. It calls attention to distribution of resources between children and adults;

Participation (dalyvavimas): the right to a social space; the right to have a voice individually and collectively.

Child protection emerged in the wake of industrialization, and was the concern of charitable organizations, since "the state according to nineteenth century thought could not be compassionate" (Dahl, 1985). Child provision is related to the development of welfare state mainly after the Second World War when the state has taken responsibility for the well being of its citizens. Participation is a recent development of understanding of children's rights and is related with the theory and practice of democracy (Sünker, 1995).

Child Protection

Children's protection policies are concerned summarily with child dependency. Society prescribes a special status to children, while recognizing adults responsible for protecting children from individual and social abuse and for ensuring safe and responsible care. The UN Convention specifies, that State Parties undertake to ensure the child such protection and care as is necessary for his/her well being (Art.3.2).

The family is recognized as being the most safe and suitable place for the child. Today in the modern world families face a lot of requirements for child's care. Often, on the one hand families do not have economical recourses or skills to satisfy child's needs and to fight the family problems, and on the other hand social and economical structures cannot provide families with sufficient resources (Bjornberg, 1994).

¹ The three principles of children's policy were presented by Helmut Wintersberger at the request of the Council of Europe, Steering Committee on Social Policy during in the study *Children and Society*, Document: SDPS III.8(94)9.

² The same three principles of children's policy were suggested by the author of this study to apply for the Conception of Child Welfare Policy, which Parliament of the Republic of Lithuania approved in May 20 of 2003.

Archard (1993) suggests the “*liberal standard*”, which prescribes relations between the state, the family and the child in child protection as comprising three elements: primacy of the best interest of the child; parents’ primary responsibility for the well being of the child and a clear specification of the threshold of state intervention. Those three elements are specified in the UN Convention: in all actions concerning children the best interest of the child shall be a primary consideration (Art. 3); parents have the primary responsibility for the upbringing of the child (Art.18); the state shall take all appropriate measures to protect the child from all forms of violence or abuse, neglect or exploitation (Art. 19, 32-38).

The sharp question of child protection concerns the boundary of state intervention into the family life. When is the state legally permitted to intervene, either to offer assistance or to take the child away from parents? How should the state act to protect the interest of children and at the same time respect the right of the child to parents’ upbringing? When social inequalities prevail in society this will affect the life of children. According to Archard (1993) the child who is brought up within the lower socioeconomic strata will have limited access to the recourses of society. In this case child neglect may be attributable to socioeconomic circumstances rather than to family ones. Conventionally, the state tends to present the socio-economic circumstances as something affecting individual families and blame them for not fulfilling the expectations of society in taking care for the children. The failures are individualized and the families are marginalized (Makrinioti, 1994:282). Ryan (1971) coined the term “*blaming the victim*” as a way of expressing society’s reaction to people, who do not cope with problems. Many authors define the deprivation of the child’s right to the family upbringing as a social or collective abuse, and describe it as “likely to be more extensive than the incidence of conventional inter-family abuse” (Archard, 1993:156).

In the field of child protection personal social services as an area of social work is of key importance. Western countries have developed the system of social services for children and families. In the Soviet Union social services as well as social work were restricted due to ideological reasons. In the period of transition social services are important in the implementation of children’s rights.

Child Provision

Child Provision deals with an issue how resources and services are distributed between children and adults. Children are on the one hand in the position of dependent family members and on the other they are an age group in society, which participates in the distribution of societal resources. The Convention aims to ensure the provision of children's needs and takes into consideration both the family and the state to be responsible for the implementation of children's rights to an adequate standard of living (Article 27). Although the Convention recognizes that both parents have the common responsibility for the upbringing of the child (Article 18.1). It asks the state to take appropriate measures to assist parents and provide material assistance, support programs and services (Article 18.2-3; 24; 26; 27.3; 28; 31).

The sharing responsibilities between the state and the family in providing children with resources are inevitable in modern society, since families "invest in children without benefiting materially" and in contrast "the state invests in and benefits from children" (Wintersberger, 1994:234). Society is organized in a way that family is seen as the main institution of child provision. Thus Engelbert (1994) describes the family as a tendentiously overburdened institution. The significant consequence of this is that in order to fulfil the tasks prescribed by society the family needs money and services. In this case the task of children's policy is a compensation for families (Engelbert, 1994).

Children's needs and interests can be marginalized due to perception of the family as the unit, which is responsible for the well being of its members. At this point, the standard of living of the child depends on the economical situation of her/his parents. Makrinioti (1994:278) claims, that it is necessary to question whether the state's social policy takes into account the differentiation of the families children live in.

The Convention spells out the right of the child to have a part in distribution of resources between generations i.e. children and adults. "State parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law" (Article 26.1).

Children as an age group in society are a part of the contract in social insurance. The base for this contract is the principle of solidarity. The implementation of this principle requires two responsibilities from working people: the first, to pay for

social security fund, and the second, to rear children, who later will work and pay for their pensions. For this contract it is only important to have somebody who will rear children, despite that child rearing reduces the income of the family and career possibilities (Adams, 1990). The policy question is how the second part of the contract is supported by the society?

The dual earner family model, which now prevails both in Western and Eastern societies requires review in policies towards parenting i.e. to take into account the roles of a man and a woman as workers and parents. This issue concerns the right of a small child to both parents and to day care (Article 18), and which rely most on the perception of motherhood and fatherhood in a society. The right of the child to both parents depends on the extent to which policy supports the right to parental leave both for the mother and for the father. This policy question is related to the strengthening of fatherhood in society. The right of the child to day care basically relies on the response towards motherhood and employment: is childcare a private family issue or shared responsibility between the state and the family?

Child Participation

Different groups in society are competing to have their needs on political agenda. In case of children, they cannot as a group compete with adults due to the lack of political power. Child rights perspective offers a social change towards empowering the position of children in the society. It views children as competent members in society capable to present their issues. Children have got a space to “become social subjects of the politics of childhood alongside adults” (Bardy, 1994:315). The Convention grants children civil and political rights. On these grounds children’s participation is developing in two areas: in the freedom of decision-making concerning their well being (Article 12) and in the freedom of expression (Article 13), (Sünker, 1995).

Article 12 of the Convention requires listening to the child’s viewpoint. This places new responsibilities on the adults to structure the environment for children, which enable children’s participation in decision-making in ways consistent with their understanding. For this reason adults have to understand that children creatively take information from the adult world and make sense of it to address their own concerns (Corsaro, 1997). A shift has to be made from an “image of a needy child” to an “image of a competent child” (Woodhead, 1999). The question is how decisions are

going to be made: for children or with children in judicial and administrative proceedings affecting the child? This is a very delicate issue in the case of divorce, custody and adoption. The key point is how professionals, participating in decision-making, observe the best interest of the child and how legal procedures support the child as an individual.

Children's freedom of expression in society is a part of democratic social development. Children alongside with adults have the right to freedom of thought, religion and conscience (Art. 14), to freedom of association and to freedom of peaceful assembly (Article 15). These articles specify children's status as young citizens with the right to participation. They also formulate a challenge to power relations between adults and children. In the light of Convention children as well as adults "are accorded the status of subject" (Bardy, 1994:315).

1.2. SOCIAL POLICY, WELFARE STATE AND WELFARE REGIMES AS A BACKGROUND FOR SOCIAL-EDUCATIONAL RECONSTRUCTION

The introduction of the market economy in the Eastern European countries had implications for their social policy and their attempts become welfare states. In a distinguished line running from Richard Titmuss to Gosta Esping- Andersen three distinct worlds of welfare capitalism have been theoretically and empirically elaborated. Since 1990 the comparative studies of welfare regimes were based mainly on Esping-Andersen's framework (Pringle, 1998). Recently, Esping-Andersen's analysis of welfare regimes was used to assess the trends in social policy developments and to identify new welfare regimes in post-communist countries (Pascall et al., 2000; Pringle, 1998; Standing, 1996; Deacon, 1993).

One objective of my study is to analyse how Lithuanian children's policy today corresponds to typologies of welfare regimes. Regarding that in this chapter I will discuss the Soviet social policy, the typology of Western welfare states, and studies done to predict the policy development trends in the countries of transition concerning their welfare regimes. In this chapter, I will present research on children's policy as a part of social policy and the frame of analyses of this study.

First of all I will introduce the main concepts of this chapter: social policy, welfare state and welfare regimes. Esping-Andersen (1999a) claims that there is a conceptual confusion in welfare state research: the terms social policy, welfare state and welfare regimes are used as if they had the same meaning. The confusion is caused by an overlapping area of interests of the concepts, which are related to the welfare of people. The three concepts have historically developed becoming more complex and sophisticated.

Looking at the historical development it could be said, that social policy has existed from times immemorial, since the relief of poor people has been an issue of society's concern. The church or nobility distributed charity. Rulers of the countries legislated poor-laws. The early social policy actions occurred at a local level, and usually were organized around parishes. Later when the working class grew up and feudal ties weakened, the local community support was not able to respond adequately to the new needs of people. Bismarck's social insurance laws in the late nineteenth century in Germany are considered the start of modern social policy (Esping-Andersen, 1999:34). They introduced the pension scheme complemented

with sickness and unemployment insurance. The implementation of the insurance system was possible by appointing certain responsibilities for the state, which contained compulsory actions towards its citizens. Nowadays, with development of welfare state, social policy has extended even more, and covers the following areas of services: social security, health and care, employment policies, education, housing and “personal” social services.

On the grounds described above it could be said that the definition of social policy draws on following aspects:

1. The role of the state in redistribution of societal resources from one group to another;
2. The role of non-state institutions providing people with resources.
3. The existing context of social and economic conditions from which the social policy derives.

Concerning the first aspect, there are many different views regarding the roles the state might assume towards welfare of its citizens. Drake (2001:2) summarizes those views as a spectrum there at one end the state has very limited role (if any) in reallocation of scarce resources to its citizens, and on the other end the state has central responsibility in redistribution "of social goods such as wealth, property, status and opportunity".

The second aspect draws attention that the state is not the only body, which is producing welfare. According to Hill (2000), the welfare of citizens depends on their own actions and of non-state institutions such as churches, charities, communities, trade unions.

The third aspect points to social and economic conditions, which shape the development of social policy. Conventionally, the study of social policy cannot abstract the society from which it derives (Thane, 1996). The prevailing discussion about the fundamental question of the relationship between rich and poor, between government and citizens affects the definition of social problems and further the actions towards them aimed at changes in the society.

Summarizing *Social policy* can be defined as a collective action, which is directed towards the solving social problems and making changes in society. In modern era, this is achieved by the public management of social risks (Esping-Andersen, 1999) and through institutionalized control of services (Townsend, 1975).

The focus of this study is “Personal” *social services* (usually referred as social services). They can be defined as an institution, which fulfils a function of mutual help and supports the integration of individuals and families in the society. These services have been developed within industrial society, since the institution of family cannot afford to maintain all functions of mutual help (Gilbert et al., 1974). Social services in their historical development became professional, and now are the domain of social work profession. Welfare state institutionalized social work with an optimistic consideration that the lives of individuals and families could be improved through professional involvement. It was believed that “the state and the family should work in partnership to ensure that children were provided with the appropriate conditions in which to develop” (Parton et al., 1997: 21).

Many date the arrival of *welfare state* during World War II, when the term was introduced. The emergence of welfare states is related to the post-war capitalism as “affirmation that welfare and capitalism need not be incompatible” (Esping-Andersen 1999:34). The welfare state captures diversity of things. The main question in debating the welfare state is the problem of equality and social justice in distribution of resources, opportunities and capabilities. According to Esping-Andersen (1999:34) a welfare state is “a rewritten social contract between the state and the people”, which is based on the recognition of citizens’ social rights and “a promise to bridge the divisions of classes”. Goodin and Mitchell (2000a) define the welfare state emphasizing “its *systematic social concern* for *the welfare* of people, who might otherwise lack *the basic necessities* required for effective functioning with their community”. In this case the state is responsible for organized social actions: “Either the state performs welfare activities itself, or else it ensures that they are done” (Goodin et al., 2000a:ix). Summarizing, the state institutionalized commitment is inevitable for guarantying a national minimum for all.

Historically welfare states have took different directions in their actions for providing welfare for people, and have developed different models of welfare state. The term “a welfare regime” refers to the classification of welfare states, and looks to the larger constellation of socio-economic institutions which welfare state is embedded in (Goodin et al., 1999b).

In his comparative analyses of OECD countries Esping-Andersen defines *welfare regimes* “as the combined, interdependent way in which welfare is produced and allocated between three pillars: state, market and family”. Those three welfare

pillars manage social risk radically different. “Within the family the dominant method of allocation is, presumably, one of reciprocity. ... Markets, in contrast, are governed by distribution via the cash nexus, and the dominant of allocation in the state takes the form of authoritative redistribution – which again does not imply egalitarianism” (Esping-Andersen, 1999:35-36). Hence, Esping-Andersen in his analyses defines the positions of state, market and family in the organization and delivery of specific services considering that different states operate different kind of rules and structures

1.2.1. Social Policy of the Socialist System

The Soviet state cannot be defined as a welfare state because the concept “welfare state” is related to a capitalist system and as such cannot emerge in a planned economy. However, the Soviet state with its universal services and paternalistic concerns towards the well-being of people corresponds the features of a welfare state.

The main difference between the Soviet and the Capitalist systems was its anti-market economy and the dictatorship of the ruling Communist Party. Social policy in the Soviet system covered all areas of modern social policy, except “personal” social services. They were excluded due to ideological reasons, since it was believed that only the capitalist system has social problems, and the Soviet system got rid of all social ‘diseases’.

Social policy was a part of economic policy, and both of them served the ideological goals of the authoritarian state. The economy was supposed to solve all social problems, since it was anti-market, highly centralized and planned by the state. The state exercised a paternalistic concern through total employment, therefore everybody had the right and moral obligation to work. Housing, a part of health services, summer holiday residences and children’s summer camps, and other benefits were entitled through employment. Moreover, employers and unions provided consumer items and food. The state subsidised foods, rents, and transport. The provision of health and education services was universal and free, and cultural services were for low price.

The entitlement through employment made people dependent on employers. Jershina (1992) labelled this system as socialist corporatism, which required families to plan their life in regard to the conditions that were imposed by corporations. The system of corporatism aimed towards keeping employees at the same corporation all

life long. The movement of labour force was restricted and keeping the same work place the whole working life was encouraged.

The criterion for distribution of social benefits was based on work ethics. The socialist system of distribution was summarised in short by an ideological slogan: “from each according to his ability, to each according to his work”. The work was available for all the population. Underemployment was the way to avoid or hide unemployment. There was no system of insurance benefits for unemployed people.

The total employment was achieved by low wages and was regarded as egalitarian system of distribution. However, some groups in society were favoured with higher wages and privileges. Since the Soviet system had to serve the needs of the proletariat, some sections of manual workers were better paid to compare with professionals (doctors, engineers). Hidden inequalities existed. The party apparatus had their own services of higher quality, access to extra incomes and housing.

The system of social security for old age and sickness required no insurance contribution from the insured population. The insurance scheme was composed from the central fund made of contributions of enterprises and subsidised by the state. The pensions usually were low, and they did not follow the inflation. The insurance scheme was comprehensive but did not provide adequate assistance for variety of groups.

Due to low wages and pensions, and underdeveloped caring services for old and disabled people the family was legally required to support their members financially and by providing care. The caring responsibility was an extra burden for women, since the caring role was culturally prescribed to women.

Socialist state colonised family and parenthood economically and politically (Jershina, 1992). The Soviet state did not trust the family as a private and closed unit, which could ignore the ideology of the party. The universal right to education and day care firstly aimed to have control and impose the communist ideology to the future generation. It could be said that children were seen as a group in society with regard to the Party’s aim to have loyal citizens. Children already in primary school were forced to become members of children’s organisation, based on the Communist party’s ideology.

Full employment economy needed women as the labour force; in this way social policy supported women as paid employees and as mothers. Services and benefits provided for women were quite extensive. There was a net of pre-schools and

crèches. Women with children were guaranteed maternal and childcare leave, as well as the restriction of working hours during pregnancy and nursing. However, the policies did not deal with women's domestic responsibilities. That produced 'women's double' burden. The unpaid domestic work was especially overburdening since there was a shortage of domestic equipment and a lack of communal services. Golofast (1992:263) points, that "low labor costs and not an ideology of the equality of rights pushed women and mothers into labor market".

The Soviet state needed a special type of family "to produce an obedient and passive labour force which was also prepared to accept the power structure" (Bjornberg, 1992:26). The Party emphasised the strengthening of the family as an important institution in bringing up children, i.e. future communist society builders. Such type of the family corresponded to traditional, authoritarian family model in the patriarchal agrarian society. Traditional values imposed the authority of father in the family and the authority of both parents over children.

Child provision was the concern of the Soviet state and was implemented through paternalistic policy and universal services, i.e. the universal right to education, health care and day care. However, *child protection* was in a critical situation due to absence of social services, since social problems were defined as the result of individual pathology. Pringle (1998:120) claims that it made impossible to relate child abuse to structural factors. The Soviet State was interested in morally healthy families. Consequently, the families, which did not confirm the standard and did not take appropriate care for their children were punished. The parental rights were terminated indefinitely and children were taken into the state supervision. Usually children were placed in big institutions until their age of maturity.

Children's democratic participation in the family or the society was suppressed in the authoritarian state. Individuals both children and adults must served for the needs of the state.

1.2.2. Typology of Welfare States According to Welfare Regimes

Esping-Anderson (1999, 1990) "sociologized" the debate of political economy in his typology of welfare states. The essential criteria in his typology deal with relationships between the state, the market and the family. The concepts of commodification and de-commodification are important in understanding those relationships, which Esping-Anderson use to explain the provisions of welfare state.

The concept of *commodification* is related to the process, when labour power and human needs have become a commodity in the market economy and dependent on the cash nexus. This is a conflicting issue in social policy, when in historical development, wage earners replaced individual producers, and propertyless workers became dependent on their earnings. Furthermore, workers as commodities are vulnerable to destructions, they can be destroyed by illness, they are replaceable and atomised. They are forced to compete in selling their labour power. *De-commodification* refers to the degree individuals or families can maintain the acceptable standard of living as their social right without reliance on the market. This involves the right to society's resources as a matter of rights independently of labour market participation. This is related to the status of labour shaped by social policy.

Esping-Andersen (1990) suggested threefold typology: the liberal, the conservative corporatist and the social democratic types of welfare regimes in capitalist states based on the private-public mix of entitlements.

The liberal model builds entitlements around the means-tested social assistance. These benefits are usually low and stigmatised. Social policy is oriented to market-based social insurance schema. The main assumption is that the market is the best possible solution for welfare, and that all individuals have equal opportunities for self-realization and market participation through commodification. The ideology of liberalism underlines competitive individualism. Consequently, the individuals who cannot work have to seek for economic aid in the family, the church and the community. The state does not take responsibility to lessen the caring burdens of the family, and families can buy services in the market as solution to the reconciliation of family obligations with paid female employment. The outcome is one group of citizens at the bottom of society primarily reliant on stigmatising poor relief; one group in the middle predominantly the clients of social insurance; and, finally, one privileged group capable of deriving its main welfare from the market. The examples of this model are the Anglo-Saxon nations: the United States, Great Britain, Canada and Australia.

The conservative corporatist model extends entitlements based on work performance, class and status. The state is more important than market in financial provision, which is organized through social insurance rather than through taxation. The grant of social rights is conditional upon appropriate morals and loyalties. Individuals were supposed not to compete or struggle, but to be subordinate to

authority. The conservative ideology views the commodification of the individual as socially unacceptable. This regime seeks to reserve traditional society by a corporate model, as the means to integrate the individual into community and protect from individualization and competitiveness of the market. Corporatism was typically built around occupational grouping, and shaped by the Catholic Church. This regime is committed to traditional family and gender roles. Social policy does not encourage women's participation in labour market and is based on the principle of subsidiarity, which means that the state only interferes in the family when the family's capacity is too weak to support its members. This regime clusters Continental European countries such as Germany, Austria, France and Italy.

The social democratic model establishes eligibility around universal rights of citizenship, regardless of the degree of the need or the extent of work performance and is the most de-commodified regime. The state provides benefits introducing high taxation level. The social policy is based on the principle of solidarity. Universalism and de-commodification of social rights includes the middle class. All citizen benefit and all citizens are obliged to pay. It ought to exhibit the lowest level of benefit differentials. This model supports individual independence and minimizes dependency on the family and the market, since the state is lessening the caring burdens of the family. The result is that a woman can choose work rather than housewifery. The state takes direct responsibility for childcare, and grants social transfers directly to children. Scandinavian countries fall under the social democratic regime.

The classification of welfare regimes by Esping-Andersen is now under discussion. The welfare regimes have been reviewed from gender and children's perspectives. Feminists critique the welfare state theory for being centred around the man as being a full-career worker, and neglecting gender relations produced by social policy. Pringle's (1998:13) major criticism is addressed to "the failure of Esping-Andersen's analysis to consider a range of social oppressions that are central ... to the functioning of the welfare system". Pringle associates social oppression with sexism, racism, heterosexism, disablism and ageism. He defines ageism as the major form of social oppression, which affect children's wellbeing.

Esping-Andersen's Typology from the Perspective of Women

In his later analyses of the welfare state, Esping-Andersen (1999a) reviewed his typology with focus on family, and the changing role of women. The post-war welfare state was built on the assumptions that mothers would be housewives. That has placed women in “pre-commodified” position, since the concepts of commodification and de-commodification have relevance only in the case of participation in the labour market. The welfare of women depends on being in a family. Here Esping-Andersen introduces the concept of ‘de-familialization’, which parallels the concept of de-commodification. It concerns the character of social policy in a welfare state, i.e. how the welfare state shares the family caring burden. De-familialization indicates “the degree to which social policy frees women from the burden of family obligations; the extent to which motherhood is compatible with careers” and “autonomous to become commodified” (1999:51).

Esping-Andersen’s conclusion is that the comparison of welfare regimes based on household economy and woman’s de-familialization in a welfare state corresponds to the previous welfare regimes defined in his book *Three Worlds of Welfare Capitalism*.

Esping-Anderson's Typology from the Perspective of Children

Children’s position is different from the other groups in the society. Children are restricted to participate in the social contract of the welfare state due to the lack of political rights. The society restricts children’s participation in the labour market. Consequently children cannot be commodified and consequently de-commodified by the social policy. That makes them dependent family members. The issue of children’s dependency is defined by concepts of familialization and defamilialization in modern sociology of childhood (see chapter 1.3), which parallels women’s defamilialization in the welfare theory. The policy issue of women’s defamilialization is their commodification and de-commodification, and children’s defamilialization is their recognition as a social group in the society and autonomous individuals with rights.

The assumptions above suggest that Esping-Andersen’s typology can work differently from the perspective of children. This has been proved by Bartley's (1998) and Pringle's (1998) analyses. I review here their studies with regard to child orientation in child provision, protection and participation, since this approach

corresponds to the framework of analyses of this study. Bartley's criteria of analyses fall under the child provision and participation, and Pringle's criteria under provision and protection.

Child provision in Bartley's and Pringle's analyses is based on the same criteria: financial support for families, leave arrangements for parents and day care services. In both studies according to those criteria Germany and France, as two countries with conservative welfare regimes in Esping-Andersen's typology, split and demonstrate differences. Bartley clusters Germany with Great Britain as demonstrating low degree of child-oriented policy and France with Nordic countries as demonstrating high degree of child-oriented policy. Pringle does not cluster Germany and France with other regime types and reveals similarities and differences between the two countries within the conservative regime. Both countries recognize family as a social institution. Moreover, the principles of subsidiarity and social solidarity are embodied within both welfare systems. However, Germany has more emphasis on targeted social provision, which is a feature of liberal welfare regime. The two countries differ significantly in relation to the role of women as the main providers of childcare. German financial support encourages women to stay at home, which corresponds the conservative welfare regime. France is less concerned with traditional family roles. This approach corresponds the social democratic regime. Pringle concludes that Esping-Andersen's formulation fails to embrace all divergences in child provision between the two countries.

Pringle analyses child abuse, out-of-home placements, preventive and therapeutic services, which fall under the definition of child protection in children's policy. Here Pringle's comparison of Great Britain, the Nordic countries, France and Germany parallels Esping-Andersen's classification of welfare states.

In Great Britain child protection policies differ quite extensively from the other countries. The policy has been affected by 'Thatcherism', which divides society into good citizens and 'dangerous' minorities:

The vast majority of families were assumed to contain good citizens who should be allowed to look after themselves without state intervention. However, there was also the expectation that there would be a small minority of 'feckless,' dangerous individuals, who could not cope financially and/or harmed their children. This scenario, apart from being very reassuring to the majority of the population, also had the potential for being economically advantageous to the government. Once again, in this context, it is not hard to see why the resources of personal social services for childcare should be concentrated on the issue of child abuse.

Pringle 1998:35

The English child protection model is characterized by emphasis on enquiries and the lack of preventive and therapeutic services. Services provided by family centres are at a large extent targeted to families at 'risk'. The English child protection system is guided from the centre. There is a national register of children who have been abused. Targeting services and registration of children make services stigmatising. A structural characteristic of social work differs from most European countries. Social workers in England do not have a primary responsibility for the allocation of financial benefits. Great Britain according to Pringle (1998) corresponds to Esping-Andersen's liberal model by non-interventionist state policy and residual, stigmatised public services for children and families.

France and Germany Pringle clusters with conservative welfare regime, since their approaches in child protection are "influenced by the dual principles of subsidiarity and solidarity within the range of relatively supportive welfare measures" compared to Britain (Pringle 1998:64). Both countries have emphases on preventive and therapeutic assistance. Social services tend to be more inclusive than those in Britain.

Pringle's survey of the Nordic countries confirm their clustering into social democratic regime with universal services, which promote the positive well being of all children. Social services at a large extent are committed to preventive work. Child protection policies aim to remove the child from the family as an extreme possibility. "Where removal does occur the trend is very much towards voluntary rather than compulsory placement" (Pringle, 1998:102).

Child participation is assessed in Bartley's study by examining the concept of parental responsibility and some rights and obligations of the child. She groups the countries by the degree of child-oriented policies. Again, the United Kingdom and Germany form one group with low degree of child-oriented policy. The Nordic countries tend to be the leading countries with high degree of child-oriented policies. France maintains the intermediate positions between the social democratic model on the one hand and the UK and Germany on the other hand. Child policy in France demonstrates ambivalence. On the one hand, the child's individual rights as an actor are supported, and on the other hand, the traditional view of the family is maintained.

Summing up, the analyses of welfare regimes from children's perspective show some distinctive groupings, which are not entirely consistent with the previous

welfare state regimes defined by Esping-Andersen. In child provision Germany and France as two countries within the conservative regime demonstrate differences. Germany demonstrates the features of the liberal regime and France of the social democratic regime. In child participation Germany clusters with the UK and France maintains the intermediate position between the former two countries and the Nordic countries.

1.2.3. Typology of Post-communist Countries

Esping-Anderson does not cluster and compare post-communist countries. Nevertheless, he does some observations about those countries in their transition to the market economy. He assumes, that Eastern European countries do have a choice among the welfare state models, and in making it they have to be aware of the market role in the welfare state:

...none of the three welfare state models considered relies on private markets to provide the bulk of social protection. The existence of market failure is one important reason for this A heavy reliance on the private sector would put Central and Eastern European countries out of line with practice in the OECD area. ... It is apparent that the choice between welfare state models has implications for overall public expenditure burdens, on the one hand, and for poverty and distribution on the other hand. This is most clearly evident in the contrast between Sweden (high costs/low poverty) and the United States (low costs/high poverty).

Esping-Anderson et al.1991: 63

Although Esping-Anderson does not analyse the post-communist countries, there are studies done, which use Esping-Anderson's typology to assess the trends of the social policy in the post-communist countries. There are studies done, which overview the general trends of social policy (Standing 1996; Deacon 1993), and from women's (Pascall et al. 2000) and children's perspectives (Pringle 1998).

Deacon (1993:177) in his study asks, "whether the East is merely copying the West or whether new types of post-communist welfare regimes are emerging". His conclusions are that the soviet system "was highly de-commodified, although benefits were dependent on work record" (Deacon, 1993:191). The distribution combined the egalitarian pattern of social democratic regime types with hidden corporatist conservative practices to protect the privileged position of the party state apparatus. Deacon argues that the new system becomes highly commodified. It will produce new social inequalities and reliance on the market for provision. He claims, that the

characteristics of liberal welfare state regime type are emerging. Since the Soviet state has been oppressive and paternalistic, there is little reliance on the state and stress is on private initiative. The other emerging characteristic according Deacon is a conservative corporatism in which the old nomenclature will seek to secure a greater degree of state protection. He predicts, that the temporary forms of conservative corporatism may emerge in the former Soviet Union (or at least in parts of it), Bulgaria, Romania and Serbia. Deacon (1993:195) defines it as a post-communist conservative corporatism, which “captures the ideological and practical commitment to social values, the maintenance in power of some of the old guard, and the social deal struck with major labour interests”. According to Deacon’s predictions in a few years time we would be able “to look back and characterise the social policy of these countries in terms that reflect the Esping-Andersen’s threefold typology”, together with new characteristics of the unique post-communist conservative corporatism (1993:193).

Standing (1996) claims that the features of liberal welfare regime prevail in the developing welfare states in Eastern and Central Europe. He points that there is still an option related to the social democratic tradition, since there are social solidarity traditions left in the region. However, according to Standing this option hardly can be chosen since other roots oriented to liberal policies look more likely to be taken first. He distinguishes firstly, the role of international financial agencies, such as the World Bank, which pressures to create a specific type of neo-liberal market economy. Secondly, all institutions, which participate in the reformulation of social policy, are weak. Consequently the negotiations “between contending interest groups are limited and fragile” (Standing, 1996:249).

Esping-Andersen’s typology of welfare regimes was used to identify the impact of Transition on women in 27 countries in Central and Eastern Europe and former Soviet Union. In this study, Pascall and Manning (2000) have developed a five-dimensional framework that enables to analyse gender in the Eastern welfare regimes and to compare and contrast them with western models and to identify some patterns of change. The framework analyses women as workers, partners, mothers, carers and citizens.

Their conclusions are that there are crucial differences from western models, although at the first sight it seems that the Soviet model was similar to the Swedish one. Both of them supported dual breadwinner families. Both of them provided

support for childcare, benefits for parental leave and had universal health and education services. The differences were that welfare entitlement made labour market participation compulsory more for women in the Soviet countries than in Sweden, where entitlements through citizenship are more the norm.

The general conclusion concerning women's familialization in the new regimes was that women across the region "are now increasingly dependent on family relations", since the soviet system of support for women's labour participation and motherhood was dismantled to various degrees (Pascall et al., 2000:264).

Pringle (1998:128) concluding his survey of Eastern Europe from the perspective of child welfare claims that there is "no evidence to indicate that future social policies in relation to children and families across the countries of Eastern Europe will conform in any direct way to Esping-Andersen-type patterns, though there clearly are, and probably will continue to be, elements of them all present to varying extents".

1.2.4. Research on Children's Policy

The research on children's policy analyses as a separate area of social policy has emerged very recently and is not numerous. In my literature search, I have found eight studies. However it is possible to distinguish two specific areas of scientific inquiry: children's policy as the assessment of implementation of the Convention on the Rights of the Child, and children's policy in welfare states where welfare regimes are reviewed from the perspective of children's policy.

The studies of implementation of the CRC are comparative (Hestbæk, 2001; Woll, 200; Bartley, 1998), dealing with the European Union and its enlargement (Ruxton, 1999) or analyses of a single country (Sakalauskas, 2000, Dickens, 1999, Sünker, 1995). Two studies (Bartley, 1998; Pringle, 1998) analyse the children's policy using Esping-Andersen's classification.

It is important to note the study done by Sakalauskas (2000), since he is analysing the implementation of the Convention in Lithuania. He is reviewing Lithuanian laws with regard to the articles of the Convention in the areas of definition of the child, the responsibilities of the state, basic children's rights and freedoms, the child and social environment. He is discussing particular articles of laws, which concern children's issues. However, there is lack of comments how statements of laws correspond to the principles of the Convention.

Here I concentrate the discussion on the studies that are more relevant to the aims of my study. Dicken's (1999) study analyses the implementation of the CRC in Romania and reviews the new legislation in terms of children's rights to provision, protection and participation. Dicken bases those three areas on the articles of the CRC. Furthermore, he draws his attention to social services and social work, which according to Dicken are important to make the new legislation a reality. He concludes that children's rights are threatened in Romania most notably by the increase in poverty, and that there is a lack of political commitment to meet children's rights.

In his comparative study Pringle (1998) analyses the welfare of children in Western and Eastern Europe (see chapter 2.2). Esping-Andersen's categorisation of welfare regimes is a baseline for his study. His analysis is based on the assumption that extensive and severe oppression is an integral part of children's lives. Pringle's central concern is oppressive power relations, and their impact on children and their carer. He is discussing the involvement of personal social services and social work

Bartley (1998) includes two areas of scientific enquiry distinguished above. She compares children's policies of six OECD countries with regard to the principles of the Convention on the Rights of the Child, and examines children's policy in relation to Esping-Andersen's classification of welfare regimes. I will discuss her study more in detail since I use her model of analysis in this study.

According to Kristina Bartley, the UN Convention on the Rights of the Child and the UN Committee's methods of working has laid the foundation for studying child policy. The Convention being a treaty binds the State Parties and makes them responsible for the implementation of the principles of the Convention. The treaty body, the UN Committee on the Rights of the Child, has established its responsibility to examine the progress made by the State Parties in realization of the principles of the Convention. The State Parties have to submit regular reports to the UN Committee. The aim of the reporting procedure is to have a public debate on how to improve the enforcement of the provisions of the Convention.

Therefore the aim of Bartley's dissertation is to study child policy and how it is consistent with the principles of the UN Convention on the Rights of the Child in six developed welfare states, which have ratified the Convention. The countries are Sweden, Norway, Denmark, France, Germany and the United Kingdom.

In comparing the child policy of the six countries, Bartley has used four sets of primary sources: the UN Convention on the Rights of the Child, the initial reports of

the countries to the UN Committee, the comments of the Committee on these reports and alternative reports from non-governmental organizations or similar organizations. She has used a number of complementary sources, such as participating observation, and contacts with some non-governmental organizations, comparative public investigations and other research material.

Bartley makes the distinction between *child-oriented* and *adult-oriented* policies in order to assess what has been done in the country in the process of implementation of the Convention. She has based the criteria of what is considered to be child-oriented policy on the articles in the Convention.

Bartley considers countries to be more child-oriented depending on whether the countries had an independent authority dealing with child issues or established cooperation between governmental and non-governmental organizations. She examines child's rights to physical and psychical integrity, to both parents, to acceptable standard of living, to child-care and regulations of each country concerning adoption, seeking asylum and reunion of families and relatives.

In addition, Bartley has introduced two analytical perspectives: the object perspective and the actor perspective. The object perspective regards the child as an object needing care and protection. The actor perspective regards the child as an active subject, i.e. an individual who is liberated from adults' power. Presenting the first perspective, the child as an object, and assessing child-oriented approach here, Bartley compares the support, which the countries provide for families with children, in the form of various financial contributions. She examines the child's rights to both parents, the child's rights to acceptable standard of living and the child's rights to child-care.

Using the second analytical perspective with the child as an actor, she compares how the countries define parental responsibility, rights, and obligations of the child. She examines how parental responsibilities are shared by both parents, what attention is given to the views of the child.

In the comparison, Bartley has grouped the six countries in three ways. At first, she shows the results from an overall perspective of child-oriented policy, which includes the object and actor perspective together. Second, she shows policy orientation towards the child as the object; and in third policy orientation towards the child as an actor.

1.3. SOCIAL-EDUCATIONAL RESEARCH METHODS OF CHILDREN'S POLICY

In the present chapter the methods are discussed that have been used to analyse the implementation of the CRC in the period of 1990-2001 in Lithuania and to compare Lithuanian children's policy to the policies of six OECD countries: Denmark, Great Britain, Germany, France, Norway and Sweden. I have chosen this period for analyses since Lithuania has been experiencing the dramatic changes in social cultural contexts moving from the authoritarian to democratic state. Consequently the understanding and interpretation of those contexts have been significant for formulation of children's policy. Further more the six countries mentioned above as well as Lithuania have submitted their Initial Report regarding the implementation of the CRC to the Committee of UN. Thus the process of reporting has granted a possibility to compare children's policies of those countries. The end of the analyses is the year 2001, since this year the UN Committee issued the Concluding Observations on the Lithuanian Initial Report, and the progress made in achieving the realization of the principles of the Convention have been discussed.

1.3.1. Framework of Lithuanian Children's Policy Analyses

I apply Bartley's analytical perspective having some critical considerations and reservations, and assuming the special socio-political situation of Lithuania.

I use the distinction between child-oriented and adult-oriented policies, which Kristina Bartley uses to assess what has been done in the countries in the process of implementation of the Convention. The child-oriented approach in children's policy is consistent with the philosophy of the Convention and the perception of the child as the subject of adults' concern. The child-oriented approach in my study is based on the theories of rights and childhood sociology, which discuss children as individuals and as a group in the society.

Bartley has based the criteria of what is considered to be child-oriented policy and defined the indicators on the articles in the Convention. In my study I undertake the similar position, only I have chosen to add some other indicators relevant to Lithuanian areas of study. Bartley relates the indicators with child as an object perspective and the actor perspective. I relate the child-oriented approach to the child's right to protection, provision and participation. Here I follow Dicken (1999)

who assess as the implementation of the CRC in Romania in the same three areas of children's policy.

Child protection. I analyze using indicator presented by Bartley and two additional indicators relevant to Lithuania:

1. The right of the child to mental and physical integrity (art. 19, art. 34 and art.39).
2. The right of the child to parental upbringing (art.3.2 and art. 18.1-2) (Additional indicator)
3. The right of the child to suitable alternative care (art 20 and art.21) (Additional indicator)

Child provision. I analyze using Bartley's indicators, which she has related with the child as an object perspective in her study:

1. The right of the child to acceptable standard of living (art.27.1-4).
2. The right of the child to parental upbringing (art.18.3).
3. The right of the child to both parents (art.18.1).

Child participation. I analyze using two Bartley's indicators, which she has related with child as an actor perspective in her study, and add one additional indicator relevant to Lithuania:

1. Definition of parental responsibilities (art.5)
2. Respect for the views of the child (art. 5, art. 12)
3. Children's participation in society (art.15) (Additional indicator)

Finally, I use the same Esping-Andersen's (1990) typology of a welfare regime as Bartley to assess where the Lithuanian children's policy falls according to the welfare regimes. Bartley puts the countries on the line according to the degree of child-oriented policy and assesses whether the countries form the groups according their welfare regimes. My concern is that I cannot have Lithuania on the same line with the six OECD countries. Firstly, I include only selected Bartley's indicators and add some new indicators, relevant to Lithuania. Secondly, Lithuania is a country, which is not included in Esping-Anderson typology, and the type of the welfare regime of Lithuania is not defined. Moreover, Pringle concludes in his analyses of Eastern European countries that "Eastern European countries are unlikely to mirror directly or simply trends in the West". Thirdly, I think that linear distribution of the countries demonstrates too simplified picture of the complexity of the countries policies.

Based on the assumptions above, in the analyses of children's policy in Lithuania I will try to identify possible patterns from different welfare regimes, which correspond to Lithuanian policy. Basing on this further I will try to make a description of the specific welfare regime in Lithuania from the children's policy perspective. To achieve this I use some data from Bartley's study and Pringle's analyses of the OECD and East Europe countries from the perspective of child welfare.

1.3.2. Methodology of Research

The methodology has integrative interdisciplinary approach and is based on a postmodern phenomenology paradigm which does not believe that generalized knowledge is relevant for understanding of social reality. "Strict *scientific objectivity*" does not serve the description of this kind of reality...hierarchical organization and clear boundaries of segments do not suit for it (Rubavicius 2003). Accordingly, knowledge is not a mirror of reality but a social construction.

The attitudes of postmodernism are related to a society of knowledge which requires knowledge as a strategy of the country which asks for the new definition of societal contract and for rethinking of the meaning of the welfare state, the quality of live, education and the whole society. In this situation scientific knowledge about individuals and society are prioritized and a process of education is perceived as an interaction among individuals and among their perceptions of the world (Morku niene 2003).

The approach of postmodernism is relevant in analyses of social-educational contexts of children's policy and children's rights, when childhood is perceived as social construction. This approach relates science with social life and grounds knowledge on interaction of interests. It does not accept the notion that the world is a scope of objective facts which exists independently from the investigator. "It is not the abstract knowledge which directs people for actions but the knowledge itself appears from the people's aims to direct their lives". It is important for people to understand "their own historical situation therefore they can act as free and responsible individuals" relating their interest with concrete situation and interests of other individuals (Rubavicius 2003 : 126).

The aim of phenomenology is to interpret and explain human reality, "where the focus is ... on the negotiation of the meaning of the social world" (Kvale, 1996: 41). According to Kvale "human reality is understood as conversation and

action, where knowledge becomes the ability to perform effective actions. Today the legitimation question of whether a study is scientific tends to be replaced by the pragmatic question of whether it provides useful knowledge”. This is a phenomenon of the society of knowledge, which reflects new social understanding of the reality of everyday life such as *relationships between society and children*.

1.3.3. Research Methods

Comparative Policy Analysis

Using comparative policy analysis this dissertation examines Lithuanian children's policy at a policy planning level, which is compared to the policies of the six OECD countries according to the principles of the CRC. This analysis is based on secondary data analysis: content analysis, the data from statistics and other studies.

In this study I look at policy as the process divided into series of stages of policy planning. This approach to policy analyses was founded in 1970s and continues to be the basic framework (Parsons, 1995). This framework has advantages in suggesting rational structure, where we can see the complexity of policy-making.

Different authors suggest different stages of policy analysis, which are similar in their vertical order and depend on the author's aims of analysis. In this study I look at the vertical disposition of the stages as policy planning and policy delivery. The policy planning includes the setting of agenda, policy formulation and decision-making. Policy delivery is concerned about the development and implementation of programs and their evaluation.

The division of policy into stages is criticized since it presents the artificial image of policy-making, when policy is created on the one side and evaluated on the other side of the line (Parsons, 1995). In the real world all those stages overlap and pass over. Sabatier and Jonkins-Smith (1993) criticize this framework for not providing any causal explanation between policy stages, for its top-down bias, which emphasizes the implementation of the major piece of legislation, and neglects the different levels of policy-making.

Despite the above criticism, this framework helps me to be clear about the focus and levels of my analysis. Thus the focus of my analyses covers international and national levels. At international level policy planning is related to the process of drafting the Convention and opening it for ratification, and policy delivery is related to the actions of the governments of the State Parties for the implementation of the

The content analysis is aimed to assess how legislation and administrative structures are reflecting child-oriented policy in the process of reforms. In assessing Lithuanian children's policy, and following Bartley's model, I analyse the Initial Report of Lithuania to the UN Committee, the comments of the UN Committee on this report, and the alternative report from non-governmental organisations. The UN documents serve as the means to identify the main issues and decide about the indicators relevant to Lithuania.

Since my study is based on the assessment of a single country I make a deeper analysis and study Lithuanian laws (see appendix A) in addition to the UN documents. The criteria for selection of the laws are 1) the period of analysis i.e. the first decade of Independent Lithuania until the year 2001, 2) the concern with children's and families' issues, 3) the references to the laws or issues related to the specific laws, discussed in the UN documents. The search of laws was done mainly in the Internet home pages of the Lithuanian Parliament and ministries.

Analysis of statistical data is aimed to assess changes during the period of analysis and to compare Lithuanian children's policy to the policies of the six OECD countries. The sources of data are the reports of Children's Rights Protection Agency under the Ministry of Social Security and Labour, UNICEF databases and Social Reports issued by the UNDP. It is important to note that there is lack of systematic data collection according the areas of the CRC in Lithuania. The data presented by Children's Rights Protection Agency under the Ministry of Social Security and Labour is not informative enough. There is a lack of information about the situation of children and services for them. Moreover, the validity of statistics could be questioned. For example, the workload of the local Child's Rights Protection Agencies is presented by the number of children. It is not clear if they are children, who have received the services or just the number of children in the area. There are no statistics about children in poverty, children with unemployed parents or adopted children.

Interviews

The aim of the interviews with the politicians is to reveal the understandings of politicians with regard to children's issues according to the principles of the Convention and to enrich the study with the situational perspective.

Rein (1976) claims that any social policy action cannot be understood in isolation from the framework of thought which interprets it and infers policy decisions. According to Stone (1997:12) the first task of a policy analyst is to reveal underlying disputes, since “it may not be possible to everyone to agree on the same interpretation”. This approach to policy analysis based on subjective aspect of political life, and politicians’ understandings, beliefs, intentions, motivations and values has recently become the centre of policy analysis (Goodin et al., 1996).

I use the interview research method described by Kvale (1996) and Tutty, Rothery and Grinell (1996). Kvale (1996) defines an interview research as a conversational reality where in the process of questioning and listening the interviewees formulate their own conceptions of the world. Thus the interviews allow describing and interpreting politicians’ understanding of children’s issues according to the principles of the CRC.

The interviewees are members of the Family and Child Commission in the Lithuanian Parliament. This choice was made, because the aim of the Commission is the implementation of the Convention on the Rights of the Child and promotion of the laws, which protect children and their interests. Politicians in this Commission participate in the decision-making and formulation of children’s policy at policy planning level.

I had 16 interviewees total. They are 10 out of members of the first and 6 out of the 9 members of the second Commission. The first Commission was set in 1997 and the second in 2001. The new elections of the Parliament caused the change of the Commissions. The members of the Commission are assigned according to the proportional majority and minority representation of fractions in the Parliament. The first Commission consisted of the members from 6 different political parties: Conservative - 3, Christian Democrats - 2, Center Union - 2, New Democracy – 1, Social Democrats – 1, Labour Party – 1. The second Commission consisted of the members from 7 different parties: Social Democrats – 2, Liberal Union – 2, New Democracy – 1, Conservative – 1, Labour Party – 1, Polish Union – 1, Social Liberals – 1. The first commission had 7 women and 3 men. There are 6 women and 3 men in the second commission.

Data Collection. Interviews with the members of the Commission started in March 2000 and continued until June 2001. The interviewing has been stopped because the politicians asked to postpone their interviews since their membership in

the Commission was too short for them to be familiar enough with the children's issues.

Data have been collected by semi-structured interviews. Data collection has started with a pilot study for clarity how to structure the interviews. After the pilot study I have restructured the interviews and grouped the questions according to the three areas of children's policy: child protection, child provision and child participation (see Appendix C). The interview started with an introduction concerning children's issues in general. The interviewees were willing to participate in the interviews. The problem was their schedule, and sometimes they had to postpone their interviews. The interviews were held at the Parliament in the offices or Parliament cafe and lasted from 45min as long as 1h and 15 min. The information during the interviews was audiotape recorded.

Data Analyses. According to Tutty et al. (1996) data analyses is a step-by-step systematic process. The analysis of data has started with data collection and continued during the process and beyond. I used a journal to record the process of analysis. It was a useful strategy for organizing thoughts and developing of the category scheme. After each interview I have transcribed and coded it. The task of coding was to identify and label relevant categories of the data. Analysis of the major themes that emerged from the data in the four selected areas of children's policy concludes the study. I do not distinguish the interviewees in regard to sex, political party or age, since I am interested in their interpretations only as being members of the Parliament. I make distinction according to their belonging to the first and the second Commissions.

Ethical issues. At the beginning of the study the participants have been informed about the study with a letter. It entailed information about the content and the goals of investigation, and the anonymity of their participation. None of the quotations used makes the speaker recognizable and is not consistently associated with the same participant throughout the text.

2. SOCIAL-EDUCATIONAL UNDERSTANDING OF CHILD'S RIGHTS AND SITUATION OF THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN LITHUANIA AND OTHER COUNTRIES (COMPARATIVE ANALYSIS)

2.1. THE SOCIAL-EDUCATIONAL UNDERSTANDING AND CONVENTIONALITY OF THE RIGHTS OF THE CHILD

2.1.1. The UN Convention on the Rights of the Child

History of the Convention

The idea that children had rights emerged in XIX century. Freeman (1992:29) points to the year 1852 when the article with the title 'The Rights of Children' appeared in France. After the First World War children's rights got international attention. Women who had struggled for their own equality carried the banner for children's rights. In 1924 the Declaration of the Rights of the Child was adopted by the League of Nations and in 1959 by the United Nations. Neither of these documents was binding on the governments of the world. Therefore, an idea emerged about drafting a treaty between governments on the rights of the child (Hammarberg, 1990).

The process of drafting of the Convention on the Rights of the Child started with the preparation for the 1979 UN International Year of the Child. The Government of Poland submitted a draft of convention. The original draft was amended and expanded through long discussions in a working group set by the United Nations Commission on Human Rights. This group consisted of governmental delegates and representatives of the United Nations bodies (Fact Sheet No. 10). In 1983 the Ad Hoc Group of Non-governmental Organizations was formed. It had consultative status with the UN and had the ability to speak at the meetings of the Commission (Dolgopol, 1987).

In 1989 the entire text of the Convention was ready. The opening for ratification of the Convention marked the tenth anniversary of the International Year of the Child. The Convention went into force in September 1990, when 20 States legally endorsed it. By 31 December 1995, no less than 185 countries (Lithuania was among them) ratified the Convention. This number was unprecedented in the field of human rights (Fact Sheet No.10).

Monitoring of the Convention

Under the article 43 of the Convention the UN Committee on the Rights of the Child shall be established for the purpose of examining the progress made by the State Parties in achieving the realization of the principles of the Convention. The examination of the progress made by the State Parties is a process, which includes the submission of the states and non-governmental organizations written reports to the Committee, the 'list of issuers' sent to the governments, discussion with governmental representatives and 'concluding observations' of the Committee (Sheet of Facts No.10).

Under the article 44 of the Convention, the State Parties accept the duty to submit regular reports to the Committee on the Rights of the Child on the steps they have taken to put the Convention into effect in their country. 'Initial report' is to be submitted within two years of ratification of or accession to the Convention and thereafter every five years.

Reports should provide the Committee with the comprehensive information of the implementation of the Convention in the country. They should provide information on the measures adopted and the progress made by the State Party in the implementation of children's rights. The State Parties should indicate the factors and difficulties affecting the fulfilment of the obligations under the Convention. Reports should be accompanied by copies of relevant legislative texts, statistical information as well as quantitative information, which shall inform about changes in the status of children, variations by age, gender, and social and ethnic group, changes in community systems serving children. The process of preparing a report for submission to the Committee provides an opportunity for the State Parties to review its law and policy and ensure that they are consistent with the Convention (Hodgkin et al., 1998: 604).

The reporting procedures are oriented towards international cooperation and the exchange of information. The involvement of non-government organizations is also important. They are welcome to submit written information to the Committee. The Committee has emphasized the importance of a constructive dialogue with governmental representatives. The reports received from the states first are discussed in pre-session working group and the 'list of issues', which is going to be discussed in a session with an invitation to participate in a session of the Committee is sent to the Government. On the basis of the written information received from relevant non-

governmental organizations, the Committee can invite such organizations to take part in the preparatory meetings on State reports. After the discussion with the governmental representatives the Committee adopts ‘concluding observations’. The United Nations publishes both press release on the discussion and more detailed summary records of the proceedings (Fact Sheet No10).

The Committee encourages the national reporting procedure to be open, as well as the State report and concluding observation widely publicised and serving the promotion of the national debate on how to improve the enforcement of the provisions of the Convention (Fact Sheet No10).

2.1.2. Lithuania and the Convention

The reporting process to the UN Committee.

Lithuania acceded to the Convention, i.e. the President of the Republic of Lithuania signed it in 1992, and in 1995 the Parliament (Seimas) ratified it¹. According to the article 138 of the Lithuanian Constitution international agreements, which are ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania.

Under the article 44 of the Convention Lithuania had to submit an initial report to the UN Committee on the Rights of the Child within two years of the accession to the Convention, i.e. in 1994. It was submitted with four years delay in 1998. Lithuania was not the only country, which submitted its report with some delay. Latvia submitted it with six years delay, Hungary with three, Bulgaria, Czech Republic and Slovakia with two years of delay. The report was prepared by the specialists of the Ministries of the Republic of Lithuania: Culture, Social Security and Labour, Health Care, Education and Science, Justice, Interior and Foreign Affairs as well as the Department of Statistics, the Institute of Law, and the Children’s Rights Protection Agency under the Ministry of Social Security and Labour (Initial Report CRC/C/11/Add.21). Non-governmental organizations offered their suggestions and comments on the report. In addition non-governmental organisations sent their written information to the UN Committee.

¹ According to the Constitution of the Republic of Lithuania artic. 84.2 the President of the Republic shall sign international treaties, and submit them to the Seimas for ratification.

The UN Committee wrote the List of the Issues in regards to the Initial Report of Lithuania in October 2000. The delegation of Lithuania had a discussion with the UN Committee on 17 January 2001, and on 26 January 2001 the UN Committee issued the Concluding Observations. The UN documents are used as means of analysis in the present study to identify the relevant areas of analysis for Lithuania (see chapter 3).

The Concluding Observations highlighted the positive aspects and difficulties in the implementation of the Convention. The Committee appreciated the recent adoption of new laws and the establishment of new governmental bodies. It welcomed the appointment of the Children's Ombudsman and establishment of Schoolchildren's Parliament. The subjects of concern of the Committee were the lack of full conformity of all legislation with the principles of the Convention, the lack of allocation of budgetary resources, and of systematic data collection for all areas covered by the Convention. The Committee pointed out that the transition to the market economy affected mainly families with children and that the present welfare service system was unable to deal with the growing need for services. There was the lack of alternatives and a lot of children from poor families were placed in institutions, and deprivation of parental rights was the only way of protecting a child from abuse and violence. The Committee expressed its concern at the widespread use of corporal punishment in the family and in the institutions. The Committee made comments on health services, education, on children applying for asylum and living in the streets (Concluding Observations CRC//15/Add.146).

Legal Changes

As the period, which I analyse is the first decade of Independence of Lithuania (1991 until 2001, the year when the UN Committee issued their Concluding observations on Lithuania) I will present the laws, which were in power and the changes, which occurred within this period (see appendix A). Here I will discuss laws, which concern children and the family.

The proclamation of the independence of Lithuania on 11 of March in 1990 was on the one hand the end of the Soviet occupation and on the other hand the re-establishment of the State of Lithuania. The Act on the Re-establishment of the State of Lithuania claims, that the Act of Independence of 16 February 1918 has never lost its legal effect and comprised the constitutional foundation of the State of Lithuania.

Consequently the Soviet Constitution was denounced, the Constitution of 1938 was re-established, and the other Soviet laws remained in power.

The laws relevant to families and children, which were in power in 1992, the year when Lithuania acceded to the CRC, were the following: the Constitution of the Republic of Lithuania, the Code of Family and Matrimony, the Law on State Benefits for the Family and the Law on Social Insurance.

In 1992 the Constitution of the Republic of Lithuania was accepted by the referendum. This Constitution was the continuity of the Constitution of 1938 with the amendments made in regard to the new political, economical and social situation of Lithuania. The Constitution states the main principles and values of a democratic state. The rights and duties of parents and children are described in the chapter Society and the State. Furthermore it is claimed, that the family shall be the basis of society and the State (artic. 38), and that the State shall take care of families bringing up children at home (artic. 39).

The Code of Family and Matrimony, which was approved in 1969, remained in power in 1992. This law regulated the circumstances and procedures concerning marriage and its termination; personal and property relations in a family between spouses, parents and children, and other family members; and relations with regards to adoption and care of the child.

The two new laws, the Law on State Benefits for the Family and the Law on Social Insurance were passed in 1991, and came in power in 1992. They had to smooth out the unwelcome effects of the market economy for families and children. The first law provided benefits from the local government budget for families with children. The amount of benefits was defined according to the Minimum Standard of Living approved by Lithuanian government. The second law provided insured individuals, as well as their family members with finances necessary for living if they were unable to subsist on their income.

The Law on the Fundamentals of the Rights of Children was passed in 1996. This law had to build a foundation for the protection of children's rights and freedoms in conformity with the Constitution of the Republic of Lithuania and the Convention on the Rights of the Child and Declaration on the Rights of the Child. The Law spelled out the basic rights, privileges and duties of children, the guaranties for child protection in relationship to the state, family, school, social environment, work and special institutions.

The Law on Child Guardianship was passed in 1998. Later on, in 2001 it was incorporated in the Family Law (The Third Book of Civil Code). This law for the first time spelled out such basic definitions as temporary and permanent guardianship, as well as family and foster guardianship. Furthermore, it has defined rights and obligations of guardians.

In 2000 the Law on the Child's Rights Protection Ombudsman was passed. The main goal of this law was to establish the legal conditions, which will guarantee the implementation of the Convention in Lithuania and other legal acts concerning the protection of children's rights. It shall control the activities of municipalities, governmental and non-governmental organizations and individuals in case they were violating children's rights and interests. In addition it spelled out the activities, competence, duties and responsibilities of the ombudsman.

In 2001 a new Family Law came into force and replaced the Code of Family and Matrimony. The Law on Social Insurance for Sickness and Maternity, and the Law on the State Benefits for Families with Children came in power in 2001 as well.

Summing up during the first years of transition the Soviet laws remained in power and the amendments or the new laws have been gradually introduced in conformity with the Convention on the Rights of the Child. Important steps were the introducing of the Law on the Fundamentals of the Rights of the Child in 1996 and the Law on the Child's Rights Protection Ombudsman in 2000. Those laws deal exceptionally with children as a group in society and as the holders of rights.

New Government Institutions

In 1992 there were no governmental institution, which monitored children's rights. Establishing a number of institutions at national level marked the period thereafter.

In 1992 there was a network of Commissions of the Minors' Affaires at a municipal level, which have operated since the Soviet regime. In 1992 those organizations have got a new label the Agency of Care and Protection of the Rights of Minors. This label has been changed again in 1994 to the label *Children's Rights Protection Agency*.

It is said in the Initial Report that a network of agencies for protecting children's rights started at the local level in 1994. Actually, it was an old system of organizations, which got new labels. In addition, the number of the staff remained the same, however the workload and the list of responsibilities for the staff was extended.

The primary goal of these agencies was to assist those children who experienced immense difficulties in their lives, education, families and communities. The agencies had to defend the rights of children in the family and to work to remove conditions of child neglect; to work with delinquent youth, to collect data concerning the violation of child rights, and have to be responsible for foster care and adoption.

In 1993 the Children's Rights Protection Agency under the Ministry of Social Security and Labour was established. This Agency was responsible for data collection about child circumstances. It had to represent child rights and interests at Seimas and in the Government of Lithuanian Republic, to coordinate the activities of ministries, municipalities, governmental and non-governmental organizations, as well as to consult them.

In order to tackle the urgent problems of children more effectively, the non-governmental organizations initiated the establishment of the Council for Children's Affairs under the jurisdiction of the President of the Republic of Lithuania. It was set up in 1996. It had to coordinate the activities of various institutions and to provide the President with up-to-date information about the issues of children's rights protection. The Council comprised 16 members: 10 representatives from non-governmental organizations and 6 representatives from the State institutions. The Council did not succeed to work productively, and was criticized by the UN Committee in its Concluding Observations. It was reorganized in 2001. A new Council comprised of 13 members, only one of them was representative from a non-governmental organisation, 10 representatives were from the State institutions and 2 from child services.

In 1997 the Family and Child Commission at the Parliament (Seimas) was set up. This is the Commission I analyse in this study (see chapters 3 and 8). The aim of this commission was to initiate and prepare the laws, and amendments for the regulation of children's rights, gender equality and family policy, as well as to monitor the implementation of the laws. The Seimas Commission for Family and Child's Affairs consisted of 10 members, representatives of different political parties in Seimas. After the elections of the new Seimas in 2000 the discussions about the continuity of this commission took place. Finally the decision was made to continue its work, and 9 new politicians were appointed to the Commission.

In parallels with the Parliament Commission, the Division of Child and Family was established at the Ministry of Social Security and Labour in 1997.

In 2000 the Children's Rights Protection Agency under the Ministry of Social Security and Labour was cancelled and the Office of Child's Rights Protection Ombudsman² was established. The Office of the Ombudsman is an independent public institution accountable to Seimas. The main goal of the Office of the Ombudsman is to observe how the provisions of the Constitution, the international treaties, the Conventions ratified by Seimas, the laws and other legal acts of Lithuanian Republic concerning children's rights and interests are implemented in Lithuania, to control how the Law on the Ombudsman of the Rights of the Child is executed.

Summing up, the establishment of the new institutions at national level which deal with children's issues is a highlighting point in the period of transition. They are the Counsel for Children's Affairs under the jurisdiction of the President of the Republic of Lithuania in 1996, the Parliamentary Family and Child Commission in 1997, and the Office of the Children's Rights Protection Ombudsman in 2000. However, the organizations of child protection at the local level operate at the extent inherited from the Soviet system. The workload and the list of responsibilities for those agencies have been extended significantly. This issue is the concerns of the UN Committee, which points to the incapability of the present welfare system to deal with the growing need for services. Consequently, the construction of children's policy is taking place in the social-educational context there is lack of social services.

2.1.3. Lithuania and the Six OECD Countries

Here I will compare status of the Convention in Lithuania with the six OECD countries according to Bartley's indicators (table 1).

Several OECD countries ratified the Convention with reservations. For example Denmark, Norway and Germany ratified the Convention with reservations in regard to the article 40 of the Convention. Lithuania has ratified the Convention without reservations just as Sweden.

In Bartley's comparison these Nordic countries: Denmark, Norway and Sweden have the institution of child Ombudsman. Lithuania has established Child Ombudsman as well.

² The first Parliamentary Ombudsman was set in Sweden in 1809 to ensure that public authorities and officials abide by Acts of Parliament and other statutes and fulfil their obligations in other respects. The Ombudsman also draw attention to shortcomings in existing legislation.

The whole process of the State Parties' reports is designed to promote a public debate and have national forum about implementation of the Convention. State Parties are requested to make their reports and the concluding observations of the UN Committee widely available to the public at large (article 44.6).

Table 1
An overview of the national status of the Convention in 7 countries

	<i>D</i>	<i>F</i>	<i>N</i>	<i>GB</i>	<i>S</i>	<i>G</i>	<i>L</i>
Reservations	yes	yes	yes	yes	no	yes	no
Child Ombudsman or similar independent authority	yes	no	yes	no	yes	no	yes
National forum for discussions	yes	yes	yes	yes	yes	yes	yes

Source: for OECD countries Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998 p.189

D=Denmark, F=France, N=Norway, GB=Great Britain, S=Sweden, G=Germany, L=Lithuania

In Lithuania non-governmental organisations took an active part in promotion of the national debate on how to improve the enforcement of the provisions of the Convention. The organisation *Gelbėkit vaikusi/Save the Children Lithuania* was especially active in this area. *Gelbėkit vaikusi/Save the Children Lithuania* referred to the Family and Child Commission in the Parliament with a request to discuss publicly the Concluding observations of the UN Committee on the Rights of the Child. That was done. Mass media informed about the discussion. However, the process of writing of the Initial Report was not open enough. Non-governmental organisations in their information to the UN Committee claim that the Initial Report was not publicly announced and non-governmental organisations had not enough information about this report (Lietuvos Respublikos nevyriausybių organizacijų "JT Vaiko teisių konvencijos įgyvendinimas Lietuvos respublikoje" komentaras, 2000).

UNICEF published the text of the Concluding Observations of the Committee on the Rights of the Child. The Initial Report of the Republic of Lithuania to the Committee on the Rights of the Child is in the home page of the Ministry of Social Security and Labour in Lithuanian and English languages.

In comparison with the six OECD countries Lithuania as well as six countries has national forum for discussion of the issues of the implementation of the Convention. However, non-governmental organizations are critical about the lack of information with regard to the process of reporting to the UN Committee.

2.2. SOCIAL-EDUCATIONAL CONTEXT OF CHILD PROTECTION

In its essence child protection policy is based on the perception of the child as a dependent and vulnerable family member. This makes adults to be responsible for child's protection from abuse and neglect, and for ensuring safe care. The important question in child protection is the boundary of the state intervention into family life and involvement of professionals and social services (see chapter 1.5).

In this chapter I will look at how the system of child protection is developing in Lithuania with regard to the principles of the Convention. My concern is support and services for children in cases of abuse and neglect, and placement in alternative care. The analyses is based on Bartley's indicator and two additional indicators relevant to Lithuania:

1. The right of the child to physical and mental integrity (Art. 19, Art. 34 and Art. 39), (Bartley's indicator).
2. The right of the child to parental upbringing (Art. 3.2 and Art. 18. 1-2), (additional indicator).
3. The right of the child to suitable alternative care: foster care (art. 20), child adoption (Art.20 and Art. 21), (additional indicator).

2.2.1. The Right of the Child to Physical and Mental Integrity

The Convention enforces the child's right to physical integrity and protection of his/her integrity and human dignity. Article 19 requires states to take all appropriate measures to protect the child from all forms of physical or mental violence. The other important issue is that child protection has to be supported by social services. According to the Article 39 of the Convention, States Parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victim. Here I will focus particularly on corporal punishment and sexual abuse of the child.

Corporal Punishment

The phenomenon of corporal punishment is widely spread both in rich and poor countries. However some progress has been made. Eight countries in Europe have banned all corporal punishment of children. That was done in legislation and by

providing education for parents and professionals. Furthermore, the issues of children's rights to physical integrity and to be freed from humiliating forms of discipline were debated in society.

The data from a representative survey of Lithuanian women demonstrates a high tolerance of corporal punishment of children in Lithuania: 62,2 % of respondents supported the attitude that *in certain circumstances, spanking a child as a means of punishment is acceptable* (Reingardienė 2001). To compare with Sweden where corporal punishment of the child was prohibited by the law in 1979, public support for corporal punishment has declined markedly. "Whereas in 1965 a majority of Swedes were supportive of corporal punishment, the most recent survey found only 6 per cent of under-35-year-olds supporting the use of even the mildest forms" (Newell et al. 2000:132).

The UN Committee on the Rights of the Child in the Concluding Observations for Lithuania expresses its concern at the widespread use of corporal punishment:

The Committee recommends the state party to adopt appropriate legislative measures to explicitly prohibit the use of any form of corporal punishment within the family. It also encourages the State party to develop measures to raise awareness on harmful effects of corporal punishment with a view to changing the general attitude towards this practice. The State party should promote alternative forms of discipline in families, schools and other institutions, administered in a manner consistent with the child's dignity and in conformity with the Convention.

Concluding Observations CRC/C/15/Add.146:25-26

Lithuanian Law prohibits violence against the child, but it does not specify the corporal punishment as not acceptable form of discipline. The Penal Code adopted in 2000 spells out that persons who physically or mentally abused the child leaving her or him for a long period without care, or treated the child cruelly are prosecuted (art.163). The Law on the Fundamentals of the Rights of the Child states that parents or other legal guardians of the child can decide how to discipline the child, except physical or mental torture and other cruel treatment, and humiliation of human dignity of the child (art. 10.2). It is difficult to decide, when adults offend the child's dignity and violate the boundary of discipline. The tolerance of corporal punishment makes it difficult to decide when the discipline becomes a torture. Moreover, the state intervenes into the family by protecting the rights of the child only in extreme cases of child abuse. The reported cases of the reasons why children lose family care show a

low number of children when they were taken from the family because of parental violence (2.3 per cent of all cases, see table 4). It makes us think that those are the extreme cases.

The Law on the Fundamentals of the Rights of the Child states that a child victim shall receive the support for her/his health and reintegration in the society. However, the support for the child victim of abuse is still very limited, since it is oriented mostly toward medical help. In the Initial Report the discussion goes round the development of health support, since it is believed that

Such children often require assistance from mental health specialist. This is not always available at the place of residence, because this type of aid is concentrated in large psychiatric establishments. ... On 6 June 1995 the Law on Mental Health Care was adopted which came into force on 1 January 1996. Chapter IV of this law regulates mental health care, which will be provided at the mental health centre nearest to the patient's place of residence. This should bring about radical changes in the current situation.

Initial Report CRC/C/11/Add.21, art.19

The hope for radical changes expressed in the quotation above is under the question, since those children need help not only for their health conditions, but with dealing of broad issue of their family environment as well. Such services provided by social workers are completely lacking in Lithuania.

Sexual Abuse

The article 34 of the Convention requires State Parties to protect the child from all forms of sexual exploitation and sexual abuse.

Sexual abuse of children is a new phenomenon to be recognised in Lithuania, since it never was a public issue during the Soviet regime:

In recent years, with the increase of the freedom of the press, certain cases of such criminal activities were brought to the light. In Lithuania sexual abuse of children is already treated as a psychological and social problem in the sphere of protection of the rights of the child. In Lithuania information about sexual abuse of children is collected by the police, the court, medical institutions and relevant public organizations. However, this information is very diverse, and no general statistical data is available in Lithuania.

Initial Report CRC/C/11/Add.21, art.34

Children are legally protected from sexual abuse and exploitation in Lithuania. The Penal Code passed in 2000, claims, that a person who sexually abused or exploited a child for pornography is prosecuted (art.153 and art.162). Those are the

first steps done, the next steps even more important are the legal and administrative measures in developing services for children.

The Initial Report states, that “children who suffered from sexual abuse receive help from medical institutions, police, by a telephone help-line service, etc.” (Initial Report CRC/C/11/Add.21; art.34). It is recognised in the Initial Report that this is not a sufficient support for children, and that it is important to have social workers, teachers, psychologists and other specialists involved.

While the child sexual abuse is forbidden legally so far the lack of resources allocated for social services makes it difficult to identify the abuse and to plan help. There have been no cases reported of child sexual abuse as a reason why children lose family care by the Agency for the Protection of the Rights of the Child (see table 4, p.77). The conclusion could be made that a lot of children are left without any support.

The support available for a child victim is poor, since the protection of the child in this area is considered as a legal problem. The system of child protection operates by suggesting the victim a possibility to report about the case and a possibility for the offender to be punished. However child as an individual is overseen by the system of protection due to the lack of voice for children. The study done to assess the role of institutions in prevention of child abuse in Lithuania indicates that the activities of the institutions mostly consist of a collection of facts about child abuse (Svirskaitė-Tamutienė, 2001). The same study clarifies that the abused child is left alone, and very rarely receives help from a social worker. Often a child is interrogated in the presence of the offender. He/she is referred from one institution to another. Different institutions involved in the case interrogate the child at least once. This suggests that a child who needs help is abused by the system. Cashmore (1997) defines system abuse as the least recognised form of abuse when children are ‘invisible’ and their needs are not considered by the systems.

Conclusions

The implementation of the rights of the child to physical and mental integrity in Lithuania has weak orientation to the child as an individual. The law does not forbid corporal punishment as the means of discipline. That reflects children’s low status within the family and society. According to Newell and Hammarberg (2000:123)

“such abuse of children by adults breaches fundamental human rights principles: respect for human dignity, ... and the right to equal protection under the law”.

The rights of the child are not observed due to occurrence of systems abuse, which is caused by the lack of services and voice for children. Socio-medical and socio-legal frameworks dominate in child protection. Those concepts describe the practise when the expertise of doctors and legal experts are seen as central (Parton et al., 1997). The emphasis is on investigation of ‘high risk’. There is little room left to deal with the child’s social environment and social relationships, which are crucial for a child. The formation of a such social-educational context does not recognize a child’s social status and does not establish the relationships between a child and an adult based on respect and trust.

Table 2
Regulations considering corporal punishment and sexual abuse in 7 countries

<i>Forbidden by the law</i>	<i>D</i>	<i>F</i>	<i>N</i>	<i>GB</i>	<i>S</i>	<i>G</i>	<i>L</i>
Corporal punishment	no	no	yes	no	yes	no	no
Sexual abuse	yes	yes	yes	yes	yes	yes	yes

Source: for OECD countries Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children’s Policy and Children’s Rights]*, (Doctoral dissertation), Göteborgs Universitet, 1998;
for Lithuania Vaiko teisių apsaugos pagrindų įstatymas (The Law on the Fundamentals of the Rights of the Child) 1996.03.14 I-1234 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=26397&Condition2=>;
Baudžiamasis kodeksas (2000) *Pagrindiniai Įstatymai*, Vilnius: Saulužė

Now I shall place Lithuania in Bartley's table of OECD countries to asses where Lithuania falls in regard to regulations considering corporal punishment and sexual abuse (table 2).

In Lithuania, as in all other six OECD countries, the law prohibits child sexual abuse. The countries differ according to their legitimisation of Corporal punishment. Lithuania coincides with the four OECD countries, which do not forbid Corporal punishment. They are France and Germany of conservative regime, Great Britain of liberal regime and Denmark¹ of social democratic regime. Two countries of social democratic regime Norway and Sweden forbid corporal punishment. According to the

¹ Denmark has now forbidden corporal punishment

variables discussed above, Sweden and Norway have a higher degree of child-oriented policy, Lithuania coincides with the countries of a lower degree of child-oriented policies.

2.2.2. The Right of the Child to Parental Upbringing

The UN Convention specifies: “State Parties undertake to ensure the child such protection and care as is necessary for his/her well-being” (art.3.2), and that parents have the primary responsibility for the upbringing of the child (art.18).

The situation of children and families according to the statistics worsen every year in Lithuania. The number of families who cannot give appropriate care for their children (in official statistics they are labelled as “dysfunctional” or “asocial families”) increased by 93 per cent from 1995 to 2001, i.e. from 9 700 families to 18 144 families and the number of children in them by 78.6 per cent (Table 3). Consequently, the prevailing topic in political debates and information in mass media regarding children is child protection.

Table 3
Families labelled as dysfunctional

	1995	1998	1999	2000	2001
Dysfunctional families	9709	14937	15144	16043	18114
The number of children in them	25604	34328	34379	36856	40276*

*Total population under 18 is 886 000

Sources: The Agency for the Protection of the Rights of the Child of the Republic of Lithuania under the Ministry of Social Security and Labour, Social Report, 2001

The period of transition is marked by the sharp increase of state intervention into family life by depriving children of parental care. Although the statistics demonstrate a recent fall of number of children deprived their parental care (2834 children in 2000 to compare to 3553 children in 1999), it still remains more than twice higher than in 1992, when the number of children was 1731. Moreover the dominating alternative care for children deprived of their family environment is placement in institutions. The system of child protection in Lithuania is developing on the bases of the system inherited from the former Soviet system. The Soviet child protection system did not work as a part of services for the child and the family. There

were no social services involved, and social work as a profession was suppressed for ideological reasons. When children were deprived from their family care they usually stayed in state care until their maturity. Parental rights were terminated. The relationships with families of the children were not maintained, and nobody was reviewing the cases.

A municipal and regional network of agencies protecting children's rights was inherited from the Soviet system. During the period of transition they got the new labels and new functions were assigned to them. The primary goal of these agencies is to assist those children who experienced immense difficulties in their lives, education, families and communities. The agencies have to defend the rights of children in the family and to work to remove conditions of child neglect; to work with delinquent youths, to collect data concerning violation of child rights. They are responsible for supervision and organisation of childcare in a foster family, in adoptive family and institutions. Although the workload and functions of those agencies are constantly increasing, the number of the staff remains nearly the same. One employee of the agency has to deal in average with about 3831² children (Social Report 2001). The agencies can hardly administrate the cases with such human resources, let alone consulting or supervising children or families. The Initial Report discusses this problem:

...the number of staff working in the sphere of protection of children's rights is too small to meet the growing needs. By mid-1997 in Lithuania there were only about 200 persons working in agencies for the protection of children's rights. Currently, the staff should comprise at least 300 persons.

At present, it is important to increase the number of counselling agencies responsible for children's safety, which would accelerate the implementation for the prevention of drug abuse, AIDS, and venereal diseases.

Initial Report CRC/C/11/Add.21, art.3

The suggested steps for the development of child protection are concerned with response to extreme cases. The suggested higher number of staff working at the agencies for the protection of children's rights can only improve administration of case registration. So far there are no steps done to plan an infrastructure of family services. Those services remain a sphere of non-governmental organizations and are fragmented. The suggested extension of counseling agencies whose responsibilities

² It is not clear if these are children who have received services or just the number of children in the area.

are drug abuse, AIDS and venereal diseases again are dealing with extreme cases, which are the threat for the society.

The study about protection of children’s rights done by the Association of Municipalities in 2002 revealed that only 35 staff members work with families in the municipalities of Lithuania (Tyrimo apie vaiko teisių apsaugą rezultatai, 2002). The main partner of municipalities in dealing with children and family issues is the police. This suggests that relationships of the state to children and families are based on control and punishment.

The new Family Law canceled termination of parental rights, and instead of that spelled out temporary and permanent restriction of parental rights. In legal terms this change has extended children’s rights to parental upbringing, and in the case of temporary restriction of parental rights the child has a chance to be back to her/his family. However, in practice the reunification with the family is hardly available due to absence of social services.

Table 4
Why children lose family care, annual official registration, 2000

<i>Reasons</i>	<i>Number of children</i>
1. Dysfunctional –“asocial families	755
2. One parent is absent, the other neglects child	394
3. Deprivation of parental rights	388
4. Orphanhood	237
5. Parental illness	185
6. Poverty	125
7. Parents’ location unknown	109
8. Parent refuses the child	104
9. Parent in prison	99
10. Parental violence	66
11. Parents in foreign countries	33
12. Child’s disability	22
13. Other	80
Total	2 597

Source: The Agency for the Protection of the Rights of the Child of the Republic of Lithuania under the Ministry of Social Security and Labour

The families, which do not have economical resources or skills to satisfy the child’s needs and to fight the family problems, are marginalized. The whole classification of reasons why children lose family care emphasizes parental failings

(Table 4). Official classification includes “asocial family” as one of the reasons of the child’s admission to state care. This reason, which has the highest number of cases in official statistics, tells little about the underlying causes of the state intervention. A group of families are labeled as “asocial families” and are treated as hopeless.

The classifications of the reasons why children lose family care do not describe the situation of children. The reasons such as dysfunctional – “asocial family”, deprivation of parental rights, parental illness, parent’s location unknown and etc. do not include information about the circumstances of the child.

There are 125 cases when children have lost parental care because of poverty. Again the emphasis is on parental failings. The state’s intervention into the family is the punishment of the child and the family for not establishing an adequate standard of living.

Conclusions

The right of the child to parental upbringing is restricted by the lack of state support for families. The state tends to present the socio-economic circumstances as something affecting individual families and blames them for not fulfilling the expectations of society of proper care for children. The failures are individualized and the families are marginalized. Consequently, the state intervenes into the family by taking the child away from parents and not offering assistance. The activities of the state save the child, but do not protect the right of the child to parental upbringing.

Children are ‘invisible’ in the assessment of their life conditions, when decisions are made to restrict their right to parental upbringing. There is no information about the impact of the family environment on children, which should be the actual reason for the state’s intervention. The reason such as a child being taken from a family labelled “asocial” does not describe the situation of children. Social-educational context which does not value a child’s family does not establish a base for construction of child friendly policy.

2.2.3. The Right of the Child to Suitable Alternative Care

When children are deprived of the care of their family according to the Convention they shall be entitled to special protection and assistance provided by the state. State Parties shall, in accordance to their national laws, ensure an alternative care for such a

child. Such care could include a foster placement, adoption or if necessary a placement in an institution (art. 20).

The UN Committee was concerned about the right of the child to a suitable alternative care in Lithuania:

...the Committee is nevertheless concerned about the significant number of children who have to live in orphanages and institutions and the small number of children living in foster families with economic problems and insufficient support from the State. Further, it notes with concern the large number of children involved in inter-country adoption.

Concluding Observations CRC/C/15/Add.146:25-26

Lithuania took several steps in improving the right of the child to suitable alternative care. The restructuring of existing institutional childcare was the first step. The responsibility from the state level was shifted to the local level. Large institutions organized childcare in smaller groups and made them open to the local community for communication. Since the number of children deprived of parental care has increased, the municipalities, non-governmental organizations and parishes have opened new children's homes. This strategy increased financial burden for the state and was not the best solution from the perspective of the child's interest. The political decision was made to allocate the resources for the development of foster care and to reduce the number of children in institutions. In child adoption the steps were taken to have better control over inter-country adoption.

Since services are of key importance in implementing children's rights, I will review here the place of social services and social work in the development of the system of foster care and adoption.

Foster care

The Soviet system treated foster care as a private family issue. There were no social services involved. It was an area of administrative practice. It was dominated by relatives' foster care. Grand parents were most often the foster parents. According to the data of a study, which was done in 1994 in the city of Kaunas, 80 per cent of foster families were relatives of the child (Kabašinskaitė 1997). While in Sweden this number is opposite: 80 per cent of foster parents are unrelated adults.

Changes in child protection policy were expected when the new Law on Child Guardianship was passed in 1998. This law is based on the considerations that foster

care is cheaper to compare with institutional care and the child can grow up in the family environment. The law for the first time specified the types and forms of public childcare, and recognized the priority of foster care. Although the new concepts of public childcare were introduced the law lacked the perspective to keep the placement as short as possible and to seek reunification with the child's family. It does not spell out a social work practice as a possibility to make changes in the child's family.

The political decisions did not see childcare as a part of the system of services for the child and for the family. The child and the state relationships have been left without professionalisation. Social work has not been institutionalised in the legislation. The concepts of social services, social work and responsibilities of social workers were not mentioned in the Law. Consequently, there was no possibility for professionals to be permanently involved, and to review the cases and advocate the child's interest. The responsibilities, which usually are appointed to social workers are appointed to the guardians alone. Guardians have to maintain relationships with the child's parents, to inform them and relatives about development, health and education of the child.

The responsibility of the state for the child in foster care is to find a safe domestic environment for the child and to compensate the foster family the economical cost of child rearing. The state is operating by protecting the child with short interventions. First intervention is the removal of the child from the family, and the next intervention is the placement of the child in a foster family i.e. from one domestic environment to the other, since the state sees the domestic environment for a child as a goal in itself. The child first of all is perceived as a family member and his/her issues become private foster family's issues. There is a lack of perspective to the child as an autonomous person.

The main point in reconstructing child protection policy is allocation of money for foster families. This contribution has been seen as the means to increase the fostering by unrelated adults, since relatives' foster care prevails in the society. The allowances for the child in foster care have been significantly increased. The child in foster care is paid 500 It monthly. This amount of money is higher than the minimum wage 430 It. Tested allowances for a child in a regular family are 120 It.

The compensation of the economical cost of child rearing is not a sufficient contribution of the state. The state has not taken the responsibility for the development of the services: recruitment, training, support and monitoring of the

foster families. The foster care program, which was launched in 1996 in Kaunas by the incentive of social work students with support of Lithuanian Caritas and foreign funds, is still the only social work program in Lithuania dealing with foster families. Consequently, such position of the state did not bring any changes in the child protection system.

Statistical data does not demonstrate any shift from institutional care to foster care (Table 5) or from relative foster care to non-relative foster care. The relative foster care is still prevailing: 69% of children who were directed to foster care were directed to relative foster families in 1999 and 71% - in 2000 (Social Report, 2001).

Table 5
Children placed in foster care as per centage of all children in public care (Lithuania)

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
42.1	45,7	50,1	47,4	45,5	46,7	44,1	43,6	44,3	47,9

Source: UNICEF (2001), "A Decade of Transition", Regional Monitoring Report, No.8, Florence: UNICEF Innocenti Research Centre; see table 5-7

Foster care has not become an alternative for the placement of the child in an institution. The child in foster care does not get support of social work but is regarded as the family concern of the foster family. Foster family has not become a part of services for the child and her/his family. Moreover the difference in the amount of money delivered by the state to the child in foster family and to the child in her/his own family is understood in society as distribution and distinction, what are socially unjust.

Adoption

The Convention (Art.21) spells out that the system of adoption shall ensure that the best interests of the child shall be of the paramount consideration. State Parties shall ensure that only competent authorities authorize the adoption of a child. The Convention pays special attention to the inter-country adoption. It recognizes that domestic adoption shall be a preference to inter-country adoption. The inter-country adoption may be considered as an alternative means of child's care, if the child cannot

be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin.

After proclaiming the Independence of Lithuania a new legal and social practice of adoption is developing as continuity of the practice of the Soviet period. During this period adoption was not encouraged by the state policy. There were no services involved. Regulations were making a lot of obstacles to adopt a child from the institutions. The law protected the secrecy of adoption. Adoption was seen as solution for infertility, and served family needs. Families were looking for available infants for adoption, versus the state looking for families able to adopt a child. The outcome of such policy was that a high number of infants were placed in institutions.

During the period of transition the increase of infants in institutions is particularly alarming: 111 infants were placed in institution in 1989, and 232 – in 1999 while a number of adoptions from year 1998 has been decreasing (table 6). There is a high number of inter-country adoptions to compare to domestic adoption. It is the question if these infants could not have been adopted if the state had given its support.

The reforms in child adoption were related mostly with inter-country adoption and the decrease of the state support for domestic adoption. From 1995 the allowances for adopted child were cancelled, because adoptive parents according to their rights and duties were treated as biological parents (Socialinis pranešimas, 1997). In 1998 Lithuania ratified the Hague Convention on Protection of Children and Co-operation in Respect to Inter-country Adoption. Inter-country adoption was legitimated in Lithuania. In 2000 the Adoption Agency under the Ministry of Social Security and Labour was established. Summing up I could say that all administrative reforms were oriented to have a better control over inter-country adoption, and did not encourage the adoption inside the country. There were no changes in infrastructure of adoption supporting families with services.

The absence of social services in the process of adoptions makes people to be scared and uncertain about their capacities to adopt a child. The Adoption Agency conducted a survey to find out why Lithuanian citizens were not active in adopting children. The respondents of this survey were the staff of the municipal Agencies of the Protection of the Child's Rights. In their opinion the main reasons were, firstly, the low standard of living and economical problems and, secondly, the fear to take responsibility for the child in the future, the origin and the state of health of the child,

and a negative attitude of the surrounding people (Social Report, 2001). The second set of reasons reveals, the need of adequate information and social support for the families in the process of adoption.

The new Family Law, which came into force in 2001, gave space for the development of social work practice in the area of adoption. For the first time the responsibilities of social workers have been defined in the preparation phases of adoption. Their responsibility according to the Law is to do home study, to collect information about perspective adopters, and finally to present the conclusions of the assessment to the court. In reality it can hardly work since the Child's Rights Protection Agencies are assigned to be responsible for adoption and they do not have resources to provide services. However those are first steps done in institutionalisation of social work in legislation of child protection.

The statistics demonstrate the decrease in the number of adoptions (Table 6). It is impossible to have the real picture of adoption since the number of adoptive children comprises also those cases when a spouse of the child's mother or father has adopted a child in reconstituted family. In this case a child already has a family, and only one of her/his parents becomes a legal parent. Not separating the data of those two types of adoption could be explained that in both cases the family receives the same legal services. There is data from 2000, which presents both kinds of adoption: 79 children were adopted in reconstituted family, and 37 children got a family through adoption. The latter number (37 children) is lower than inter-country adoption in abroad (40 children) in 2000 (Table 6).

Table 6
Number of adopted Lithuanian children, 1992 - 2000

	<i>1992</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>
in Lithuania	317		110	126	314	296	227	206	116
inter-country adoption	15	30	198	94	107	132	135	96	40

Sources: The Agency for the Protection of the Rights of the Child of the Republic of Lithuania under the Ministry of Social Security and Labour, Social Report, 2001.

The right of the child to be adopted in her/his country of origin is not fully implemented due to the absence of social services and treating the child's interest to have a family as a private issue of perspective adopters.

Conclusions

The reforms in the system of child's alternative care lack child-oriented approach. The economical cost of the child's placement has been the main concern of reforms, since the cost of the child's placement in foster care is much lower in comparison with the placement in an institution. The amount of money transferred to foster care demonstrates that there are financial resources in the state to improve children's situation. However, the reform perceived children's issues as a private family issue. Children as a group in society and autonomous individuals with identifiable rights were overlooked both in foster care and adoption. Services for children and families were not foreseen, and children remained 'invisible' in the system, there were no professionals involved who follow the cases and advocate children's interests.

The introduction of social services in the preparation phases of adoption is the first step in the institutionalization of social work in child protection. The involvement of social services has to be legally defined in the whole area of child protection, and has to make alternative childcare a part of services for the child and for the family.

The right of the child to suitable alternative is violated. It does not work as a system of services for a child and a family. There is a lack of attitude to a child as an individual and establishment for a child an environment suitable for her/his individual development in the social-educational context.

2.2.4. Child Protection and Welfare Regimes

Summing up the results of the analysis of child protection policy in Lithuania according to the three indicators, it could be said that child protection policy has a low degree of child-orientation.

The right of the child to physical and mental integrity is not observed due to the occurrence of system abuse, which is caused by the underdeveloped social work framework and domination of the socio-medical and socio-legal frameworks in the system of services. The state policy is oriented towards investigation of 'high risk'. In comparison to the six OECD countries, Lithuania demonstrates a low degree of child-orientation and coincides with France, Germany and Great Britain, which do not forbid corporal punishment of the child.

The right of the child to parental upbringing is restricted due to the lack of state support for the families. The state ignores the socio-economic circumstances and

blames the families for not taking proper care for the children. In case of child neglect or abuse the state intervenes into the family life by taking the child away from parents and not offering assistance.

The right of the child to suitable alternative care is not observed since alternative childcare does not operate as a part of services for children and families. Children as a group and individuals remain ‘invisible’ in the system since social work and social services are not institutionalised in alternative care.

Based on the conclusions above, I argue that child protection policy in Lithuania preserves at a large extent the pattern of the Soviet system and in its development approaches the liberal regime (see table 7).

The pattern of the Soviet system in the policy of Independent Lithuania is observed in the system of family support. There is a lack of social services involved in preventive work and out-of-home placement, which restricts the right of the child to parental upbringing and suitable alternative care. Deprivation of parental care is the only legal way of protecting a child from abuse in the family. The existing policy does not recognize the structural reasons of the problems, and families are to blame for the failures in taking care for their children. There is no respect for the child as an individual since the law does not forbid corporal punishment.

Table 7
Pattern of Lithuanian welfare regime in child protection

Child protection	Patters of welfare regimes			Patters of Soviet system	New patterns
	Conservative corporatist	Liberal	Social democratic		
The right of the child to physical and mental integrity	+	+		+	
The right of the child to parental upbringing		+		+	
The right of the child to suitable alternative care				+	

Patterns of liberal model are identified regarding the right of the child to physical and mental integrity and to parental upbringing. Those patterns approach the features of the UK policy described by Pringle (1998) (see chapter 2.2). Making this assumption, I have to note that Lithuanian protection policies are significantly less

supportive to compare them to the UK. The staff of Child's Rights Protection Agencies has fewer resources and their availability to provide social work services should be questioned. The system of those agencies is inherited from the Soviet system. Now they are forced to deal with significantly increased scale of social problems with nearly the same resources.

Regarding those reservations it is possible to identify the trends of development, which correspond to liberal model: orientation to the extreme cases of child abuse, ignorance of structural origin of the problems, and lack of preventive and therapeutic services.

The activities of child right's protection policies in Lithuania are oriented to the extreme cases with largely punitive rather than therapeutic intensions. Their activities are social-legally oriented and perform judicial assistance to the cases. There are very few resources available for preventive or therapeutic help, and the development of these services relies on individual initiative and non-governmental organizations, which do not get enough support from the state.

The structural nature of the problems in child protection has been ignored. The strategy of Lithuanian child protection policy as well as in the UK has taken orientation to social exclusion. The families are blamed for not taking appropriate care for their children, i.e. society is divided into good and bad citizens. The statistics are presenting annual increase of the number of families, which cannot guarantee an adequate standard of living for their children. Those families are labelled as 'asocial families' in official statistics, and moreover, in *The Conception of Lithuanian Family Policy and Programme of Actions*.² This Program increases the marginalized position for those families first, by labelling them as "asocial" and second, by political principle for action, "the support should not encourage the proliferation of socially unstable and, particularly, asocial families" (Stankūniene 1996b:12)

In Pringle's (1998) analysis in all OECD countries of different regimes there is a switch from residential placement to foster care. Further more there is a preference of voluntary (with the agreement of the family) rather than a compulsory placement. In Lithuania there are tendencies to switch from residential care to foster care as in

² By its Decision No 279 "On the implementation of the program for the International Year of the Family" of April 14, 1994 the Government of the Republic of Lithuania authorised the Lithuanian Institute of Philosophy and Sociology to develop strategy of national family policy. The *Conception of Lithuanian Family Policy and Program of Actions* was approved by the Government of the Republic of Lithuania on March 8, 1996

other European countries. However, the right of the child to suitable alternative care is not observed, due to the absence of social work practice. This approach makes Lithuanian child protection policy completely different from OECD countries.

The trends of Lithuanian protection policy are in contrast to the social democratic and conservative regimes. The social democratic regime is exclusively committed to preventive work and universal provisions (Pringle 1998). In the social democratic model the state has the main responsibility for the development of the services. The conservative regime has little focus on child abuse and is more inclusive and committed to preventive work. The non-governmental sector is financed by the state and plays an extensive role. The only similarity with the conservative regime is that the law does not forbid corporal punishment.

2.3. SOCIAL-EDUCATIONAL CONTEXT OF CHILD PROVISION

The issue of child provision is the sharing of responsibilities between the state and the family in providing children with resources. The provision deals on the one hand with children as dependent family members and on the other hand as an age group in society. It calls to pay attention to the distribution of resources between children and adults (see chapter 1.5)

I analyse how the state and the family share responsibilities for child rearing and observe the Convention on the Rights of the Child using the same indicators as Bartley. The indicators are:

1. The right of the child to acceptable standard of living (Art. 27. 1-4).
2. The right of the child to day care (Art.18.3).
3. The right of the child to both parents (Art. 18.1).

2.3.1. The Right of the Child to Acceptable Standard of Living

Article 27 in the Convention spells out that State Parties recognize and ensure the right of every child to a standard of living, which is adequate to the child's physical, mental, spiritual, moral and social development. The State Parties shall take appropriate measures to assist parents and others who are responsible for the child to implement this right. They shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child.

The common feature of the post-communist countries is the decrease of the standard of living. Macro-economical indicators such as GDP real growth rate and real growth of average wages worsened during the first decade of independence in Lithuania. GDP real growth rate fell down to 79,5 per cent in 1998 of 100 per cent in 1989. Real growth of average wages fell down to 45.5 per cent in 1998 of 100 per cent in 1989 (Table 8). The state provisions for family benefits, maternity leave and day care, as percentage of GDP, fell down to 36 per cent in 1995 of 100 per cent in 1989.

The prices of goods and services rose much quicker than wages and led to a rapid fall in the standard of living. During 1990 – 1995 the price of consumer goods and services have increased 298 times. Through 1994 the cost of essential food products increased 1.3 – 1.5 times, the price of clothing for school-age children

increased by 44.3% and 38.3% respectively for boys and girls (Families and Children in Lithuania, 1996).

Table 8
Macro-economic development in Lithuania 1989 - 1998

	1989	1990	1991	1995	1998
GDP real growth rate (1989=100)*	100	95	89.1	-	79.5
Real growth of average wages (1989=100)*	100	108.8	75.3	-	45.5
The state provisions for family benefits, maternity leave and daycare (1989=100)**	100	-	-	36	-

Source: *Trans MONEE 2000, Country Profile for Lithuania [online] Available: <http://www.eurochild.gla.ac.uk/documents/monee/outpots/country.asp?Region=Lithuania&B1=Submit> (December 15, 2001);

**Dieti riska v Centralnoj i Vostočnoj Evrope: ugrozy i nadeždy (1997) UNICEF, p.101

The period of transition has alarmingly changed the life conditions of a significant group of population in Lithuania. In 1997 the majority of respondents, 56.9 per cent, of the survey of *Living Conditions of Recipients of Social Assistance* stated that their life conditions worsened during the last 5 years (Socialinės pašalpos gavėjų gyvenimo sąlygos, 1998). The same survey has revealed that children under 15 make up 55.1 per cent of individuals in the poorest families, and 0.9 per cents of those surveyed are over the age of 60. (Lazutka, 1998). This shows that social provision for children, as a group in society is not adequate.

The per centage of children aged 0-15 living in absolute poverty in Lithuania according to international absolute poverty indicator in 1999 was as following: 4.8 per cent of children lived for \$2.15 a day and 34.7 per cent lived for \$4.30 a day (A Decade of Transition, 2001).

The UN Committee commenting on the serious situation in the standard of living for families with children in the Concluding Observations notes that:

a large number of families, in particular those with three or more children and single women with children live under the subsistence level...the Committee encourages the State party to take all appropriate measures, such as adoption and enforcement of the Program of Assistance to Families Raising Children, to maximum extent of its available resources and in particular at the local level, to support families in a difficult economic and /or social situation in order to ensure to the maximum extent possible the survival and development of children living in Lithuania, without discrimination.

Concluding Observations CRC/C/15/Add.146; 41- 42

New Developments in Family Support Policies

The new trends of social policy have not been efficient in combating child poverty. The share of responsibilities for child rearing between the state and the family in Lithuania has changed significantly. Since the Soviet regime was associated with oppressive, paternalistic state for a lot of people, the state policy has switched to the weakening of the state role and to the increasing of the family role and responsibilities. The family was expected to be an independent and strong unit, and rely on the market. The main goal of Lithuanian social policy was defined as the delivery of social support to the most needy (Socialinės paramos koncepcija, 1994).

The period of 1990-2000 is marked by the decline of universal support and the increase in income tested support for families with children. This policy was formulated in the Conception of Lithuanian Family Policy and Program of Actions: “to focus the governmental support on the families, most vulnerable in social respect, by decreasing the share of allowances paid to families irrespective of their incomes” (Stankūnienė, 1996:12). In 1995 the eligibility to universal family support was diminished and the allowances for several categories of recipients were cancelled. The support was targeted to the neediest families and designed to minimize negative work incentives.

There is another important trend in the family support to mentioned. During the period of transition the decision was made to support families financially, to shrink day care services for the children of working parents and to refuse the flexible working hours for parents (Socialinis pranešimas, 1997:66).

Support for the Low-income Families

The state support is not efficient in combating child poverty. Firstly, there are clear tendencies in social policy towards social exclusion of poor families. Since the number of applicants for income-tested social benefits has been increasing, the entitlement to income tested social assistance has been restricted. Consequently the taking up rate is very low, and only about 8 per cent of the families applying for social assistance are actually getting support (Social Report, 2001:105). This associates with a high degree of stigmatisation in means-tested provisions.

Secondly, the poverty line used by the government did not correspond to the real situation of life conditions and is rather a "political" line of poverty (Lazutka, 1998). The financial support for the families is counted according to the national

poverty indicator – the minimum subsistence level (MSL). In 1997 the MSL equalled only 31.9 per cent of the average real consumption. MSL equalled 125 Litas in 1997-2001, or around \$1 per day per person.

The less than \$1 per day per person is an international definition of the absolute poverty line and is based on the average of the poverty lines of 10 low-income countries located in the tropics. In 2000 the World Bank suggested a higher poverty line for Central and Eastern Europe, as the region's cooler climate requires additional expenditures on heat, winter clothing and food. A line of \$2.15 a day per person was taken as a low threshold and of \$4.3 as a higher threshold was also used, recognizing that "subsistence needs" inevitably vary with the level of the country's development (A Decade of Transition, 2001).

Low-income families are supported by compensation for expenses on heating and water. Schoolchildren of low-income families are entitled to free of charge meals at school. All this support is means-tested.

Universal Financial Support for Children

Child's birth grant and child allowances for children are universal financial support for children. To encourage families to have children childbirth grant is allocated for the family after delivery of each child, since the state is concerned with decreasing number of population and decreasing birth rates in Lithuania. However, this support is concentrated on early childhood and is not sufficient, as it will be demonstrated later.

In OECD countries child allowances are usually not means tested and universal. During the Soviet regime child allowances were paid to the families with four or more children, for children of single mothers and to low income families. Since 1995 Lithuanian Republic is paying child allowances as a universal support for the families for each child under 3 years.

Seeing the child not only as a dependent family member, but as an autonomous individual as well, the Convention suggests acknowledging children themselves as the recipients of child allowances. Bartley in her analyses looks whom the allowances are referred to and who has the right to get them. According to Lithuanian Law on State Allowances for the Family, child allowances are referred to the family. In this respect Lithuania coincides together with France, since France allocates child allowances to the family as well (table 9). Other countries in Bartley's analyses refer allowances to the child. However the recipients of allowances are

parents, but not children. Bartley concludes that all the countries do not have child-oriented approach since children cannot be the recipients of allowances.

Table 9
Allowances referred to the family or the child in 7 countries

<i>Referred to the family</i>	<i>Referred to the child</i>
France: Allocations familiales	Denmark: Børnepenge
Lithuania: Šeimos pašalpa	Norway: Barnetrygd Great Britain: Child benefit Sweden: Barnbidrag Germany: Kindergeld

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, pp. 115; for Lithuania Valstybinių pašalpų šeimoms, auginančioms vaikus, įstatymas, 2001.01.25, I-621 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=121567&Condition2=>

Table 10
Child allowances (OECD in 1993 Lithuania in 1995) in 7 countries

<i>Country</i>	<i>Until</i>
D	18 year
F	18 year
N	16 year
GB	16 year
S	16 year
G	16 year
L	3 year

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation), Göteborgs Universitet, 1998, pp. 117 for Lithuania Valstybinių pašalpų šeimoms, auginančioms vaikus, įstatymas, 2001.01.25, I-621 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=121567&Condition2=>

In Lithuania the child is eligible to child allowances under 3 years of age and in OECD countries - until 16 or 18 years (table 10). Moreover, the allowances are very low 0.75 MSL or 94 Lt. According to entitlement to child allowances Lithuania shows the lowest degree of child-oriented policy to compare with OECD countries.

Children in Single Parent and Large Families

In Lithuania the per centage of children (20%) in one parent family is among the highest group to compare to OECD countries (table 11). The increase in divorce and single parenthood in Lithuania suggest that more children are in difficult economical conditions. However, the state response to the situation of those children is the decrease of support. The allowance for single mothers, which had been paid during the Soviet system and the first years of transition, were cancelled in 1995. The state benefits for a divorced parent, when the custodial parent defaulted to pay for a child was cancelled as well. However, according to the household survey in 2000 only 36 per cent of divorced women indicated alimony in their income (Social Report, 2001:101). The burden of economical responsibility for a child for a mother alone is too hard. Consequently that raises a risk of family breakdown in single mother families. A significant number, 46 per cent, of children who were deprived of parental care in 2000 were from single mother families (Social Report, 2001:121).

Table 11
The number of children under 18 in the single parent families as per centage of all children in 7 countries

<i>Country</i>	<i>%</i>
D	19
F	9
N	21
GB	23
S	19
G	6
L	20

Source: for OECD countries Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, pp. for Lithuania *Families and Children in Lithuania* (1996) UNICEF and UNDP

Although the poverty study conducted in 1997 indicated that the poorest families were young families with many children and single mother families, nevertheless the state took more responsibility for sharing the burden of child rearing

in regard to large families. A new means-tested benefit for families raising three and more children was introduced at the end of 1997. However, this allowance did not recognise children as persons. The eligibility and amount of allowance depended on the child's rank in the family. The third child in the family was paid 1 MSL upon the means testing of family income, and for the fourth and each following child the allowances were 0,3 MSL irrespective of income. The introduction of those allowances did not eliminate the high risk for children from large families to fall into poverty. In 2000 the poverty level in households with one child was 12.9 per cent and in large families (raising 3 and more children) it was up to 37.6 per cent (Social Report, 2001:100).

The state support single parent families and families with many children by the reduction of the income tax. Single parent and families with three or more children have higher income tax-exempt minimum.

The state support for children from single parent and large families is not sufficient, i.e. has a low degree of child orientation, since the situation of children depends on the structure of the family.

Services for Families

The poor families on the one hand are economically deprived and on the other hand they are in social isolation. The state does not combine economical support for families with social support, and does not plan social services for those families and children. According to the Conception of Lithuanian Family Policy and Program of Actions, the development of services for families and individuals is oriented towards family stability. The questions are: what is a stable family? Are the "asocial families", divorced or single parent families a focus of the state policy?

The principles of the family policy promote "extensive promotion of psychological services" for families and individuals (Stankūniene, 1996b:13), but there are no social services, which are delivered by social work professionals mentioned. The children and families need not only the money, but social support as well. The involvement of professionals through social services is an opportunity to present children's needs and interests for the society and to bring in the changes.

Passing the Law on Social Services in 1996 has made a step towards the development of social services. However, the law defines the goal of social services as satisfying survival needs of the person and emphasises support in crises situations

rather than in prevention. The law specifies the delivery of services for children, who have lost parental care, for large and single parent families and in the case of poverty, when the financial support eligible according to other laws is not sufficient. Regarding this law the priority of support for families in poverty is given to financial assistance rather than social services or combination of both.

Conclusions

The right of the child to acceptable standard of living is not observed due to high commodification of the state provisions. Families and individuals are expected to find solutions for their welfare in the market through employment. The emphasis on means-tested benefits is designed to minimize negative work incentives. Children are excluded from labor market participation. Consequently the reality of many children is overlooked and children from deprived families are deprived from the equal share of resources as well. The state policy does not take into account the differentiation of the families children live in. Children's standard of living depends on the economical situation and the structure of their families. Children from poor and lone parent families live in deprivation. Children as a group in society are overlooked. Children do not have the right to personal claim. According to Scheiwe (1994:220) "if a child is treated as an appendix of the parent's rights to benefits, this makes children's claims more dependent on the economic and family status of their parents".

Children's needs and interests are marginalized due to the lack of support for families and perception of the family as the unit, which is responsible for the well being of children. Financial support, both universal and means-tested is insufficient for survival. The means-tested benefits are stigmatising due to heavy restrictions for entitlement. Child allowances are paid only for a child until 3 and are low. Moreover, financial support is not accompanied by social services. Summing up, the financial support for families has low degree of child-oriented policy. 125 children, who have lost their family care because of poverty in 2000 (Table 4) is an alarming signal.

The right of the child to adequate standard of living is violated. The understanding of childhood reflects perception of a child as dependent family member. There is weak point to a child as a citizen who does not participate in a labour market and does not have incomes. This understanding of childhood is forming a low child-oriented policy.

The results of comparison according to Bartley's indicators demonstrate similarities and differences between Lithuania and six OECD countries. Lithuania as well as six OECD countries demonstrates low child-orientation in delivering child allowances for parents only and not allowing children themselves to be the recipients of child allowances. Lithuania differs from OECD countries in delivering child allowances for children only under 3 years of age, when in OECD countries they are paid to children under 16 or 18. In this respect Lithuania demonstrates low degree of child-orientation to compare with OECD countries.

2.3.2. The Right of the Child to Day Care

The article 18.3 in the Convention states that State Parties have to take all appropriate measures to ensure that children of working parents have the right to benefit from child day care services and facilities for which they are eligible.

In Lithuania the transference of child care money from public child care to the family in 1991 was a radical change of existing family policy, which had supported dual earning family model, as well as the child's rights to day care. The Law on State Allowance for the Family, which was enforced in 1991, provided the family with allowance for a child less than 7 years if the child did not attend day care. The amount of allowance was equal to 70% of average state expenses for one child in a day care institution.

At the end of the Communist regime Lithuania was among the European countries with the highest child enrolment in kindergartens and crèches and with the highest women's participation in the labour market. After the fall of the Communist regime Lithuania as well as other Central and Eastern European countries switched to a policy, which supported mother's stay-at-home parenting. During the first years of Independence, priority was given for bringing up children at home in the family environment. Kindergartens and crèches were closed down. During the period 1990-1996 the number of kindergartens dropped from 813 to 500 in urban areas and from 868 to 229 in rural areas. During this period the crèches all but disappeared. In 1990 there were 2 400 crèches and in 1996 only 800 (Initial Report of Lithuania). Lithuania compared with OECD countries is among the countries with low enrolment of children in public day care, i.e. with the countries of low degree of child-orientation, Germany and Great Britain (table 12)

Table 12
Per centage of Children in Public Day Care in 7 Countries

Country	0-2 years children	3-6 years children
D	50	77
F	20	99
N	17	61
GB	2	51
S	31	63
G	3	42*-82**
L	10	42

Source: for OECD countries Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, pp:130;

For Lithuania Pascall, G. and Manning, N. (2000) 'Gender and Social Policy: Comparing Welfare States in Central and Eastern and Europe and former Soviet Union', *Journal of European Social Policy*, Vol 10(3), p.253

*for 3-year-olds

**for 5-year-olds

The first steps of day care policy of the Independent state of Lithuania were oriented towards reducing state responsibilities, giving more responsibilities for families and having expectations for market participation in providing families with childcare services.

The Constitution of the Republic of Lithuania defined the direction of the family policy towards keeping mother and children in the family. Article 39 of the Constitution of the Republic of Lithuania states that the State shall take care of families bringing up children at home, and shall render them support in the manner established by the law. The state has defined its responsibility for pre-school child as providing her/him with education possibilities, but not as a support for a child of working parents. The Law of Education states, that state supports the education of pre-school child at home and upon the parent's request children could be educated in crèches or pre-schools. The state institutions have to consult the families, which are rearing their pre-school children at home.

Although *the Conception of Lithuanian Family Policy and Programme of Actions* defines the goal: "to ensure an adequate supply of child-care and rearing institutions" (Stankūniene, 1996a: 18), the following steps of childcare policy were the reduction of the state spending for the child day care. The state also reduced

support for the families rearing children at home, and terminated the allowances in 1995. The responsibility for determination of the price for public day care was moved from the state to the municipalities in 2000. There is a lack of statistics showing how this change has influenced the prices of day care for families. However we can use an example of Kaunas city the price for day care for the family has increased since 2001. The parents had to pay 70 per cent and the municipality 30 per cent for day care, to compare with the previous proportion 60 and 40 per cent.

A study done in Lithuania in 1990 and 1994-1995 revealed that the number of respondents, who agree that day care for children of 3-6 years has to be provided at home decreased from 43.4 per cents in 1990 to 15.5 present in 1994-1995. The percentage of women (14.2 per cents), who support child care at home is lower to compare to men (17,5 per cents) (Stankūniene, 1996a). However, a lot of state day care institutions were closed during this period.

The same study showed the stability in the attitudes that day care for a child under 3 years has to be provided at home. In 1990 this was approved by 76 per cent of respondents and in 1994-1995 by 75.5 per cent. Here slightly more women (76.5 per cents) than men (73.9 per cents) support child care at home (Stankūniene, 1996a). Those attitudes in society were supported by political decisions. A significant number of crèches were closed, and their number decreased by 66.6 per cents over 1990-1996. Responsibilities for day care were allocated to the family. Families were paid family allowances for a child under 3 years of age. However, child allowances were very low. Families could not buy child care services in the market, and it was difficult to get a place for a child in day care institutions.

To fill out the demand for childcare the market supply was introduced as an alternative. Licenses for the non-state child day care were issued in 1993. However the number of day care institutions continues to decline. In 1998 only 35% applications of enrolment in day care institutions was fulfilled. The day care institutions are overcrowded. There are 50 children more than the capacity of every fourth day care institution in the towns. The services of private and non-governmental day care institutions are too expensive for most parents, if the price of their services is not subsidized by the state.

Conclusions

Day care provisions have low degree of child orientation in Lithuania. The shift from the state responsibility for day care to the family and reliance on the market supply for day care services have resulted in deprivation of children of working parents to their right to childcare. Moreover, the emphasis on education has oriented the day care policy towards child preparation for school rather than the child's need for day care as a result of working parents.

There is no of understanding that day care as educational services are important not only for children but as well for parents. According to Juodaityte (2003), pre-school education is a part of adults' education. Parents are provided with opportunity to observe children in the environment of an institution, which for parents is a new pedagogical experience.

The market has not succeeded to be of support for families due to too high price of services. Esping Anderson (1999:33) states "the market was never an effective alternative to the family".

The now prevailing traditional understanding of motherhood in Lithuania, which is based on exclusive role of mother and emphasis on woman-child axis especially in early childhood, had significant outcome for depriving the right to day care for children under 3. Moreover that has limited women's participation in the labour market and decreased family incomes. Consequently, families with children under 3 years have less income than families with older children.

In the comparison of Lithuania with six OECD countries according to the child right to day care, Lithuania coincides with Germany and United Kingdom, which demonstrate a low degree of child-orientation.

2.3.3. The Right of the Child to Both Parents

Article 18.1 of the Convention states that both parents have common responsibilities for the upbringing and development of the child. Therefore, I discuss if the financial support for parental leave and care for sick child is available for both mother and father.

In Lithuania from 1990 to 2001 parents were supported by the same package of support: maternity and parental leave benefits, and benefits for care of the sick child. However there were several changes during this period. The bases for my analyses here is The Law on Social Insurance for Sickness and Maternity, which went

in force in 2001. It spells out three kinds of social insurance benefits: maternity, parental leave and sickness benefits in case of own or a family member sickness.

During Independence the changes in allocation of benefits were done in relation to participation in the labor market. During the Soviet regime and until 2001 the eligibility for benefits did not depend on the history of the person's employment. The person was eligible for benefits from the first day of employment. In 2001 the Law on Social Insurance for Sickness and Maternity related the amount of benefit to the salary, and made its eligibility for dependent on the person's history of employment. According to the same law if the person is not eligible to parental leave to be paid by social insurance, then she/he has the right to social assistance benefits. Here Lithuania coincides with Sweden, since in Sweden parents are entitled to paid parental leave in both cases as well.

The Soviet regime allocated parental leave benefits only for mother. The father's right to parental leave was introduced in 2001. Both the father and mother have the right to parental leave to take care for the child under 1 year for 8 weeks. Maternity benefits were granted to the mother 10 weeks before delivery and 8 weeks after delivery. Lithuania falls with Denmark, Sweden and Norway according the father's and the mother's right to parental leave (table 13).

Table 13
The eligibility for parental leave (OECD countries in 1993, Lithuania in 2001)

<i>Country</i>	<i>Both mother and father</i>	<i>Depends on participation in labour market</i>
D	yes	yes
N	yes	yes
S	yes	yes/no
F	no	yes
GB	no	yes
G	no	no
L	yes	yes/no

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, pp. 105 and 107 for Lithuania Ligos ir motinystės socialinio draudimo įstatymas (Law on Social Insurance for Sickness and Maternity) 2000.12.21 IX-110 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=116582&Condition2=>

Table 14
The length of parental leave in weeks (OECD countries in 1993, Lithuania in 2001)

<i>Country</i>	<i>Total</i>	<i>Before delivery</i>	<i>available for father</i>	<i>paternal leave</i>
D	28-32	4-8	10	2
F	16(26)	6(8)	-	-
N	42(52)	3-12	33/43	2
GB	18	6-11	-	-
S	64.3	0-8.6	64.3	1.4
G	14	4	-	-
L	62	10	44	-

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, p. 108 for Lithuania Ligos ir motinystės socialinio draudimo įstatymas (Law on Social Insurance for Sickness and Maternity) 2000.12.21 IX-110 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=116582&Condition2=>

According to the length of parental leave (table 14) Lithuania falls with Sweden and grants the highest amount of weeks. However Lithuania differs from the Nordic countries in regards to the father's right for paternal leave after delivery. Here Lithuania falls with France, Great Britain and Germany.

Table 15
Statutory regulations for the right of the parents to take leave to care of a sick child (OECD countries in 1993)

<i>Country</i>	<i>Statutory regulated</i>
S	yes
N	yes
G	yes
D	no
F	no
GB	no
L	yes

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, p. 109 for Lithuania Ligos ir motinystės socialinio draudimo įstatymas (Law on Social Insurance for Sickness and Maternity) 2000.12.21 IX-110 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=116582&Condition2=>

The right of parents to take leave to care for the sick child had been statutory regulated by the Soviet state, and now continues to be regulated by the Republic of Lithuania. According to the legal regulation of the right of the parents to take care of the sick child Lithuania falls with Sweden, Norway and Germany (table 15).

Table 16
The right to take care after the sick child

<i>Country</i>	<i>How many days</i>	<i>child under</i>	<i>the amount of benefits in regards to salary</i>
N	10 days for each parent	12 years	100%
S	60 days per child	12 years	80%, 90%
D	25 days for each parent	12 years	100%
L	14(120) per child	14(16) years	85%

Source: Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, p.110 for Lithuania Ligos ir motinystės socialinio draudimo įstatymas (Law on Social Insurance for Sickness and Maternity) 2000.12.21 IX-110 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=116582&Condition2=>

Both mother and father have equal rights to the benefits regarding care for the sick child. Lithuania as well as Norway, Sweden and Germany regulates the length of the stay with the child, the amount of benefits and eligibility for the care in regards to the age of the child (table 16).

Conclusions

Summing up, the child rights to both parents were improved by extending the father's responsibilities during the period of transition. Lithuanian social policy supports the right to parental leave both for mother and father and is oriented towards strengthening of fatherhood in society. An understanding that a father as well as a mother is important for a child in an early childhood was supported by a law. Despite those changes the law still emphasizes mother's responsibilities for childcare. The title of the law is spelled out as the Law on Social Insurance for Sickness and Maternity, refers only to mother.

According to Bartley's indicators, here Lithuania at large extent coincides with the countries, which are associated with a high degree of child-oriented policies

in Bartley's analyses. Lithuania parallels social democratic countries by most of the indicators.

2.3.4. Child Provision and Welfare Regimes

Withdrawal of state support and the entrance of the market have markedly affected the policy of child provision. Lithuania demonstrates low child-orientation according to the two first indicators and a high degree according to the third indicator.

The right of the child to adequate standard of living is restricted due to a switch from universal support to means-tested support. It makes children's standard of living to a large extent dependent on the economical situation and the structure of their family. Children from poor families are deprived of the equal share of society's resources. According to Bartley's indicators, Lithuania demonstrates the lowest degree of child-orientation to compare to the six OECD countries observing the right of the child to an adequate standard of living.

The right of the child to day care was restricted due to the political decisions emphasising woman-child axis and reducing state support for childcare. Political priority was given to bringing up children at home and to relying on market supply buying services for child cares. In comparison with the six OECD countries, Lithuania coincides with Germany and Great Britain, which demonstrate low degree of child-orientation observing the right of the child to day care.

The right of the child to both parents has been extended during the period of transition. Policy decisions support woman's double commitment as a mother and a worker, the right to parental leave and taking care of the sick child has been granted to both mother and father. According to Bartley's indicators, Lithuania parallels social democratic countries by most of indicators and associates with a high degree of child-orientation.

Based on the results of analysis above, I argue that the policy of child provision in its development does not associate with a certain regime of a welfare state, but rather is a mix of the patterns from the three regimes. There is a stress on the double commitment of woman, which corresponds to the social democratic regime. An emphasis on family as an institution with traditional gender roles corresponds to conservative corporatist regime. Patterns of liberal regime appear as a high degree of commodification, which requires to rely on market provision (see table 17).

Table 17
Pattern of Lithuanian welfare regime in child provision

Child provision	Patterns of welfare regimes			Patterns of Soviet system	New patterns
	Conservative corporatist	Liberal	Social democratic		
The right of the child to acceptable standard of living		+			+
The right of the child to day care	+	+			
The right of the child to both parents			+		

New patterns of children's policy are observed with regards to the right of the child to acceptable standard of living. The state policy has moved from the highly de-commodified Soviet system to the highly commodified relationships between individual and the market. This change affected children's lives, since children are restricted to participate in the labour market and their wellbeing depends on the economical situation of the families. Children's standard of living significantly decreases to compare to the former Soviet system and is lower to compare to the OECD countries.

A high degree of commodification is the bases for the development of the patterns of the liberal regime with regards to the right of the child to acceptable standard of living and to day care. It could be said, that liberal trends are developing because of the lack of trust in the state, inherited from the Soviet regime and the overestimation of market as a resource for family provision. Consequently, the principles of family policy stress the family as an autonomous unit, which can buy services in the market. In *the Conception of Lithuanian Family Policy and Program for Actions*, it is said that the family policy should:

- provide differential assistance with regard to the actual needs,
- encourage autonomy and activity of families and individuals in tackling the arising problems,
- encourage solidarity of family members and generations, their moral and economic responsibility for other family members
- stimulate family responsibility for the performance of family functions,
- discourage the spread of socially unstable, particularly asocial families,

Families are expected to be strong enough to fight the problems with their own resources. The state minimizes the support to families moving from universal support to means-tested assistance. Moreover, state policy is differentiated in regards to the

status of the family. The group of socially unstable families is distinguished as something unwelcome in the society. The differentiation of families to those who deserve the state support and those who are excluded is attributed to liberal regime. This policy corresponds to a large extent to the UK policies, where during Thatcherism the state withdrew the support from the families. The ideological ground for such policy was consideration that the welfare of children is a personal parental affair (Brannen, 1992).

The Soviet system supported women's participation in the labour force. However, all family responsibilities were left for women. Only the mother was entitled to parental leave. Now, in the period of transition, the double commitment of mothers was supported by shared responsibilities in the family, and both mother and father have got the right to be paid a parental leave and to take care for a child under the age of one year. With respect to this benefit Lithuania falls together with the social democratic regime, where parental leave and the leave for child sickness is statutory regulated and related to the participation in the labour market. From children's perspective a child of two working parents has the right to both of them.

Lithuania differs from the other countries of the social democratic regime, since the support for the double commitment of mothers follows the emphases on the family as a social institution and traditional family and gender roles. This emphasis is a feature of a conservative regime. The development of conservative corporatist patterns could be associated on the one hand, with authoritarian family system inherited from the Soviet regime, and on the other hand, with dominant position of the Catholic Church in the society, which stresses traditional roles in the family. Lithuania has constitutional commitments towards the family institution as France and Germany. As it was mentioned the Constitution of the Republic of Lithuania (art. 38) claims that the family shall be the basis of society and the state.

During the first years of independence Lithuania has switched to a policy, which gives priority to bringing up children at home in the family environment. The implementation of this policy parallels mother's stay-at-home parenting. The responsibilities for child day care were transferred from the state to the family especially the mother. A significant amount of crèches and kindergartens were closed. Mother, father, grandparents or other relatives are entitled the right to extra non-paid parental leave to take care for a child age from one to three. However, only mother has the statutory guarantees for employment protection.

The Lithuanian pattern of the conservative regime is close to Germany. Germany has less support for the double commitment of mothers and has aimed family support at mother's stay-at-home policies. However, the recent policy in Germany takes direction to increase support for employed women. Since 1999 the new law makes entitlement to a kindergarten available to all children above the age of three in Germany. Children below the age of three have no legal entitlement, but communities have to develop an adequate number of facilities (Bahle et al.,1998).

Despite some similarities with Germany the patterns of conservative corporatist regime have little possibility for development in Lithuania. The principles of subsidiarity and solidarity are not embodied within the welfare system of Lithuanian. The system of socialist corporatism has been destroyed. The new emerging system has a rather weak organization around trade unions, churches or other community organizations. In contrast to Germany, which has great resources of voluntary associations, the state as the most important actor in child provisions finances and co-operates with social partners and voluntary organisations. In Lithuania the state participation in provision with day care is limited only to co-ordinating role (Stankūnienė, 1996), when for example in Germany, the government is the main provider with resources.

Summing up, Lithuanian child provision policy does not correspond to one specific welfare regime. Social policy is aimed at both mother's and father's shared responsibilities in child rearing and at the family as the traditional social institution. However, the development of Lithuanian child provision policy associates at a large extent with the liberal regime. The state has chosen to minimize its responsibilities towards children and delegated them to the family. Consequently, families are expected to buy services in the market.

2.4. SOCIAL-EDUCATIONAL CONTEXT OF CHILD PARTICIPATION

Child rights perspective offers a change towards viewing children as competent members in the family and society. Here the child-adult power axis is questioned. The Convention requires listening to the child's viewpoint. The question is how decisions are going to be made: for children or with children (see chapter 1.5).

In this chapter I will discuss child participation in two areas: in freedom of decision-making concerning their well being in the family life and in freedom of participation in society. I analyse children's participation in the family life following Bartley's indicators and including an additional indicator. Those indicators are:

1. Definition of parental responsibilities (art. 5) (Bartley's indicator).
2. Respect for the views of the child (art. 5, art. 12) (Bartley's indicator).
3. Children's participation in society (art. 15) (additional indicator) .

2.4.1. The Right of the Child to Participate in the Family Life

The exercise of this right depends on the character of adult-child relationships. The Convention has questioned the power axis between parents and children and suggested new perspectives to those relationships based on the principle of partnership and recognition of the individuality of the child's development. The articles of the Convention, art. 5 art.12, art. 14, and art. 18.1 emphasize parental responsibilities rather than parental rights and respect for the child's views in regard to the evolving capacities of the child.

Parent-child Relationships

The article 5 spells out that State Parties shall respect the responsibilities, rights, and duties of parents or other persons legally responsible for the child, to provide, in a manner consistent to the evolving capacities of the child, appropriate direction and guidance.

Individualization has affected the lives of parents and children. The changes in the role and definitions of the child showed the necessity of the changes to be made in parenthood as well. According to Björnberg (1992:10), "the family life is seen as a project of life", where both adults and children have needs for personal development. This means that relationships between the parent and the child are moving towards partnership and the democratic model of negotiation based on the ideas of equality.

This has developed into demand for the adult to be a supporter rather than an educator, and accompany the child in her/his development with respect to her/his wishes (Beck-Gernsheim, 1992:64).

The principle above is far away from the view that children are the possession of their parents, and “that parents have an absolute power over their minor offsprings and can do whatever they want to or with their children” (Flekkøy, 1992:137). The new perspective to parent-child relationships is reflected in the legislation of European countries. The legal definitions of parent-child relationships are moving from the emphases on the parental authority and rights to parental responsibilities. This development was reflected in the German Law where the concept of parental authority, which entered into force in 1900, was replaced by the term parental care in 1980 (Beck-Gernsheim, 1992). In the Norwegian law the term ‘parental rights’ was replaced by the term ‘parental responsibility’ in 1982 (Flekkøy, 1992). Lithuanian legislation took an opposite direction: the concept of parental authority (*tėvų valdžia*) was introduced in the new Family Law, which entered into force in 2001. The concept of parents’ authority is explained in par. 3.155 of this law as parents' rights and duties to rear and supervise their children.

Table 18
The definition of parental responsibilities in 7 countries

<i>Country</i>	<i>Definition*</i>	<i>Orientation**</i>
D	parental duty	child-oriented
F	parental authority	adult-oriented
N	parental responsibility	child-oriented
GB (England, Wales)	rights, duties, powers, responsibilities and authority	adult-oriented
S	parental responsibility	child-oriented
G	parental rights and duties	adult-oriented
L	parental authority, rights and duties	adult-oriented

Source: for OECD countries, Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998, *p.146, **p.167
For Lithuania: Šeimios teisė (2000), *Pagrindiniai įstatymai*, Vilnius: Saulužė

Bartley in her analyses defines child-oriented and adult-oriented policies in parent-child relations. She treats the countries, which define parent-child relations as

parental responsibilities and duties, as having child-orientated policies, and the countries, which define the relationships as parents' authority and rights, as having adult-orientated policies (table 18). According to Bartley's indicators Lithuania has adult-oriented policy and is in one group with France, Germany and Great Britain. Only the three Scandinavian countries have the child-oriented definition of parental responsibilities.

Respect for the views of the child

The articles 5 and 12 of the Convention emphasize the right of the child to express views freely in a manner consistent to her or his evolving capacities including family and social life. The concept of the *evolving capacities* points to the recognition of the individuality of child development, which necessarily has to correspond to a certain age of the child (Hodgkin et al., 2000). This means that the child must have the capacity to understand the issues and give the opinion on them, and that it is important for adults to listen to the child and respect the child's views. Flekkøy (1992: 136) comments on this right of the child, that "to give an opinion is not automatically connected to the right to make a decision". He argues that it is important to give an opportunity for the child to do so if she or he so wishes, since "the decisions made on behalf of someone else means that the decision must be based on what one thinks the other person would decide". Ensuring the principle of participation means to observe that children's views are heard and seriously considered when decisions are made about them both in the family and society.

Lithuanian legislation takes into consideration the evolving capacities of the child but with emphases on child's subordinate position in the family. It is spelled out in the Family Law (par. 3.155) that parents are required to provide the child with an environment for her/his full and harmonious development in a manner consistent with physical and mental stage of the child:

Parents have rights and duties to rear and supervise their children, to take care about their health, maintain them, to provide in a manner consistent with physical and mental stage of the child, the environment for the child's full and harmonious development (Translated by the author).

However, the law does not require parents to listen to or to respect the views of the child, and does not imply that parent's responsibilities diminish with the child's

maturity. Moreover, the law confirms the asymmetrical adult-child power relations. Children are required to respect parents (par. 3.162), but not vice versa. There is no requirement for parents to respect children. Regardless the idea of human rights that each person has to be treated with the same degree of respect, the law treats children differently.

In Jonynienė's (2000) qualitative study Lithuanian and Swedish schoolchildren were asked what is important for children in child-adult relationships. The most important for Lithuanian children is, that adults listen to them and respect their views, for Swedish children – the right to influence the decisions that concerns them. The findings of this study can be interpreted that a group of Lithuanian children lacks the right to express their views.

In Bartley's analyses Sweden, Norway and Germany take into consideration the evolving capacities of the child to have views in their own life. Those countries require parents to show increasingly greater considerations to the child's views regarding her/his age. In Great Britain and France parents do not have any obligation to take the child's point of view into consideration. Denmark does not have clear statements. Here Lithuania falls with the countries, which show a lower degree of child-oriented policies.

Conventionally the child's participation in the society and decision-making is defined in legislation with regards to the age of the child. The age is regarded to be the measure for competence. Usually children obtain rights gradually with the age increase. Consequently many of the rights forbidden to children become automatically freely available at a certain age without any test of competence to undertake them.

Historically the age of acquirement of adults' rights has been changing. For example the minimum age of the child to take a job or to get married has increased in industrial countries. Exceptions from adults' law can have different outcomes for children. "Children can be mistreated both by having their capacities overestimated and underestimated" (Hodgkin et al., 2000). For example the low age for criminal responsibility and punitive sanctions for the child can hardly support the development of the child: to help the child to understand what is wrong and to learn the behaviour approved by the society. Increasing protection of children and competition in the labour market deprived children from participation in it. The high level of minimum age for seeking paid employment can weaken the economical situation of the child.

In Lithuanian legislation the competence of the child to have rights and duties relates to the age of the child in most areas of social life. However there is a shift from restricting children's participation with regards to their age to emphasizing capability of forming their own views in the new legislation. The Law on the Fundamentals of the Rights of the Child states that the child shall not be discriminated in regard to age (par.4.3). The new Family Law has abolished the restriction for the child to be heard in judicial and administrative proceedings in all questions concerning the child to be dependent on her/his age. In the former Soviet law the child had the right to give her/his opinion in a court when she/he was 10 years old.

In comparison with the OECD countries Lithuania is the only country, which does not define the child's right to be heard in all matters affecting the child with regards to the age of the child (table 19). Lithuania has the highest degree of child-oriented policy in recognizing the individuality of the child's development and capacity to take responsibility among the countries. Lithuania coincides with Denmark, Sweden and Germany, which do not define a minimum age of the child for medical consultation without parental concern. Lithuania has the high minimum age for penal law and is closer to Denmark, Norway, Sweden and Germany.

Table 19
The age of the child for different rights and responsibilities in 7 countries

<i>Country</i>	<i>D</i>	<i>F</i>	<i>N</i>	<i>GB</i>	<i>S</i>	<i>G</i>	<i>L</i>
Right to be heard regarding adoption, custody and which parent to live with	12	13	12	12	12	14	(-)*
Minimum age for penal law	15	13	15	10/8	15	14	16/14
Medical consultation without parental concern	(-)	16	16	16	(-)	(-)	(-)

*no restrictions in regard to the age of the child.

Source: for OECD countries Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998)
For Lithuania: Šeimos teisė (2000), *Pagrindiniai įstatymai*, Vilnius: Saulužė; Baudžiamasis kodeksas (2000) *Pagrindiniai Įstatymai*, Vilnius: Saulužė

Conclusions

The right of the child to participate in the family life demonstrates ambivalence in Lithuania. The definition of parental responsibilities shows a low degree of child-orientation. Parent-child relations in the family are defined by parental authority, which implies a subordinate position of the child. According to this indicator Lithuania coincides with France, Germany and Great Britain. Despite the fact that the law points to parental care, which has to take consideration of the physical and mental stage of the child, there is no requirement to respect the views of the child. According to this indicator Lithuania falls with Great Britain and France.

The legal context for the right of the child participation in the family life is not friendly for child-oriented social-educational reconstructions. It emphasizes asymmetrical child-adult power relations, there a child is in subordinated position. This does not allow to construct child-adult relationships based on partnership.

The expressed respect for the views of the child in judicial and administrative proceedings shows a high degree of child orientation. The new Family Law spells out a children's right to be listened to directly or through a representative in all questions concerning the child in a manner consistent to the capacities of the child to formulate her/his views. Not restricting children's participation with regards to the child's age makes Lithuania an advanced country in comparison with the other six OECD countries. However, the realization of this right of the child could be questioned due to a low degree of institutionalisation of social work and social services in child protection.

2.4.2. The Right of the Child to Participation in the Society

The article 15 of the Convention specifies children's status as young citizens with the right to participation. Children alongside with adults have the right to the freedom of association and to the freedom of peaceful assembly.

In the present moment in Lithuania both children and adults are in the process of understanding and creating democratic relationships, since the society now is moving from the authoritarian regime to a more participatory society. The Communist regime restricted the exercising of the human rights. The Soviet citizens were denied the right to the freedom of thought, religion and conscience, and to the freedom of association.

The Law on the Fundamentals of the Rights of the Child spells out the right of the child to participate in the preparation and implementation of the child right protection programs (par.19). However, the Law of Non-Governmental Organisations restrict the right of the child to participation, since only persons older than 18 years old are permitted to launch an organisation. Children can only be members of an organisation if this organisation serves the needs of children and youth. Consequently, children are in a subordinate position in participation in the society.

Despite the legal restrictions the Pupil's Parliament has been established, which unites Lithuanian school children. The establishment of Pupil's Parliament is the project of the Center of the Citizenship Initiatives and other partners. Democratic elections were organised at several schools in Lithuania in 1996. (Steigiamoji moksleivių parlamento istorija, online) The aims of the Pupil's Parliament are to represent the interest of pupils, to analyse the laws, which are actual for pupils, to discuss the pupils' problems. The elections to the Pupil's Parliament were held in March 2000. More than 600 secondary schools participated in the elections. The Pupil's Parliament has already demonstrated their political activity. They actively participated in political debates with regards to the drug control policy, which violated the children's rights. They sent a letter of disagreement to the Prime Minister of Lithuania. Finally this policy was not approved.

Summing up, the legal context for the right of the child participation in the society is friendly to child-oriented social-educational reconstructions.

2.4.3. Child Participation and the Welfare Regimes

To identify whether Lithuanian child participation policy consists in the welfare regimes is a complicated issue. Esping-Andersen does not include power relations in the family and democratic participation in the society in his analysis. Pringle reviews the European countries with regards to the welfare regimes in the areas of child protection and provision. Bartley examines six OECD countries with regards to child's participation in the family life and does not include child participation in the society. Moreover, she uses more indicators relevant to OECD countries for the assessment of child's participation, which I do not include in my study.

Table 20
Pattern of Lithuanian welfare regime in child participation in the family life

Child participation	Patterns of welfare regimes			Patterns of Soviet system	New patterns
	Conservative corporatist	Liberal	Social democratic		
Definition of parental responsibilities	+	+		+	
Respect for the views of the child	+	+			+

In Bartley's analyses United Kingdom and Germany form one group with the low degree of child-oriented policy. The Nordic countries have the highest degree. France maintains the intermediate position. Conclusion about Lithuania can be made only with regard to two Bartley's indicators, which I have used in my analysis. It could be said that Lithuania maintains the intermediate position, since on the one hand it supports the child's rights as an actor in judicial and administrative proceedings and participation in the society, which is a new pattern and makes Lithuania an advance country compared to OECD countries. On the other hand it expresses the subordinate position of the child in the family and demonstrates similarities with conservative and liberal regimes and the Soviet system (see table 20).

2.5. CHILDREN'S' POLICY FROM THE POLITICIANS' POINT OF VIEW

“Children’s policy sounds an interesting expression to me”

(from the interview with a politician)

Children’s policy is a new concept, which has been discussed and explored in the Western society at the very end of 20th century. In Lithuania the formulation of children’s policy is under discussion. The concept of children’s policy as a separate area of social policy has not yet been explored in academic and political arenas in Lithuania. Lithuanian government has approved a strategy for family and youth policies. However there is no governmental strategy for the implementation of the Convention of the Rights of the Child and children’s policy as a whole. Nevertheless several steps have been taken to bring children’s issues to the political level. One of the steps is the signing of the Convention and the establishment of the Family and Child Commission at the Parliament in 1997.

Therefore in this chapter I will analyse the interviews conducted with the Lithuanian Parliament members of the Commission seeking for a deeper understanding about children as a political issue. Here the analysis covers the selected questions from the four areas of the interviews, the general issues of children’s policy, and child protection, provision and participation.

2.5.1. Children’s Issues as a Political Priority

The Convention on the Rights of the Child has brought up children’s issues to the political agenda of the state party and even asked to make it a political priority. Therefore here I am interested in to what extent children’s issues are political priorities in Lithuania as understood by the parliamentarians in the Family and Child Commission. The data are answers to two questions:

1. Can you comment upon the reasons why you have chosen to work in the Family and Child Commission?
2. How important do you think children’s issues are in the context of the whole Lithuanian policy?

In analyzing the answers two perspectives have emerged: children as *a personal interest* and children as *a political interest*. This analytical perspective I have

defined by analyzing the first question, which was the starting question of the interview and was asked to reveal the motivation of the politicians to work in the Commission. Children as *a personal interest* I define as an involvement of children's issues based on lived experiences of the interviewees: through being a family member, professional involvement, participation in voluntary social activities improving the lives of children or experiences of the worsening situation of children. Children as *a political interest*, I define as an area, where respondents related children's issues to the interest of political parties or behavior and the activities of parliament members as politicians.

The first perspective, children as a personal interest, is expressed strongly and totally dominating among the committee members discussing the motivation to participate in the Commission:

First of all, I work in the Commission not so much because of political, but because of common human interests. ... I can tell that the Commission under the leadership of Aleknaitė works without any fractions. There we work just on the same issue. The one or the other position is defined mostly by human moral values.

PM, I Commission, 2000

In this interview children's issues are understood as a natural human concern, and if you are concerned with children's issues, you are concerned in the same way. Furthermore to be a family member - father, mother, grandfather, grandmother or to grow up in a big family - is perceived as to be naturally concerned with children's issues. It goes through the interviews as a joining line and makes the participation in the Commission very obvious and not questioned:

Three sons grew up in our family. Five grandchildren are growing up now. Having in mind these facts only, I cannot be indifferent to children's destiny.

PM, II Commission, 2001

Professional involvement of the interviewees is related to being a teacher at school or university, having a teacher as a family member, and working in social programs in the municipality or government. That makes respondents to be familiar with and sensitive to children's issues:

I had been working as a teacher for more than 30 years. ... I had a good opportunity to see how people live, on what incomes they live, why they live like that and can they live differently. I saw children in the school and after school. I visited them at home. I am in the Commission because I think I can do something.

PM, II Commission, 2001

Several respondents have been active in voluntary social activities: programs for children, charity activities or children's and women's non-governmental organizations:

I have worked with children and youth. We made performances and went to children's homes. My decision (to work in the Commission) was defined by the involvement in charity activities. Six years ago I organized meetings with foster families. We invited lawyers, physicians, and professionals from Educational Department to consult foster families about social benefits, free of charge meals at school, summer camps, afterwards we had a concert. We delivered food baskets for the families. ... As a mother, as a woman and in general as a human being I am worried about the situation very much, and I decided to contribute by working in this Commission.

PM, II Commission, 2001

Children's situation in the society is the concern and motivation of respondents to work in the Commission. Seeing children in the street, who are abandoned and exposed to risk, touches them:

I think that from the very beginning of independence mostly unprotected social group in Lithuania is children. As much as I am happy with independence, so much I am insulted with the situation of children in the streets. When they go to a shop and ask you for money, it is not a question to give it or not, but to have this as a phenomenon, to see that a child is unprotected. ...I think that after the war there were not so many orphans as much as we have socially unprotected children now. All that is very painful for me.

PM, II Commission, 2001

The voice of the political interest is weak in comparison to the personal interest. The interviews revealed, that the parties do not make it a political priority to have their members at The Commission, and the members find their motivation in their personal interest rather than in the political commitment:

To tell you the truth, I am a member of the other Committees as well. It was the formation of the Commission and they lacked a member. The issue is not unfamiliar to me because I am a father, and I care about that. I have told them that I cannot be very active.

PM, I Commission, 2000

In the perception of the parties to be a woman politician means naturally to be responsible for child policy:

It was very simple to become a member of the Commission. Every fraction in the Parliament tries to have their members in one or the other committee or commission. We are only two women in the fraction, and I work in a women's organization, and in our society women's issues are identified with children's issues. There is no differentiation....I am a mother and that is not strange to me, and I am not indifferent to this area of problems and I do not feel any discomfort.

PM, I Commission, 2000

One voice related the participation in the Commission to the interest of the party since women are the majority in this party:

You ask me why I have joined the Commission. Because my political activities are very much related. If a party where women are the majority, does not have an interest, then who else can have the political interest in this issues? Children are always the priority for women.

PM, I Commission, 200

Summing up the answers, it shows that where the political interest prevails over the personal interest there is less motivation for participation in the Commission, and it is not a priority. The parties in their struggle for power are interested in having their members in the committees and commissions, but it is not the priority to have a member at the Family and Child Commission. There is a gender perspective to children's issues. Children's issues are delegated to women or women understand that they are those who are supposed to take responsibility for children.

The second question regarding the importance of children's issues in the area of the whole Lithuanian policy revealed children's question as the priority for the members of the Family and Child Commission, but not being the priority for the Parliament. The members of the Commission stated that they saw children's issues as very important for the state and society and regretted that there was a lack of concern in the Parliament:

If in nowadays policy children and family issues were important, we would not have the situation as we have now.

PM, I Commission, 2000

After the elections in 2001 the new Parliament did not see it to be necessary to have the Family and Child Commission. The personal initiative of a Parliament member got it back into the Parliament:

I was the first who started the initiative to have the Family and Child Commission back. At the beginning it was said that we do not need anything and that it will be enough to have eight commissions. Because of that it was impossible to assign it for two months.

PM, II Commission, 2001

Economical and financial issues are priorities for the majority of parliament members. Thus children's issues remain the priority for a few politicians and are marginalized in the activities of the Parliament:

If you look at the behaviour of the Parliament members when the laws are discussed, the issues of economic, finances, energy or oil industry draws in the highest number

of politicians. To say it shortly, everywhere a lot of money is involved. If we have a discussion about family issues the majority favour to have a cup of coffee instead. They leave those question for those who are directly involved. It shows that there is no real priority in the Parliament and in reality it touches just personal convictions. Not every Parliament member feels that it is his issue.

PM, I Commission, 2001

It does not happen that a natural human concern about children is a natural political concern as well. A lot of Parliament members have other political priorities. Although there is a lot of disappointment and worries about a low priority of children's issues, there is one interviewee, who states that children's issues have been brought to the political level:

I think, that at this cadence of the Parliament children's issues have been brought up to the political level and got a lot of attention: The Law on the fundamentals of the Rights of the Children and the Law on the Child's Rights Protection Ombudsman were passed. There were discussions about adoption, foster homes, the meal for children at schools, the question of private childcare institutions. The special society group, children, were taken into consideration. Another important issue the amendments for the Family Code have been passed.

PM, I Commission, 2000

The interviews with politicians revealed that children's issues are marginalized in the political agenda of the Parliament. Children's issues are treated as humanistic concern in general but not as the arena of political debates or a part of political program. The woman-child axis is transferred from the family level to the political level and extends the marginalization of children. Political parties' low interest in children's issues is shown in the way the Commission was formed. Most of the parties have their members at the Commission not because children are the priority. Women are the majority in the Commission despite of the fact that in the Parliament they are the minority. No matter how high personal motivation the members of the Commission have, that is not enough to make children's issues to be the priority on the political agenda and to observe the requirements of the Convention on the Rights of the Child.

2.5.2. Child Protection

The Convention on the Rights of the Child spells out the right of the child to parental upbringing. Consequently the aim of the child placement in alternative care, institution or foster care is understood as a temporary care for the child, with a goal to return the child back to the family. In the OECD countries this goal is achieved by the involvement of social services. In Lithuania the out-of-home placement usually

means that the child remains in the alternative care for the indefinite period of time. In the Law on Child Guardianship the goal of child alternative care is defined only as the guaranty of safe and stimulating environment:

The purpose of childcare is to ensure the child's upbringing and care in the environment which would facilitate his growing up, development and progress.

Since the definition of the goals determines the policy actions my concern was to reveal how politicians understand the goals of child's alternative care, both in institution and foster care.

The analyses of the interviews revealed the prevailing understanding that the goal of alternative care is the permanent placement of the child. The alternative care is perceived as the protection of the child from her/his family and placement in a safe environment. The aim of the state intervention is understood as the isolation of the child from the abusive family, and in the alternative care the child's family is ignored:

First of all, this is the protection of life and health, if the child has experienced violence and the state has taken the child from the family. Second, these are the social guaranties if the family is poor or asocial or cannot feed or provide with minimal resources. Third, this is the condition to be educated.

PM, II Commission, 2001

The protection is discussed as "saving the child from bad environment" (I Commission). Consequently, the 'good environment' for the child becomes an institution or a foster family as opposition to the 'bad environment' of the child's own home. The politicians understand the 'good environment' of alternative care as the environment where the child has medical assistance, gets meals, has a bed to sleep and a place to do school homework.

Good environment means to create a family environment for a child where the new caregivers are supposed to become as mothers and fathers for the child. All conditions that the 'good environment' can provide for the child are presented as unquestionably good for the child. The interests of the child are perceived as just to get care. The parents of the child can be simply replaced by other devoted care gives:

To create the atmosphere of the family for the child, that the child could feel as if in the family. It is not important that children are from different families, they have to form a new family and all caregivers have to be as fathers and mothers for the child.

PM, II Commission, 2001

In case of foster care the emphasis on being cared is even stronger. The interest of the child is understood as just being a family member:

The interests of the child do not differ if she/he grows up and is fostered in her/his family or in a strange family. The adults are the ones who create the problem by defining the status of the child. The child thinks that this is her/his family.

PM, I Commission, 2000

The understanding of the goals of alternative care as isolation of the child from her/his family and the replacement of child's parents by new care givers brings the child to the position of an object of care and protection. The child is not seen as an individual, and the child's family, which provides the unique environment and relationships, is not taken into consideration.

However there are a few voices, which see the child's biological family as important. Only one respondent is clear that the goal of childcare has to be the reunification of the child with the family:

To return the child back to her family from the foster family, because the family of the child is the most important.

PM, I Commission, 2000

The three other voices claim that it is important to keep the relationships with the child's family, and that families have to get some assistance:

I think that the child can stay with the family, despite that it is asocial. The child has to stay with parents as long as possible. It is important for the state to work with the asocial family, to educate parents. It is difficult to say.

PM, I Commission, 2000

Among the interviewees the understanding is beginning to emerge that the child's family is important. Consequently, the protection of the child by separating her/him from the family is not the goal of the state's intervention into the family as they see it. The placement of the child in the state care system is understood as temporally and that child's family can make changes if it gets support. However the prevailing understanding among politicians does not see the changes in the child's family to be possible. Consequently alternative care is perceived as a permanent placement. That understanding does not allow to see the child as an individual and to protect her/his right to parental upbringing. It prevents the alternative care from becoming a part of services for the child and the family, with the goal of the child's reunification with her/his family.

2.5.3. Child Provision

The Convention on the Rights of the Child spells out that the state shares responsibilities with the family in the implementation the rights of the child to the adequate standard of living. Period of transition has changed the lives of a significant group of children. Since the number of families, which cannot take appropriate care for children has increased dramatically, I am interested how politicians explain the current situation and what do they think about the responsibilities of the family and the state for children's life conditions.

The focus of analysis is two questions:

1. What can you tell about the increasing number of families, which cannot take appropriate care for their children?
2. To what extent do families and the state share responsibility for the child rearing?

The first question I analyse from two perspectives, which have been revealed in the interviews. While explaining why families cannot take appropriate care for their children the interviewees have referred to social and personal reasons. Here *social reasons* I define as objective circumstances, which have changed the lives of families, and *personal reasons* are related to individual characteristics of a person, which were the obstacle to adjust to the new social situation.

The majority of interviewees stress social reasons. There is the recognition that society is going through big changes in political and social life. It is "*a big trial for everybody, even for those who have better skills*" (I Commission). Unemployment is emphasized as the main point in the bundle of problems:

The situation will worsen and the number (of the families in crises) will increase, because not all parents can resist such moral atmosphere. If parents search for the job and do not find it for months, very often they start to drink because of despair, or commit suicide because of despair. Those are objective reasons. You have to be a very strong person to survive all that.

PM, I Commission, 2000

The crisis is created in the society due to the lack of support for the families. There is a lack of political commitment and planned actions from the part of the state:

That shows that we experience a crisis in the society. First of all, we have the crisis because the state does not solve the problems generally. I think that the state has to orient its activities or activities of non-governmental organizations to the field of family issues. The government can support the organizations financially as I have seen that being done in Denmark.

PM, I Commission, 2000

One of the features of post-communist countries is a very fast social differentiation, where a significant group of people has found themselves on the bottom of society. Social exclusion has become a problem for a lot of people to be integrated into society:

Not all families can integrate into the society. There is a big differentiation, and a lot of families were excluded. Social exclusion violates social relations significantly.
PM, I Commission, 2000

Traditional family roles still prevail in the society, when a man is expected to be a bread winner. In reality it does not work, and creates a lot of tensions in a family:

The father has a job, he is educated and all of a sudden he is thrown out to the ocean. If you know how to swim you will swim. Nobody has trained us how to swim...How many people started to drink or to steal? The husband does not bring money, and the woman screams, that he does not support the family. How long can the father hear all that? He as a man has lost his authority in the family, because he does not fulfil his function to support and provide for the family. All those are social circumstances, and because of that children are in the street.

PM, II Commission, 2001

Families experience ideological pressures based on nationalistic or religious believes:

One of the reasons is propaganda, that Lithuanian nation will disappear. The other reason is Catholic pro-life ideology. It does not inform people about contraceptives and provides them with wrong information. It is the obstacle for people to plan their families. This is the result of their activities when instead of using contraceptives, women deliver babies and later throw them into dustbins.

PM, II Commission, 2001

One third of respondents stressed personal reasons as the main reason for the failure of the families to take care of their children. The majority of them related personal reasons with learned behaviour in the former Soviet regime, which continues to have affect on people:

Very often these are the people who do not have skills to adjust to new changes. The families who cannot provide for themselves existed earlier as well, only then in that regime you did not need to be responsible and the minimum was guaranteed even for those who had been drinking. Now you have to care about the minimum yourself. Consequently, all these people who are alcohol addictive they are at the bottom of society

PM, I Commission, 2000

Social assistance according to the interviewees is another reason for people to lack responsibility for their children. Politicians explain that public support makes

people lose the initiative to work and teaches them to be dependent on the state support:

Poverty is producing poverty. ... These people learn to be dependent, and they produce that pattern in the family. Their children have an attitude that the state has to support them and even do not express any gratitude for support to the society. That means that they see it as a natural process. Sometimes in a village I hear an opinion, that we have children and the state has to maintain us.

PM, I Commission, 2000

Summing up the analyses of the first question, the majority of politicians claim that social changes in the society have affected the lives of the families and consequently the life conditions of children. Unemployment, social differentiation, the lack of the state support and ideological pressures are the social reasons revealed in the interview analyses. However, a considerable group of politicians also believe that personal features such as the learned behaviour not to be responsible for their own lives and to rely on the state support are the reasons for the increasing numbers of the families who cannot take appropriate care for their children. Politicians explain that this behaviour was inherited from the Soviet regime or they have learned to be dependent now as the receivers of social assistance.

The analysis of the second question, the issue of the family and the state responsibilities for children's life conditions, has revealed that all politicians agree about the family's primary responsibility for child's rearing. The responsibilities of the family are understood as an every day care for the child, her/his moral development, since parents are those who are the closest people to the child. However, the extent of the state responsibility was understood differently: as equally shared and as having minimum responsibilities.

The majority of voices claim that the family and the state have equal but different responsibilities:

There is no doubt that responsibilities have to be equally shared. So, the state has to take care of the child's education, the child's rights, to establish the environment for the child. It has to be equally responsible, but the family takes the primary care. Those both sides are bound together.

PM, II Commission, 2001

The politicians talking about equally shared state responsibilities have revealed two reasons for the state's intervention into the family life. The first one is the concern of the state about the child's adequate standard of living. The second reason for the state's intervention reveals the interest of the state to have citizens, i.e.

the state's concern about the demographic situation. The politicians have explained the state's responsibilities for children's life conditions as "*the establishment of conditions for the development of the child*" (I Commission). For them this means that the state has to support the family in the area of education and, if parents work, of daycare. The politicians claim that if we want the child to have an adequate standard of living it is important to support parents adequately:

Perhaps 80 per cent of responsibility for helping the parents take appropriate care for their children belongs to the state. Children's life conditions depend very much upon the situation of the parents, i.e. on the condition, which the state creates for the parents.

PM, II Commission, 2001

Politicians are concerned about the decreasing birth rate and as a consequence decreasing population in Lithuania. Therefore the state is interested that the families have children. Consequently children and families are the focus of the state policy. The state interferes into the family life encouraging families to have children:

It depends if the state regulates the birth rate. Does the state interfere or all responsibility is left to the family. As a rule such little countries as the Nordic countries, and Lithuania is among them, regulates the birth rate. There is a big state responsibility if the state wants to keep the national state. Then it is important to have family policy. ... For example the USA does not have any family policy. This is your problem if you want to have children or not. Our case is different, and the state has a big responsibility here.

PM, I Commission, 2000

One third of the interviewees have a different opinion about the state responsibilities and state's intervention into the family life. They think that the state in general is not responsible for children and families. The state has to interfere when the family cannot take care for children:

First of all, the family is responsible. The state interferes when the family cannot guarantee minimum defined by the state. If the state has to do more, that means it is something wrong with the family.

PM, I Commission, 2000

This approach reveals the preference for non-interventional policy of the state. The family is perceived as a private institution. The state interferes when there is a threat to the social order. The state approaches families differentiating them. There are families, who do not fit into standard. The politicians' explanation is that there is something wrong with the family.

The analyses of these two questions revealed that the majority of interviewees stress the social reasons, which make families fail to take appropriate care for the children. Again the majority of politicians claim that the state should equally share the responsibilities for childcare. One third of the interviewed politicians emphasized personal reasons as the main condition for families' failures, supported the non-interventional state policy and treated the family as a private institution.

2.5. 4. Child Participation

The power axis between parents and children has been questioned by the Convention on the Rights of the Child. Children were recognized to have the right to participate in the family life on the basis of partnership. The countries are reviewing their legal definitions and are moving from emphasis on parental authority and rights to parental responsibilities. Lithuania, on the contrary in 2000 has introduced the concept of parental authority.

Therefore I was interested in how politicians understand the concept of parental authority. Here I have analysed their answers to the following question:

What is your comment upon the concept of 'parents authority', which is introduced in the new Family Law?

The analysis of the answers has revealed that the majority of the politicians have accepted the concept of parental authority, a few of them have no clear opinion and only four politicians have strictly rejected the definition.

The arguments for parental authority are that it is important for children to have it. Respondents explain parental authority as parental rights and obligations. Politicians find arguments for parental authority in Lithuanian culture. One politician has used a Lithuanian proverb "*parents have an iron hand, but a silk glove*" (I Commission) to justify parental authority. However, there is understanding that the concept of parental authority has to conform to democratic culture. It is recognised that parental authority sounds as a "*little bit despotic variant*" (I Commission). To put parental authority in a line with democratic world an interviewee explains it as the *most democratic authority*:

Parental authority first of all has to be the parental prestige. This is the most democratic authority when the child recognises it. When this authority is used against the child, there is deviation. But in general, during adolescence if the authority is wise it has to be used.

PM, I Commission, 2000

However *democratic parental authority* is applicable if the child is in a subordinate position. There is an emphasis on adults' power position in the adult-child power axis.

Politicians explain parental authority as an issue of decision-making. Here the politicians, who accepted the definition of parental authority explain it as decisions made upon children. "*Parents make a decision what a child has to do or is allowed to do*"(II Commission). One politician does not reject the concept of parental authority but brings in a different understanding. In regard to decision making he explains parental authority as an involvement of the child in decision making:

Parental authority? I do not know. It means parents make decisions. But if the child wishes they have to listen to the child. Sometimes they even can ask the child to give his opinion if they want the child to be involved. There are things where the child can give his opinion and there are things there is no need to ask the child. But if parents involve the child they show respect to the child, and parents-child relationships are better. Children are not in a distance from their parents. This is a high appreciation for the child.

PM, I Commission, 2000

The understanding above does not correspond to the conventional perception of parental authority. This explanation of relationships is based on the democratic culture.

The politicians who reject the concept of parental authority claim that this definition does not correspond with the democratic developments in society and the nature of family relationships. Parental authority is rooted in the patriarchal tradition that creates tensions in adult-child relations, when children are supposed to learn new forms of democratic behaviour:

Parental authority? That would be patriarchal Lithuanian tradition, which causes tensions in the family, when the world is developing, when there is a lot of information and it is possible to see how other countries live. Children communicate with people from democratic countries and they can see how things look like. Children will raise revolution in their relationships with parents. It is inevitable.

PM, I Commission, 2000

The other interviewee explains that authority can be exercised by the state but not in the family, since the family is a unit where relationships have to be based on partnership:

Parental authority? I do not want to agree with this statement at all. There is no authority there are relationships. Authority can be in the state where it has to reconcile different groups of people in regards to their professions, occupation and

other criteria. Relationships among states are authority. A family is one unit. There is mutual understanding and co-operation; there is no authority.

PM, I Commission, 2000

The acceptance of adult-child relationships based on partnership is just about emerging among politicians. It is understood as a new way of communication when children are involved in decision-making. The new pattern of adult-child relationships is related to the changes in the society, where democratic culture influences personal relationships, or the family is perceived as a unit of special relationships based on co-operation.

However the majority of politicians accept the concept of parental authority and children's subordinate position in adult-child relationships.

2.5.5. The Politicians' Point of View and the Convention on the Rights of the Child

The interviews with the parliamentarians in the Family and Child Commission have revealed that children's policy is not the priority in the political agenda of the Parliament. Political parties have low interest in child issues and emphasise the woman-child axis, which extends the marginalization of children. Such position does not correspond to the approach of the Convention on the Rights of the Child, which requires having children's issues high on the political agenda.

The understanding of politicians in children's policy follows the principles of the CRC in child provision and does not observe the CRC in child protection and participation.

In child protection the majority of politicians do not take into consideration the child's family when they are speaking about the goals of alternative care. When a family fails to take appropriate care for a child the respondents perceive the state role not as a supporter for the child's family but as the saver of the child from the 'bad' family. Consequently, the child's family disappears from the picture of the system of child protection in respondents' explanations. They think that the state maintains direct relationships with the child without involvement of the child's family. This understanding deprives the right of the child to parental upbringing and does not observe the CRC.

In child provision all respondents claim that the child's family has a primary responsibility for the child's life conditions with equally shared or minimal state

support. The majority of respondents do not blame the families for their failures to take care for their children, but stress social objective reasons and the state responsibility for child's life conditions. This understanding corresponds the CRC, which requires the state to assist parents to implement the right of the child to adequate standard of living.

It is important to note that in child provision politicians' point of view differs from the existing state policy identified in the analysis in chapter 6. The main feature of the existing policy is the withdrawal of state responsibilities. The state policy is based on the ignorance of structural reasons of the problems and blaming the families for their failures. However, politicians stress the state's responsibility in child provision. This difference can be explained as the weakness of the voice of the Family and Child Commission in the Parliament to influence policy formulation and decision-making

In the area of child participation the majority of respondents have accepted the concept of parental authority. This perception corresponds to the traditional view of family relationships, which leads to the preservation of the authority of adults over the child. This understanding does not comply with the principles of the CRC, since it suggests the new perspective to adult-child relationships based on the principle of partnership.

CONCLUSIONS

1. The development of Lithuanian children's policy demonstrates lack of understanding of a child as an individual and pays little attention to the establishment of environment for the development of child's individuality as well. Social-educational contexts of implementation of children's' rights reflect the lack of knowledge based on the CRC. In the development of Lithuanian children's' policy they are explained by the following reconstructions:

a) *the right of the child to protection* is being implemented in the context, which has weak orientation to the child as an individual and reflects low social status of the child due to the use of corporal punishment as the means of discipline and the occurrence of system abuse, which is caused by the lack of services for the child-victim of abuse. Social-educational context where families are divided into "bad" and "good" families creates a weak background for child-oriented social educational reconstructions. There is a tendency to blame families and keep them in social exclusion because they cannot afford to be providers for their children. Consequently such policy is the course of large number of children in the state care system. The construction of children's' policy is based on saving the child and the state protectionism that is inherited from the Soviet system. Such social educational reconstructions are the bases for a policy with weak orientation to the child;

b) social-educational context of *the right of the child to provision* is distinguished by the high familialization of child issuers and understanding of a child as a dependent family member. High dependency of child welfare on her/his family's economical situation and structure creates a base for social-educational reconstructions with weak child orientation. Child provision has been most affected the most since the state support was significantly reduced during the period of transition. Little concern was paid to social-economic reconstruction of the structure, which cannot provide families with sufficient resources and services. Support was significantly reduced to children of pre-school age by closing a huge number of day centres. However, social-educational context of the right of the child to both parents has child-oriented approach and understanding that not only a mother, but a father as well is important for child education in early childhood;

c) *Child participation* is ambiguously defined in legislation. Child participation in society and in administrative judicial procedures, which affects children's lives is supported. On the other hand, the subordinate position of the child in the family is supported as well. Consequently, legal context is more favourable for the development of democratic relationships and child-oriented social-educational reconstruction in the society than in the family.

2) In comparison with six OECD countries social-educational the context of children's rights and children's policy in Lithuania has the following features:

a) coincides to large extent with United Kingdom and Germany, which demonstrates the lowest degree of child-orientated policy in Bartley's (1998) analysis. The policy of these countries as well as of Lithuania has been oriented to a low degree of shared responsibilities between the state and the family for child rearing. Consequently, children's issues are familialized at large extent. Children are in a subordinate position in child-adult relationships;

b) significant difference between Lithuania and all six OECD countries is that social work services are not institutionalised as *a system of services* for children and families.

3. The pattern of Lithuanian welfare regime does not correspond the exact regime in Esping-Andersen's typology of welfar states from the perspective of children's policy. The elements of the Soviet system are still remaining in the development of Lithuanian welfare state. The patterns of three welfare regimes have emerged to varying extent and there are new patterns of development relevant to Lithuania:

a) the elements of the *Soviet system* are prevailing in child protection and are identified in child participation. In child protection the activities of the state are operating without the involvement of social work services, and with the ignorance of structural origin of the problems. Parental authority is stressed in child participation;

b) although at the first sight, Lithuania as a former socialist republic is associated with a social democratic model, paradoxically, the *social democratic regime* is identified as the least developed. The feature of this regime is identified only in child provision and it appears as the right of the child to both parents;

c) the *liberal regime* is identified in all three areas of children's policy. There is ignorance of structural origin of the problems, orientation towards extreme cases of child abuse. Families are expected to rely on the market supply in child provision. There is a stress on the subordinate position of the child in the participation in the family life;

d) the *conservative corporatist regime* is identified in all three areas of children's policy but to a less extent if compared to the liberal regime. In child protection the law does not forbid corporal punishment. The role of the woman as the main provider of childcare is emphasised in child provision. The subordinate role of the child in the family is stressed in child participation;

e) the development of new patterns is observed in child provision and child participation. Due to a sudden move to highly commodified relationships between the individual and the market, children's standard of living has significantly decreased and is lower to compare to the former Soviet system and to the OECD countries. In comparison to the OECD countries, the child's right to participation as an actor in judicial and administrative proceedings not regarding her/his age makes Lithuania an advanced country;

f) some features of the Soviet system correspond the features of liberal and conservative corporatist welfare regimes from the perspective of the children's policy. The correspondence between the Soviet system and liberal regime are identified in child protection as the ignorance of structural origin of the problems. The correspondence between the Soviet system, the conservative corporatist and the liberal regimes are identified in child participation as they all stress the subordinate role of the child in the family;

4. There is a lack of knowledge in construction of the welfare state about a child as a subject of it. The theory of the welfare state is oriented only towards adults (particularly male adults), whose well being depends on their participation in the labour market, thus children's well being is affected by their low age and dependency on the family. Consequently, the examination of the typology of welfare states from the children's policy perspective does not correspond the previous classification of welfare states based on adult's perspective.

5. The interviews with the parliamentarians in the Family and Child Commission have revealed that politicians knowledge about children's issues lack understanding of the CRC. Firstly, social-educational context of the privacy of family life, where children's issues are considered to be women's responsibility are constructed on the political level as well, i.e. the woman-child axis is transferred from the family level to the political level. Secondly, children's issues are perceived as a humanistic concern in general, rather than a part of the political program. Thirdly, the voice of the members of the Family and Child Commission, mainly based on personal motivation, is too weak to advocate children's issues and to formulate the children's policy in the Parliament.

6. The study has revealed that the analysis of the understanding of children's rights and children's policy with the approach of a paradigm of social-educational contexts has a future perspective. This kind of analysis allows elaborating the new knowledge of postmodernism which is significant to understand and solve children's social, political and educational problems. This paradigm has the meaning of reconstruction since educators are receiving political knowledge which encourages them to shape their activities according to the principles of the CRC.

DISCUSSION

The aim of this discussion is to make a short review of further development in 2002-2005 of social-educational contexts of children's policy in implementation of children's rights, and how this development has reflected the contexts identified in the analysis of 1990-2001. I was motivated to do that since on several occasions I had been asked why I had chosen the first decade of independence for my analysis. It was believed that the most significant changes happened recently. In addition it is relevant

to discuss the present period since Lithuania presented the second report to the UN regarding the implementation of the CRC, and the UN Committee issued the Comments to this report. Consequently there is a possibility to use the remarks from the Comments in this discussion.

The Committee regretted that some of the concerns it expressed and the recommendations it made for the Initial Report had been insufficiently or only partly addressed regarding allocation of budgetary resources for children, violence against children, alternative care, adolescent health and the adequate standard of living. The Committee noted that the national legislation in some areas had still not been brought into full conformity with the CRC.

Child protection policy in 2002-2005 as well as it was described in 1990-2001 does not reflect child-oriented social-educational contexts. The use of corporal punishment as the mean to discipline was not prohibited by law. The right of the child to social services had been restricted by attributing the Agencies of Child's Rights Protection to the area of public administration. Thus, the scarce resources of social services have been even more narrowed. The right of the child to the family is not observed since child care reform is not taking place, although the Government in 2002 had an obligation to make it ready.

The Committee noted that one of the most serious obstacles to the full implementation of child rights in Lithuania is the acute problem of violence against children, the lack of data, appropriate measures and mechanisms to address the problem. The Committee remains concerned that institutionalization is prioritized as a form of alternative care and that the foster care system is insufficiently regulated and resourced.

The main characteristic of *the child provision policy* in 1990-2001 was familialization of children's issues when the right of the child to provision was highly dependent on her/his family's economical situation and structure. In 2002-2005 the significant step was made towards the recognition of the child as an autonomous individual. The law of Child Allowances was approved which introduced allowances for every child below 18. However, children from poor and single mother families had been discriminated against this law. The money of the child had been included into family budget when parents applied for social benefits. In this way a child lost his /her money and was punished for difficult economic situation of his/her parents. Single mother who wishes to apply for social benefits must firstly suit a father of a

child for identification of his biological parenthood. Consequently the child is punished for his parents' behaviour. Furthermore, the right of the child to grow up in his/her family is violated as well. According to statistical data a number of children taken into state care from single mother/father families in 2003 has been under 60 percent, in 2000 this number was 46 percent.

The Committee noted that a high number of children lives in households below the national poverty line and that financial assistance and support has not always kept pace with economic growth. Lithuania was recommended to accept the provisions of the European Social Charter regarding welfare of children and families.

The new Law of Education is favourable for child-oriented social-educational reconstructions in child provision. There is a reference to the child as a receiver of social services. She/he is exposed to the right not only to educational but as well to social educational and health services at school.

Regarding the *child participation policy* the subordinate position of the child was strengthened in 2002-2005. The one side requirement for the child to respect adults fixed in the Civil Code and the Law on the Fundamentals on the Rights of Children was transferred to the Law of Education. According to this law the child is obliged to respect teachers and other adults in the school community, but adults are free of this obligation. The social-educational context which does not establish the base for mutual respect could be an obstacle for child participation at school, although the Committee welcomes the efforts made by the state to promote the respect of views for the child, including the establishment of the Lithuanian Youth Parliament in 2000.

Concluding it could be said that child policy reconstructions which took place in 2002-2005 were grounded in social-educational context identified in the analysis of 1990-2001. They still had weak child-orientation.

However in 2002-2005 the documents significant for further child-oriented policy were adopted. The Strategy of the State Policy on Child Welfare exposed children as a group in society. The Strategy of Education for 2003-2012 claims the aim to reduce social exclusion and poverty. The implementation of the aims of those documents at large extent depend on the educators' competence, i.e. to act locally by understanding the process of implementation of the CRC at the macro level.

References

- A Decade of Transition (2001) Regional Monitoring Report, No. 8, Florence: UNICEF Innocenti Research Centre
- Archard, D. (1993) *Children, Rights and Childhood*, London, New York: Routledge
- Bahle, T. and Rothenbacher, F. (1998) 'Germany' in Ditch, J., Barnes, H. and Bradshaw, J. *Developments in National Family Policies in 1996*, European Commission
- Brannen, J. (1992) 'British Parenthood in the Wake of the New Right: Some Contradictions and Changes in Björnberg, U. (ed.) *European Parents in the 1990s*. New Brunswick and London: Transaction Publishers
- Bajoriunas, Z. (1994) *Familistikos pagrindai*, Vilnius
- Bardy, M. (1994) 'The Manuscript of the 100-Years Project: Towards a Revision' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Bartley, K. (1998) *Barnpolitik och Barnets Rättigheter [Children's Policy and Children's Rights]*, (Doctoral dissertation, Göteborgs Universitet, 1998)
- Beck-Gernsheim, E. (1992) 'Everything for the Child – for Better or Worse?' in Björnberg, U. (ed.) *European Parents in the 1990s*, New Brunswick, London: Transaction Publishers
- Björnberg, U. (1992) 'Parenting in transition: An Introduction and Summary' in Björnberg, U. (ed.) *European Parents in the 1990s*. New Brunswick and London: Transaction Publishers
- Björnberg, U., document: CDPS III.8 (94) 9, Council of Europe, Steering Committee on Social Policy – Childhood policies Project – Children and their Families, Children and Society
- Bronfenbrenner, U. (1971) *Two Worlds of Childhood*, London: George Allen & Unwin LTD
- Cashmore, J. (1997) 'System Abuse' in John, M. (ed.) *A Charge against Society*, London and Bristol, Pennsylvania: Jessica Kingsley Publishers
- Cass, B. (1992) 'The Limits of the Public/Private Dichotomy: a Comment on Coady & Coady' in Alston, P., Parkert, S. and Seymour, J. (eds.) *Children, Rights, and the Law*, Oxford: Clarendon Press
- Clifton, J. and Hodgson, D. (1997) 'Rethinking practise through a Children's Rights Perspective' in Cannan, C. and Warren, C (eds) *Social Action with Children*, London, New York: Routledge
- Cole, M. (1996) *Cultural Psychology. A once and future discipline*, Cambridge, Massachusetts and London: Belknap Press and Harvard University Press
- Concluding Observations CRC/C15/Add.146, 26 January 2001, [online]. Available: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.146..En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.146..En?OpenDocument) (September 18 2001)

- Coleman, J.S. (1961) *The Adolescent Society: the Social life of Teenager and its impact on education*, New York: Free Press
- Corsaro, W. A. (1997) *The Sociology of Childhood*, Thousand Oaks: A Sage Publication Company
- Dahl, T.S. (1985) *Child Welfare and Social Defence*, Oslo: Norwegian University Press.
- Deacon, B. (1993) 'Developments in East European Social Policy' in Jones, C. (ed.) *New Perspectives on the Welfare State in Europe*, London and New York: Routledge
- Dickens, J. (1999) Protecting the rights of the child in Romania: children's rights perspectives on Romania's 1997 child care reforms in *European Journal of Social Work*, July, vol.2 Issue 2
- Dolgopol, U. (1987) 'International Law – how it can and does protect Children's Rights', paper delivered at a seminar, the South Australian Children's Interest Bureau
- Drake, R.F. (2001) *The Principles of Social Policy*, New York: Palgrave
- Imbrasienė, G. (2001) *Vaiko teisių apsaugos kontrolės institucijos* (Conference material), Vilnius: Vaiko teisių informacinis centras
- Initial Report of Lithuania, CRC/C/11/Add.21, [online]. Available: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.11Add.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.11Add.En?OpenDocument) (September 18 2001)
- James, A., Jenks, C. and Prout, A. (1998) *Theorizing Childhood*, Cambridge: Polity Press
- James, A. and Prout, A. (eds.) (1991) *Constructing and Reconstructing Childhood: New Directions in the Sociology of Childhood*, Hampshire, Bristol: The Falmer Press
- Jensen, A.-M. (1994) 'The Feminization of Childhood' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Jerschina, J. (1992) 'Polish Parents in the 1980s and 1990s' in Björnberg, U. (ed.) *European Parents in the 1990s*. New Brunswick and London: Transaction Publishers
- Johnson, W. H. (1995) *The Social Services: an Introduction*, Itasca, Illinois: F.E. Peacock Publishers, INC.
- Jonyrienė, Ž. (2000) *Moksleivių, ugdymo veikėjų požiūris į vaiko teises, jų vykdymą šeimoje ir mokykloje* (Doctoral dissertation), Vytautas Magnus University
- Juodaitytė, A. (2003a) *Vaikystės fenomenas: socialinis-educacinis aspektas*, Šiauliai: VšĮ Šiaulių universiteto leidykla
- Juodaitytė, A. (2003b) *Socializacija ir ugdymas vaikystėje*, Vilnius: UAB Petro Ofsetas
- Juodaitytė, A. (1998) 'Vaikai ir vaikyste: socialines situacijos konteksto paieškos' *Filosofija ir sociologija*, 2; 73-83
- Juodaitytė, A. (1999) 'Vaikystės ideologija: tradicijų ir modernių sampratų sankirtos' *Tiltai*, 3-4; 53-64

- Engelbert, A. (1994) 'Worlds of Childhood: Differentiated but Different. Implications for Social Policy' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Esping-Andersen, G. (1999) *Social Foundations of Postindustrial Economies*, Oxford: University Press
- Esping-Andersen, G. and Micklewright, J. (1991) 'Welfare State Models in OECD Countries: an analysis for the Debate in Central and Eastern Europe' in Cornia, J. A. and Sipos, S. (eds.) *Children and the Transition to the Market Economy*, Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Esping-Andersen, G. (1990) *Three Worlds of Welfare Capitalism*, Cambridge: Polity Press
- Fact Sheet No.10 (Rev.1), The Rights of the Child, [online]. Available: <http://www.unhcr.ch/html/menu6/2/fs10.htm> (October 13, 2001)
- Families and Children in Lithuania (1996) Vilnius: UNICEF, UNDP
- Franklin, B. (1995) 'The Case of Children's Rights: A Progress Report' in Franklin, B. (ed.) *The Handbook of Children's Rights*, London, Canada, USA: Rotledge
- Freeman, M. D. A. (1983) *The Rights and Wrongs of Children*, London: Frances Pinter
- Freeman, M. D. A. (1992) 'The Limits of Children's Rights' in Freeman, M. D. A. and Verman, P. (eds.) *The Ideologies of Children's Rights*, Netherlands: Martinus Nijhoff
- Frønes, I. (1994) 'Dimensions of Childhood' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Gaižutis, A. (1989) *Vaikystė ir grožis*, Vilnius
- Gilgert, N. and Specht, H. (1974) *Dimensions of Social Welfare Policy*, Englewood Cliffs, New Jersey: Prentice-Hall
- Golofast, V. (1992) 'Social System and Parenting in the U.S.S.R.' in Björnberg, U. (ed.) *European Parents in the 1990s*. New Brunswick and London: Transaction Publishers
- Goodin, E. R and Mitchell, D. (2000) 'Foundations of the Welfare State: An Overview' in Goodin, E. R and Mitchell, D. (eds.) *The Foundations of the Welfare State*, Celtenham, UK, Northampton, MA, USA: An Elgar Reference Collection
- Goodin, E. R., Headey, B., Muffels, R., Dirven, H.-J. (1999) *The Real Worlds of Welfare Capitalism*, Cambridge: University Press
- Goodin, R.E. and Klingeman, H-D. (1996) *Policy Science*, New York: Oxford University Press
- Hammarberg, T. (1990) *Making Reality of the Rights of the Child*, Radda Barnen
- Hendric, H. (1990) 'Construction and Reconstruction of British Childhood: An interpretive Survey, 1800 to the Present' in James, A and Prout, A. (eds) *Constructing and Reconstructing Childhood: New Directions in the Sociology of Childhood*, Hampshire, Bristol: The Falmer Press

- Hestbæk, A.-D. (2001) FN's Børnekonvention og tvangsanbringelser i Norden. *Nordisk Sosialt Arbeid*, NR 2, 82-93
- Hill, M. (2000) *Understanding Social Policy*, London: Blackwell Publishing
- Hodgkin, R. and Petrén, A. (2000) 'The Evolving Capacities of the Child' in Petrén, A. and Himes, J. (eds.) *Children's Rights*, Kathmandu, Stockholm: Save the Children Sweden and UNICEF Regional Office for South Asia
- Hodgkin, R. and Newell, P. (1998) *Implementation Handbook of the Convention on the Rights of the Child*, UNICEF
- Kabašinskaitė, D. (1997) 'Vaikus glbojančių šeimų poreikių tyrimas Kauno mieste' *Sociologija: praeitis ir dabartis*, Kaunas: Technologija
- Kvale, S. (1996) *InterViews*, Thousand Oaks, London, New Delhi: SAGE
- Lazutka, R. (1998) 'The Standard of Living and Poverty' in *Lithuanian Human Development Report*, Vilnius: UNDP
- Lepeškieinė, V. (1996) *Humanistinis ugdymas mokykloje*, Vilnius
- Lietuvos Respublikos nevyriausybių organizacijų "Jungtinių Tautų Vaiko teisių konvencijos įgyvendinimas Lietuvoje" komentaras (2000), Vilnius: UNICEF
- Maceina, A. (1991) Tautinis auklėjimas, Kauas: Sviesa
- Makrinioti, D. (1994) 'Conceptualization of Childhood in a Welfare state: a critical Reappraisal' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Morkuniene, J. (2003) Ziniu visuomene siuolaikineje socialinio pazinimo sampratoje in Morkuniene, J. (ed.) *Globalizacija*. Vilnius: Lietuvos teises universitetas
- Morse, M. J. (1994) Designing Funded Qualitative Research in Denzin, N. K. and Lincoln, Y. L. (eds.) *Handbook of Qualitative Research*. Thousand Oaks, CA: Sage
- Näsman, E. (1994) 'Individualization and Institutionalization of Childhood in Today's Europe' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Newell, P. and Hammarberg, T. (2000) 'The Right not to be Hit' in Petrén, A. and Himes, J. *Children's Rights*, Kathmandu, Stockholm: Save the Children Sweden and UNICEF Regional Office for South Asia
- Newell, P. (1995) 'Respecting children's right to physical integrity' in Franklin, B (ed.) *The Handbook of Children's Rights*, London, Canada, USA: Rotledge
- Oldman, D. (1994) 'Adult-child Relations as Class Relations' Europe' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury

- Pascall, G. and Manning, N. (2000) 'Gender and Social Policy: Comparing Welfare States in Central and Eastern and Europe and former Soviet Union', *Journal of European Social Policy*, Vol 10(3), 240-266
- Parsons, W. (1995) *Public Policy*, Cheltenham, UK; Northampton, MA, USA: Edward Elgar
- Parsons, T. and Bales, R. F. (1955) *Family, Socialization and Interaction Process*. New York: The Free Press
- Parton, N., Thorpe, D. and Wattam C. (1997) *Child Protection*, London: Macmillan Press LTD
- Pringle, K. (1998) *Children and Social Welfare in Europe*, Buckingham, Philadelphia: Open University Press
- Prout, A. and James, A. (1990) 'A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems' in James, A and Prout, A. (eds.) *Constructing and Reconstructing Childhood: New Directions in the Sociology of Childhood*, Hampshire, Bristol: The Falmer Press
- Pocevičienė, R. (2004) "Mokytojo, kaip mokymo(si) proceso organizatoriaus, kompetencijų tyrimas, *Mokytojų ugdymas*, NR.3, p. 71-80
- Rein, M (1976) *Social Science and Public Policy*, Penguin Education.
- Reingardienė, J. (2001) *The Social Context of Gender based Violence against Women in the Lithuanian Family* (Doctoral dissertation, Vytautas Magnus University, 2001)
- Ryan, W. (1971) *Blaming the Victim*, New York: Pantheon Books
- Rodger, D.R. (1969) *Freedom to Learn a View of what Education might become*, Columbus
- Rodger, J.J. (2000) *From a Welfare State to a Welfare Society*, UK. Macmillan Press and USA: St. Martin Press
- Rubavičius, V. (2003) *Postmodernusis diskursas: filosofinė hermetika, dekonstrukcija, menas*, Vilnius: Kultūros, filosofijos ir meno institutas
- Ruxton, S. (1999) *A Children's Policy for 21st Century Europe: First Steps*, Euronet
- Sabatier, P. A. (1999) 'The Need for Better Theories' in Sabatier, P. A. (ed.) *Theories of the Policy Process*, United Kingdom, USA: Westview Press
- Sakaluškas, G. (2000) *Vaiko teisių apsauga Lietuvoje*, Vilnius: Vaiko teisių informacinis centras
- Scheiwe, K. (1994) Labour Market, Welfare State and Family Institutions: the Links to Mother's Poverty Risks. *Journal of European Social Policy*, 4(3) 201-224
- Shamgar-Handelman, L. (1994) 'To Whom Does Childhood Belongs?' in Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Social Report (2001) Vilnius: Ministry of Social Security and Labour

- Socialinės paramos koncepcija (1994) *Valstybės žinios*, Nr. 36-653
- Socialinės pašalpos gavėjų gyvenimo sąlygos (1998) Vilnius: Socialines apsaugos ir darbo ministerija, Vilniaus universitetas, Sveikatos ekonomikos centras
- Solberg, A. (1990) 'Negotiation Childhood: Changing Constructions of Age for Norwegian Children' in James, A and Prout, A. (eds.) *Constructing and Reconstructing Childhood: New Directions in the Sociology of Childhood*, Hampshire, Bristol: The Falmer Press
- Sgritta, G. B. (1994) 'The Generational Division of Welfare: Equity and Conflicts' in Qvortrup, J., Bardsley, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Standing, G. (1996) 'Social Protection in Central and Eastern Europe: a Tale of Slipping Anchors and Torn Safety Nets' in Esping-Andersen, G. (ed.) *Welfare States in Transition*. London, Thousand Oaks, New Delhi: SAGE Publications
- Stankūniene, V. (1996a) "Vaikų ikimokyklinis ugdymas: pokyčiai ir nuostatos", *Socialiniai mokslai. Sociologija*, Nr. 3(7), 98-104
- Stankūniene, V. (ed.) (1996b) *Family Policy in Lithuania: Principles and Actions*, Vilnius: Lithuanian Institute of Philosophy and Sociology
- Steigiamojo moksleivių parlamento istorija [on line]. Available: http://www3.lrs.lt/pls/inter/www_viewdoc?p_tekst_id=4054 (Ogust 26, 2002).
- Stone, D. (1997) *Policy Paradox*, New York, London: W W Norton and Company
- Sünker, H. (1995) 'The Politics of Childhood, Children's Rights and the UN Convention' in Chisholm (ed.) *Growing up in Europe*, Berlin, New York: de Gruyter
- Svirskaitė-Tamutienė, I. (2001) 'Tyrimo "Valstybinių institucijų vaidmuo siekiant užkirsti kelią vaikų prievartai" pristatymas. Vaiko teisių apsaugos kontrolės institucijos, konferencijos medžiaga (pp. 28-47), Vilnius: Vaiko teisių informacijos centras
- Šliogeris, A. (1996) "Sudužusio pasaulio Vaikai", *Mokykla*, Nr.2, p. 1-8
- Thane, P. (1996) *Foundations of the Welfare State*, London and New York: Longman
- Tyrimo apie vaiko teisių apsaugą rezultatai (2002) Lietuvos savivaldybių asociacija. Unpublished manuskript
- Townsend, P. (1975) *Sociology and Social Policy*, Penguin Books
- Tutty, L.M., Rothery, M.A. and Grinnell, Jr.R.M. (1996) *Qualitative Research for Social Workers*, London: Allyn and Bacon
- Qvortrup, J., Bardsley, M., Sgritta, G., Wintersberger, H. (eds.) (1994) *Childhood Matters*, Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury
- Qvortrup, J. (1995) 'Childhood in Europe: A New Field of Social Research' in Chisholm, L. (ed.) *Growing up in Europe*, Berlin, New York: de Gruyter

Qvortrup, J. (1994) 'Childhood Matters: an Introduction' in Qvortrup, J., Barty, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury

Welfare State. Available: http://www.2rgu.ac.uk/public_policy/introduction/state.htm (July 20, 2003)

Wintersberger, H. (1994) 'Costs and Benefits – The Economics of Childhood. in Qvortrup, J., Barty, M., Sgritta, G., Wintersberger, H. (eds.) *Childhood Matters*. Aldershot, Brookfield USA, Hong Kong, Singapore, Sydney: Avebury

Wintersberger, H. document: CDPS III.8 (94)9, Council of Europe, Steering Committee on Social Policy – Childhood policies Project – Children and their Families, Children and Society

Wolf, J. (1992) 'The Concept of the 'Best Interest' in Terms of the UN Convention on the Rights of the Child' in Freeman, M. D. A. and Verman, P. (eds.) *The Ideologies of Children's Rights*, Netherlands: Martinus Nijhoff

Woll, L. (2000) *The Convention on the Rights of the Child Impact Study*, Sweden: Save the Children Sweden

Women in Transition (1999) Regional Monitoring Report No. 6, Florence: UNICEF, International Child Development Centre

Woodhead, M. (1990) 'Psychology and the Cultural Construction of Children's Needs' in James, A and Prout, A. (eds.) *Constructing and Reconstructing Childhood: New Directions in the Sociology of Childhood*, Hampshire, Bristol: The Falmer Press

Woodhead, M. (1999) 'Understanding Child Development in the Context of Children's Rights' in Cunningham, C. (ed.) *Realising Children's Rights*, London: Save the Children

Zinnecker, J. (1995) 'The cultural modernization of childhood' in Chisholm, L (ed.) *Growing up in Europe*, Berlin, New York: de Gruyter

Vasiliauskas, R. (2000) 'Vaikystė kaip lietuvių liaudies pedagogikos objektas' in Socialiniai-educaciniai pokyčiai ikimokykliniame ugdyme, Klaipėda: Klaipėdos universitetas

Verhellen, E. (2000) *Convention on the Rights of the Child*, Leuven, Apeldoorn: Garant

Vygotsky, L.S. (1978) *Mind in Society*, Cambridge, Massachusetts, London: Harvard University Press

Appendix A

The List of the Laws

The Constitution of the Republic of Lithuania 1992.10.25, <http://www3.lrs.lt/c-bin/eng/preps2?Condition1=21892&Condition2=>

Law on State Benefits for the Family, 1991.06.11 1992, No. I-1431 Parliamentary record, 1992, No. 10, [on line] <http://www3.lrs.lt/c-bin/preps2?Condition1=24731&Condition2=>

Valstybinių pašalpų šeimoms, auginančioms vaikus, įstatymas, 2001.01.25, I-621 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=121567&Condition2=>

Law on State Social Insurance, 1991.05.21, No. I-1336 Parliamentary record, 1993, No.1, [on line] <http://www3.lrs.lt/cgi-bin/preps2?Condition1=21103&Condition2=>

Ligos ir motinystės socialinio draudimo įstatymas (Law on Social Insurance for Sickness and Maternity) 2000.12.21 IX-110 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=116582&Condition2=>

Santuokos ir šeimos kodeksas (The Code of the Family and Matrimony) 2000.06.29 SŠK <http://www3.lrs.lt/cgi-bin/preps2?Condition1=154551&Condition2=>

Šeimos teisė [Family Law] (2000) *Pagrindiniai įstatymai*, Vilnius: Saulužė

Vaiko teisių apsaugos pagrindų įstatymas (Law on the Fundamentals of the Rights of Children) 1996.03.14 I-1234 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=26397&Condition2=>

Law on Child Guardianship, 1998.04.24, No.VIII - 674, [on line] <http://www3.lrs.lt/cgi-bin/preps2?Condition1=71029&Condition2=22/01/02>

Vaiko teisių apsaugos kontrolieriaus įstatymas (Law on the Child's Rights Protection Ombudsman) 2000.05.25 VIII-1708 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=103388&Condition2=>

Socialinių paslaugų įstatymas, (Law on Social Services) 1996.10.09, No.I-1579, [on line] <http://www.litex.lt/scripts/sarasas2.dll?Tekstas=1&Id=20114#1str>

Baudžiamasis kodeksas [Penal Code] (2000) *Pagrindiniai įstatymai*, Vilnius: Saulužė

Švietimo įstatymas, (Law of Education) 1991.06.25, No. I-1489 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=103388&Condition2=>

Law on Individual Income Security, 1990.09. No-27 I-618 <http://www3.lrs.lt/cgi-bin/preps2?Condition1=21183&Condition2=>

Darbo įstatymų kodeksas (Code of Labor), 2000.06.20 DĮK <http://www3.lrs.lt/cgi-bin/preps2?Condition1=150051&Condition2=>

Visuomeninių organizacijų įstatymas (Law of Non-Governmental Organizations), 1998.06.11, No. I-784, <http://www3.lrs.lt/cgi-bin/preps2?Condition1=591548&Condition2=>

Appendix B

The UN Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by
General Assembly resolution 44/25
of 20 November 1989
entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, '

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of

rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other

international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a [Committee on the Rights of the Child](#), which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems. ([amendment](#))
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient

information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

Appendix C

Interview

CHILDREN'S POLICY AND CHILDREN'S RIGHTS

I. Motivation to work in the Commission of Family and Child

1. Can you comment upon the reasons why have you chosen to work in The Family and Child Commission?.

II. Children's issues as political priority

1. How important are children's issues in the context of the whole Lithuanian policy?
2. What are the perspectives for the developing of children's policy in Lithuania?
3. What are the best interests of the child?
4. How can you explain the concept "child has rights"?

III. Child participation

1. Do you observe the changes in child-parent relationships?
2. What can you say about "physical punishment" as discipline?
3. What is your comment upon the concept "parental authority", which has been introduced in the new Family Law?
4. What can you say about child's participation in making decisions in the family?
5. What can you say about child's participation in the society? (Children's organizations Children's parliament)
6. What the State is doing about child participation?

IV. Child provision

1. What does it mean for a child to have a family?
2. What are the responsibilities of a family for a child?
3. What are the responsibilities of a mother and a father for a child in a family?
4. To what extent family and the state are responsible for the child?
5. What can you tell about the increasing number of the families, which cannot take appropriate care for their children?
6. What can you tell about state support for the families implementing their rights and obligations towards their children?
7. What principles (universal or selective) are the most important delivering support for the children and families?

8. What can you tell about differences for a person receiving universal and selective support?

9. What can you tell about delivery of resources between generations? (Social security fund)

10. Single mother's family

a) what can you tell about child's socialization abilities from single mother's family?

b) What can you tell about support for single mother families?

11. Woman's participation in labor market

a) What does the woman's participation in labor market create for a child?

b) What has to be state policy in regard to women's participation in labor market?

12. Child's day care

c) What can you say about the importance of day care for a child?

d) What could be the state policy in regard to day care?

V. Child protection.

1. What can the state do solving the problem of homeless beginning children

2. In what circumstances can the state interfere into family life?

3. What does it mean the removal of the child from the family for a child and family?

4. What can be done to avoid the removal of the child from the family?

5. What qualification can have the staff, which is making the decisions about child removal from the family?

6. Alternative child care

a) What are the goals of child placement in the institution and foster care?

b) What can be done to improve the conditions for children in institutions and foster family?

c) What can be done that Lithuanian citizen would adopt more children?

d) There is a trial period (6 – 12 months) before the adoption then child is going to be placed in prospective adoptive family in a new Family Law. How can you comment this decision?

VI. How you get knowledge and information about those children's needs and problems for which you can make political decisions?

