



Prime Minister Andrius Kubilius
Office of the Prime Minister
Gedimino pr. 11
LT-01103 Vilnius
Lithuania

21 August 2012

Dear Prime Minister,

Re: Rights of People with disabilities

I am writing from the Mental Disability Advocacy Center (“MDAC”), an international human rights organisation which advances the rights of children and adults with intellectual disabilities and psycho-social disabilities. MDAC has on several occasions had the pleasure of interacting with Lithuanian people with disabilities and other Lithuanian experts.

In July 2012, the UN Human Rights Committee adopted its concluding observations on Lithuania’s compliance with the International Covenant on Civil and Political Rights. Prior to the Committee’s deliberations, MDAC along with the Lithuanian NGOs [Global Initiative on Psychiatry](#) and [Lithuanian Forum for the Disabled](#), sent a report to the Committee to assist it with their work. A copy of our report is attached.

The UN Human Rights Committee used this information to express concerns about the situation of people deprived of their legal capacity in Lithuania:

“The Committee is concerned at the system of legal representation of persons deprived of their legal capacity. In particular, the Committee is concerned at the absence of legal representation of a person in procedures where his or her legal capacity may be deprived, and is also concerned at the absence of the right of individuals declared legally incapacitated to independently initiate a court procedure requesting the review of their legal capacity. Finally, the Committee is concerned at the potential negative consequences of the courts’ authority to authorise procedures such as abortion and sterilisation to be performed on disabled women deprived of their legal capacity. (Arts. 14 and 17)

The State party should ensure free and effective legal representation to individuals in all proceedings regarding their legal capacity, including actions to have their legal capacity reviewed. It also should take appropriate measures to facilitate legal support to persons with disabilities in all matters impacting on their physical and mental health.” (Para. 14 of the concluding observations)



Lithuania ratified the UN Convention on the Rights of Persons with Disabilities (“CRPD”) on 18 August 2010. One of the general principles set out in Article 3 of the CRPD is, “[r]espect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons.” Article 12 of the CRPD mandates governments to reform their laws to move away from substituted decision-making, protectionism and paternalism, toward respect for autonomy, will and preferences of persons with disabilities. In the March 2012 judgment of, *DD v. Lithuania*, the European Court of Human Rights criticised the Lithuanian guardianship law.

MDAC is providing advice and expertise to governments and civil society organisations in around ten European countries. Many governments are tackling the complexities of this terrain by engaging with their own domestic NGOs and international NGOs such as ours. MDAC is organising a national conference on legal capacity law reform in Vilnius at the end of September 2012 (date to be fixed soon), and I invite you or a suitably senior government minister to present to the conference the steps which the government is intending to make, and how it will involve civil society – in particular people with disabilities and their representative organisations (cf Article 4(3) of the CRPD) in the law reform process.

With many thanks for your consideration.

Yours sincerely,

Oliver Lewis
Executive Director