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Perspective of implementation of the rights of a child whose parents have a mental illness in Lithuania

Summary

Practical issues of this topic can be exhibited using experience gained implementing the concrete project (that was a part of European Commission funded project „Child and adolescent mental health in enlarged European Union: development of effective policies and practices“ CAMHEE) together with one of Lithuanian non governmental organization “Global initiative on psychiatry”. During the implementation of the project the main attention was paid to situations that occur in the families where parents are placed into psycho-neurological residential care homes due to mental illness.

Main principles of care of children rights that ensure wellbeing of a child

- right not to suffer discrimination;
- right to the security of the best interests;
- right to life: appropriate health care, accessibility of the health services, treatment
- right to universal development: appropriate care, education, leisure time, cultural activity;
- the right to participate in decision making, acquiring information etc.

Aspects of ensuring of these principles I would like to present using the examples settled practice in Lithuania as well as perspectives of children rights implementation in cases of ultima ratio means, i.e. through cases of parent’s institutionalization. This means that in principle I will try to present the topic from another side.

The importance of keeping relationship with a family for a child in international instruments generally is expressed as a child’s right to preserve their identity and for the child right to keep the relationship with a family it is not enough to establish the fact that the child knows who the parents are. Such conditions are being considered as important to a child: the right to be raised in a family, the right to communicate with parents (or one of parents) who live separately except cases when this is incompatible with interests of a child. Separation of a child from the parents as a legal category can be analyzed firstly as use of some national legal institution. It is recognized that in cases where the parents can not achieve all the rights and obligations of children because of their disease, it is not parents’ fault, and therefore the use of this legal separation institution leads to a completely different legal consequences than would have been caused at the cases of parents’ fault. Separated from their parents the child keeps all personal and property rights and obligations

based on kinship. The child has all the rights and duties provided by law. Parents in such cases lose their right to live with the child and request reimbursement from the others. Other rights parents can use as far as possible, not residing with the child.

The examination of the situations when parents are accommodated stationary in social welfare institutions, taking into account aspect of child protection and best interests of the child's right to participate in decision-making it can be seen that these rights are the most difficult to ensure due to a wide range of subjective and objective circumstances.

Use of legal institution and child separation from the parents in a broad sense means that the child's care and supervision should be entrusted to another family, household or in institutional care. Therefore, children whose parents live in social care institutions, have only a few options: first, the opportunity to grow with the other parent not residing in these institutions and, secondly, to be cared in a family, household or in institutional care. Circumstances of parental institutionalization, alternatives of child custody and care directly affect further perspectives of the implementation of children's rights.

Child and parents right to keep the relationship and mutual need and real opportunity to support them may be determined by various reasons and factors. The child's own desire and objectively expressed need to communicate with his father or mother, living separately due to the disease, is closely linked to knowledge about the disease of his parents', the institution where he or she resides, or the approach formed by the third parties. Influence of people who take care of child, their attitude towards parents illness, as well as initiation and maintenance relationships can not be denied.

Children's own views and the need "to know or not know" about his real parents, living separately and those with mental disorders, i.e. participate in the decision-making process, is closely connected with the public attitude towards these people and institutions in which they live.

Keeping of child family relations, his own identity identification are related not only with knowledge about their parents, but a real opportunity to communicate. Legal obligation of one of the parents, guardians, is to ensure the child's ability to communicate and be seen with his father or his mother, who lives separately, if it does not affect the child's interests – that is the legal imperative, which should guarantee the rights of the child to the preservation of family relationship. Practical communication and ensuring the right to see each other, again, depends on many subjective and objective circumstances. The data also showed that children - parental interaction is influenced by various factors, including the child's age, family relations before the crisis, the father's (mother's) disease in the complexity of the father's (mother's) motivation, willingness to communicate, the distance between care institutions and the child's residence, attitude of parents, legal guardians towards people with mental disorders, goodwill of institutions administration and other circumstances.

Taken into account the fact that today I have tried the implementation of child rights perspective to discuss through consequences that occur when parents are institutionalized, i.e. accommodated stationary in social welfare institution, it is clear that very different perspectives can be painted, if we could manage to keep children in families.

The practice shows that, failure to ensure the child's opportunities to grow in their own parents family, later is led by not less complex family relationships, which depend on certain factors and require even more state and public investment.

In essence, the main and the most complicated cause of these relations should be identified the systemic gaps, the necessary support for the family not provided in time. Today there is a range of particularly necessary measures. First, it is necessary to change the public stigmatized view that such people can be parents, manifested even by indirect pressure to take the children from such families. Families need to be provided with all necessary assistance in the place of their residence, avoiding institutionalization, teaching family to live together, helping them to develop the necessary parenting skills how to be parent, that would fully ensure the child's well-being in the family.